

BUDGET & FINANCE
INFORMATION TECHNOLOGY
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, May 3, 2011.

Members Present:

Legislator DuWayne Gregory - Chairman
Legislator Jay Schneiderman - Vice-Chair
Legislator Ed Romaine
Legislator Tom Muratore
Legislator Lou D'Amaro

Also In Attendance:

George Nolan - Counsel to the Legislature
Legislator John Kennedy - 12th Legislative District
Jason Richberg - Aide to Legislator Gregory
Renee Ortiz - Chief Deputy Clerk of the Legislature
Gail Vizzini - Director Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Paul Perillie - Aide to Majority Caucus
Dennis Brown - County Attorney's Office
Catherine Stark - Aide to Legislator Schneiderman
Justin Littell - Aide to Legislator D'Amaro
Eric Kopp - County Executive's Office
Dot Kerrigan - AME
Mariam Garcia - Adelante
Paul Caplan - Elwood-John Glenn School District
All Other Interested Parties

Minutes Taken By:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:05 A.M.*)

CHAIRMAN GREGORY:

Good morning, everyone. Welcome to today's Budget and Finance and Information Technology Committee Meeting. We are going to lead off with the Pledge of Allegiance led by Legislator Muratore.

SALUTATION

Okay. We are going to go to the Public Hearing. We have one card. Each speaker will be allowed three minutes to speak. And we have Miriam Garcia from Adelante.

MS. GARCIA:

Good morning. I would like to thank you for giving me this opportunity to come before you to advocate for the funding that had been taken away from Adelante. I just wanted to emphasize the fact that Adelante, even though it has offices in Central Islip and in Brentwood, we are a County-wide agency. We service people from Mastic, Commack, Copiague, Babylon, Greenlawn, North Babylon, Patchogue, Selden, to name a few. And these funds are crucial to our agency, because these are the services that we give to the youth and their families. And unfortunately, at this time, many families are in crisis. So I would like to ask you to consider reinstating those funds. Thank you.

CHAIRMAN GREGORY:

Thank you. Now, does anyone have any questions? Now, your funding was cut by how much?

MS. GARCIA:

Twenty-six thousand sixty-seven -- I mean, I'm sorry, \$36,067.

CHAIRMAN GREGORY:

And I believe two years ago some of that was as a result of State aid -- State monies.

MS. GARCIA:

No. This is the first time we've been cut at this time under the youth program. The funding was coming from the Suffolk County Division for Youth.

CHAIRMAN GREGORY:

So this is strictly County funds?

MS. GARCIA:

That's correct.

CHAIRMAN GREGORY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Can you just tell me a little bit about the organization, what it does for youth, how it uses the money?

MS. GARCIA:

Certainly. One of things that we do, we have an after-school program in which students are assisted starting age 13 to 18 or above to help the with as simple as doing homework to assisting them to continue their education; whether or not they want to go to college. The other thing is we help the families which may be having difficult times making ends meet or other, you know,

problems with substance abuse, drugs, absentee parents. We work very closely with the families in order to support the youth. Many times it's not sufficient to help the youth stay in school, but it's important that we assist the families to stabilize the family.

LEG. SCHNEIDERMAN:

Are grant monies going toward the after-school homework club or was it going to the substance abuse, do you know?

MS. GARCIA:

It's not a specific. We help the students across the board; as simple as when they have problems in the schools in reference to gangs, in reference to not having any food, family ill, evictions. The families are assisted to stay in their own home, and, you know, overall helping the family of that youth to be able to continue to live on their own.

LEG. SCHNEIDERMAN:

Are the schools also contributing through the school budgets to your programs for the after-school programs?

MS. GARCIA:

No, this is strictly County money.

LEG. SCHNEIDERMAN:

Do you know if those schools offer after-school programs on their own?

MS. GARCIA:

There are some, but -- like, the Youth Enrichment Program has programs like that, but a lot of students, because of the language and the family problem with language, they rather come to Adelante.

LEG. SCHNEIDERMAN:

Okay. Thank you.

CHAIRMAN GREGORY:

Okay. Thank you.

LEG. SCHNEIDERMAN:

Just one more question. Are your programs run at the schools or are they in a separate building?

MS. GARCIA:

They're in our buildings. They come to us.

LEG. SCHNEIDERMAN:

They come to you.

MS. GARCIA:

Yes.

LEG. SCHNEIDERMAN:

And they get dropped off by bus or by parent?

MS. GARCIA:

Some walk over and some of the parents bring them over. The program is just not after school, it's on weekends. We encourage the students to be active in other activities in the community, or we

put them together with workshops to reinforce and stay in a straight line, if you say so.

LEG. SCHNEIDERMAN:

Okay. Thank you.

MS. GARCIA:

Thank you.

CHAIRMAN GREGORY:

Thank you. That's all the cards we have. Is there anyone else in the audience that would like to speak, make a comment? Please come forward. State your name for the record. You have three minutes.

MR. CAPLAN:

Good morning. My name is Paul Caplan. I live in East Northport. I'm involved with the Finance Committee of our school district, the Elwood John Glenn School District. I had been to several meetings prior in this committee, and I've heard a lot about cutting of expenses, but I haven't heard a lot about increasing forms of revenue.

As a businessman for the last 33 years, I'm familiar with the revenues, expenses, employment insurance taxes, and the like that goes on in both businesses and County and all political bases. Discussions I've heard prior are primary (sic) about the decreases in revenue and the County's unwillingness to consider a quarter percent increase in the sales tax. The problem that the County has in regard to any increased taxation is based on the escalating property taxes, and these two issues are directly related.

Unlike the County, school districts allow the residents to decide on annual increased taxes. The political fallout is minimal for any of the Board of Education members. The County and the State and the Federal elected officials are far more weary of doing the same. Understanding that County officials have no control over school taxes, these two issues must be looked at by all taxing municipal authorities.

In regard to the expense side, I did not hear anything about the underfunded and unfunded mandates imposed by the State. In education alone, there are 80 mandates. Who in county government is communicating with Albany to seek relief from these costly and unnecessary expenses that are directly impacting the ability to properly finance County services.

I've had several conversations with my local State Senator Carl Marcellino and Assemblyman Andrew Raia. The problem with mandate relief would be which mandates to repeal, support with more funding or leave as-is. It must be clearly documented by County officials which of these expenses are unnecessary and financially draining. Any mandate relief can be considered additional revenue or lowering of an expense. Either way, this issue must be addressed by your committee as a possible way to help alleviate the financial dilemma facing you. Thank you.

CHAIRMAN GREGORY:

Okay. Thank you, Mr. Caplan. Anyone else? We will move on to the agenda. Tabled Resolutions.

2107-2010, Adopting Local Law No. -2010, A Charter Law strengthening the budget adoption process. (Co. Exec.).

This bill has to be tabled for a public hearing.

LEG. D'AMARO:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

1221, Apportioning Mortgage Tax by: County Treasurer. (Co. Exec.)

I'm going to make a motion to table subject to call.

LEG. D'AMARO:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **TABLED SUBJECT TO CALL (VOTE: 5-0-0-0).**

1228, Adopting Local Law No. -2011, A Charter Law to establish a 2% Discretionary spending cap in Suffolk County. (Cooper)

I make a motion to table.

LEG. D'AMARO:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

1247, Adopting Local Law No. -2011, A Charter Law limiting annual increases in the County Expense Budget to no more than 2%. (Co. Exec.)

This has to be tabled also for a public hearing.

LEG. D'AMARO:
Motion to table.

CHAIRMAN GREGORY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

1289, Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process. (Cilmi)

This is in public hearing. I have to make a motion to table.

LEG. D'AMARO:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

Introductory Resolutions. **1309, Amending the 2011 Operating Budget to support West Islip Summit Coalition. (Barraga)**

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. D'AMARO:

I'll second.

CHAIRMAN GREGORY:

Motion by Legislator Schneiderman, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1311, Amending the 2011 Operating Budget to support Parents for Megan's Law. (Muratore)

LEG. MURATORE:

Motion to approve.

CHAIRMAN GREGORY:

Motion by Legislator Muratore, seconded by Legislator Schneiderman. This is omni funds?

MS. VIZZINI:

Correct.

CHAIRMAN GREGORY:

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

1321, Authorizing certain technical corrections to the 2011 Adopted Operating Budget for the East End African Museum and Center for Excellence. (Schneiderman)

LEG. SCHNEIDERMAN:

I will make a motion.

CHAIRMAN GREGORY:

Motion by Legislator Schneiderman. I will make a motion to approve and place on the Consent Calendar.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**

1322, Amending the 2011 Operating Budget to support the Smithtown Fire Chiefs Organization, Inc. (Kennedy)

CHAIRMAN GREGORY:

I make a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN GREGORY:

Seconded by Legislator Romaine.

LEG. ROMAINE:

Place on the Consent Calendar.

CHAIRMAN GREGORY:

Place on the Consent Calendar. The sponsor is here.

LEG. KENNEDY:

Thank you, Mr. Chair. This is omni money. It's just being moved from one category to another. It's not a technical correction.

MR. NOLAN:

This is not a technical correction. We don't normally put this type of resolution on the Consent Calendar.

LEG. ROMAINE:

Just move to approve then.

CHAIRMAN GREGORY:

Second. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1334, To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 851-2011). (Co. Exec.).

I make a motion to approve and place on the Consent Calendar, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0).**

1335, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 353. (Co. Exec.)

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**

1336, To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 850-2011). (Co. Exec.).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**

1339, Amending the 2011 Operating Budget to support the First Congregational Church of Bay Shore. (Barraga).

Motion to approve by Legislator Muratore, I would second that motion. Gail.

MS. VIZZINI:

It's omnibus. It changes the department to be more compatible with what the agency wants to do with the money.

CHAIRMAN GREGORY:

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

1345, Authorizing certain technical corrections to the 2011 Adopted Operating Budget for the Salvation Army (Riverhead Food Pantry). (Romaine)

LEG. D'AMARO:

Motion.

CHAIRMAN GREGORY:

Motion to approve by Legislator Romaine, seconded by Legislator D'Amaro to be placed on the Consent Calendar.

LEG. ROMAINE:

Just a technical correction, naming.

CHAIRMAN GREGORY:

All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0).**

1351, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 354. (Co. Exec.)

I make a motion to approve and place on the Consent Calendar. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0).**

1353, Amending the 2011 Operating Budget to support the Town of Islip Parks Department Concerts Program. (Pres. Off.)

I make a motion to approve, second by Legislator D'Amaro. Gail.

MS. VIZZINI:

This is omnibus money. It's goes from one entity in Economic Development to the Town of Islip Parks Department.

CHAIRMAN GREGORY:

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

1354, Amending the 2011 Operating Budget and mitigating the effects of expenditure reductions at Huntington Hospital resulting from Article 6 State Aid cuts. (D'Amaro)

LEG. D'AMARO:

If I can, Mr. Chair. I had originally thought to table this as the sponsor of the bill, because at the last Legislative Meeting, we used some of the offset for the Foley Center. However, we were able to amend our own bill in time -- get it in on time to the Clerk, so it is ripe for a vote today. And I would like to try to approve it to the full Legislature. What it does is it takes 300,000 from the offset and puts it back into the Foley Center. As we all know, there is a clawback by the State of New York to the tune of \$20 million, and that clawback resulted in cuts to all of the health centers; however, the cuts were disproportionately borne by a couple of the health centers, the Foley Center being one of them -- I'm sorry -- the Dolan Center.

