

BUDGET & FINANCE COMMITTEE

Of the

SUFFOLK COUNTY LEGISLATURE

A meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, June 2, 2009.

Members Present:

Legislator DuWayne Gregory - Chairman
Legislator Lou D'Amaro - Vice-Chair
Legislator John Kennedy
Legislator Brian Beedenbender
Legislator Daniel Losquadro

Also In Attendance:

George Nolan - Counsel to the Legislature
Sarah Simpson - Legislative Counsel's Office
Barbara LoMoriello - Deputy Clerk of the Legislature
Gail Vizzini - Director/Budget Review Office
Lance Reinheimer - Assistant Director/Budget Review Office
Kevin Duffy - Budget Review Office
Craig Freas - Budget Review Office
Benny Pernice - Budget Review Office
Maxvel Rose - Aide to Legislator Gregory
Janine Zaltsman - Intern/Legislator Gregory's Office
Kara Hahn - Director of Communications/PO Lindsay's Office
Michael Pitcher - Aide to Presiding Officer Lindsay
Paul Perillie - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Justin Littell - Aide to Legislator D'Amaro
Ben Zwirn - Deputy County Executive
Tom Vaughn - County Executive Assistant
Allen Kovesdy - Director of Mngmnt & Research/County Executive's Office
Robert Kearon - Bureau Chief/District Attorney's Office
Richard Amper - Long Island Pine Barrens Society
Adrienne Esposito - Citizens Campaign for the Environment
Mary Ann Johnston - Affiliated Brookhaven Civic Organization
Don Seubert - Affiliated Brookhaven Civic Association
Debra Alloncius - Legislative Director/AME
Oliver Hull - West Sayville Civic Association
Brendan McCurdy - West Sayville Civic Association
Maria Doss - Nassau-Suffolk Law Services
Jennifer Hartnagel - Group for the East End
Kathleen Matthews - Poquott Environmental Action Committee
Kimberly Quarty - Peconic Land Trust/Project Director
Kevin McAllister - Peconic Baykeeper
Kevin McDonald - The Nature Conservancy
Jane Fasullo - Sierra Club of Long Island
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

*(*The meeting was called to order at 10:06 AM*)*

CHAIRMAN GREGORY:

Good morning, everyone. We're going to start the Budget & Finance meeting with the Pledge of Allegiance led by Legislator John Kennedy.

Salutation

Okay. We're going to immediately go to the open portion, the public portion. And the first speaker is MaryAnn Johnston; did I pronounce that correctly?

MS. JOHNSTON:

I have to say, honestly, God is watching this morning. I got up late, didn't realize I had to be here by ten, had an accident -- there was an accident on Victory Boulevard and I had to come from Montauk Highway to Vets, not a single light, and then I'm first here?

UNKNOWN AUDIENCE MEMBER:

Buy a lottery ticket.

MS. JOHNSTON:

Exactly. I'm here to speak on maintaining and preserving the revenue stream for open space and water protection. Clearly, the voters of Suffolk County have spoken. To do anything, anything that disrupts that revenue stream at this point in time when we should be buying, not jumping out of the market, is total insanity. I can't speak loudly or clearly enough; we need to maintain this revenue stream, we need to keep it. It is not the way you solve budget problems. You need to do this the right way.

So realistically, if you have a budget gap, find another way to sit down and solve it. There are other places where you will not be attacking the environment and open space preservation for short-term goals. We cannot sacrifice our children's future on a short-term revenue hole. Thank you.

Applause

CHAIRMAN GREGORY:

Thank you. Oliver Hull?

MR. HULL:

Good morning, Mr. Gregory, Members of the committee.

CHAIRMAN GREGORY:

Good morning.

MR. HULL:

I'm an Officer and Director with the West Sayville Civic Association, and we've been working with the County over the past five or six years on various open space acquisition projects. Some have been successful, some have not been, but by and large, you know, it was a good process. I felt I was dealing with people on a good faith basis.

Recently we again contacted our County Legislator, Mr. Lindsay, because we had another parcel, a very small parcel we wanted to get acquired. We were told repeatedly and in no two uncertain terms that there was no money left in this fund. Now, that seems very strange considering this is generated out of a portion of the sales tax. And while we recognize that the sales tax revenues may be down from what they were two years ago, there's still money coming in, but we were told flat out, "There is no money in this fund." Well, clearly we wouldn't be here today if there wasn't any money in this fund; there wouldn't be anything to vote to transfer to the Capital Budget.

So there are two conclusions I've drawn from this. Number one, after years of dealing with Mr. Lindsay and his office and expecting -- we're dealing with good faith people in his office, we were lied to about this. But we've also been dealing with Mr. Levy in this and he also said the County would not work with us on this project, there was not going to be money spent on this project. And I believe that the County has already preemptively shut down the Open Space Program, and that is in total defiance of the wishes of the voters in this County. We voted to tax ourselves and I think it takes a lot of chutzpah to say to the voters, "We don't care what you think, we're going to do what we want." Thank you.

Applause

CHAIRMAN GREGORY:

Thank you. Brendan McCurdy?

MR. McCURDY:

Hi. Good morning.

CHAIRMAN GREGORY:

Good morning.

MR. McCURDY:

Thank you for allowing me some time to speak on behalf of this particular topic, IR 1458. A couple of points come to mind. One has always been the perverse sort of pride to me, as a taxpayer of Suffolk County, that the taxpayers vote to tax themselves for this particular purpose. I don't think there's too many taxpayers in the country that would say, "You know what? I'm willing to pay some tax." And I believe, just from some quick research, that this has been in place since 1987, and has been voted on time and time again. So I think that it's very evident, the will of the people of Suffolk County is, "Yes, let's tax ourselves so we can preserve open space."

The question also in my mind arises, exactly what is it that the Legislature is trying to accomplish by increasing the allocation for property tax relief? In other words, just exactly who will benefit and to what degree will we benefit? On the face it's saying, "Okay, we'll transfer some of the funds and the McCurdy household will pay \$12 less a year in property taxes because we've transferred the monies? So it's a question that really I'm kind of wrestling for an answer. And if I'm correct in that presumption that we're looking to reduce the tax burden that each of the taxpayers in Suffolk County will pay, then I would say you've got to put that in the scale as to what the benefit is when you acquire open space. And I think from my point of view, keep your \$12, let's go out there and buy open space because I believe that's going to have a much more significant and long-lasting impact when it comes to my property values as well as to my quality of life and the life of my children and hopefully my children's children.

And then the third point I just would like to raise -- and again, in the form of a question. It's my understanding that the County has a rainy day fund. And if the intent of the Legislature is to increase the allocation because of the tough or dire economic straights that we find ourselves in, well, again, my understanding is there's over \$100 million that still sits in this fund. So if it's a rainy day, let's go and tap it, let's not go tinker with a program that has been successful, that's been voted on by the voters time and time again and that truly is to the benefit of who we are and why we are here.

Thank you very much.

Applause

CHAIRMAN GREGORY:

Thank you, sir. Maria Dosso? Did I pronounce your name correctly?

MS. DOSSO:

Yes, you did. Maria Dosso, yes.

CHAIRMAN GREGORY:

Okay. My third grade English teacher would be very proud of me.

MS. DOSSO:

I'm the Director of Communications at Nassau-Suffolk Law Services. I know many of you here, having worked through the Legal Support Center for Advocates and providing support to your constituent services staff. But I'm here today to ask you to support Resolution 1435 which is sponsored by Legislator Montano. We're seeking the restoration of State pass-through funding for -- that was eliminated from our Mental Health Law Project.

Nassau-Suffolk Law Services Mental Health Law Project has been around since 1980 -- it's near and dear to my heart since I started over 20 years ago there, that's the unit that I started in -- and it provides free civil, legal assistance to mentally ill Suffolk County residents. Most of the work involves landlord/tenant, Social Security, public benefits, family law. And in December, 2008, we received a letter from the County Executive informing us that the Legislature had reduced the budget's funding by 10% along with other County-funded agency contracts, and we believe that this State funded contract which is administered by the County was swept along with the other County contracts. This is 100% State pass-through monies from the Office of Mental Health. So cutting this funding doesn't save the County any money, what it does is actually hurt very vulnerable Suffolk County residents. So we are, therefore, urging you to restore that funding cut so that we can continue to provide the current level of services to that population. If you have any questions?

CHAIRMAN GREGORY:

I do have a question.

MS. DOSSO:

Yes.

CHAIRMAN GREGORY:

I thought that issue was resolved with the 10% cut? That was a result of a lawsuit or your actions in lawsuits?

MS. DOSSO:

No, this is not the result of any kind of claims of conflict of interest. Apparently there was a 10% cut across the board for many contract -- Suffolk County contract agencies, and as I said, I think we got swept into that. Those are all State-funding through the Office of Mental Health, so.

