

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY COMMITTEE  
CONSUMER PROTECTION COMMITTEE  
LABOR, WORKFORCE & AFFORDABLE HOUSING COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A special joint meeting of the Economic Development, Higher Education & Energy Committee and Consumer Protection Committee and Labor, Workforce & Affordable Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 21, 2009.

**MEMBERS PRESENT:**

Leg. Wayne R. Horsley, Chairman for the Economic Development, Higher Education & Energy Committee

Leg. John M. Kennedy, Jr., Chairman for the Consumer Protection Committee, member of Economic Development, Higher Education & Energy Committee

Leg. Lynne C. Nowick, Chairwoman for the Labor, Workforce & Affordable Housing Committee

Leg. Steven H. Stern, Vice Chair of the Economic Development, Higher Education & Energy Committee

Leg. Ricardo Montano, Vice Chair of the Consumer Protection Committee

Leg. Edward P. Romaine, member of the Consumer Protection Committee

Leg. Vivian Vilorio-Fisher, member of the Economic Development, Higher Education & Energy Committee

**(CONTINUED ON NEXT PAGE)**

**(CONTINUED FROM FIRST PAGE)**

**ALSO IN ATTENDANCE:**

George Nolan, Counsel for the Legislature  
Gail Vizzini, Director of Budget Review Office  
Robert Lipp, Assistant Director of Budget Review Office  
Joe Muncey, Budget Review Office  
Craig Freas, Budget Review Office  
Patrick Skip Heaney, Commissioner of Economic Development & Workforce Development  
Barbara LoMoriello, Deputy Clerk  
Allen Kovesdy, Budget Office, County Executive  
Robert Dow, Commissioner of Department of Labor  
Greg Moran, Aide to Leg. Nowick  
Bob Martinez, Aide to Leg. Montano  
Steve Tricaraco, Aide to County Executive  
Carolyn Fahey, Economic Development  
Catherine Stark, Aide to Leg. Schneiderman  
Dot Kerrigan, AME representative  
Michelle Stark, Director for Film & Cultural Affairs

**VERBATIM MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

## **THE MEETING OF THE OPERATING BUDGET FOR LABOR, WORKFORCE & AFFORDABLE HOUSING WAS CALLED TO ORDER AT 2:10 PM**

### **CO-CHAIR NOWICK:**

Welcome everybody. Welcome to public hearings for Labor & Workforce Housing, Energy, Economic Development & Higher Education -- did I do that right? And Consumer Affairs. Anybody else wants to be heard? I think we'll start with the Pledge led by Legislator Montano.

### **SALUTATION**

Okay. We're going to start with Labor. Is there anybody that would like to be heard for Labor and Workforce Housing? This is going to be fun.

### **LEG. ROMAINE:**

No one's going to volunteer.

### **CO-CHAIR NOWICK:**

I'm not looking to argue or fight like the rest of you guys so, Mr. Heaney, you have nothing? Mr. Dow, you have nothing that you need to address with us? If not, lucky you, lucky us. We'll go onto -- go ahead.

## **ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY OPERATING BUDGET**

### **CO-CHAIR HORSLEY:**

Okay. Welcome to the Economic Development, Energy & Higher Education Committee meeting for our budget hearing. Would anyone like to be heard on Economic Development, Energy & Higher Education? Carolyn? Commissioner, welcome.

### **COMMISSIONER HEANEY:**

Thank you. Thank you for the opportunity to be here. We have -- I'm accompanied by Carolyn Fahey -- Fahey, if you really want to know the true Irish pronunciation, who is the governmental liaison.

### **MS. FAHEY:**

It depends on what country you go to. In Ireland they say you're not Fahey, you're the *Faheys*. So since I went to Ireland I'm now a *Fahey*.

### **COMMISSIONER HEANEY:**

And Michelle Stark, who is a Director for our office of Film and Cultural Affairs. We've reviewed the recommendations from BRO concerning the Department of Economic Development and Workforce Housing. And we know that there is just a couple of issues that have been raised, none as major issues. And we just wanted to make ourselves available in the event that committee members had any questions and we'd be happy to respond to our best ability.

### **CO-CHAIR VILORIA-FISHER:**

I have a question.

### **CO-CHAIR HORSLEY:**

Do you want to let us know what those issues are?

### **MS. FAHEY:**

Just one recommendation that BRO made in their analysis of the budget, was that it might be

appropriate for the Legislature to fund the contract agencies that they had funded in last year's operating budget through the additional \$440,000 that's going to be out of the hotel/motel tax and the cultural affairs portion.

Over the last, I guess, since the life of the hotel/motel tax, the portion that funds Cultural Arts Program has been awarded through a competitive grant process that Michelle oversees. It's developed into -- and she'll go into the details but it's been developed into a very competitive, proactive, biggest bang for our buck grant program, whereas we only fund up to a certain percent of a program. The entities need to have good management structure in place, have to have a good history in being able to run the programs. And it actually does get the County more than double its money worth with the grant program.

We would recommend that the additional money that's funded in that line through the excess money that's coming in through the hotel/motel tax follow the same path and allow those entities to apply and go through the process with Michelle and her committees and then brought to the Legislature for consideration as it has been in the past. That's all we're requesting.

**LEG. ROMAINE:**

And, excuse me, what are they -- Carolyn, if I may ask you, through the Chair, what are they --

**CO-CHAIR HORSLEY:**

I think you're asking my questions so you're good to go ahead.

**LEG. ROMAINE:**

Yeah. What is Budget Review recommending instead?

**MS. FAHEY:**

What they're recommending is the grants that you funded, which we call omnibus grants or line item grants that you put in the General Fund last year, that you move them over to fund 192.

**LEG. ROMAINE:**

192 being?

**MS. FAHEY:**

The hotel/motel tax.

**LEG. ROMAINE:**

We take the funding out of there.

**MS. FAHEY:**

Yes.

**LEG. ROMAINE:**

Oh, okay.

**COMMISSIONER HEANEY:**

What we're suggesting, Legislator Romaine, is very simply that that decision certainly belongs to the Legislature. Should the Legislature choose to refund from a different source, we simply ask that you take advantage of the existing grant, and probably to a lesser degree the re-grant program that is in place because that program does, in fact, get better bang for the buck. We have certain contract requirements that are in place. It's a program that has run for a number of years successfully. There are a number of fail safes built into that process. And rather than have this just be treated as a one time grant without constraint on an annual basis, that you would take advantage of the program that's in place and have us work with you in order to make sure the contract requirements are in place and measured.

**LEG. ROMAINE:**

Thank you very much. I'm sure we'd be -- you know, should that recommendation be taken up, we'll be delighted to work with you and issue, I guess, the second press release on it after the first one comes from the County Executive. Thank you.

**MS. STARK:**

There is one constraint for the 192 funding, the hotel/motel tax. The funds that we oversee or the program we oversee, that money, the hotel/motel money has to go to cultural programs that promote tourism in the County.

**CO-CHAIR HORSLEY:**

Okay. Are you done, Ed?

**LEG. ROMAINE:**

Yes.

**CO-CHAIR HORSLEY:**

Okay.

**LEG. ROMAINE:**

I just wanted her to answer that one question.

**CO-CHAIR HORSLEY:**

Sure. No, no, no. That's great. Legislator Fisher.

**CO-CHAIR VILORIA-FISHER:**

Thank you. I want to go back through this as far as the amount of money that will be available with the hotel/motel tax because the amount of money going to the cultural arts is a percentage.

**MS. STARK:**

10 percent.

**CO-CHAIR VILORIA-FISHER:**

10 percent going to cultural arts. And so the projections for the hotel/motel tax would put the amount going to the cultural arts -- but you have that at your finger tips. I'm looking for my notes.

**MS. STARK:**

Cultural affairs was --

**CO-CHAIR VILORIA-FISHER:**

836; does that sound right?

**MS. FAHEY:**

I think the County -- Joe, if you can confirm, I think it was about 700 in the County Executive's recommended budget? About 710, 720,000. Yeah, about 723,000 was going towards the cultural programming.

**CO-CHAIR VILORIA-FISHER:**

Gail, where am I getting 836 from? Was that in the Recommended some place? I'm just trying to figure out where I got my numbers from. The point being that, how does that compare to 2009?

**MS. FAHEY:**

The 836 is the recommended budget.

**CO-CHAIR VILORIA-FISHER:**

Okay. All right. But that's what I thought. Okay. The 836 was the recommended budget. How does that compare with last year's amount going into that same line?

**MS. STARK:**

Okay. Well, last year we were still under the old tax formula --

**CO-CHAIR VILORIA-FISHER:**

Right.

**MS. STARK:**

-- where we got 16.7 percent of point 075 percent. We get three quarters of --

**CO-CHAIR VILORIA-FISHER:**

Okay. But what was the dollar amount? I know it's hard to keep your finger on the button and look through papers. Say that again, Gail?

**MS. VIZZINI:**

310,000 under the -- you know, under the lower rate, the point 75 rates.

**CO-CHAIR VILORIA-FISHER:**

Okay, thank you, Gail. So there was a considerable difference in dollar amount. And the thinking on the part of some Legislators is this: We've always supplemented with our omnibus money. You know, Michelle, how much money I have put into the film festival, which does bring tourism dollars and economic development dollars to the County. I know that Legislator Schneiderman, you know, with the Bay Street Theatre, these, although they're in our district, they do have a regional impact. And that is part of our discretion to spend that on those particular venues that bring these large presentations to Suffolk County.

Given the fiscal constraints that we have in the General Fund and that we will have probably much less omnibus money to use this year, and there is the additional money in the -- coming in from the hotel/motel tax, which is precisely for the purpose of supporting those cultural venues, the Legislature doesn't want to completely forfeit our ability to have the discretion of deciding where these go. I don't want to take away what Cultural Arts Committee has been doing. I think you been doing great work over the years and I've always been a great supporter of that. And I know that we have input in terms of voting on the resolution. So we still have the final stamp.

