

BUDGET AND FINANCE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Budget and 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 March 13, 2007.

MEMBERS PRESENT:

Legislator Ricardo Montano, Chairman
Legislator Jon Cooper, Vice-Chairman
Legislator Cameron Alden
Legislator Jay H. Schneiderman
Legislator Steve Stern

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
Legislator Edward P. Romaine, First District
George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Gail Vizzini, Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Lance Reinheimer, Assistant Director of Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Bob Martinez, Aide to Legislator Montano
Deborah Harris, Aide to Legislator Stern
Allen Kovesdy, Deputy Director/County Executive's Budget Office
Alicia Howard, Legislative Aide
Debra Alloncius, Legislative Director for AME
Paul Perillie, Aide to Majority Leader
Ronald Foley, Commissioner of the Parks Department
Dennis Brown, County Attorney's Office
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 10:08 PM)

CHAIRMAN MONTANO:

Good morning. We're going to start the meeting. Please turn off your cell phones. We'll start the meeting with the Pledge of Allegiance led by Legislator Stern.

(SALUTATION)

All right. Just take a moment of silence for all the soldiers fighting the war overseas.

(Moment of Silence Observed)

Thank you. Going to get right into the agenda. First, is there anything that Budget -- BRO would like to address to the committee from our last meeting, maybe any updates? If not we'll move right into the public portion. No, I think that we're pretty early in the year in terms of the budget model. There's nothing that I'm aware of that's out of the ordinary other than the discussions we had relative to the receipt of property tax -- taxes for last year. And I think that's an ongoing review?

MR. LIPP:

Yes. We still have yet to meet with the Executive's Budget Office to compare notes and put our model together. But we plan on doing that later this month.

CHAIRMAN MONTANO:

Okay.

MR. LIPP:

You know, there are -- we're still not sure exactly how 2006 year ended. We're optimistic that we'll be doing a little bit better than what was in the 2006 estimate for the '07 budget. So we think we'll be a little ahead of the game but it remains to be seen because --

CHAIRMAN MONTANO:

A little bit ahead of the game on the fund balance?

MR. LIPP:

Yes. But that remains to be seen. And then the big problems moving forward are going to be really the generation of the -- of that level of fund balance for the 2008 budget. So we're going to have to get together with the Executive's Budget Office and compare notes how we're doing.

CHAIRMAN MONTANO:

When will you get those figures? When do you think you'll finalize the --

MR. LIPP:

'06?

CHAIRMAN MONTANO:

Excuse me?

MR. LIPP:

The 2006 year?

CHAIRMAN MONTANO:

2006 numbers.

MR. LIPP:

Probably not 'til April.

CHAIRMAN MONTANO:

In the next month.

MR. LIPP:

So another month. But it's hard to say. Dependent subject to outside auditors coming in. There are still certain revenue and expenditure categories that they're still posting to. So there's a little noise in the existing year to date numbers --

CHAIRMAN MONTANO:

Thank you.

MR. LIPP:

-- for 2006 even though we're in March.

CHAIRMAN MONTANO:

Right. Gail, would you like to add anything on that as you fix the computer? Or --

MR. LIPP:

Yeah, I think we have it --

CHAIRMAN MONTANO:

Good.

MR. LIPP:

-- basically covered unless there's specific questions about particular items.

CHAIRMAN MONTANO:

No, I have none, unless any other members of the committee have any questions? I'm going to move into the public portion. I know that we Commissioner Ron Foley who would like to address the TWA resolution. Ron, you want to step up? That resolution is 1048?

PUBLIC PORTION

COMMISSIONER FOLEY:

Yes, it is. As I said, in last month's committee meeting, there are alternatives to funding this maintenance of this memorial in this fashion. I think the County Executive is going to put forward a resolution to take the 25,000 that's in the budget, put it in our operating line to hire some seasonal employees who could work with volunteers and maintain -- provide, you know, respectable maintenance for the grounds around the monument or the memorial. And do it that way rather than spending 70,000 in the contribution to a contract agency.

CHAIRMAN MONTANO:

Okay. Just so I'm clear, the resolution that you're referring to, is that on the table now?

COMMISSIONER FOLEY:

It's tabled 1048.

MR. ZWIRN:

No, that's the one we're --

CHAIRMAN MONTANO:

No, 1048 is the one that --

MR. ZWIRN:

Right.

CHAIRMAN MONTANO:

-- is before us today. That's \$45,000.

MR. ZWIRN:

Right. We're going to put a -- I don't think we filed it yet.

CHAIRMAN MONTANO:

Okay.

MR. ZWIRN:

But we will be filing a bill to take the \$25,000 to use for seasonals to maintain the memorial through the Parks Department. And then the people who are part of the organization are certainly welcome to come down and volunteer. Because I think that was initially contemplated that the County was not going to take on the responsibility of maintaining the Flight 800 Memorial in a -- I'm trying to use the right words because it's a sensitive issue, there's no question, we want to do the right thing. But I think, you know, the Parks Commissioner has indicated, and I think the County Executive's indicated and the Legislature has indicated that there's going to be, you know, a level of commitment financially and that the County will maintain it as they do all the other areas of the parks that they have.

CHAIRMAN MONTANO:

Right.

MR. ZWIRN:

Otherwise it's an open-ended, you know, responsibility and obligation that I don't think the County contemplated in the beginning.

CHAIRMAN MONTANO:

Okay. Just so I'm clear, though, we passed 25,000 in the omnibus budget --

MR. ZWIRN:

Right.

CHAIRMAN MONTANO:

-- for this organization to maintain the monument. The resolution that's before us is for an additional 45,000 --

MR. ZWIRN:

Right.

CHAIRMAN MONTANO:

-- to the same organization on the theory that last year we funded the organization in the amount of 70, \$75,000. So to maintain their services you put the two numbers together, that's what's before us today. Now, you're saying that you're introducing a resolution to amend the omnibus and to --

MR. ZWIRN:

Right. To appropriate --

CHAIRMAN MONTANO:

How much money would be included in that resolution?

MR. ZWIRN:

No. It would be the \$25,000 that was put in the omnibus to transfer that to Parks so that Parks could use that to hire seasonal employees to maintain the memorial.

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN MONTANO:

Any questions? Legislator Alden.

LEG. ALDEN:

Ben, you mean to take the 25,000 that would go to --

MR. ZWIRN:

Maintain the --

LEG. ALDEN:

The TWA right now?

MR. ZWIRN:

Right.

LEG. ALDEN:

Take that away from them and transfer that to Parks?

MR. ZWIRN:

But for the same purpose, so that the Park's Department could hire the seasonals. It doesn't preclude people coming down to volunteer to do plantings and to do whatever else they want to do.

LEG. ALDEN:

Okay, okay. Whatever happens today, I think that what we need and we have a representative from the County Attorney's Office so I'm going to make a request through the Chair that the County Attorney and the County Executive look at that original resolution that put money in there that established the park in the first place.

MR. ZWIRN:

It's an additional \$25,000.

LEG. ALDEN:

Okay. So leave the 25 to --

MR. ZWIRN:

Yes.

LEG. ALDEN:

-- the TWA Memorial. Put another 25,000 in for seasonals.

MR. ZWIRN:

Right.

LEG. ALDEN:

Okay. Whichever way it goes --

CHAIRMAN MONTANO:

Legislator Alden, if you would, we have another speaker on this issue. Before we bring up the County Attorney and get into --

LEG. ALDEN:

No, I was actually just making a request that -- because whatever happens today, I think we're going to need to look at the original relationship between the County and TWA and IGHL.

CHAIRMAN MONTANO:

Okay.

LEG. ALDEN:

-- to see what kind of a, you know, just to explore that so -- that's a historic thing. We really should look at it because we might have made a commitment to these people for at least a few years. And that way, again, we can look at the testimony or revisit the testimony when the representatives were before us and said that they're looking to federalize that monument.

CHAIRMAN MONTANO:

Okay. You want to add something briefly?

MR. BROWN:

Actually I just want to clarify --

CHAIRMAN MONTANO:

Go ahead.

MR. BROWN:

-- exactly what we're looking at. The relationship between --

CHAIRMAN MONTANO:

Put your name on the record, please.

MR. BROWN:

I'm sorry. County Attorney's Office, Dennis Brown. The original relationship between the County, TWA and what was the third organization you said?