CHAIRMAN GREGORY:

Okay. But the other issue that I --

MS. DOSSO:

Yes, that has been resolved. Thank you.

CHAIRMAN GREGORY:

Okay, that's what I thought. Okay. All right.

LEG. D'AMARO:

Can I ask a question?

CHAIRMAN GREGORY:

Sure.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN GREGORY:

Legislator Kennedy and then Legislator D'Amaro.

LEG. KENNEDY:

Thank you for coming to speak on this. So if I can just make sure that I understand. If it's 100% pass-through money, who is the applicant in the first instance, then, for this through OMH? Does Nassau-Suffolk Law Services make application for and then the County Department of Mental Health is the conduit for disbursement?

MS. DOSSO:

That's right. Well -- that's right. We report to the State Office of Mental Health and they have funded us directly for over 20 years. And in 2007, I think it was, it started to be sent through the County to be administered by the County. So we do report directly to the Office of Mental Health our hours, they're the ones that -- that is where the funding originates.

LEG. KENNEDY:

Mr. Chair, could we ask BRO to weigh in on this?

CHAIRMAN GREGORY:

Sure.

LEG. KENNEDY:

If possible?

MS. VIZZINI:

I'm going to let Mr. Kovesdy address this while I just check in terms of what funding was reduced during the adoption of the Operating Budget.

CHAIRMAN GREGORY:

Okay.

MR. KOVESDY:

Good morning. If this was State -- 100% State pass-through money, we would allocate whatever money we got from the State directly; there would be no need for any particular resolution or anything like that. We allocate whatever we get from the State. If the State gave us less money, we would allocate less State money.

This resolution, which takes money from an operating sewer district, is 100% County money that's being moved into a program, and I don't know if we would get any State aid on that particular money. But we only allocated the -- any cuts that were made was because the State gave us less money. We didn't pick any agency out for any other reason than that. So if they were entitled to more money from the State, we would do a resolution accepting money from the State and passing that through, there would be no need to take money from another source.

LEG. D'AMARO:

Can I ask something?

CHAIRMAN GREGORY:

Sure. Legislator D'Amaro? Are you finished, John?

LEG. KENNEDY:

I'll yield to Legislator D'Amaro. I have additional questions, but please, go ahead.

LEG. D'AMARO:

Good morning. Allen, this resolution would move funding into a budget line, presumably for

Nassau-Suffolk Law Services, which would then spend the County funds. Then we're being told that the State of New York would reimburse the County funding; and are you saying that that's not the case?

MR. KOVESDY:

Traditionally that's not what happens with pass-through money. The State gives us the money, we do it; we don't usually front-end this particular type of money.

LEG. D'AMARO:

Have we received pass-through money for this particular program?

MR. KOVESDY:

I'm not sure how much we got. I could get back with an answer for you later today. But this is -- what this does is completely different than what's ever done on these mental health programs before. It's taking County money and the County money is supplementing State cuts; that's exactly what this resolution does. Regardless of the source of where the money is taken from, it's taking 100% County money and supplementing a particular program that has a State cut.

LEG. D'AMARO:

The resolution says, "The New York State Office of Mental Health has allocated 100% State aid reimbursement funding for provisions for this program." So that is leading me to believe that the State has the funding available for reimbursement if we go ahead and allocate in our budget. And you're saying that that's not the way it's done. Usually the State provides funding to the County which we pass through down to the agency, the State cut back on the amount of that funding and this is making up the difference?

MR. KOVESDY:

Yes. Now if the State, in the budget, had given them more money, we would just allocate the revenue.

LEG. D'AMARO:

The pass-through.

MR. KOVESDY:

Right.

LEG. D'AMARO:

I'll yield to Legislator Kennedy.

LEG. KENNEDY:

Thank you. Let's go back to just a couple of things, and I'm still eager to hear from BRO. But Allen, we authorize by resolution disbursement of OMH Block Grants all the time. As a matter of fact, that's a very common practice that we see before us.

My concern here is, is this an agency that's coming to us saying, "We requested a hundred grand, we were approved for a hundred grand. We received 90,000 as a result of some intermediary action by our local Health Department," or is it across the board reduction and this agency is seeking to restore back to what they had been at?

MR. KOVESDY:

John, to the best of my knowledge, this was cuts that the State gave us in the State budget and we allocated money that we got from the State in the same proportion.

LEG. KENNEDY:

Well, Mr. Chair, then we've got a lawyer at the podium; what is Nassau-Suffolk's understanding here?

MS. DOSSO:

My understanding is we've been funded at the level of 210,000 over the past seven years. We did not receive any notification from the State that there was a cut in that funding. I think it's Aid-to-Localities funding that comes from the State, from the Office of Mental Health, to Suffolk County for the purpose of mental health services. And our local Office of Mental Health, Mr. MacGilvray, is very supportive of this, providing these services to us to provide legal services to the community. We've been working very closely with that office.

So we did not receive any notification from the State or from any other source that there had been a cut at the origination point. The only notification we received was along with all these other letters that went out to the contract -- Suffolk County contract agencies about this 10% across-the-board cut.

MR. KOVESDY:

Mr. Gregory?

CHAIRMAN GREGORY:

Yes?

MR. KOVESDY:

I may have to stand corrected. Gail just informed me that this program, the \$21,000, was cut by the -- when you did -- in the Omnibus Resolution --

CHAIRMAN GREGORY:

Okay.

MR. KOVESDY:

-- by the Legislature, and that there may be revenue in the budget but no appropriation. If that be the case, we'll have to go back and look. So if you would -- if there were revenues against it for this program, we would have a different review of it, but I really don't know this at this point. So we'd have to go back and check to see if the revenues -- there are in excess of \$21,000 worth of revenues in the budget; I don't know that at this point.

CHAIRMAN GREGORY:

Okay.

LEG. D'AMARO:

Budget Review.

LEG. KENNEDY:

I guess we need to hear back.

CHAIRMAN GREGORY:

Okay. Ms. Dosso, just with this cut, how much is this going to impact the program that you have in place?

MS. DOSSO:

About \$21,000.

CHAIRMAN GREGORY:

Okay. But is that going to significantly impact it, are you going to be able to do -- you're going to have to cut some of your programming?

MS. DOSSO:

Well, we would not be able to provide the current level of services. We would have to cut back in

terms of the turn-in time and the number of clients that we could take, the services that we could provide. So that's why I'm here today, hopefully we can restore this funding and continue at the current level.

CHAIRMAN GREGORY:

Okay.

LEG. KENNEDY:

Mr. Chair. Can I just add one other piece to this that I think is important for us to understand here?

CHAIRMAN GREGORY:

Sure.

LEG. KENNEDY:

If this local-based applicant sought for and was approved X amount of funding from a State agency that it's 100% pass-through, I think what we're looking at is maybe just some simple miscalculation or error at our local agency disbursement mechanism. That's what I think the essence is that we're looking at here and that's why we're hoping the Exec's Office, by and through its Budget Office, can confirm for us. I don't think it was our intent at all as we acted in Omni to somehow intercede between 100% State funding.

MS. DOSSO:

That was our impression as well.

CHAIRMAN GREGORY:

Okay. All right, thank you.

MS. DOSSO:

Thank you.

MR. REINHEIMER:

If I can just say, the basic intent of this resolution is to provide the appropriations necessary to make the payment pass-through funds. And as Allen said, if by some chance we do not receive all those funds, they wouldn't be expended.

The Legislature didn't cut any revenue associated with this appropriation. As a matter of fact, in the Working Committee, the thought was that this was 100% County funds and that's part of the reason behind the cut. And the offset that's being used, the 2009 Adopted Budget has \$90,000 in that line and as of today they haven't spent any money in that line and they have -- they've spent nowhere near \$90,000 in the past several years. So we feel that that's a good, legitimate offset to provide the appropriations necessary to make the payment.

CHAIRMAN GREGORY:

Okay.

LEG. D'AMARO:

Can I just follow up on that? Lance, just to follow-up on that. Are you saying, then, when the budget was cut through the Omni group process, we believed at the time that it was 100% County funded, but that wasn't the case, it was, in fact, 100% pass-through funded?

MR. REINHEIMER:

That's correct.

LEG. D'AMARO:

And if that's the case, even if we pass this bill today, if the funding does not materialize from the State, the funds will not be spent otherwise.

MR. REINHEIMER:

That's the way the County Executive would administer it, according to what Allen said. Right, if the funds don't come through, we're not going to make those payments.

LEG. D'AMARO:

Okay. And Allen, you're not sure yet. You can't confirm right now whether or not it's, in fact, the pass-through funding that we cut.

MR. KOVESDY:

No, I'd have to go back and look.

