

BUDGET AND FINANCE COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Budget and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on October 1, 2013.

Members Present:

Legislator DuWayne Gregory - Chairman
Legislator Jay Schneiderman - Vice-Chair
Legislator Wayne Horsley
Legislator Al Krupski

Not Present:

Legislator Tom Muratore - Excused Absence

Also In Attendance:

Legislator Tom Cilmi - District No. 10
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk
Robert Lipp - Director, Budget Review Office
Laura Halloran - Budget Review Office
Michael Pitcher - Aide to Presiding Officer Lindsay
Paul Perillie - Aide to Legislator Gregory
Kevin LaValle - Aide to Legislator Muratore
Lynne Bizzarro - Chief Deputy County Attorney
Ben Zwirn - Suffolk County Community College
Tom Vaughn - County Executive's Office
All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Kim Castiglione - Legislative Secretary

*(*The meeting was called to order at 10:09 a.m.*)*

CHAIRMAN GREGORY:

Good morning, everyone. Welcome to today's Budget and Finance Committee meeting. If I could have all Legislators report to the auditorium. If you all could please rise for the Pledge of Allegiance led by Legislator Schneiderman.

Salutation

Again, welcome to today's Budget and Finance Committee meeting. We do not have any cards, but if there is anyone in the audience that would like to speak during our public portion, please come forward. Okay. Seeing none, we will get into the agenda. Actually, if we could I would like BRO to report or state, given that we're in the midst of a Federal shutdown, I spoke to Dr. Lipp just quickly yesterday. Is there any further projections or anticipations that here at the County will be impacted in any way by the Federal shutdown?

MS. HALLORAN:

Can I defer to Dr. Lipp?

MR. LIPP:

Yes. So basically it's -- there isn't too much of an impact. Right now it's minimal. Of course if there's a shutdown that lasts several weeks and if they do not increase the debt ceiling, then it will start to have a significant impact. But right now we're not looking at anything.

CHAIRMAN GREGORY:

So no impact. So good news.

MR. LIPP:

Well, it's not clear if they'll shut down for a longer period and whether or not they'll increase the debt ceiling.

CHAIRMAN GREGORY:

So the bigger concern is the debt ceiling.

MR. LIPP:

Stay tuned. Well, and also if it's several weeks that this goes on for.

CHAIRMAN GREGORY:

Right. Okay. Yes, Legislator Horsley.

D.P.O. HORSLEY:

Robert, the concept that if -- obviously there's going to be many Federal employees that are no longer going to be on the job and whatever. Would that in any way slow Federal dollars to the State to get to the County in our reimbursements and the like? Is that somewhere where we have to have upfront monies and that whole scenario?

MR. LIPP:

Right.

D.P.O. HORSLEY:

When does that take place?

MR. LIPP:

I think if we're talking several weeks and if we're talking not raising the debt ceiling then we'll start getting into that kind of stuff. Typically we -- for instance, first instance funding for capital projects, you know, that are heavily aided, road projects in particular. And in theory, you know, we are ready to issue bond anticipation notes if the money doesn't come through. But the way we generally work things is we wait until the money is ready to come through before we start the projects and we could actually borrow internally through the capital fund and then we get the money back and replenish the capital fund. So it usually isn't a problem but once again, if we're talking several weeks out and we're talking not raising the debt ceiling then the parameters change.

D.P.O. HORSLEY:

And that would include those areas where we're reimbursed, youth services, the health centers, things like that, those type of dollars that flow through from the Federal government through the State to us. You know, where the State would start saying, you know, "Oh, we're not getting our dollars, so how can we pass them on?"

MR. LIPP:

It's hard to actually say where and to what extent at this point. They'll have to reprioritize as they go forward and, you know, the *what if* scenarios are exactly hard to imagine what actually works. So, you know, we're like really busy reviewing the budget so we're not paying too careful attention to that. But it's out there and we understand that that's --

D.P.O. HORSLEY:

I'm not looking for --

MR. LIPP:

You just wanted to get a general idea.

D.P.O. HORSLEY:

I just want a general idea, you know, is this something that we've got to worry about if this lasts for a month. Are we going to start seeing, you know, our revenue sharing dry up.

MR. LIPP:

That could be problematic if it's going to last that long, yeah. And it will also affect people's behavior. They'll think that things are going to get worse and it will be a self-fulfilling prophecy. People won't spend as much. It will affect economic activity for sure if it lasts that long.

D.P.O. HORSLEY:

Which could go to sales tax.

MR. LIPP:

Yeah.