LEG. ALDEN:

IGHL. Or, sometimes I flip the letters around.

MR. BROWN:

That's right.

CHAIRMAN MONTANO:

IGHL.

LEG. ALDEN:

IGHL.

CHAIRMAN MONTANO:

Do you want to address that? We have one more speaker. So what I prefer to do is bring up the speaker since we're in the public portion and then we can come back. I'll bring you up when we debate the bill.

MR. BROWN:

And I don't have an answer to that right now in any event. So if I could just get some direction if you'd like a report back to the committee or to Legislator Alden.

CHAIRMAN MONTANO:

You won't have that today, of course?

MR. BROWN:

No, I don't think so.

CHAIRMAN MONTANO:

Okay. Legislator Alden, your pleasure on that?

LEG. ALDEN:

I'd like it to go to the Chairman. He can disseminate it to all Legislators.

MR. BROWN:

Very good. Thank you.

CHAIRMAN MONTANO:

Thank you, Mr. Brown. The next speaker -- Ron, you may want to stay there in case when we get to debate --

COMMISSIONER FOLEY:

Sure.

CHAIRMAN MONTANO:

-- there might be some questions. Debra -- and I apologize for mispronouncing it -- Alloncius?

MS. ALLONCIUS:

Alloncius.

CHAIRMAN MONTANO:

Alloncius. Close enough.

MS. ALLONCIUS:

That was close. Good morning. My name is Debbie Alloncius. I'm the AME Legislative Director. AME is very much in support of the monies being allocated. We realize the emotional needs of the families who are associated with the International Foundation for the Families of the Flight 800 Memorial in maintaining the park. As AME was unaware of the group's involvement during our initial evaluation, we now support the means in providing them with this important connection with their lost loved ones. I do believe you did get a copy of the press release, but I wanted to memorialize it here. Thank you.

CHAIRMAN MONTANO:

Thank you, Debbie. Any questions from any members of the committee? Okay. I'm going to go right into the agenda. First thing's tabled resolutions.

TABLED RESOLUTIONS

First resolution **IR 2598-2006, Adopting Local Law No. -2007, A Charter Law to amend Section C4-35 of the Suffolk County Charter. (Co. Exec.)**

I believe that the public hearing is still open on this.

LEG. COOPER:

Motion to table for the public hearing.

CHAIRMAN MONTANO:

I'll second that. Any discussion on the motion? All in favor? Opposed? Abstention? Motion carries.

TABLED (VOTE: 5-0)

IR 1013, Repealing home energy nuisance taxes on Suffolk County residents. (Alden)

LEG. ALDEN:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by the sponsor. I'll second that. All in favor? Opposed? Abstention? Motion carries. **TABLED (VOTE: 5-0)**

IR 1014, Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents. (Alden)

LEG. ALDEN:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by the sponsor. I'll second it. Any discussion? All in favor? Opposed? Abstention? Motion carries. **TABLED (VOTE: 5-0)**

IR 1048, Amending the 2007 Operating Budget and transferring funds to IGHM for maintenance of the TWA Flight 800 Memorial at Smith Point County Park. (Eddington) Do I hear a motion on that?

LEG. ALDEN:

Motion to approve.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Motion to approve, second by Legislator Cooper. Any discussion on the motion?

P.O. LINDSAY:

I'd just -- if I may?

CHAIRMAN MONTANO:

Mr. Presiding Officer.

P.O. LINDSAY:

We had the representative in from Flight 800 --

CHAIRMAN MONTANO:

Mr. John Seaman.

P.O. LINDSAY:

-- in our committee. And we had the original resolution before us. I might even have it in my pile of stuff in the back. I believe they asked the question that was asked before, what the resolution says is that the County will agree to maintain the monument. I don't think it's specifically stated how we would maintain it.

CHAIRMAN MONTANO:

That's right.

P.O. LINDSAY:

And I appreciate Parks trying to take over this role because we, you know, it was one of the things when we had Mr. Seaman here questioning the amount of money it takes to maintain this monument. And he went on for quite a while. And I'm sure they're very sincere people about this

and it's a labor of love with them. I don't think there's anything wrong there.

The only thing that I'm pointing out is I don't know which way this resolution is going to go. But if Commissioner Foley, if you do wind up with this watch man, you're going to have a lot of people looking over your shoulder. You know, if it turns out that way, you better not have one weed out there or they'll be banging on our door. That's all I want to say. I'll go in the back and see if I can find a resolution If it --

MS. BURKHARDT:

Bill, I have it right on my screen.

P.O. LINDSAY:

Oh, do you? Wonderful.

CHAIRMAN MONTANO:

Is that the resolution? The original resolution?

MS. BURKHARDT:

This is the original resolution from 1999.

CHAIRMAN MONTANO:

Right.

MS. BURKHARDT:

You want me to read the part of the Resolve?

P.O. LINDSAY:

Yeah, but talk into the mike, Linda.

MS. BURKHARDT:

The Resolve states that the Family Association is hereby authorized to erect a memorial at the Smith Point County Park upon the location marked on exhibit A.

The next Resolve talks about \$25,000 is hereby appropriated for the purpose of design and planning of said memorial at Smith Point County Park.

And the next Resolve is that the County shall therefore maintain said memorial at its expense upon completion thereof.

And the next Resolve is that the Families Association shall make the final selection of the precise design, shape, contour, size and materials of the memorial to be erected.

And the last resolve was the authorization of the \$25,000.

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN MONTANO:

Legislator Alden.

LEG. ALDEN:

And therein lies the dilemma. Because the testimony we heard was to something in the neighborhood of a couple of hundred thousand dollars a year as far as maintenance that the TWA families have put into the memorial. And Suffolk County's portion has been approximately that \$70,000 for the last few years.

So if we're to take over the full maintenance and that in fact is what the number would be, a couple of hundred thousand dollars a year, that's a lot more than any of the Legislators, I believe, envisioned at the time. That's the bad news.

The good news is, I'll repeat it again, because I think it bears repeating, the families are looking to actually federalize the maintenance and the ownership of that memorial because people come from all over the world or if they were memorialized there, the people that died on Flight 800.

So I think that if that's the route we can go, this money that we approve today would get us to the end of the year. And hopefully something would happen with the federal government that we could just turn over the memorial, even if it's, you know, draw a circle around it, get a metes and bounds description and turn that parcel even over to the federal government. Because this is going to be a very costly thing for Suffolk County to do what was just read out there in the -- in that resolution for us to completely maintain that memorial.

CHAIRMAN MONTANO:

Any other comments? All right. We have a motion. Yes, Mr. Brown?

MR. BROWN:

Thank you. I just want to confirm that now that the question has been answered for you. Thank you.

CHAIRMAN MONTANO:

Just while you're up there, as I read or as I heard the resolution, I had read it previously, there really was no financial commitment in the resolution. It was a resolution that stated the County's intent to maintain it but it did not specify, you know, what exactly the maintenance would be.

LEG. ALDEN:

Well, could I interrupt you for one minute?

CHAIRMAN MONTANO:

Go ahead, Legislator Alden.

LEG. ALDEN:

If Linda has it on the screen, the whereas clauses, I think, might give us a little bit more of a clue.

MS. BURKHARDT:

Would you like me to have it printed out and give everybody a copy?

LEG. ALDEN:

It's up to you.

P.O. LINDSAY:

Yes.

CHAIRMAN MONTANO:

Well, we have it -- I have it on my screen. So if the other members would like a copy, I have it in the office also. But I was curious about the last Resolved Clause. That's the one that wasn't read. And that talked about the \$25,000. Do you have the resolution in front of you?

MR. BROWN:

No. I don't.

CHAIRMAN MONTANO:

Excuse me?

P.O. LINDSAY:
That's for planning.

MR. ZWIRN:
That was for planning. That's correct.

CHAIRMAN MONTANO:
That's exactly --

MR. ZWIRN:
Right.

CHAIRMAN MONTANO:
That's not for the maintenance. So the monetary amount for maintenance --

MR. ZWIRN:
Was not --

CHAIRMAN MONTANO:
-- remains silent.

MR. ZWIRN:
Right.

CHAIRMAN MONTANO:
Okay.

MR. BROWN:
Okay. Thank you.