However, it's critically important to me. You know, I have a lot of arts venues in my district. I have the Long Island Museum, I have the Staller Center, I have Theatre Three, you know, it goes on and on. Some people don't have as many in their districts. But Jay Schneiderman and I happen to have a lot of them and some of the people in the Huntington district, I think. So what we're looking at is looking for the funding for this. So it doesn't minimize the work that's been done. But the Legislature is looking at it this way. I just wanted to clarify some of the Legislative intent in this. I agree with Budget Review.

**MS. STARK:**

You should know that we've been very constrained with the hotel/motel tax in terms of funding requests. We each year get over 750,000 to a million dollars in requests from cultural groups. We have not been able to keep pace with those requests because of the amount of hotel/motel tax that we have. I would also say that the Legislature is represented by our Arts Advisory Board; they're all appointed by the Legislature. So you do have that representation in the deliberation process. And I think for the arts organizations, it's probably a lot easier on them to have one contract than two or three that they're now dealing with. You know, the contract process is very -- what's the word?

**MS. FAHEY:**

Cumbersome.

**MS. STARK:**

Cumbersome, thank you.

**COMMISSIONER HEANEY:**

Rigorous.

**MS. STARK:**

Rigorous. And for them it is much more convenient to have one contract with more amount -- yeah, I mean if they can get more money in one contract, of course, that benefits them.

**CO-CHAIR NOWICK:**

May I?

**CO-CHAIR HORSLEY:**

Yeah, of course.

**CO-CHAIR NOWICK:**

I'm just trying to understand how -- what kind of change you would like to effectuate as far as this goes. Are you trying to change this system or --

**MS. STARK:**

No, we're trying to enhance the system with the additional funds. We have a process in place. It's a competitive grant process. We collect applications from arts organizations from across the County. We have an arts board of eleven members currently. We can have up to fifteen. The board is responsible for looking at the applications and determining given the amount of funds that we have, how those funds will be distributed amongst the applicants. So this would simply enhance the program. So we're not changing it. We have a very rigorous process already.

**CO-CHAIR NOWICK:**

So maybe I don't understand. So you're referring to the new hotel/motel tax. What you're saying is that the board -- correct me if I'm wrong and I think that's Legislator Viloría-Fisher was getting to, would the board then be determining where that money goes culturally? Is that what you're saying? As opposed to the Legislators? Is that --

**CO-CHAIR VILORIA-FISHER:**

Well --

**CO-CHAIR NOWICK:**

Is that the point you were trying to make?

**CO-CHAIR VILORIA-FISHER:**

Yes. I just talking about a combination of both. Those agencies that -- I'm not pressing the right spot, sorry. (Inaudible) All of those entities that go before the Cultural Arts Committee, you know, we should still have some amount of money that goes there but I would like to see some of it also. And we haven't determined this.

**CO-CHAIR NOWICK:**

Okay. So, that's what I'm trying to understand.

**CO-CHAIR VILORIA-FISHER:**

It's my discretion to pick groups within my --

**CO-CHAIR NOWICK:**

As you said, your particular district does have several venues for cultural affairs as does my district, as does many of the other districts. And I would having listened to what you said, trying to sort it out, that's it. And I know -- I'm not on this committee but I'm trying to sort it out so I am in

agreement with you.

**CO-CHAIR HORSLEY:**

Legislator Stern, from the corner.

**LEG. STERN:**

Thank you, Mr. Chairman. Could you -- take me through the process on how the determination is made as to which programs get funded and which do not. We're all familiar with the Downtown Revitalization Program and we are all represented by appointees on that board. And it's over the years become a process I've become familiar with. There's an objective point rating system. And it's done in an objective way. And I think some of the concern here on the part of fellow Legislators is that if these are funds that are administered, whether it's through here the Legislature or through the advisory board, that it's going to be done in a more arbitrary, you know, political type of a way rather than an objective one. Maybe you can take me through the process that you currently follow to make that determination.

**MS. STARK:**

Sure. We actually use a similar process as the New York State Council on the Arts so it's a panel process. And we have panelists that are from all over the County, that have different areas of expertise, theatre, you know, dance, literary arts, etcetera. So we create an application and I work with the board on creating the applications each year to fund groups based on criteria. The top and the most important criteria is the quality of the program because this is for the residents of the County. And we have a number of excellent arts organizations and we want to make sure our residents are getting the best bang for their buck with the county money. So that's top.

Also, we look at geographic diversity just to make sure the programs are taken place throughout the County. We also look at, you know, making sure that just -- we're funding all different types of arts. We do pay a lot of attention to how many tourists because this money's coming the hotel tax.

We ask for statistics and information on the visitors or the attendees of these organizations. And then what happens once we get all the applications, what I do is review them for compliance with the criteria to make sure that they're all in compliance. Then they're distributed to the board members who then meet and deliberate on every application. And, you know, going from best to worst. And they assign a dollar value based on the amount of money that we have. And many of the organizations, in fact, I would say the arts organizations that you have funded through legislative grants have also -- you know, are funded through the cultural program. So they're really the same organizations.

What we want to do is use the additional funds to enhance the cultural program, doing things like cooperative advertising. As you may know, our arts organizations do not have big marketing dollars. They don't have marketing programs. So what we can do is work with the Long Island Convention of Visitors Bureau and do media buys outside of Long Island to attract people to the area. So there are different types of programs we can put into place and leverage the funds, you know, to make them work better for the entire County. Did I answer your question?

**LEG. STERN:**

Mostly. I guess the other part of my question is not only the objective criteria that might be used, we're not talking, about, you know, open space, open space can be ranked, I guess, accordingly and prioritized; but arts, of course, is in the eyes of the beholder. And I'm sure that the 15 people sitting around the table one day would make a different decision on priority than maybe an entirely different, you know, group of 15 another day. I guess my question here is what, if any, objective criteria is used during the process of discussion? Is there some type of a ratings system, a formal rating system that could be objectively reviewed by not just the deciding board but anybody else who might be interested in how a determination is made?

**MS. STARK:**

Yeah, we actually had instituted a rating system. And we use it as a guide. It's not a final determination. What's interesting your comments about the panel process, I have to disagree. I would say that, you know, from the National Endowment For the Arts to the State Council on the Arts, again, and also with research grants coming from National Science Foundation, this is how all public monies are granted, through a panel process. And it's actually very rigorous. You would be surprised at the consensus that people do come to starting from very different places. I myself have served on a panel for the New York State Council and the Arts and I have a lot of respect for the process.

**LEG. STERN:**

Thank you.

**CO-CHAIR HORSLEY:**

Legislator Fisher.

**CO-CHAIR VILORIA-FISHER:**

Michelle, you know I'm a big fan. And I know the great work that you do. But this is now a greater pot of money. The Legislators have less discretionary funds on the General Fund side of it because we don't have any General Fund side of omnibus. That's a piece that I mentioned earlier. But I'm also concerned about something else. I have seen in the past before some of my colleagues were sitting at the horseshoe, I saw some people heading cultural arts that I certainly wouldn't trust \$700,000 with. I think the process was sloppy. I think the process was very contentious. And, you know, I like the way you're running it. I like the way you're choosing it, but I also think that there's a place for Legislators to look at their own districts and look at worthy -- you know, so I think looking at two sides of it is important. And, you know, I hate to burden you with what a predecessor's track record might have been, but that's just my candid evaluation of it, you know. And I'm not willing to give up all of the legislative discretion here.

**CO-CHAIR HORSLEY:**

Legislator Montano.

**LEG. MONTANO:**

Good afternoon.

**CO-CHAIR VILORIA-FISHER:**

They are about to answer my question.

**CO-CHAIR HORSLEY:**

That was my error as Chair. Please answer.

**COMMISSIONER HEANEY:**

That's what happens when you co-chairs.

**CO-CHAIR HORSLEY:**

Big egos.

**COMMISSIONER HEANEY:**

I clearly understand the desire to hold onto a measure of legislative discretion. I certainly understand that. If at the end of the day what is available is that our objective process has elements that would be useful to a member of the Legislature in determining a proper level of funding, in terms of your discretionary spending, we're available; and you certainly would benefit from knowing whether or not some entity is already being entertained for funding and at what level. You might clearly decide that there would be a better use for that discretionary revenue elsewhere if you knew that through our process we've already determined that an agency qualifies and based on our rating system would qualify for X dollars. And we might determine through your representatives on the Council that, in fact, that's a proper funding level. So you might be dissuaded from giving

extra money at that point and perhaps would want to use that discretionary revenue elsewhere for the arts within your district. And we're available to work with you to help you with that. That's what --

**CO-CHAIR VILORIA-FISHER:**

Thank you.

**COMMISSIONER HEANEY:**

That's one of the ways that we can help to enhance this program.

**CO-CHAIR HORSLEY:**

That was very well put.

**MS. STARK:**

I'd also like to add that not only do we look at the application, but I also review the balance sheets. If they're audited, I look at their audit statements to make sure they're going concerns. There have in the past been organizations that we did not fund because there was some problems with their balance sheet. So we look at the organizational strengths also; not just the program.

**CO-CHAIR HORSLEY:**

When do we -- when would we receive this list for next year? I mean have we already received that? I'm sorry, I don't know that.

**MS. STARK:**

Normally we would have started the grant process, but because of the change in the tax and because of the uncertainty regarding the amount of money that we're going to have to distribute, the applications will become available November 14th. We will make decisions on January 7th, so you will get the resolution in February or March.

**CO-CHAIR HORSLEY:**

Okay. Which begs the question, then, because what Mr. Heaney just said was that we could make decisions that we know that certain organizations are going to get a certain percentage and we could factor that in in our decision, but our budget's got to come out right after the fourth and that shoots a hole in your argument, Skip. Sorry.

**LEG. ROMAINE:**

Mr. Chairman.

**COMMISSIONER HEANEY:**

Really a good effort, though.

**CO-CHAIR HORSLEY:**

I like it. Sounded good. Mr. Romaine.

**LEG. ROMAINE:**

Just two points. Oh, I'm pressing it down but I guess it doesn't work. If that application is going to be sent out or be available to be sent out on November 14th, you, of course, taken the liberty of notifying the 18 Legislators so they can contact eligible people in their various districts who might be interested in applying. You have? Because if you have, I haven't received that correspondence. Did that go out?