Most of the health centers received a funding cut for a remainder of this year of 20%, I believe, whereas, at first Dolan was completely defunded. And now I think there's some proposal that I read about in Newsday today, although I haven't personally been informed about it, to give back I think 235,000 to Dolan and restore it. But still, that's like an 80 to 90 -- 80% cut as opposed to a 20% cut that the other health centers had. So what this does -- what this bill does is try to restore some of the cuts experienced by Dolan. It doesn't bring it back up to just a 20% cut like the other health centers. It's still, you know, patently unfair in my opinion, because if you're going to cut health centers, it should be more about across the board, because whether you're affecting someone in my district or another district, it's still health care. People need the health care. So I'd like to try to put some fairness back into these cuts and pass this bill to restore some of the funding to the Dolan Center. So with that, I would like to offer a motion to approve.

CHAIRMAN GREGORY:

Legislator D'Amaro has a motion to approve. I will second it for the purposes of discussion.
Legislator Romaine.

LEG. ROMAINE:

First think I'd like to know in this resolution, how much funding are you looking to restore? How much -- this resolution restores how much funding?

LEG. D'AMARO:

It restores 300,000.

LEG. ROMAINE:

Just 300,000.

LEG. D'AMARO:

Right.

LEG. MONTANO:

And they received a State cut of about \$1.4 million; is that correct?

LEG. D'AMARO:

No. The County Executive imposed a cut of 1.4 million.

LEG. ROMAINE:

Okay. County Executive imposed the cut.

LEG. D'AMARO:

Correct, because there was a State cut of, I guess, 20 million that we've been talking about between the clawback and the defunding going forward. And the County Executive decided on how to allocate that cut and decided to completely defund the Dolan Center from July to the end of the year.

LEG. ROMAINE:

I guess there's a message here that all the health centers can stay open with the cuts that's we're facing and that some are obviously going to close. And for whatever reason, which I'm not aware of his thinking, he choose the Dolan Center, I think he's thinking about the Coram Health Center. Let me ask you a couple of other questions. What are the offsets for the 300,000?

LEG. D'AMARO:

The offset comes from the pay/go account. Gail, I'll defer to you, I believe it originally funded a million dollars in our Operating Budget, and we took half a million last Tuesday to help prop up

Foley, this would take an additional 300 to help prop up the Dolan Center leaving 200,000 in that account.

LEG. ROMAINE:

In the pay-go account, which we'll probably go through in a matter of the next few weeks. Let me ask a couple of other questions. Obviously, we're going to have cuts, Article 6 cuts. You cannot believe the Health Department -- I was on the phone with the Commissioner and Margaret Bermel. They sent a letter out to Cornell Cooperative Extension saying, "Because of the Article 6 cuts, we're cutting your contract by 308 thousand plus dollars." And I was like, "Wow. Dr. Tomarken, I didn't know you became a member of the Legislature and you had the ability to amend the budget de facto." "Well, we can do that because we didn't have a contract." I said, "Let's see. This is the fifth month of the year and you didn't have a contract. Right away you're in violation of the Prompt Contracting Law for the County of Suffolk, because how many years have you done the contract with Cornell? Seventeen years. And this is the fifth month of the year." "I don't know anything about the prompt contracting." I said, "That's part of the problem, Doctor, that's part of the problem."

I would like the Executive to look into that, why the Health Department is not implementing the Prompt Contracting Bill, particularly as a regular contractee, Cornell Cooperative Extension. They just got cut \$308,000 just right off the top. And I said, "Wow. I didn't realize you had the ability to amend the budget de facto. The last time I looked, that was above your pay grade. That's why I put my fanny on the line every two years to run for office."

So I have to tell you, when department heads start acting as Legislators and Executives -- he said, "No, no, no. The Executive told us to do this." Oh, really? "Yeah, and we confirmed this with Dennis Brown." Well, I'm putting this on the record, because I'm very concerned about administrative heads exercising amending powers and also not following the laws of Suffolk County, such as Prompt Contracting.

Let's talk about this. And by the way, I said, "What does Cornell have to do with Article 6 cuts?" None of the programs you mentioned were cut from State aid. Now, getting back to the hospitals. We, obviously, have to figure out a way. Are we going to be able to keep all of our health clinics open or not? And from what I've seen from the expenditures and the cuts coming down, we are not.

Now as a Legislature, we can let the Executive act by default, which he must. I don't fault him for proposing the Dolan cuts or any other cuts in absence of a plan from us to say, "Hey, wait a second. It sounds like a good idea, but it really isn't." Are we going to make these proportional and have all of the health clinics creep along? Or are we going to have to close two health clinics and try to keep the other ones open and operating at, you know, somewhat close to normal services. I think that's the question. And what you are suggesting about this is you want to see those cuts made proportional across the board, which means that all health clinics would operate a little less effectively.

LEG. D'AMARO:

If I can respond. I appreciate the dialog. First of all, this bill only addresses this year. You are -- I think you are raising more of a global issue. The 20 million would impact next year as well, Gail; is that accurate? I just want to make sure.

MS. VIZZINI:

Well, I think that the 20 million includes the clawback. So the annual impact is closer to five to ten million.

LEG. D'AMARO:

Right. So, Legislator Romaine, I agree with you that we have to come up with a policy decision how high of a priority is keeping open health centers, should we close some, should we not close some, should we have cuts across the board. I think that's a decision we need to make going into 2012.

What I'm talking about here, similar to what happened to Cornell is you had a budget that was passed that funded the Dolan Center, the State clawed-back. The health centers are going to take a hit. I'm just talking about from July until December 31st of this year. Well, someone unilaterally decided that we're going to pick and choose one health center or two health centers to close and the others are going to get a 20% cutback. Well, they're all servicing populations and providing essentially the same services. How can you make a choice like that? I mean I really question -- in my mind, there's no logic behind saying, well, in this particular area, because of these budget cuts, no one is getting health care, but in these five other areas, people will continue to get health care. How do you make a decision like that? I don't get that.

So what I'm trying to do is, yeah, we're going to have a debate when we talk about the Operating Budget in the fall, okay, going into next year about what is our policy directive, but I'm trying to do for this year is at least restore some of the funding to a health center that's going to be zeroed out and, in all likelihood, will have to close its doors or maybe at best greatly curtail its services. So I don't necessarily disagree with you. I think there is a policy decision that needs to be made going forward.

We're going to decide in our Operating Budget deliberations what the priority is for all of these health centers and where is the money going to come from. But what I'm talking about is just for this year, the second half of the year, there's no transition period here, people are dependant on this health center. And somehow, a decision was made to unilaterally zero out this health center. I don't understand the basis of that decision. That's why I'm fighting for this resolution.

Now, we already took half a million out of this account for the Foley Center, okay, because that obviously now has to continue operations. This is similar. This is health care, okay? This is restoration of funding that was already put into budget but cut back by the State, that's true. I don't -- at this point, if you delete this funding for the second half of the year, real people are going to suffer. There's going to be real suffering in this area, because there will be no health center in the area.

What does that do to the other health centers? Does it overburden them? Do people go to the other health centers? I don't know. Maybe they do, maybe they don't. But the bottom line is that a decision was made to cut 1.1 or \$1.4 million out of a health center mid stream, take it all out of one health center or two health centers, cut the others only 20%. There's no rational basis for a decision like that in my mind.

LEG. ROMAINE:

Well, I agree. And your resolution might have some validity if it also included the other health center that got cut, which was Coram.

LEG. D'AMARO:

I'll tell you the truth, I'm open to that. You can make the same argument for Coram.

LEG. ROMAINE:

Right. Legislator Browning represents that area, and she and you should have a dialog on this, because if you're going to do 20% across the board, which by the way, I always think across the board cuts are never the best thing to do, but if you're going to do that, if you're going say just to get through the end of the year, then I would be more supportive of this resolution if it included

Coram, but it doesn't.

The other thing that I'd like to ask, and I guess this is for Counsel, since this is part of a cut that we're getting in State aid, George, is there a requirement under the existing law that to restore these cuts we need 14 votes? Isn't that the current understanding in -- you know, I was reading some of the laws last night, and it said, "If the Legislature wished to restore cuts that are a made as a result of a reduction in Federal or State aid, those cuts would have to be restored by a three-quarters majority." Now, does this apply in this particular case? And if it does, could you explain why, and if it doesn't, could you explain why?

MR. NOLAN:

Well, you're probably referring to the section of the Charter that is prohibition on a pass-along mandates which says that in the event the State or Federal Government eliminates or cuts in whole or part a program, contract project, grant aid or funding, the County of Suffolk shall not reinstate such program, etcetera, unless such funding is approved by at least-quarters of the entire membership of the County Legislature via resolution.

So if this -- I would have to confer with the Budget Review Office. If this -- what we're talking about is a cut in State funding for a program and we're seeking to backfill that funding with County dollars, then, yes, it would need a three-quarters vote.

LEG. ROMAINE:

So this resolution might need 14 votes?

MR. NOLAN:

Yes.

LEG. D'AMARO:

George and Legislator Romaine, my understanding is that the funding that was cut was all County funding. This is not a restoration of State funding, State aid, so to speak. We fully funded the Dolan Center with County funds in the budget, but I'll defer to Counsel and I'll defer to the Budget Review Office. But my understanding is that this is not a restoration of aid, this is a restoration of funding that we provided in our own budget.

MR. NOLAN:

That's why, Legislator D'Amaro, I said I would really need to speak to the Budget Review Office to see what exactly this resolution is doing; is it restoring State funding that was lost, or are we talking about just something else.

LEG. ROMAINE:

Also, if that three-quarters interpretation holds, does that mean to be reported out of committee, it would need a three-quarters vote?

MR. NOLAN:

That's not what the law says.

LEG. ROMAINE:

Okay. Just the full Legislature.

LEG. D'AMARO:

Well, can we ask BRO? Gail, do you have an opinion at this time if this needs a three-quarter should it reach the floor?

MS. VIZZINI:

I would like to add to the dialog, if I may. First of all, I have reached out to the administration, particularly the Budget Office, and asked them what is their overall plan to respond to the State aid cuts. Although I have some preliminary numbers, the numbers are in flux. I can tell you based on our presentation to the rating agencies that the targets cuts for the current year are \$12 million. They will impact Southeast and Southwest Brookhaven Clinics, Islip Health Center, Huntington Hospital, Wyandanch Clinic, North Brookhaven Clinic, which is the Coram Health Center, the Health Department itself, curtailing laboratory contracts and Cornell programs, the Marine and Agriculture, 4-H and the Family Health Program.

That only adds up to \$6.8 million. There will be additional cuts that I have not been -- I'm not in the loop. I have reached out to the Chair of Health and Budget and Finance to alert them to the preliminary information and that I'm still looking for updates and additional information.

Now, to get to the point about the 14 votes. The way we have interpreted this No-New-Mandate Bill in the past, and I believe that the County Attorney and Connie Corso at a previous committee meeting specifically addressed this. You know, the general interpretation was that once we do the budget, the addressing of funding as a result of cuts in State aid requires the 14 votes. What the administration has chosen to do is rather than wait for the budget is to make administrative cuts in the current year because of the shortfall in revenue.

