

**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, Consumer Protection Committee and Labor, Workforce & Affordable Housing Committee of the Suffolk County Legislature Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 20, 2010 to discuss the matter of the Operating Budget.

MEMBERS PRESENT:

Leg. Wayne H. Horsley, Chairman of the Economic Development, Higher Education & Energy Committee

Leg. Ricardo Montano, Chairman of the Consumer Protection Committee, member of the Economic Development, Higher Education and Energy Committee

Leg. John M. Kennedy, Jr., Chairman of the Labor, Workforce & Affordable Housing Committee

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

Leg. Thomas Cilmi, member of the Economic Development, Higher Education & Energy Committee, member of the Labor, Workforce & Affordable Housing Committee

Leg. Lynne C. Nowick, member of the Economic Development, Higher Education & Energy Committee

Leg. Jay H. Schneiderman, member of the Consumer Protection Committee

Leg. Thomas Barraga, member of the Consumer Protection Committee

Leg. DuWayne Gregory, member of the Consumer Protection Committee, member of the Labor, Workforce & Affordable Housing Committee

Leg. Kate M. Browning, member of the Labor, Workforce & Affordable Housing Committee

Leg. Vivian Vilorio-Fisher, member of the Labor, Workforce & Affordable Housing Committee

(CONTINUED ON NEXT PAGE)

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer

Terrence G. Pearsall, Chief of Staff

Renee Ortiz, Chief Deputy Clerk

Gail Vizzini, Director of Budget Review Office

Joe Muncey, Budget Review Office
Jill Moss, Budget Review Office
Commissioner Denis McElligott, Consumer Affairs
Commissioner Yves Michele, Economic Development & Workforce Housing
Commissioner Robert Dow, Suffolk County Department of Labor
Ben Zwirn, County Executive's Office
Carolyn Fahey, Economic Development & Workforce Housing
Deborah Harris, Aide to Leg. Stern
Cheryl Felice, President AME
Paul Sabatino, AME
Dot Kerrigan, AME 4th VP
Daniel Farrell, AME
Frank Casiglia, AME
Robert Zielinski, AME Treasurer
Alice Peltz, AME
Nancy Rivera, AME
Gail D'Ambrosio, Suffolk County Probation Officers Association
Steve Tricaraco, Aide to County Executive
Bob Martinez, Aide to Legislator Montano
Jason Richberg, Aide to Legislator Gregory
Jack Caffey, Aide to Presiding Officer Lindsay
Mike Pitcher, Aide to Presiding Officer Lindsay
William Shilling, Aide to Presiding Officer Lindsay
Linda Bay, Aide to Minority party
Rick Brand, Newsday
John Coraor, Chair, Cultural Affairs Citizens Advisory Board
Diana Cherryholmes, Huntington Arts Council
Wallace Broege, Suffolk County Historical Society
Helen Harrison, Pollock-Krasner House
Lynda A. Moran, Islip Arts Council
Lisa Brief, Island Senior Citizen's Orchestra
Maria Loreta Celitan, CAB
Nancy Donohue, WI Symphony
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Diana Flesher, Court Stenographer
Kim Castiglione, Legislative Secretary

THE MEETING WAS CALLED TO ORDER AT 2:05 PM

(The following was transcribed by Diana Flesher, Court Stenographer)

CO-CHAIR MONTANO:

All right. We're going to start the meeting of the -- it's going to be a joint meeting of Consumer Protection, Economic Development and I believe Labor, also. Am I correct in that? We're going to start with the Pledge of Allegiance led by Legislator Wayne Horsley.

SALUTATION

You may be seated. Thank you.

If it's all right with my co-chairpersons, what maybe I was thinking of doing is just since we have cards, just go in numerical order and address whatever topic. Is that good?

CO-CHAIR HORSLEY:

Good for me.

CO-CHAIR MONTANO:

Okay. So with that, the first card is John Coraor. John, is that C-o-r-a-o-r?

MR. CORAOR:

Yeah, That's correct, Coraor.

CO-CHAIR MONTANO:

Coraor. Okay. Thank you.

MR. CORAOR:

I answer to anything that starts with a "C".

CO-CHAIR MONTANO:

Exactly. And you're going to talk about -- you're the Chairman of Cultural Affairs to the Citizens Advisory Board.

MR. CORAOR:

Yes, I am, Mr. Chairman. And thank you for this opportunity to address both of your Committees. Before I do so, I just want to recognize some of my colleagues on the Citizen's Advisory Board who are in the audience. I don't know whether they'll have an opportunity to speak or not. But if I could ask them to stand? And I know we have some other members of arts and cultural groups that are here to also express their support, maybe they can join. Thank you.

As you take on the difficult task of finalizing the 2011 Operating Budget, I just hope you'll keep in mind some points that I'd like to make for you today. The volunteer members of the CAB, which is what we commonly refer to the Cultural Affairs Advisory Board, are appointed by the Legislature for their diverse knowledge and expertise in a wide variety of arts and cultural disciplines as well as familiarity with cultural programming in all of the varied regions of the County.

For more than 30 years CAB recommendations based on review of competitive grants applications have assisted the Legislature with disseminating grants support to museums, historical associations, arts organizations and other cultural programs. This competitive grant review process takes into consideration such factors as excellence in programming, management accountability, size of audience served and organizations' ability to collaborate or cross boundaries as well as to reach out to communities that are underserved along with many other relevant criteria.

The goal of this competitive review process is to better ensure that the County support is used in an efficient and effective manner designed to support excellence, diversity and the broadest possible service in cultural programming throughout the County.