MR. ZWIRN:
And that's why -- that's why I think Commissioner Foley has stated what he has. And if we -- and that's why the County Exec's thoughts were that if we transferred an additional \$25,000 that we would be able to handle that through Parks.

CHAIRMAN MONTANO:
Right.

MR. ZWIRN:
And ultimately handle it through Parks on a regular basis pursuant to the agreement that was made back in 1999.

CHAIRMAN MONTANO:
Well, I received --

MR. ZWIRN:
Of course, if the federal government wants to come in and take over, that would -- certainly I'm sure there'd be no objection to that.

CHAIRMAN MONTANO:
I'm sure there would be no objection. I received a call from Mr. Seaman and I would imagine that all members of the committee received a call from Mr. Seaman. Have you been able to sort of work out details or arrangements? Where are you at with discussions or in discussions with the group?

MR. ZWIRN:

Well, my conversations with Mr. Seaman, and look it's a --

CHAIRMAN MONTANO:

And by the way, we're buying time for the resolution to come in.

MR. ZWIRN:

I'm not -- buying time would be easy for me. It's a -- as I said, it's a very sensitive issue. The people that are involved with this are very sincere. They have lost loved ones in a tragic event that happened off the coast of Suffolk County. And the County has responded, I think, in a very responsible and caring and sensitive way. The question is can the County ever meet the expectations of the family members in maintaining the memorial when there's such an emotional attachment? Probably not. But the County Parks Department is willing to undertake it at taxpayer expense.

But we would like to, you know, we would not want to fund the organization and also have to maintain it as well. As I said, the people could come down, are welcome to come down and do plantings, volunteer, do fundraising. But the County's responsibility we thought was to maintain it in a respectful way. And we're prepared to do that with, you know, with certain amount of revenue. But we thought this was just going above and beyond because this is additional money going to the organization. And the County's still obligated to maintain the memorial.

CHAIRMAN MONTANO:

So what are you asking the committee to do today with respect to this resolution?

MR. ZWIRN:

Well, we would ask it to be tabled until we can get our resolution before the committee as well. And hopefully we can have some sort of resolution in the next couple of weeks. But we would ask for the money -- at some point we're going to ask for money to be transferred to Parks in order to hire, excuse me, in order to hire the personnel to maintain the memorial.

CHAIRMAN MONTANO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, you probably have all seen the letter from John Seaman. But they certainly are looking, you know, emotionally and for other reasons -- this is basically one-third of the costs that the County is paying on this so there's another two-thirds that they are paying. And I don't see any reason why the County should move in the direction of assuming all of the costs of maintaining it. If we have a group that's going to have that kind of emotional dedication to this monument, I think we're better off moving forward with not tabling this bill but moving this bill forward. And at least for the next year while they explore federalization of the monument to maintain the status quo, which at least we know is working.

MR. ZWIRN:

If I can just ask would that mean that the County would not be responsible? That the money that was going to this organization, this organization would assume responsibility or is the County also going to be obligated as well?

LEG. ALDEN:

According to the testimony that we heard and also how they memorialize the writing, and we should get you a copy of that, it looks like the Flight 800 not-for-profit -- so that's the members of the family -- they've assumed all the other costs associated with it. And they're just asking us to maintain -- or not maintain but to chip in about one -- I think it's about one-third, the 70,000.

MR. ZWIRN:

But my -- I understand that. But my --

LEG. ALDEN:

And they'll continue with the maintenance.

MR. ZWIRN:

So the County would be -- Commissioner Foley doesn't have to assign personnel to maintain it?

LEG. ALDEN:

Not according to the testimony in this letter that was sent over. And I think the practice that's been established over the past couple of years.

LEG. SCHNEIDERMAN:

In the past -- this would be no different than last year. So is there -- there must be some kind of agreement with this organization that they will assume the maintenance and --

MR. ZWIRN:

I don't believe there's anything formal.

LEG. SCHNEIDERMAN:

Okay. Well, maybe that needs to happen so that -- because the resolution -- original resolution does say the County will maintain it so I understand the concern. It says we have to maintain it. What if this -- we give these guys the 70 grand and they don't maintain it, do we still have to maintain it? I think this just has to be clarified through a -- some kind of contract or arrangement with the organization.

CHAIRMAN MONTANO:

All right. With that, there is a motion to approve. No competing motion so I'll call for a vote on the motion to approve. All in favor? Opposed?

LEG. ALDEN:

Before you call the of the result of the vote, is this pertinent?

MR. BROWN:

Yes, only with respect to Legislator Schneiderman's comments. An MOU or some type of contract or agreement we can work that out; that's no problem.

CHAIRMAN MONTANO:

Okay. All right. Then I'll go back to the -- as I said we -- 1048, we have a motion to approve. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)**

IR 1057, Adopting Local Law No. -2007, A Charter Law to reform the Suffolk County Legislative Grant process. (Co. Exec.) Public hearing was closed on 3/6/07.

LEG. COOPER:

Motion to table.

CHAIRMAN MONTANO:

I'll second the motion to table. Any discussion on the motion? All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0)**

IR 1066-2007, 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. (Losquadro) I'm going to make a motion to table. I believe that the new health director is not on board. Is that correct?

LEG. COOPER:

She started yesterday.

MR. ZWIRN:

I think she started on Monday.

CHAIRMAN MONTANO:

She started on Monday. So we'll still give her some more time.

MR. ZWIRN:

So we'd just like to give her an opportunity just --

LEG. COOPER:

Second.

MR. ZWIRN:

-- so she can come before the committee and have some comments on this particular bill.

CHAIRMAN MONTANO:

All right. I think that's only appropriate. Any other motions? Legislator Schneiderman?

LEG. SCHNEIDERMAN:

No.

CHAIRMAN MONTANO:

All right. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

IR 1081-2007, Amending the 2007 Operating Budget and transferring funds for Northeast Youth Sports Association. (Losquadro)

P.O. LINDSAY:

If I might, Mr. Chairman.

CHAIRMAN MONTANO:

Go ahead, Mr. Presiding Officer.

P.O. LINDSAY:

He isn't here today but Legislator Losquadro indicated to me he was going to withdraw this motion because it was already accomplished in the overall --

CHAIRMAN MONTANO:

That's what I was going to say. I'll make a motion to table subject to call.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0)**

I'm going to interrupt the agenda and I'm going to go back a minute. We received a memo from Budget Review Office on filled positions and payroll projections. And I haven't had a chance -- I've glanced at it. I'm just going to ask, Gail, would you give us a brief overview of what this memo entails?

MS. VIZZINI:

Sure. This is our usual snapshot in time where we take a picture of filled versus vacant positions

compared to this time last year or this time 2005. I won't read it but just basically the highlights are the '07 adopted budget includes an estimated 2.6 million for permanent salaries in the police district. As you recall, the omnibus resolution added monies for a police class. We envision that there would be two classes, one in March and one in September. As yet, we were unable to determine from the Police Department -- Commissioner Moore indicated that he had no knowledge of a March class advancing.

As of March 11th, as far as the General Fund is concerned, there's a net increase of 106 active employees compared to January of 2006. The brunt of this is the 55 correction officers that were hired in January 2006.

CHAIRMAN MONTANO:

Okay.

MS. VIZZINI:

Social Services is up by 21 filled positions compared to January of '06. Across the General Fund there are surplus appropriations and permanent salaries. What does that mean? That means there's \$20 million available to fill vacancies. This is fairly consistent in comparison to this time last year.

In terms of police sworn positions, the number of active, meaning officers actually getting paychecks is 2,596. We're up one compared to January of 2005. We did hire 220 police of which 120 were in September of '05 and 100 recruits were hired in September of '06. The staffs gets eroded by the retirements. We do anticipate 50 police officers will retire in July 2007. And as I indicated earlier, there's funds in the budget for a police class in 2007.

As far as the, excuse me, Water Quality Protection Program 477, that averages about 51 to 53 active employees. There's 2.2 million in salary costs there with an additional 750,000 in benefits for a total expense of close to \$3 million.

As far as the whole picture, the total picture, all funds, the number of active employees increased by 105; from 10,495 in January of '06, to 10,600 in March of '07. A lot of this is the 55 correction officers and the 120 police recruits.