So although you could say that our decision to augment the recommended budget when it was presented to us in 2011 and restore funding for Dolan or the Brookhaven Clinics was our choice, we had anticipated that that would be aided, that was all aided. So these administrative actions that the County Executive is taking is basically taking a contracted dollar amount, a line item in the budget and reducing it unilaterally, which although, I don't know, they are confident that they can do in response to the State aid cuts.

LEG. D'AMARO:

So the conclusion is that we are not sure, or the conclusion is because we're restoring an administrative cut, it's not a 14 vote requirement?

MS. VIZZINI:

Really, it's an interpretation of the law. I would defer to Counsel.

LEG. D'AMARO:

All right. That's fine.

MR. NOLAN:

Between now and next Tuesday, we'll give you a definite answer.

LEG. D'AMARO:

That's fine. I had another question for BRO very quickly. I've read something in today's paper about a restoration, a partial restoration to Dolan or less of a cut, if you will. Where is that funding coming from? Do we know where that -- I mean, originally, the proposal was to zero it out, now the proposal is to not zero it out. So that money needs to come from somewhere. I'm curious if you know, where is it coming from?

MS. VIZZINI:

I can confirm that the original cut was 1.4, and when we amended your resolution, we referenced the lower amount which was the 1.1. I do not know, you know, who or what is being cut to make up that amount of money.

LEG. D'AMARO:

Because I tried to find that out, but I didn't get a return phone call since Friday either. I don't know where it's coming from. I don't know -- you know, we are sitting here debating this bill and there's proposals that we're reading about in the newspaper for some partial restoration, and we're being asked to make a decision on our own budget, but we don't even know where the funding is coming from on a proposal that's in the paper. I mean, I think that's just not acceptable in my mind.

You know, I'm trying to make an informed decision that affects the health care of real people in my district, and I can't even get a straight answer as to where the money is coming from for these proposals that are being floated in the newspaper. And in my mind, that's not acceptable. This bill, again, would just partially restore Dolan, need not up to 80% where the other health centers are. If we need to include Coram, I am all open to doing that, whether by separate resolution or amending this resolution, whatever we need to do, because we have to set priorities. That's what we're here for.

And I don't know about my colleagues, but for me, the health care delivered in a district or Countywide has to be, along with neighborhood safety and police protection, has to be a top priority. That's where we should be putting our funding, and that's why I have this bill pending.

CHAIRMAN GREGORY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I wanted to comment on just something that Gail mentioned. Apparently, what is happening in the pressures of the current administration to get these reductions in place because of the major cuts that we're facing, no question about it. But I have some concern when the administration -- and I had this discussion, very frank and full discussion, with Dr. Tomarken late yesterday afternoon -- when they make these cuts unilaterally and administratively. The last time I looked, adopting and passing a budget and amending the budget is the sole province of the Legislature and the Executive.

I will say absolutely that I don't spend my time running around my district trying to represent my constituents doing all the things that I have to do and every two years putting my name on the ballot to have an administrative functionary amend or de facto amend the budget by unilateral cuts that I don't even know about. The memo that I got about the Cornell Cooperative Extension, I wasn't copied on.

I have to raise that question to say to my colleagues, "What were we elected for?" We were elected to make decisions. And I have a very clear message to the administration, I fully understand -- and I understood why Dr. Tomarken did that, he's cutting Cornell to try to soften the blow for other cuts to health clinics. But you know what? At the end of the day, there's two things that people should realize; this is not a one-branch government; and two, that's above his pay grade. That's for us to make that decision. And maybe that's a decision I would have made, because I agreed with my colleague Lou D'Amaro, health care is a key and absolute factor. And maybe we have to cut Cornell to help soften the blow to our clinics. But that's a decision for me and 17 other people who call themselves Legislators in concert with the Executive. The Executive cannot, nor can his commissioners, nor should they, make unilateral and de facto amendments to our budget. That's what we get paid for.

LEG. D'AMARO:

Legislator Romaine, if I may. Not to beat a dead horse, but I wholeheartedly agree with you. You know, it seems to me somewhat non-transparent if the Executive Branch can, in the face of devastating cuts from the State, decide on its own through some of its department heads or whoever is making decisions up there -- I don't know, because I don't get calls back

anymore -- they can decide on their own "well, you know, this entire population in Western Suffolk County is going to be denied health care, but some other populations will have less health care."

Where does that leave me? Where does that leave me in the process -- if you can unilaterally defund an entire health center for a half a year without Legislative approval, where does that leave me? I'm the guy that has to be accountable for that, not the Budget Director. Okay. And I have a major problem with that. I don't know if it makes you feel better, but with respect to the Dolan cuts, I wasn't cc'd on any letters either. I think I attended the same press conference that you did early on when the cuts first came down. And to my shock and dismay, I attend that conference and I looked at the board and I saw Dolan going to zero. And I'm like, "But wait a minute, you know, we represent these areas. Are we not being consulted about this? We're not going to talk about this." You know, and to add insult to injury, not only is the cut made, but then we're not told what the rational basis is for the cut. How do you explain it? There's never been one explanation, not even in the newspaper where I get my information about the Executive Branch. There's never been one explanation as to where the cuts are coming from and why and what's the reason. Who is going to face that person in Huntington Station and tell them, "No, you are not getting health care, but others are"? Who's going to give them that explanation? I am. But I don't have one.

CHAIRMAN GREGORY:

Let's let Eric -- Mr. Kopp, excuse me, go and then I'll get to Tom.

MR. KOPP:

Thank you, Mr. Chairman. Good morning, Legislators. As has been discussed here, a total nine and a half million dollars have been reduced from the health centers as of July 1st, and those reductions that were made were made upon the recommendation of the professionals in the Health Department.

And as Legislator D'Amaro correctly points out, this is a direct result of actions taken by the State Government. Specifically, if you look back in history, the Dolan Center was originally -- when it was originally funded by the County was to receive start-up money for a period of a few years. It's fortunate to be a health center that has an endowment and it's not one that's licensed to us, and it was not part of the County's original health care system.

Cuts to the health centers may have to be reduced again by another four to five percent. A directive was recently issued by the Health Department to make all patients apply for Medicaid, to date has not yielded the anticipated savings that have been hoped for. To date, 1400 of the patients at the health centers have applied for Medicaid and 85% of those were rejected. We understand what Legislator D'Amaro is trying to accomplish, but from our perspective at this point, the County is not in a position to restore any of the cuts to the health centers.

CHAIRMAN GREGORY:

Thank you. Yes, Legislator D'Amaro.

LEG. D'AMARO:

All right. Thank you, Mr. Kopp. I appreciate you coming here today and trying to shed some light on the reasoning behind what's happening. The Dolan Health Center is a County health center in my mind, or you can call it a de facto County health center. In lieu of the County having a facility that is licensed to the County, over the years a policy decision has been made to fund the Dolan Center, probably saving the County money by doing it that, although, I don't think I've been here long enough, I wasn't here from the start up as to whether or not Dolan was supposed to continue getting funding or not continue getting funding.

In my mind, those are really non arguments, because the bottom line is Dolan has evolved into the

County's area health center servicing a population that should be serviced by the County, okay. And to come here today and make the argument that, "Well, you know, what? Ten years ago when it opened it was seed money and it was supposed to be self sufficient," sounds wonderful. But then again, the County never opened a health center in the area either. All right. So this is a de facto County Health Center. It's always been treated that way. And if I'm going to go to some single mom bringing their kid into health center telling them that you can't have health care for your child because ten years ago some administrator decided, oh, you know what, I remember, this was only supposed to be start up seed money, you've got to be kidding me. That's number one, all right.

So we can have the debate whether or not to pass this bill, whether or not to fund the health center. I personally do not believe that these cuts should be made administratively. Your initial comment -- and I appreciate again that you're trying to inform me as to logic behind the cuts -- was that the professionals in the Health Department decided how the cuts would be distributed. Well, then I question his professionalism. These are health professionals that telling an entire population you're no longer getting service while others are continuing.

I mean, I'm not a health care professional, but I think myself and probably many of my colleagues would agree there's some sense of fairness that's lacking here. You know, we talk about devastating cuts to government, we talk about the lack of State aid, we talk about the problems the County is having with sales tax. What we do here day after day is try and do that fairly across the board, setting priorities and making sure of people are going to suffer, it's going to be shared sacrifice. This is not shared sacrifice.

I don't see any professionalism in this decision at all, especially if you're going to tell me the only reason why your being zeroed out from the second half of the year and being denied health care is simply because ten years ago it was decided we don't hold the license so we're not going to fund you. Not acceptable in my mind. And I'm not going to tell that to my constituents.

That is not a reason to make that cut in this way. And I would suggest that we look at it more fair, more across the board, more of that shared sacrifice that I spoke about. And we can have that debate. And I may not prevail in that debate, but I am not going to accept as a reason for zeroing out a health center that is not based on health care, it's just based on the fact that we don't really view you as a County health center, when, in fact, it really is.

CHAIRMAN GREGORY:

Legislator Muratore.

LEG. MURATORE:

Thank you, Mr. Chairman. I would ask my colleague, Legislator D'Amaro, to think about making the Coram Health Center part of this also. I mean, everyone is talking about Dolan, Dolan, Dolan. Although Coram is not in my district, it is in Legislator Browning's district, but a lot of residents in my district partake in the services as well as, I think, Legislator Eddington's also. So if I could ask my colleague to maybe perhaps amend this to include the same giveback to the Coram Health Center as with Dolan, I would think about supporting it.

LEG. D'AMARO:

Just through the Chair, I take no issue with that. I think I just read in today's paper about closing that health center now, if I'm not mistaken. Another shocking revelation in the newspaper, you know. I am completely open to that. If you want to do it by separate bill, I'm open to that. If you want to amend this -- my only issue here is timing, okay, because we are meeting -- we are in May right now, when is the next cycle? Because the cuts for Dolan, I believe, are going into effect July 1, Gail?

MS. VIZZINI:

Yeah, these are effective July 1st.

LEG. ROMAINE:

You can amend tomorrow until one o'clock.

MR. NOLAN:

No, it was yesterday.

LEG. D'AMARO:

Legislator Browning, any thoughts on that?

LEG. BROWNING:

I think that there has been some negotiation between the County Executive's Office and the health centers that were -- that he is trying to close. From what I can understand and I'm hearing is that basically, Stony Brook has tried to negotiate, I'm sure Dolan has also. And my understanding is it's "my way or no way," which is what we hear all the time. I think, you know, there should have been more negotiation between the County Executive's Office and the health centers to at least try to keep them all funded equally. You know, Stony Brook is also -- they're contracted by the County. It will be devastating, you know -- it's not in my district, however, we all have constituents, I think there's probably about five of us that have constituents that use that center.

LEG. D'AMARO:

That's my situation also.

LEG. BROWNING:

Right. You know, again, I swear I think sometimes because it's not my way or the highway, is there an effort to try to say, "You know what? I'm going to stick it to the State and just shut these places down and let all these people go without really taking into consideration the people, that there's just that effort to shove it at them and say, "You are going to pay now because you didn't do this."