D.P.O. HORSLEY:

Then it really hurts.

LEG. SCHNEIDERMAN:

Do you know in Suffolk County how many Federal employees there are?

MR. LIPP:

Not off the top of my head. I could look at a file, though, and give you a general idea.

LEG. KRUPSKI:

I think it's about 8,000.

LEG. SCHNEIDERMAN:

Eight thousand, that's a significant amount of people not working.

MR. LIPP:

Well, we're talking furloughs of limited numbers of people, first of all. We are not talking about --

LEG. SCHNEIDERMAN:

It's not all the Federal people.

MR. LIPP:

First of all, we're not talking all Federal people, and to what extent any of those are actually furloughed is not clear, you know, locally. I mean, it's not going to be -- I mean, it's easy for me to say if I'm not being furloughed no doubt, but that being said, just a general overall economic activity, you know, if this is going to happen for a few days it wouldn't be too much of a concern. If it's going to extend, like I said, then that's problematic.

D.P.O. HORSLEY:

Can I follow up with a quick question relating to those people who are furloughed now? Are they reimbursed? Do you know that?

MR. LIPP:

I'm pretty sure that by definition furlough means you're not getting paid.

D.P.O. HORSLEY:

That's what I would think, too. So in other words, they're not going to get paid and those monies are not going to be there in the future.

MR. LIPP:

Right. Don't come in today and you're not getting paid for today.

D.P.O. HORSLEY:

Okay. No reimbursement.

MR. LIPP:

Yes.

CHAIRMAN GREGORY:

If I could get you to think back. Were you here in '95/'96?

MR. LIPP:

Was that 1895 or 1995? Yes.

CHAIRMAN GREGORY:

I believe the shutdown then was three weeks. Do you recall there being an impact or have you guys looked at that?

MR. LIPP:

I'm not sure. I'd have to get back to you on that.

CHAIRMAN GREGORY:

Okay. All right.

D.P.O. HORSLEY:

Al, do they go after Plum Island now? What happens there?

LEG. KRUPSKI:

I would guess animal disease research would be considered an essential service and not something that --

D.P.O. HORSLEY:

I'm not so sure about that.

LEG. KRUPSKI:

Food security I think would be considered pretty important.

D.P.O. HORSLEY:

Okay.

LEG. KRUPSKI:

Food security is frequently overlooked because it's taken for granted, but I think someone there --

D.P.O. HORSLEY:

Meat inspections are good, but I haven't heard mentioned anything else.

LEG. KRUPSKI:

Well, I think it's people are paying attention to those things at some level I hope.

CHAIRMAN GREGORY:

Okay. All right. Let's go on to the agenda. We have tabled resolutions.

Tabled Resolutions

IR 1312 - Amending the 2013 Operating Budget to assure adequate personnel for Wastewater Management (Schneiderman). I'm going to make a motion to table.

LEG. SCHNEIDERMAN:

Motion to approve.

CHAIRMAN GREGORY:

Do I have a second?

D.P.O. HORSLEY:

Second the motion to table.

LEG. SCHNEIDERMAN:

On the motion. I don't know, Robert, if you have an updated numbers, but I hear this resolution is seeking to use some 477 funds to put some personnel into a really critical area in terms of monitoring our wastewater treatment plants. This is an area that they have been cut back substantially. I know they need additional people. The concern was that there wasn't sufficient 477 funds, but that was also based on sales tax projections of a lower magnitude than we're currently seeing. So do we have an update in what's available in 477 and whether this could be handled within that fund, because it really, you know, from here until the end of the year it's not an awful lot

of money.

MR. LIPP:

Okay, so I'm going to try to be the best Laura Halloran I can be. This is Laura Halloran, and she will correct me if I'm wrong. But if I can remember correctly, we -- on a stand alone basis, even with the greater sales tax revenue, we're right at the margin in terms of being able to fund all the water quality programs. That being said, there is some fund balance remaining, but we're in a position now where we're looking to at least 2015 we're going to have to start ratcheting back in terms of the amount of funding for staffing positions in 477. So it's really problematic. That being said, I agree with you that these are vital sort of positions. But we don't see the --

LEG. SCHNEIDERMAN:

These positions are also, what, 37% reimbursable? Something to that extent? Or more?

MR. LIPP:

I don't think we addressed that in the fiscal. I'll find out.

LEG. SCHNEIDERMAN:

It would change the fiscal as well. Well, it wouldn't because the reimbursements flow through the General Fund, not to the 477 Fund.