LEG. D'AMARO:

Okay. Thank you.

CHAIRMAN GREGORY:

All right, thank you.

MS. DOSSO:

Thanks.

CHAIRMAN GREGORY:

Jennifer Hartnagel; did I pronounce that correctly?

MS. HARTNAGEL:

Good morning. My name is Jen Hartnagel and I'm here representing Group for the East End. We're here to show our strong opposition to IR 1458. It's ill-conceived, it's damaging, and as was mentioned before, time and time again Suffolk County voters vote to support environmental protection. This is a voter approved program and this is a giant step backward that will negatively effect land preservation on Long Island at such a pivotal time. Please don't do it, it's not a good idea. Thank you.

Applause

CHAIRMAN GREGORY:

Thank you, Jennifer. Kathleen Matthews.

MS. MATTHEWS:

My name is Kathleen Matthews, I am the Chair of the Poquatt Environmental Action Committee and also running for Trustee, unopposed, for the Village of Poquatt in two weeks. But I'm here today also representing -- I'm a member of the Brookhaven Open Space Committee, and we have a history of having partnered with Suffolk County to be able to purchase land and to preserve those pieces that we have left here on Long Island. I'd like to see that history continue.

Brookhaven is doing its part. Mark Lesko, our new Supervisor, and the board have front-loaded the 50 million that was put in over the next five years to buy land, and they have done this principally because right now land is a bargain that it's not going to be in another few years; when the economy gets better, the prices will go back up. And there's so little land left to buy, that those pieces that are available now, this is a prime opportunity. To kill that possibility of being able to purchase some of the property that we can purchase because of this recession would be really derelict in your duties and I think it would be letting down not just the voters of Suffolk County, but the future voters of Suffolk County.

So please continue to partner with Brookhaven, continue to partner with all of the towns in making open space preservation a priority.
Thank you.

Applause

CHAIRMAN GREGORY:

Thank you. Kevin McAllister.

MR. McALLISTER:

Good morning. My name is Kevin McAllister, I'm the Peconic Baykeeper and I'm here to speak in opposition of legislation to really raid the Drinking Water Protection Fund. I would equate this to somewhat of a placebo relative to offsetting some other tax considerations.

As Jennifer said, I think this is very ill-conceived. You know, Suffolk County has always had a great record for open space protection, and that really equates to both drinking water protection as well as protection of our Suffolk surface waters. There's a great deal of watershed lands that are at play, this is really a race against the calendar. This is a great opportunity, as you heard earlier, based on property values. Again, I encourage you to really pull the plug on this as soon as possible. Thank you.

Applause

CHAIRMAN GREGORY:

Okay, it's going to be a difficult one; Don Setnal?

LEG. BEEDENBENDER:

Seubert.

CHAIRMAN GREGORY:

Seubert? Oh, okay.

MR. SEUBERT:

Good morning. Don Seubert, officer, a secretary at ABCO, where about 30 or 40 civic associations voted the other day to oppose this regulation and the officer, Vice-President of the Medford Taxpayers Civic Association. We ask you to cut this right now.

You know, to raid -- you know, to raid the fund and not keep it whole is really an injustice. A lot of people don't even know that other parts of this can already be utilized for other purposes. You're talking .0025, twenty-five ten-thousandths, okay, that's what you're talking about, that's all that. That's all our -- that's our support for open space at this point, and you want to raid that. It's Long Island's last stand. The market's cheap, it's time to buy now. You know, a legacy is not for politicians, it's for the people. It's for our pristine waterways, it's for our habitat protection, it's for drinking water and clean air to breath that some people forget, okay.

We would like to see that. As you know, like our health, and I know Mr. Alden had some problems with his health, our environment is very fragile. And I think that at this point, once lost, you know, lost forever; that makes a little more sense. And please commit to eliminating and not even bringing this up again, okay? Thank you very much. Thank you. Don Seubert.

Applause

CHAIRMAN GREGORY:

Thank you. Dick Amper? I'm sorry, Richard Amper.

MR. AMPER:

Thanks. I would just like to make a couple of distinctions. We are all facing the recession, we understand the predicament that you are facing. But I do think we need to make some distinctions that haven't been made.

Everything that the County spends you decide on, but that's not true with the Open Space and Drinking Water Protection Program, that's something the public does independently. People of Suffolk are paying two-and-a-half times the national average in taxes and every time we go to them and say, "Would you give Suffolk County government a little bit more if it can be used for this exclusive dedicated purpose," they say yes. Recently, in February, probably the worst part of this recession, environmental groups conducted a County-wide poll, an Island-wide poll and we looked at Suffolk County separately as well. And 80% of the public said that despite the recession, they wanted to maintain or expand these programs. And in some detail -- and we've shared these results with you, but in some details they explained why. Your job, especially on this committee, is to concern yourself with fiscal matters, and what they point out repeatedly is not just that the land is less expensive today and is -- it's more fiscally responsible to do that, but the recession will pass. Everybody has got their own guess as to how long this is going to be, but at the end of the recession, the voters say, the problem is that you're not going to want to have compromised permanently something as significant as the tourism industry, it's worth \$4.7 billion a year. We're not talking about pretty vistas or tiger salamanders here, we're talking about the number one industry on Long Island. The Farm Bureau, you've heard from Joe Gergela many, many times about his industry. The Farm Bureau has calculated that once you fall below 25,000 acres of land in active farmland, farming is no longer viable. The people who sell seed, the people who sell tractors, they don't have enough customers. And so a lot of people don't know that Suffolk remains the number one agricultural producing County in all of New York State in dollars; that's not acres but in dollars. There are 34,000 acres that once were 110,000 acres in farming, there are 34,000 acres left, but only 17,000, only half have been preserved. That means if we don't continue to acquire the development rights on the 17,000 that aren't, it won't take long, won't take more than 9,000 acres to be developed, before farming as a whole is no longer viable. It's not something that I think anybody in this Legislature means to happen. And the public sort of gets this and over and over again they have made very, very clear their position that they want these programs to continue.

The Open Space Program represents less than 1% of the budget of Suffolk County, so we're not talking about being able to solve major problems with that volume, but we could create major problems if we redirect this in ways the public doesn't want. And it is very, very significant, I think, that the public have some confidence that the Legislature is not going to undermine what they themselves have done. This is something that they have said, "We want to do in addition to what the County has done." I think it would really be a slap in the face if this Legislature said, "We don't care what you want, what you vote for, what you've reinforced only in February and your poll," I think it would be a very, very bad signal that you'd be talking -- that this County would be sending in terms of how government is supposed to work.

So I hope this thing just dies a swift death and we go on to trying to overcome the real challenges that this economy is providing all of us.

CHAIRMAN GREGORY:

Sure. Just hold on, we have a question for you.

MR. AMPER:

Sure.

CHAIRMAN GREGORY:

Legislator D'Amaro?

LEG. D'AMARO:

Mr. Amper, good morning. We were handed today an amended Fiscal Impact Statement which is prepared by our Budget Review Office.

MR. AMPER:

We'd like to hear about that; I've only heard about it and we have not yet seen that.

LEG. D'AMARO:

Okay. Well, certainly you should see it. I'm just looking at it myself now, and one of the lines in here says that, "The shift of 20.7 million over a three year period" -- which would be the shift of the -- putting a dollar amount on the percentage revenue that's being shifted over to the taxpayer relief portion -- "should not adversely affect the amount necessary for coverage of the annual debt service." In my mind meaning that even if we continue bonding to purchase open space and environmentally sensitive parcels, which we are authorized to do against this revenue stream, that the shift in revenue will not hurt, adversely impact our ability to continue bonding at the pace we've been bonding for land acquisition, thereby not slowing down the Land Acquisition Program. Do you have any response to that?

MR. AMPER:

Well, again, I would want to go through these numbers. I'm very concerned about this slippery slope here. I think that the fact is that it's not going to make a significant difference in terms of balancing the budget. But we're basically sending a signal that a 32-year commitment, not just the people who are sitting around this horseshoe today but the people who have been in this Legislature from 1977, that that can not only be sidetracked but it is sending a bad signal. I want -- Kevin McDonald is going to talk to you a little bit about the implications in terms of the bonding, that is a very, very significant concern but I defer to you on that.

But I'm also concerned, when we go to Albany and we try to obtain matching funds, the arguments that the State Legislature and our delegation use that have actually begun to move increasing sums of money to this region as a part to elsewhere in the State from the Environmental Protection Fund for open space is predicated on two notions. One, that other parts of this State, the Adirondacks come to mind, are going to be adding to the Adirondack Park for the next 200 years, but what we don't do on Long Island we may not be able to go back and do, so that needs to happen now. And we are, even without these reductions, are way, way behind what we need to accomplish the 35,000 acres we all agreed only three years ago had to be preserved.