Although actual grant applications and awards vary with the budget of course, the CAB typically reviews roughly one million dollars in competitive grant applications annually. And has recommended grant award allocations totalling as much as 629,000 in a single year including all discretionary Hotel/Motel Tax funded grants prior to 2010. County competitive grant support helps leverage additional support from other sources as competitive grants require a dollar for dollar match. Continuation of a three decade long tradition of County competitive grant support requires allocation in the operating budget of sufficient discretionary grant funding for the 75 to 100 cultural programs that historically have received this support as well as newly emerging cultural programs in underserved areas of the County.

Toward that end the CAB recommends your retention as a lump sum allocations for dissemination based upon competitive grant review of the currently proposed budget allocations of 352,447 in Fund 192 in Economic Development, and the slightly less than \$200,000 in Fund 182 in Parks and Recreation, for a total of a little over \$550,000 in perspective competitive grant awards.

I have distributed to you a more complete summary of the CAB's position in this area that I hope you'll look over as well as some supporting documents. The CAB looks forward to continued volunteer services of the citizens of Suffolk County by assisting the Legislature with making these competitive grant disbursements in 2011 as it is done for more than 30 years. Thank you very much.

CO-CHAIR MONTANO:

John, hold on. John, I think there may be some questions.

CO-CHAIR HORSLEY:

Just quickly on my part. John, first of all I owe you an apology that we didn't get together prior to this meeting. It's been a busy time.

MR. CORAOR:

Right, I understand this is an incredibly busy time of year for you.

CO-CHAIR HORSLEY:

I thank you for your forgiveness. Just quickly -- my colleague points out that you didn't forgive me yet.

MR. CORAOR:

Forgiveness is implicit in that.

CO-CHAIR HORSLEY:

Just quickly, I understand that you're putting in a piece -- through us a piece of legislation to increase the size of the advisory council. Is that now presently in place or where are we with that?

MR. CORAOR:

I shared with your office, I believe, with the Presiding Officer's office and Majority Leader Cooper's office a draft resolution, which I think is under consideration right now. Maybe some changes in the mechanics of precisely how it's done, but the intent was to expand the current limit right now of a maximum of fifteen representatives on the CAB to eighteen so that each Legislator can appoint one representative from their district.

CO-CHAIR HORSLEY:

Yes, that's pretty much what I understood. Thank you very much. That makes a lot of sense. I

wanted to let you know that when -- the next time I saw you so --

MR. CORAOR:

I'm glad that you --

CO-CHAIR HORSLEY:

Here's our opportunity.

MR. CORAOR:

Thank you very much.

CO-CHAIR HORSLEY:

Okay.

CO-CHAIR MONTANO:

And, John, thank you and the other members. I'm sorry, Legislator Vivian Vilorio-Fisher has question.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Hi, John, thank you for coming down. Now with the paper that you just distributed, this is based on what we anticipate for next year? Because I understand that we had anticipated a greater number than we actually collected in the Hotel/Motel Tax. So on what are you basing the figures that you've provided for us?

MR. CORAOR:

I'm afraid I'm just the volunteer chair of the advisory board and I don't have the resources to comment on whether the Hotel/Motel Tax revenue is going to meet projection. My request is based on the preliminary 2011 Operating Budget where there are two lump sum allocations from the Hotel --

D.P.O. VILORIA-FISHER:

Okay, that answers my question.

MR. CORAOR:

-- Motel tax, which is not the full amount that the tax generates.

D.P.O. VILORIA-FISHER:

Right. That's understood. I was just curious as to -- since I don't have the budget right in front of me, I was just curious if that's where you got it.

Another question I have is one of the cultural arts groups that anticipated receiving help from the County has still not received their check. Are you finding that groups are complaining about that? Have you heard anything?

MR. CORAOR:

That's a responsibility of either the Office of Cultural Affairs and Economic Development, if it was a grant from those. If it was a museum or historical association receiving a grant from that pot of the money, it would be through Parks and Rec and they would --

D.P.O. VILORIA-FISHER:

No, I know where they come from. I'm just asking if anyone has reached out to you and said *we're not getting our money*.

MR. CORAOR:

I don't think the advisory board has been made aware of it. It's possible that the individual offices in charge of administering those grants are more aware of that problem.

D.P.O. VILORIA-FISHER:

Okay. So as far as you know you haven't gotten -- members haven't gotten -- well, actually my --

MR. CORAOR:

It hasn't been brought to our attention.

D.P.O. VILORIA-FISHER:

Okay, yeah. My representative has gotten a call. I was just wondering if you knew about it.
Okay.

MR. CORAOR:

It would probably be uncommon for the CAB to get that because our phone numbers and contact information is not listed in the award letter, in the contract information. That would be the offices that administer the grant so --

D.P.O. VILORIA-FISHER:

Okay, thank you.

MR. CORAOR:

Sure.

CO-CHAIR MONTANO:

Any other questions? Thank you, John. Thank you very much.

And just for the record we have Legislator Wayne Horsley, who's the Chairperson of the Economic Development, Higher Education and Energy, and Legislator John Kennedy, who's the Chairperson of the Labor and Housing Committee. So we're doing this as a joint presentation instead of breaking up the three Committees.

MR. CORAOR:

Very sensible given the time.

CO-CHAIR MONTANO:

Thank you.

The second speaker, Diana Cherryholmes and representing Huntington Arts Council. Welcome.

MS. CHERRYHOLMES:

Good afternoon. Welcome. My name is Diana Cherryholmes. I'm a resident in the Town of Huntington and Executive Director of the Huntington Arts Council. And I'd like to thank you for the opportunity to address you today. I appreciate very much the work that you do on behalf of the citizens of Suffolk County.