I will tell you, last week I spoke some people from the State Health Department, I'm still waiting to get a phone call back. You know, I've said, "It's not fair to take that \$20 million." I believe 15 of it, "08-9 and 10, to say, "Okay, you've already provided a service, but now we want that money back that we've paid out to you," that's unfair.

You know, I'm reaching out to them to say, you know, how can we come up with a solution to this problem and at least forgive us that 15 and not take that money back. I'll tell you, our State Representatives, I don't know where any of them are on this. They are absent and clueless from what I see, and I'm very annoyed at that. I did speak with one of my State Representatives on Friday night and he says, "Oh, yeah, yeah, I'm hearing about that." Well, you know, do something. This is not something new, this is something that's been going on for a while. They passed a budget. And I'm sorry, I don't know why they allowed that budget to pass the way they did knowing that we were taking such a hard hit, not just in our Health Department, but also, you know, the school districts. They just went ahead and passed a budget without actually -- I don't know, do they care? It's just beyond me.

I do think that we should push more for our State Representatives to work with us to get us at least that 15 million but -- not get it back, but at least to not have us pay it back. So, you know, I highly recommended each and every one of us -- I mean, I'm working on them. But the State Health Department, again, trying to talk to them and say, this is just not right, we can't do this. And to let them see what the devastation is going to be if we close these two health centers.

I do want to work with you, because, like I said, Dolan Health Center, you know, these are the two only North Shore health centers. Where are these people going to go if you don't have them? I can see Mather Hospital, St. Charles and Stony Brook are going to wind up full with people in emergency rooms costing four times as much if we don't have these health centers. So, you know, I think we could talk to Craig and Gail to see if there's some way that we can come up with a solution. I think everybody is going to have to take some kind of a cut. Should it be that each health center maybe close one day a week, increasing the copay that they have to pay; right now it's \$15, Craig, when was the last time that that has gone up.

MR. FREAS:

I don't believe it -- the low part of the sliding fee scale has gone up since I've been working for Suffolk County. So I'd say it's been at least eight years since the low part has gone up.

LEG. BROWNING:

I don't think that increasing the copay is going to really get us that much money, but I think it's something that we really need to be looking at. You know, I know the committee -- we passed that bill to have that committee, but I think that's really going to address more of the long term, but on the short term, I think this is something that we need to negotiate. And from what I can see, the County Executive's Office did not do too much negotiation and basically, from what I can see is saying, "I want to stick it to the State."

LEG. D'AMARO:

If I may through the Chair very briefly. I agree wholeheartedly with you, and I think you're making Legislator Romaine's point that there is a lot to consider here. There are several ways to approach this kind of drastic cutback as opposed to just, you know, taking the numbers, lopping off a few zeroes and saying, "There, I've solved the problem." Well, maybe that works in some areas of the budget, but in my mind, it doesn't work when you're affecting the daily lives of people who need access to these centers. I don't think that is the appropriate way to make these decisions. And it appears to me, that that's the way the decisions are being made. You know, let's just take a number and divvy it up and chop here and chop there, never thinking about the actual ramifications.

You know, with respect -- I understand that the cuts are deep, I understand that decisions need to be made, and I respect that from the Executive Branch, but what I have a big issue with is that we are not part of this process in any way, shape of form in thinking through how are we all going to do the shared sacrifice, what's fair to everyone, let's build some consensus. No, let's just pick two health centers and shut them down. So not to beat a dead horse.

I agree with you, on the State level we should be fighting as strenuously as we can with our elected representatives on the State level to try to restore, especially the administrative cuts that are being made. It's not even my understanding part of the budget that was passed, just an administrative clawback. But at the end of the day, you know, I'm open to amending this bill to include the Coram Health Center. You know, do I want to take pay-go money? No, it's not my first choice, but if I have to make a choice and I have to set a priority, this is where it's going to come down. It's just that simple. But I assume in order to make that amendment, I would have to table or request to table this bill today, George, right? Yeah.

But we do have the time, because we have two more meetings at least before July. Right. We have two in June. So I would be open to tabling for this cycle for today, working with Legislator Browning and BRO and see if we can come up with a bill that addresses both of these centers. And look, it's not a great solution, it's not going to fully restore, but at a minimum, it will at least put some fairness and equity back into these devastating cuts from the State, and we will be able to go into our respective districts and tell some of our constituents We are doing the best that we can to provide a service that, frankly, you can't really get anywhere else. So with that said, I'll withdraw

my motion to approve and offer a motion to table for this cycle.

CHAIRMAN GREGORY:

And I will second that motion. Legislator Kennedy.

LEG. KENNEDY:

One other piece that I want to add to this -- and I commend Legislator D'Amaro for speaking out so passionately about the impacts to the clinic in his area. Legislator Browning and Muratore brought up the points also.

All of us I think are experiencing ever increasing frustration in having to go ahead and advocate and cope for our areas in almost a blackout mode or silence. To read a Newsday article this morning and to see that that clinic has been unilaterally decided to be closed is absolutely outrageous. I sat with the CFO for Stony Brook last week in my office on Wednesday and spoke not only about the long-term future of John J. Foley, but also about the prospect of a more robust and aggressive method for Stony Brook to go ahead and operate Coram. And at that point, there was no indication that there was an unwillingness or an outright categorical no.

So to also read that discussions broke down again points to the fact that we are being left out of a process not only that we should be a part of, but that begins with us. We are the policy entity. That's the administrative entity. So I would say to Madam Chair, we should invite Stony Brook to the Health and Human Services Committee on Thursday, have the discuss what the dialog has been, take charge of the dialog and implement what will be an equitable policy for all.

Also, we need the FQHC representatives here, John Snow, to tell us where that process is at so we have all the information on the table and implement the equitable method to go forward. Unless we do that, we'll be subject to bumping and bouncing amongst each other trying to come up with something that takes care of what's impacting 50,000 seniors and babies and young people and folks at risk. And it's our responsibility to do it levelly and fairly. That's the suggestions I give. Thank you.

LEG. BROWNING:

Just to let you know, Stony Brook is coming. And maybe you'd like to reach out to someone from Dolan.

LEG. D'AMARO:

I will reach out to Dolan and ask them to attend.

LEG. BROWNING:

Ask them to come also.

LEG. D'AMARO:

I will.

CHAIRMAN GREGORY:

Presiding Officer.

P.O. LINDSAY:

Eric, do you know where the lawsuit is? Is that over? Have we lost that lawsuit about the Article 6 money?

MR. KOPP:

I don't know the answer to that question. I'll get the answer.

P.O. LINDSAY:

I think that's really an important part of the whole thing, because it just confounds me -- and I'm going to take on my colleagues with some of these statements. It just confounds me that the State can do what they are doing. And I agree with my colleagues. I've been talking to every State representative I can. And our electeds, this doesn't seem to be on their radar at all. This is an administrative thing that was done that they can't correct or don't want to correct or don't have an interest in correcting. They give me all kinds of misinformation.

I had one of our Senators tell he me met with the Commission of Health of the State of New York and was told that the money -- the clawback money was overpayments that were made to Suffolk over the last three years. I talked to our Budget Review people, they said that just isn't true, I mean, it's just simply not true at all.

Last week, I circulated a letter to all our State representatives. A lot of you balked at signing it, you know. And I didn't push the issue. I said, whatever the issues are, let's make the adjustments that everybody can be comfortable with the letter, but let's sign the letter with one voice saying to our State representatives, you are killing us here, you're killing us. You know, we survived the recession. We made the hard cuts, the hard choices to make up \$110 million in lost sales tax revenue. And what's killing us now is our own State. I mean, the fiscal crisis that we're in now, in my opinion, is totally generated by the State actions in this budget cycle. You can't raise our pension costs \$86 million, you can't drawback \$20 million in health care cuts, just for starters, without having a dramatic affect on our local budget. It just can't be done. And nobody seems to care.

And again, Mr. Kopp, you can shed some information. When we originally heard about this, you know, I was trying to get a handle on what is the State objecting to with seeing patients. And I was told we used to get a subsidy for seeing patients over 21 years of age in our health centers, and the solution to it is everybody has to apply for Medicaid, and that will fix it. And, I guess, we started that process and the patients aren't qualifying for Medicaid, is that the issue now that we're not getting paid?

MR. KOPP:

That's what we are told, that since we started that process, 1400 patients have applied for Medicaid, but 85% of those have been rejected.

P.O. LINDSAY:

Why? Do we know why? I guess we'd have to get into that with the Health Commissioner. Do you know, Craig?

MR. FREAS:

I could think of several reasons. The Medicaid application requires income verification, for one thing. Many people don't carry around a couple of years worth of tax returns and their pay stub on their first visit to the health center. And then what happens is they start the application, they're told they're going to need documentation of their residency and of their income, because Medicaid, of course, is based on need, and therefore, they don't come back that second time. And since there's no documentation of their income, that might be one reason why they would be rejected. The other reason is they have to -- they have to have proof of either legal residency, residents under color of law or citizenship in order to qualify, especially for non-emergency Medicaid. And if you don't have any of those things either with you or available to you, then you would also be rejected.

P.O. LINDSAY:

I just have a couple of comments, then I will be quiet. In all honesty, you guys, you know, the

County Executive presented a bill to us two months ago to share in this process what our thoughts and our ideas were, we didn't take that route. We passed our own bill that Legislator Cooper sponsored that is supposed to come back with some of these answers that we're struggling with now by June 15th. But I don't know whether we can wait for that report. You know, that's the problem. So we're left here struggling. And I don't -- I'm sorry, Legislator D'Amaro, I mean, your concept is just whatever they cost -- whatever the cut is, we're going to break it down across all seven or eight health centers, is that it?

LEG. D'AMARO:

Not exactly, Mr. Presiding Officer. Even if we were to pass my bill, it would not be not across-the-board-cuts. Dolan and Coram would still be suffering a much more severe cutback. I'm only trying to provide some funds and set some priorities.

P.O. LINDSAY:

I mean, the point is nobody wants to see sick people go without care. How do we find the money? Where do we get the money from? You know, I don't know where the pay-go -- you mentioned pay-go, which is what, a million and a half dollars or something like that, Gail, not even?

MS. VIZZINI:

It was, but we used at least half of it to continue operations at the nursing home leaving about 500,000, last time I looked.

P.O. LINDSAY:

Okay. I mean, I'm open to any ideas. The problem is sick people aren't going to be seen. It's as simple as that. I don't have a solution. I just don't have a solution. Thank you.

CHAIRMAN GREGORY:

Legislator Romaine.

LEG. ROMAINE:

Yes. While we're on the subject, could you explain what C-H-H-A stands for?

MR. FREAS:

C-H-H-A is the abbreviation for Certified Home Health Agency. The Public Health Nursing Bureau is licensed as a certified home health agency and collects Medicaid revenues under that license.

LEG. ROMAINE:

CHHA handles our public health nurses, those are the people that go out in the field for the most part, do home visits, things of that nature; is that correct?

MR. FREAS:

That's basically correct. Part of their services are provided under the Certified Home Health Agency.

LEG. ROMAINE:

What is being proposed now for CHHA?

MR. FREAS:

I believe there's an intention on the part of the County Executive to sell the license home for the Certified Home Health Agency.