So the second argument is even more compelling, and that is those Legislators are able to say, "We can provide more matching funds to Suffolk County because of what Suffolk County and the towns in Suffolk County are doing." And it's unparallel to anywhere else in the State, there is no region that's doing that locally. So it makes it much more difficult for us to persuade Albany that they need to do more when we seem to be prepared to say that we're willing to do less, and when I say we, I mean some Suffolk County Legislators. It's certainly not the populus. And so that's our principal concern.

I'd want to go through this because I think all of you know we have contacted you in the last two years over the Budget Review's analysis of the Open Space Program and it hasn't been very accurate. Everybody is entitled to their own opinion, but you're not all entitled to your own set of facts. I want to review this before we go any further with that. But just the impact on the bonding, I want you to hear from Kevin McDonald, I think it's something that you people definitely do not mean to happen and it just hasn't been thought through very well in the desperate and legitimate effort that you folks need to make.

To balance a budget and pay for government services and to keep people who are employed by the County employed by them. This is a different animal. This is money that was voluntarily given you by the people apart from what you tax them for, and it is the only government service that we do that for, so it does need to be treated differently. I will, by the way, respond to you as soon as I've had a chance to digest all this.

LEG. D'AMARO:

Okay, fair enough. Thank you.

CHAIRMAN GREGORY:

I have a statement, or a question. I don't buy the premise that we should purchase land now

because it's cheaper than it would be any other time and we can purchase more land. I think as a policy standpoint, you know, whether it's our police, whether it's our nursing home or health services, if it's an important policy decision for us, we're going to pay for it no matter the cost.

The program back in 2007, the end of 2007, the voters approved it again and that was the height of the housing market, land was extremely high. So the voters said, "Well, we'll pay for it." You know, given the value of land is probably 200, 300, 400% increase over the past four or five years at that point. So I think -- I don't buy that argument.

But I am concerned that during these economic times that we send the wrong message. And that with the stress that's on the budget that we need to -- that there are no sacred cows, that we need to look at certain programs. And I don't think this is necessarily an elimination of the program, it's a reduction. And yes, I understand your concern, but I think this bill gives the voters an opportunity, once again, to say, "Okay. Given the economic circumstances, is this a priority for us?" Should we reduce, not eliminate, reduce the funding and apply it to a Tax Stabilization Fund which will help everyone?" You know, coming from my district, we're 98% built out, probably pretty much that's the case for western Suffolk. I heard a lot of talk about preserving quality of life in the towns and hamlets that this program is utilized for, but I already also heard about increasing property values or maintaining their property values. I don't think it's appropriate that as a western town homeowner that it's my priority to foot a bill of nearly \$500 million so I can preserve someone's property values in the east end; I don't think that's appropriate. I don't mean that in an insulting way, but that's the appearance that it comes off as. But I think that we should look at it. We should give the voters -- my point is we should give the voters -- and I did get your letter, as everyone else did, I'm sure. They should give the voters an opportunity to say once again, to reaffirm their commitment to this program.

MR. AMPER:

Mr. Chairman, it's hard to know where to start because there were so many disparate things that we disagree about, but let's just deal with a couple of them. We are concerned about Police protection, we are concerned about Social Services, but the public did not give you an extra sum of money to do that. That's part of the budget and you need to do that.

Applause

The public said, "We will give you money under one set of circumstances; if you will protect drinking water and preserve open space for all of Long Island." I've explained to you why it's a benefit, region-wide, economically and environmentally. This is a public trust thing. We made a deal with the public and they are already paying, the people in your district and everywhere else, way more money than most people in this country are paying, and yet they said, "We will make a deal with the members of this government. We will provide you \$60 million a year more if and only if you will use this for that purpose." And I think we cannot renege on that deal and I think going back to them every couple of years and saying, "Are you sure you meant it? Are you sure you want to do that?" That's why we did the poll, to be sure that there was no significant change and the public acknowledged that they are concerned about the recession, but this is not something that they want to cut back on.

The second thing that you observed deals with this west versus east thing that comes up periodically. And I understand that you all run for office in your own districts and you have to be concerned about your own constituents, but there has never been a case in recorded history where little Mary Jones went to her mother and said, "Mommy, can we go out and pick strawberries this weekend," and the mother said, "No, because there are no strawberries in Legislator Gregory's district." That doesn't happen. These are resource for the entire region and that's where people go to wine country, that's why we have a \$4.7 billion annual tourism industry, so that doesn't work.

And the most troubling thing you said at the beginning is that you don't think that the best time to buy open space is when it's at its least expensive.

CHAIRMAN GREGORY:

No, I didn't say.

MR. AMPER:

That is preposterous.

CHAIRMAN GREGORY:

That's not what I said. That's not what I said. I said that I don't think it's much of a concern. I think we bought it at the high and, you know, we'll certainly buy at the low, but I don't think, you know -- because your argument today is not the same that it was at the height of the housing market or the land -- or the prices of land

MR. AMPER:

We think it's always been a good buy, but it does seem a little obtuse to have the opportunity to buy it with more willing sellers than ever before at prices we haven't seen in years and to pick that time to say, "We want to curtail or reduce that"; that just seems not fiscally responsible. I try to look at this thing from both --

CHAIRMAN GREGORY:

But, in fact, is that the case; do we have more willing sellers today? I don't know if that's a proven fact.

MR. AMPER:

Yeah. The answer is we're talking to the towns and to the County Real Estate Division. People who never were willing to consider selling their property are ready to do that. The Farm Bureau is terribly concerned about the impact? It's not as -- it's really not as simple as open space or no open space or east and west, and the thing about it is the public gets it. They have been supporting these programs for 32 years, and I can tell you, just from having to answer the phones in my office, they just don't get this. They don't think it can or should try. Even try to solve these other problems because it's a different program. If you could just view it as a gift from the people that you all represent because of their commitment to the importance of doing this for the health of our economy and environment. And that it's not a sacred cow, but it is a lock box; it is something that the public said that they were willing to do for one purpose. They didn't say that about any other expenditure, however important they are and however numerous they are. They said, "This is for that," and I don't think they want to be told by the Legislature, "April fool."

Applause

CHAIRMAN GREGORY:

I understand your point, try to understand my point. When I have --

MR. AMPER:

I want to. One more time.

CHAIRMAN GREGORY:

When I have constituents come to me, and I have one of the highest foreclosure rate areas in the County, let alone the State, they say, "We can't make our ends meet." We have -- we're crying for more Police. There was just a fight yesterday, a big brawl yesterday in my district of a hundred people, three officers got hurt; I'm going to have a meeting later on today with the County Executive about it. They're crying for more Police services. They don't see the services of government and they read in the paper that we paid \$3 million for land and they're suffering in their own communities. It's not necessarily the program, it's the image, it's a perception that we're putting monies where there's not necessarily the immediate need.

MR. AMPER:

Let me respond to that. If you would like to go to the people of Suffolk County and say that we need to take care of those who are least in need, I will go hand-in-hand with you to do that and ask the public to put up money for additional purposes like that. But we cannot take the money they have already put up for a different purpose and simply use it for another purpose.

I think what you're doing for your constituents is noble and credible, and I think if we can get the public to do more to help those who have the most difficulty dealing with this recession, that we ought to do it. But we cannot, and we're not even going to get anybody to be willing to vote for those kinds of programs if they think a year or two years down the pike, the money that we set aside to help impoverished people in your district can be used for Police protection or to seed the clam beds in Great South Bay. It's a question of honesty and integrity. But I would not in any way object. I think there are any number of worthwhile causes, ones that are competitive with open space preservation, and if the public is willing to put up their money for them, I think we should encourage that. But once they've done it, we can't take it and do something else with it, that's all I'm saying. I'm not saying that anything that you're trying to do for your constituents is anything other than noble and worthy, but it has to be done honestly.

CHAIRMAN GREGORY:

Okay.

MR. AMPER:

Okay?

CHAIRMAN GREGORY:

Thank you.

Applause

MR. SEUBERT:

Can I just say something?

CHAIRMAN GREGORY:

You already spoke.

MR. SEUBERT:

Could I just say one thing?

MR. NOLAN:

No.

CHAIRMAN GREGORY:

No, you can't. You can't, I'm sorry.

MS. MAHONEY:

State your name.

MR. NOLAN:

Sir, no.

MR. SEUBERT:

Don Seubert. I just --

MR. NOLAN:

No, you cannot -- sir.

CHAIRMAN GREGORY:

You cannot speak, sir.

MR. SEUBERT:

Okay.

CHAIRMAN GREGORY:

Sorry. Debbie Alloncius? Then Adrienne Esposito, you're next.

MS. ALLONCIUS:

I would like to read a letter into the record; it's not going to go over real great with the audience we have here today, but I will read it anyway.