The Suffolk County funded Competitive Grant Program for the arts is incredibly important as it offers funding to qualified non-profit organizations that provide art services to citizens throughout the entire County. All grant applications are reviewed and recommended funding by the Cultural Advisory Board and then voted on by you. You appoint the members of the Advisory Board. And their job is to educate you as to the success stories and challenges within the program and the mechanisms of the program and its benefit to your district and the rest of the County.

A Competitive Grant Program provides fair and equitable access to -- based on the merits of cultural programs. Competitive cultural grants help leverage support from other sources as they require a minimum of a dollar to dollar match. And that helps achieve other funding through corporations, through the State and federal grants.

At the Huntington Arts Council, this program supports our exhibition program, which consists of two different galleries. We have up to probably more than 12 different exhibits a year and the Huntington Summer Arts Festival, which this last summer we had -- we estimate 48,000 visitors. And I congratulate those hearty souls because it was quite hot outside watching the programs at some points.

We also administer the Re-grants Program, again, as adjudicated by the Cultural Advisory Board. The Re-grants Program are small grants under \$5,000 that goes to different organizations. And, yes, we haven't received the funding yet to regrant those out at this time.

As you know members of the arts community were concerned last year with the \$44,000 decline in competitive funding after the County quadrupled the tax rate. Today I ask you to please restore sufficient funding to the Competitive Cultural Affairs Grant Program by allowing the preliminary budget allocations of Fund 192, \$352,447 in Economic Development and the \$198,436 in Parks and Recreation to be awarded as competitive grants.

I again applaud you very much for your work, your efforts on behalf of the citizens in Suffolk County. Thank you.

CO-CHAIR MONTANO:

Any questions? Thank you very much. I have to apologize to Cheryl Felice because she was going to come on at two o'clock. They just didn't hand me a card for you, Cheryl. So I don't know where it went but come on up and make your presentation. If I had realized it, I would have called you up first. Either the podium or the seat, whichever you would like.

PRESENTATION

MS. FELICE:

Good afternoon. Thank you very much for allowing AME to present to you today. This is another year that AME is allowed -- that we stand before you to discuss some very important issues on behalf of the taxpayers of Suffolk County and also on behalf of all of our members. So I just want to express on behalf of our entire membership our appreciation for the Legislature in allowing these public hearings on the budget. And we will give you our report now.

Before I go into the narrative of our report, I just want to let the Legislative body know that we took a lot of time to look at the budget and give a fair analysis not only from our standpoint, but from the standpoint of us as taxpayers, of the workers as taxpayers. And we did take a lot of time to make sure we had just the right consultants to help with us with this project. And I'm very happy to say that our three consultants Paul Sabatino, Ed {Bogel} Bob Bortzfield were very instrumental in creating this report for you.

BUZZER WENT OFF

And I'm out of time. Thank you very much.

LAUGHTER

CO-CHAIR MONTANO:

Ignore that. That's not you.

MS. FELICE:

Thank you. I'm joined today by my Executive Vice President, Danny Farrell, to my right. And also our Legislative liaison, who is very -- you know, who is very familiar to the Legislative body here, Dottie Kerrigan. And they will help me in presenting this report to you. We have prepared it in a bound copy that I believe was distributed to all of you today including our narrative. So let me begin. And again, thank you.

It is yet another year where we stand before you again to discuss the matters of importance to the people of Suffolk County. Thank you for allowing AME this opportunity to testify before you today regarding the proposed 2011 budget. My name is Cheryl Felice and I'm President of the Suffolk County Association of Municipality Employees. And this represents our eighth year that we've taken full advantage of this forum to offer our collective Legislators AME'S observations, thoughts, ideas and many recommendations made on behalf of the nearly 7,000 AME members who are Suffolk's finest employees. It make me very proud to recognize that our opinions continue to be met with your favorable interest.

A recent Newsday editorial highlighted the financial difficulties AME members are now having in managing their household budgets. The self sufficiency table for a family of five who live in Suffolk County requires an annual income of over \$130,000. This amount is over \$7,000 more than what it cost to live in Nassau County. However, the median salary for AME employees is currently at just about \$44,000. The County budget should reflect the plight of those who actually provide the vital services to those in need in Suffolk.

The strategy to use the budget as a means to influence or force the Legislature to act is questionable on legal grounds, but immoral and unethical in human terms. It is hard to fathom the grief and anxiety that this budget has already caused the hardworking Suffolk County employees and their family members every time they get an illegal layoff letter. "Smart management" or "smart government" begins with a recognition that our greatest asset is our staff. Our greatest concern is our customers or those we serve. The Suffolk County Executive counters that it is the taxpayer who is our customer and who suffers when decisions are delayed. But prudence dictates that executives consider the long term as well as the immediate. They balance the conflicting interest in the decision making. It is not only price that drives demand, but also quality of convenience of service.

MR. FARRELL:

Good afternoon. My name is Dan Farrell. I'm the Executive Vice President for AME. And I'm not only a Suffolk County employee, I'm a Suffolk County taxpayer. And I'd like to address today the property tax as well as the General Fund. The stand alone property tax levy in the last two years is more than the property tax warrant. The difference is the prior year's fund balances. The fund balances were developed as a result of non-recurring revenues and federal stimulus aid, all which enabled the County Executive to keep property taxes at an artificially low level. This short term approach is not considered good government. A cynic could, however, consider it to be good politics. But for those of us who have been around this government for many years and plan on being around for years to come, sooner rather than later, the small property tax warrant has to be addressed.