MR. LIPP:

Right. But the problem once again here is the stand alone cost on an annual basis of what we're getting in for water quality portion of the sales tax is approximately equal to what's being paid out, so we're already starting to eat into the --

LEG. SCHNEIDERMAN:

Let me ask you, Robert, because, you know, there's not a lot of time left in 2013, so even if this is approved and people were brought in, it would probably be zero impact to 477 in '13. It really would be in 2014. My understanding of it in terms of the salaries and benefits in 477 was not consuming the entire fund. It was consuming more than half of it, but there still were some projects, pipeline projects that we're using the rest of it. Those are not reoccurring projects for the most part. Some are, but most are not. So 2014, did you actually take a look at the non-salaried portion tapping into 477?

MR. LIPP:

I think we're at a point now where in order to make something like this work we would have to put a moratorium, for lack of a better term, on capital projects in water quality, because there's a lot of stuff in the pipeline that potentially could easily eat through the fund balance --

LEG. SCHNEIDERMAN:

Well, there haven't been many. We've basically been using 477 for salaries and these positions make sense. They make more sense to me than some of the other positions in 477 that are maybe doing lawn maintenance at golf courses. These are water quality positions. So I don't know why we would stop here and not fund these positions when we've funded so many other positions through 477.

MR. LIPP:

I think, you know, there's -- in the budget there's 4.6 million as a fund balance at the end of the year.

LEG. SCHNEIDERMAN:

477.

MR. LIPP:

Yes. That being said, we don't usually budget for capital projects until the resolutions are passed. That's been the past precedent. So I think the important thing here is if you're willing to hold back somewhat on capital projects then it's plausible to do this knowing, though, that you're already at a break even point in terms of on a stand alone basis what you're spending.

LEG. SCHNEIDERMAN:

This resolution, what, it's just adding one position, right? Assistant public health engineer, right? I'm going to urge my colleagues to actually support this so we can get some additional staff there. I believe there's sufficient funds available.

MR. LIPP:

Certainly there is enough fund balance.

LEG. SCHNEIDERMAN:

As we try to promote, you know, the growth of sewer systems throughout Suffolk County, we're going to need people to do this kind of monitoring to ensure that there aren't impacts to drinking water.

So I have a motion to approve. I know there's a motion to table and a second, but I would like to see this get to the floor at the point.

LEG. KRUPSKI:

On the motion.

CHAIRMAN GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I think the problem here is that with creating new positions out of 477, the whole purpose of the fund is to improve water quality. Hiring more people to test, first of all, testing the sewers are a State responsibility and they shouldn't have to -- the County shouldn't be testing that. That's that role of New York State DEC. So first of all, that's a responsibility that we don't have, so we shouldn't be hiring people to do that.

Second of all, if you are going to take all the or poach all the 477 money to do testing, you're never going to do any water quality improvements. It's the water quality improvements that are going to make your surface waters available for shell fishing and fin fishing and recreational purposes, so you can't take that money for salaries. Over half of it has already been dedicated for salaries. That should be in the General Fund. It should not come out of money that's dedicated towards water quality improvements.

LEG. SCHNEIDERMAN:

I think monitoring water quality is essential and, you know, one bad plume and it's going to shut down our entire, you know, all of our efforts to expand sanitary systems, you know, sewer systems, so I disagree with that fundamentally. You know, we tried. We went to the State. Ben's here from the college, but when he was working in the administration at one point they held off when Ed Romaine had this bill, when he was the lead sponsor, because they thought they were going to get the money from the State. The State won't pay for this, but they do reimburse. I think it's, you know, somewhere between 37 and 50%. So we do get a lot of the money back if we go this route, and they don't have enough people to do adequate monitoring in my mind. This is far less than what they're looking for. This is just one individual. They probably need four or five individuals. So again, you know, we can argue it, but I think it's an environmental initiative, an important

environmental initiative to make sure that we're protecting our drinking water.

LEG. KRUPSKI:

But you don't protect it by monitoring it. You protect it by doing brick and mortar projects, and that's what we need more of, not more monitoring. You need to do the projects in the ground.

LEG. SCHNEIDERMAN:

You're monitoring for compliance. If you have a plant that is discharging toxins or too much nitrogen these are the people who will catch it and shut it down. So it's not just monitoring, it's action involved in terms of protecting drinking water.

CHAIRMAN GREGORY:

You done?

LEG. KRUPSKI:

So far.

CHAIRMAN GREGORY:

Okay. All right. I just want to put on the record before we vote that Legislator Muratore has an excused absence today so he won't be joining us. So we have a motion to table. We have a motion to table with a second and a motion to approve without a second.

