

**EDUCATION & INFORMATION TECHNOLOGY COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A meeting of the Education & Information Technology 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 August 14, 2012.

**MEMBERS PRESENT:**

Leg. Sarah S. Anker, Chairwoman  
Leg. Wayne R. Horsley, Vice Chair (excused absence)  
Leg. Thomas Cilmi  
Leg. Jay H. Schneiderman  
Leg. Thomas Muratore (excused absence)

**ALSO IN ATTENDANCE:**

Leg. DuWayne Gregory, Fifteenth Legislative District  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel  
Barbara LoMoriello, Deputy Clerk  
William Shilling, Aide to Leg. Anker  
Maria Barbara, Aide to Leg. Cilmi  
Benny Pernice, Budget Review Office  
Marie Berkowski, Aide to County Executive  
Catherine Stark, Aide to Leg. Schneiderman  
Ben Zwirn, County Executive's Office

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 1:06 PM**

**CHAIRWOMAN ANKER:**

Legislators, please come to the horseshoe for the Education Committee.

I'd like to call the Education, Information Technology Committee to start. Please rise for the Pledge of Allegiance led by Legislator Schneiderman.

**SALUTATION**

Would you please remain standing for a moment of prayer and silent meditation. We have -- we will not be -- let's see, Legislator Wayne Horsley will not be able to attend due to the passing of his mother, Pietress Hammond, so in our prayers we'd like to include her. Thank you.

**MOMENT OF SILENCE OBSERVED**

Thank you.

We also have an excused absence for Legislator Muratore.

Today we don't have any cards. We have no correspondence. We do not have a presentation. We also do not have tabled resolutions. We are going to move forward over to Introductory Resolutions.

**INTRODUCTORY RESOLUTIONS**

Okay, the first resolution is **1692, Authorizing sponsorship of the County website (Cilmi)**. I'd like to make a --

**LEG. CILMI:**

Motion to approve.

**CHAIRWOMAN ANKER:**

We have a motion to approve by Legislator Cilmi. A motion to table.

**LEG. CILMI:**

Does either one of us have a second?

**LEG. SCHNEIDERMAN:**

Where's our IT? We had tabled it last time to get more information from IT. I haven't got that information. Have you?

**LEG. CILMI:**

Yeah, I have not. But Mr. Zwirn is here and he says they really -- they support it. They have no problem with it and they're just going to look at it. If Ben could speak to that. There was a Long Island Business News article. I don't know if anyone saw it but -- and I don't have the article right in front of me, but there are -- I think it's more than a dozen websites that the County operates that are not dotgov websites, that we absolutely can use for sponsorship purposes, so.

**LEG. SCHNEIDERMAN:**

A lot of my concerns were not the -- whether we could or couldn't, but what the nature of the advertising might be.

**LEG. CILMI:**

That's exactly what --

**LEG. SCHNEIDERMAN:**

You know, could we say no, what if it's one of the things that we're challenging here at this body, you know, like energy drinks and things like that, saying that -- you know, we need to reign these things in, at the same time then on our websites we're advertising them.

**LEG. CILMI:**

Yes.

**LEG. SCHNEIDERMAN:**

I just didn't have any of that information. Ben?

**MR. ZWIRN:**

No, globally we support this. I mean we have advertising on the Suffolk County buses. Sometimes we get -- you know, there's some controversy over what's being put on the buses. And I'm sure that there'll probably be some controversy down the road. But hopefully we'll set up some rules, some regulations as to try to keep this as non-partisan and as non-controversial as possible. But if it's a way to gain revenue, I think, you know, the Administration is in favor of that. And, you know, I think there are -- there are, as Legislator Cilmi says, there are some websites and there may be future additional websites where the County is the host. And it would be an opportunity for us to do some advertising on it.

So, I think -- in theory I think we're very supportive and -- you know, I think that IT could take a look. We wouldn't have an objection to that.

**CHAIRWOMAN ANKER:**

Let me ask you a question. Have you spoken with Don Rogers to see how much would be needed to get this thing started, how much time? What is the -- what is the financial impact, do you know?

**LEG. CILMI:**

If I could just interject, this again is -- this directs the IT Department to come up with a plan on doing this. It doesn't require them to do it by any specific -- forgive -- I don't mean "do it" in the sense of "IT"; just do it. But, yes, so, I mean they'll have a -- they'll come up with a plan and present it.