As demonstrated all other taxing jurisdictions have increased over the same six year period except the General Fund. The General Fund, which provides a wide range of services, has had major reductions on both staffing levels and employee give-backs. As stated in the budget message, these reductions were the result of smart government whereby services are provided with fewer resources. If the County Executive's primary goal has been to contain property taxes for Suffolk County taxpayers, he has failed miserably. Property tax over these last six years have actually increased an average of 38%; yes, 38%. This increase far exceeds the rate of inflation for the same period. Of course he could say and has said on numerous occasions that he is only responsible for those tax levies that are within his jurisdiction.

And as a taxpayer, I certainly know the line has not been held on my property taxes, neither have they gone down. For the last six years my taxes go up every year. And to that point it's every year they're going up, but there's been no increase to the General Fund. And that's what I'm here to address and that's the problem as I see it. Thank you.

MS. FELICE:

Thank you, Danny. So now if we can just present to you a summary of our major findings. And as

in the past this budget was constructed for one purpose as Danny alluded to, not to raise property taxes. However, the improbability that the tax warrant for all major property tax funds would remain the same in 2009 as in 2010 dictates staff development and budget has this one dimensional goal.

We just wanted to point out that in 2010 in our previous report we cited that the County Executive was incorrect in his assertion that he kept property taxes down because at that time since 2004 property tax had increased 34%. Staffing levels were reduced significantly in an effort not to raise the General Fund, and the General Fund was only 1.21% of the property tax bill.

Currently in the 2011 budget, service levels have not been maintained. The absence of staff increases and proper remunerations will bring on serious problems in delivery of services. And now the General Fund represents only 1.16% of the tax base. And as we stated earlier 38% increase has been seen in the overall tax bill.

We'd also like to point out that a cost to continue budget is improperly -- is used improperly in most departmental narratives. Although the budget asserts more police and sheriff will be on the streets in 2011, the high turnover savings budgeted suggests otherwise. The non-property tax revenues used to support the General Fund are very optimistic, and if not reduced the Legislature will be faced with another financial crisis to be addressed mid-year.

The vacancy rate forecast is too optimistic as well considering the high number of employees who retired this year. The County Executive made reference to the high bond rating of the County and quoted their reports as to the cause. They based this on two findings, two major findings: The ability to pay and the willingness to pay. Suffolk County has a relatively high median family income level. The political will to raise property taxes when necessary is of equal importance to the rating agencies. A continuation of no tax increase policy through the use of non-recurring revenues and one-shots will result in a decreased bond rating for Suffolk County.

It has been the use of one-shots and a combination of non-recurring revenues and federal relief that provided the means to hold the line on taxes, not the smart government alluded to in the continuous message and speeches we have heard out of the County Executive's office. The Executive budget has also a serious shortfall in the miscellaneous contingent account. If left unaddressed, the poor morale that has developed will get worse and result in less employee engagement, so important in delivery of services.

We believe the sales tax projection at two and a quarter percent for 2011 is also too optimistic. The County Executive's 2011 recommended budget is an accounting document devoid of any program accountability. It is either the intent to avoid performance or program goals so as to camouflage the low staffing levels or the progress or the process has become one dimensional in its approach, no tax increase. In most every department narrative there are workload indicators that refer to increases. It's not difficult to equate public resources to goals and objectives. In doing so the budget would become a real management tool that elicits ideas from program managers and supervisors. The recommended budget for 2007 -- I'm sorry -- 2011 if not dramatically modified will create a major gap between the cost to continue expenses for next year and the non-property tax revenue.

The 57% increase in the sales tax for the police district was also done to avoid a property tax increase in the district at the expense of the General Fund. At this time we also just want to point out and thank the Budget Review Office for finding the missing 189 civilian positions that were allegedly created in the PD budget and ask the Legislature for more assistance to the BRO in finding any other missing titles.

On our recommendations I'd like to have Dottie give you our recommendations for the budget.

MS. KERRIGAN:

Thank you, Cheryl. My name is Dorothy Kerrigan. I'm Fourth Vice President on the Executive Board of AME and the Legislative representative. Thanks for having us here today. We really appreciate the time to present.

The recommendations. In the 2010 budget AME advocated increase the police district property tax so it more accurately reflects the cost of the police district residents, return the sales tax to the General Fund to cover the cost of public safety for all County residents. As elected officials representing all of Suffolk County, focus on the property tax burden and make realistic recommendations to our State officials that will provide real relief, such as consolidation of services.

In the 2011 budget, AME advocates one deputy doctrine; 2.1 per year tax verification; a 5 to \$8 million per year contract administrative fee; one million per year in park fee increases as suggested by Legislator Vioria-Fisher; 20 million increase in retirement reserve fund as part of AME's three-year plan from last year to use this tax stabilization relief fund; 23.8 million by supporting Legislator Kennedy's idea to sell industrial land in Yaphank to replace the Legacy Village revenue of 12 million, which still leaves a net revenue gain of 11.8 million; and establish a 3% property tax cap similar to the 3% sewer assessment rate. Thank you.

MS. FELICE:

Now to bring our report to a conclusion, and as Dottie mentioned, our proposal for a tax stabilization cap is in an effort to avoid the wide swing in property taxes that were being experienced by the Southwest Sewer Districts and other sewer districts. The Suffolk County Legislature authorized a portion of the sales tax to be set aside in an assessment stabilization reserve fund. This fund could only be accessed by sewer funds if property taxes were projected to be greater than 3% the next fiscal year. Thus far this policy has been extremely successful in moderating property taxes in all of the sewer districts. Residents and taxpayers have generally not complained about a modest property tax increase for their sewer services.