**MS. STARK:**

We send out the notification through the Public Information Office, which I believe they distribute to the -- if you would like --

**LEG. ROMAINE:**

Well, you're making a great argument not for us to continue funding you. The discourtesy to the Legislature is the fact that we are -- we should be informed, the 18 Legislators should be informed so they can notify the various groups in their districts that this funding is available if people want to apply. The fact that you would send that out through the Public Information Office and not notify the Legislature is absolutely outrageous. I hope I've made that point clear.

And the fact that you're making an argument that we should fund it through you, you just lost my interest whatsoever. If you're going to notify all 18 Legislators -- by the way, we have an application process, you have any organizations in your district that want to apply, please, send it out and make them aware. Then we can send our letters out to various organizations that we're aware of. But the fact that you're not doing that tells me I guess we don't have a willing partner here in county government.

**MS. STARK:**

I'd be happy to send you a notification in addition to the Public Information Office.

**LEG. ROMAINE:**

Okay.

**MS. STARK:**

Which I haven't done yet, by the way.

**LEG. ROMAINE:**

Okay. But you get my point. And if I've made it dramatically, it's because we're not an asterisk in county government. We're a coequal branch of government. I just want to make that clear because we have every right to notify our constituent groups that county money is available. And I've got to tell you, we have to vote on that resolution. That's something we take seriously. We want to make sure that money is appropriately spent. We've been very supportive of the past and usually there's no problem. But if we're going to be cut out of the process, just let me know.

**MS. STARK:**

It was never my intention certainly to cut you out of the process.

**LEG. ROMAINE:**

I never claimed it was.

**MS. STARK:**

But I'd be happy to send a notification. And I will do that posthaste.

**LEG. ROMAINE:**

Thank you. At the same time you can send it to Public Information, you can simply e-mail all 18 Legislators with a push of a button. And then we have the option of either getting involved and letting people know through the public information system or taking the liberty of notifying the groups that we know might have an interest in doing this. I appreciate that. Thank you.

**COMMISSIONER HEANEY:**

Mr. Chairman?

**CO-CHAIR HORSLEY:**

Yes.

**COMMISSIONER HEANEY:**

Just to supplement our little exchange there, regardless of timing, we are available to provide any background information on any contract agency that you might require, if that helps you make a decision.

**CO-CHAIR HORSLEY:**

That works well. Very good. Good addition. Legislator Montano.

**LEG. MONTANO:**

Yes. Good afternoon. Two quick questions. You said you're going to send out an announcement on the 14th of November?

**MS. STARK:**

The application is available on the 14th, but I can send out a notification sooner.

**LEG. MONTANO:**

Well, no, that's not my question. When is the application to be returned?

**MS. STARK:**

January 7th.

**LEG. MONTANO:**

Okay. And just for the record, who is the Public Information Office?

**MS. STARK:**

It's -- well, we communicate with Debbie Epple in Civil Service. They send out notifications to all the department heads and I thought the Legislature, but I could be wrong.

**LEG. MONTANO:**

Did you ever get one?

**LEG. ROMAINE:**

No.

**LEG. MONTANO:**

Now, let me ask you this: When you talk about the funding for the agencies, you're talking about the money that is left over that's collected from the new quadrupled hotel/motel tax that isn't designated for the two organizations that were in the bill, the Vanderbilt and this Walt Whitman Historical. You're not asking to sort of revamp that bill; you're just saying that whatever is collected, once they get their pieces, that's the money that you're talking about; am I clear on that?

**MS. FAHEY:**

Yes. The new calculations put 10% into cultural programing. And that's the money that we're talking about. We're not talking about revamping the percentages. It's ten percent of that collection. That's what we're talking about.

**MS. STARK:**

It used to be the --

**LEG. MONTANO:**

Now, just refresh my recollection. The tax, I thought, put 10% to the Vanderbilt; am I correct in that?

**MS. STARK:**

Yes.

**LEG. MONTANO:**

Gail?

**MS. VIZZINI:**

That's correct.

**LEG. MONTANO:**

And it put how much in this new program, the Walt Whitman Historical Preservation or whatever?

**MS. STARK:**

Okay. So there's -- excuse me. The break down is 24% to the Long Island Convention of Visitors Bureau, 10% --

**LEG. MONTANO:**

Okay. That's already earmarked to one organization.

**MS. STARK:**

Right. I'm just going to give you the whole breakdown.

**LEG. MONTANO:**

Right. We can go through this slowly. Go ahead.

**MS. STARK:**

Okay. 10% to Cultural Affairs Programs.

**LEG. MONTANO:**

That's the money that you're talking about now?

**MS. STARK:**

Right.

**LEG. MONTANO:**

That 10%. Okay.

**MS. STARK:**

Then there's 10% to the Vanderbilt.

**LEG. MONTANO:**

So that's -- if I did my math right, that's 44% so far?

**MS. STARK:**

Right. And then there's eight and a half percent to other museums and historical societies, one and a half percent of which is dedicated to the Walt Whitman Birthplace.

**LEG. MONTANO:**

Okay. So we're at 44 and 8 is what, 52, or 51 and a half.

**MS. STARK:**

And then there's 2% to promote the County as a film friendly location.

**LEG. MONTANO:**

All right. 53.

**MS. STARK:**

There's 20% that goes to Parks Department.

**LEG. MONTANO:**

You know what that goes for? Or is that just --

**MS. STARK:**

That's historical services that was -- previously they got 16.7 of the three quarters of one percent.

**LEG. MONTANO:**

You have nothing to do with that in terms of your board; am I correct?

**MS. STARK:**

No.

**LEG. MONTANO:**

I'm not correct or I am correct?

**MS. STARK:**

No, you are correct.

**LEG. MONTANO:**

Okay.

**MS. STARK:**

And then there's 26% that goes to General Fund for Park; operating the parks.

**LEG. MONTANO:**

Okay. And again you had nothing to do with that. So your piece of the pie is what, 10%?

**MS. STARK:**

Mine is 12%.

**LEG. MONTANO:**

12%, okay. And how big -- how big --

**MS. FAHEY:**

Plus we also -- just for clarity, we also handle the LICVB contract so that 24% we also handle.

**LEG. MONTANO:**

Right. But that's not discretionary. Right. So I'm really talking about the discretionary funding that you have available is 12%?

**MS. STARK:**

Yes.

**LEG. MONTANO:**

And 12% of what? What do you think you anticipate getting? Gail, what was the number that we looked at?

**MS. VIZZINI:**

The Budget has 8.2 million.

**LEG. MONTANO:**

So that would be about \$800,000, maybe close to a million? 12% rough calculation?

**MS. VIZZINI:**

Well, Cultural Affairs has 836,000 --

**LEG. MONTANO:**

Of that pie. Okay.

**MS. VIZZINI:**

So it's close to a million.

**LEG. MONTANO:**

Thank you very much.

**CO-CHAIR HORSLEY:**

Legislator Kennedy.

**CO-CHAIR KENNEDY:**

The portion of the hotel/motel that's gone over to LICVB, the additional, the contract that we have with them right now prior to this is for a fixed sum or is it a percentage of collection?

**MS. FAHEY:**

It's a percentage of the collection.

**CO-CHAIR KENNEDY:**

It's a percentage of the collection.

**MS. FAHEY:**

As per state law and county law.

**CO-CHAIR KENNEDY:**

Okay. From what I've seen and what we've talked about, we anticipate it's going to go up about five or 600 grand, I guess. They're out about a million one now? And they're going to go to what, million six, million seven?

**MS. STARK:**

They're budgeting a million six for 2010.

**CO-CHAIR KENNEDY:**

Okay. Now, as an agency, they do promotion for Long Island across the board for both Nassau and Suffolk; correct?

**MS. STARK:**

Yes, that's correct.

**CO-CHAIR KENNEDY:**

Okay.

**MS. STARK:**

But we also have -- they do regional promotion. Whatever Nassau brings in, Suffolk matches. Then there's always an extra amount because Suffolk collects more tax. That additional amount is used for Suffolk centric programs only to promote Suffolk County.

**CO-CHAIR KENNEDY:**

Okay. Let me go to that just a little bit further because I guess you kind of anticipated where I'm going. So right now the agency has what, maybe a two million or \$22.5 million budget, half of which is Suffolk funded, half is Nassau funded?

**MS. STARK:**

Nassau contributed last year about 700,000.

**CO-CHAIR KENNEDY:**

Really?

**MS. STARK:**

Yes.

**CO-CHAIR KENNEDY:**

Okay. So we're going to basically double what Nassau's contribution is by virtue of this hotel/motel; is that correct?

**MS. STARK:**

That's correct.

**CO-CHAIR KENNEDY:**

So are they going to become the Suffolk Visitors Convention Bureau with some mention of Nassau on occasion?

**MS. STARK:**

No, we will still -- I actually sit on the board and the marketing and finance and nominating committees for the county. So we went through the whole budget and marketing planning process. What they're doing with the additional funds is creating niche marketing, which will benefit Suffolk County, such as eco-tourism, agri-tourism, you know, things that -- along those lines. So they have not had the funds in previous years to be able to do that kind of niche marketing which is very expensive. So that's their plan for 2010.

**CO-CHAIR KENNEDY:**

Okay. Let me speak to BRO for a second about this. Have you folks had the benefit of hearing anything from Mr. McGowan or LICVB? Do you have any sense about how the additional funding is going to be applied and what the efficacy of niche marketing is?

**MS. VIZZINI:**

We don't have their marketing plan for 2010. We basically get an audit of the -- post audit. That's the extent of that. They deal directly with Economic Development.

**MS. FAHEY:**

The LIVCB is required to come before this Legislature twice a year to give you an update on how they're spending the County's hotel/motel tax money. They were here in June. They will be back in the end of November to give their second annual report. They do talk about the niche marketing. This is the first time that we're going to have such an excess fund that we're able to do the niche marketing to the extent that it's going to make it effective. But he does come twice to this panel.