It's addressed to the Honorable William Lindsay; "Dear Presiding Officer Lindsay, I stand before you today on behalf of the members of the Suffolk County Association of Municipal Employees. My name is Debra Alloncius, the Legislative Director. I wish to address the entire Legislative body and thank each and every one of you for heeding our March 16, 2009 message wherein AME presented you with our thirteen point plan of measures that could be taken to deal with the projected budget shortfall for 2009-2010. Tapping the Tax Stabilization Fund, passing the red light camera initiative, increasing park fees, initiating the extension for the 1% sales tax are all integral steps, as we previously concurred, and will help in mitigating Suffolk County's immediate financial crisis. We're elated that you put forth some of our ideas and hope to see further initiatives that we've proposed implemented."

"IR 1458, currently under debate by the Legislature, closely resembles item number four on our list of extremely worthy revenue enhancement ideas. Although the ultimate terms of revenue expenditures are not well defined as in the AME proposal, it's an approximate \$7.5 million step in the right direction. It could provide Suffolk County with the most needed recurring funding stream toward the looming \$119 million shortfall for 2010. This could also be a first step away from reliance on the fund balance carry-over."

As I stand here today, I'm just coming a little bit off the letter here, we can appreciate what's going on, but I'm not hearing any solutions and I think that's a big problem.

"AME applauds Legislator Cameron Alden for putting forth his revenue producing initiative and would love to work with him and seeing it through fruition. We don't consider it a poor parting gift to Suffolk County, as Cameron has the taxpayers at heart, and has proposed a painless remedy to help ameliorate near catastrophic conditions for many taxpayers. The Legislature should look well into the future when giving consideration to any necessary public referendum to amend the Drinking Water Protection plan and let the voters decide if they would like the extension well past 2012. Let the voters make the final informed decision knowing what fiscal remedy the funding could provide while they're watching their family, friends and neighbors lose their jobs and many of their homes. Land would still be purchased. There has to be some give and take."

"There were several other revenue enhancing ideas that would not require enabling State legislation such as increasing tax verification fees, creating contract administrative fees, increasing capital projects using additional stimulus dollars and putting people to work, the one deputy doctrine and the elimination of superfluous positions in public relations and information and administration. These suggestions would save millions annually and put money back into the economy where it's needed."

"The Legislature must also revisit our Governor and State representatives to plead with them to stop punishing the taxpayers of Suffolk County, and instead work at getting the proposed 10.4 million annually in highway funding via increased fees the County Executive walked away from. AME does due diligence when it comes to doing our fiscal part on behalf of the taxpayers of Suffolk County and for our membership who make up a large part of that population. That is why AME spoke against IR 1409 at the Ways & Means Committee on May 12th, 2009, knowing full well it was a companion

legislation to IR 1115 in the Parks & Recreation Committee. In good conscious, we cannot stand idly by while surplus land of at least 61 acres, worth more than 10 million and perhaps as much as 16 --

CHAIRMAN GREGORY:

Debbie? Your time is up. Can you wrap up?

MS. ALLONCIUS:

Okay. Can I have -- can I just wrap up here?

CHAIRMAN GREGORY:

Okay.

MS. ALLONCIUS:

We're going to continue to do our part in doing whatever we can to work with the county. We've got to come up with solutions. You're still facing \$119 million. My membership has given up two weeks pay. I don't know how many people other than the people who are on the payroll here that have done the same. And taking it from this and working this bill the way that it is would not be a slippery slope.

CHAIRMAN GREGORY:

Thank you. Adrienne Esposito?

MS. ALLONCIUS:

Thank you.

CHAIRMAN GREGORY:

And then Kevin McDonald.

MS. ESPOSITO:

Good morning, Members of the Legislature. My name is Adrienne Esposito, I'm the Executive Director of Citizens Campaign for the Environment. Good morning.

Let me say this. I don't think any of you were actually around in -- I mean, you were alive, but you weren't in the Legislature back in the 80's when this was first crafted, and some of us actually were in the audience; maybe it's not a proud fact, but it is a true fact. And at that time, the members of the Legislature were also hesitant; what will this do, how will this be perceived, will we be successful? Will this achieve the goals that we intended to achieve? We worked very hard with the 18 very diverse members of the Legislature at that time and we passed the bill. We also worked very hard collaboratively with the public and the public was overwhelmingly enthusiastic about this. And now here we are, over two decades later; what have we done? That is the measure of what a legislation -- how you view it; what has it achieved? Well, the fact is this is the most successful environmental initiative in the history of Suffolk County.

Applause

Without a doubt. The goal was to preserve rare and special areas of land; yes, we're doing that. The goal was to preserve our farmlands so they wouldn't be eaten up by co-ops and condo complexes; yes, we're going that. The goal was to have cleaner, safer beaches; yes, we're doing that. The goal was to provide storm water runoff mitigation and, yes, we're doing that. The goal was to preserve drinking water and we're doing that; wetlands to protect our mainland from storm surges, and we're doing that. I don't get to say that about every piece of legislation that's passed on the State or the County level. Suffolk County is better today than it would have been without this initiative, which means home values are more stable, our economy is better today than it would have been without this bill.

So when you say to us, "We need to look at everything and everything is on the table," we say to

you, "That's not a good perspective. That's wrong." And we don't say that to you lightly or say that to you to sound arrogant, we say that to you because we want you to understand that this program, this initiative has helped our economy and is helping our economy, has stabilized home values, has helped us with tourism and the tourism industry. These are things we need. These are not luxury items to be dispensed away with in Suffolk County, these are necessities. This is a bad idea that's destructive and that is not something that is a substitute for a good idea that's constructive. We want a good idea that's constructive. We're ready, willing and able to listen and to work collaboratively again with this Legislature to do that.

And Legislator Gregory, I know your district well, I lived there for 17 years. And I would venture to say to you that people also understand the need for protecting our water, protecting our air, protecting our park land. They want those things, too. We all want, we deserve those things. Again, they're not a luxury of life, they're a necessity.

We're urging you to work with us again, collaboratively and collectively, so we can work with the public. Many of us are grass roots organizing specialists. I have 40,000 members on Long Island, 20,000 of which live in Suffolk County. We need answers, we know that. We need solutions; yes, we know that. We're not proposing that you cut Suffolk County payroll by 10%; you want to put that on the ballot? I think it would pass. What we're saying is let's come up with solutions that work for all of us. Thank you.

CHAIRMAN GREGORY:

Thank you.

Applause

MR. McDONALD:

Good morning, Mr. Chairman and members of the Committee. I'm Kevin McDonald, I serve as Director of Public Lands for The Nature Conservancy. I was one of those folks that was around in 1987 when Mike LoGrande first proposed the Drinking Water Protection Program. And two, what was so significant about that, in addition to being younger and not having gray and white hair, I also knew it was a significant moment because it was the first time, as a resident of Long Island, that somebody said, "We're going to change the direction we would otherwise be heading." And when I hear the discussions about, you know, land acquisition appears to be either a triviality and not a necessity, what I think gets lost in that discussion is the failure to understand the natural services value that acquiring land provides, and I'll give you a specific example.

When I was in Albany last week, I was at a hearing on the State investing in Environmental infrastructure. I testified after an engineer who was working on the New York City watershed and bringing in -- he was describing New York City's drinking water system, how brilliant the folks were a hundred years ago to do it, how other people said they were crazy to do these three large water mains and bringing in to New York, and there was a lot of controversy, not too dissimilar from what sometimes happens here. And the fellow had the benefit of knowing a hundred years after the fact that most people agree it was the right decision, it was a good decision, and he was saying how important it was to continue investing in that infrastructure. I followed this fellow and the comment I was able to make was Long Island is a little different but similar. Here on Long Island, all we have to do is protect our natural systems -- our aquifers, our Pine Barrens above it, our wetlands -- because the systems already work. All we have to do is stick a pipe in the ground and pull the water out. But if you poison it, then you have to pay billions of dollars in treatment that cost taxpayers an awful lot of money.

So the message here is this program represents a quintessential strategy of "an ounce of prevention is worth a pound of cure". It is important that this fund be maintained at the current level that it is in. I have a slightly more sceptical view that this is a harmless transfer that has no consequence, and my reasons are as follows. It's not clear to me that the current bond holders take kindly to the notion that the bonds that they previously purchased are now missing three years of revenue that

would otherwise be rightly their's to claim should there be either a failure to meet the debt service payments that the County should be making every year. Similarly, that's going to have a consequence on the total number of authorization that the County will likely be borrowing in the next few years. At the same time that legislation, as it was written, said that this year and the next three years are the years that the County is only authorized to go out and borrow. So what's happening by this measure is, you know, it is tantamount to a poison pill. Because the argument will be, "Well, we really have to be careful. We can't go out and borrow now at this precarious time, we don't even have revenue for these three years to pay any debt service. So why don't we wait until the end of a four year program and then evaluate it then," which means the program is effectively shut down. And that's the way we view it, and with appropriate suspicion, not toward any of you individually but for the lack of understanding the consequences that may arise.