In terms of vacancies across all funds the County has 1,297 vacant positions, which is basically a vacancy rate of 10.8%. Attached is a chart by department. It gives you an idea of the number of filled positions, the number of vacancies and the percentage of those vacancies.

Also attached is a graph where you can see that although in January of '05 through October of '05 the number of active employees was on a downward trend, we have been trending upward. And we are, as I indicated, at a total of 10,600 active employees.

CHAIRMAN MONTANO:

Thank you, Gail. I don't know if you answered this, Gail. Does this deal -- this deals with all employees, but is there a breakdown between like civil service and exempt positions or that's not part of the calculations?

MS. VIZZINI:

Not in this. And anything you want us to look at we'll be happy to look at.

CHAIRMAN MONTANO:

Thank you. Any questions by any members of the committee? Legislator Alden.

LEG. ALDEN:

On some of these and especially I guess the Police Department would be the key on it, do we have numbers on people that are actually out on some kind of disabled leave or working at a restricted

position?

MS. VIZZINI:

We usually have at least about 100 people who are disabled. They're not receiving a standard paycheck. They're not included in our numbers in terms of active employees.

LEG. ALDEN:

Okay. But a sworn police officer that is assigned to a desk or something like that because he can't go out that -- that would be included in this?

MS. VIZZINI:

I think you're talking about light duty.

LEG. ALDEN:

Yeah, light duty.

MS. VIZZINI:

He's getting a check so he -- that -- he or she is on.

LEG. ALDEN:

Do we know what the number is on that?

MS. VIZZINI:

I'm not sure about -- what Lance is talking about is what I already said. There's about a 100 who are disabled. Actually the bottom footnote of the chart, there's about 128 in total who are on extended sick. But you're asking about -- they report to work but in a light duty fashion?

LEG. ALDEN:

Right.

MS. VIZZINI:

We'd have to get that from the department.

LEG. ALDEN:

Also it says there's 125 civilian jobs. Those are unfilled? Is that --

MS. VIZZINI:

Vacant.

LEG. ALDEN:

-- those are vacant.

MS. VIZZINI:

Clerk typists, account clerks, etcetera.

LEG. ALDEN:

How many civilian positions are there total in the police budget? And, you don't need to get it right now.

MS. VIZZINI:

There's about 500 filled civilian positions.

LEG. ALDEN:

Thank you.

CHAIRMAN MONTANO:

Okay.

LEG. ALDEN:

I'm sorry.

CHAIRMAN MONTANO:

Go ahead, Legislator Alden.

LEG. ALDEN:

The 2500, that includes the 500 civilian positions? That's just sworn officers. So on top of that there's another 500 roughly? Okay. Sorry.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Thank you Mr. Chairman. Gail, I just want to be sure on my numbers. I'm looking at the chart. I think that you had said that the total number of positions were 10,600? I'm just looking at the chart here with the number of 10,720. I just wanted to be sure on the numbers.

MR. REINHEIMER:

Right. There's two different databases that we used. We used the biweekly payroll, which is a listing of all employees that receive a paycheck. This list is compiled by position control register, which reflects the budget, shows all positions in the budget. And this is on the bottom of the chart where it says there's approximately 128 people. They're in a position but they didn't receive a paycheck during this last payroll for various reasons; generally Workers Comp, extended sick leave, leave without pay, a host of reasons.

And included in that 128 is approximately 90 to a 100 police officers. So the Police Department will tell you there's more like 2700 sworn officers. We always look at the filled positions, which is pretty consistent, filled active positions because we're concerned with how many people are actually reporting to work. But there are an additional 128 people that are on -- that are in positions but they didn't receive a paycheck.

LEG. STERN:

Thanks.

CHAIRMAN MONTANO:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

In looking at the numbers for the active sworn officers in the Police Department, I'm just trying to understand what's happened since January '05. The sheer number, although it goes down and up, it ends up right where we started, it appears. So that means the number of officers is the same as it was in '05 if I'm reading that right. But now we have -- but we've civilianized some of the positions so the actual staff -- there's more staff at the Police Department or overall between the two it's the same?

MR. REINHEIMER:

Yeah. The overall staff is about the same. The number of civilians has increased slightly over this period 2005/2006. Off the top of my head somewhere around 20. However, we're looking at sworn officers, which went up because we hired 220 but went down because of retirements or people leaving for other reasons. There's approximately 100 retirements in the Police Department's sworn personnel. So -- per year, per year.

So the number of -- as far as your question concerning civilianization and the number of police that

are on the streets, we've been asking the Police Department for that information for several months. And I think various committees have, too. We haven't gotten that information. We're looking strictly payroll positions. We don't know where people are assigned, whether they're doing civilian type work or police officer or if the police officer doing police work. We've asked the Police Department. They haven't come forth with that information.

LEG. SCHNEIDERMAN:

With the number of police officers that are available to work, wherever they may be, is the same as it was two years ago?

MR. REINHEIMER:

Yeah, it's virtually unchanged.

LEG. ROMAINE:

Mr. Chairman?

CHAIRMAN MONTANO:

Hold on, I have a question from Legislator Stern, then I'll recognize you.

LEG. STERN:

Thank you. Again, just to be clear, approximately 100 retirements over the course of a year, and you had said earlier that you expect another 50 to retire sometime around the summertime of 2007, so does that mean that the Police Department is already experienced about 50 retirements so far?

MS. VIZZINI:

Yes. They retire in January and they retire again in July. So you'll have 50 and 50. That's about the average.

LEG. STERN:

Okay.

CHAIRMAN MONTANO:

That's it? Legislator Romaine.

LEG. ROMAINE:

Thank you, Mr. Chairman. I'm not a member of the committee. I only want to make a request of Budget Review. Could you give me a list of -- comparative list of police officers on active duty now as opposed to say three or four years ago, the first request.

The second request, could you give me an average response time to 911 calls by precinct? I'm particularly interested in the 7th precinct.

CHAIRMAN MONTANO:

Okay. I'm going to ask that that request come through the Chair.

LEG. ROMAINE:

Yes.

CHAIRMAN MONTANO:

And we'll disseminate to the members of the committee including Mr. Romaine --

LEG. ROMAINE:

Thank you, Mr. Chairman.

CHAIRMAN MONTANO.

To the extent that you have it available.

MS. VIZZINI:

We can certainly give you the active because we have that in our historical database. We can go back as far as we go back.

LEG. ROMAINE:

That's for later.

MS. VIZZINI:

Right.

LEG. ROMAINE:

I don't expect an answer but I would through the Chair expect a circulation as to the average response time by precinct of 911 calls. Thank you.

MS. VIZZINI:

We'll make that request to the department.

CHAIRMAN MONTANO:

Okay. Thank you. All right. I'm going to -- no further questions, I'm going to put into introductory resolutions.

INTRODUCTORY RESOLUTIONS

First introductory resolutions is IR 1187-2007, Resolution No. -2007, Amending Resolution No. 8-2007, to remove Bank of America as a County Depository. (Romaine) I need a motion.

LEG. COOPER:

Motion to table.

CHAIRMAN MONTANO:

I'll second the motion to table.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

Any other motions? On the motion, Legislator Alden.

LEG. ALDEN:

Could I have brief explanation from Counsel?

CHAIRMAN MONTANO:

Absolutely. Counsel?

MR. NOLAN:

This resolution would simply remove one bank from the list of depositories that were approved by the Legislature at the beginning of the year. And that would be the Bank of America, Melville, New York.

LEG. ALDEN:

Okay. And not to put words in the sponsor's mouth, but it, you know, from watching television a little bit and also reading some commentary in some of the magazines and some of the newspapers,

I think what the center of controversy here is the fact that somebody could get a -- some type of an account without using an identifier, i.e. the -- our social security number.

And in some instances that's been a concern for terrorism. It's been a concern for the black market, for evading income taxes. And pretty much the predominant thing that we use in this country is our social security number. So the lack of that on a bank document greatly concerns me. And I'm a little bit surprised that representatives from Bank of America aren't here today because I would hope that they could explain, if there is an explanation, how they protect other citizens from money laundering, from money going to terrorists and from people evading their income taxes by having a -- and it's a product that they sell that would not require a social security number.

So if anybody can help me out with that, otherwise I'd be inclined to pass this onto the full Legislative body and hope that Bank of America or somebody would come down and explain to us how we're protected because it does raise some pretty grave concerns.