I would like to just chime in. I think that given that we're in the budget cycle for 2014 this should be something that we address in the budget. I'm concerned about depleting the funds, the 477 funds. I think ironically for the years Legislator Schneiderman has been the one who's been complaining that we're paying too much personnel out of the 477 Fund. I understand that this is an important function, important position, but I do have some concerns with the level of funds that we do have in 477 so I will not be supporting it at this time. If there's no further debate -- Legislator Horsley.

D.P.O. HORSLEY:

Just to add more fuel to that fire. I would agree that this is a matter, we are in the middle of a budget or we are going to be shortly. It could be addressed there. Jay has got a -- his point is well taken that if we're going to have sewer systems, and particularly the independent sewer systems, you need people to oversee them, you need to make sure that we're -- you know, we don't have those plumes that are leaking into the drinking water the groundwater etcetera, our rivers etcetera. So I think it's something we can address, but I don't think that this is where we should take the monies at this time.

CHAIRMAN GREGORY:

Legislator Cilmi has a question.

LEG. CILMI:

Thanks, Mr. Chair. I don't know if I missed this or not, but through the Chair to Budget Review. What do we spend annually on positions, on personnel out of the 477 Fund?

MR. LIPP:

We'll have to get back to you. The total operating expenses are just -- are over eight million dollars and there's a few hundred thousand dollars recommended -- over eight million dollars in total operating expenses. She's going to look in the Operating Budget download and get the salary portion and we'll get back to you in a minute.

LEG. SCHNEIDERMAN:

Just clarification, because eight million dollars is the total amount of sales tax that's coming in through 477.

MR. LIPP:

So there is about 8.8 million listed, if I could recall, in the '14 recommended budget and there's about eight point I want to say two or so that's expenses in the 2014 recommended budget. However, that does not include capital projects that may be adopted and almost every year there are a bunch of capital projects adopted during the year. It's just that the way the budget is set up they don't show them in there.

LEG. SCHNEIDERMAN:

I just wanted to just clarify for Legislator Cilmi, too, that that is, of that eight million dollars, is not all going to salaries and benefits.

LEG. CILMI:

No, I'm aware of that. Robert was clear.

LEG. SCHNEIDERMAN:

The number is more like half of that or 60% of that.

LEG. CILMI:

I'll see what they come up with here. There's a method to my madness. Depending on what this number is I may think aloud a little bit here.

MR. LIPP:

Four point two million for 2014 out of the 8.2 or so.

LEG. CILMI:

Four point two million.

MR. LIPP:

Out of the 8.2, so it's a little over half is direct salaries, of course that does not include benefits.

LEG. CILMI:

Right.

MR. LIPP:

So it is more than half then --

LEG. CILMI:

It would be interesting to see, Legislator Schneiderman, if you don't mind.

LEG. SCHNEIDERMAN:

No.

LEG. CILMI:

It would be interesting to see which of those salaries or I guess I could ask a list of those salaries and the positions attributed to them so that we could determine which closely relate to the actual preservation of drinking water and which don't. And the reason I ask that question is -- here is the part where I think aloud a little bit. Legislator Horsley knows that we passed a bill, I cosponsored it with his sponsorship, was it last year, Wayne, with regard to capping the assessment stabilization reserve at 140 million and using excess to do a variety of different things, some of which was to go

to sewers and addressing updating septic systems. And if I'm not mistaken, in 2014 all of it goes to those purposes. I think part of it previously went to some tax stabilization if I recall correctly.

D.P.O. HORSLEY:

Yes, true.

LEG. CILMI:

So my point again, in thinking out loud, is that the whole purpose of that is to help improve our drinking water and to support our economy, but also we recognize that --

D.P.O. HORSLEY:

To grow sewers.

LEG. CILMI:

Additional sewers will help our drinking -- will help our water, our environment and will help our economy, and to the extent that they are helping our environment, maybe it makes sense to utilize that in some way for payroll related expenses associated with dealing with preservation of our drinking water. I don't know. Again, I'm just thinking out loud.

LEG. SCHNEIDERMAN:

Well, I want to respond in a couple of ways, because the original bill, that's exactly where I tried to tap that fund from ASRF to pay for this position. I think I had another position in there as well, and I couldn't get support for that, then came to 477 and tried it that way.