LEG. ROMAINE:

To sell the license for our public hearing nursing; is that correct?

MR. FREAS:

To sell the license for the portion of the services provided under the Certified Home Health Agency.

LEG. ROMAINE:

Okay. Has that proposal been submitted in the form of a resolution to the County Legislature?

MR. FREAS:

Not that I am aware of, sir.

LEG. ROMAINE:

I'm just going to make the point, this government will never work well unless we understand it takes two to tango, this is not a one-branch government. There may be a legitimate reason why we want to sell our home health license for public health nurses, I don't see it off the top of my head, I haven't heard the explanation. I will say, and I want to say this as strongly as I possibly can, if things like this continue, the Legislature is going to stand up, regardless of which parties we're in, and say, "Enough. You're either going to work with us or you're not." I find out about these things, as many of us do, secondhand. There's no one picking up the phone, no one sending me a memo, no one saying, "You know what? We need to sell -- our public health nurses, we need to sell their license as a home health agency and this is why." This must stop now. Thank you.

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

The last thing that I think we need to go ahead and just add to this dialog too is that -- and I'm going to just address this to Counsel, I guess when he gets back in the room. The Mary Hibberd Law must play some role when we look at the whole scale divestiture of assets as we have been in court now -- well, actually let me rephrase. The Legislature is still not a plaintiff yet. We're pending plaintiff status. But three residents and an employee for the John J. Foley Nursing Facility had to take it on themselves to commence a suit in December to force a determination regarding compliance with the Hibberd Law. And that's just one aspect of the spectrum of health care delivery in our County.

So it is -- whether it's selling licenses for home health nurses or closing clinics, be they physical or mental health clinics or any of the other range of health care delivery that we as a corporate body support and undertake, there's got to be compliance with the laws of our County. Every one of us took an oath that says we'll uphold the laws of the County. So we can't just whole scale turn a blind eye to what our predecessors put here specifically to have some rational comprehensive way to address these issues. It really warrants that we keep that in mind as we go forward. Thank you, Mr. Chair.

CHAIRMAN GREGORY:

Thank you.

MR. KOPP:

Just to get back to the Presiding Officer on his question before on the Article 6 lawsuit. There's no decision yet in that case and we're not sure when that will come down.

CHAIRMAN GREGORY:

Mr. Kopp, I think the message is clear from my colleagues on the committee and those who are not on the committee but in attendance today that they do not approve of the unilateral decision making of -- or policy making decisions of abolishing health care services, whether it be through our health care centers or through the home nursing program. And that message should be sent back to the

administration.

We understand that there's a budget crisis that we've dealt with, not of our own fault, but the circumstances are what they are. But we should be working together. The Legislature has passed a bill to bring the Legislature and the administration together to come up with these decisions together so there's not a unilateral decision. And the delivery of health care services, as Legislator D'Amaro and others have mentioned, is critically important to our function as a Legislature and a governmental body. We take that very seriously.

And to unilaterally make a decision that we're not going to provide health care services to two entire communities, even more than two entire communities, two areas that affect multiple communities is unacceptable and that we should be a part of the process, or for the least part, those Legislators that are affected by those cuts or proposed cuts should be informed, one, if not a part of that decision making process. But we should have an overall plan as to how we are going to, from here forward, deliver health care services for the residents of this County.

Now, Gail, a week or so ago sent myself, as she mentioned, and Legislator Browning some of the cuts that have been proposed to the health care centers that she stated that she believes -- and I think even you yourself had stated earlier -- that you suspect that that there will be even more cuts. So at this point, we don't know what the picture is going to be. So I think it's important that we have -- that we come together so that we cannot do this in a piecemeal fashion and have a comprehensive approach in the decision making of how we're going to deliver health care services. And that's important that you bring that message to the administration. I'm sure the Executive is listening or other people are listening. But we're serious about that.

Now if we have to -- I'm sure some of my colleagues would not be -- wouldn't be inclined to or not against filing an injunction to prevent any types of delivery of services if we have to get to that point. But that would be totally -- that would mean that the total system communication would have to have been broken down, and there's no need for that. You know, we can get together, make these tough decisions that we have in the past. And that's the way it should be, that's the way our constituents expect it to be, and, you know, it should be done. Let's get it done. And I'll leave it that. So we have Legislator D'Amaro's bill which is going to be tabled with the intention of amending it to include the Coram Health Center. Madam Clerk, do we have a second?

MS. ORTIZ:

Yes. A tabling motion.

CHAIRMAN GREGORY:

Mr. Kopp, you have a comment?

MR. KOPP:

Well, I was just going to echo what the Presiding Officer was saying before about the extraordinary times we find ourselves in with this unprecedented clawback, which is extremely unfair to the taxpayers of Suffolk County and to both branches of government.

CHAIRMAN GREGORY:

We agree with that. But that does not give the County Executive or any commissioner license to make unilateral decisions. And as Legislator Romaine pointed out, to violate the Prompt Contracting Law, you know, a law that I sponsored. I'm particularly not too happy about that. And that's the exact reason that we wanted that law so that we can protect those agencies so that during midyear, they couldn't suffer any types of unilateral budget cuts. You know, the Executive is the administrator of the budget, he is not the -- he doesn't have the sole authority to amend the budget on his own. And from his actions that he's doing, that's exactly what appears that he's trying to do,

and he can't do that. We are a part of that process.

MR. KOPP:

The actions that he has taken, he has taken only after being advised by Counsel that actions were within his authority.

CHAIRMAN GREGORY:

We'll debate that another time, but he does not have the sole authority to amend the budget on his own, because if he has that ability, you might as well just eliminate the Legislature, we have no function. Okay. And I'm sure that 18 people disagree with that opinion. So we will move on. We've debated this enough. We have a motion and a second. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0)**

1358, Authorizing a technical correction to the 2011 Adopted Operating Budget for the Huntington Advisory Board/Huntington Human Services Institute, Inc. (Co. Exec.)

Motion by Legislator Schneiderman, seconded by Legislator D'Amaro. Gail.

MS. VIZZINI:

It's Omnibus money. It really is tantamount to a name clarification or change.

CHAIRMAN GREGORY:

Okay. Madam Clerk, we're going to put this on the Consent Calendar. All in favor? Opposed? Approved? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

1373, Amending the 2011 Operating Budget to create one new position within the Office of the Public Administrator. (Kennedy)

LEG. ROMAINE:

Motion.

CHAIRMAN GREGORY:

Motion by Legislator Romaine, seconded by Legislator Muratore. On the motion, Mr. Kopp.

MR. KOPP:

Thank you, Mr. Chairman. I would like to point out this resolution restores a position that was reduced as part of the -- eliminated as part of the Early Retirement reduction. And no doubt, most department heads would like to have those positions back as occurs every time we have one of those programs in Suffolk County. And one of the criticisms of Early Retirement incentives over the years has been too many vacant positions get back-filled and recreated. And while this is not a high level position, eventually, they all add up.

CHAIRMAN GREGORY:

Yes. Presiding Officer.

P.O. LINDSAY:

Mr. Kopp, I know the policy when we approved this was that there would be a 20% backfill in all departments. Has there been any back fill in this department?

MR. KOPP:

I can't speak specifically to this department. There has been some backfill in the County.

P.O. LINDSAY:

Gail, do you know, has there been any backfills in this department?

MS. VIZZINI:

I'm not sure about your facts. What happened in the Public Administrator is that an Admin III retired, and at that point, there was a request when we did the Operating Budget to create a lower level Senior Account Clerical or Account Clerical due to the fact that this higher level person was leaving, and they don't have a lot of staff in the Public Administrator to begin with. All the positions are currently filled. There are no existing vacancies. I'm not sure to what extent there may have been an additional retirement besides that one Admin III and whether or not the position was backfilled. I would have to check that. This resolution projects the funding for -- you know, once you go to the Civil Service list and get canvassed and this and that for the remainder of the year at 14,600, and the offset is light, power and water.

CHAIRMAN GREGORY:

Legislator Kennedy, then D'Amaro.

LEG. KENNEDY:

Look, in the space of about 30 minutes we go from discussing our largest department with over 1300 employees and hundreds of millions of dollars in budget delivering health care to the smallest entity in Suffolk County that function as a department, but nevertheless, statutorily has many important duties. Now, each and every one of you have before you the three page letter that is one of the most forthright and pragmatic requests I've ever seen from any particular department. And when you talk about having to bring on a Grade 11 Account Clerk to assist entity in realizing on average almost \$300,000 per year net revenue over to the County, notwithstanding what Mr. Kopp shares with us, this makes all the sense in the world.

Not only does this entity transact and comply with the EPTL in basic processing of the estates on the behalf of those people that die in Suffolk County without any relatives at all, but they bury people who have nobody else. So have we come to the point where we now don't even deal with the dead. This is one of most elemental requests and items that we might have before us. I'll stop there. I don't want to beat a dead horse. That's why I asked for the letter to be brought forward. Each and every one of you can read it. I think it's self explanatory.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, through the Chair just to Legislator Kennedy, I'm looking at that letter you referred to in your remarks, and it seems to me what's being proposed is to restore a position that was in the initial budget proposal at a lower cost. The third page at the top of that letter seems to indicate the amount of the salary and compensation package for the outgoing individual and what the Senior Account Clerk salary -- Senior Account Clerk being the position you're looking to put back into the budget.

LEG. KENNEDY:

Actually, it's even lower than that, Legislator D'Amaro. What I did is in the spirit of trying to meet the need and the request, but do it at the most cost efficient method, I asked BRO to prepare a restoration for a Grade 11 Account Clerk, not even a Senior Account Clerk at a Grade 14. It is a Grade 11 that's being brought forward. Somebody who can do some of the basic accounting work associated with the 70 plus guardianships in the office, the numerous estates in the office and allow the more senior staff there the ability to search out the assets and the relatives that any of us that are attorneys know are critical associated with estate work.

LEG. D'AMARO:

And that, through the Chair again, was, in fact, contemplated by the initial budget; someone's retiring at a much higher pay grade, the office does need this administrative assistance, let's put it in the budget at a much lower pay grade, and then in the wink of an eye, it's gone.

P.O. LINDSAY:

How did it fall out of the budget? Did we take it out of the budget?

LEG. KENNEDY:

I'm going to defer to BRO, but I believe that there was departmental request during the later part of last summer, and then it may have overlapped, Gail, with the Exec's planned budget and our work. I'm not quite sure.

MS. VIZZINI:

I'm not sure if the Admin III was a 31 or a 29, I'm not sure what the Admin III was. The Admin III retired, and the department requested that based on the savings associated with that, there will be another Senior Account Clerk created. It was not something that made it to the Omnibus. It certainly didn't make it in the recommended budget, and it didn't make it in the Omnibus either.

P.O. LINDSAY:

We're adding a position to the budget now. What I want to know is when this fellow retired -- I understand the dollars and cents -- that position was eliminated in the budget by the Executive Branch --

MS. VIZZINI:

Correct.

P.O. LINDSAY:

-- or by us?

MS. VIZZINI:

The Executive Branch.

P.O. LINDSAY:

Okay. And we didn't restore it?

MS. VIZZINI:

We did not.