We think it's a terrible idea. We think it sends the wrong message. We think it does a disservice to the public and what they've consistently told you, and this is the only issue that the public gets to vote on of all the money that you spend. And in 1987, the Drinking Water Protection Program represented --

CHAIRMAN GREGORY:

Can you wrap up? You're time is up.

MR. McDONALD:

Sure.

CHAIRMAN GREGORY:

Okay. Thank you.

MR. McDONALD:

Two percent of the County budget; today it's less than 1% of the County budget and it does a lot more stuff than it used to do. So it's been spread thinner with a smaller percentage. We think that for all the difficulties you're dealing with, 99% of the budget is yours to resolve. I agree with Dick, if you want to put another ballot on the measure this November that addresses some of these other, you know, significant issues that you're dealing with, I will personally campaign for it, but I'm going to campaign against this one. Thank you very much.

Applause

CHAIRMAN GREGORY:

Thank you, sir. That's all the cards that we have. Is there anyone else in the audience that would like to speak? Please come forward and state your name.

MS. FASSULLO:

My name is Jayne Fassullo, I am a member of the Executive Committee of The Sierra Club, Long Island Group, and I'm going to be very brief about the comment from that group. The Executive Committee has looked at the intended 1458; we all oppose it. We are from Nassau County as well as Suffolk County, and Nassau County representatives understand the value of Suffolk water to them should their systems fail, which are rapidly happening.

Having said that, I'm now going to put my Sierra Club hat aside, literally take my pin off, and I'd like to speak to you as a Suffolk resident. I've been in Suffolk County all of my life. I have voted for these bond issues and for water preservation and land preservation every single time. At this point I feel almost betrayed. This is a separate program, this is something that we did vote for. I do not have the right to decide whether or not you give money to a youth group. I don't have the right to decide whether you give money to a VFW hall. I don't have a right to decide on any way that you spend the money, but this was one decision I had the right to and I made that decision and I feel that that should be honored. Thank you.

Applause

CHAIRMAN GREGORY:

Is there anyone else? You spoke already, sir. I'm sorry.
Anybody else? Okay. We'll go into the agenda.

Tabled Resolutions

We have ***IR 1000-09 - Adopting Local Law No. 2009, a Charter Law to enhance budgeting flexibility and responsiveness (Schneiderman).***

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN GREGORY:

Motion to table by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstention? ***Tabled (VOTE: 5-0-0-0).***

IR 1003-09 - Repealing home energy nuisance taxes on Suffolk County residents (Alden).

I make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1004-09 - Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents (Alden). I feel like I'm repeating myself. Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1077-09 - Amending the 2009 Operating Budget and transferring funds to Literacy Suffolk, Inc. (Kennedy).

LEG. KENNEDY:

Motion to table, Mr. Chair.

CHAIRMAN GREGORY:

Motion to table by Legislator Kennedy, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1099-09 - Amending the 2009 Operating Budget and transferring funds to BiasHELP, Inc. (Gregory). I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1105-09 - Amending the 2009 Operating Budget by transferring \$500,000 in excess energy appropriations to the Police Department's Patrol Special Operations Unit to fight violent street crime and gang activity (Cooper).

LEG. BEEDENBENDER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Motion to table by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

Tabled (VOTE: 5-0-0-0).

IR 1106-09 - Amending the 2009 Operating Budget to strike \$500,000 in excess energy and parks appropriations (Cooper). I make a motion to table. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1182-09 - Amending the 2009 Operating Budget by eliminating partial funding for Legislative newsletters (County Executive).

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN GREGORY:

Motion to table by --

LEG. LOSQUADRO:

Can we table this subject to call because we already --

CHAIRMAN GREGORY:

No.

MR. NOLAN:

We could.

LEG. BEEDENBENDER:

Yeah, we could do that.

CHAIRMAN GREGORY:

We could do that, okay.

LEG. BEEDENBENDER:

Table subject to call.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Motion to table subject to call by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

Tabled Subject to Call (VOTE: 5-0-0-0).

IR 1279-09 - Instituting a lag payroll in fiscal year 2009 for Bargaining Units 21, 30 and 24 (Management, Confidential, and Board of Elections Employees, respectively and exclusive of Suffolk County Community College Employees), to address revenue shortfalls

and avoid a reduction in the workforce of County personnel (County Executive).

I make a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN GREGORY:

Second by Legislator Beedenbender.

LEG. D'AMARO:

Mr. Chairman, just note my recusal on the record as per my previously filed disclosure statement. Thank you.

LEG. KENNEDY:

Mr. Chair, as a matter fact, please similarly note my recusal according to riders previously filed.

CHAIRMAN GREGORY:

Okay. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 3-0-0-0-2 Recused: Legislators D'Amaro & Kennedy).***

IR 1296-09 - Enhancing Administrative Budget Deficit Control for Fiscal Years 2009 and 2010 to proportionately include the Police District Fund 115 in the Budget Mitigation Plan (County Executive). I make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1351-09 - Utilizing County assets to address budgetary shortfalls (Viloria-Fisher). I make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. Did you have something to say, Lynne?

MS. BIZZARRO:

No, I was going to ask that it be tabled as well. Thank you very much, Chairman.

CHAIRMAN GREGORY:

All right. Motion and a second. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1414-09 - Instituting a lag payroll in fiscal year 2009 for Bargaining Unit 21 and 30 (management and confidential employees, respectively and exclusive of Suffolk County Community College and employees of the Board of Elections) to address revenue shortfalls and avoid a reduction in the workforce of County personnel (County Executive).

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN GREGORY:

Motion to table, second by myself.

LEG. D'AMARO:

Please note my recusal on the record.

LEG. KENNEDY:

My recusal as well, Mr. Chairman.

CHAIRMAN GREGORY:

All in favor? Opposed? Abstentions? ***Tabled (VOTE: 3-0-0-0-2 Recused: Legislators D'Amaro & Kennedy).***

Introductory Resolutions

IR 1416-09 - Amending the 2009 Operating Budget and transferring funds to Tri-Community Youth Agency CAST Program (D'Amaro).

LEG. D'AMARO:

Motion.

CHAIRMAN GREGORY:

Motion to approve by Legislator D'Amaro, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

Approved (VOTE: 5-0-0-0).

IR 1417-09 - Amending the 2009 Operating Budget and transferring funds to the Tordik-Diederich-Duffield Veterans of Foreign Wars Post 4927 (Beedenbender).

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Motion to approve by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Approved***

(VOTE: 5-0-0-0).

IR 1419-09 - Amending the 2009 Operating Budget and transferring funds for Venettes Cultural Workshop (Gregory). I make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1424-09 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 810-2009) (County Executive).

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calendar.

CHAIRMAN GREGORY:

Motion to approve and place on the Consent Calendar by Legislator Losquadro.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? *Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).*

IR 1435-09 - Amending the 2009 Operating Budget and transferring funds to Nassau/Suffolk Law Services Committee, Inc. (Montano).

LEG. D'AMARO:

Oh, this is the bill we just talked about.

CHAIRMAN GREGORY:

Yeah. Do I have a motion?

LEG. KENNEDY:

Mr. Chair, I'd make a motion to approve. I'm hoping that we're hearing from the Budget Office as to our earlier dialogue on this.

CHAIRMAN GREGORY:

Okay. We have a motion to approve. Do we have a second?

LEG. D'AMARO:

Well, I'd like to hear from the Budget Office.

LEG. LOSQUADRO:

I'll make a motion to table for the purpose of discussion.

LEG. D'AMARO:

I'll second the motion to table.

CHAIRMAN GREGORY:

Okay. Motion to table and a second. Okay. Budget?

MR. KOVESDY:

Yes. Mr. D'Amaro, you asked that we check on it; there is revenue for this program. We checked with the Health Department, there is excess revenue, 100% revenue in the budget. So if appropriations were to be moved into that account, it would cost the County nothing.

The office, the County Exec Office still has a problem with the offset. The particular line -- 8140, Public Works/Yaphank Sewer District -- already had \$50,000 taken from that account and put into a reserve as part of the 35 to \$40 million that we had set aside to meet the financial concerns of the County. We feel taking any more money out of the account wouldn't be prudent at this time.

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

I'm still struggling a little bit with why we're looking at a particular offset. Does BRO have any -- can they shed any light on this for us? When we went through that Omni process, did we inadvertently reduce this line thinking that this was similar to some of the other efforts that we were taking to

address the budget issues at that point?