**CO-CHAIR KENNEDY:**

And as a matter of fact, I always welcome when Moke's here because I find him to be an extremely informative and very talented individual. And I know he does an excellent job on our behalf. I don't want to minimize that or diminish it. But what I do want to kind of point out, my point with all this is particularly if we are moving into a new venture that we've not been in before, I as a Legislator would like to see some of what that is before it commences. I don't know how one accomplishes niche marketing. I don't know if we -- if we fund him to do the direct promotion, whether it's media or print or does he in turn subcontract with entities and other regional markets, let's say, down in Charlotte or Atlanta or other places. And before another half million bucks gets heeded across the bow, I think I'd like to see some of what's being contemplated for where it's going. So we can expect that in November?

**MS. STARK:**

I have -- I can send you all the marketing plan and the budget that was adopted and approved by their Board of Directors. I have that for 2010. That was voted on in September. So I'd be happy to distribute that. So would Moke.

**CO-CHAIR VILORIA-FISHER:**

Can I just mention something because I met with Moke, Mr. Chair?

**CO-CHAIR KENNEDY:**

I'd be happy to hear --

**CO-CHAIR HORSLEY:**

I don't know if Mr. Kennedy is finished.

**CO-CHAIR KENNEDY:**

I'll relinquish in one moment.

**CO-CHAIR VILORIA-FISHER:**

I just wanted to respond to you, not to take --

**CO-CHAIR KENNEDY:**

No, no, no. Which is fine; as a matter of fact --

**CO-CHAIR HORSLEY:**

Finish up, John.

**CO-CHAIR KENNEDY:**

Okay. So then in a nutshell, everything that's going to be done for 2010 has already been adopted and it's contractual. My opportunity to look at it will be merely historical.

**LEG. ROMAINE:**

That's absolutely correct.

**CO-CHAIR KENNEDY:**

Okay.

**CO-CHAIR HORSLEY:**

Are you heeding across the bow?

**MS. FAHEY:**

I don't agree. You know, Moke comes before this panel twice a year and he's, you know, he solicits input.

**CO-CHAIR KENNEDY:**

And in June we did not have a hotel/motel tax at three percent.

**MS. FAHEY:**

No, I appreciate that. But I --

**CO-CHAIR KENNEDY:**

So we did not have a half million dollar discussion about niche marketing. I'm old but I'm not that old.

**MS. FAHEY:**

Okay. There is a board of directors. And Moke is more than willing if this panels feels that his target marketing plan that's been adopted isn't really what you want, I'm sure he's willing to go back and talk to the board of directors and adjust it.

**CO-CHAIR KENNEDY:**

But, Carolyn, my point is, is how could I express an opinion about something that I never even knew? You know, the there again goes to -- it's part of the conversation we just had before about our cultural organizations. We're being asked to go ahead and ratify and ratify post hoc. What kind of ratifying is that?

**MS. STARK:**

I'd have to go back and look, but I think Moke did talk about niche marketing when he was here in June and July, like what his plans would be with the increased funding, so.

**CO-CHAIR VILORIA-FISHER:**

Actually that's what I was trying to say earlier to Legislator Kennedy. I remember talking about niche marketing and reaching out to the European market.

**CO-CHAIR KENNEDY:**

That conversation I do remember. But I what I will say is, is, and maybe it occurred and I guess I'd have to go back to the transcript, but I do not recall another half million bucks being committed to this nor how it was going to occur. There's one other issue, and I spoke with Moke directly at length, so -- but I will say that, I guess, if there's been a 2010 budget that's been adopted across the board, I guess I personally, if I'm back here, am going to have to do a little bit more due diligence for 2011. Will there be any additional personnel hired for LICVB as a result of this additional revenue coming into the agency?

**MS. STARK:**

They're hiring no new people.

**CO-CHAIR KENNEDY:**

Okay. If you could forward me whatever the plan is as to how that's going to be accomplished, I would be interested in seeing that.

**MS. FAHEY:**

We will get you that plan.

**CO-CHAIR KENNEDY:**

Okay. I appreciate it. All right, Mr. Chair, thank you. And certainly I didn't mean to cut you off, Legislator Fisher.

**CO-CHAIR HORSLEY:**

No, no, no. She wasn't cutoff. It was your turn.

**CO-CHAIR VILORIA-FISHER:**

And I wasn't trying to cut you off either. I was just trying to respond that I had seen something about the niche market and something about trying to draw the New York City market out to Suffolk County and about reaching out to the European market in a more robust way. That's what I had recalled. And I just wanted to point that out as you were speaking. And I agree that we haven't seen a detailed budget because I think it was still nebulous; we had not yet passed hotel/motel tax, you know, it hadn't passed. But I do remember that that was the vision that was trying to be expressed. Okay.

**MS. FAHEY:**

It was before the State Legislature at the time that Moke was here talking to you. And I believe he did, and again I'm almost as old as John, that we --

**CO-CHAIR VILORIA-FISHER:**

That old, huh?

**MS. FAHEY:**

-- talked -- we talked about what he would do with the additional money had it passed the State Legislature and then this Legislature adopted it.

**CO-CHAIR KENNEDY:**

Thank you.

**CO-CHAIR HORSLEY:**

Well, thank God I'm a spring chicken. Legislator Romaine.

**LEG. ROMAINE:**

Yes. This is a quick question. I realize that when people come here and testify in the words of poetry, it's very interesting to listen to but I'd much rather see the written prose. And, therefore, does the Long Island Visitors Convention Bureau have an outline that they can present us in writing about their plan regarding the additional money that they're about to get from the hotel/motel tax? My concern -- I'll tell you what my concern is. 36% of the hotel/motel tax is generated from the five eastern towns. Of that 36%, 22% of the 36% comes from Montauk alone. And then the rest from the Hamptons areas and obviously the north fork. They contribute mightily.

I can't think of any one of them that would favor this tax. I thought of all of them as I watched this tax pass as they opposed this tax and fought against it and spoke eloquently against it. And now they must be taxed. They want to know what they're getting for this tax. So I'd like to see something from the Long Island Convention Bureau specifically addressed to the five eastern towns, because you are taxing people against their will. This is not a tax they want. This is not a tax they desire. And this is a tax that they must now live with and they want to know if there's any benefit for them paying a mighty portion of this tax. Ten percent of the population lives in Suffolk, but 36% of the hotel/motel tax comes out of eastern Suffolk. So they want to know. And I'd like to see that from the Convention Bureau to tell my constituents, *here's what you're going to get*.

**MS. FAHEY:**

We will ask Moke to address that.

**LEG. ROMAINE:**

Thank you.

**CO-CHAIR HORSLEY:**

Okay. Would anybody else like to be heard on this? Is there anything else you'd like to add?

**COMMISSIONER HEANEY:**

Good bye.

**MS. FAHEY:**

And thank you.

**CO-CHAIR HORSLEY:**

Okay. Gail, is there anything that you'd like to add concerning Economic Development, Energy and Higher Education? I'm just waiting on Gail to see if she has anything to add to the comments.

**MS. VIZZINI:**

The only cautionary remark I wanted to make was that in our estimation the revenue associated with the Budget Office's projection on the hotel/motel revenue was a little optimistic. So we have made recommendations that total about \$830,000 that reflect more current here to date as well as a factor for the economy. So that's something that you may want to consider. If that recommendation was effectuated, then everybody would lose just a little bit. But the way the revenue is distributed, it's based on what is actually -- the percentages of what's actually coming in anyway.

**CO-CHAIR HORSLEY:**

So the 5% business and --

**MS. VIZZINI:**

Correct. I just wanted to -- yeah.

**CO-CHAIR HORSLEY:**

What is the difference?

**MS. VIZZINI:**

\$830,000.

**CO-CHAIR HORSLEY:**

\$830,000 difference?

**MS. VIZZINI:**

Correct.

**CO-CHAIR HORSLEY:**

That's substantial. All right? Anything else anyone would like to add at this point in time?

**CO-CHAIR VILORIA-FISHER:**

I have a question.

**CO-CHAIR HORSLEY:**

All right. We have a question before I close. I'm ready to go here.

**CO-CHAIR VILORIA-FISHER:**

It's not for Economic Development. It's for Budget Review because -- is there anybody here regarding Energy? Because I saw that there was a vacant position in Energy Specialist, right?

**MS. VIZZINI:**

Yes, I'm prepared to address that. Yeah. In terms of the energy funds as far as the big ticket numbers, we're not making any recommendations to change the dollar amount as far as the light, power and water; however -- and this was discussed at Public Works. We did make a recommendation that we create two positions in Public Works to continue the focus on energy efficiency and monitor the consumption in the County's use of energy. One is an energy specialist. And this position actually -- we had this position. The Legislature created it. And it was ultimately filled. Unfortunately the incumbent wasn't promoted to a higher level engineering series. And we're making this recommendation just to make sure that we continue the same focus on, you know, when buildings are designed, they're designed in the most efficient manner for their maximum energy conservation. Same thing with our use.

Even almost as important maybe even more important is a computer specialist who would be able to use the IT technology to assure -- so many of the buildings are monitored by or controlled by the IT technology; that we have that person. You know, the investment in that person alone would probably, you know, we could take this building, for example, it wouldn't be so cold when it shouldn't be and it wouldn't be so hot, you know, that kind of thing.

**CO-CHAIR VILORIA-FISHER:**

Never hot.

**MS. VIZZINI:**

And that's the recommendation we have been making for a number of years.

**CO-CHAIR HORSLEY:**

Is that -- could that person be the same person, the energy specialist be the same person as an IT person? Is it broad enough? I mean if we only went for the one position instead of two?

**MS. VIZZINI:**

No, you can probably pick one. I don't know that that person would have the exact same, you

know -- of course I'm sure we might be able to find a unique individual. But, you know, neither position is in Public Works' budget; whether the IT person should be in DPW, which I think is our first recommendation or an IT person, but it seems that DPW pays the energy bills, they know the consumption of their building, they know what we designed, etcetera, that it's a fit for them.

**CO-CHAIR HORSLEY:**

Legislator Fisher.

**CO-CHAIR VILORIA-FISHER:**

Gail, part of the requirements for LEED buildings is commissioning. And what commissioning does is to integrate all the systems in the building. Is that the kind of expertise you're looking at with that computer specialist that you're talking about, is an integration of the system within the buildings?

**MS. VIZZINI:**

That's correct. The discussion of our recommendation is on page 131.