LEG. ROMAINE:

Mr. Chairman?

CHAIRMAN MONTANO:

Well, hold on. I'm going to recognize members of the committee first.

LEG. ROMAINE:

Sure.

CHAIRMAN MONTANO:

Legislator Cooper asked to be recognized. I had a question but I'll hold that and yield the floor to Legislator Cooper.

LEG. COOPER:

Thank you. I had a number of questions. I don't know whether Counsel can answer this or perhaps the sponsor. But number one, my understanding is that there are millions of individuals in this country legally that do not have social security numbers. Is that correct?

LEG. ROMAINE:

No.

CHAIRMAN MONTANO:

Well, I'll answer that. That's my understanding. I know that to be a fact. Just for your information, Legislator Alden, I know I have been in contact with members or they've contacted me from Bank of America. I know that they contacted Legislator Romaine. And I'm sure that they've contacted other members. They've contacted Legislator Schneiderman, and I would say, you know, just about everyone. So --

LEG. ALDEN:

They contacted me but they still left in my mind open those questions.

CHAIRMAN MONTANO:

All right. Well, that's --

LEG. COOPER:

I still have the floor.

CHAIRMAN MONTANO:

Go ahead. Legislator Cooper has the floor.

LEG. COOPER:

I'm a little concerned because Legislator Romaine was shaking his head, no, that there aren't millions of individuals in the country without social security numbers. So that's a major question. Bank of America has assured me that that is the case.

So, number two, is there anything that Bank of America is doing now that violates either Treasury Department regulations, any of the requirements of the U.S. Patriot Act, any federal or state regulations whatsoever? And further than that, isn't it true that it's not just Bank of America but there are many banks both large and small, Chase and Wachovia and Citibank and others that follow the exact same policy because it's completely legal?

LEG. ALDEN:

Well, if you're asking that question, I know the answer to it.

CHAIRMAN MONTANO:

Hold on, hold on. The question was posed by Legislator Cooper to the sponsor.

LEG. ALDEN:

Oh, okay. I'm sorry.

CHAIRMAN MONTANO:

If you want to jump in and answer, that's fine with me.

LEG. COOPER:

Either Counsel or --

LEG. ALDEN:

No. That's fine.

CHAIRMAN MONTANO:

Or Counsel. I'll ask Counsel, too.

LEG. COOPER:

-- the sponsor since it's his bill.

CHAIRMAN MONTANO:

Counsel, do you know the answer to that question?

MR. NOLAN:

No, I don't. The limited research we did to prepare this resolution did not indicate whether other banks have similar policy. But I should add also that there's no real allegation that what the Bank of America is doing is illegal. It's really -- I think the intent of the sponsor is to indicate the displeasure of this body with a policy that the bank is following.

CHAIRMAN MONTANO:

Let me -- go ahead, Legislator Cooper.

LEG. COOPER:

So again, this is to the sponsor. So I mean if it's the case as Bank of America has told me and they told me that they had reached out to your office so hopefully you've had some communication with Bank of America. But they assured me that there are millions of individuals in this country legally that simply do not have social security numbers. They don't qualify for one reason or another but they're here legally. It's completely legal for them to open up bank accounts. And Bank of America's policy, I am told that if they have a customer who has a bank account and applies for credit, their policy is to allow them to open up the credit card if they qualify on -- if they meet the other financial requirements.

CHAIRMAN MONTANO:

There are also other ID --

LEG. COOPER:

Right. And, number two, I was assured that there are many banks that have identical policies to Bank of America. JP Morgan Chase, Wachovia, Citibank, North Fork and probably others. If I checked further I could probably find more banks. Suffolk County currently has substantial funds, maybe Gail can address this, but many millions of dollars in deposit with Bank of America, which is why the County Treasurer, republican, is strongly opposed to this because she's concerned it's going to cost -- would cost taxpayers millions of dollars. And that's just with Bank of America.

If we were fair and, therefore, extended it to every bank that had this similar policy, which once again is completely legal, follows federal law, state law, U.S. Department of Treasury regulations and U.S. Patriot Act regulations, it would cost us perhaps tens of millions of dollars in taxpayer funds.

If the sponsor would like to change the terms of the U.S. Patriot Act, he should not take this up with Bank of America. He should take it up with his local congressperson and suggest that. But that's a different argument.

CHAIRMAN MONTANO:

Mr. --

LEG. COOPER:

We should not be debating this. This is silly.

CHAIRMAN MONTANO:

Yeah, I'm going to chime in. I actually spoke with the treasurer and she not only privately but publically has expressed her opposition to this bill. I looked at the financial impact statement earlier.

Gail, I was going to ask you, the financial impact statement indicates that there's indeterminate amount of fiscal impact. But I can't -- and not to disclose anything that the treasurer has in her purview with respect to deposits, interest rates, but I've got to believe that there is a negative financial impact to the County if we were to adopt a resolution like this. Even though you indicate in your statements indeterminate, I'm just curious as to why you reached that determination?

MS. VIZZINI:

Well, since this was limited to the Bank of America, we took the position that although we believe there is an adverse effect because it limits the competition --

CHAIRMAN MONTANO:

Okay.

MS. VIZZINI:

As you well know, the treasurer is often placed in a situation within the amount of banks that are approved depositories he or she will try to get the best interest in terms of the nature of the accounts that we have with them. And we have, in the case of Bank of America, it happens to be a major player with a lot of branches. That's the type of bank we need for our welfare accounts. I think there was in the newspaper reported over a \$100 million on deposit with Bank of America. That is fairly accurate.

CHAIRMAN MONTANO:

A fact, which I think the treasurer probably would not have appreciated had it been made public --

MS. VIZZINI:

Right.

CHAIRMAN MONTANO:

-- but go ahead.

MS. VIZZINI:

Yeah. That's not the number, but it is in the ballpark. It is over that number.

Part of this is if, you know, Bank of America is excluded for whatever reason, then amongst the remaining depositories the treasurer would have to see where we could deposit those monies and if those banks could give us the same service. She could get a lesser interest, a better deal or a worser deal.

However, if this was extended beyond one player, and the fiscal impact statement also indicates that there's probably going to be some degree of adverse impact on whatever bank is eliminated since we are in some cases a large depositor, if there's -- this goes beyond one bank, then the County would really be at a disadvantage in terms of the types of banks that it could go to to deposit its monies for the variety of purposes that we have --

CHAIRMAN MONTANO:

Right.

MS. VIZZINI:

-- our money deposited in banks.

CHAIRMAN MONTANO:

One thing. So what I'm hearing is that without determining a number less competition would result, and this is the treasurer's point, would result in adverse economic consequences to the County in that we would have less competition in terms of interest rates to deposit our monies, etcetera.

And the other thing is that from what I understand from her and from others, there are other banks that follow the same type -- well, maybe not the same program but they use the same type identification as is required in this particular program through their banking practices. So theoretically you have the domino effect, that -- and that there's nothing wrong in what the Bank of America is doing because they're simply following the federal law and all of their programs comply with the Patriot Act. So, with that, you know, I'm just going to ask the sponsor, what -- if I may, what is the purpose behind the resolution? What is it that you're trying to accomplish here?

LEG. ROMAINE:

Are you giving me the floor, Mr. Chairman --

CHAIRMAN MONTANO:

Yes, I am.

LEG. ROMAINE:

-- at this point?

CHAIRMAN MONTANO:

I'm asking you a question directly.

LEG. ROMAINE:

Fine. Then I'd like to address not only your question but my intent in terms of this legislation, if I may.

CHAIRMAN MONTANO:

Go ahead, you have the floor.

LEG. ROMAINE:

Okay. First of all, let me just say that social security cards can be secured by anyone that's legally in this country. If you have a visa, if you have a green card, you can get a social security number. The people that cannot get a social security number are people that break our laws and enter this nation illegally. I'm sure if I entered another nation illegally, that that country and its citizens would not take kindly to me breaking their laws as a guest in their country. As far as --

CHAIRMAN MONTANO:

Just if I may interrupt?

LEG. ROMAINE:

Yeah.

CHAIRMAN MONTANO:

Does every person that enters the country legally, are they required to get a social security card?