MS. VIZZINI:

It was part of the overall Working Group philosophy where certain funded agencies were going to be reduced by a specified target amount, I think perhaps it was 10%. We did not know that this was 100% State funded. In terms of appropriateness of offsets, every -- almost every line in the Operating Budget has a percentage that has been reserved by the Budget Office to respond to the anticipated budget shortfall. The reason that we identified this particular line, it's the County-owned Riverhead Sewage Treatment operation.

LEG. KENNEDY:

Uh-huh.

MS. VIZZINI:

This particular line item, typically the level of expenditures are about \$60,000, or at least --

MR. KOVESDY:

Less.

MS. VIZZINI:

-- or less. Which it has been for the past several years. In '09, for some reason it's 140,000. So it was a red flag, why usually 60 net, why 140, leaving a \$90,000 difference? ALA indicates that they have reserved a portion, so I think you're going to find most lines have been subjected to either a reserve policy.

It's necessary to do some sort of resolution because you need to increase the level of appropriations for the Nassau-Suffolk Law Services; you need to authorize them another 21,000. And at this point, since the revenue is already in the budget, we're in agreement with that, it's not like the original suggestion which was do a resolution bringing in the revenue; it's already there. So the only option is to do nothing or to bring it up with an offset.

LEG. KENNEDY:

Mr. Chair, just to follow-up here. Gail, is this -- again, I want to go back to the fact that we have an agency that furnishes a service that got a commitment from a State agency for a particular amount of money. That authorization, is that for the State fiscal year or is it for our County calendar year or is that immaterial? My concern is that somehow we interceded in an intermediate step here that really should have been just a mere conduit, as far as I can understand it.

MS. VIZZINI:

Don't forget, Legislator Kennedy, the State fiscal year is different than ours; it begins April 1st.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

So these grant funds -- we may have seen a line item that there was a sudden pop up -- no? Okay. Whatever our justification at the time, we were -- as you well know, the Working Group was trying to differentiate the critical from the less critical, not that it isn't a good program and not that it doesn't serve needed -- provide a needed service.

LEG. KENNEDY:

Absolutely.

MS. VIZZINI:

Again, the only thing I can say is when we made the reduction, we did not know that there was aid

involved.

LEG. KENNEDY:

So but do we have agreement -- and I'll yield after this. Do we have agreement? And I'll go back to the County Executive's Office. Allen, do you feel that this is a legitimate offset that we can go ahead and correct with what clearly was an error?

MR. KOVESDY:

There's -- all I can say, Legislator Kennedy, is there is revenue to pay for this. We don't like a health program taking money from Public Works. Again, we took \$50,000 already from this program, and if anything breaks in the sewer district, any equipment, it's very expensive. That's all I can say. We would never go and take the money out of a sewer district to fund another program.

LEG. KENNEDY:

Okay. Do you have an alternative offset that the Executive's Office would have a greater level of comfort with?

MR. KOVESDY:

With all due respect, if the Legislature made the error when they did the budget. We would prefer that they take it out of Legislative funds, from a 456 account.

*(*Laughter From Panel*)*

LEG. KENNEDY:

Duly noted with your all due respect. I restate my question; does the Exec's Office have a different offset? Look, all we want to do is get these --

MR. KOVESDY:

In all seriousness, I did call the Health Department, I asked if any of the other agencies in that line were under spending so we can do an internal change within the Health line, the Health Department said no, they were fully contracted. So really, I go back to that this was an error or an omission or an oversight that was made during the budget, you know, with millions of numbers and things like that. So, you know, I really would say that there usually is money, as Gail pointed out, in the Legislative 456 accounts that go unspent and this would -- and for \$21,000, this would be a good place.

LEG. KENNEDY:

I'm going to stay with my motion, Mr. Chair. I'll yield.

CHAIRMAN GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Gail, the offset that's been provided in this bill was provided by the Budget Review Office, based on the historic use of this revenue source?

MS. VIZZINI:

Correct.

LEG. D'AMARO:

All right. Do we have other sources? Do you see any area in health related that we could perhaps also have excess revenue to use an an offset?

MS. VIZZINI:

Excess appropriations.

LEG. D'AMARO:

Yeah.

MS. VIZZINI:

It's an extremely tight budget, as you well know from participating in the Working Group. You know, we basically are fairly confident --

LEG. D'AMARO:

Let me ask the question another way.

MS. VIZZINI:

Okay.

LEG. D'AMARO:

We have a very short cycle; if we tabled this for a cycle, would you want an opportunity to take a look at that, or would it just be --

MS. VIZZINI:

I'm not sure that we -- well, Allen checked, there's really nothing in the Health Department that jumps out the way this one jumps out. This operation is funded in the General Fund, as is the Health Department, so it's not an Inter fund transfer. The next resolution that is coming up is 1449 where we are dipping in to the Legislature's Fees-For-Services account for the Q nurses because the County Executive's Office is reluctant to allow us to use the original offset adopted by Resolution 873 which was the standalone budget amending resolution that provided the necessary funds. But we took it from what we view to be excess appropriations in the County Executive's Office and they're unwilling to allow that, even though there is an adopted resolution.

Quite frankly, the Fees-For-Services account in the Legislature is not at the magnitude it has been in the past. We have a very low balance available because we have moved ahead on Broad water, we have moved ahead on the Public Health Nursing RFP; there's not much left in there and we're -- you know, we just turned the corner to June.

LEG. D'AMARO:

Ultimately, if we fund this irrespective of the offset, it's really State funds that are coming down to fund the line, as the bottom line.

MS. VIZZINI:

We have the State money. This is --

LEG. D'AMARO:

We already have the revenue.

MS. VIZZINI:

Correct. This is built more away --

LEG. D'AMARO:

This is a paper balancing of our budget.

MS. VIZZINI:

The mechanics necessary for the budget.

LEG. D'AMARO:

And if the sewer district needed more funding in the future, we could do yet another type of offset.

MS. VIZZINI:

Not necessary; they could free the reserves. When Allen says money is reserved, it's still there. It

is reserved because the County Executive's authority to set aside a 10% of appropriations, and generally speaking we're in concurrence with that prudent policy.

LEG. D'AMARO:

And this resolution is not tapping into that 10% reserve.

MS. VIZZINI:

No, there -- we think if they have historical expenditures less than \$60,000, there's enough to do both.

LEG. D'AMARO:

Okay. Thank you.

CHAIRMAN GREGORY:

Okay. We have a motion to table, that takes precedence.
So all in favor? Opposed?

LEG. KENNEDY:

Opposed.

LEG. D'AMARO:

Opposed.

CHAIRMAN GREGORY:

Opposed.

LEG. D'AMARO:

You know, are you calling the motion to table?

CHAIRMAN GREGORY:

Yes. I'm calling the vote on the motion to table.

LEG. D'AMARO:

Motion to table?

CHAIRMAN GREGORY:

Well, it sent down already.

LEG. KENNEDY:

I'm still looking for a second on the motion to approve.

CHAIRMAN GREGORY:

We can address that.

LEG. LOSQUADRO:

Well, the motion to table failed, so.

CHAIRMAN GREGORY:

Motion to table fails.

LEG. KENNEDY:

Okay. I restate my motion to approve.

CHAIRMAN GREGORY:

Legislator Kennedy, motion to approve. I second. All in favor? Opposed? Abstentions? **Approved**
(VOTE: 5-0-0-0).

IR 1449-09 - Amending the 2009 Operating Budget and transferring funds within the 2009 Adopted Budget (Browning). I make a motion to approve.

LEG. KENNEDY:

Second.

CHAIRMAN GREGORY:

Second by Legislator Kennedy.

LEG. LOSQUADRO:

Just an explanation on this again?

CHAIRMAN GREGORY:

Sure.

LEG. LOSQUADRO:

I know it was touched on.

MS. VIZZINI:

Well, my take on this --

*(*Laughter From Panel*)*

The Legislature adopted Resolution 873-2008 when we amended the budget providing an hourly salary increase for what we call our per diem nurses, the Q nurses. The offset was County Executive salary accounts. My recollection was that the stand alone was probably vetoed but overridden. Apparently there have been discussions that followed that and what this resolution does is it substitutes \$23,000 from the Legislature's Fees-For-Services for that offset. So rather than take it from the County Executive's permanent salaries, which there's probably a substantial number of vacancies at this point, we are using our own Fees-For-Services for the offset.

MR. KOVESDY:

Gail's enjoying this.

CHAIRMAN GREGORY:

Yes, I noticed.