The Legislature is faced with a dilemma of approving a budget with improbably revenues and expenditure estimates, some which were legally questionable or raising property taxes as an offset. The politically easy solution would be to pass the budget and let the County Executive deal with the results. But ultimately the burden will fall on the Legislature to respond to his draconian solutions. He will only relish the opportunity to again represent to the taxpayers and their problems of his own doing.

In an effort to avoid similar types -- future similar type situations, we propose a local law to cap the use of fund balances and the use of reserves, a local law that would require the prior and current year fund balances to be transferred into this tax stabilization reserve, less the amount necessary to fund a cost of living increase not for property taxes.

In conclusion, property taxes are relatively high in Suffolk, but so are income and home values. These are major factors for high bond ratings. The solution to moderating or reducing property taxes lies not only with the General Fund, but with the consolidation of taxing districts and other revenue sources as well. The market is down and the solution is, again, one of short term.

In 1960 when Suffolk County became a municipality, it was understood that district consolidation would follow. It requires leadership. The General Fund property tax warrant is at an all time low, even though services and their corresponding expenses have increased dramatically. It represents the smallest portion of the property tax warrant. This symbolic act of not raising the General Fund warrant has no impact on the total warrant but has a negative affect on services. The well known business leader Peter Drucker said it best. Management is doing things right. Leadership is doing the right thing. The time for a tax cap is now.

Thank you very much.

CO-CHAIR MONTANO:

Thank you, Cheryl, Dan and Dottie also. Are there any questions from any members of the Committee? Legislator Lindsay followed by Legislator Gregory.

P.O. LINDSAY:

What is the one deputy doctrine?

MS. FELICE:

That was a proposal that we had made in 2009 in reference to some revenue producing ideas for the budget when it was asked of County employees to give concessions. And we were proposing at that time that each department have one deputy commissioner, the one deputy doctrine. So that as a means of cutting the cost. I don't recall what the actual savings were at that time. I know my consultants wish they had a little bug in my ear to tell me because I know they know it off the top of their head, but that was the proposal that was made back in 2009 and we repeat it here again for the 2011 budget.

P.O. LINDSAY:

Regardless, I mean, of the size of the -- I mean some departments, I don't think, has a deputy, right? Do we have deputies in every department? Yeah, we do?

CO-CHAIR KENNEDY:

(Nodding head yes)

P.O. LINDSAY:

Yeah, we do? Okay.

MS. FELICE:

And we refer to the Executive Branch as well with all those departments.

CO-CHAIR MONTANO:

Legislator Lindsay, are you done?

P.O. LINDSAY:

Yes.

CO-CHAIR MONTANO:

Legislator Gregory and then Legislator Kennedy.

LEG. GREGORY:

And I'll just follow up with Legislator Lindsay's comments. I've recommended the one deputy doctrine and a little bit more than that to the extent of three and a half million cuts present company excluded, but I think, you know, if we're looking at a time where the County Executive is looking to lay off hundreds of people in the Foley Nursing Home, you know, and there are no cuts, no pain felt in the administration, I think that's a disservice to County government and I think we need to look at all places where we can make cuts. I see departments in the administration where they have six deputies and deputy deputies and assistant deputies and assistant County Executives making astronomical amounts of money. Without even a sweat I come up with three and a half million dollars. Of course we can, you know, trail that down a little bit. But my point is that, you know, we didn't look at all these things. And these are tough times. And, you know, we don't need people standing around, you know, non-essential function positions where we're looking to lay off people that actually provide essential services. Okay. That's my message. Thank you.

MS. FELICE:

Thank you, Legislator Gregory.

CO-CHAIR MONTANO:

Legislator Kennedy.

CO-CHAIR KENNEDY:

Thank you, Legislator Montano, and, Cheryl, thank you to you and your staff for giving us this comprehensive briefing. I've been trying to scan through it as you're reading. And as usual we all benefit not only from your input on the behalf of the membership, but certainly the experts that you bring to bear, who I know each personally, reflect probably about 100 years worth of budget assembly and very specific Suffolk County ability to critique and ferret out where things are really at and kind of cut through that fog of war that we hear about on occasion.

As my colleagues have said, I find it absolutely unconscionable that I was presented with a budget that would take nurses and health care workers and seamstresses and housekeepers and summarily dismiss them when in fact the County Executive's Office has 11 positions alone dedicated to public relations. That is absolutely unconscionable. But we will see where we get with this budget.

Tell me, if you would, please, either directly or with some of your advisers, about the five to eight million per year contract administrative fee. I seem to recall some discussion about that in the past. And if there's anything in particular that you have on that and you could share with me, I would be particularly interested in embracing that proposal.

MS. FELICE:

Can you speak on that?

MS. KERRIGAN:

I can speak briefly on that. I don't remember -- recall the -- last year AME's budget recommendations we did mention a fee, administrative fee, that would apply to vendors -- contract vendors. And it would be on a floating scale. That would bring in reoccurring revenue of approximately \$5 million. That was last year. I'm not sure what it would amount to this year, but I'm sure it would be near that amount of money. That administrative fee would be on contract vendors that make millions of dollars, you know, in Suffolk County.

CO-CHAIR KENNEDY:

Well, that was my point. I think the last time that I spoke with BRO when we looked at contracted services, be they professional services or general procurement, we're in excess of 100, 150, \$200 million worth of services in procurement. Does BRO have any specifics on that? Okay, suffice it to say it's a fairly significant number. And there may very well be a logic for us to go forward. So after the session today, I'll be happy to speak with you and some of your advisers. I would be keenly interested in embracing that.