LEG. ROMAINE:

No, no.

CHAIRMAN MONTANO:

Okay. All right.

LEG. ROMAINE:

But they have the ability -- they have the ability to get that card.

CHAIRMAN MONTANO:

But there's no requirement under our law that once you cross the border, you're here legally, you go and secure a social security card. There are other forms of identification that are recognized by the government. Is that correct?

LEG. ROMAINE:

That's correct.

CHAIRMAN MONTANO:

Go ahead. I didn't mean to interrupt.

LEG. ROMAINE:

And in fact I have -- thank you. If I could finish my statement. In fact I do have a memorializing resolution that I will be introducing for a federal bill that is before congress now that would spell out acceptable forms of identification for federal programs and financial institutions that would include social security cards accompanied by a state or federally issued photo ID's, the United States passport, the United States CSI -- excuse me, United States CIS photo ID, etcetera. That memorializing resolution before -- will be before us at our next meeting.

This is not in any way an effort to discourage legal immigration to this country. I strongly support legal immigration. It provides us the diversity, and the cultural diversity, and the ever changing culture of the United States; strongly support immigration.

I do not support illegal immigration. I do not believe in open borders. I do not believe our borders should be as porous as they are. I understand that most of the people, the overwhelming majority of people who enter this nation illegally come for economic reasons. That the overwhelming majority of the people that enter this nation illegally come to work and work hard. And they have a great deal to be said for them, except for the fact that if I go to Mexico and I walk into a Mexican bank --

CHAIRMAN MONTANO:

Mr. Romaine?

LEG. ROMAINE:

-- and I --

CHAIRMAN MONTANO:

Mr. Romaine, if I may? Well, go ahead.

LEG. ROMAINE:

Well, I guess you're going to limit my statements and edit my comments.

CHAIRMAN MONTANO:

Are you reading the statement into the record?

LEG. ROMAINE:

No, I'm speaking off the top of my head.

CHAIRMAN MONTANO:

All right.

LEG. ROMAINE:

And I will continue to say that if I enter a Mexican bank --

LEG. SCHNEIDERMAN:

{Inaudible}

CHAIRMAN MONTANO:

Please, Mr. Schneiderman, I have the floor. Go ahead, Legislator Romaine.

LEG. ROMAINE:

-- and present American ID, it's highly dubious if I can get a Mexican bank to issue me -- issue to me a Mexican credit card or debit card. That is a highly dubious thing. What I'm saying is that -- the fact that Bank of America, and you said this is legal, it's absolutely illegal under the Patriot Act and I have said that repeatedly. But being legal isn't always being right. And that's the point that I disagree with, what the Bank of America is doing.

The reason I chose the Bank of America is because this is a bank that started a pilot program in California that announced publicly that they intend to roll this pilot program out nationwide. I believe that this program expanded to a bank of that size. I believe it's the second largest bank or third largest bank in the United States, that that type of program will further promote illegal immigration at a time when we have over 13 million illegal immigrants and we're wrestling what to do.

Personally, I favor a Guest Worker Program. As long as an employer can take responsibility for a person coming into this country as a guest worker for a limited period of time and that employer takes responsibility for housing and for paying taxes, I have no problems; would support that. But I do not support the open border policy that we have now. The de facto open border policy that we have now that allows illegals to come in.

Fortunately, as I said, the overwhelming majority don't mean this nation harm. They only come to work for economic reasons. But the fact that our borders are so porous means that there may be some that will come from other nations through our southern borders that may mean us harm. I want to promote a policy that discourages illegal immigration, people cutting the line, not following our rules. I'm more than happy to anticipate changes that would allow people to come here for economic reasons. But it's time that we send a message.

As far as financial institutions, we have a dozen financial institutions that we do business with now. That list can be expanded. Banking is a highly competitive -- highly, highly competitive industry. And all you have to do is open the *New York Times* and look at all the banks offering CD did rates some -- Hudson City was offering a rate as 5.45% for a limited time. I'd like to see what our treasurer is getting, I don't know -- if even that high. I think I can go into the private sector and do as well.

So I'm happy to give our treasurer added depositories. But I do want to send a message because I do not believe -- unless we're going to enter into reciprocity where I can go to other countries and use my American ID to open up in banks of those nations, credit cards and debit cards, I do not believe that this program is going to serve the best interest of our country. And it's going to continue to facilitate a problem that this nation has yet to deal with. And that's illegal immigration. Thank you.

CHAIRMAN MONTANO:

We have some speakers. I just -- I guess it's very clear that you -- your sending your message. My question is though, again, there is nothing illegal or improper in what Bank of America or any of the other banks that have similar type programs --

LEG. ROMAINE:

I've said that repeatedly.

CHAIRMAN MONTANO:

All right. I just want to, you know --

LEG. ROMAINE:

If there was something illegal, you know, I'd pursue other methods. But there is nothing about that.

CHAIRMAN MONTANO:

Okay.

LEG. ROMAINE:

There was nothing illegal about banks depositing and doing business with South Africa in the late 80's and early 90's but we decided to send a message there. And many financial institutions attempted to do divestiture, a far more serious problem of Apartheid, far more serious but we used that method.

CHAIRMAN MONTANO:

Right.

LEG. ROMAINE:

Again --

CHAIRMAN MONTANO:

I'm -- I'll just going to, you know, you want to send a message. And I guess you, you know, I've given you the courtesy of, you know --

LEG. ROMAINE:

Thank you.

CHAIRMAN MONTANO:

-- having your time. I just find it strange and inconsistent because in your resolution you whereas the passage of resolution 1056. And that was a debate we had back in September. And I was there. And I just pulled the minutes from that debate. And these are some of the comments. The issue is that we have to send a message -- referring to the County Executive. Your statement was,

"I don't pass laws simply to send a message. I hope there's something more to the law."

I won't read you everything but further down, "and I question whether there's more stagecraft than statecraft in this law. I'll end by saying a message to the County Executive, leaders try to unite, not divide; leaders try to bring people together and to solve problems."

But yet you come back here, and what I'm hearing, and just so I'm clear is that you want to send a message with this law. But this law provides nothing that is inappropriate. In fact, Bank of America and all the other banks, as I understand them, are complying with the Patriot Act and every other law at the federal level. Is that what I'm hearing from you?

LEG. ROMAINE:

Am I allowed to answer that?

CHAIRMAN MONTANO:

Yes. Go ahead.

LEG. ROMAINE:

I'd be delighted. There -- you are comparing apples to oranges. In one case you're talking about a County taking up legislation where the County would enforce that legislation. Yes, we still don't have anyone on staff to do that. We still have no money dedicated to that. If you want to pass something of that nature, fine. I say enforce it. I'm going to go ask the County Executive at some point, you know, where the enforcement is and maybe he's been able to do it within house. I welcome that. But I don't want to pass silly gestures. This is not a silly gesture because we don't have control over the financial institutions.

This is a message that I don't want to use taxpayers' dollars in Suffolk County to promote a policy that, I think, will abet illegal immigrants entering this nation and staying in this nation and doing business in this nation and not seeking to come here legally.

I want to say on the record strongly that I support legal immigration. I support facilitating legal immigration. I support reforming immigration laws. I support a Guest Worker Program. I do not support, will not support a program that encourages our borders to be as open and as porous as they are. A nation that cannot secure its borders, history teaches this repeatedly, is in for trouble in the long run.

CHAIRMAN MONTANO:

I'm going to give the floor to Legislator Cooper. But I just find it strange that you support all those laws but yet the law that this applies to, the Patriot Act, which the bank -- this bank and other banks are applying and supporting, you seem not to support in your resolution. But I'll turn this over to Legislator Cooper.

LEG. ROMAINE:

Could I just respond?

CHAIRMAN MONTANO:

No. I'm going to turn it over to Legislator Cooper.

LEG. COOPER:

First of all, question to the sponsor. I believe that you had said that anyone in the country legally can obtain --

LEG. ROMAINE:

Has the ability.

LEG. COOPER:

-- has the ability to obtain a social security number.

LEG. ROMAINE:

Yes.

LEG. COOPER:

And we've been debating this for about a half hour now. And Legislator Romaine, I have a lot of respect for you, but in this case you should have done some basic research because this is -- it's been a waste of our time.