The other thing I wanted to say is -- two things. You know, I tried to pass a bill years ago to cap the amount of 477 that would go to salaries at 50% and clearly we've passed that threshold now. I didn't succeed with that cap so now there is no limitation. But I did want to say I did pass a bill that requires the budget, the County Executive's budget, any positions funded with 477 have to be detailed in terms of what positions and what they do, how it relates to water quality. And I actually haven't checked the current budget for compliance. I know the last budget did comply with it, but the information that you're seeking should be contained in the budget. It's supposed to be by law in that budget. I don't know, maybe Dr. Lipp can answer that question.

LEG. CILMI:

Have you done a personal assessment, Legislator Schneiderman, on those positions that are attributable to 477, that are paid for out of 477, to determine whether or not they are, in fact, justifiable?

LEG. SCHNEIDERMAN:

Not in the current proposed budget. In the past I have done that. I have taken a look at that. But Robert, do you know, is that appendix in the proposed budget as required?

MS. HALLORAN:

There was some appendix. I didn't review it to see that it covered every position, but it does have a list --

MR. LIPP:

It is posted.

MS. HALLORAN:

It did have the recommended budget list of the positions that are in 477.

MR. LIPP:

I think, though, that -- what Legislator Cilmi is speaking to is even though by law as you're saying we're supposed to show that and justify it, given the tightness of the finances in the fund maybe we need to revisit it to see what truly are more important. It's not that -- I don't think anybody is saying here that there are positions that don't belong there, but rather maybe there are positions that given the tightness we need to reallocate.

That being said, a little minor correction, major correction perhaps on the salaries. She was just looking at first at the permanent salaries. All salaries are 4.35 million recommended for 2014 and an additional 1.35 million in benefits. So 6.7 out of 8.7 is -- goes for salaries and benefits.

LEG. CILMI:

So I'd be interested in exploring at least, you know, I wouldn't obviously commit to anything, but I'd be interested in exploring the idea of re-looking at that, Legislator Schneiderman.

CHAIRMAN GREGORY:

Legislator Horsley.

D.P.O. HORSLEY:

I just wanted -- as you know, I won't be here probably for that argument when it is taken up, but I just wanted to --

CHAIRMAN GREGORY:

You sure?

D.P.O. HORSLEY:

No, I'm not sure. Good point. The longest goodbye. But I just want to remind you that the Sewer Stabilization Fund was geared to grow sewers in Suffolk County and we have been woefully fearful that if we opened up Pandora's box to start filling positions into the stabilization fund, you're going to see that it will be gobbled up much like the 477 account with positions and we won't be able to do the growth in sewers that this County so surely deserves and needs.

LEG. CILMI:

Through the Chair, if I may respond. I completely appreciate that argument and that's why I say while I would be interested in exploring something I wouldn't commit to it because I think there's validity in that argument. As a cosponsor of that bill I believed in it and I still do. But I think to some extent, I mean, we have a reserve there of \$140 million which grows every year and, you know, to the extent that we do need sewers, to the extent that we need sewers in part to help preserve our environment, I think the excess over and above the \$140 million, as we decided a year or so ago when we passed that bill, I think there may be alternatives to, you know, to tweak that in order to achieve the ends, which is environmental protection and economic development. So I will keep your fear at the forefront of my mind, Legislator Horsley, as we proceed with this. Okay?

D.P.O. HORSLEY:

I do appreciate that, through the Chair. Just be mindful that we've had our first successes that actually we're voting upon on our October 8th meeting where we're helping Northport, we're helping Riverhead, we're doing some work down in the Patchogue area, all good stuff. We're finally seeing some growth and so just be mindful, be careful and you know how I feel, so.

LEG. CILMI:

Agreed.

CHAIRMAN GREGORY:

Okay, all right. It looks like we're ready to vote. The tabling doesn't have a second so we'll go with the approval motion.

LEG. SCHNEIDERMAN:

That's okay, yeah.

CHAIRMAN GREGORY:

Oh right, yeah, vice versa. That's how long we've been debating, I forgot. The approval doesn't have a second, the tabling does. We'll go with the tabling motion. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Opposed.

LEG. CILMI:

Jay, I tried.

CHAIRMAN GREGORY:

The motion is tabled. *(Vote: 3-1-0-1 Opposed: Legislator Schneiderman; Not Present: Legislator Muratore)*

LEG. SCHNEIDERMAN:

George, there's two to table or three to table? Three to table.

CHAIRMAN GREGORY:

Two to tango, three to table.

MR. NOLAN:

Well, it was three, right?

CHAIRMAN GREGORY:

A little levity. All right. *IR 1362 - Authorizing additional spending reductions to avoid budget deficit (Kennedy)*. I'm going to make a motion to table.