MR. KOVESDY:

When this was passed, the Legislature said that if at a given time they found another offset, based on the Exec not liking --

*(*Laughter From Panel*)*

Taking the longstanding tradition that the Executive doesn't take money out of the Legislative salary accounts and the Legislature doesn't go into the Exec's salary accounts, it was asked if the Legislature could, in their wisdom, find another offset later in the year to move the money; Legislator Browning was kind enough to provide that transfer of money. And again, like the proceeding revenue, there is sufficient funds there, it won't hurt anybody. It will still keep the balance, the budget balanced and it will keep the line on the very longstanding tradition that both independent bodies of government don't go into each other's budgets and mess with it.

CHAIRMAN GREGORY:

Okay. All right, we have a -- you guys good?

LEG. KENNEDY:

Just one follow-up question, if I may.

CHAIRMAN GREGORY:

Okay.

LEG. KENNEDY:

If I can, Mr. Chair.

CHAIRMAN GREGORY:

Sure.

LEG. KENNEDY:

And I'll do this to the Budget Office. Allen, assuming this resolution gets passed, how quickly is it going to be processed so these nurses get, you know, like a decent --

MR. KOVESDY:

This has nothing to do with the nurses, the nurses already got their raise.

LEG. KENNEDY:

So then what are we funding it out of?

MR. KOVESDY:

We're just making the County Executive staffing line whole.

LEG. KENNEDY:

Okay. All right, fair enough.

CHAIRMAN GREGORY:

Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions?
Approved (VOTE: 5-0-0-0).

LEG. BEEDENBENDER:

And there's peace.

LEG. LOSQUADRO:

Peace across the land.

CHAIRMAN GREGORY:

IR 1450-09 - Amending the 2009 Operating Budget and transferring funds to Fischer-Hewins VFW Post 6249 and to Kevin Williams Memorial Foundation and to Heritage Trust and to St. Jude Council Knights of Columbus (Losquadro).

LEG. LOSQUADRO:

Motion.

CHAIRMAN GREGORY:

Motion to approve, Legislator Losquadro. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1457-09 - Reinstating the July 2009 Step increase for employees who are excluded from Organized Bargaining Units and instituting a lag payroll in 2009 for Bargaining Units 21 and 30 (Management and Confidential Employees, respectively and exclusive of the Suffolk County Community College and Employees of the Board of Elections) to address

revenue shortfalls and avoid a reduction in workforce (Presiding Officer Lindsay/Losquadro). I make a motion to approve, second by Legislator Losquadro.

LEG. D'AMARO:

Please note my recusal on the record.

LEG. KENNEDY:

Please note my recusal, Mr. Chair.

CHAIRMAN GREGORY:

Okay.

LEG. BEEDENBENDER:

On the motion?

CHAIRMAN GREGORY:

Yes.

LEG. BEEDENBENDER:

I just had a couple of questions. I know, Gail, we had a long discussion about this and I assume that you had some of the discussions as well, just to put the mechanics of how this will work on the record of the lag payroll.

I know that AME employees have chosen to take -- two lose one entire week's pay in I believe it's July and December? But it's my understanding that this bill will not work the same way.

LEG. LOSQUADRO:

It's the traditional way.

LEG. BEEDENBENDER:

This bill -- this bill restores the step increase, but the lag, the lag that would be implemented would be implemented one day for ten consecutive pay periods.

MS. VIZZINI:

I believe that's correct.

LEG. BEEDENBENDER:

And that means you don't just lose one day, but you get paid one day later, is the actual practical implication; or do you get paid on the same day just with one day missing out of the check?

MS. VIZZINI:

I'm going to defer to Allen because there are a lot of variations in terms of how this --

LEG. BEEDENBENDER:

Okay. Well, I'm just trying to figure out which variation we've ended up going with.

MR. KOVESDY:

It's my understanding that it's the traditional lag where you get paid the first week on a Tuesday, the second week on a Wednesday, the next week on a Thursday.

LEG. BEEDENBENDER:

All right, so your check is the same, you're just getting it a day later --

MR. KOVESDY:

Yes.

LEG. BEEDENBENDER:

-- over ten consecutive pay periods and then that's where you've lost it. Good.

MR. KOVESDY:

We had a concern, and I called Legislator Cooper's office on it, that the IT department would prefer, if possible, that everybody who got a lag or a deferment got it the same way. It creates additional work.

I was told that the people who crafted the bill would prefer that it be a traditional lag. I just want to restate that from the County doing the work process, it's easier if we do one type of deferment rather than do it in two different ways.

CHAIRMAN GREGORY:

Okay. I think we have Legislative Counsel who wants to clarify.

MR. NOLAN:

The way the resolution is written is I don't believe it would be one day later, it's going to be you're going to lose one day's pay in ten consecutive pay periods. So it should be on the same pay day as always, but it will be 10% less, and that's the way --

MR. KOVESDY:

I can get you a firm answer from the people in Data processing, if you would like, and Ben will give it to you at the next meeting as to how it will work.

LEG. BEEDENBENDER:

Okay. Okay, that's -- all right.

MS. VIZZINI:

If we do that, that would be consistent with what the Probation Officer's had agreed to, it's my understanding. So, you know, that's why I deferred, I really don't know it will be effectuated.

MR. NOLAN:

The resolution is pretty unambiguous; it states that they're going to lose one day's pay in ten consecutive pay periods.

MR. KOVESDY:

I stand corrected.

CHAIRMAN GREGORY:

Then if we table this, what timeframe are we looking at? Because it has to be in effect at least by July 1, right?

LEG. BEEDENBENDER:

Why would we table it?

MS. VIZZINI:

Well, there's the -- they would like to get the savings in in the 2009 fiscal year, although you could take the posture that whether you save it in '09, you know, it's a 2010 savings. The step -- the cost to reinstate the step is, I've heard, about 30,000, roughly, but the savings for the lag is 1.41 million, so the savings is the net for 2009. Typically steps are given July 1st, and if it is delayed then the steps would either have to be retroactive which would be another exercise for IT to do.

LEG. BEEDENBENDER:

All right. There's a motion to approve and a second; correct?

CHAIRMAN GREGORY:

Yes.

MS. LOMORIELLO:

Yes.

LEG. BEEDENBENDER:

I don't have any other questions.

CHAIRMAN GREGORY:

Okay. All in favor? Opposed? Abstentions? *Approved*
(*VOTE: 3-0-0-0-2 Recused: Legislators D'Amaro & Kennedy*).

IR 1458-09 - Adopting Local Law No. -2009, A Charter Law to amend the Drinking Water Protection Program to increase the allocation for property tax relief (Alden). I make a motion to table for a Public Hearing.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? *Tabled (VOTE: 5-0-0-0)*.

IR 1459-09 - Authorizing a voluntary lag payroll for elected officials (Cooper). I make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Don't jump all at once. Second by Legislator D'Amaro.

LEG. KENNEDY:

On the motion, Mr. Chair?

CHAIRMAN GREGORY:

On the motion.

LEG. KENNEDY:

Why are we -- this is directed to Legislative Counsel. Most any individual has the right to contact the Comptroller if they chose and to direct their salary elsewhere if they chose, to refuse their salary outright or to make any other personal arrangement that they might choose. Why do we have a resolution in front of us that purports to allow something that employees already have an inherent right to do?

MR. NOLAN:

Actually, Legislator Kennedy, the Comptroller's Office spoke to me about it and requested a resolution like this, and the reason is the payback upon separation of service. They need a paper trail, something authorizing them, like when you at some point leave County service, to get the money you're deferring they need a resolution. That was their request.

CHAIRMAN GREGORY:

Okay. Anybody else? Legislator Beedenbender.

LEG. KENNEDY:

I remain unconvinced. And I've had the benefit of multiple lags, both with resolution and without resolution. But nevertheless, that may be what the Comptroller is seeking. I'll yield. I'm not convinced by the explanation.

CHAIRMAN GREGORY:

Okay. Brian?

LEG. BEEDENBENDER:

Thank you, Mr. Chair. I just wanted to make a brief statement. I'm going to vote for this bill and I'm going to voluntarily lag my payroll, but I just think it's important that we note that there are some Legislators and some other elected officials that didn't take the pay increase. So there are many discussions we've had about people taking double hits, people taking triple hits, people not getting treated fairly. I think the bill we just did for the exempts treats them exactly as all the other employees. I just think it's important that everybody realizes that there are some elected officials in the County, myself included, that because we're doing this will take both hits. So I just want everybody to be clear that, you know, if there's any discussion in the future from unions, from employees, from elected officials that, you know, we all took the same thing and some of us took a little more.

CHAIRMAN GREGORY:

Okay. All in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1466-09 - Amending the 2009 Operating Budget and transferring funds to the Middle Country Youth Association (Beedenbender).

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Motion to approve by Legislator Beedenbender, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

Approved (VOTE: 5-0-0-0).

Okay. Having no more business, we are adjourned. Thank you.

(*The meeting was adjourned at 11:32 AM*)