P.O. LINDSAY:

And we knew about it?

MS. VIZZINI:

I think it was -- among the many things that were discussed in the working group, I believe it was discussed.

LEG. KENNEDY:

My recollection, Mr. Chair, is that it was late in the process. Having been a member of the working group, I don't think the Public Administrator's Office came to speak with us. They may have reached out to me late in the process, but it might have been at a point where we were beyond some of the more individual items or matters.

P.O. LINDSAY:

We're almost halfway through the year. I mean, what's going on over there? Are they that backed up?

LEG. KENNEDY:

Yes. As a matter of fact, they are, Mr. Chair. And if you read the letter -- I'm sorry if you don't have a copy in front of you. Yes, what's going on is the pace of processing estates is being slowed down. And, you know, again, if you look at the efforts, particularly in the area of the Department of Social Services, when we have folks that are Social Service recipients who pass away, there's a need to be able to try to establish whether or not there's a family member or not to get some participation. And there's not enough people to go ahead and do the simple relative search associated with that, and we're bearing cost, we're bearing cost.

Now again, I think, Mr. Chair, this is one of those times when we're looking at one of the basic fundamental ministerial requests from a the department. This is not a six figure administrator, this is not somebody who's, you know, adding to the planning or lack thereof in our County. This is somebody who is doing the basic day-to-day elements of accounting for estates and trying to find resources so people can be put in the ground in a dignified manner. That's all.

P.O. LINDSAY:

Let me just explain my reluctance. Fiscally, it seems like a responsible thing to do; by hiring somebody, we'll actually accrue more revenue. I'm just always reluctant to change the budget at this point in time adding back an agency, adding back an employee beyond doing what the working group did, but this is something that evidentially fell through the cracks.

MS. VIZZINI:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MS. VIZZINI:

There was a stand-alone resolution sponsored by Legislator Kennedy to do this during the budget adoption process. It was not adopted.

CHAIRMAN GREGORY:

Do we have a motion?

MS. ORTIZ:

Yes.

CHAIRMAN GREGORY:

Okay. Anyone else? We have a motion and a second. I just want to state before we vote that I too understand the plight of this office, but given the budget and the circumstances that we have at this point to amend the budget, to add new positions I think would just -- we're just not in a position to do that. I appreciate the work that they do. I appreciate the sponsor's efforts again, but I just think, you know, we're going to have many challenges, and to start adding positions to the budget that we collectively decided not to add, I think would be not prudent. Legislator D'Amaro.

LEG. D'AMARO:

Just through the Chair, again to the sponsor. John, do you know what the cost would be to restore this position for the balance of this year?

LEG. KENNEDY:

I'll defer to BRO, but I would Legislator D'Amaro, that if we're fourteen-six for a half year, we're twenty nine-two.

MS. VIZZINI:

Are you asking for the remainder of the year?

LEG. D'AMARO:

Yeah, the remainder of the year.

MS. VIZZINI:

Fourteen thousand-six hundred.

LEG. D'AMARO:

Fourteen thousand-six hundred.

MS. VIZZINI:

Right.

LEG. D'AMARO:

Would adding the position enhance revenue to the County?

LEG. KENNEDY:

No doubt. Absolutely. As a matter of fact, that's been the representation of Mr. {Ferris}. You'll see that in his letter, that's he's indicating that he just does not have enough person hours at his disposal to do the actual processing. And he must comply with the orders of the surrogate, as you know. That's not permissive on his part. He can't say to the surrogate, "Sorry, Judge, I don't have enough folks to go ahead and get the deal done. Give it to somebody else." He's it.

LEG. D'AMARO:

I don't have a recollection of this in the working group nor do I have a recollection of your stand-alone. Is this something that however -- I share the reluctance, however, of amending the budget. Is this something that perhaps can be considered going into 2012, you know, through the working group in the fall, the restoration of the position? Any thoughts on that?

LEG. KENNEDY:

Look, I sit around this horseshoe with everybody else, and that's why I prefaced my remarks with the discussion about the clinics and all the other things that we're looking at. I'm beating up Public Works about buying snowplows. There's no doubt about it that we are looking at, you know, budget shortfalls of Herculean proportions. I'm not going to dispute that.

But I will say, having served under my colleague when he was County Clerk in another office that was the largest revenue generator, when there were not Grade 9 and Grade 11 Clerks to process what the public paid for to generate the revenue and the remittances, then what came to the County, suffered. It's something as elemental as every one of us knows our constituents do in business, they can't transact, they can't be effective in business state or commerce.

LEG. D'AMARO:

Here the functions are State mandated.

LEG. KENNEDY:

Absolutely. Absolutely. This is not something that is discretionary on our part. If Mr. {Ferris} had one person, he'd still have to make best efforts to try to deal with those increases. What he's

showing you, what he was writing, the exponential increase particularly on the guardianship side without the resources -- so I think this is one that definitely takes it out of what we might see in other similarly situated departments.

LEG. D'AMARO:

Thank you.

CHAIRMAN GREGORY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I worked on the Budget Working Group too, and it was an enormous task. We didn't have, frankly, all the information we could have. Some of these decisions have to be made as they come along with more information. And I appreciate this letter, because it's so detailed. And, you know, just the function of trying to find assets from the indigent who died, we have to bury and pay \$1200 a person, and if they have some resources, this individual is finding them. And clearly, just from that function alone, is bringing in more money that their own salary similar cost.

I think -- you know, I don't want to be -- what's the expression -- penny-smart-pound-foolish. This is something that I think will have a net positive to the County. I'm going to support it. I'm going to thank you for the work you've done in defending this position. But I think the right thing to do is to restore it.

LEG. KENNEDY:

Thank you.

CHAIRMAN GREGORY:

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

LEG. KENNEDY:

Thank you.

CHAIRMAN GREGORY:

1374, Amending the 2011 Operating Budget to support the Smithtown Township Arts Council. (Kennedy)

I make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Seconded by Legislator D'Amaro. Gail.

MS. VIZZINI:

It's omnibus money, but it's a name clarification.

CHAIRMAN GREGORY:

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

1397, Directing the Department of Public Works to develop and issue an RFP for the sale and lease back of the H. Lee Dennison Building. (Romaine)

LEG. ROMAINE:

Yes, I believe this is -- this is not subject to public hearing. I will make a motion to approve.

CHAIRMAN GREGORY:

Motion to approve by Legislator Romaine.

LEG. SCHNEIDERMAN:

I'll second so I can ask a question.

CHAIRMAN GREGORY:

Seconded by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll second. Right now, I'm not ready to move forward on this, I just have too many questions about it. But I will give the sponsor an opportunity. So the concept basically is take a building that we own, sell it to somebody else, lease it back, which on it's face, doesn't make any sense, however, you want to move County functions into that building that reimbursable only if we're paying rent that are not currently reimbursable if we own; is that correct? That adds up to a cash positive on top of the now, basically, the interest we're paying on having -- you know, paying rent?

LEG. ROMAINE:

Well, first of all, let me just say I have the greatest respect -- although he was the one County Exec I did not know personally, H. Lee Dennison, but I heard nothing but good things from people when I came into County Government about Mr. Dennison. No disrespect.

Our former County Comptroller, Joe Caputo, had a suggestion for the H. Lee Dennison Building, and that was to blow it up, because -- he had said that multiple times -- because of the expense of that building and a number of things that the County had done on terms of constantly repairing that building.

What this would do is it would sell the building with an agreement that the County dependent, of course, on the purchaser, would at the purchaser's request, lease the space back. We would pay rent instead of owning the building. The building would go on the tax rolls. The building's maintenance and expense of maintaining the building, etcetera, etcetera, etcetera would be the expense of the building owner.

The end of the lease term, which would be somewhere between 20 and 25 years, we would then be able, have the option, choice if we choose to of repurchasing the building back for a dollar. Why does this make sense? This makes sense because right away we would raise revenue in a period of time in which revenue is desperately needed. There's estimates of somewhere around 35 to \$38 million.

Secondarily, we would then rent this building out. My suggestion would be that the County move the people out of the building that's currently occupying it and move into it, over a period of time, as leases expire, those government agencies that have their rent partially subsidized; Health Department, Social Services, Labor, etcetera. There's a number of agencies that have their rent -- Community Development, for example, they're allowed to charge off rent.

So those departments would then move into that building. We would then be paying a very reduced rent. The rent roll is estimated at four and a half million dollars that we would have to pay for that building. We would have to pay a reduced part of that rent. And at the end of 20, 25 years, we would then make a decision whether we wanted to take it back for a dollar or not. What

it does in the short term is raise revenue, and therefore, is beneficial. That's the benefit. I mean, would we consider this otherwise? I'm not so sure. Real estate people have said that the Dennison Building is kind of a dog of building to sell. But the thing that makes it sellable is our willingness to lease the building.

LEG. SCHNEIDERMAN:

It's basically a scheme, not unlike tobacco securitization. It might be cash positive if we're suddenly getting reimbursed for things that we're not currently getting reimbursed for. You know, I'm concerned about that one-shot nature where we get money upfront, but potentially paying more down the road. However, the reimbursables may make it positive. So I really need to see a full analysis. I don't know if BRO has had time to really look at this to see --

LEG. ROMAINE:

Well, I'm happy to table this for another --

LEG. SCHNEIDERMAN:

It would also help to know too, is there current debt service on that building? Do we owe money on it?

LEG. ROMAINE:

I don't believe there's debt service on that building. Gail could tell us.

LEG. SCHNEIDERMAN:

You understand, Legislator Romaine. I mean, if there is, then if we sold it, we obviously have to pay back the note that's on the building. That may not work -- that may cancel out the positive affects.

LEG. ROMAINE:

Well, that building was built, I believe, in 1970. I know that they had to drive the steel pilings down over 60 feet.

LEG. SCHNEIDERMAN:

But we refinance so much of our debt, that there might actually be debt on it.

LEG. ROMAINE:

If there's debt after, my God, 41 years, then I have to --

LEG. SCHNEIDERMAN:

Only because of refinancing efforts, there may be. It doesn't look like they're prepared to comment on it. Do you mind just tabling it a cycle, and then we'll get a more thorough report.

LEG. ROMAINE:

Absolutely. Because, actually, what I wanted to -- and I'm glad we're having this discussion and I'm glad you made the motion so we could have this discussion, because I don't want to move into anything. But I'm going to probably refine -- I'm giving our Counsel a head's up. I'm probably going to refine the resolution, because I also want to refine how much land would be given with the building if we sold it. For example, I have no problem with the south parking lot. I would only want to see part of the north parking lot utilized. And I also want to take a look at what other land it sits on.

I'm getting information from the County Clerk's Office that describes the parcel so I can better describe something -- again, this is only for an RFP. Understand, if we approve this and we do an RFP, it would come back to us and we would have an option to take a look at this situation with the

RFP. So why don't I change my motion to a motion to table and we can have a full discussion at our next meeting.

LEG. SCHNEIDERMAN:

Just two other things I'd like to see addressed in the future when we talk about it, I mean, obviously there's a lot of office space there, you are saying -- I guess there's a number of reimbursable rents, but I'd like to know how many -- how much of that building would occupy and are they currently in buildings that we own obviously.

LEG. ROMAINE:

No. They're all private buildings that have lease terms.