D.P.O. HORSLEY:

Second.

CHAIRMAN GREGORY:

Second by Legislator Horsley. All in favor? Opposed? Abstentions? *(Vote: 4-0-0-1 Not Present: Legislator Muratore)*

IR 1564 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for an order on consent settlement with the United States Environmental Protection Agency concerning county underground storage tanks and universal waste (Co. Exec).

Mr. Vaughn is at the podium I guess to request a tabling motion.

MR. VAUGHN:

Yes, sir.

CHAIRMAN GREGORY:

I will comply with making the motion to table.

LEG. KRUPSKI:

Second.

CHAIRMAN GREGORY:

Second by Legislator Krupski. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

MR. VAUGHN:

Thank you.

IR 1570 - Adopting Local Law No. -2013, A Charter Law to improve the County's Budget approval and amendment process to increase transparency and accountability ("Taxpayer Awareness Act") (Cilmi).

LEG. CILMI:

The public hearing is still open.

CHAIRMAN GREGORY:

This has to be tabled for a public hearing. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1591 - Adopting Local Law No. -2013, A Charter Law to institute a Departmental Omnibus Budget Amendment Process (Cilmi).

This is also in the public hearing so it has to be tabled for a public hearing. I make that motion, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1597 - Creating a commission to identify real cost saving measures in Suffolk County Government and affirming the current structure of the Suffolk County Charter as it relates to the Departments of Audit and Control and Finance and Taxation (Kennedy).

I'm going to make a motion to table.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

LEG. SCHNEIDERMAN:

Robert, is there any updates on the legal --

CHAIRMAN GREGORY:

It's probably more pertinent to ask Counsel.

LEG. SCHNEIDERMAN:

Maybe Counsel or Mr. Vaughn. Just the budgetary impact, if it's in the budget or not.

MR. NOLAN:

Legislator Schneiderman, as you know, at the Supreme Court level Judge MacKenzie ruled that the process in adopting the local law for the consolidation was flawed and she ruled that the proposed law should not go on the ballot. Late yesterday the Appellate Division affirmed that decision. So as things stand right now, barring an appeal to the Court of Appeals, that law and that question will not be on the ballot this November.

LEG. CILMI:

Mr. Chair.

CHAIRMAN GREGORY:

Yes.

LEG. CILMI:

Just as an addendum to Legislator Schneiderman's question. As I heard Counsel, the decision was four-zero and that has some implication in terms of the ability to push it higher.

MR. NOLAN:

Right. If it had been a split decision like a three to two decision then the County as a matter of right would have had a right to go to the Court of Appeals. They would have had to take the case. In this situation they do not and, you know, the time frame is short.

LEG. CILMI:

Thank you.

CHAIRMAN GREGORY:

Okay. *IR 1605 - Adopting Local Law No. -2013, A Charter Law to establish a two-year Budget Planning Process (Cilmi).*

LEG. CILMI:

Mr. Chair, if I may.

CHAIRMAN GREGORY:

I'm going to make a motion to table just for discussion purposes. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second by Legislator Schneider. Legislator Cilmi, the sponsor of the bill, you have the floor.

LEG. CILMI:

I was actually going to ask for you to make that motion, so I appreciate that you beat me to the punch. Just to say that the County Executive's Office and I are working together on a revision or two here that we're hopeful, I should say, that we'll come to agreement on, so. I don't know if Tom has anything to say about that.

MR. VAUGHN:

We just wanted to, you know, thank the sponsor of this legislation for changing the original bill down to the two years that it is now. We still do have some concerns regarding the way that it's drafted right now. I have spoken to the sponsor and asked that Mr. Pollert reach out to him we will go forward from there.

CHAIRMAN GREGORY:

Great. All right. We have a motion a second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1678 - Adopting Local Law No. -2013, A Local Law to provide assessment and tax relief to property owners impacted by Superstorm Sandy (Browning).

The public hearing is open on this bill so it has to be tabled. Motion to table by Legislator Schneiderman, second by Legislator Krupski. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

Introductory Resolutions

IR 1706 - Extending existing one percent sales and compensating use tax for the period beginning December 1, 2013 and ending November 30, 2015, pursuant to authority of Section 1210 of Article 29 of the Tax Law of the State of New York (Co. Exec.).

I make a motion to approve. Second by Legislator Horsley. Questions? No questions. Okay.

LEG. SCHNEIDERMAN:

Robert, approximately, with the amount of money at this point is what, like 300 million?

MR. LIPP:

Well, the Exec's fiscal impact statement, which is reasonable, is 282 million.