**CO-CHAIR VILORIA-FISHER:**

I'm looking at the wrong page.

**MS. VIZZINI:**

The person would serve as a well-trained system wide operator within, you know, buildings, operations and maintenance where they would enhance our ability to diagnosis and resolve system wide operations of building management. They'd have to have a lot of familiarity with the appropriate software and the appropriate language. But this is the direction that we've been trying to get the County to go.

**CO-CHAIR VILORIA-FISHER:**

Thank you.

**CO-CHAIR HORSLEY:**

All right. Thank you very much. Anything else, Gail, you'd like to add? Okay, that being the case, would anyone else like to be heard on Economic Development, Energy or Higher Education? If not, I'll close -- make a motion to close our public hearing. I'll make the motion, seconded by Ms. Nowick. All those in favor? Opposed? So moved.

## **CONSUMER PROTECTION OPERATING BUDGET**

**CO-CHAIR KENNEDY:**

We're going to open up Consumer Protection even though we don't have anybody here. We don't have the Commissioner from Consumer Protection, Gail; nevertheless, I've just got a couple of questions of the budget in general. And I know Legislator Montano has a couple of specific questions regarding Consumer based activities.

I just wanted you to talk a little bit about the number of vacancies that we have in the department, and how that comports particularly with some of the things we've been talking about regarding a recommendation to increase some of our fee schedule. You know, it occurs to me that if we don't have enough staff on board to do the functions, particularly the gasoline station inspections at this point, which are only as I understand it, just by general location, if we're going to actually move to a pump based inspection, how are we going to accomplish that? We're woefully behind now, aren't we? Or conversely what does Budget Review recommend with Consumer Protection?

**MS. VIZZINI:**

We have several recommendations and I'll be happy to review them with you. Specific to your question in regards to the gas stations, we did recommend three sources of revenue generation. And the hope would be that the proceeds -- the revenue would go to offset our costs to conduct the inspections that protect the consumer. The per pump fee would be a dollar rate per pump. I believe we recommended \$35. It's anticipated to generate revenue in the ballpark area of about \$300,000. It's not a lot but it certainly is a help in terms of personnel, vehicles, etcetera.

**CO-CHAIR KENNEDY:**

Certainly in this environment and predicated on the functions, absolutely.

**MS. VIZZINI:**

Correct. Our specific recommendations in terms of the department are that we -- the Weights and Measures Division, in our opinion, are woefully understaffed. There are vacancies. They were recommending that we fill the Weights and Measures Inspector, the grade 20 positions and two clericals. And there are sufficient appropriations there. And these positions, as you well know, inspect the scales and meters, pumps, food stores, gasoline/deli to assure that, you know, what we're buying is an accurate measure of the quantity.

**CO-CHAIR KENNEDY:**

I see in one of the sections here on page 154, you point out that in some cases we have scales, heavy duty truck scales that have gone almost three years without inspection?

**MS. VIZZINI:**

Based on our discussions with the department, that's what we found.

**CO-CHAIR KENNEDY:**

Okay. And is that something that we routinely do? We're supposed to be inspecting the accuracy and the, I guess, the trueness of the readings that are produced from these scales? Are they licensed?

**MS. VIZZINI:**

I believe that there's -- you know, that they're supposed to be inspected on an annual basis, but, you know, Mr. Kovesdy is --

**CO-CHAIR KENNEDY:**

All right. We'll turn to Allen in a second --

**MS. VIZZINI:**

He's doing the universal yes sign.

**CO-CHAIR KENNEDY:**

-- because I'm certain there's some kind of logic that we'll here from the administration. But let's talk about what's actually going on at this point. What's actually going on at this point is, is we have responsibilities that clearly we're just not meeting.

**MS. VIZZINI:**

The other question in terms of vacancies, they are identified -- the day that we did the report, there were 14 vacancies. Consumer Affairs does have the largest vacancy rate among County departments. It's in the 30% category.

**CO-CHAIR KENNEDY:**

So we have a 30% vacancy rate. Now Consumer Affairs is somewhat unique, though, isn't it? There's only a handful of departments throughout the County that actually raise revenue. You know, the County Clerk's office was revenue positive. Isn't Consumer Affairs a revenue raiser?

**MS. VIZZINI:**

Absolutely. There are fees and licensing fees and inspection fees and what have you that are related to Consumer Affairs.

**CO-CHAIR KENNEDY:**

So clearly a 30% vacancy rate is contributing directly to a reduction in whatever our revenue stream would be. Got to be. If you don't have the people, how can you go ahead and perform the function? Okay. I see that Mr. Kovesdy would like to weigh in for us.

**MR. KOVESDY:**

Good afternoon. It's a little dangerous with you and Ed at the same forum here.

**CO-CHAIR KENNEDY:**

We have Legislator Montano between us. Have no fear.

**MR. KOVESDY:**

Thanks for the opportunity. I just wanted to clear the record a little bit. Number one, the two Weights and Measures positions that represent Budget Review's report have been released and the department's in the processes of filling them --

**MS. VIZZINI:**

Thank you, Allen.

**MR. KOVESDY:**

-- as of this point. Number two, there was \$280,000 of funds available to fill positions. So they have the ability to fill five or six additional positions next year on top of the two Weights and Measures positions. That's in the budget, the ability to fill. That in turn will have a savings. Number three, it is the inspection of once a year at the gas pumps. And as of the time that we did the budget, they have more than met the revenue targets. They have met -- item pricing is going well. Again, I'm not the Commissioner so please don't ask me questions that only he could answer.

**CO-CHAIR KENNEDY:**

Well, that's interesting, Allen, that the Commissioner's not here and --

**MR. KOVESDY:**

Maybe he's -- I don't know. You know, I'm here for all the meetings so I'm coming up as a courtesy to try to answer as many questions as I can.

**CO-CHAIR KENNEDY:**

And I appreciate that. And what I'm going to ask you to do is, is share if you would please with the administration the concern that I had voiced previously directly to the Commissioner and to the administration as well.

One of the other things that BRO points out is that we have a 50% vacancy rate in our clerk typist. As I understand it, the clerk typists perform a critical function which is the entering and keying of consumer complaints. And at this point we have about a 90-day backlog of unentered complaints. So not only are we working with less than an adequate staff to inspect and resolve, but more importantly we don't have a department that's even aware of what issues it's not meeting.

**MR. KOVESDY:**

Technically you're correct.

**CO-CHAIR KENNEDY:**

Well, thank you.

**MR. KOVESDY:**

But realistically we had a principal clerk who left on 8/29. We had a clerk typist who left on 6/15. We had a clerk typist who left on 8/3. So these are relatively current vacancies.

**CO-CHAIR KENNEDY:**

Allen, you have banker's boxes full of unentered complaints. I've seen the pictures. What I'm asking you to do is, is I'm asking you to carry the message back to get some grade nine clerk typists who can key in basic data. We're not meeting our responsibility as a department. We hold ourselves out as being a department available to assist citizens who've been victimized by unscrupulous contractors, ones that we license. And without the most basic personnel to log it, we don't even know who we have to go to see.

**MR. KOVESDY:**

I'll take the message back.

**CO-CHAIR KENNEDY:**

I would ask if you could please carry that back. I think that's kind of, you know, critical to the mission of the department. And I've shared that with the Commissioner already. Okay.

**MR. KOVESDY:**

Will do.

**LEG. ROMAINE:**

Are you done?

**CO-CHAIR KENNEDY:**

Let's see. Legislator Montano has a couple of questions.

**LEG. MONTANO:**

Gail, I want to switch gears a little bit and get to your BRO report with respect to the 2010 appropriation for the Brentwood CI Health Centers. Now the 2010 budget deletes funding for the Central Islip Health Center and essentially closes it, moves it into the Brentwood Health Center. Now, your report supports that recommendation? Nodding your head would be yes, right?

**MS. VIZZINI:**

Yes, Legislator Montano.

**LEG. MONTANO:**

Let me ask you this. On what analysis or what factors did you rely upon in reaching this determination?

**MS. VIZZINI:**

Let me just find it.

**LEG. MONTANO:**

I think it's -- look around 206, 207.

**MS. VIZZINI:**

Well, as you well know, this was a proposal that early on was under consideration in terms of mitigating the 2009/2010 budget shortfall.

**LEG. MONTANO:**

You're talking about the March resolution --

**MS. VIZZINI:**

Correct, yes.

**LEG. MONTANO:**

-- that appropriated \$30 million from the Tax Stabilization Fund. That's the bill you're referring to back in March?

**MS. VIZZINI:**

It was IR 1284. I don't recall if the --

**LEG. MONTANO:**

I'll give you the number. I have it here. Hold on a second.

**MS. VIZZINI:**

At any rate --

**LEG. MONTANO:**

At any rate go ahead.

**MS. VIZZINI:**

-- it was something that -- what was absent then was a plan in terms of, you know, how we were going to make this transition.

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

What's proposed in the Budget --

**LEG. MONTANO:**

Right.

**MS. VIZZINI:**

-- and you're well aware that we have some gray fiscal problems and --

**LEG. MONTANO:**

I'm well aware of that.

**MS. VIZZINI:**

The difference of being -- in terms of the revenue -- sales tax revenue projections between our office and the County Executive's office.

**LEG. MONTANO:**

Right.

**MS. VIZZINI:**

So from a -- from the view point of cost effectiveness and efficiencies, there is now a plan whereby those clients who go to Central Islip will be --

**LEG. MONTANO:**

You're talking about the April 22nd plan that was submitted by the Department of Health Services? A plan to consolidate the Central Islip Health Center into the Brentwood facility Health Center?

**MS. VIZZINI:**

I serve on the Space Committee. So perhaps I'm privileged to information that is more current than that. Based on what has been presented to the Space Committee --

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

-- Public Works will be making renovations to Brentwood to increase the number of exam rooms.

**LEG. MONTANO:**

Well, let me interject. Although I don't serve on the Space Committee, I'm privy to what transpired there. It's my understanding that back in March when the bill was first introduced to close the Health Center, the CI Health Center, the whereas clauses in the resolution essentially stated that we were in the process of using a \$5 million HEAL Grant to construct a state-of-the-art regional health center that would incorporate the Brentwood CI and Bay Shore communities into one health center. Bids were to be solicited back in April or back in March and in fact -- are you with me, Gail?