LEG. SCHNEIDERMAN:

So where they are, we should be getting reimbursed for their rents.

LEG. ROMAINE:

Yes, we are. But guess what?

LEG. SCHNEIDERMAN:

You can't count that money twice.

LEG. ROMAINE:

No, you can't. But if at some point those leases run out and if we move gradually to just fill that building over the next five years with County facilities that are reimbursements, then we lessen what our rent roll is. You can't do it tomorrow, but probably over the next five years you could effectuate that change.

LEG. SCHNEIDERMAN:

Without selling the building, there might be other revenues. I believe there's some sort of lease for a solar carport that might be affected by this, and there might be other ways from that asset to get additional --

LEG. ROMAINE:

I know that lease is moving forward. I see the Presiding Officer has withdrawn his resolution. Hopefully they have worked out their difficulties with organized labor.

LEG. SCHNEIDERMAN:

But those things all have to be --

LEG. ROMAINE:

I'll be prepared to answer some of those questions at our next meeting.

LEG. SCHNEIDERMAN:

So I'm going to withdraw my second and I will make it a second to table.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Very quickly. Legislator Romaine, through the Chair, the way you envision this playing out would be the County would pay rent for X number of years, and at the end of the lease term, the County would have the option to take back the building at a di minimus amount?

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

So in effect, in effect, this is really a long term loan, in effect. Min effect, it would --

LEG. D'AMARO:

That solves a cash problem that we're having now, knowing that in 20 years, 25 years, whatever it is, we have the option to take back ownership at no cost essentially to the building.

LEG. ROMAINE:

Right.

LEG. D'AMARO:

Having paid, however, over that cost of the lease term to the landlord an amount that's going to give the landlord a reasonable return. So, in effect, you're really getting an upfront loan and probably paying a premium on that loan.

LEG. ROMAINE:

That's correct. But it's less of a premium if we follow a procedure where we try and consolidate, because it's scattered out over a whole host of buildings today, if we consolidated those and put them in this facility.

LEG. D'AMARO:

I think at this point, given prior discussions here today and knowing the dire fiscal constraints we're under, I think everything needs to be on the table. I appreciate that you're going to it for table one cycle so perhaps we can get more information. I think we've talked about this in the past. There might even be some memos or recommendations somewhere out there floating around that maybe we should try and dig up.

LEG. ROMAINE:

I'm sure there is. I think it would be good at some point, possibly the Presiding Officer could assign either you or me or jointly or a few of us to meet with our -- I believe the County has a real estate consultant. I know he wasn't in favor of this initially. He wanted to sell the North Complex, which I thought was a little extreme. But we maybe should sit with our real estate consultant.

The reason I put this forward is not because of any desire to take a loan or a one-shot deal, but because I know we have a huge deficit, and I -- we're running out of ways to close that deficit. This is probably not something that I would do every day. It's probably not a recommended course of action, but unfortunately, we know the old phrase, "Desperate people do desperate things, and we're pretty desperate at this point.

LEG. D'AMARO:

I agree with you wholeheartedly.

CHAIRMAN GREGORY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just one other consideration too in looking at this building. Obviously, it's one of the tallest buildings around. It's probably the tallest building in Suffolk County. I imagine we have quite a number of cell towers up on top of that building probably taking in hundreds of thousands of dollars in revenue.

LEG. ROMAINE:

That would be calculated in.

LEG. SCHNEIDERMAN:

I would hate to lose that revenue in a sale. But also, besides the fact that we could lose that revenue if we sold it, are we maximizing the revenue from that building in things like wireless communications. So it's one more thing to think about and put it in the mix when we analyze whether this is a good idea or bad idea.

LEG. ROMAINE:

Excellent suggestion. Thank you.

CHAIRMAN GREGORY:

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

1400, Mitigating an anticipated budget shortfall by authorizing the sale of Suffolk County tax liens. (Kennedy).

LEG. ROMAINE:

Motion to approve.

CHAIRMAN GREGORY:

Motion to approve by Legislator Romaine.

LEG. SCHNEIDERMAN:

Motion to table. I'm also not ready on this one.

CHAIRMAN GREGORY:

Motion to table by Legislator Schneiderman, I'll second -- Legislator D'Amaro seconding the tabling motion.

LEG. D'AMARO:

I just had questions also.

CHAIRMAN GREGORY:

Yes. Legislator Kennedy.

LEG. KENNEDY:

Thank you. This is something similar to one of the other matters that we have considered in the past. As a matter of fact, if you look at the language in the first Whereas Clause, we're directing that the Exec's Office update the RFP that was actually let in 2008. This issue or idea, similar to the sale-leaseback of the Dennison Building, has been something visited in the past, but much more work was done on this one. And ultimately, if you'll recall, securitization of tobacco revenue was ultimately selected as the method to plug the bleeding in '08. That's gone. That's gone. And as a matter of fact, that's fallen out of the table fast.

So, you know, we have an arterial bleeder now. I don't know that waiting on this is really going to be something that will help us. And actually, to properly frame this resolution, seeing that what it's doing is just directing that the RFP technical material be updated and that it be let so that we can get offers. I believe the last time we had two or three offers for factoring of our tax liens. Recall also that this is limited solely to vacant land and commercial. It does not impact residential properties.

The arguments that have been made against this are that the County benefits from the interest and the penalty when parties ultimately either voluntarily remit or before they lose title, they pay up or they sell. But in a case where we're talking about vacants or commercials, on average, we'll hold this inventory four or five years at a minimum. The tax deed's taken after two full years of unpaid tax. But then it's held for another three years so that we can have time for any claims regarding title.

No business in this country of for that matter anywhere in the world survives holding inventory for five years. So there may be a bonus or a payoff. But when you look at the time value of money, none of our creditors are saying, "Five years, no problem. I will just urge my colleagues that a simple approval here is not imprudent or unwarranted. And this is something that's already had the benefit of some study already by the administration and the Division of Real Estate.

CHAIRMAN GREGORY:

Legislator Schneiderman, then Legislator D'Amaro.

LEG. SCHNEIDERMAN:

Well, first on that timeline, that's for residential that you're giving me that time --

LEG. KENNEDY:

No. Residential, as a matter of fact is seven.

LEG. SCHNEIDERMAN:

Okay. So you're saying is two years of unpaid taxes, and that starts an additional three year clock.

LEG. KENNEDY:

Yes. Three years because what happens is the deed is held by the Division of Real Estate so that rather than challenging individual title irregularities, we allow time to run so that any claims would be time-barred.

LEG. SCHNEIDERMAN:

So now, the liens -- basically, the County has the right to take property. So you're selling the lien to a private company. They now can try to collect the money, and if they can't collect the money, they can take the property; is that correct?

LEG. KENNEDY:

Yes, they would perfect the lien. As a matter of fact, this is the standard practice in many counties throughout the State of New York.

LEG. SCHNEIDERMAN:

And when they take it, they're allowed to keep all the equity, or are they required to auction it off and correct the difference in terms of money that was owed and then they return the excess to the owner? I mean, we don't. We don't as a County. I always thought that wasn't right.

LEG. KENNEDY:

Actually, Legislator Montano sponsored the bill that actually says when it comes to takings for primary residences --

LEG. SCHNEIDERMAN:

That's only in certain circumstances.

LEG. KENNEDY:

We do make the party whole.

LEG. SCHNEIDERMAN:

Right, but we don't typically with commercial properties and we don't with second homes and things like that. You know, you could end up in a situation where somebody owes \$20,000 in taxes on a \$2 million home, maybe they're infirm in a nursing home in Texas or something. There are heirs, there are individuals that, you know, we're taking their equity away from.

P.O. LINDSAY:

This isn't right.

LEG. SCHNEIDERMAN:

I know. I understand that. But even the commercial property -- but I think that, you know, if we sold the lien -- I guess my question is would that individual or corporation have right to take beyond what's owed?

LEG. KENNEDY:

My understanding with this in the past -- and as a matter of fact, I've dealt with this issue going all the way back to the late '80s when County Executive Halpin first convened a commission, a blue ribbon panel to look at factoring of tax liens. The entity that steps in and factors and acquires liens, acquires all the rights that the County has, and in fact, act in their stead.

So just as we now may go ahead and reap a windfall, if we take somebody's commercial property where they may be delinquent for ten or 20 grand on a million dollar property, that factor will go ahead and get that benefit as well. That's the inducement for them to actually go ahead and purchase in the first instance.

However, what I will also say to you is remember, long before the factor would get the ability to go ahead and take this property, more often than not, other parties step in to cure. And when this RFP was most recently looked at, specifically, we requested the right to pull properties out of the inventory if there was underlying mitigating circumstances that made it unique. So I would presume that that same set of belief would be there going forward. I will defer to the committee. I am not a member of this committee. All I hasten and encourage each and everyone of you with is time is not on our side. Make no mistake about it, time is not on our side.

LEG. SCHNEIDERMAN:

I understand that, I understand that, you know, we need to look at all the options. I think that's the right thing to do. I applaud you for bringing ideas forward. I don't assume anything. I know in our process, you know, we have looked, you know, sometimes there are extenuating circumstances; health conditions, and we have made a decision to not seize the property, to allow the person to get it back. A private company that's profit driven may have other motivations and say, "No, I'm sorry. We've got the right to take it, we are taking it, this is how we're going to make out money." You know, with tobacco securitization, I think we got something like 40 cents on the dollar. Again, in selling tax liens, we're not going to get a dollar on the dollar. So we're going to get something less. It is, in essence, another one shot. And I just think we need proceed very cautiously that we're not just putting off a worse situation for later on to solve a problem for today. I'm going to table it so we have more time to fully analyze all the options in front of us.

LEG. KENNEDY:

I will make every effort to try to give some briefing material to the committee so that you will have had a chance to read some of the background and specifically to answer some of the questions you have, Legislator Schneiderman. But this is an effort to bring forward what was something that was

done by the administration. And I reach out to the administration to get a copy of the RFP from back in '08.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. John, I'm going to support the tabling motion for a cycle, because I think we need to look at all of that information. Two things come to the top of my mind in just talking about this here year today; one was what Legislator Schneiderman referred to, the control issue. I remember having these discussions both here and I believe across the street. And we were concerned about, you know, right now the County has control and we can make decisions and use discretion on how to deal with these on a case-by-case basis of there are extenuating circumstances that would warrant the delay or a redemption whatever it may be. And would we lose that control? And if not, to what extent would it be impacted? So that's one issue.

And the other issue was I seem to recall an opinion that we were, in fact, prohibited by State Law from doing this for some reason; Something that's unique to the Suffolk County Tax Act that doesn't apply to other counties, that we are not permitted to sell our tax liens. For some reason, I recall that.

LEG. KENNEDY:

I know that we have come quite a ways in the past, and I will take a look to see whether or not we have an opinion from our County Attorney or the AG or whomever. But you are right, Legislator D'Amaro, yes, we are a specialized County, we are unique when it comes to the operation of our tax liens. But that's why I make reference to the fact that under real property actions and proceedings of Real Property Tax Law, as you know, throughout most counties in the State of New York that are governed by that, there is a robust and active market for the sale of delinquent tax liens in the private sector there. I'll take a look and I'll see what I can find.