**MR. ZWIRN:**

If I may?

**LEG. SCHNEIDERMAN:**

Does the plan come back us to be approved?

**MR. ZWIRN:**

Well, I'm sure -- I'm sure we'd come back and Don Rogers would explain what IT has in mind, I mean, if you direct him to. This is -- you know, the County Executive's Office was going to do this anyway. This codifies it and shows that the Legislature supports our efforts to do it. And that's how we see it pretty much. And that would be -- that would --

**CHAIRWOMAN ANKER:**

Yeah, so, is it a dotgov? We know we can't do it on dotgov.

**MR. ZWIRN:**

We can't do it on dotgov but we would look at other sites that are available, that are not dotgov

where we are not prohibited.

**LEG. SCHNEIDERMAN:**

Why can't you do it on dotgov?

**MR. ZWIRN:**

Because of Federal regulations we're prohibited from using that.

**LEG. SCHNEIDERMAN:**

I understand that. What's the basis? Why did they pass a law saying we don't want advertising on dotgov? Are we skirting the law through, you know, hypertax and links, so that basically they are advertising on a dotgov site but it's got a dotcom extension or dotorg instead?

**MR. ZWIRN:**

That would have to be something IT would have to answer. I couldn't answer that but -- this is, I think, just the preliminary stages to see if -- I mean those are questions that IT would have to answer. I can't answer that. I don't know the answer.

**LEG. CILMI:**

If I may, through the Chair, so there are many other municipalities throughout the United States that do this on websites that are not dotgov websites. The hurdle is this GSA regulation that prevents it on dotgov websites. And so in order to get a dotgov designation which allow -- which improves search -- your search procedures and -- it comes along with some other benefits, you have to abide by those GSA regulations with regard to the dotgov websites specifically; whereas the other types of websites, you don't get the same benefits that you get with a dotgov website and, therefore, they don't regulate those the same way they do.

**LEG. SCHNEIDERMAN:**

And I have a computer in front of me. Just give me one of these non-dotgov websites that I can type in.

**LEG. CILMI:**

I'd have to go to the Long Island Business News article and look at them to see. But, I believe, our Economic Development Department has one specifically that's not dotgov.

**MR. ZWIRN:**

I think we have some -- I think we have at least one --

**LEG. SCHNEIDERMAN:**

I'd like to at least see where we're going to place the advertising.

**LEG. CILMI:**

If we pass over it -- if we pass over it, I'll look up the article and I'll see if I can find it for you.

**LEG. SCHNEIDERMAN:**

Okay. You know, I'm not trying to be difficult. I just -- before we go ahead and start putting advertising on our websites, I just want to make sure that it's appropriate.

**MR. ZWIRN:**

Well, I don't think it's going to go from step one to step five automatically. It will go through a process and come back. But I think we do have a County website that has a dotorg but I don't recall it offhand.

**LEG. SCHNEIDERMAN:**

I'm being told that Long Island Ducks dotcom may be one of them. That is a County controlled site. And I certainly would have no problem --

**MR. ZWIRN:**

Suffolk Better For Business, we checked that. And I'm not sure with Cultural Affairs if they have -- they have one.

**CHAIRWOMAN ANKER:**

So how is this going to be different than what we already have?

**LEG. CILMI:**

Is that for me?

**CHAIRWOMAN ANKER:**

Either Ben or Tom.

**LEG. SCHNEIDERMAN:**

Can I just say this? Just --

**LEG. CILMI:**

We don't offer sponsorships currently on the websites that we have that are not dotgov websites.

**LEG. SCHNEIDERMAN:**

Can I just say this? There's tons of advertising on this LIducks dotcom already. IBN, Flexfit, Holiday Inn. I mean there's a scrolling advertisement going on. LIPA is advertising here. Nutritions and nutrition products so -- maybe we'll pass over it. Maybe this isn't -- this is LIducks.com.

**LEG. CILMI:**

Give me one minute.

**LEG. SCHNEIDERMAN:**

I was told that it was us. So, maybe that's not us. So come up with a website that I can look at so I could -- well, we'll just pass over it. Is there any other --

**LEG. CILMI:**

I have it in front of me. Let's see. I'm just looking for the -- Suffolk owns about 16 -- let's see. That means only County-owned websites without the dotgov domain could carry advertising. "Suffolk owns about 16 of these sites such as those for the County's Economic Development Department and the Suffolk County Film Commission, although none generate the amount of internet traffic that the County's main dotgov website does." I'm reading from the Long Island Business News article written by John Calagary.

It goes on to say that "municipalities in Illinois, California and Washington State have already enacted legislation allowing advertising on government websites that contain the dotcom or dotorg domain. Florida's Alachua County began allowing the practice on its property appraisers's website in the late 2010. County estimates that the advertisements generated 15 to \$30,000 in the first year. Government entities typically see revenue up to six figures depending on the amount of traffic."

I mean, you know, again this is just directing IT to, you know, devise a plan to do this. I'm sure they can come up with a methodology so that we don't have the controversy just as they -- just as we have, you know, for the ballpark and for the bus signs. And, you know, I don't really see any reason not to allow -- I mean if IT comes back to us and says, look, we just can't do this, then, well,

we can't do it.

**LEG. SCHNEIDERMAN:**

I think it's actually a good idea. My only concerns, first that -- we've gotten passed the legal concerns and we can do it. My only concerns, then, is -- you know, how that advertising would hit the person who is visiting our sites. Is it going to interfere with the ability to gain access to the data that they went to those sites -- because often times they do, they block certain things. Are we -- are those advertising -- advertisers collecting any kind of data from the people who visit these sites? And is the advertising appropriate to -- you know, in the County's interest. And there are so many issues that we've dealt with here, you know, cigarettes, underage drinking, all kinds of things. So it would be important for me to know, you know, that we weren't doing -- there was no advertisements for products that we deemed inappropriate.

**LEG. CILMI:**

Let me just interject this: George, if we pass this out of Committee today or discharge it without recommendation out of Committee today, can we amend the bill to require that once the IT Department does come up with a plan, that it comes back to us for approval before they put it into place?

**MR. NOLAN:**

We can only vote on it next Tuesday if we had a Certificate of Necessity. We're past the amended filing deadline.

**LEG. CILMI:**

I see.

**LEG. SCHNEIDERMAN:**

You want to discharge it without recommendation, try to get some more information, I'll probably bring these same points up on the floor. I'd like to support the bill, but I think it's fair as a Legislator to have all the information in front of you before we move forward.

**LEG. CILMI:**

Well, I think -- I mean -- I think Mr. Zwirn will make a commitment that IT will come to us prior to putting anything into place and present to us what their plan is. And I'm sure they'll be more than willing to listen to our suggestions as to how to, you know, control it. Right, Ben?

**MR. ZWIRN:**

Absolutely. I mean there's a very good working relationship with the Administration and the Department heads and the Legislature. There's no question about that.

**LEG. CILMI:**

There's no reason to think that they would come up something and put it out there without our blessing.

**LEG. SCHNEIDERMAN:**

I'll make a motion to discharge without recommendation. What do we have now? Motion to approve and a motion to discharge without recommendation.

**LEG. CILMI:**

We have three motions.

**LEG. SCHNEIDERMAN:**

And a motion to table.

**LEG. CILMI:**

We have a lot of motions but not a lot of movement. I'll withdraw my motion to approve and I will second your motion to discharge without recommendation.

**LEG. SCHNEIDERMAN:**

Mind you, if the Chair tables this or doesn't support the discharge, then the bill -- it would have to be refiled. It will be defeated. So you need a majority, right, of the Committee or -- you need a majority of the full Committee. Two doesn't pass it.

**MR. NOLAN:**

A two to one vote will get it out.

**LEG. SCHNEIDERMAN:**

I thought you needed a majority of the full Committee for it --

**MR. NOLAN:**

Oh, I'm sorry. I apologize. You're correct. I was thinking tabling. No, a discharge would take three votes. It could be tabled with two votes.

**LEG. CILMI:**

All right. Well, I'll then maintain my motion to approve. I don't think we should table this. I certainly don't want it to fail in Committee as a result of, you know, not having unanimity of support for a discharge.

**CHAIRWOMAN ANKER:**

On the motion. On the motion to table.

**MS. LOMORIELLO:**

There's no second to the motion to approve and no second on the motion to table.

**LEG. CILMI:**

I withdraw my second on the motion to discharge because otherwise -- if we do that, it's going to fail.

**LEG. SCHNEIDERMAN:**

No, either way it's going to fail. If I second the approval and Legislator Anker doesn't support it, it fails as well. You have to re-file it. Or we can table it and keep it alive.

**LEG. CILMI:**

I'd like to hear the Chair's concerns with the bill based on what I've said and based on what Mr. Zwirn has said.

**CHAIRWOMAN ANKER:**

Right. I would like -- let me ask a question. And maybe I missed this. But was there ever a presentation by our Commissioner of IT to present this and -- formally in front of the Committee?

**LEG. CILMI:**

I mean -- I'm not sure, but I haven't really seen too much of our IT Department here at Committee for the past couple of Committee meetings, so.

**MR. ZWIRN:**

This is an avenue that the Performance Management group in the County Exec's was already -- is exploring. So, I mean, what we get from the Legislature, if it gets to the floor and they support it,

we just have a confirmation that they're supportive of our efforts to go forward and to try to do this. We're looking --

**MR. NOLAN:**

Ben, you I think you need -- Ben, you need legislative approval for something like this. I mean it's County property.

**MR. ZWIRN:**

Yeah. No, there would be no intent to do this without legislative approval. This is -- yeah, this is something we would want everybody on board with because it's going to be at County websites, which are going to reflect on the Executive branch and the Legislative branch as well. So it's not -- there's no -- you know, intent to make an end run on this because it's -- we're not being saying it's completely unnecessary under any circumstances.

**CHAIRWOMAN ANKER:**

I understand that. But, again, the problem with this legislation is, it has not been vetted through this Committee. You know, this is -- I read about it in Long Island Business News. It's a great article, by the way. It's a great idea. But there are concerns that it's illegal in the perspective that it can be dotgov. Or if it's not dotgov, how will it be a super link? And which websites would it be properly put to? You know, would it be to Economic Development, would it be to the Tourism Department, would it be to committees, would it be to, you know -- I mean it could go to different places, but legally speaking, you know, I don't know for sure. And I don't want to get caught in some legal bind that would maybe create more issues. So, I would like to vet it through this Committee. And I invite Legislator Cilmi to work with the County Exec's Office and creating title legislation that we know will work and not create more issues.

**LEG. CILMI:**

At the risk of sounding very frustrated, I will invite through this Committee our Commissioner of IT so that he could personally -- because evidently the County Executive's representative is not enough -- he can personally share with the Committee why he thinks this is a good idea and why they're already exploring the idea. And, Ben, if I could ask for you to ask him to please have a list for us at that time of all the websites that we have that are not dotgov websites and further -- and further in deference to the wishes of my fellow Committee people, since we are going to end up tabling this today, I'll ask Counsel to amend the bill to include a provision that asks -- that directs our IT Department once they come up with a plan to bring it back before the Legislature for approval prior to making it work.

**CHAIRWOMAN ANKER:**

That would be much better. Again, I'm not -- again, this legislation right now authorizing sponsorship of a County website -- so, basically from what I'm reading in this, it will not come back to the Legislature. The Legislature will not be able to comment on anything having to do with advertising to be put onto the County website. Is that how this legislation is written right now?

**LEG. CILMI:**

Yes, but respectfully we comment on very many things that don't come before this Legislature, so.

**CHAIRWOMAN ANKER:**

But if there were issues, we wouldn't be able to help change them. Again, I'm just letting you know my concerns.

**MR. NOLAN:**

Legislator Cilmi, I would just remind you I can make that change almost immediately. And if the County Executive is willing to issue a CN, it could be taken up at the next meeting.

**CHAIRWOMAN ANKER:**

Okay.

**LEG. GREGORY:**

Madam Chair, if I may? Thank you. I know I'm not a member of the Committee but I'm sitting here just listening to the debate. And I think you guys brought up some valid concerns. I think the Administration, they stated their position. I'm just a little confused about these websites. And I guess Ben is not the person to ask, but, you know, I would like to see personally for myself what are these websites that the article refers to? If we're -- if they're private entities and we're just hosting them, what manner of control do we really have over them?

**LEG. CILMI:**

Madam Chair, if I may?

**CHAIRWOMAN ANKER:**

Yes, Legislator Cilmi.

**LEG. CILMI:**

Ben, maybe instead of waiting until the next Committee cycle to present us with a list, maybe you could send to members of the Committee including Legislator Gregory that list ahead of time so that we can have an opportunity to explore those websites prior to our next Committee and so we have a sense of what we're doing.

**LEG. SCHNEIDERMAN:**

If you're amending the bill, can you make it specific in terms of stating that it will not apply to dotgov so there's no confusion?

**LEG. CILMI:**

Sure.

**LEG. SCHNEIDERMAN:**

Just to dotorg or dotcom? And in terms of --

**LEG. CILMI:**

Just eliminate dotgov, George, if you will. Any other website is available.

**LEG. SCHNEIDERMAN:**

Then on the dotgov, in terms of links, let's say you go to the County's main site and it says, you know, *Discover Suffolk's Beaches*, and you click on that and the first thing that pops up is an ad for Ramada Inn Motel, because the beach site is a dotcom maybe that they've set up, you know, to me that -- it's kind of skirting the law a little bit. You know, it's so tied into the dotgov that -- you know, this is kind why I wanted IT here to kind of address the technical questions.

**LEG. CILMI:**

Well, I don't think IT is going to be able to speak to those questions because those are really legal questions. So if other municipalities and other states are doing this and -- you know, I don't want to use the phrase *getting away with it*, but the fact is that the law is the law. And the law only governs the dotgov websites. So whether or not there are links, what would end up happening is that if -- when it comes time for our dotgov domain renewal, they have a problem with how we're administrating those other sites in that they link to maybe dotgov websites, they will tell us that and we'll have to stop.

**LEG. SCHNEIDERMAN,**

Maybe we not link to non-dotgov websites.

**CHAIRWOMAN ANKER:**

But again --

**LEG. CILMI:**

No, no. In other words, if we have a non-dotgov website which links to a dotgov website, then that's your concern?

**LEG. SCHNEIDERMAN:**

Yeah, exactly.

**LEG. CILMI:**

So, when it comes time for renewal, if they see that and that's a problem, they'll let us know and we'll have to deal with it.

**CHAIRWOMAN ANKER:**

But, you know, again, we want to make sure we're doing things the proper way.

**LEG. CILMI:**

Of course.

**CHAIRWOMAN ANKER:**

I'd hate to get fined. I'd hate to get accused of doing something improper. So, I think it's important that we vet this thoroughly; or at least a little bit more, you know, extensively before we allow this type of legislation, which basically will allow Suffolk County to put advertisements on its websites. Again, which websites, definitely not with dotgov, I'm assuming, but, again, I just want a clear idea. If we can just table this just one more session, and if we can bring the County Exec's Office in the conversation and absolutely IT -- I mean are they going to be spending more hours creating this -- you know, I just want to understand the workload, what's involved. This could be a very extensive project for them. And I'd like to get a timeline.

**LEG. CILMI:**

Other than IT is there any other, you know, questions you might have that -- from other folks in our government that, you know, maybe would need to be answered prior to approval of this?

**CHAIRWOMAN ANKER:**

I know within our IT Department they oversee websites. There are -- half of our other departments do not use our main IT. And they also have their own websites. And I'm just curious to know how many websites are involved in Suffolk County government. I don't know if IT could answer that.

**LEG. CILMI:**

Yeah, that's something that --

**MR. ZWIRN:**

We're going to have that information at the next meeting. We'll ask -- we're on the phone -- we're calling Don Rogers right now to try to get him prepared so he'll have these -- this information.

**LEG. SCHNEIDERMAN:**

You know, it certainly seems appropriate before we vote on this to at least have some testimony on record from the IT Commissioner.

**LEG. CILMI:**

I think that's fine.

**CHAIRWOMAN ANKER:**

All right. So --

**LEG. CILMI:**

So I'll make a motion to table, then.

**CHAIRWOMAN ANKER:**

And I'll second. All in favor? Opposed? Abstentions? Motion passes. It's tabled. That's **1692**.  
**(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT)**

Okay, we have **1778, Accepting and appropriating a grant award amendment from the State University of New York for an Educational Opportunity Program 68% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)** I'd like to -- I'll make a motion to approve. All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRWOMAN ANKER:**

Sorry, second, Legislator Schneiderman. Approved? Opposed? All in favor? Opposed? Okay, motion carries. **(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT)**

We have resolution **1779, Accepting and appropriating a grant award from the State University of New York for a Conversations in the Disciplines Program entitled "Digital Humanities and the Transformation of Scholarship" 53% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)** Legislator Schneiderman motion. I'll second it. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT)**

**Resolution 1780, Accepting and appropriating a grant amendment to the National Science Foundation Science, Technology, Engineering and Mathematics Scholarships Program (NSF Stems II) 100% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)**

**LEG. SCHNEIDERMAN:**

Motion to approve and place on the Consent Calendar.

**CHAIRWOMAN ANKER:**

Okay, and I'll second that. All in favor? Opposed? Abstentions? Motion carried. **(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT- PLACED ON CONSENT CALENDAR)**

We have resolution **1781, Accepting and appropriating a subcontract from the Research Foundation of the State University of New York for a project entitled "SUNY Works - Adult Degree Completion" 100% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)** Motion. Same motion, same second, same vote. **(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT - PLACED ON CONSENT CALENDAR)**

Next resolution **1807, Authorizing a charge back for the out-of-County tuition. (Co. Exec.)** I'd like to make a motion.

**LEG. SCHNEIDERMAN:**

I'll second it.

**LEG. CILMI:**

On the motion.

**CHAIRWOMAN ANKER:**

On the motion.

**LEG. CILMI:**

Can our Counsel describe this bill to us, please.

**MR. NOLAN:**

This is, I think, similar to what we did last year where we charge back the cost of the out-of-county tuition to the Towns. So it needs a new authorizing resolution and this is it.

**LEG. CILMI:**

Didn't we do this in the budget process?

**MR. NOLAN:**

It was, but I believe there may have been a provision in the Omnibus Resolution that had a separate authorization to actually do this. I don't exactly recall the mechanism we used, but there was a separate Legislative authorization. Presumably the County Executive is going to include this in his proposed Operating Budget, charge the cost back to the Towns and providing, of course, relief to our General Fund.

**LEG. CILMI:**

So why wouldn't we just do it during the budget process again and have a resolution in there during the budget process?

**MR. NOLAN:**

Well, I guess you could put a resolve clause in the Omnibus Resolution. Actually for the County Executive, I don't know if there's a -- he just proposes a budget, but there's not a really -- a separate authorization that says this is the County policy. So, I guess he wants the authorization in advance of actually putting it in the budget. I think that's -- but I'm guessing.

**LEG. CILMI:**

So when we authorized this the last time, it was for a school year and not the calendar year?

**MR. NOLAN:**

I think it was for the school year, but I'd have to pull out the language. It was for the full amount. But whatever it was costing us, we charged it back to the Towns. But I think Budget Review is anxious to --

**MR. PERNICE:**

Just to clarify, it was implicit in the budget but there was a separate resolution the same day that you voted on the Omnibus to authorize this. So it does not need apparently a second -- a separate resolution.

**LEG. CILMI:**

So shouldn't we do that when the County Executive's makes his budget presentation to us and we go through the process of amending the budget, adding in, taking out, whatever? If we agree with the policy decision to pass on those costs to the Towns, couldn't we at that time pass a resolution to do so?

**MR. PERNICE:**

I think the authorization expires before that.

**MR. NOLAN:**

Could I just point out one other thing? There is a Resolve Clause in this particular resolution that says this is going to be the policy beyond this year until the Legislature enacts a different policy. So all future years, this is something the County is committing to do, at least while this resolution's in effect.

**LEG. SCHNEIDERMAN:**

It provides that we're not doing the third and fourth year at FIT. Right? There's an exception in this bill.

**LEG. CILMI:**

That's correct.

**MR. PERNICE:**

Yeah, that's the same as you passed last year.

**LEG. SCHNEIDERMAN:**

There were some technical aspects of this. I know it was handled differently in different Towns. I know in the Town in which I live, in East Hampton, it remained on the County portion of the tax bill, but the charge back was there just as a County -- part of the tax bill. In other Towns it was on the Town portion of the tax bill. You know, taxpayers are paying one way or another. This does change how it is collected and how much their share per town is. You know, I don't see any other choice. Because if we didn't do it, we'd -- you know, I don't know how we'd come up with the money. But I think we need to move it forward. What I'll do is, I'll change my second to a discharge without recommendation.

**CHAIRWOMAN ANKER:**

I'll second it. I withdraw --

**LEG. SCHNEIDERMAN:**

And Legislator Cilmi, that's really in your court whether this gets to the floor or not.

**LEG. CILMI:**

I'm not going to support a discharge without recommendation. I really conceptually don't agree with passing this onto the Towns. And furthermore, I'd like to see it in the Budget presentation. I think -- I think we need to let the County Executive present his budget and let's see if that's something we need to do or want to do.

**LEG. SCHNEIDERMAN:**

Then I'll make a motion to table.

**MR. NOLAN:**

Even a bill that fails in Committee remains alive for the six -- for six months. It could be discharged by a petition. The bill does not die just because it is defeated in Committee. Do you follow me? It's still subject to a petition to discharge.

**LEG. GREGORY:**

It just fails to get out.

**LEG. CILMI:**

Does it come off the agenda?

**MR. NOLAN:**

It comes off our agenda.

**LEG. GREGORY:**

If I may, Madam Chair?

**CHAIRWOMAN ANKER:**

Legislator Gregory.

**LEG. GREGORY:**

Last year when this issue came up during the budget, I authored a bill to have the discharge on the tax bill so that the taxpayers would know where this charge was coming from. It now stands each Town and Village -- the Town has the ability to put the charge on the tax bill. As you know, this was the first time, I think, in 20 years, if I recall, that the Towns were being asked to pay this charge back. It seems like it's going to be the policy going forward. It's \$10 million. I guess BRO is saying that there's an authorization that's expired. And that's based on the school year, not the calendar year?

**MR. PERNICE:**

The resolution mentions that the current agreement expires at the end of this month. The current authorization, I should say.

**LEG. GREGORY:**

Okay. So it expires. Then what? If it's not based on the budget year, does that mean that those students going into school in September or late August, that we're not able to collect those?

**MR. PERNICE:**

Yeah, I presume it's based on because of the way the College Budget year runs, is on the school year; not the calendar year. So the authorization is parallel to that as opposed to the County budget year.

**LEG. GREGORY:**

Okay. So this -- I haven't had a chance to look at the bill -- or I have, I just don't remember the details. So the authorization would be for the 2012/2013 school year?

**MR. PERNICE:**

Yeah, for this -- the bill that's before you is to extend the authorization through August 31st, 2013.

**LEG. GREGORY:**

Okay. I'm just concerned that if we don't authorize this, that we won't be able to collect monies that are due us for the --

**MR. PERNICE:**

Technically I don't know how that works.

**LEG. GREGORY:**

Okay. But I think at any rate, it doesn't harm us to -- if that's going to be a policy unless someone has an alternative for \$10 million, it's going to be the policy, we should, you know, give whatever authorizations that we need to do so that we can continue this policy. I don't particularly agree with it. I'm on the West End Town, because our -- you know, our students and our residents, you know, utilize out-of-county schools more so than others, but it's the policy, I accept that it's the policy now. And I think we need to put in place the appropriate authorizations considering that, you know, this may affect some of the revenue that -- for the charge back that we're due. I don't know. Who would have that answer? Who would have that answer? Do you know, Ben? If we're in jeopardy of not being able to collect, you know, a semester's worth of tuition? I don't know how that works.

**MR. NOLAN:**

Well, at some point if we're going to get that money, if we're going to do the charge back, we need to pass something like this. If we don't, then we won't. We won't get the money from the Towns.

**LEG. SCHNEIDERMAN:**

Rather than debate it now, we know it's not going to pass out of Committee, it'll either have to go to discharge petition or to a CN, so, you know, I'll go back to tabling it -- tabling it because otherwise it fails completely. At least this keeps it on our agenda. So I'll make a motion to table.

**CHAIRWOMAN ANKER:**

And I'll second it.

**LEG. CILMI:**

And just very quickly, on the motion, maybe at our next Committee meeting, somebody can come to us with some answers as to Legislator Gregory's questions because I think those are pertinent questions. It seems, you know, this whole process is sort of odd to me because, you know, we've approved something for a year, but the school -- you know, the colleges may not work the same way. And so exactly what happens if we wait until our budget process to pass this, that's the question that really begs an answer.

**CHAIRWOMAN ANKER:**

Okay. We'll contact the Department who hopefully will -- it'll answer your question, so.

**MS. LOMORIELLO;**

We have a motion and second to table.

**CHAIRWOMAN ANKER:**

Okay. All in favor? Opposed? Abstentions? Motion carries. To table. **(VOTE: 3-0-0-2. LEGISLATORS MURATORE AND HORSLEY ABSENT)**

Okay. We have nothing else on our agenda. We are adjourned.

**THE MEETING CONCLUDED AT 1:43 PM  
{ } DENOTES SPELLED PHONETICALLY**