LEG. SCHNEIDERMAN:

How much? Three eighty-two?

MR. LIPP:

Two-hundred and eighty-two.

LEG. SCHNEIDERMAN:

Oh, 282.

MR. LIPP:

Yeah.

LEG. SCHNEIDERMAN:

Okay.

MR. LIPP:

As a rule of thumb you can think of the quarter cent is approximately 70 million. It's projected to be a little higher than that, but that's a good rule of thumb for quarter cent.

LEG. SCHNEIDERMAN:

This is a full one percent --

MR. LIPP:

Yeah.

LEG. SCHNEIDERMAN:

So it's four times that, 280 million.

CHAIRMAN GREGORY:

Okay, great. All in favor? Opposed? Abstentions? Okay, the motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1707 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 933-2013)(Co. Exec.).

I make a motion to approve and place on the Consent Calendar. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? The motion is approved. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1708 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 934-2013)(Co. Exec.).

I make the same motion, same second. All in favor? Opposed? Abstentions? Motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1709 - To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 391 (Co. Exec).

Same motion, same second. All in favor? Opposed? Abstentions? Motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1714 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 935-2013)(Co. Exec.).

Same motion, same second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1715 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 936-2013)(Co. Exec.).

Same motion, same second. All in favor? Opposed? Abstentions? Motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1716 - Adopting Local Law No. -2013, A Charter Law to improve the accuracy of Fiscal Impact Statements (Cilmi).

This is in public hearing so it has to be tabled. I make that motion. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? The motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1749 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.).

I will make a motion to approve.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN GREGORY:

On the motion.

LEG. SCHNEIDERMAN:

So this has been through Way and Means, correct?

CHAIRMAN GREGORY:

Correct.

LEG. SCHNEIDERMAN:

And do we know, maybe --

CHAIRMAN GREGORY:

Miss Bizzarro?

LEG. SCHNEIDERMAN:

Miss Bizzarro? I know it's -- I don't want to get into the details of it. I know that is an Executive Session type of item and I know that's been discussed at Ways and Means. Just on situations like this, this was a Suffolk County PD incident that involved excessive force. Is there follow-up? I mean, is there additional training or disciplinary action? Do we know that this -- like the officer or officers involved are going through some kind of training to ensure that this kind of thing won't happen in the future?

MS. BIZZARRO:

Yes, absolutely. That's normal procedure of the department, yes.

LEG. SCHNEIDERMAN:

That's all I wanted to know, just to make sure. Due diligence.

CHAIRMAN GREGORY:

Okay. Thank you. We have a motion and a second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1754 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a Medical Malpractice Case against the County (Co. Exec.).

I make a motion to approve.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second by Legislator Schneiderman. Any questions? All in favor? Opposed? Abstentions? Motion passes. **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1790 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (Co. Exec.).

I'm going to make a motion to discharge without recommendation on this particular bill.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second by Legislator Schneiderman. The reason for my request -- and Mr. Vaughn is coming up. Do you have anything to add or comment on?

MR. VAUGHN:

Well, we do have members from our Budget staff here to address any concerns that you may have.

CHAIRMAN GREGORY:

There were some issues that were brought to my attention from members that are not present today about some particular projects, so they had requested that if we can discharge it so those discussions -- they should be reaching out to the Administration and hopefully those issues will be resolved. I don't recall specifically the particular projects, but I think the -- overall the list is, I think, to -- has the support of most people. There were a few items that there were some questions about.

LEG. SCHNEIDERMAN:

Perhaps Mr. Vaughn if the necessary staff resources are available when we debate it on the floor or could be made available if those issues come up if they're not -- if those questions are not answered between now and the full meeting.

MR. VAUGHN:

We would certainly be happy to have staff members there at the General Meeting out in Riverhead on Tuesday. However, we would like to just be made aware of any concerns that be may floating around about the bill as it currently stands and try and address them prior to Tuesday.

CHAIRMAN GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I had this printed out but I left it in the office. I do have -- there is something about land preservation, it's over a million dollars, and I'm looking for it here on the list and I can't --

CHAIRMAN GREGORY:

Yeah, there was a -- I remember there was a discussion of \$1 million for open space that wasn't used and I think the comment was maybe it was used in the Capital Program or something or another means.

LEG. SCHNEIDERMAN:

Maybe that's something for next week.

LEG. KRUPSKI:

You guys usually have no lack of things to say. Thank you for filling the air space. It's --

MS. HALLORAN:

I found it, Legislator Krupski.