MS. KERRIGAN:

If I could just add one thing that the County Executive had actually recycled our idea and presented it in front of this Legislative body several months ago in the form of his own bill to finance campaigns as a way -- administrative fee to finance campaigns. That was AME's idea to put into the General Fund.

CO-CHAIR KENNEDY:

Well, I think perhaps some of us might look at it to actually go ahead and finance the business of the people, which is government. And each of us, I guess, goes about that other side of the equation which is financing campaigns. But nevertheless, thank you very much and I appreciate all the time and effort and work that you've dedicated to this. And I look forward to going through it. Thank you.

MS. FELICE:

Thank you, Legislator Kennedy. If I may, to say that our consultants will be available at any time that you need to review some of the documents that have been presented to you today and the

findings that they had. We do take great pride in giving you a work product that can be used throughout the year as many of you, including yourself, Legislator Kennedy, have commented on, that this document is something that is referred to throughout the year, not only here at budget time. So thank you for acknowledging the work that was put into it. It really was quite a good effort. And we're very, very proud of it. Thank you.

CO-CHAIR KENNEDY:

Thank you.

CO-CHAIR MONTANO:

Thank you. Cheryl, I had a very quick question and it had to do with, I guess, page three when you talk about in the 2010 budget staffing levels have been reduced significantly and talks about the General Fund being 1.21% of the property tax bill and in 2011 it represents 1.16 of the total property bill. Just explain that to me again because property bills vary depending on where you live. I'm just curious as to how you got that number or that percentage and what dollar amount that represents, if you have that.

MS. FELICE:

The actual percentage was pulled from the County Budget itself and what representation of the General Fund was part of the property tax bill. So in the 2010 budget it represented -- if you look back at the budget, that's where that number came from. And in 2011 it stands to only realize, I think, we said 1.16% of the overall tax bill. I don't have the actual numbers offhand, the total budget, but, you know, that's readily available.

CO-CHAIR MONTANO:

Okay. Legislator Stern and then Legislator Horsley, they have questions for you.

LEG. STERN:

Thank you. I had a question regarding the -- you have a listed recommendation here of a property tax cap at 3% similar to the 3% sewer assessment. My question for you is the 3% recommendation on a property tax cap, was the 3% number taken merely because it's essentially the same as the sewer assessment or did you arrive at that number independently? And if so, what does that number mean to you and mean to us as a County going forward? Was it taken just because it's the same, it already exists or was that, again, did you arrive at that independently through some other analysis?

MS. FELICE:

You're correct, Legislator Stern. No, we did -- we took that number because it was the same and we wanted to do a comparative to show that there was another taxing district that modeled the 3% cap in the form of an assessment. So we did model it after that. It's a suggestion as a way to go to alleviate some of the problems of keeping the General Fund so stable that it's, you know, separating from cost and expenses to that recurring revenue. So that was the model that we chose to demonstrate to you today.

LEG. STERN:

Thank you.

CO-CHAIR MONTANO:

Legislator Horsley.

CO-CHAIR HORSLEY:

Yeah, hi, Cheryl. I think I was going to ask the exact same question as Legislator Stern did, where did that 3% come from. The governor to be is talking about 2%. Is there any -- was there a financial analysis of what our needs are? I think you answered that with Legislator Stern's question.

MS. FELICE:

Well, based on the fact that we know and we've heard in a number of your reports and the BRO report that the average property tax -- the average property homeowner pays about \$100 in property tax, so we're really looking at no more than a \$3 increase for the average homeowner. That was the roundabout number that we were looking at. Perhaps one of my consultants could, you know, bring up to us the number that that would generate from the General Fund as it stands right now. But that was the number we were looking at; something that was modest, something that had been done in the past and something that had been done successfully.

CO-CHAIR HORSLEY:

Okay. I think basically what you're saying is it sounded good and it's similar to the stabilization -- the sewer stabilization fund so, I understand.

MS. FELICE:

Well, not only that it --

CO-CHAIR HORSLEY:

I understand. That's not --

MS. FELICE:

Yeah, not only that it sounded good --

CO-CHAIR HORSLEY:

I'm not critical of it. I'm just questioning, you know, where you got it from because --

MS. FELICE:

Well, you know, the proof is there, that it has worked over the years.

CO-CHAIR HORSLEY:

Okay. Fair enough.

CO-CHAIR MONTANO:

Any other questions? Again, I want to thank you very much for your presentation and --

LEG. NOWICK:

Can I just ask a question?

CO-CHAIR MONTANO:

Sure, Legislator Lynne Nowick.

LEG. NOWICK:

Hi, Cheryl.

MS. FELICE:

Hello, Legislator Nowick. How are you?

LEG. NOWICK:

Hi, everybody. Dottie and Danny. I just wanted to ask you here, in one of the paragraphs you say property taxes over the last six years have actually increased an average of 38%. And I'm assuming you mean -- do you mean the General Fund? Are you talking -- what exactly --

MS. FELICE:

No, not the General Fund at all. The overall property tax bill that homeowners receive at their home annually.

LEG. NOWICK:

You're talking of your school taxes, the town taxes, okay.

MS. FELICE:

Correct, correct, all the tax warrants together has generated, according to the budget that was submitted, a 38% tax increase over the last six years.

LEG. NOWICK:

Okay. So that was a combination, because I thought maybe you meant just the General Fund. I was a little confused.

MS. FELICE:

No, not at all.

LEG. NOWICK:

I was looking for the money. Thanks.

MS. FELICE:

Thank you. And again, thank you very much to the committee.