**MS. VIZZINI:**

I am.

**LEG. MONTANO:**

Okay. In fact, bids were received by the Space Committee. My understanding is that the Space Committee after reviewing -- I think there were seven bids, several bids, turned around and said, *never mind, we're not interested, we're going to use the \$5 million HEAL Grant to renovate the existing structure and we're going to move the patients into Brentwood as of December 15th.* And that is my understanding.

After the March hearing, that section of the resolution dealing with the appropriation of a \$30 million from the Tax Stabilization Fund, those whereas clauses and resolve clause dealing with the CI Health Center was deleted. Now, I'm still trying to understand, though, what basis or what factors you undertook, what did you rely on to support the recommendation of the closure of the CI Center when, in fact, the renovations to the existing center Brentwood have not taken place?

**MS. VIZZINI:**

Our assumptions are on page 209 of our report. Again, this is from the budgetary -- primarily a budgetary perspective.

**LEG. MONTANO:**

Right. I understand that. I understand. So you looked at the numbers. But let me you ask this: Did anyone from your office visit the CI Center or the Brentwood Center to undertake any analysis as to the --

**MS. VIZZINI:**

We have. We have been to Brentwood. We know that Brentwood is overcrowded.

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

But what I'm trying to convey to you is in April we had a memo that raised certain red flags. And in our estimation the Health Department and the Space Committee is working towards addressing those red flags. There is a plan.

**LEG. MONTANO:**

I have the plan in front of me. Let's talk about the plan. One thing that stands out in the plan, and I'm not going to read -- well, actually I may read the demographics that we're talking about in terms of the community, one thing in the plan that strikes me is that on page eight of the plan, it says Department of Health -- *DHS*, meaning Department of Health Services, *anticipates in NYSDOH*, New York State Department of Health, *will issue its approval of the consolidation within 30 to 60 days of the written notification.*

Now this plan was written back in April. And it was written subsequent to the introduction of a resolution consolidating -- initially trying to consolidate the plan. We have, myself and Assemblyman Ramos, held a community forum last night, which was attended by someone from the Health Department and also someone from New York State Department of Health, the Deputy Regional Director. She flat out stated that there was no such approval that has been issued by the New York State Department of Health. And she specifically told me that if, in fact, the County is going to consolidate, that I should request a copy of the approval letter. So I ask you, does the Space Committee, do you or anyone you know have a copy of that approval? You look bewildered there.

**MS. VIZZINI:**

I'm not.

**LEG. MONTANO:**

No, I'm not looking at you. I'm looking at your --

**MS. VIZZINI:**

My cohort?

**LEG. MONTANO:**

Your cohort.

**MS. VIZZINI:**

No. This is a fiscal and programmatic determination based on the fact that Central Islip is a deteriorating physical facility. It does not meet the current article 28 standards. And there is a plan to improve Brentwood --

**LEG. MONTANO:**

Who made that determination?

**MR. FREAS:**

The State. The facility was licensed as a part-time facility during its --

**LEG. MONTANO:**

I understand that.

**MR. FREAS:**

We've basically been operating the clinic as a full-time clinic out of regulation --

**LEG. MONTANO:**

I understand that also.

**MR. FREAS:**

-- since its inception.

**LEG. MONTANO:**

Let me ask you this. Let me ask you -- I know that. Do you have -- the simple question is do you have the authorization from the state to close the CI Center? That would be a yes or a no.

**MS. VIZZINI:**

That would come at the end of the process, at the end of the budgetary process. The options available to you --

**LEG. MONTANO:**

Well, let me state this, then.

**MS. VIZZINI:**

-- are to restore the money.

**LEG. MONTANO:**

Excuse me?

**MS. VIZZINI:**

And keep it functional. The options available to us from a budgetary perspective --

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

-- are to restore the money and keep it functional.

**LEG. MONTANO:**

I agree with you. I agree with that.

**MS. VIZZINI:**

Nothing is happening until the Legislature adopts this budget.

**LEG. MONTANO:**

Right. But let me say this, Gail.

**MS. VIZZINI:**

And that is why we bring it to the forefront and we took a position.

**LEG. MONTANO:**

Okay. If the budget is passed, if the omnibus comes forward and it does not include the restoration of the funding for the CI Health Center, Southside had made, and I met with the Director of Southside this week, Southside Hospital has made it very clear that they will not provide services for C I, because they won't have any contract money for that. If the omnibus committee does not restore the money in the budget, you have, I think, in my opinion de facto, or the Legislature, not you, I don't think mean you, Gail, this Legislature would in essence de facto eliminate and close the C I Center simply through a budgetary mechanism when, in fact, my understanding is, and please correct me if I'm wrong, is that that cannot be done without New York State Department of Health approval. Am I accurate in that?

**MS. VIZZINI:**

Well, if your -- you reference the omnibus. The omnibus may not conclude the necessary funding. If -- there's also the option of a stand alone resolution.

**LEG. MONTANO:**

Right. But if none of those -- but if none of those --

**MS. VIZZINI:**

Then the funding is not there. Then --

**LEG. MONTANO:**

Right. And if the funding is not there, then you have -- not you, when I say you, I mean in the plural, and you understand that, Gail, I have a lot of respect for your office, we are then de facto closing a center without appropriate authorization. And I would also dare say, Gail, that I have been to both the C I and Brentwood Center, and if you recall when I first got elected, because there was no district office in my legislative -- my newly created legislative district, I sat in the Brentwood Health Center as a district office for six months. And I saw the patients go in in the morning, go out

at lunch, come back, stand on line. I'm fully familiar with the lack of parking facilities that are there. I'm fully familiar with the fact that DPW not so long ago clearly indicated that they did not want to continue the operation of the Brentwood facility in that location.

The HEAL money, the \$5 million was to be used for a regional health center. Ground was to be broken in September 2010, but yet the County Executive has deleted it from the budget, all right, with a document that in part you said you relied on that was issued in April that said that in 60 days we would have the authorization. We're now six months past that date of document. That was in April, May, June, July, August, September, October. We still don't have the authorization to close it. And if we don't put this money in the budget either by omnibus or stand-alone, then you've closed the Center in my opinion improperly. And I think this needs to be put on the record because that's not the way this is supposed to work.

**MS. VIZZINI:**

Just in terms of clarifying a few points, the plan that I referred to is the plan -- I don't -- I don't think that it was the April plan. The plan that I refer to is the plan to enhance space in Brentwood, you know, the --

**LEG. MONTANO:**

I understand that. But wouldn't that plan also require approval from the New York State Department of Health? Whether you rely on the plan in April or you rely on a more recent plan or modification of the plan, the basic essence of my point is that you still need to rely on New York State Department of Health approval; is that not accurate?

**MS. VIZZINI:**

That is the ultimate -- that ultimate approval is necessity. Legislator Montano, this the 2010 operating budget.

**LEG. MONTANO:**

I understand that.

**MS. VIZZINI:**

Everything will continue monetarily until December 31st of 2009.

**LEG. MONTANO:**

Well, if the money's not put in the budget, in the Omnibus or stand-alone, and we're going to get to stand-alones in a minute, and if the stand-alone is not approved, then come January 1st --

**MS. VIZZINI:**

The de facto.

**LEG. MONTANO:**

-- if you don't have --

**MS. VIZZINI:**

Exactly.

**LEG. MONTANO:**

If you don't have State -- New York State Department of Health approval, you're still closing the center. Basically you're telling us to say *we don't care what you say, we're closing the center?*

**MS. VIZZINI:**

As you well know the budget is a policy document.

**LEG. MONTANO:**

Was that a yes?

**MS. VIZZINI:**

I'm not closing the center. I'm concurring from a --

**LEG. MONTANO:**

No, I don't mean you. When I say you, you know I'm not talking about you personally. I'm talking about the generic *this County* has made a decision, and you have endorsed it through your report --

**MS. VIZZINI:**

Correct.

**LEG. MONTANO:**

-- that says we don't care what the state says, don't put the money in the budget because we're looking at this, this consolidation from a monetary standpoint. And from a monetary standpoint we're saving a million dollars irrespective of the impact on the community that you're supposed to serve. And just since we're on the record, the mission, the County Health Center mission, I'm willing to put this in the record, is to provide comprehensive primary care in a dignified and respectful manner emphasizing preventive medicine and providing diagnostic treatment and referrals to all regardless of their race, age, sex, color, national origin or ability to pay.

And if you go back to the April 22nd report, it describes the demographics of the community. And this community, this underserved, and I'm reading from the report, *the underserved population is predominantly Latino or African American. The Brentwood CI in Bay Shore communities comprise 35% of Suffolk's African American population and over 50% of the County's Hispanic population. The communities constitute approximately 15% of all those in the County. The HIV AIDS cases represent one-third of all HIV AIDS cases treated in the County's health centers. The population of these communities also experiences a high rate of diabetes, adult asthma, obstructive pulmonary disease and bacteria and phomania.* And what you're telling me is that the BRO report looked at this from a monetary position and took a supportive role when, in fact, we don't even have state health department approval.

**MS. VIZZINI:**

If I may.

**LEG. MONTANO:**

You may.

**MS. VIZZINI:**

The criteria for our supporting this recommendation is that the mission will still be met, and that there is a plan to assure that. If I may, reading from the report, *we concur given the deteriorating physical plant of the building, the inability of the current facility to meet article 28 standards and the lack of the full-time operating license for the facility. It is in our opinion not cost efficient nor prudent to combine the two facilities that are located 2.5 miles apart on the same bus route to see substantially the same patients, their shared demographic community.*

**LEG. MONTANO:**

I understand all of that.

**MS. VIZZINI:**

However, if I may.

**LEG. MONTANO:**

Go ahead.

**MS. VIZZINI:**

*Information regarding the closure of the health center must be aggressive and disseminated to the*

*patients and reasonable assistance rendered as needed for successful transition to the Brentwood location.* Furthermore, based on my serving on the Space Steering Committee, I know that my direct health delivery services are being relocated to make available approximately 8,000 or more square feet to maximize the examination rooms and to prepare for Central Islip.