Looking at the website that was written by the radical illegal alien lovers at the Internal Revenue Service, and I just punched in, ITIN, individual taxpayer identification number. And ITIN is a tax processing number issued by the Internal Revenue Service. It's issued to individuals who are required to have U.S. taxpayer identification numbers, but do have and are not eligible to obtain a social security number from the Social Security Administration. The IRS issues ITIN's to foreign nationals and others who have federal tax reporting or filing requirements and do not qualify for social security numbers. Then they list some examples. A non-resident alien filing a U.S. tax return and not eligible for a social security number. Not eligible. Not that they didn't apply, they are not eligible.

A U.S. resident alien, filing a U.S. tax return and not eligible for a social security number. A dependent or spouse of a U.S. citizen or resident alien. A dependent or spouse of a non-resident alien, visa holder, on and on. It's completely legal. There are millions of legal residents of the United States that do not qualify for social security numbers for whatever reason. According to the U.S. Treasury Department regulations, the Patriot Act, other federal regulations, they're allowed to get either an ITIN, they're allowed to present either a matricula card, a consulate card. This is federal law.

There was a study that was done in -- Chicago Federal Reserve Study in 2005 found that approximately 30,000 out of roughly 88,000 bank officers across the country accept consular cards for ITIN cards. That's 30,000 out of 88,000. That's more than a third. And most major banks have the same policy as Bank of America.

So I don't know what you're proposing. Are we just going to do business with podunk bank down the block at whatever rate they give us for our deposits because you're trying to make some point based on misinformation? It makes no sense. This has been a silly argument for the past forty minutes. But if you feel that federal law is incorrect or the U.S. Patriot Act is not strong enough, there are avenues available to you to voice that. It's not the Suffolk County Legislature. You should take it up with your congressperson.

CHAIRMAN MONTANO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I spoke as mentioned with Bank of America last week on the phone. And they indicated to me that they have not made a decision to roll this program out across the country; that they do have a pilot program going on in California. But although it was said earlier that they were going -- or maybe they had put some publication out that they would, they internally have not decided to roll this out. They haven't said that they wouldn't, but they have not decided that they would.

So I would just encourage the sponsor to continue with dialogue with Bank of America to -- because I think that there are some messages within this that they need to clarify, I think, publicly. And make -- I was hoping they'd actually have a representative here who could speak on this, to make sure that they in some way aren't advertising in a way that created the appearance that they were creating identification for those who might not be in this country legally. So, again, I just -- and I've spoken with the sponsor about this.

CHAIRMAN MONTANO:

If I may, Legislator Schneiderman, I just don't want to leave the impression that somehow the bank is creating the identification. The bank is not involved in the identification.

LEG. SCHNEIDERMAN:

No, no, no.

CHAIRMAN MONTANO:

But that's what you -- that's what I heard you state.

LEG. SCHNEIDERMAN:

Oh, okay.

CHAIRMAN MONTANO:

So I just want to be clear.

LEG. SCHNEIDERMAN:

I may have misspoken.

CHAIRMAN MONTANO:

The bank accepts --

LEG. SCHNEIDERMAN:

The bank has a program to get credit cards to individuals --

CHAIRMAN MONTANO:

Secured credit cards.

LEG. SCHNEIDERMAN:

-- which complies with all laws.

CHAIRMAN MONTANO:

Right.

LEG. SCHNEIDERMAN:

There's no question about that. But perhaps in their advertising --

CHAIRMAN MONTANO:

Upon the presentation of proper documentation.

LEG. SCHNEIDERMAN:

Right.

CHAIRMAN MONTANO:

Okay.

LEG. SCHNEIDERMAN:

Perhaps in that -- in the way they've been advertising their program, it would create the appearance that others might qualify as well. And I haven't seen the advertisement.

CHAIRMAN MONTANO:

Neither have I.

LEG. SCHNEIDERMAN:

So I don't know. But apparently it's this pilot program in California that has kind of caused this concern about the bank. Jon, do you have --

LEG. COOPER:

Yeah. I just want to say, according to Bank of America they're not advertising it forwardly. This is a program that they're offering to existing customers, existing customers of theirs, many of whom who do not have social security numbers but legally they're not -- they can't access them. But they're here legally. They have other identification that complies with federal law. They opened up accounts with Bank of America. And now they'd like to apply for a credit card. They want to buy a house. They want to improve their lives so Bank of America has a policy that any customer of theirs that so qualifies can get a credit card. And they have to present --

LEG. SCHNEIDERMAN:

Right.

LEG. COOPER:

-- identification, which these people have to do.

LEG. SCHNEIDERMAN:

Right. And they have assured me that all the things that they are doing, all banks can do.

LEG. COOPER:

All banks can do, most major banks do do.

LEG. SCHNEIDERMAN:

And everything is in full compliance with the laws.

LEG. COOPER:

Right.

CHAIRMAN MONTANO:

Right.

LEG. SCHNEIDERMAN:

I am not questioning any of that.

LEG. COOPER:

But more importantly, they're not advertising and trying to attract, you know, new customers including illegal aliens. It's existing customers of the bank that they're extending credit to.

LEG. SCHNEIDERMAN:

I think the sponsor's concern was that they would continually -- they'd roll this program out, and -- across the country. Now obviously this --

CHAIRMAN MONTANO:

But if there's nothing wrong with the program, then, if they want to role it they can.

LEG. SCHNEIDERMAN:

They -- that's true. But they at least indicated to me on the phone that they haven't made the decision to roll it out anyway.

CHAIRMAN MONTANO:

Right.

LEG. COOPER:

Correct. Right.

LEG. SCHNEIDERMAN:

So what are we arguing about?

CHAIRMAN MONTANO:

Well, I don't know what we're arguing about. I think -- I thought we were arguing about a bill on Bank of America and we're somehow into the -- in Mexico. But the point I'm making is that this bank is following a policy that other banks follow. The intent of the program was not to attract illegals, criminals. The intent of the program was to ensure that people that are here legally that don't have a banking history can begin to adjust and get a secure credit count, which means they have to put the money up, they have to show the proper ID that's required by the Patriot Act, etcetera, etcetera. So unless there's anything further, Legislator Romaine, would you like to state anything further on this?

LEG. ROMAINE:

Thank you for your courtesy, Mr. Chairman.

CHAIRMAN MONTANO:

You're welcome. I'm going -- go ahead.

LEG. ALDEN:

Do you have me on the list?

CHAIRMAN MONTANO:

I do now. Legislator Alden.

LEG. ALDEN:

First, I have a great concern with -- when we carte blanche say to a bank that here's the laws and I'm very confident you're going to follow them because unfortunately even Bank of America has very recently been prosecuted for money laundering, which breaks all the --

LEG. COOPER:

But we digress.

LEG. SCHNEIDERMAN:

What does that have to do with this?

LEG. ALDEN:

Jon, do you have a problem with me talking? Is that what it is?

LEG. ROMAINE:

He has a problem with anyone --

LEG. ALDEN:

Because you're interrupting me, Jon.

LEG. COOPER:

I'm interjecting a little bit of humor.

CHAIRMAN MONTANO:

All right, all right. Let's try and get this debate over. Legislator Alden, you have the floor. After that Legislator Cooper if you want to respond.

LEG. ALDEN:

And if we're taking up legislation where the possibility of money laundering or supplying funds to a terrorist organization exists, I think that there's something that we have to look at. And that was

what was brought up. And it's legislation that's sitting in front of us. And unfortunately some people here would just like to blow off the fact that people would use or misuse laws and misuse banks in this country.

And I have grave concern over what I talked to and what I found out from Bank of America as far as how this product is going to be used and how we as far as American citizens are protected. And that's why, I'll repeat it again, I'm very, very disappointed that they're not here because they could have gotten rid of all my fears or calmed my fears down by simply testifying how and what their purposes are with this type of product. Otherwise we're left to just believe in the goodness of their heart that they're going to protect us. And I really can't find that as an acceptable course of action.

So I'm going to ask actually our Legislative Counsel and our County Attorney for just a brief analysis of the Patriot Act, and -- no, no, no. In a very small -- you don't have to do it today, but a very small portion.

CHAIRMAN MONTANO:

No, Mr. Brown, we're not going to do this today. Thank you.

MR. BROWN:

Thank you.