LEG. D'AMARO:

Well, the fact that it's limited to commercial property and vacant land, I think weighs more heavily in its favor, because, you know, the discretion and control with residential is something I don't think we're prepared to give up. All right. Thank you.

CHAIRMAN GREGORY:

Presiding Officer.

P.O. LINDSAY:

I, I guess, support the tabling for now, but just keep in mind, guys, there's bad choices and there's and worse choices. And we just had a healthy discussion about health care and about services that are near and dear to our hearts. We have to figure out how to pay for them. And, yeah, it's a one shot, and, yeah, we've used too many one shots, but I don't know where the end game is going to be. I mean, we have to raise revenue so that this County isn't going to go into bankruptcy. So, you know, I'm all for waiting another -- you know, we have another cycle in two weeks on a lot of these ideas. We'll also have the veto from the Legacy Village Resolution. You know, one of these things, have to pan out. We have to come up with the revenue.

CHAIRMAN GREGORY:

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

1401, Directing the County Executive to negotiate union concessions as a means of mitigating the budget shortfall. (Cooper)

I am going to make a motion to table at the request of the sponsor, seconded by Legislator Schneiderman.

LEG. D'AMARO:

Just to Counsel. George, is there any need for me to recuse on this bill?

MR. NOLAN:

No, because you are really not voting on the terms and conditions at this point. You're directing an action to seek something. It's very indirect. But certainly on the tabling you're fine.

LEG. D'AMARO:

All right. I just wanted to get that on the record. Thank you, Mr. Chair.

CHAIRMAN GREGORY:

All right. Legislator Romaine.

LEG. ROMAINE:

Likewise, I have a relative that works for the County. Obviously, I want to make sure that any vote I cast is appropriate. I don't want to cast a vote on something, even a request to change the wages or working conditions of people in the County when it would affect a relative that is employed. So I have the same issue that Legislator D'Amaro has. I want to be very careful about casting a vote on this having seen the due diligence of our Ethics Commission. Please list my vote on this matter as a recusal.

LEG. D'AMARO:

Through the Chair, I'm going to also put on the record that I'm going to be recusing from participating in any debate on this bill or any vote, subsequent vote on the bill. Anything that comes remotely close to affecting terms and condition of employment of my spouse who is employed by the County, I would prefer at this point to recuse.

MR. NOLAN:

It may be different for you, Legislator D'Amaro, because this applies to the bargaining units. I think there may be other resolutions that are going to have to do with exempt employees, management employees. So in your particular case --

LEG. D'AMARO:

You know what? I stand corrected. This does not apply to exempt positions, it only applies to bargaining units. So on that basis, then I will participate. Scratch my recusal.

CHAIRMAN GREGORY:

We have a motion to table, Madam Clerk, with a second.

MS. ORTIZ:

Yes.

LEG. MURATORE:

I have to recuse myself also, because I have a relative that works for the County.

CHAIRMAN GREGORY:

Last man standing. We have a motion. All in favor? Opposed? Abstentions? **TABLED (VOTE: 3-0-0-0-2; Recusal, Legis. Romaine and Muratore).**

1406, Adopting Local Law No. -2011, A Charter Law to waive a certain Charter provision and provide adequate funding for the John J. Foley Skilled Nursing Facility. (Pres. Off.)

I make a motion to table, still in public hearing.

LEG. D'AMARO:

Second.

CHAIRMAN GREGORY:

Seconded by Legislator D'Amaro.

LEG. ROMAINE:

Please note my recusal.

CHAIRMAN GREGORY:

All those in favor? Opposed? Abstentions? **TABLED (VOTE: 4-0-0-0-1; Recusal, Legis. Romaine)**

1412, Amending the 2011 Operating Budget to support Adelante of Suffolk County. (Montano)

We have the sponsor who is here.

LEG. MURATORE:

Motion to approve.

CHAIRMAN GREGORY:

Motion to approve by Legislator Muratore.

LEG. ROMAINE:

I'll second.

CHAIRMAN GREGORY:

Second by Legislator Romaine for purposes of discussion. Legislator Montano.

LEG. MONTANO:

I'm not a member of the committee, thank you for giving me the opportunity to address the committee. Adelante is here, Miriam Garcia is the Executive Director. She has already spoken on this bill, I understand. I'm going to ask her, with your permission, to come forward if there are any questions.

Obviously, Adelante is the only program that works exclusively -- am I correct, Miriam -- works exclusively within the Hispanic community. I think all of you know that the numbers in every district of Hispanics has increased this year. I was initially reluctant to introduce this resolution because of the fiscal issues and the fact that, you know, I also have taken the position that we should not amend the Operating Budget once it's approved unless there are some extenuating and, you know, special circumstances.

I held back the bill until the last vote of the committee where we did basically amend the Operating

Budget. There are other issues here that also amend the Operating Budget. It's not a lot of money, but it is a vital need. It's a program that is unique to a particular community. Adelante provides specialized services, as do other agencies, but what's unique here is that the other agencies really don't target the community that's most in need. And I think with that, Miriam, would you like to come up and restate your case? I wasn't here in the morning. I already know the facts, but I'll give you an opportunity to restate your position on this, and then we'll see how the committee votes on that. I cannot vote, because I'm not a member of this committee.

MS. GARCIA:

Thank you. As I mentioned before, we're receiving this cut of close to 37,000. It's affecting basically the youth and their families. Not only do we assist them in staying in school and assisting them in getting better grades in school, but we also at the same time, help their families to prevent them from homelessness, hungry, the medical care. It's a whole array of services that we provide for the families in order to be able assist that youth doing well in school.

Our services are not just in the Brentwood-Central Islip area. We have many parents and students coming from all across Suffolk County. One of the questions before was how is that we provide these services. Parents come and bring the students, whether it's after school, whether it's on weekends or at night in order to access all the services that we provide not just for the youth. We found years ago that it was not sufficient to help the youth if the family itself is not doing well. And that's our main concern, that our community needs those services so greatly as a whole of a family.

LEG. MONTANO:

Miriam, I would ask you, is it not so that all of your staff is bilingual?

MS. GARCIA:

Ninety-five percent of it.

LEG. MONTANO:

All right. But the people that are involved in this program are bilingual.

MS. GARCIA:

All this staff that provides any direct care are bilingual.

LEG. MONTANO:

And isn't it so that a lot of youth, while they speak English because they're in school, in many cases, the parents are not proficient in English, and, you know, this is one of the services you provide?

MS. GARCIA:

That's correct. While we still also have a lot of students who do not speak English very well, but the main concern is the fact that parents are also not able to assist the children in any way when it comes to the school problems that they may have or home problems. So the youth has a double problem, because they don't speak it well and neither do the parents.

LEG. MONTANO:

Right. And, you know, having experienced that not so much in my case, because my parents actually -- when they came from Puerto Rico it was many years ago, but as I was growing up, most of the friends that I had in school, recent arrivals, recent migrants from Puerto Rico, and they and their families experienced that. So I understand very clearly the service that you provide. And is that Erica sitting in the -- Erica, are you here to support this request for funding.

MS. BROOKS:

Yes.

LEG. MONTANO:

And you're representing which group today, is that Siempre Mujer?

MS. BROOKS:

I am representing Adelante.

LEG. MONTANO:

Adelante also, okay. All right. Thank you, Miriam.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Through the Chair to Legislator Montano, would this be a full restoration? How is this being viewed?

LEG. MONTANO:

This would restore them back to where they were last year; am I correct, Miriam?

MS. GARCIA:

Yes.

LEG. MONTANO:

And this was actually in the proposed Operating Budget. And it was the committee -- I was not on the committee. And it was the committee -- correct me if I'm inaccurate, Gail -- but this money was proposed in the County Executive's Operating Budget, and then it was deleted by the Operating Committee; am I correct on that, Miriam?

MS. VIZZINI:

Yes. The recommended budget had the 236,067. When the budget was adopted, the funding was 200,000, hence the 36,067.

LEG. MONTANO:

Right. And quite frankly, I was not aware of that. I don't think Miriam and Adelante were aware of that either; am I correct?

MS. GARCIA:

That's correct.

LEG. D'AMARO:

I'm going to not support passing this today. I don't know if there's a tabling motion. If there's not, I'll offer a tabling motion. And it's not agency-specific. I admire your organization, I commend the work that you are doing, but as a member of the working group -- and as we all know, we make some real tough choices and many, many cuts across the board to many, many agencies.

I did not support any restoration in the past. We talked about it at our last Legislative Meeting for another organization. I voted against that. It's important for me for people to understand that all I'm doing here is being consistent in saying that if we open floodgates to all of the agencies that were cut, I think they all can make very convincing arguments that there's a need for restoration of funds. And I don't disagree with that at all. I understand the need, I truly do.

This is not a case where the agency here, the contract agency, was zeroed out. It was a cut, a

similar cut shared by many other worthy organizations in Suffolk County. As I said, I haven't supported any restorations in the past, and I'm not going to start doing that today. But again, my vote to table is not agency-specific, it's not a reflection on my beliefs as to the work of this particular contract agency, Adelante of Suffolk County.

CHAIRMAN GREGORY:

I, too, was on the working group and we made some tough decisions, as I mentioned earlier. We made decisions that, you know, not necessarily the best way to go, but we made, you know, a 10% or 20% decision to reduce certain agencies depending on their functionality and what they provide in services. There are agencies in my Legislative District that were cut far larger than this that provide similar services.

I voted for Legislator Romaine's bill only -- not only because, but they also provide important services. But I think the difference there was that there were corresponding State aid that they could secure with additional restoring of some funds. This here is 100% -- it's not a 100% cut, but it's a restoration of the 2010 levels, which I think many of us, if not all of us, could state that, you know, we suffered cuts to important agencies in our individual communities and districts that would certainly -- we would argue that could use 1005 restoration. So for that reason I'm going to be supporting a tabling. If anyone else have anything to say. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I got to hear the presentation by Adelante earlier. There's no question that the program is a good program. They're doing great work. It seems in large part an after-school type of program, in which in some schools, the schools fund. But when we did the Budget Working Group, across the board, I can't even remember how many of these after-school programs got eliminated or the funding significantly reduced; sports programs.

You know, I know Adelante -- the woman from Adelante spoke a little bit about some of the services for -- in terms of reducing substance abuse and things like that. And those we tended to try to keep funding in. But it seems to be merged into this program. So I'd like a little bit more time maybe to look at the program and see maybe there could be some restorations to portions of it that were compatible with other things we restored. But if we're going to do one after-school program, I think we've got to do them all. And I understand that this focuses on an underserved population, a minority-served population. I think many of the others did as well. I just want to make sure we're being fair. If we're restore one, we've got to restore the others as well. I'll support the tabling.

CHAIRMAN GREGORY:

Okay. We have a motion, a second, Madam Clerk?

MS. ORTIZ:

Who was the second, you were?

CHAIRMAN GREGORY:

Yes. Tabling motion goes first. All those in favor? Opposed?

LEG. ROMAINE:

Opposed.

LEG. MURATORE:

Opposed?

CHAIRMAN GREGORY:

Abstentions? **TABLED (VOTE: 3-2-0-0; Opposed, Legis. Romaine and Muratore).**

That was our agenda. We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 12:18 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY