

ENVIRONMENT, PLANNING AND AGRICULTURE COMMITTEE
And
PARKS AND CULTURAL AFFAIRS
OF THE
SUFFOLK COUNTY LEGISLATURE
Operating Budget Minutes

A special meeting of the Environment, Planning and Agriculture Committee 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 25, 2005 to discuss the matter of the Operating Budget.

MEMBERS PRESENT:

Legislator Jay H. Schneiderman, Chairman of Parks and Cultural Affairs/member of Environment, Planning and Agriculture Committee
Legislator Daniel P. Losquadro, Chairman of Environmental, Planning and Agriculture Committee
Legislator Cameron Alden, member of Parks and Cultural Affairs Committee
Legislator John Kennedy, member of Environmental, Planning and Agriculture Committee
Legislator Angie Carpenter, member of Parks and Cultural Affairs
Legislator David Bishop, member of Environmental, Planning and Agriculture Committee
Legislator William J. Lindsay (excused absence)

ALSO IN ATTENDANCE:

Mea Knapp, Legislative Counsel
Gail Vizzini, Budget Review Office

Kevin Duffy, BRO
Jill Moss, BRO
Joe Muncey, BRO
Charles Bender, PO's Office
Ron Foley, Commissioner of Parks
Allen Kovesdy, CE Budget Office
Lance Mallamo, CEQ
Ben Zwirn, Assistant Deputy County Executive
Barbara LoMoriello, Aide to Legislator Cooper
Vito Minei, Environmental Quality Division
Walter Dawydiak, EQD
Thomas Isles, Director of Planning Department
Patricia Zielenski, Planning Department

Minutes taken by:

Diana Kraus, Court Stenographer

Minutes transcribed by:

Kim Castiglione, Legislative Secretary

(THE MEETING COMMENCED AT 1:27 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting to order. This is a combined meeting of Parks and EPA budget hearing and I would like to ask you all to rise and join us for the Pledge of Allegiance led by Legislator Angie Carpenter.

(SALUTATION)

CHAIRMAN SCHNEIDERMAN:

Thank you all for coming out on this rainy afternoon.

LEG. CARPENTER:

We're dedicated.

LEG. SCHNEIDERMAN:

All right. I know that •• are we getting any presentations or are we going right to public portion?

LEG. ALDEN:

I'd go to public portion.

CHAIRMAN SCHNEIDERMAN:

All right. Let's go right to public portion, then. I have only one card in my possession. That is Commissioner Tom Isles from the Planning Department. We're going to try to do Park's budget first so you might want to •• we don't ••

LEG. ALDEN:

Let's just do it.

CHAIRMAN SCHNEIDERMAN:

Well, only because Danny's not here for EPA yet, so.

LEG. CARPENTER:

So why don't we call up Commissioner Foley.

CHAIRMAN SCHNEIDERMAN:

Yeah. Why don't we let you go back and sit down. Sorry about that, Commissioner. Why don't we bring up Commissioner Foley and we'll try to take care of the Park's budget component first.

LEG. BISHOP:

Have our parks eroded away?

COMMISSIONER FOLEY:

They're eroding away.

CHAIRMAN SCHNEIDERMAN:

Have we lost any structures?

COMMISSIONER FOLEY:

No. There's nothing, no structures or improvements threatened except at Indian Island, the picnic ground circle is •• it's getting close. We are going to have to do something there. We have to work with DEC to get the right permits to do the work.

LEG. SCHNEIDERMAN:

Do we close any parks in large rain events? Is that ••

COMMISSIONER FOLEY:

No entire parks. We close outer beach areas and Smith Point is closed today. Theodore Roosevelt outer beach is closed. We closed Smith Point a week or so ago for power failure more than the weather, but it was at the same time the weather was bad.

CHAIRMAN SCHNEIDERMAN:

Because I'm just thinking Shadmoor, which is County, town, state becomes very unstable in heavy rains because of the clay cliffs out there. The town •
• when I was supervisor we used •• I used to close it down when there was a heavy rain event. I'm not sure that's happening now.

COMMISSIONER FOLEY:

I'm not sure either. We take our lead from the town there because they're on the ground there. I can check and find out.

LEG. SCHNEIDERMAN:

All right. Shall we jump into the Park's budget?

COMMISSIONER FOLEY:

Am I jumping?

CHAIRMAN SCHNEIDERMAN:

Yeah, if you want to.

COMMISSIONER FOLEY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Unless there's specific questions from the horseshoe.

COMMISSIONER FOLEY:

It's, you know, we somewhat violated the County Executive's instructions. When we submitted our budget we didn't stay within the percentages we

were directed to. But it's mostly in the areas that are uncontrollable, the personnel side of things and the cost for fuel oil, gasoline that we resell at profit at the Timber Point Marina. Things where the pricing was just out of our control.

In addition to that, we've moved some things around. When we budgeted to replace The Friends for Long Island's Heritage, we had kind of an unallocated lump of money that we now have a better idea where that's needed and we've reduced the lump and spread that around some.

The initiatives that were the high points in the budget were an increase to seasonal staffing appropriation, and that would serve a dual purpose. We want to hire some seasonal auditors to add to our crew of two or three permanent auditors. They would be college students, accounting students, in the summer so we have a better capacity to look out in the field and see what's going on, see that the procedures we adopt over the winter are adhered to in the summer.

And then we also have this idea of creating a Suffolk County Parks Foundation. And it would be, and I'm not exactly sure of the details of this, but the concept in my mind today is it would be an independent not-for-profit board that would work in close coordination with the department to seek and accept sponsorships of programs and allow us to expand what we offer to the public not funded by tax dollars.

We think looking at the experience of State parks on Long Island, looking at the Westchester County Park system, that there is a great deal of money that can be given to public programs and even some to facility improvements by the private sector in exchange for exposure of their name and the good will that comes with it. So we would employ a person in the department to coordinate with that external entity and make sure the department's priorities are met and that the programs are appropriate and is handled properly.

CHAIRMAN SCHNEIDERMAN:

That would be a full-time staff person?

COMMISSIONER FOLEY:

Yes. Yep. And then we also requested the filling of sign painter position and some maintenance positions to deal with some of the pressures that are coming our way. Signs are the face and the public information of the parks system. We have one person now doing that with a very complicated computerized machine. We're going to get a second machine to handle the volume that's coming at us and we want a person to run that second machine and learn how to this before the other guy retires.

And then you'll see \$50,000 in there to complete the survey of historic properties that we've talked about many times. That gets us started on that and I think would give us a better handle on what the total cost is going to be.

LEG. SCHNEIDERMAN:

Stop there for one second. So explain to me to what •• we have talked about that quite a bit, about doing a full inventory, structural analysis. So what does the budget include for that?

COMMISSIONER FOLEY:

The budget includes \$50,000 for that. I at one point had said \$200,000 dollars.

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER FOLEY:

But I admitted pulling that figure out of the air. This gets us started and will let us define what the real cost will be.

LEG. SCHNEIDERMAN:

Now, is that 50,000 that would go out in an RFP or that would be something you'd do in internally?

COMMISSIONER FOLEY:

We would engage DPW through our normal process of getting consultants to have them help us find someone.

CHAIRMAN SCHNEIDERMAN:

And that's a historical and a structural analysis?

COMMISSIONER FOLEY:

Yes, focused on our historic properties. Approximately 230 of them.

CHAIRMAN SCHNEIDERMAN:

Wait a minute. I thought 200,000 was a low number for something •• how many •• we have •• how many historic buildings? Over ••

COMMISSIONER FOLEY:

230.

CHAIRMAN SCHNEIDERMAN:

Two•hundred and thirty historic buildings.

COMMISSIONER FOLEY:

Some of those are very small. Pump houses, things like that. But that's the number.

LEG. SCHNEIDERMAN:

Two hundred ••

COMMISSIONER FOLEY:

And part of this job will be pulling together work that's already been done, so not every place needs a full analysis. Some of the more prominent places have been studied and have reports or partial reports on their conditions. So not everything needs this.

CHAIRMAN SCHNEIDERMAN:

You're figuring about \$200 a building. It seems low to me. Just to have a structural engineer look at it, it's going to cost significantly higher than that.

COMMISSIONER FOLEY:

Yeah. I think it gets us started and makes us better able to define what the total cost will be.

LEG. KENNEDY:

Mr. Chairman?

LEG. SCHNEIDERMAN:

Yes.

LEG. KENNEDY:

If I can, while not a member, can I go ahead and just ask ••

CHAIRMAN SCHNEIDERMAN:

Sure. Is it on this item because ••

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

Okay.

LEG. KENNEDY:

It's on this specifically. You and I have also had conversations as far as this inventory goes. But we've also had the opportunity to go ahead and deal about one particular property, the Blydenburgh House.

So I guess as a follow•up question what I'd say to you is, is notwithstanding the inventory and your general knowledge of all 230 some odd structures that exist within the park system itself, you must have some kind of anecdotal sense about the top ten most vulnerable properties or what amongst that sits with real immediate concerns, I guess, as far as structural integrity or, you know, not just looking at cosmetics or restoration to, you know, a particular period of construction or something like that. Imminent concern about properties falling in on one another. Can you speak to that at all?

COMMISSIONER FOLEY:

It's a tough question to answer because two weeks ago I'd have put the Blydenburgh bill at like number 25. Today it's number one just because of what that rainstorm did. You know, it washed out part of that cribbing and the thing is leaning and it needs immediate attention. It needs attention

before we do the _Weld_ House. So you've got a series of buildings over there that will vie for first place or a position in number ten all the time depending on the prevailing conditions. And we're addressing, again, through the capital process a lot of the most serious problems right now. They're in some phase of this process of addressing their worse •• worse needs.

LEG. KENNEDY:

So, then is there •• but I guess in order to go and hone it a little bit tighter, then, is there a generic capital project from which you draw funding you need in order to do immediate repairs, or is that something that's a component of your operational budget that allows you to go ahead and do bricks, motors, lumber, or whatever it is in order to secure it from, you know, imminent disaster.

COMMISSIONER FOLEY:

Both are true. We use •• there is a generic capital item 7510 that is used for a lot of restoration, stabilization projects where we have, you know, dedicated all that money to a list of projects. We use some of the hotel/motel money to augment that capital money so we can move more quickly on some of these things.

LEG. KENNEDY:

So then to finally, I guess, address it, the capital project obviously would be something that we would do in the spring and look at, you know, the legitimacy of the funding there. In your operating component, though •• and I don't know how you answer this question but I'll ask it anyhow •• do you have enough there in order to address what you know as far as your immediate needs right now?

COMMISSIONER FOLEY:

It is a hard question to answer because •• especially in the case of that mill building. We have not been able to define an immediate need. I don't know if that is going to be a \$50,000 project or a \$100,000 project just to stop it from sliding down the hill. That's a tough question to answer.

Before that happened I would say, yes, there seems to be enough money in there. In fact, in that hotel/motel fund we have underspent, based on the

erroneous belief that the money was rolling over, that unexpended balances were still available. We were wrong about that. Now we've got that •• our understanding of it is straightened out, we will no longer be, you know, banking that, but we'll be trying to expend it every year. So I think we're okay in the operational side of things.

LEG. KENNEDY:

Just so that I understand then, in other words, any balance remaining in that hotel/motel segment reverts back to General Fund if unexpended at the end of the year?

COMMISSIONER FOLEY:

Nope, it doesn't do that. We get a piece of it. Economic Development gets a piece. Anything unexpended was put back in a pot and reallocated with a legislated formula for the coming year. It doesn't •• it didn't go into the General Fund that I'm aware of.

LEG. KENNEDY:

And it moves to the other two streams that are derived from hotel/ motel?

CHAIRMAN SCHNEIDERMAN:

Or it just ••

COMMISSIONER FOLEY:

In pieces directed by the legislation that established the fund. We get a third, they get two-thirds, and our third is cut two ways.

LEG. KENNEDY:

And if you don't spend all of your third then the surplus moves to the other two? Is that it?

COMMISSIONER FOLEY:

No. It goes back in a pot that is then reallocated based on the formula to all three lines, so to speak.

LEG. SCHNEIDERMAN:

But the third line being LICVB?

COMMISSIONER FOLEY:

A piece of it, yes.

LEG. SCHNEIDERMAN:

They get •• they get •• of the original pot, they get two•thirds. And then the remaining third, that gets split two•thirds to Economic Development and one•third to Parks.

COMMISSIONER FOLEY:

We get a •• we get a third. I don't remember. I think we get a third of it. I don't remember the formula, to tell you the truth.

LEG. CARPENTER:

Of the remaining one•third, half of it goes to ••

COMMISSIONER FOLEY:

That's right.

LEG. CARPENTER:

Half goes to historic preservation and half goes to cultural arts.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you.

COMMISSIONER FOLEY:

Cultural programs, yup. That's right. So, we get a sixth.

LEG. KENNEDY:

Okay. Thank you, Mr. Chairman. Thank you.

LEG. SCHNEIDERMAN:

I just want to, on that same item, the \$50,000 going toward this structural/historical analysis, which seems very low to me, do we have anybody on staff who is a structural engineer, maybe at DPW, but you don't within Parks, right?

COMMISSIONER FOLEY:

No. But the Charter says that DPW will provide all of the Parks Department's engineering services so we don't employ architects, engineers, those kinds of things.

CHAIRMAN SCHNEIDERMAN:

Okay. So, it's possible we can do in-house the structural analysis and •• now, what being about the historical analysis? Do we have anybody •• I know you have, what, Rick _Mortin_ in your department?

COMMISSIONER FOLEY:

Right, who's pretty busy. I would think that a firm interested in doing this work would have to bring in someone with historic preservation expertise to satisfy me anyway.

CHAIRMAN SCHNEIDERMAN:

So, you would likely use the \$50,000 to do some kind of RFP, to some architectural historian, to try to prioritize in terms of their historic value, the County buildings?

COMMISSIONER FOLEY:

That's the way I believe it would be done, yes.

LEG. SCHNEIDERMAN:

Okay. Well, maybe you can do that for fifty. I don't know. Maybe. All right. Do you want to continue through the budget or is that it?

COMMISSIONER FOLEY:

The only other issue I have is the transfer of the 477 funds and the cost in that fund over to the operation •• or the General Fund budget. I'm concerned about that for a number of reasons. The BRO report seems to imply that well •• no, it doesn't do that. There may be an implication that we aren't spending the money on the things that it was intended for because they are not project oriented.

I kind of take a broader view of it. The workers on the golf course that are making sure the golf course stays to a certain level of quality without the application of pesticides and chemicals, are helping improve the water quality of Suffolk County. I think they are satisfying the intent of the

legislation. And that's where a lot of these employees that would be transferred from 477 to the General Fund are employed, is on those golf courses.

The other people sited in the report are the people that were transferred over from the Labor Department to do environmental stewardship work. The BRO report points out a few things that we did that weren't related to environmental stewardship. That's a minutia, that's a small, small part of the work that these people accomplish. Most of their work has been as intended. And I think segregating out a crew of people who will pay attention to all this land we've acquired that we haven't paid a whole lot of attention to and has been the target of illegal dumping, and we don't know what's in the illegal dumping, is not a bad way to protect Suffolk County's water.

And if all these 40 positions are placed in the General Fund, I don't know where the money comes from. I see those two very important and dedicated programs in competition with all the rest of our budget in the General Fund and diminished by that. That's just a comment on that proposal.

LEG. SCHNEIDERMAN:

Let's probe that a little bit because I think it's important. This is water quality funds and I wasn't here when that program was created. I imagine it was mostly for new water quality types of projects. I don't think people envisioned that, you know, a park superintendent or something might be paid through those water quality programs. And you'd almost have to pick apart those park stewards, whether that land was bought for water quality protection or whether it was bought for beach access or farmland preservation or whatever it might be. And there's •• you'd have to take a pretty good look at that.

You could probably make an argument that, you know, somebody in DPW who is working on the roads, you know, in steering the way that water moves along that road into catch basins should be paid out of 477. So it's somewhere you got to draw the line and say wait a second, this really is not the way this fund was intended. As much as it will help us balance the

budget, it's going to take money away from legitimate water quality projects, and this is something I think, you know, that's been echoed by Legislator Bishop several times and by others, Legislator Losquadro, Legislator Alden, Legislator Kennedy.

A lot of people have brought this up and it's an easy way out to use 477 funds but, you know, without really a clear delineation of what the individuals in your department are doing, we can't even figure out what percentage of their time could legitimately be justified as a water quality protection time.

COMMISSIONER FOLEY:

Could I comment on that?

CHAIRMAN SCHNEIDERMAN:

Yeah.

COMMISSIONER FOLEY:

We can •• we can clearly define what percentage of their time is spent on water quality related work. The list we gave to BRO at their request didn't do that, but they didn't ask for that level of specificity. It would take us some time to do what you just talked about, but the reduction in the application of chemicals on those golf courses is a demonstrative measurable result of this program. And when you do that, you've got to have employees, more than a golf course that's being run without regard to those limitations, to maintain any kind of acceptable quality. The two things run hand in hand and it does have a direct impact on the water quality of the County. Same with the people that came over from Labor. The Environmental Stewardship crew, if you want a percentage of time they spent on those things, we'll figure it out.

CHAIRMAN SCHNEIDERMAN:

Yeah. Legislator Alden.

LEG. ALDEN:

And I'm glad Ben came up because basically I think what you are saying is you need hands, you need people to do certain type of work and some of it is specific to, you know, making sure pesticides don't get applied incorrectly

and end up in our •• in the water, whether it be surface water or going down into the ground and things like that.

But I think that when you start sorting it all out, what we just need is an assurance that the number of people, the proper number of people isn't going to be diminished. And, Ben, maybe you can, you know, just speak to that. Are we going to have the same number of people working in these positions but just a different funding source?

MR. ZWIRN:

Well, these positions didn't exist prior to the legislative action earlier this year, and it was debated at that time and all sides were covered. It's a philosophical discussion that we're having here. The people who came over from the Labor Department lost their jobs due do no fault of the County or they themselves. They lost State and federal funding that had paid for those positions and they were gone.

At that time the Legislature and the County Exec came up with what was a creative idea to take care of two things at once. One, to find positions for these people who are now unemployed who had done good service for the County and were not •• did not lose their jobs because of their own fault, and also we had requests. I remember Charlie Bartha in Public Works said when we had the rocks in the box program one of his concerns at that time was that we didn't have anybody to maintain the filters. And now that he has nine people who came out of, who are now being funded out of 477, that's exactly what they do.

I know Legislator Kennedy was here for the early meeting and that's •• I think that's a fair representation of what the Commissioner said.

And I think we've talked about in the past, you know, the stewardship program. We acquired a lot of land in Suffolk County which is great, but they don't have the personnel in Parks or elsewhere to do it. Perhaps we can use the 477 fund •• employees have been paid out of it in the past, to be able to kill two birds with one stone in a very positive way. Take a recurring revenue source and instead of contracting out with private agencies to do this work, to have County employees do it without putting additional pressure, having to raise taxes through the General Fund to do it.

Now, it was a very creative and I think a good solution, but it's a philosophical argument. And I think we've heard both sides and it's not any •• it's not a political thing, it's one of those things that I think it's open for debate. But I think if you listen to the Commissioner of Parks and the Commissioner of Public Works and Commissioner Isles, those positions are going to be funded for water quality. And we think it's in the best spirit of the 477 account. But again, that's why these •• the process is a very healthy one.

LEG. ALDEN:

Okay. So, the proposed budget moved the people out of 477, that's what my impression of it was, that some of those jobs were moved out of 477 funding and put into the General Fund •• on the General ••

LEG. SCHNEIDERMAN:

No. Not in the County Executive's budget.

LEG. ALDEN:

What?

CHAIRMAN SCHNEIDERMAN:

In the County Executive's budget?

LEG. ALDEN:

Yeah.

CHAIRMAN SCHNEIDERMAN:

I don't believe so.

MR. ZWIRN:

No. That's the recommendation that •• that Budget Review •• that's ••

LEG. ALDEN:

BRO.

LEG. SCHNEIDERMAN:

BRO's.

MR. ZWIRN:

That's BRO's recommendation.

LEG. ALDEN:

Recommended to put it •• okay.

LEG. SCHNEIDERMAN:

So you see •• I'm sorry.

LEG. ALDEN:

Then •• I'll just skip over to BRO. You're recommending the same number of positions but just a different funding source?

MS. VIZZINI:

What the report says is that there is proliferation of positions being funded by 477. In this year's budget the number is a total of 65 positions. I think there are four new positions created to be funded out of 477.

In light •• you know, I agree with the Commissioner that the work that the individuals are doing is work that needs to be done. It started with the organic maintenance program, expanded to the very commendable environmental stewardship program. But from a policy point of view, when you consider that we are reserving monies for other purposes, and we have a proliferation of positions which now amounts to a little bit over three million dollars of fixed costs, that each year new water quality money as it comes in will be directly to pay for those fixed costs. The salaries, the retirement, the health insurance and the other benefits of personnel.

LEG. ALDEN:

Okay. So your recommendation is just move that •• it's basically the funding source. Keep the jobs ••

MR. ZWIRN:

Yes.

LEG. ALDEN:

•• where they are so •• nine jobs over in DPW and •• what was it, fifty

something jobs ••

COMMISSIONER FOLEY:

I think it's a total of 40 in Parks.

LEG. ALDEN:

Forty in Parks. So not to do away with those jobs, just the funding source would come out of •• your recommendation would be General.

MS. VIZZINI:

That's our recommendation, yes.

LEG. ALDEN:

Okay. Thanks.

MR. ZWIRN:

Legislator Alden, if I might add one more thing. It's the County Executive's position is if the Legislature found that those people were not doing 477 work, then those positions should be eliminated. I mean, so it is not to take, you know, take 477 money and have public relations people, you know, doing things that other •• than what was assigned for that.

LEG. ALDEN:

And I think when we had the original discussion, I don't think there was a lot of, you know, even resistance on my part as far as classifying the work even mainly, and I was okay with that. The only thing is, and like you said, philosophically, when we created the 477, it was more for bricks and mortars. That's what I thought. And there's •• you know, we built up •• I think it got up to \$15 million or something like that, a fund balance in there or a balance in that account?

CHAIRMAN SCHNEIDERMAN:

Fifteen.

LEG. ALDEN:

How much?

MS. VIZZINI:

Thirteen.

LEG. ALDEN:

Okay, so, \$13 million, but that's not what comes in every year. It's more like six to eight million dollars comes in every year. So, if you actually tax that account, with all fixed costs, then you're not going to be able to do the amount of, you know, like remediation and the new types of bricks and mortars jobs.

MR. ZWIRN:

You'd have less money for that. That's true.

LEG. ALDEN:

Exactly right. So that was what the discussion, I thought, had been framed as.

LEG. SCHNEIDERMAN:

Potentially no money for that.

MS. VIZZINI:

No money.

LEG. KENNEDY:

Just to add a little bit to where we were at, too, also in this, the philosophy discussion, I am absolutely certain that all 40 of these folks that are tagged to this are working and, you know, working in a broad concept. But I think the philosophy issue is, how far do we expand this. And looking on page 277, I'll just look in particular, we have five auto equipment operators, two auto mechanic I's, and an auto mechanic III.

Now, I imagine that you need to have equipment in order to go ahead and apply the organic material in order to maintain the golf course to be in compliance with reducing the pollution for the aquifer. But at what point do we say we've come so far afield from the original legislative intent which, you know, Legislator Alden and Legislator Bishop, you know, know far better than I do. But I think Counsel will say that, you know, at some point we're constrained by the original legislative intent of four corners of the instrument. Else wise, we would get to the point where we would be able to

say well, supply clerks, who procure, you know, some of the material in order to apply or, you know, the iteration becomes so far removed that an attempt to embrace this philosophy, we've lost the original mission.

COMMISSIONER FOLEY:

Well, in the realm of this that the Parks Department is responsible for, we've made that decision. There are many other golf course employees that are not paid out of here that are in the General Fund. We kind of have a rule that there must be some direct correlation between the limited chemical application and the employees you hire.

LEG. KENNEDY:

So these guys are just changing filters on tractors or what?

COMMISSIONER FOLEY:

No, they're not. They are sharpening equipment five times as often as Bethpage is to make sure you can actually cut the weeds and the grass that you can't kill with the chemicals to give the people the quality they expect on the golf course that you can't apply chemicals to or that you have to reduce the level of.

LEG. SCHNEIDERMAN:

So then still most of their salaries would relate to landscaping. It's only a portion of it that is extra because it's organic landscaping. Right?

COMMISSIONER FOLEY:

It all tied together.

LEG. SCHNEIDERMAN:

That they normally would be paid •• you know, the golf courses are one of the few County parks that seem to have a positive cash flow in terms of we're bringing in money through the golf courses.

MR. ZWIRN:

If I can interject.

LEG. SCHNEIDERMAN:

So, you know, the cost of doing business •• one second, Ben. The cost of

doing business obviously is maintaining those grains and those •• you know, the grounds. Okay, it might be a little more labor intensive because it's organic, because, you know, we're trying to protect groundwater, but you are now funding an entire individual whose primary job I guess would be groundskeeping. Is that correct?

COMMISSIONER FOLEY:

(Shaking head yes)

LEG. SCHNEIDERMAN:

Through 477 funds just to make up because of that little bit of additional time that they spend doing an organic program.

LEG. ALDEN:

Actually, it's not a little.

COMMISSIONER FOLEY:

It's not a little bit additional. It's a lot additional. It ••

LEG. SCHNEIDERMAN:

All right. Ben wanted to interject.

MR. ZWIRN:

I will be very quick. If •• the County Executive's position was if you felt that these positions were not related to 477, then eliminate them. But he would not support putting them into the General Fund because that •• it just •• it just would put too much pressure on the General Fund. It's an additional cost to the taxpayers that ••

CHAIRMAN SCHNEIDERMAN:

Well, obviously you can't eliminate the positions either.

MR. ZWIRN:

Well, these people, if you •• but if you make them landscapers, then all of a sudden ••

LEG. KENNEDY:

Yeah. And let me •• by using the example I just used, too ••

MR. ZWIRN:

•• they become Civil Service positions, and we'd have to take it •• have to take it ••

LEG. LOSQUADRO:

We're just going to keep talking over each other?

CHAIRMAN SCHNEIDERMAN:

All right, all right. Let's •• I will recognize the speakers as they go so we're not all talking at the same time. Right now Legislator Kennedy has the floor.

LEG. KENNEDY:

I'd just like to follow•up because I don't want to give a misimpression here. That's not my suggestion by any means. By looking at a specific position in this list of 40, to suggest that any individual in there is not performing a function nor should be continued in the function nor should be viewed to be eliminated. That's not my words. It's not my words.

But what I'm saying is, is I'm questioning this philosophical discussion that started this morning. We're here now this afternoon and I'm wondering what the outer spectrum of this philosophical dialogue is, if you will, because I see it as one that in an effort to go ahead and expand the opportunity to fund personnel other than in the General Fund, can conceivably go quite a ways out and I think diminishes the original intent of the funding stream, which is to deal with concrete methods to protect the aquifer. That's •• that's the issue that I came to.

LEG. SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I'm glad that my colleagues took this up in my absence. I came in a little bit late. But this is a discussion we have had many times, you've heard in Environment and I'm glad that it's percolated up and over to Parks because this is where a lot of those positions are actually in place.

This is absolutely, as has been said, a philosophical difference on this. I don't think anybody here does not believe that these positions are important, that they shouldn't continue to be funded, that they absolutely provide a concrete benefit for Suffolk County and for drinking water protection. But, how we fund them and how the intent of the original legislation that created this fund was worded I do not believe, my opinion, many of my colleagues' opinion, is that it allows to fund these recurring costs, these salaries out of this fund.

I think it is disingenuous to the public when they voted on this in a referendum. My interpretation of the law was that it would go, as Legislator Kennedy very eloquently put, towards concrete benefits projects. You know, this is something that we are going to have to contend with in this budget.

I know that you have said repeatedly now that the County Executive would not be in favor of putting these positions in the General Fund. I don't know why. This would free up an additional three million dollars for water quality projects, actual projects. Not recurring salaries, actual projects. That is the direction I am leaning in. I know some of my colleagues are, and that's something that this body, which makes the policy, will have to take up in their budget making process, so, thank you.

MR. ZWIRN:

If I just might respond. The reason the County Executive doesn't want to add to the General Fund is because you're going to have to add three million dollars to the General Fund. And the taxpayers are going to have to pick it up with these new positions, you know, because •• originally the plan was to try to save these people's jobs and it was a very admirable attempt, but not to find •• make work but to find real work and to find a revenue source to pay for them. And that was done and it has worked well and the County Exec would like to continue it. But ••

CHAIRMAN SCHNEIDERMAN:

It's rational from a taxpayer perspective. But in a sense you are raiding a dedicated environmental fund to pay for operating budget with things that should be normally in an operating budget.

MR. ZWIRN:

Well, I just •• I just disagree with raided and disingenuous. Other than that, I have no problem with what everybody said.

LEG. SCHNEIDERMAN:

But it's basically philosophical.

MR. ZWIRN:

It's a difference of opinion.

CHAIRMAN SCHNEIDERMAN:

I actually wanted •• first off, I want to say on to the record that Legislator Lindsay has requested an excused absence which I'm granting. And Legislator Bishop had a question, I believe, for Commissioner Minei or Vito Minei. Is that correct?

LEG. BISHOP:

Sure.

CHAIRMAN SCHNEIDERMAN:

On this matter.

LEG. BISHOP:

On 477. Vito, do you have •• but by the way how much •• how much of 477 is occupied by personnel? Mr. Duffy? Ms. Vizzini? Mr. Duffy? The question was to you. How much of 477 is occupied by personnel costs?

MR. DUFFY:

We indicated in the report I believe it's \$2.7 million dollars if you fund all 65 positions. And it includes four new positions and 40 in Parks, I think 14 in Public Works. Two are proposed for Planning, and I'm not sure off the top of my head the number in Health.

CHAIRMAN SCHNEIDERMAN:

Is that about half the budget? Is that about half of what's anticipated in 477 monies?

LEG. BISHOP:

How much was it?

MR. DUFFY:

A little less. For 2006 we project 7.4 million. And according to what's being used for what we term as operating expenses, that would be \$6.8 million in 2006.

LEG. SCHNEIDERMAN:

Okay. And there's some 477 funds that's also going to Health Department for the mosquito program or study?

MR. MINEI:

I was hoping maybe to touch on some of the overarching issues on the quarter percent since I was there from the beginning on the committee and we've discussed this multiple times here.

Number one, in talking with the County Exec's people, I think we've made multiple requests that either we dedicate an entire session of this committee or at a good portion to a presentation on quarter percent. I personally and I know Ben has endured a number of misconceptions about the program.

The number one misconception, and I know there is a group of you on the Legislature that would prefer that all of the money be dedicated to structural projects with regard to water pollution control, but that is not the way the quarter percent is written. There a whole section dedicated to natural resources restoration. And in the pledge to make sure that we have a balanced program that addresses all the categories in the quarter percent, you do from time to time see projects on scallop restoration, wetlands, you know, restocking and all those other programs.

Number two, there was a rationale applied to staffing with projects. The first year, nearly four years ago in the committee, we were entertaining a number of town projects and we were seeing that they were applying staff from various departments. And the determination was made at the committee that has representation from the Legislature, I believe you have at least one, maybe two, representatives on that quarter percent oversight

committee, that if indeed it was a new initiative and it was new staff being dedicated to that program, we would entertain it. And the towns •• and the towns were allowed to apply their existing, whether it was highway staff working on storm water projects, as their in-kind match.

All we did in moving forward in the program and having broader and broader projects proposed by County agencies, was apply that same rationale. That if you had existing staff they would not •• the cost of them would not be underwritten by quarter percent, but any new initiatives of new staff would be included. And we have discussed in the context of Parks projects, with DPW projects and indeed even with some of the Health Department projects. So that's the rationale.

But I would still recommend that we have a good chunk of the time of the committee, of the Environment Committee, dedicated to the quarter percent program so we can go over the history, what is reviewed. We have been asked about review criteria. We kind of touched on that the last time I was here with some projects. You can see how we apply the rationale in both preservation and mitigation to the quarter percent. So hopefully we'll be able to address a lot of these projects.

But staffing has been an issue from the beginning and we believe that for new initiatives, it was reasonable and appropriate to include new staff in quarter percent.

LEG. SCHNEIDERMAN:

For the example at hand, organic turf maintenance program at the golf courses. It was a new initiative in the sense that we've passed a policy as a Legislature, as a County, minimizing pesticides or, you know, having organic golf courses. In your mind is that a legitimate expenditure of 477 funds?

MR. MINEI:

Yeah, and we've discussed it in another analogous situation with Parks. They were purchasing I think equipment for some of these pesticide maintenance programs and they needed a building to house it. And we saw the direct relationship to a maintenance building for that equipment. And we have discussed this back and forth at length at those committees about gee, what is appropriate, what is new to this program that really makes

sense, and we drew the line at technical people being related to the program, equipment being related to the program, and the need for maintenance structures to house all that equipment rather than all the administrative support that were some of the examples I heard earlier.

LEG. ALDEN:

Jay.

CHAIRMAN SCHNEIDERMAN:

Cameron.

LEG. ALDEN:

And just to •• I want to round out the historic presentation of this. When I drafted this law, I didn't foresee spending a lot of money on salaries out this component. What I did foresee when I drafted this law was there was a very large component that goes to tax stabilization that goes into the General Fund. So that's what I foresaw when I drafted this, that if we were going to hire people, we would do it out of that component that goes into the General Fund, which is 20, 30 million dollars a year.

MS. VIZZINI:

21 million.

LEG. ALDEN:

Twenty•one million dollars a year. That's what •• when I drafted it, that's what I foresaw as far as if we're going to hire people. I did not see this component being used to hire people, and that's why it's broken into separate components. But that's the beauty of the law, too, because it is not static. It's always open to interpretation and it is always a little bit flexible so that you can use whatever the need is at the time if it fits within the law.

But I feel that the law that Rizzo and I, you know, drafted and put into effect, and I think it was 18•nothing vote on it, I thought that there would be more dialogue before we started going in a completely different direction than what was my legislative intent when I put this all together.

So that's why I'm encouraged that, you know, we're looking to try to save

the taxpayer's money with it, but I'm a little bit discouraged in that, you know, I think that we're twisting a little bit of the original intent and we're going in a little bit, not a little bit, but in a vastly different direction than I had envisioned. Use the 21 million if we have to that goes to stabilization into the General Fund, use that for salaries, and leave this for the bricks and mortars.

So, that was my intent originally, and there is other components to this, too. Part of it is in the sewerage, and we wanted to finally pay off the sewer district debt which will be paid off in a couple of years which will give the County an immense advantage later on if we wanted to, for instance, affordable housing programs. We can maybe extend our sewer districts and that will provide the opportunity to do affordable housing. But that's going to actually use a little bit of imagination and that is an extension of what I wanted to accomplish when I first drafted this. I wanted to get rid of that debt and then allow us to be flexible in the way we dealt with problems in the future. But I'm encouraged and a little bit discouraged at the same time.

MR. MINEI:

Once again, I would recommend that we have a session because that's sounds like a very important consideration, Legislator Alden, that I personally was not aware of. And I know when we were setting up the committee several years ago, and we at length went through the whole review criteria. I'd be very willing to go back through the history. I'm very comfortable with the projects that have been approved to date and the reasoning behind some of the decisions made to date.

But obviously there are still concerns here and I would say moving forward with millions of dollars still yet to be put into this program, we should all agree to what is acceptable and appropriate to you as well as the County Executive and the other executive agencies because quite honestly, I never heard this before, Cameron.

CHAIRMAN SCHNEIDERMAN:

Legislator Bishop next. Sorry.

LEG. ALDEN:

And I would not invite you to go and look at it, but when we first •• the minutes of the meetings when •• and unfortunately right after we submitted this legislation Legislator Rizzo got sick and was unable to attend a lot of the meetings. But I attended, you know, whatever I could, which was 90 something percent of them. And that's where we actually fleshed out and there was some compromise because some of the money now goes to also preservation and things of that nature. So there was a lot of detail or a lot of intent that was put forward at that point in time and now like I said, I'm well aware that the law has to change and it shouldn't be static. So if the needs change, then that's the way •• you know, the way it should be. But the legislative intent really is at the heart of this legislation.

MR. MINEI:

I'm not sure the law has to be changed, but I certainly think we need a better understanding from both sides of the horseshoe here. I know my staff and I were involved in recommending the categories that were included in the environmental protection portions of the quarter percent. All the accounting lesson you just gave me I was not aware of and not party no. So once again, I would recommend that we have a session dedicated to the program.

LEG. ALDEN:

Well, when I say the law should be changed, I can think of another Charter law that, you know, has a direct relationship to Parks. And that's one that, I shouldn't even mention his name, but a Legislator from out in Brookhaven put in that requires as we purchase property, we have to grow the parks police. And I don't think we followed that for a number of years. It's actually almost like an acreage requirement. "X" amount of acres equals a park ranger, and this budget doesn't reflect following that and that's a Charter law. That's something that really should be changed. If that's our intent now, on behalf of the County Executive and also on the Legislature, if we don't want to do that, then we should change that law and not ignore it. So that being said, you know, I realize that the law should be flexible.

LEG. SCHNEIDERMAN:

Okay. Legislator Bishop.

LEG. BISHOP:

Yeah, I'm going to ask a question and I don't know the answer to, which is usually not what I want to do, which is the personnel that are required to implement any land purchase programs, are they out of the quarter cert or any of the segregated funds for land purchases or they're all General Fund?

MR. MINEI:

No.

LEG. BISHOP:

Good. I think it points to some of the •• some of the concern that Legislators have that this program is treated, you know, in an inferior manner as compared to land purchase preservation programs. Some of that inferiority falls at the feet of the environmental community, which if we tried to do •• reprogram that money for land purchases to personnel, you know, there would be a large contingent here that would be very angry at the suggestion. But when it comes to water pollution programs it doesn't manifest. So it's just an observation.

Mr. Minei, the study on pesticides, that doesn't go on forever. When does that sunset? When does that end? That's usually the 477 money.

MR. MINEI:

I'm sorry. I'm not aware which project are we talking about?

LEG. BISHOP:

Well, maybe I'm •• your unit is overseeing a study I thought ••

MR. MINEI:

From the State DEC grant.

LEG. BISHOP:

Nothing from the 477?

MR. MINEI:

I don't believe we have •• are we talking Vector Control project?

LEG. BISHOP:

Yeah.

MR. MINEI:

Okay. Yes. That sunsets very soon. In fact, the final report is being prepared. The EAF for the GEIS is being prepared. But the answer is yes. The Vector Control long-term management plan and GEIS are indeed coming to a close and that used upwards of between three and a half and four million dollars of the quarter percent funding. We'll be making a presentation, I think, very shortly to you here and we'll be moving into the state environmental quality review, the SEQRA process, this fall as we work on the annual plan of work for '06 with Vector Control. The answer is yes.

LEG. BISHOP:

So in '07 there won't be •• there will be \$2 million more available that's spoken for now.

MR. MINEI:

I think all the accounting is done. I mean, all of that money has already been encumbered and appropriated for the Vector Control. So to say that there's additional funding •• I'm sorry?

LEG. BISHOP:

No, but it replenishes. All right. Kevin, in '06, next year, is the vector using the fund, the Vector Control?

MR. MINEI:

No.

LEG. BISHOP:

It's already gone? It's already withdrawn?

MR. DUFFY:

I believe you're talking about the water quality protection under 1497. There is 769,214 that's recommended in 2006.

LEG. BISHOP:

What is that? Is that what •• are we talking about the same thing? Isn't

there a huge ••

MR. MINEI:

There are staff indeed recommended as part of the implementation, both for the Vector control/DPW component, and the ABDL, the arthropod borne disease laboratory portion of the Health Department. There are two staff members each that are being requested as the implementation phase of the management plan that indeed would be coming from the quarter percent as requested. But again, keep in mind that this is under the ambit that this is a new initiative. It is associated with a project that was approved for quarter percent and it is now just the implementation phase of it.

LEG. BISHOP:

Okay. But the study phase of it cost how much?

MR. MINEI:

I believe around \$4 million total.

LEG. BISHOP:

And is any of that four million in '06?

MR. MINEI:

I don't believe so. I think that's already been ••

LEG. BISHOP:

So, we've paid for the whole four million in '05 and backwards?

MR. MINEI:

I believe so. I'm looking over my shoulder to my colleague.

LEG. BISHOP:

So, there's no good news. I was looking for good news. And I'm not hearing good news.

MR. MINEI:

All 4 million has been already appropriated? If you didn't hear that, that

was Walt Dawydiak, Chief Engineer for the Environmental Quality Division. He said the three and a half million dollars contracted is supposed to be finished and the budgeting for that is finished at the end of this year.

CHAIRMAN SCHNEIDERMAN:

I'm getting confused now. It sounded like there were two or four positions that are funded by 477 that are ••

MR. MINEI:

Requested, I believe, in '06.

CHAIRMAN SCHNEIDERMAN:

It sounds •• from your description it sounds like they're health related, not groundwater related but West Nile Virus related positions.

MR. MINEI:

Yes. Well, they're related to the Vector Control study. And, therefore, two are in the Health Department in the arthropod borne disease laboratory, and two are in the Vector Control. And I believe one was an engineering tech and one was an entomologist. But they are both related to either it's wetlands restoration, controlling the mosquitoes, so that's the environmental link to the entire program here.

CHAIRMAN SCHNEIDERMAN:

It's a stretch, though. It just seems to me a stretch to say that groundwater quality money ought to go toward, you know, mosquito borne diseases.

MR. MINEI:

You're taking, again, a narrow focus on what that quarter percent was. Part of the quarter percent was wetlands restoration and the rationale for expending that sum of money for the study phase of Vector Control was the fact that the vector program over the last seven years has affected more than 90 percent of the wetlands in Suffolk County. So from that jumping off point the entire comprehensive plan was funded under the quarter percent as well as water quality issues related to pesticide applications directly in the water.

LEG. SCHNEIDERMAN:

When you say affected, you're saying that the vector program, as some have contended, has diminished the environmental value of some of the wetlands by whatever, ditching them or whatever it might be. And so now to undo that damage we're modifying the Vector Control program and therefore it's a water •• a wetlands program and could qualify for 477 funds? That's the argument?

MR. MINEI:

In retrospect that was part of the rationale, was the impact on the wetlands was part of it.

LEG. SCHNEIDERMAN:

It's hard to follow all that. I'm actually not sure that Legislator Bishop is done with his line of questioning.

LEG. BISHOP:

I will conclude. But when we look at this it seems to me that you can go back to the public with a referendum that's more narrowly tailored so that we're not facing this constant frustration. Or we can create without additional taxation, perhaps by reprogramming other areas of environmental spending to meet the demand that apparently is being generated for water pollution initiatives.

I don't know what the balances are in, for example, farmland preservation. We have a number of different funding sources there. And if that money is not likely to be spent in the near term, then perhaps we would be wise to move some of it into water pollution initiatives. Not •• you know, exclusive of this debate. You know, this issue, I guess, we're going to deal with soon in the budget but we're •• it seems we're always going to be facing a problem of more demand than supply for the next several years. So maybe we should think about where we're going to get more money.

CHAIRMAN SCHNEIDERMAN:

I think a lot of us were under this perception that this 477 fund was going to go to reducing point and non•point sources of pollution.

MR. MINEI:

If I could just add a point to my reaction.

LEG. BISHOP:

Yeah. I agree with your points about •• you know, you get these attenuated initiatives ••

CHAIRMAN SCHNEIDERMAN:

And these are pretty big jumps at this point.

MR. MINEI:

Well, let me try to clarify. Walk Dawydiak, who also served as project director for the Vector Control study, reminded me that another major water quality portion of the Vector Control management study was this goal of dramatically reducing pesticide application. And that's where the wetlands restoration reduces the larviciding necessary directly into the water and hopefully by not having the mosquitoes in the first place, you in turn reduce the adulticiding.

So the other component that is directly related to water quality besides the natural resources component of wetlands maintenance is the dramatic reduction in pesticide application that Vector Control will have over the ensuing years.

CHAIRMAN SCHNEIDERMAN:

I mean, couldn't I argue, then, that some of the 477 funds and basically what you're saying are going directly toward a program that still is using pesticide, some that are, you know, known or suspected to be toxic in marine environments and therefore it goes against the whole 477 program to use those monies for the Vector Control program, which some would argue have deleterious effects on groundwater and the environment.

MR. MINEI:

Well, again, the goal was to reduce that application of chemicals and this study phase was to evaluate the •• both the public health and the ecological implication of the use of these chemicals. And I'll await the presentation for you to be impressed or not impressed with those findings. But •• but I would argue the contrary to you, that we applied the funds to •• again, very substantially reduce the chemical use that Vector Control currently applies.

CHAIRMAN SCHNEIDERMAN:

Well, we got a •• I got a whole bunch of hands on this side. Danny, I think you were really next if you want to go and then Cameron.

LEG. LOSQUADRO:

Again, as Legislator Kennedy had mentioned, I think we can •• we can go so far afield with this at that point is the mechanic who's maintaining the equipment, that is applying the pesticides, can that person be paid out of it because in some way it relates to it. I •• I just think we are going to far afield. And as our very wise legal Counsel once told me, once you're explaining, you're losing. I think that things like this need to be clear uses and clear intent of the original legislation, as Legislator Alden put, and it is sort of tough to argue with the man who penned it.

This does warrant further discussion, as I said, and as Legislator Bishop says, this is something that we will take up during our budget process and then look towards clarifying and sort of finding a common ground and a unified direction that we're going to move in for the future, because this is obviously something that is very important, not only to this body, but to the County Executive and more importantly, to the health and well being of the residents of Suffolk County and our environment. So, this is certainly not going to end today.

CHAIRMAN SCHNEIDERMAN:

Cameron's next. And then Legislator Kennedy.

LEG. KENNEDY:

Just two points that I'll add to it. Of course naturally I'll defer to Legislator Alden because he's got the most knowledge. The one I would •• I would talk about the Vector Control programs and the arthropod lab and things such as that. We're in the realm of 477 now. But absent any 477 quality funding or discussions of that, the Health Department would still be doing this function. You have that mission basically charged from the broader public health obligations and responsibilities that the County carries out, vis •a•vis State Health Department law implemented through our County. Correct? We've got a responsibility to deal with mosquitos.

MR. MINEI:

That is correct, Legislator Kennedy. But if I could for a moment ask you to go back nearly four years when we discussed what to do about Vector Control.

LEG. KENNEDY:

I was doing deeds and mortgages, Vito. Sorry. I was talking to you out there on the second floor. Before my time.

CHAIRMAN SCHNEIDERMAN:

I agree. We're going to have to have a meeting to talk this out. And we're not going to be able to get into all the details that we all would like to get.

LEG. KENNEDY:

However, the other point ••

MR. MINEI:

There is a brief response to Legislator Kennedy that even I could provide.

CHAIRMAN SCHNEIDERMAN:

I do •• if it can be very brief and ••

LEG. KENNEDY:

Yeah. The other point to go ahead and make, though, too, is •• and that's where I think most of us sitting here would disagree with Ben, what you articulated as the County Executive's philosophy. Nobody here wants to go ahead and suggest that by moving this funding out of 477 into General Fund it's our intent to go ahead and work a hardship on the taxpayer, raise the budget or bust the budget. We will take it into account as far as looking at the recommendations we make as far as presenting back a consolidated budget.

It is philosophically us saying that we see the funding and operations of personnel as something that's the broader type of obligation and responsibility, similar to what Legislator Alden said as far as the deriving from the General Fund, rather than the focus that the administration's elected to adopt out of this recurring revenue stream that we perceive as a

much narrower interpretation. That's all.

MR. ZWIRN:

And I never suggested to put any words in your mouth. I was speaking on behalf of the County Executive from his position, not •• and that's all.

LEG. SCHNEIDERMAN:

And, Cameron, last on this.

LEG. ALDEN:

Yeah. Just to •• most of this is, you know, is my problem because, and I created this because I didn't draft it real, real tight because I wanted to see a little bit of flexibility in the use of this money going forward.

But having said that, I also didn't fight a couple of years ago when we had a build up in the fund balance of this, and if wanted to use like the one project that you mentioned before, and it was a number of million dollar project, because when you have fund balance, and what •• the balance at one time was 17 million?

MR. DUFFY:

Thirteen.

LEG. ALDEN:

Thirteen million dollars with a revenue stream of somewhere between five and seven anticipated for each year, it's less of a fight to go and say okay, you know, we have to accomplish that governmentally anyway, so here's, you know, here's a source of money that really does fit it. But the fight wasn't there because we did have the money and we didn't have the projects that, you know, correlated with that amount of money. But again, as I said before, I didn't really anticipate this section of it, this portion of the money being used for salaries. I did anticipate the other \$21 million being used for salaries.

So •• and you are right, we don't want to beat a horse to death here. We do have to have some, you know, discussions going forward. And if it requires, as Legislator Bishop pointed out, it might require another referendum, it might require some kind of local laws or, you know, a Charter

change on our part, but one way or the other we've got to decide how, you know, how we want to use this now going forward and, you know, because I probably won't be here forever, you know, to straighten everybody out when they try to misuse it but ••

CHAIRMAN SCHNEIDERMAN:

All right. All right. So I want to wrap up the Parks budget if there's nothing else, Commissioner Foley, that you wanted to say on the Park's budget? Is there anyone else who wanted to speak specifically on the Park's budget? Okay.

LEG. ALDEN:

I asked the question before about the •• about the park police. Now, Ben, you're going to take that back and look at it because that is a Charter Law requirement.

MR. ZWIRN:

Yeah. I'm not aware of it, but I'll bring it certainly back to the County Exec's office. I wrote it in. I'll bring it back.

LEG. ALDEN:

Good. Thanks.

MR. ZWIRN:

At this age I can't remember a lot.

LEG. KENNEDY:

I have one other question as far as the automation that you spoke about in the budget, particularly with your changing the software system for your •• BRO talked about the fact that there was a contract that was with Trilogy which is being terminated.

COMMISSIONER FOLEY:

Right.

LEG. KENNEDY:

And what is being put in it's place?

COMMISSIONER FOLEY:

The Trilogy was a contract for a service provided, a reservation service provided to the department. We are now just opened up the bids for the software that we will own and stop paying that \$150,000 a year in service fees. We'll own this thing, we'll collect all the revenue. It will stay with the County.

LEG. KENNEDY:

So the reservations, then, also have a fiscal component. In particular what I was looking at is on 278 and 279 you talked about cash flow controls.

Again, I guess you and I have had some of these conversations before. I related to you what we did out in Clerk's Office by implementing the debit tech program and eliminating quarters counting, you know, for 25 machines.

That was back in '95 and the savings realized on a \$35,000 to purchase the software and the cards and more importantly the amount of staff time that was freed up from physically having to count has paid itself off many, many times over.

COMMISSIONER FOLEY:

Our primary goal is to get a reservation system in place that works and is customer friendly that we can depend on. A secondary goal is to use that system to get as much cash out of the system as we can, by debit cards or accepting credit cards, or whatever technology will allow us to do. And ••

LEG. KENNEDY:

So, in other words, might we see something in the future like with Smith Point, like an easy pass or something that somebody can use as an alternative to cash. There is many, many different points in your system where you wind up having currency that exchanges hands and that's always one of the most vulnerable points for any system.

COMMISSIONER FOLEY:

I hope so, and I'm well aware of the vulnerability of the cash. And we're taking a number of steps to deal with that. I just wish we could do it more quickly.

LEG. ALDEN:

Just on that point.

LEG. KENNEDY:

Yes, sure.

LEG. ALDEN:

Last year I had in the budget I think about \$100,000. I was going to do a camera type program that would give us the ability to, if it was timed to the registers somebody could conduct an audit, you know, like fairly quickly. Instead of sitting there all day long and seeing how many customers we had, they could actually, you know, either view the videotape or if we did it on, you know, hard copy.

I have drafted a couple of •• and they're in draft form. They are done, right, Mea? I would like to •• before you leave today I'm going to give them to you and then we'll see if we can put something in place. They cover two things. One would be the cash control, and then that would have to be linked to the new system. Number two, a camera to watch, like for instance I'll give you an •• the Timber Point marinas. I have been getting a little bit of feedback from some of the people that use those, and their boats have been vandalized and things like that, so this would just be a surveillance camera on the marinas. If we had no incident reported within a couple of weeks we could, you know, like go and tape over that portion of it or, you know, not keep a permanent record forever, but it would give us a tool that would see, you know, who's down there and what they are doing as far as an improper type of thing. So, I'll get those to you before you leave today.

COMMISSIONER FOLEY:

Yeah. I think the key thing to remember in that is that the technology is changing very, very fast.

LEG. ALDEN:

Right.

COMMISSIONER FOLEY:

And it's improving very quickly and we have to make sure we're on the front edge of it so that get the best we can get for that.

LEG. ALDEN:

We had ADT down to the Consumer Protection Committee, and they did a pretty comprehensive presentation to us. They have a lot of really new technology. Like, for instance, even if there is no electric in portions of the park, they can set up a surveillance system that runs on battery power that will actually, you know, send a signal to you. You can monitor it at a central location like at West Sayville or something like that. But I'll discuss that with you after.

COMMISSIONER FOLEY:

Okay.

LEG. KENNEDY:

Just to finally close the point, then. So the reservation system, there is an actual RFP that's been let or there is a vendor selected? Where is it in the process at this point?

COMMISSIONER FOLEY:

They are this week reviewing the three proposals that came in, so no selection had been made, but three proposals have been solicited and were received.

LEG. KENNEDY:

Okay. All right.

CHAIRMAN SCHNEIDERMAN:

All right. And Legislator Bishop had one quick question on it.

LEG. BISHOP:

One Parks question. Park police, is there •• was there a class this year or is there one planned for next year. Is that you, by the way.

COMMISSIONER FOLEY:

The academy started in September. I think we have four cadets in that. It should finish up in like March or April.

LEG. BISHOP:

And there's nothing for •• in next year's budget.

COMMISSIONER FOLEY:

I'm not sure. We don't control the budget for the academy.

LEG. BISHOP:

Who does?

COMMISSIONER FOLEY:

I think it's Suffolk County Police.

LEG. BISHOP:

Park police report to the Police Commissioner? Is that ••

CHAIRMAN SCHNEIDERMAN:

So it's a public safety question •• committee.

MR. ZWIRN:

In the budget there is a class slated for next year, but I don't know how many park police are •• but they are at the •• yes, they expect to have a class of 100 police officers next year.

LEG. BISHOP:

Police officers. But any ••

MR. ZWIRN:

I don't know if there are park police are included.

COMMISSIONER FOLEY:

Our participation in it is driven by our vacancies at the time just in advance of the class. And I think right now we only have one vacancy.

LEG. BISHOP:

Okay.

LEG. LOSQUADRO:

So I guess the crux of the question was is there anything in the budget to increase the park police staff or it's just to fill any vacancies that may occur throughout the year. You want to just keep it at its current level, is the

current budget?

COMMISSIONER FOLEY:

Yes.

LEG. LOSQUADRO:

There's no additional funds for additional park police staff.

COMMISSIONER FOLEY:

There was no request and I don't think any proposal to expand the force.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Thanks. At this point I'm going to turn the chairmanship over to Legislator Losquadro, Chairman of the EPA, Environment, Planning and Agriculture Committee.

CHAIRMAN LOSQUADRO:

Thank you. And thank you, Commissioner Foley.

CHAIRMAN SCHNEIDERMAN:

Thank you, Commissioner.

CHAIRMAN LOSQUADRO:

If we can get representatives from Planning and Real Estate to come up.

MR. MINEI:

Mr. Chairman, if I might. I have a personal commitment, around four o'clock I have to leave. Do you think there'll be any questions today for the Environmental Division of the Health Department?

CHAIRMAN LOSQUADRO:

I think we've beaten 477 to a bloody pulp. So, no.

MR. MINEI:

That isn't our only budget, but if ••

CHAIRMAN LOSQUADRO:

I know. No, I don't believe so.

MR. MINEI:

Okay.

CHAIRMAN LOSQUADRO:

Do you have anything you would like to add before you leave?

MR. MINEI:

Well, just very quickly. I wanted to express my personal thanks to Commissioner Harper and his administrative staff for putting forward some initiations. And then my •• a very positive negotiations with the County Exec's administrative people and also I want to thank Gail Vizzini and her staff, especially John Ortiz, for his very thorough and professional objective review. He apparently has read the entire narrative of the Environmental Quality Division. Why he did that I'll have to leave to his supervisor, Ms. Vizzini.

But just very quickly. The only addition to our staff was in response, I believe, to an issue that Legislator Kennedy and •• as well as the County Executive has been asking me personally about. You'll see in the operating budget an increase of two personnel for the Division of Environmental Quality. One, assistant public health engineer, and one public health sanitarian. That is to help us address a backlog which is unacceptable to all of us, I believe, who have discussed it. And again, I point to Legislator Kennedy because he has asked me several times and that has to do with chemical and fuel storage tanks. In fact, Legislator Losquadro, you personally asked me about it at the last meeting. It is unacceptable now. It's running •• I say six months, you said that you had a letter that said even greater. Whatever it is, it is unacceptable. We consider the industry standard of about four weeks as acceptable.

So together with the staff that the County Executive has provided us in the '06 budget, and I hope we get the support of this legislative body, and couple that with an engineering position we have as a vacancy in our '05 budget, we believe that when we hire those people we'll be able to drop that

unacceptable backlog down to about four weeks in a year.

As a follow-up, Legislator Kennedy asked me what am I doing now and my response remains what it was at the last committee meeting •• I believe he asked it at Health, actually, John, was that we've transferred one, temporarily, an engineer position to help with the plan review, and one full •time, an assistant hydro•geologist to help with overview of another aspect of our pollution control office to free up inspection time of new tank installation.

So indeed, Legislator Kennedy, we are taking actions now to keep a lid on the unacceptable back log. And together with the County Executive's staff we have put forward a recommendation for additional staff in '06 to really bring that backlog down in chemical and fuel tank plan review.

CHAIRMAN LOSQUADRO:

Thanks.

MR. MINEI:

So thank you.

CHAIRMAN LOSQUADRO:

Just before John starts, so that was a net increase of three individuals or filling the vacancy and two new ones plus some of the temporary transfers for work?

MR. MINEI:

Right. And one full time transfer; permanent transfer. And the temporary transfer.

CHAIRMAN LOSQUADRO:

Okay. So you think that is sufficient to combat the problems that we're experiencing.

MR. MINEI:

Right. And we have a report to the County Executive in that regard, that we believe that when they are hired and trained •• and it's no easy doing, so I'm going to have to ask your patience. Hiring new staff, training them,

does take some time, especially in these technical titles we're having a lot of difficulty hiring from outside.

CHAIRMAN LOSQUADRO:

And I'll ask Mr. Zwirn to just come back forward for a second because I know a lot of the problem in getting this done is getting the SCIN forms released from the County Executive's Office. This is an immediate problem. It's an ongoing problem. We're going to approve these two new positions. At times in this budget process we have been reluctant to add positions to the budget because SCIN forms have not been released.

Being that this is a pressing problem, one that I think everyone is in agreement on, even Mr. Minei is saying this is something right now that we need to address. If we add these two positions, will they be released immediately so that they can begin the search to hire qualified personnel?

MR. ZWIRN:

I'm certain. You know, the reason the County Exec doesn't release •• when there is an emergency need they move very, very quickly. I mean, there is no question. If they need it in •• whether it's in Social Services is an emergency situation, mountains can be moved in a hurry to get things done.

CHAIRMAN LOSQUADRO:

Okay.

MR. MINEI:

I have a personal response. I have a personal response to that, too. I deal directly with the County Executive staff, Kevin Law in particular and Mike Deering. And Kevin is personally sensitive to this issue as he was with the backlog in waste water management. And it was through Kevin Law and Fred Pollert personally getting involved that they freed up positions for waste water management and they have already pledged that indeed if those positions are added to the budget we'd be working very early on in the new year to fill them.

CHAIRMAN LOSQUADRO:

Very good. Legislator Kennedy.

LEG. KENNEDY:

Vito, just two other points, I guess, on that, and thank you very much. I appreciate the attention both from the Exec's Office and your department because obviously this is something that's critical to maintenance of the aquifer and something we want to promote, certainly with the business community coming forward to proactively look to engage in tank replacement and things such as that.

In your recruitment process, is this a matter of where you are looking at some issues as far as the salary or just the responsibilities? Do you need to be looking at those titles to either in step up or earmark up or does it require, you know, some kind of revision there?

MR. MINEI:

In some instances the salary is the impediment to hiring from the outside. Especially with •• with some of the higher level staff from the outside. With assist engineering positions and public health sanitarian trainees, you're looking for recent graduates and, you know, people that may not be commanding a much higher salary. But you are indeed looking for a dedication to environmental protection and at least some background, whether it's academic or personal interest of the candidates to be involved in it, so it cuts both ways. On the higher level staff, but not in this instance, there are assistant entry level engineers as well as trainees for the sanitarian. So, the salary should not be an impediment as much as the qualifications.

LEG. KENNEDY:

The other thing that I'd ask you about is your crew, when they are doing the plan review and things such as that, so much of what we have now is available, as a matter of fact, online. You know, we have most of the subdivision maps now online out of the Clerk's Office. Real property is online. Does your staff have access to all that to kind of facilitate the review or are you still having to work off paper plans.

MR. MINEI:

We're currently working off of paper plans, but I appreciate the question because we're having a demonstration next week from a local firm with regard to online review and markup electronically of plans. A lot of it is the clunky transfer of paper plans to our office, stacking them up, reviewing them, getting those plans back. But we are indeed looking at updating the entire system. And once again I have to thank the County Exec himself who's personally inserted himself in the system and he is telling us we're going to streamline the permitting process. We're doing that in a number of ways, better coordination. But he's hired, I believe, an MIS czar, a czarina, I guess, a lady has been hired to oversee information systems. And again, through his office we have been asked to update our entire permitting and plan review with regard to online. So, again, thank you, Legislator Kennedy, for that question.

CHAIRMAN LOSQUADRO:

Her name wouldn't happen to be Anastasia, would it?

MR. MINEI:

We haven't done it yet but we're in the process of examining ••

LEG. KENNEDY:

So, you're going to look to move to allow applicants ••

MR. MINEI:

Yes.

LEG. KENNEDY:

•• to e•file as far as their submissions.

MR. MINEI:

Yes, yes.

LEG. KENNEDY:

And then the other thing I guess I would just encourage you to do is as you are going through this process, please make the contacts in the Clerk's Office, in Real Property, so that you can establish the intranet or internal links ••

MR. MINEI:

Right.

LEG. KENNEDY:

So that your personnel can pull them up.

MR. MINEI:

And you know from personal experience there are some obstacles to that seamless communication and we're trying to address that as well with Real Estate ••

LEG. KENNEDY:

Yeah, but see, that's why I'm here, so I can go ahead and do all that stuff. Back then it was ours. Now it's everybody's.

MR. MINEI:

You're pointing your finger at me, it's really Real Estate and other •• but I do •• seriously, I do appreciate the question and the issue is being evaluated as part of this whole streamlining process. Thanks, John.

LEG. KENNEDY:

Okay. Thank you very much.

CHAIRMAN LOSQUADRO:

Thank you. Commissioner Isles. We will try to keep this brief.

MR. ISLES:

Sure. Yes. Okay.

CHAIRMAN LOSQUADRO:

Brevity, as we know, is always appreciated.

MR. ISLES:

You'll get it.

CHAIRMAN LOSQUADRO:

Okay.

MR. ISLES:

I have a three o'clock meeting, but ••

CHAIRMAN LOSQUADRO:

I know I can count on that.

LEG. ALDEN:

You have a three o'clock meeting?

MR. ISLES:

Yeah, but I just asked somebody else to cover it for now. But that's okay. Thank you.

CHAIRMAN LOSQUADRO:

Commission Isles, give us the overview of things you requested, things you didn't get, things you think you need, and let's have the short version.

MR. ISLES:

Okay. Thank you very much. Joining me today is the Director of the Division of Real Estate, Pat Zielenski. We will keep this brief as your request has been made.

Fundamentally the County Planning Department and the Division of Real Estate are a relatively small agency in County government. We account for about \$5 million in total cost on a budget, as you know, of \$2.6 billion. Real Estate, generally speaking, is a revenue department so with the sale of properties and the rental of properties and so forth they usually cover their cost in that and then some actually. The Planning Division is about two million dollars overall.

Many of the functions of the Planning Department are statutorily required functions, so a large part of our staff, I would say probably about half the staff is dedicated to things that we have to do. Review of applications by the County Planning Commission, for example, Council on Environmental Quality, Environmental Trust Review Board and so forth.

Getting to the actual comments on the budget as submitted by the County Executive and reviewed by the Budget Review Office, generally speaking we're pleased with the (a) the support of County Executive, the prior support of the Legislature. We generally don't have too much in the way of issues with what Budget Review has identified. But there are a few points I'd like to bring to your attention.

Number one is the •• right now we have four of our staff people in Real Estate that are now working out of the Department of Public Works in what we call the condemnation unit. When the Department of Energy and Environment was proposed last year, those four personnel were moved over. Both Planning and Real Estate as well as the Department of Public Works have reported that we think that works very well because the agency that uses those services and those people have them immediately at their disposal. They are not going through a chain of command across another department to get what they need done.

Budget Review has made a suggestion that those appraisal functions be centralized into Real Estate. We would respectfully disagree with that and we feel it's working well and operationally it is working well at the present time.

Secondly I would like to comment on the •• I had placed in the budget for the past three or four years a request for a Deputy Director of Planning. The County Executive this year has concurred with that request and I would like to make a pitch to you. The Budget Review Office has pointed out that with the presence of Real Estate •• •

CHAIRMAN LOSQUADRO:

You've preempted my first question. Please.

MR. ISLES:

That perhaps it is necessary to have a Deputy Director in the County Planning Department. I would make the point that I believe it is necessary. And it is something that as time was •• historically for many years the Planning Department has had a Deputy Director. We all know and remember Arthur Kunz was one who served for over 20 years was a central

part of County government. Three years ago there was a need when the position was vacated to not fill it because times were tough and I respected that.

I do feel that, you know, given the fact that we're the largest suburban county in the country, we're one of the top counties in the country, we have this •• a budget that's bigger than many countries. We have a population that's bigger than many states. I had a larger Planning Department in the Cayman Islands with a third world country with 40,000 people living there. And I think we have to start thinking about graduating the County Planning Department. This is well beyond me and my few years left here hopefully, but just in terms of I'm not going to be here forever. I'm looking past the immediate in terms of the department, and I'm looking at the department as being an aging department, quite honestly, and a department where we've got to look, (a) the fact we're •• have tasks and challenges ahead of us that I think are enormous, complex challenges. We're not a small town, country town that we can get by on minimal staffing levels.

So I believe that it's an important position and one that I respectfully request your consideration of. And I think that the duties and tasks that you expect of us, that the County Executive expects of us, and the statutorily mandated functions that are directed to us necessitates that we have that kind of support as a county of this caliber.

Moving on, I'd also like to comment on the water quality position. We've hashed that through quite a bit today on the 477. I did make a request, and the County Executive concurred with this request, for two positions, Planning positions, for the 477 program. One is an environmental planner position and one is a planner position. In total they come to about \$93,000.

What this would be for the purpose of is direct implementation, planning and implementation of water quality projects, several of which have been approved by the Legislature and the County Executive. And as we administer those projects without tapping off staff from other projects in the County Planning Department and also looking at the ability to take on new projects and see that the 477 fund is used for the purposes as declared in the legislation, we need people to do that. And having those two positions,

low level positions or entry level positions essentially, which then also looks at the succession of the Planning Department over time, that we're grooming the next generation as well, I feel that that is a reasonable request given the work demands on the County Planning Department.

There is discussion in this report as well about the revenue projections coming out of the auction sales. That is something that is probably a debatable matter. We have made an estimate, the County Executive has made an estimate with his budget office. We understand that there are a number of parcels that are in litigation and may be affected in our ability to sell those properties. We feel that the projection that's made is a reasonable projection. We're not going too high in terms of we can sometimes sell \$14 million of real estate at a sale. We're in the range of about three and a half million.

I understand the point of BRO that maybe we need to estimate less than that. It is six of one, half a dozen of another. I really can't tell you when the litigation is going to be done, when the settlement is going to be done. We felt, however, that it was a, here again, that it was reasonable and prudent in this case. If there is any other questions you have on it we'll try to answer that or Director Zielenski will try to answer that, but I'm not sure what other information we can add to that in terms of improving your confidence level on that one.

So fundamentally, once again, by and large we're very pleased with the •• obviously the prior support. The current Budget Review Office report we think is •• we're happy with that and that most of the functions the Planning Department and the Division of Real Estate are preserved. We would request some consideration of the points that I have made to you today and am available to answer any questions you may have at this time.

CHAIRMAN LOSQUADRO:

Sure. You pre-empted my position •• my question on the Deputy Planning Director. I wanted to •• I differ with Budget Review's take on that and I'm glad that you concur. Obviously you wouldn't have requested it if you didn't think it was necessary.

I have a question for you about the farmland administrator position. Budget

Review feels that this is something that should not be abolished. This is something that this Legislature felt was an important tool that could be used to help in this process. We know that this position has never been filled even though it's been included in the County Charter since 1998. Do you have any position or any comments on the farmland administrator position and what you think it might be able to help with if we were able to fill that position?

MR. ISLES:

I think there are a number of things that it could help with in terms of the County's farmland program. I don't want to •• I think there is maybe some misunderstanding in terms of whether that position was meant to be excluded from the budget or not. I did see the comments in the Budget Review Office. I don't know if, Ben, you want to add anything to that at this time, but I got the sense in my conversations with the administration that there was an interest in proceeding with the filling of that position and I think there was a little uncertainty as to the actual status within the budget so I didn't comment on that. I'm not necessarily opposing it and I think we just needed to do a little digging deeper on our end just to make sure.

MR. ZWIRN:

I just want to put an end to the rumor that the County Executive didn't eliminate it because Legislator Caracciolo had applied for that spot. It's not true.

CHAIRMAN LOSQUADRO:

Thank you for the levity. We appreciate it.

MR. ISLES:

That's clear. Okay. Good.

CHAIRMAN LOSQUADRO:

All right. Before I go any further do we have any •• I know Legislator Kennedy has a question and then Legislator Alden, then Legislator Schneiderman, so.

LEG. KENNEDY:

Thank you. Thank you, Mr. Chairman. I would like to go back in particular if we can and talk a little bit about the auction process and where we're at now. And actually I think first what I would like to do hear is I'd like to hear from BRO as far as what your characterization was, as a matter of fact, for revenue or lack thereof from the auctions into '06.

MS. VIZZINI:

Basically on page 283 of the report we talk about the anticipated revenue from what is called gains from the sale of tax acquired properties. And even though in 2004 due to the cloud of the litigation over the title from some of these parcels, we brought in about a million dollars. 2005 is estimated to bring in \$3.5 million and the County Executive is recommending the same for 2006.

It's our feeling that based on the fact that •• as you can see on the chart on 283, the litigation is there. It's unresolved, and approximately \$12 million of value in properties is held up in the litigation. So, although we fell short of recommending that the revenue be reduced, we think the \$3.5 million is optimistic.

LEG. KENNEDY:

Thank you. So the last time that there was an actual auction conducted was when, November of '04?

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

Okay. In all •• does 100 represent all of the parcels that were offered and bid at that point?

MS. ZIELENSKI:

No, they weren't. That does not represent all of them.

LEG. ALDEN:

You have to turn your microphone on.

MS. ZIELENSKI:

There were some parcels that preceded Mr. Tucci's appearance at the auction that were not contested, and in those cases for the most part we've closed those.

LEG. KENNEDY:

How many is that, Pat? Approximately.

MS. ZIELENSKI:

I think it's about 20.

LEG. KENNEDY:

So 20 of the parcels from December or November of '04 have subsequently been closed.

MS. ZIELENSKI:

I think that's correct. Some of them may have been from a preceding auction. What's not included in the litigation chart, the reference on the top of that page that is made to 62 parcels ••

LEG. KENNEDY:

Yes.

MS. ZIELENSKI:

That were not •• the contracts for which were not approved, we're still holding those parcels into that litigation.

LEG. KENNEDY:

Which kind of goes to one of the reasons that I wanted to go to this. Not only is 3.5 mill in my opinion highly speculative as far as where things may go, but then in addition, we still maintain a cost to carry on these parcels because they've not changed hands. Anything that we have that is in delinquency we will subsequently or we will have had to have made all the other entities, taxing entities, whole, by virtue of the Suffolk County Tax Act. Is that correct?

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

What is •• so then not only do we not have a revenue, but we have a cost. We have an expense. Is that correct?

MS. ZIELENSKI:

Yes. I did just want to say that the recommendation for 2005, the three and a half million that was the estimate for 2005, was done at a time that we were unable to anticipate the LIS pendens that was filed against the entire November auction. That estimate really had to do with the 62 parcels that were being held that we anticipated being resolved by that time.

So I think the bottom line here is that we're either going to make way more money than is estimated or we may not meet the estimate. We don't have any middle ground. The litigation resolution is imminent. It could happen any day.

LEG. KENNEDY:

I'm not asking you to discuss the particulars of litigation. I mean, I understand the sensitivity associated with that.

MS. ZIELENSKI:

But from an estimate standpoint.

LEG. KENNEDY:

But as to whether or not there is hearing dates scheduled or things like that, that's just a process of the litigation, although I will ask you, and this is a rhetorical, you don't have to answer it. If you want •• do or don't. In real estate matters there is many ways to handle LP's. You can have LP's vacated, you can have LP's set aside. You can have consent on LP's. There is a variety of ways to go ahead and omit LP's. So the fact that this one individual has elected to go ahead and mass paper a variety of County parcels, doesn't necessarily mean that the only way to ultimately resolve this is in front of a Supreme Court Justice. There are other alternatives that one can encounter. I guess I would just hope that the department has been attempting or exploring some of this so that there is a way to go ahead and close because ••

MS. ZIELENSKI:

I'm sure the County Attorney has.

MR. ZWIRN:

And that's true. The County Attorney was involved with, you know, you have to make a judgement how well, how successful you think you are going to be. On the other hand, you don't want to keep revenue off the budget and say well, you are trying to hide something because you know you have a good chance of winning these lawsuits and the County doesn't want to be accused of saying well, you know, I knew we were going to win this. You know ••

LEG. KENNEDY:

And that's not the point that I'm looking to go to, to ask for any percentage of likelihood of prevailing or anything like that at all.

MR. ZWIRN:

I'm not suggesting that you are, but I'm just saying the County Exec's trying to take a balanced position on this with the best available facts that he has at the time.

LEG. KENNEDY:

All right. Then I guess I would have to go back to BRO again and just ask, if you will, to opine again. In the •• wherein in October of '05 we had projected three and a half mill as far as potential revenue from the sales, the likelihood that these 100 parcels will close in less than 60 days is probably slim to none. How will we more accurately reflect what's going on here?

MR. DUFFY:

Well, we kind of addressed that at the bottom of page 283. We say revenues received total 1.5. And there is the chart above details the additional million that is not subject to litigation. Unless something dramatic happens, we're making •• it's going to be 2.5. There is a possibility, however, that if the litigation is settled, which we can't project •• I had a discussion with one of the County Attorneys handling it, and he could not give me any indications as to time limits. That's all we were trying to •• the

point we were making in our report, that we're weighing out the circumstances as we found them to be to give the Legislature full information to make a determination.

LEG. KENNEDY:

But, Kevin, can I ask also, and I don't want to get too far afield of how we characterize this and I am going more from the implications of the tax act. And I don't know genuinely what that is, but there is additional cost that has been borne by us.

MR. DUFFY:

Right. We point out, if you look in the paragraph above, the actual revenue received in 2004 was a loss of 1,080,939.

LEG. KENNEDY:

And that's based on the fact we had to make all the other entities whole?

MR. DUFFY:

Well, that's the expenses we paid in relation to it. Also, my understanding is that what happens is that if we give a parcel to another municipality, such as for affordable housing, the County investment is written off against the revenue from gains on sale of the property.

LEG. KENNEDY:

That's 72H program?

MR. DUFFY:

Yes. So all of that is affecting and we're at a point where we're not having revenue come in and we have expenses going out. So as far as 2005, we made available all the information we had when the report was written, that there is 1.5 million in and there's the possibility of an additional million. And the other, as you can see on the chart, the •• we listed what they were, in litigation, in litigation, in litigation and the LIS pends. And it's up to •• as you know, it's up to the title company whether or not they're willing to take a chance.

LEG. KENNEDY:

That's the cost of doing business.

MR. DUFFY:

Yeah. And if they're not willing to take a chance, they are not going to close. That was the issue and the point we were making. That it's a •• as you pointed out, there are other ways to deal with the LIS pendens, but as we see it, the County contract requires a marketable title and the LIS pendens creates the cloud on title. And I would suggest for further information you can have some sort of discussions with the County Attorney's Office in executive discussion.

LEG. KENNEDY:

That may be a prudent thing for us to do, as a matter of fact, at the next committee meeting. Last question, I guess, I'll ask you with this, then, is there any planning then regarding the auction process or have we for all intent and purposes just ceased?

MS. ZIELENSKI:

We don't have an auction planned, a date planned for an auction at this time.

LEG. KENNEDY:

Nor do we contemplate one until we have this matter resolved?

MS. ZIELENSKI:

Well, it seems that as if it would further complicate the issue if we had auction at this time that resulted in more parcels being held in abeyance.

MR. ISLES:

But we're not going to say conclusive that we're not going to have an auction next year because we don't know at this point. I think hopefully we would, but, you know.

MS. ZIELENSKI:

We're prepared to have an auction on pretty short notice if we had the opportunity to do it without complications.

MR. ISLES:

Okay.

CHAIRMAN SCHNEIDERMAN:

All right. All right. Legislator Alden.

LEG. KENNEDY:

Thank you.

LEG. ALDEN:

There has been some discussion on the part of Legislators as far as not auctioning off property at all and just running it through affordable housing programs, whether they be habitable or just a parcel that might be buildable. Has that information gone up to you or have you looked at it?

MR. ISLES:

Well, that's part of the current practice where many parcels are transferred to municipalities for the development of afford housing, including improved properties or dilapidated properties that are improved to some extent. So that is something that has been happening on a regular basis. The Department of Economic Development and Work Force Housing has been a large promoter of that, Jim Morgo and Marian Zucker.

Part of the issue with that, though, I'll point out, is that there does happen at times where there is a backup of these properties at the municipalities. So you approve as a Legislative body the transfer of properties. Real Estate then wants to then transfer to them and get it off our books and get it off our cost, and we have some municipalities that are not very quick in moving those properties. And so •• and they are not very quick in receiving them. And so their actual acceptance of the properties has been a problem in some cases, and we do try to stay on top of that.

So I think we are currently doing the transfers for affordable housing. The more we can do, fine, but so long as the municipalities can absorb those.

LEG. ALDEN:

Tom, how about the Suffolk County CDC. Do we •• not transfer property, well, yeah, it would be an interdepartmental transfer, right? Or they can just •• don't they build or ••

MR. ISLES:

The Suffolk County Community Development Corporation?

LEG. ALDEN:

Yes.

MR. ISLES:

It's not a County agency, but •• so we can only transfer under 72H to a municipal entity. If •• what we typically do if there is a third party involved, the Long Island Housing Partnership, Habitat for Humanity, or whatever, we would transfer to the municipality, they would then do an agreement with the third party, then, to build it.

LEG. ALDEN:

So the CDC would be a third party?

MR. ISLES:

Yeah.

LEG. ALDEN:

Okay. Do we do a full evaluation on each parcel, whether we want to, you know, designate it for affordable housing or ••

MR. ISLES:

Yes.

LEG. ALDEN:

And what's our criteria as far as not using a piece of property for affordable housing and auctioning it off?

MR. ISLES:

That's done through the Department of Economic Development and Work Force Housing. They review the list of surplus properties, every parcel that comes forward, and they do an evaluation as to whether it would fit into an affordable housing program, whether it's a County affordable housing program or a municipal program. They will often contact the municipalities and say here are the properties that the County has that are surplus, are

you interested in developing affordable housing on those sites. And sometimes they do and sometimes they don't.

LEG. ALDEN:

Now, our policy as far as, you know, in the past I guess we've been giving them to municipalities, sometimes recouping, you know, nothing, on the recouping.

MR. ISLES:

For affordable housing it's a •• we just give it to them. There is no recovery of cost.

LEG. ALDEN:

Okay. Because I'm going to point out of lot of the, and you probably know it better than I do, but in Islip they are actually going out and bidding on HUD houses and paying, you know, two, three hundred thousand dollars for something that needs to be rehabbed. So if they've got money in their budget that they can go and buy these things, they can surely, you know, like make us whole sometimes I would imagine.

MR. ISLES:

It's a very good point.

MS. ZIELENSKI:

And they have a stockpile of properties that we have given them.

MR. ISLES:

Right. Islip does, yes.

LEG. ALDEN:

Okay.

LEG. SCHNEIDERMAN:

Can I ask ••

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Maybe Kevin Duffy, but it's my understanding with these properties, that there is 100 plus properties that are held in abeyance now, that we have to pick up the school taxes and other taxes, town taxes on these properties? Do we have a figure as to what that is costing us?

MR. DUFFY:

No, I don't.

LEG. SCHNEIDERMAN:

What fund is that being paid out of?

MR. DUFFY:

Well, it would be added to the County investment in properties, all the ••

CHAIRMAN LOSQUADRO:

I think Legislator Kennedy, he's quite familiar with this, could possibly address that.

LEG. KENNEDY:

Well, I •• just to go ahead and expand a little bit on what Legislator Schneiderman talked about, it may be something that's pertinent for us on a going forward basis, because obviously we do need to go ahead and address where the litigation at. But it also has an impact on a DTANS that we're going to wind up letting and which should be let shortly, isn't that correct?

In essence, this is delinquent tax or tax that's been foregone, which under the Suffolk County Tax Act we are the ultimate lender of last resort, if you will. We make everybody else whole. And so, not only do we have the cost of foregoing revenue that we projected from the sale, we have this carrying cost going forward plus all the other stuff associated with securing the properties, patrolling the properties, concern about liability for the properties, and the other items that are on there.

So I guess what I would say is, is there is the •• the •• to dispute about revenue as to how much may or may not be realized. But there is this whole other layer of cost that we have associated with this going forward associated with the progress or lack thereof of the litigation that's going to

continue to go ahead and drain us in another manner.

So I guess we go back to what Legislator Schneiderman said as far as somewhere we should be getting some handle on what this carry cost is.

LEG. ALDEN:

Through the Chair.

CHAIRMAN LOSQUADRO:

Legislator Alden.

LEG. ALDEN:

I just have one more question. As far as direct programs, I know we •• some of our auctions are for first time home buyers, right, and then we have to screen them, but ••

MR. ISLES:

There's an option of doing that in the County Code. We don't •• we haven't done one of those in long time.

LEG. ALDEN:

Oh, no?

MR. ISLES:

No, we haven't.

LEG. ALDEN:

I thought we actually •• okay. Do we have any other direct program where we can actually, you know, rehab the house and then have the lottery and sell it like •• similar to what Islip does or some of the other towns?

MR. ISLES:

In terms of rehabbing a house we don't have a structure to do the rehabilitation of houses. There is a Suffolk County Community Development Office out of the County Executive's Office, but that's a consortium where the federal funds come through the County Community Development Agency to the towns and villages. Islip has a direct relationship with HUD. Many of the municipalities in Suffolk County do not. That entity does not have the authorization as I understand it to actually improve property and sell

property and so forth.

LEG. ALDEN:

Authorization or do you •• is it within the Charter that we can actually •• we can do it or just is it ••

MR. ISLES:

Well, I can't speak for that department, but I don't believe it is. That's the whole idea. I mean, there are two sections in the County Charter in terms of what we do with these properties. If the properties are deemed to be habitable, they can then be transferred to •• they can be then sold at a first time home buyer's auction. If the properties are deemed to be uninhabitable, they can be transferred at no cost to municipalities with the idea that the municipalities would then cause the properties to be renovated and then sold for first time affordable housing units.

LEG. ALDEN:

Thanks, Tom.

CHAIRMAN LOSQUADRO:

Thank you. I see in the Budget Review's analysis here that there is a proposal to transfer a vacant position of assistant cartographer over to proposed Department of Information and Technology Services. Now, we're not going to into the discussion now, it's not with you as to whether or not ITS is something we want to do. But I know that you'd also requested four new positions to oversee and implement the GIS.

Are those positions you still feel that you need, and are there any other positions. I know we just approved, you know, we approved a master list, master list two. We have a number of planning steps that have come forward and I really give credit to both of you of being able to make due with what you've had and on the Environmental Trust Review Board, we've, you know, brought some additional staff on that we've been able to see on ETRB.

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

And you've done a very good job with that. But we've seen the increased efficiency every time we do bring new staff on, so. What do you need from us is what I'm asking you.

MR. ISLES:

Okay. As far the four GIS positions, they were included in my budget request. That was before •• it was my understanding at that point that we would continue to have those GIS functions in the Planning Department. Now that the County Executive has proposed a separate department for information technology, it would make more sense to have those positions within that same shop. So I think that makes sense in terms of those functions occurring there. And so at this point I don't object to those positions not being funded. And I think the commissioner of that department, the new department, would look at all the resources within Information Services and any other agency that might be folded into that. And I think that's a logical approach because it puts it all into one basket.

As far as the assistant cartographer, there was a little bit of a mix•up with that and I have talked to the Budget Office about that. That just really •• just a procedural thing. We intend to keep the assistant cartographer position, it's just that the GIS coordinator is the one that should be going to the new department. And here again we'll discuss that with Budget Review Office as well.

And then finally in answer of your question is there anything else that we need, I appreciate the question. I feel that if we have the two new planner positions, the environmental planner and the planner, I can put them on the 477 projects, which have become rather substantial in the office and then use my existing staff to do the open space planning, to do the project planning that we do. We're doing consulting and assistance to the Pine Barrens Commission. We're doing a waterfront plan for the Village of Port Jefferson, we're doing the master list. We've done some planning assistance to Brookhaven, Southampton. We're doing with the Health Department a comprehensive land use plan for the water resources plan.

So there is a lot of work that we have to do that I think we should be doing

as a County planning agency. If we can put those 477 projects in with the 477 staff, then I can free up staff that I have to do this work, and I feel comfortable with that at that point.

CHAIRMAN LOSQUADRO:

All right. Thank you.

MR. ISLES:

Thank you.

CHAIRMAN LOSQUADRO:

I appreciate it. Any other questions? Hold on. So close. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I'm trying to think this through with this Department of Information Technology and particularly in shifting GIS out of Planning, because that is so tied to your map making abilities and your analysis on planning issues that •• you know, my experience GIS is typically with the Planning Department. Information Technology deals more with the technology and can help support you with your GIS programs, but the GIS function itself seems like it ought to stay within Planning. Can you comment on that?

MR. ISLES:

Well, I think GIS is a critical function in Planning. We use it all the time. So it is something that we have, it is something that we will continue to have. We do have •• in fact, it is the assistant cartographer position, I have actually earmarked that to a lower grade as a GIS technician within the Planning Department because that's the skill set that I need and that's the kind of work we do.

I think in terms of the idea of well, should all the County coordination of GIS be in the County Planning Department, with the police, with Health Department, and so forth, or should it be in this new Department of Information Technology, here again I look at the fact that we're an agency of approximately 12,000 employees. We're •• where we have high level of

GIS functions occurring in a number of locations. I think it does need to be coordinated. I think it's big enough where it does start to justify a single entity that can look at the entire picture. Not that Planning should be out of that. I think Planning has to be a part of that. I think Planning has to maintain it's ability to do the work that's required for all our functions.

LEG. SCHNEIDERMAN:

So you would still be able to do GIS work outside of the IT Department?

MR. ISLES:

Absolutely.

LEG. SCHNEIDERMAN:

Because I think that's critical.

MR. ISLES:

We'll definitely have the ability to do GIS work. The key question is will it be coordinated and run in an efficient manner with the sharing of information, compatibility of systems and software and so forth. And by thinking, I think, a bit more globally in terms of putting it into the new department that has that kind of view and the ability to cross departmental lines. I think that's the idea to make it a better operating proposal.

LEG. SCHNEIDERMAN:

You use Arc View or ••

MR. ISLES:

Yeah.

LEG. SCHNEIDERMAN:

Yeah?

MR. ISLES:

Yes, we do.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

You know I have to go ahead and jump in on GIS.

MR. ISLES:

Okay. I know.

LEG. KENNEDY:

I can't pass up this one. I would respectfully disagree with you.

MR. ISLES:

Okay.

LEG. KENNEDY:

As far as your assessment concerning the ability to go ahead and have a useful, timely and accessible GIS product by moving to attempt to centralize. Having lived through it in previous times with an attempt to have it be a centralized function, it never got off the ground. It never moved despite many different attempts or initiatives to go ahead and embody all the different levels of information from the utilities mapping to the roadway mapping to be the land mapping. Even the TORENS database, as you know, was •• there was an attempt to go ahead and bring that in. Which, you know, from •• particularly where you two sit, from a projected use of land and particularly from the vending or sale or characterization of how land is, the title aspects of it.

My view is, is that it's really integral to what goes on within your department. And, yes, that's not to minimize the GIS function for health •• safety or DPW or anything like that. But I think that amongst all of the departments, yours is probably the most global in view, global in aspect. And so I would probably say that in my opinion the decentralized approach at this point with an overall membrane of framework allowing the discreet entities to go ahead and communicate, would be more successful. And I am not a technology individual, just somebody who's lived it from a program perspective for many, many years.

MR. ISLES:

Okay. I'm not that technical either and there are probably better people to

explain this but I can, but in terms of my view in the County Planning Department, I assume this is going to be the topic of a discussion in one of the other committees, I assume, but •• okay.

CHAIRMAN LOSQUADRO:

Yeah. And I just want to thank you and I would like to say that I agree with you that we need to update and further expand the Planning Department of Suffolk County. I do not think that we should make the same mistake that some of the east end towns that were formally very rural agricultural town's •• all right, maybe on the North Fork, not South Fork ••

LEG. SCHNEIDERMAN:

Them's fighting words.

CHAIRMAN LOSQUADRO:

Years ago, prior to Legislator Schneiderman's tenure, of refusing to accept the fact that their population was growing. And specifically and, you know, not to put too fine an edge on it, but Riverhead, who did not expand their Planning Department for a very long time, saw a lot of development come into their department that really did overwhelm them and I will not want to see the same thing happen with us.

MR. ISLES:

Thank you.

CHAIRMAN LOSQUADRO:

And I give credit, as I said, to the Directors before us here for working with what they have and I know we're committed to giving them the resources that they need. So, thank you for the presentation today.

MR. ISLES:

Thank you.

MS. ZIELENSKI:

Thank you.

**(THE MEETING CONCLUDED AT 3:29 PM)
DENOTES SPELLED PHONETICALLY**