CO-CHAIR MONTANO:

Well, you're not done yet. Legislator Tom Barraga would like to ask some questions.

MS. FELICE:

Certainly.

LEG. BARRAGA:

I'd just like to dovetail off of what Legislator Nowick just indicated, you know, where you're talking about over the last "X" amount of years, the 38% increase in overall property taxes. And that's the problem I face with reference to the constituency that I represent. You know, these people are extremely hard pressed from a fiscal perspective. They take a look at that overall property tax bill and there are dramatic increases from one year to the next. And then they take a look at the General Fund -- if they take a look at the General Fund at all, and they see there really hasn't been an increase in the last seven years. And that's the County responsibility. And they will strongly support an elected official who has not increased County taxes.

Now, in reference to your recommendations and suggestions, certainly some of them are appropriate as long as you can meet the goal or objective and not increase the County taxes. And I've been here for like five and a half, six years. Every year you come back and your group comes back and you make the case in terms of your own situation with your own members. And there are some justifiable rationales for some of the challenges that you face as a president of a union. But I'm willing to bet, you know, when I go outside, I go back to the constituency, they're just taking a look at taxes and saying, you know, who's the guy that's holding the line? And if it's Levy, the County Executive, and he hasn't raised it in seven years, that's exactly the person they're going to vote for. It's like a main strength associated with elective office today.

And I have a feeling, and I could be wrong, we're going to see the same thing next year and the year after. I expect the County Executive to be reelected. For the next five years I do not expect an increase in the General Fund for many, many different reasons.

So the question is, you know, how do you deal with that as a union? I mean, do you keep on coming in with appropriate consultants and making recommendations or do you say, you know, what the hell, whatever we're doing is not working, maybe we have to have a different strategy here in terms of our relationship with the Chief Executive or the Legislature or a combination of both to meet some of our goals and still achieve the ultimate goal of not increasing taxes. I don't know what the answer is, but I don't see any difference. I think the people are a strong supporter of elected officials who hold the line on taxes. And I don't see any change, Cheryl, in the upcoming

years in terms of the types of budgets coming out of the Executive Branch. They will always hold the line on taxes.

MS. FELICE:

Thank you. If I may respond. I appreciate your opinion and I respect your opinion a great deal. And I understand where that opinion is derived from. Some of the key points that you mentioned is only keeping focused on not raising the General Fund is one dimensional. And it's one dimensional as we have raised throughout our report. AME did not only offer the tax cap as one solution, we made a number of solutions to create some recurring revenue, to establish some cost saving measures in there. And without all of it, without the whole plan looked at in its entirety, not one item is going to work without the other. It requires a team approach. It requires looking at all the recommendations collectively to see what can be done better to better management, to better lead this County. That's the message that we have here at AME and what we have been bringing back to the Legislature time and time again.

And if some of the suggestions have been adopted over the years, I think our discussions today would be quite different. But they haven't been. And that's why we do keep bringing it back to you and we give our report credibility with the type of consultants that we bring to you today. And I think there's not a person in this room that doesn't respect the credibility that our consultants bring to our presentation today.

But nevertheless I understand your position. I respect your position. But if it remains one dimensional then we I agree with you. We will have this conversation year after year after year. But if we truly want to address, if we truly want to address the budget issues in Suffolk County, we have to have a multi approach. And until we see that, then we're going to keep having budget crisis after budget crisis and leading by press release instead of leading by -- by managing by leading. And that's what we need here in Suffolk County.

LEG. BARRAGA:

I guess the point I'm really making is whether or not there has to be a reopening of a better communication avenue between the unions in Suffolk County and the Executive Branch so that if the ultimate goal -- don't laugh -- if the ultimate goal is to continue not to increase County taxes, that some of the suggestions or recommendations that you're fostering can be adopted in achieving that objective; as opposed to what we have now, where there doesn't seem to be a great deal of communication between one group and another. And then you're left to come into the Legislature and it's a traditional fight which doesn't seem to be working for your union.

But, again, I go back to the people that I represent. And, frankly, they look at that as all inside baseball. They don't really care how many employees are in what particular department. They just want to take a look at a property tax bill and make sure the County taxes are not going up or their overall tax bill is not going up. That's where the scream comes from.

MS. FELICE:

Well, I think the overall tax bill is going up and that's been the point. But we remain hopelessly optimistic and thank you for your comments.

CO-CHAIR MONTANO:

Well, if I may, and not to start a debate, but it's not only the people in Legislator Barraga's district that have seen the increase. People in my district also are frustrated by the increase in taxes. But I tend to agree that this not one dimensional. I think it's a little early to predict who's going to win the next election since we haven't gotten over the present election.

But what concerns me is that our taxes, if they have gone up on average of 34, I was at a meeting yesterday with representatives from the Town of Islip and the school district, and Central Islip last year lost its JV programs in total. We had to go outside to get private funding to have a JV team within the high school in a district that number one, needs the services, and number two, you know,

as well known has a lot of social issues leading to, you know, gang activity, etcetera, etcetera. So I think people -- there are concerned about their property tax and I think the message is getting out also that property taxes are very small -- the General Fund taxes are a very small percentage of our overall tax bill.

As people realize that, you know, it doesn't -- it doesn't become one dimensional because we really talk, and I think we have what, a \$2.7 billion dollar budget and \$49 million general property tax. So if you do the math, I don't know what the dollar amount is, but it is really very, very small. So to project that hey, this is what we have done and we've held the line on taxes and we're talking about, you know, not even pennies but percentages of pennies on the dollar, I think people are realizing yeah, they probably do want consolidation because I think that's the only way it's going to work, all right. And as someone said, there are school districts that have laid off numerous numbers of teachers, but not one administrator.