**LEG. MONTANO:**

Right. But that doesn't exist today.

**MS. VIZZINI:**

No, it does not. But again this is the --

**LEG. MONTANO:**

Wait, let me interrupt.

**MS. VIZZINI:**

-- 2010 operating budget. And those were the reasons why we supported it.

**LEG. MONTANO:**

Because -- I understand that. But the Center in two weeks we will vote on whether or not the money will be there. So if the money's not there, you're closing the center. And again I don't mean you personally. And as I said earlier it's a de facto closing. Just for the record, who sits on the Space Committee with you? Who are the people that are making this determination? I know we have Legislator D'Amaro there and then we have Legislator Beedenbender there.

**MS. VIZZINI:**

The Space Committee is not making the policy determination to close Central Islip. That is a fiscal -- to expand --

**LEG. MONTANO:**

Well, they made the policy decision not to move ahead with the regional health center; am I correct on that?

**MS. VIZZINI:**

That policy decision has not been made. And I have --

**LEG. MONTANO:**

My understanding is that it has been made and that --

**MS. VIZZINI:**

I serve on that committee and I definitely know that that determination has not been made. I'll be --

**LEG. MONTANO:**

Am I correct in stating that the bids -- are you saying that the bids are still being considered? The seven responders to the bids?

**MS. VIZZINI:**

I'll be more than happy to share with you although not necessarily at the Consumer Affairs Committee my understanding of the actions that the Space Committee has taken.

**LEG. MONTANO:**

I'm going to move on, Gail.

**MS. VIZZINI:**

Okay.

**LEG. MONTANO:**

We will talk.

**MS. VIZZINI:**

Sure. Fine.

**LEG. MONTANO:**

As I said I do have a lot of respect for your office. I just disagree in the way this has been handled and I --

**MS. VIZZINI:**

The Space Committee is well aware that the South Shore Regional Health Center is a huge policy decision. And I have recommended to them -- we are processing a tremendous amount of information as to the best way to go near term and future.

**LEG. MONTANO:**

Right. And by the way, I have stated very clearly that I am not necessarily opposed to the consolidation. I'm simply not opposed to it in the fashion that it's being done and in the time frame in which it's being done because I support -- I support the Regional Health Center. And I was disappointed when I was informed, and maybe incorrectly, that the County has decided not to move in that direction. I understand that there's an attempt to move the money, the HEAL money from the Center to renovation of Brentwood, which I don't think is appropriate. We'll talk about that later, but let's talk about, and I want to move on because I don't want to occupy this too long, I have a memo in front of me that is dated October 20th from Bill Lindsay and all Legislators, County Executive and yourself received it.

*It says revised 2010 operating budget schedule. Please be advised that the deadline for filing the budget -- for the filing of budget amendments has been extended to Thursday, October 29th, five PM. No, underlined, no amendments will be accepted after this time. Please note omnibus type amendments must have at least five sponsors or they will not be drafted or distributed. If there's an item that is specific to your district and will not be included in the omnibus resolution, please request the preparation of a stand-alone amendment.*

Now, I'm not sure I understand the difference between a stand-alone and omnibus type amendments. Are they one in the same?

**MS. VIZZINI:**

They both amend the budget. An omnibus would have many, many line items. It would be something akin to what you're used to when we review the omnibus. You know, it's going to have 30 pages attached to it.

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

A stand-alone is a conventional term that we use for something such as restore \$800,000 to keep Central Islip operational.

**LEG. MONTANO:**

All right. So if I asked you to prepare 18 stand-alone resolutions using different funding sources individually to restore the CI Center, I don't need four cosponsors.

**MS. VIZZINI:**

You're going to ask me to do 18?

**LEG. MONTANO:**

Sure, one for each Legislator.

**MS. VIZZINI:**

Oh, I see.

**LEG. MONTANO:**

Yeah, I want 18 stand-alone resolutions using different funding sources. Since I can't do an omnibus type, we can take maybe a million dollars from tax stabilization or you can find other avenues where we can restore the budget. Would that be inappropriate? I mean I know it's a lot of work.

**MS. VIZZINI:**

I think we might want to discuss it.

**LEG. MONTANO:**

Let's discuss it.

**MS. VIZZINI:**

Well, you know very well we cannot access tax stabilization reserve. Only the County Executive can.

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

So that option's out.

**LEG. MONTANO:**

No, I didn't know very well because I haven't looked at it lately. And thank you for letting me know.

**MS. VIZZINI:**

You're welcome.

**LEG. MONTANO:**

But there are 18 other avenues that would -- there are probably, 20, you know, 30 avenues that we can explore to restore funding for the center; am I correct.

**MS. VIZZINI:**

Well, as we would do with any Legislator requesting a stand-alone, we would, you know, discuss how we want to go about achieving your objective and discuss with you if there are any available offsets or whether you were willing to raise property taxes to achieve your objective. In this particular climate most any of the surplus appropriations that we have identified will probably be used in the omnibus. And we have to be careful that a stand-alone does not conflict, otherwise it would be ruled out of order. So those are the types of things that we would discuss in your requests for 18 resolutions.

**LEG. MONTANO:**

Right.

**LEG. ROMAINE:**

You can't diminish other expenditures.

**MS. VIZZINI:**

I would like the sponsor's input as to what they are willing to diminish, you know. We're not going to want to diminish, you know, breast cancer prevention or domestic violence or something, you know. That's what I'm talking about.

**LEG. ROMAINE:**

No. I'm thinking of areas where I would want to diminish -- where there is activity --

**CO-CHAIR KENNEDY:**

Let's try to keep some decorum here, gentlemen.

**LEG. MONTANO:**

No, I have no problems with Legislator Romaine interjecting here. So with respect to the process, we will talk about ways -- if it's not restored in the omnibus -- see, if it's restored in the omnibus, we really don't have an issue.

**MS. VIZZINI:**

That's is why -- that memo that you received -- yes.

**LEG. MONTANO:**

And then -- I'm sorry, Gail. If it's restored in the omnibus and then at some point in the future whether it be in this year or in January 2010 or in June 2010, the New York State Health Department says, *okay, guys, you can do it*, then we can merge the two centers. And whatever money is not expended at that point goes back into turnover savings; am I correct?

**MS. VIZZINI:**

Well, in my opinion, it would go to address the sales tax shortfall but --

**LEG. MONTANO:**

But either way it would not get spent for that because at that point we would have done it in the proper fashion according to the rules and regulations that I understand. That's what I'm saying. So, if it's not put in the omnibus, then we would need to do a stand-alone or individual stand-alones that would possibly look at different options to restore this money; am I correct? Am I correct, Gail?

**MS. VIZZINI:**

Well, the reason that we receive that updated and extended amendment deadline is because the working group has not made the level of progress necessary to have an omnibus --

**LEG. MONTANO:**

Gotcha you.

**MS. VIZZINI:**

-- for you to look at so that you know what's in there and not in there.

**LEG. MONTANO:**

Right. I'm going to go to the omnibus possibly this week possibly with Assemblyman Ramos. We are waiting for clarification from the State Health Department as to where they stand. And at this point I can tell you emphatically that they are very clear that they have not issued any approval to close the CI Center.

**MS. VIZZINI:**

I'm not surprised by that since they have, you know, we have not adopted our budget. And the fiscal -- and our own fiscal policy determinations have not yet been made.

**LEG. MONTANO:**

Right. But they're also now aware of the fact that if you don't put it in the omnibus, then in essence you have by-passed -- I don't mean you personally but we have by-passed the state approval or disapproval process. And I think that's an issue that we're going to explore fully. Thank you.

**CO-CHAIR KENNEDY:**

Okay, thank you, Legislator Montano. Legislator Romaine, just indulge me for 30 seconds. Gail, can

I ask just one other question about the memo? And I just want to make sure that I understand this in my own mind. We can all do stand-alones for issues that are relative to our district, but on occasion -- as a matter of fact I did one last year, I believe, it was, or maybe it was two years ago, where I looked to add additional funding for the Probation Department, for the electronic monitoring unit that was a specific issue but not necessarily something that was just related to the 12th Legislative District. It was about --

**MS. VIZZINI:**

I think you're misreading that memo.

**CO-CHAIR KENNEDY:**

Could be.

**MS. VIZZINI:**

A Legislator can do a stand-alone for anything regarding operating budget.

**CO-CHAIR KENNEDY:**

Okay. So it's more than along the lines of just like one amendment, one function, one issue.

**MS. VIZZINI:**

Yeah. You know, one stand-alone is going to have a couple of lines in it on an issue.

**CO-CHAIR KENNEDY:**

Got you. Okay.

**LEG. MONTANO:**

Can I just follow-up? This rule that -- this memo that was sent out dealing with the five sponsors, I think maybe we misunderstood based on your explanation, but how long has that rule been in existence? And where does it come from?

**MS. VIZZINI:**

Well, I've been with the County for 33 years. And all my experience in Budget Review, if you have a competing omnibus, you know, an extensive document probably in the '80's, we said, oh, come one, we got to have at least five sponsors; so under Mr. Pollert, Mr. Spero and myself, you know, the Presiding Officers have agreed that if you're going to do a competing omnibus, you have to have at least five sponsors.

**LEG. MONTANO:**

All right. So you're saying this goes back to the '80's. But in the time I've been in the Legislature and certainly since the '80's, I don't think we've -- has this ever come up since the '80's? When was the last time we had a situation like that that you can remember?

**MS. VIZZINI:**

That we had competing omnibuses?

**LEG. MONTANO:**

Yes.

**MS. VIZZINI:**

The Tonna/Towle competing omnibus.

**LEG. MONTANO:**

Okay. So that would be -- that would be -- I got you. Now I understand. In other words that -- what you had there were competing bills maybe along party lines or coalition lines. So you had one or more omnibus type bills presented; is that correct?

**MS. VIZZINI:**

Absolutely.

**LEG. MONTANO:**

All right. But in the last six years, it has not been -- at least the time I have been here, that has not been an issue.

**MS. VIZZINI:**

Competing omnibus?

**LEG. MONTANO:**

Yes.