LEG. KRUPSKI:

Thank you.

MS. HALLORAN:

I just see in the General Fund there's Capital Project 8701.215, acquisition of farmland over a million dollars, but -- okay, uncommitted. Grant funding not to be realized. The seller was no longer interested in selling the development rights.

LEG. KRUPSKI:

Where did that money actually come from? What does that mean, grant funding unrealized? I didn't understand that.

MS. HALLORAN:

That, I believe, is one of the older land acquisition programs for farmland, 8701. I'd have to check exactly which land program that was, but it's not one of those current ones we've been using.

LEG. KRUPSKI:

So where -- my question is where is that money now.

MS. HALLORAN:

A whisper in my ear is saying it's sitting in a capital fund waiting to be closed out.

LEG. KRUPSKI:

So it's not real money, it's money that could be borrowed.

MR. LIPP:

No, my understanding is the money was borrowed but it can't be used, so it goes as part of the capital closeouts here. In other words --

LEG. SCHNEIDERMAN:

So it would defease the debt or pay down or effectively returned?

MR. LIPP:

Well, actually this particular closeout, which is, the revenue code or capital closeout revenue code would be increased by the dollar amount here plus impact fees on top of that, and this is implicit in the recommended budget.

LEG. KRUPSKI:

My concern was that there was money there available for land preservation and that would somehow be put into a different use instead of land preservation.

MR. LIPP:

Right. Okay. So my understanding is, and the Budget Office is here so they could correct me if I'm wrong, is it's dedicated to this specific purpose. It can't be used for something else.

LEG. KRUPSKI:

So it just wouldn't be used at all.

MR. LIPP:

Right. So as a result, and it's a lumpy process, but every year there are some capital closeouts. Sometimes it's a small amount, sometimes larger. This happens to be significant amounts compared to other years, but it's implicit in the recommended budget. So to the extent that we don't adopt this, to the extent that the recommended budget would be short in the 2013 estimate.

LEG. KRUPSKI:

Thank you.

CHAIRMAN GREGORY:

So this is basically when we -- when we bond for things we get that thick book and it has the prospectus or whatever it's called, it lists all the projects. So as an investor that's part of, you know, you have a certain presentation and that presentation, if it's not followed through, for lack of better words, it would be kind of disingenuous to the investors because you are not really following through with that project.

MR. LIPP:

I think the typical case is, maybe not with this one, but more frequently you borrow a certain amount and the project comes in less than that amount and the project is completed.

CHAIRMAN GREGORY:

That too, right. We do run under costs sometimes.

MR. LIPP:

As hard as that is to believe, yes.

CHAIRMAN GREGORY:

Okay. So we're going to discharge without recommendation. There was another one that Wayne had with the shooting range or something. There are several others. I'm sure we'll reach out to you, just some questions on it. So we have a motion and we have a second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1792 - Adopting Local Law No. -2013, A Charter Law amending Article II of the Suffolk County Charter to clarify the requirements of a revenue impact statement (Co. Exec.).

This is has to be tabled for a public hearing.

LEG. SCHNEIDERMAN:

Motion.

CHAIRMAN GREGORY:

Motion by Legislator Schneiderman. I will second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Muratore)**

IR 1796 - Amending the 2013 Operating Budget to provide funding for the Brentwood Historical Society (Montano).

I make a motion to approve.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN GREGORY:

Second. Just to verify, Robert, that this is just the one agency who was intending to get the omnibus funds, refused it or whatever, couldn't use it for whatever reason. Now this --

MR. LIPP:

Correct.

CHAIRMAN GREGORY:

Transferring those monies to another organization.

MR. LIPP:

Correct.

CHAIRMAN GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions? ***(Vote: 4-0-0-1 Not Present: Legislator Muratore)***

IR 1798 - Amending the 2013 Operating Budget to provide funding for the Town of Babylon (Horsley).

D.P.O. HORSLEY:

Motion to approve.

MR. NOLAN:

(Inaudible).

(*A discussion was held off the record*)

D.P.O. HORSLEY:

Motion to table.

CHAIRMAN GREGORY:

Legislator Horsley makes a motion to table. Second by Legislator Krupski. All in favor? Opposed? Abstentions? ***(Vote: 4-0-0-1 Not Present: Legislator Muratore)***

IR 1807 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.).

Motion to approve by Legislator Schneiderman. I will second it. Any questions? All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 4-0-0-1 Not Present: Legislator Muratore)***

That is our agenda. We stand adjourned. Thank you.

(*The meeting was adjourned at 10:55 a.m. *)