LEG. ALDEN:

I would like an analysis of how -- because I just heard about federal ID numbers. I'd like to know how we're protected as far as the County of Suffolk because we do collect a portion of sales tax and we collect other taxes, and Suffolk County and New York State and the federal government in regard to what is required under the Patriot Act to open up this type of an account? Because I haven't heard -- I haven't heard of any testimony one way or the other on that. And a federal ID number is way different than a social security number. And maybe you could just -- and that's just probably two paragraphs of who qualifies for a social security number and what they need to actually produce as far as documentation in the line of getting a social security number.

CHAIRMAN MONTANO:

Okay. I think we've digressed with some statements that probably don't pertain or, you know, I won't categorize them. Legislator Cooper, if you want an analysis of the Patriot Act, I'm sure you can contact the County Attorney or your local congressman and I'm sure they'll provide it.

LEG. COOPER:

Thank you.

LEG. ALDEN:

Well, actually I didn't need a -- I didn't need an analysis of the Patriot Act.

CHAIRMAN MONTANO:

What do you need?

LEG. ALDEN:

I asked for a very narrow portion of the Patriot Act as it applies to this bill. So --

CHAIRMAN MONTANO:

Whatever you want.

LEG. ALDEN:

-- if you want to mischaracterize that, Mr. Chairman, you can just a --

LEG. COOPER:

I thought that's what you were asking also, Cameron.

CHAIRMAN MONTANO:

Well, we have mischaracterizations all over the place.

LEG. ALDEN:

Well, then you should listen to the request.

CHAIRMAN MONTANO:

Right. Whatever requests you have, I'm sure that your local congressman or one of the attorneys will provide that. Legislator Cooper.

LEG. COOPER:

No, I don't want to comment anymore but I would like to change my motion to a motion to table subject to call.

CHAIRMAN MONTANO:

I'll second that.

LEG. COOPER:

-- this conversation --

LEG. ROMAINE:

It's going to come back.

CHAIRMAN MONTANO:

All in favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

LEG. ALDEN:

Opposed.

CHAIRMAN MONTANO:

Two opposed. Legislator Alden, Legislator Schneiderman. Motion carries. We'll move on. **(VOTE: 3-2. Opposed: Legislator Alden and Legislator Schneiderman)**

LEG. ALDEN:

Congratulations.

CHAIRMAN MONTANO:

IR 1212-2007, To readjust, compromise, and grant refunds and chargebacks on real property correction of errors (by) County Legislature (#763-2007). (Co. Exec.) I'm going to make a motion to approve and place on the consent calendar.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Any discussion? All in favor? Opposed? Abstention? Motion carries. **(VOTE: 5-0)**

IR 1213, To readjust compromise, and grant refunds and chargebacks on correction or errors by the County Treasurer, County Legislature (#259). (Co. Exec.) I'll make a motion to approve --

LEG. STERN:

Second.

CHAIRMAN MONTANO:

-- place on the consent calendar. Any discussion?

LEG. ALDEN:

Just on the motion. Just -- I think we should put it on the record just what these are as far as what type of errors that we're correcting.

CHAIRMAN MONTANO:

Absolutely. Counsel, would you give a brief explanation?

MR. NOLAN:

Which one, 1213?

CHAIRMAN MONTANO:

Well, lets go back to 1212.

LEG. ALDEN:

There's like four or five of them. There's like five or six of them.

CHAIRMAN MONTANO:

Can you summarize them all in one explanation? Or do you want to do them individually, Counsel?

MR. NOLAN:

Well, all of these are as the title suggests creating chargebacks where it's been determined that there was a mistake made in assessing taxes. And this is -- usually comes from the Real Property Tax Service Agency, the Treasurer's Office. And that's what we do.

LEG. ALDEN:

But it comes from the town usually; right? These are tax certiorari usually?

MR. NOLAN:

This -- it depends. This is a -- like 1212, is a -- is actually -- in that particular resolution there are a number of corrections from Riverhead, Smithtown, Southold. Some of them are clerical errors, unlawful -- or errors in essential facts. And I guess it does originate with the town.

LEG. ALDEN:

Good. Thank you.

CHAIRMAN MONTANO:

Okay. I believe we have a motion on 1213. All in favor? Opposed? Abstention? Motion carries.
(VOTE: 5-0)

IR 1214, To readjust compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature (#265). (Co. Exec.) Same motion, same second. All in favor? Opposed? Abstention? Same vote. **(VOTE: 5-0)** That's for the consent calendar. All of these -- 1212 to 1215, the motion will be -- no, 1216, to approve and place on the consent calendar.

1215, To readjust compromise, and grant refunds and chargebacks on real property correction of errors by: County Legislature Control #764-2007. (Co. Exec.) All in favor? Opposed? Abstention? Motion carries. **(VOTE: 5-0)**

IR 1216-2007, To readjust compromise, and grant refunds and chargebacks on real property correction of errors by: County Legislature Control #765-2007. (Co. Exec.) A motion to approve, place on the consent calendar. I think I said that. All in favor? Opposed? Abstention? Motion carries. **(VOTE: 5-0)**

IR 1245-2007, Adopting Local Law No. -2007, A Local Law to provide further guidelines and requirements for Suffolk County Contract Agencies. (Lindsay) I believe that we need a public hearing on this. I'll make a motion to table for public hearing.

LEG. COOPER:
Second.

CHAIRMAN MONTANO:
Second by Legislator Cooper. Any discussion? All in favor? Opposed? Abstention? Motion carries. **(VOTE: 5-0)**

IR 1250, Adopting Local Law No. -2007, A Charter Law to increase transparency and accountability in the budget process. (D'Amaro)
We will require a public hearing on that. I'll make a motion to table for purposes of public hearing.

LEG. COOPER:
Second.

CHAIRMAN MONTANO:
Second by Legislator Cooper. Any discussion on this? All in favor? Opposed? Abstention? Motion carries. **(VOTE: 5-0)** Being no further business --

LEG. COOPER:
Oh, wait, wait here. Procedural motion 03.

CHAIRMAN MONTANO:
Procedural motion -- I apologize. Okay.

PROCEDURAL MOTION

Procedural Motion number 3, procedural resolution establishing rules and guidelines for community support initiatives. (Lindsay) I'll ask for a brief explanation from Counsel. And I'll make a motion to approve.

LEG. COOPER:
Second.

MR. NOLAN:
This procedural resolution is an outgrowth of determination this Legislature made to administer what in the past has been known as member item contracts, now are known as community support initiatives Basically the \$35,000 that is assigned to every legislative district. But this resolution would establish guidelines for how we're going to administer the -- these initiatives going forward. And these are the rules. That each initiative must be for at least \$1000.

Secondly, that all the applications that are submitted for these community support initiatives are going to be reviewed and approved by the Presiding Officer and by my office before the money is appropriated. That -- so that early in the process we're going to look what the purpose of the spending is to make sure that it is legal; to use the money in that way. If we determine it's not, then the Legislator can go back to their group and discuss perhaps a different purpose or find a different group for that money.

LEG. ALDEN:

George, can I just ask you?

MR. NOLAN:

Sure.

LEG. ALDEN:

And that's the guidelines that we already had; right? As far as what's an approved purpose for the money?

MR. NOLAN:

Right.

LEG. ALDEN:

It's not that you're taking on a new role to approve or disapprove of a request.

MR. NOLAN:

Well, in the past these contracts were administered by the departments. And at a certain point it was the County Attorney who would look at whether or not the purpose was legal. What we're trying to do though is do that step. Looking at what the monies being used for earlier in the process before we appropriate the money. Don't make community groups go through a process and then tell them, you know what, you can't use the money for that purpose. So we want to determine up front that's it's a good purpose.

Thirdly, that the applications for this funding have to be submitted to the Presiding Officer by September 30th of each year.

And finally that when we do a procedural motion that actually appropriates money for the groups, it's going to have the contract amounts, the name of the organization that's receiving the money, and the Legislator who's recommending that funding. And all of this is geared towards transparency.

LEG. ALDEN:

Good.

CHAIRMAN MONTANO:

Okay. Any further questions? All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0)**
Meeting is adjourned.

**(*THE MEETING CONCLUDED AT 11:23 A.M.*)
{ } DENOTES SPELLED PHONETICALLY**