**MS. VIZZINI:**

The other issue, too, Legislator Montano, is that --

**LEG. MONTANO:**

Because I'm familiar with stand-alones. I'm not familiar with this. What I'm asking is have you had this happen in the last six years, competing omnibus?

**MS. VIZZINI:**

Not to my recollection.

**LEG. MONTANO:**

Okay. Thank you.

**MS. VIZZINI:**

But it's still a good rule. You know, the Budget Review Office staff has been working seven days a week since September 16th when the operating budget came out.

**LEG. MONTANO:**

As long as it doesn't take away --

**MS. VIZZINI:**

We have a very narrowing day of opportunity to prepare the omnibus and the 18 stand-alones that you're going to request and the 18 that Legislator Romaine has already requested.

**LEG. MONTANO:**

That I may or may not. It may not be necessary.

**MS. VIZZINI:**

All right, well, I take that back. It's a practical --

**LEG. MONTANO:**

18 may be a little overstatement --

**MS. VIZZINI:**

It's a practical --

**LEG. MONTANO:**

-- to make a point.

**MS. VIZZINI:**

Yes, as I'm trying to do as well.

**LEG. MONTANO:**

I understand.

**MS. VIZZINI:**

It's a practical administrative requirement. It's like I said --

**LEG. MONTANO:**

Right. But it doesn't affect -- the bottom line is it doesn't affect my ability to introduce 18 or 1800 stand-alones.

**MS. VIZZINI:**

It doesn't provided that you don't expect us to fund offsets for all of them.

**LEG. MONTANO:**

No, I don't, Gail. I'm just making a point that our power as a Legislator has not been diminished by this memo. This is something that predates and it's to deal with a different issue. Okay, thanks.

**CO-CHAIR KENNEDY:**

Okay. All right. We get it. We have it real clear now. Thank you. All right, Legislator Romaine, you had a couple of questions.

**LEG. ROMAINE:**

Believe it or not, actually I do. I'm almost embarrassed. First of all, I'm only putting in two stand-alones.

**MS. VIZZINI:**

I'm sorry, Legislator Romaine, I just did that to make a point.

**LEG. ROMAINE:**

That's okay. That works. I would like to, but you know what? In this Legislature I'm lucky if I get two. One is for Maureen's Haven for 14 grand so that we don't -- because if that doesn't pass, then I'm going to have a -- I'm going to stand on Main Street of Riverhead and demand that Social Services do their job and house the homeless on the East End. That's what Maureen's Haven does. It picks them up by bus, takes them to the various churches on the north and south fork, feeds them, let's them sleep there at night, feeds them a breakfast and sends them on their way by bus in the morning. If that isn't there, then I'm going to demand, demand that Social Services spend, you know, ten, twenty times that amount to house these people that are homeless, that are trying to make it through the winter in sub-freezing temperatures.

And the other one is for Cornell Cooperative Extension for the 4-H Program and for the other programs, the Diabetes, Life Science Program that I think are worthwhile. I'm not going to log this budget up. I'm not going to do a lot of different things to this budget. I understand the situation. But let me ask about, let me get back to my original inquiry at this Consumer Affairs about Consumer Affairs.

Consumer Affairs, and I'll direct my questions to the esteemed Allen Kovesdy, who's soon to part this County, we have 30 vacancies, 30 percent vacancy rate in Consumer Affairs. Okay? The Executive in his budget made revenue estimates. Those revenue estimates are based on the work of the inspectors in Consumer Affairs. If you have not only inspectors, in one case there's four Weights and Measures Inspectors alone, there's a Consumer Affairs Investigator Two that's vacant, there's a Consumer Affairs Investigator One; then you have clerical staff, a principal clerk, account clerks, all of this, and you have occupational license specialists that are vacant, how do you intend to collect the revenue you estimate will be collected if there's no one there to collect it or do the work?

**MR. KOVESDY:**

As I said, first I thought Gail worked for the Budget Office with all those questions, so.

**LEG. ROMAINE:**

I thought I'd put you on the spot.

**MR. KOVESDY:**

Yeah, I knew you'd -- I don't know if you missed about an hour ago I did say that two of the Weights and Measures positions have been released and are in the process of being filled. So the ones that are --

**LEG. ROMAINE:**

Let me ask you. How would I know that? The Executive doesn't communicate with the Legislature. He doesn't tell us what he's filling. And by the way, that SCIN form, that 167 form is a ministerial act that should not be used to control budget purposes. However, I'm certainly sure that in the future there can be a referendum to allow the people to determine what that act means and whether, in fact, it's a ministerial act without judgement. Because he has all the powers at hand to stop filling positions without ignoring SCIN forms. That's called declaring a fiscal emergency. That he has. He has that power. The SCIN form power, I don't know if that's sufficient; that ministerial act is sufficient to allow him to, in fact, de facto amend the budget. But that's another debate for another day. Right now I'm concerned about these vacancies in Consumer Affairs. Is there any assurances that these vacancies that are put in -- let me ask you, Allen, how many of these positions are funded in the budget? And by that I mean oh, it's in the budget, we're going to tax the people of Suffolk County for them. How many of these are funded in the budget that we tax people for and not provide the services?

**MR. KOVESDY:**

Okay. Again, and just to hear a historical perspective, again, when I started the County in 1973, we had something called form 20's. Form 20's were the same things as 167's. So this has been going on, you know, 40 odd years, I hate to admit it. As I said before, there's the ability to fill \$280,000 worth of vacancies. That includes the two Weights and Measures that were released and an additional five or six positions.

**LEG. ROMAINE:**

Say that number again.

**MR. KOVESDY:**

\$280,000.

**LEG. ROMAINE:**

Of tax -- that we're taxing people for but they're not getting the services for.

**MR. KOVESDY:**

In the 2010 budget there's ability to fill \$280,000 of positions.

**LEG. ROMAINE:**

Okay. But we're taxing people for that. And if these vacancies remain, they're not going the services; is that correct? And we're not getting the revenue, even more importantly?

**MR. KOVESDY:**

That's two separate questions. Okay. Again, I got to give as well as I get. The first statement, you can state. The second one, we're very confident that the revenues that we put in the budget, which are consistent with other years, will be achieved. Okay? We're very hopeful that the item pricing revenues that we've done very well with this year will continue, we're very hopeful that all the other ones. We have not diminished revenues based on vacancies. We've kept them the same way. And we stand behind them. And if I just might have a minute if you would, please, I didn't really want to get up before, but I had to come up now, when the hotel/motel was discussed before, I have a

document dated 8/12/ 2009 produced by the Budget Review Office. It was the attachment they did for the resolution to approve hotel/motel. And their revenues at that time were \$7,442,148, which was \$5,000 difference than the County Exec put in the budget. This was 8/12.

**MS. VIZZINI:**

There was an amended copy, Allen.

**MR. KOVESDY:**

So at the time we did the budget, and based on the best information we had, it was very similar to Budget Review. We're all hopeful that the people who use the East End and all over the County will use our hotels. So the number that we put in the budget wasn't based on a fly by night. It was based on actuals. And the fact that it was a little bit wet this year. I just wanted to defend the number that somebody took liberty to.

**LEG. ROMAINE:**

I haven't challenged that number. I'll get back.

**MR. KOVESDY:**

Okay. The Consumer Affairs numbers are good.

**LEG. ROMAINE:**

Because that's the Committee. Let me just ask, you don't have to, of course, answer this. Was there a time earlier this year that you -- that there was a meeting with the Budget Office and the Commissioner of Consumer Affairs where he was chastised for not bringing in revenue? And his response was how can I bring in revenue when I don't have the staff to do that? Did that meeting take place or conversation like that very similar to that take place earlier this year between the Budget Officer and the Commissioner of Consumer Affairs?

**MR. KOVESDY:**

You'd have to ask the Commissioner.

**LEG. ROMAINE:**

Well, let's just say I have sources that tell me from the 12th floor that that fact, in fact, did take place.

**MR. KOVESDY:**

As you know, we meet with --

**LEG. ROMAINE:**

Were you in that meeting?

**MR. KOVESDY:**

I don't think so. If I do, I have a senior moment now.

**LEG. ROMAINE:**

I'm sure.

**MR. KOVESDY:**

But we do regularly meet with any of the revenue producing departments, as you know, when you were the County Clerk and we go over the revenues. And if we think the revenues aren't good, we ask them to do better.

**LEG. ROMAINE:**

Well, I always produced revenues when I was Clerk and I always brought in cheaper budgets. So you know that and you know what I did to do that. Let's go back.

**MR. KOVESDY:**

We do meet with the departments regularly. And if we don't meet the goals, we tell them we'd like them to get in line.

**LEG. ROMAINE:**

Are you aware of a conversation like that taking place and the Commissioner, in fact, arguing he couldn't produce the types of revenues you were demanding because he was falling below your estimates because he just didn't have the staff to go out and impose the fines?

**MR. KOVESDY:**

I'm not familiar with that conversation.

**LEG. ROMAINE:**

Okay. You might check with some people because I am told by reliable sources that in fact that conversation took place. And that struck a bell. I didn't want to embarrass anyone but now that we're dealing with the budget and we're looking at a 30 percent vacancy rate, then you have to say why put any jobs in the budget? Don't put jobs in the budget that you're not going to fill. Oh, I know you need the turnover savings and the fund balance and everything. But the way to budget is to put in what you need and not what you don't need to fluff it up.

**MR. KOVESDY:**

Seriously, last year we knocked out -- last year 100 vacant positions were taken out of the budget. This year not counting the police there's another vacant positions that are being taken out of budget. So we have been moving in that direction. And the Legislature has the ability where they amend the budget and the omnibus or stand-alone to do whatever they like as far as positions are concerned.

**LEG. ROMAINE:**

Thank you, Allen. Enjoy retirement.

**CO-CHAIR KENNEDY:**

Mr. Kovesdy, once again you're a brave sole. Thank you. I think that concludes the Consumer Protection Budget Hearing. I'll make a motion to adjourn.

**LEG. MONTANO:**

Motion.

**CO-CHAIR KENNEDY:**

Second. All in favor? Opposed? Here here.

**THE MEETING CONCLUDED AT 3:50 PM  
{ } DENOTES SPELLED PHONETICALLY**