So these are things that, you know, are going to have to be addressed at some point as we fall further and further into a, you know, an economic decline. So appreciate what you said. I think Legislator Lynne Nowick had some questions.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

LEG. NOWICK:

The only thing I was going to say, I was listening to Legislator Barraga, what I think that you were trying to say, your narrative, is that you understand the political reasons why the word taxes, raising taxes, those words are forbidden. I think you were making the point you get that, but you were trying to say fiscally it was prudent to once in a while raise taxes. But when we sit in Operating Budget most of us all the time, whether we are on the committee or not, and we go to Budget Review and many times we'll say, "Well, what can we get if we raise general taxes, let's say 3%." And Gail, what would be your answer to that?

MS. VIZZINI:

Well, for every one percent in the General Fund a 1% increase would be equal to \$490,000.

LEG. NOWICK:

Four-hundred and ninety thousand dollars because we have such a low General Fund. But again, I was just trying to bring the point, you know, you understand what we are going through. You have said it, but it's your job to tell us how you feel and what the right thing is in your estimation as far as the taxes.

As far as the tax bill goes, and you know this is my thing. I don't think -- I would say most of our neighbors, and I use the word neighbors, most of them have not a clue as to the lines on the tax bill. I don't ever remember a neighbor or a friend or anybody saying to us, "Damn, you raised those general taxes" or "You raised those Police District".

There is another familiar thing that we do hear when we campaign is school taxes. That's what most people refer to, because that's 68% of the bill. We don't usually -- I don't, and maybe you guys do, but I don't usually get -- but as an elected official representing a certain district, it is our responsibility to be able to go to our constituents and say, "We are holding the line for you, we are trying to deliver services." So it's not an easy job but we're trying to do the right thing in both directions. Thank you.

MS. FELICE:

Thank you, Legislator Nowick. I also want to compliment the Legislature and your Budget Review Office. Our report was done independently of the Budget Review Office and you'll see that a lot of our findings were the same. So we take a lot of pride in the product that we gave you.

I also want to commend the Legislative body for the amount of time they spend on trying to put

together, not trying to, but putting together a sensible budget and a reasonable budget on 1% of the property taxes. So imagine if the other 99% of the taxing jurisdictions put as much time into their property taxes and budgets as the Legislature did, how much better the property taxes would look. All of the effort that is being done here, on AME's part, on your part, on the County Executive's part and on the Budget Review Office part, is for 1% of the tax bill. And I don't think the same kind of effort goes into the other 99%.

LEG. NOWICK:

And if I may, and you know --

MS. FELICE:

Must be true.

LEG. NOWICK:

And, you know, Cheryl, I have to tell you, and of course you don't see it us sitting in that Operating Budget Committee, but we really do take every single line so seriously. It's important to us, small as it is, as large as it is.

CO-CHAIR MONTANO:

Legislator Kennedy.

CO-CHAIR KENNEDY:

Thank you. Just one other thought that comes to mind and, you know, my colleagues, I think, are articulating what it is that we struggle with and have to deal with as we interact with civic associations or for that matter neighbors in the grocery store. It is something that I know that you as an organization are sensitive to. But I also know that when we portion out some of the costs that we look at for various functions they literally are cents on a dollar. I know Legislator Browning's talked about John J. Foley and I think 31 cents per person. I don't think any individual would state that they didn't have pocket change from a 7-Eleven cup of coffee in order to provide good, safe, clean, quality health care. And again, a service that a patient population that is cared for that nobody else will take in. And I confirmed it again today at lunchtime. When you deal with administrators out there in the real world and don't get deluded with the nonsensical baloney that gets put out by way of press release, our patient population is one of the most challenged patient populations we have in Suffolk County.

The other thing that I look at is, is at a time when each one of us deals in our legislative offices with mortgage work outs, one of the most difficult things to try to do, and there is 10,000 of them in Suffolk County right now, why would we want to look at putting 250 more households in jeopardy and distress by terminating their jobs in a budget? It is once again incredulous that somebody would even contemplate that.

But there's one other thing that I'm going to ask AME to do. And I don't want to buy into the do more with less, because quite candidly, we all know our County workforce is doing a hell of a lot more with less. But some of the greatest efficiencies we get in government come from our line folks. I'll go back to my experiences in the County Clerk's Office. When you talked with a recorder or a counter person or something like that, it was always something that they knew that would help move the job along or make the job work better, and I'm interested in that. I'm interested in finding out what will help our line folks in our direct departments do their job better, more efficiently or with what type of tool.

I think what I'll do is, is I'm going to propose a labor management study or workforce or pool so I can hear directly how can we help our front line folks do the job that they have to do with the finite resources that we have now. God knows I don't get it from the other end, so I'm going to come to you and to AME for that kind of help. Thank you.

MS. FELICE:

You give us the date and the time and we'll be there.

CO-CHAIR KENNEDY:

Will do. Thank you.

CO-CHAIR MONTANO:

Are there any other questions? Again, I want to --

MR. FARRELL:

I may just add --

CO-CHAIR MONTANO:

Sure, go ahead, Dan.

MR. FARRELL:

The General Fund, as was stated earlier, is down to a little over one percent. Twenty years ago the General Fund represented seven percent. Anybody want to tell me where they made that money up? That money was -- that is coming now from sales tax. And do we know what happened to sales tax the last year or two? It didn't reach its projections that we were hoping for now, did it? So there's the real issue. So if this General Fund tax was back at seven percent we wouldn't be having a lot of the problems we're having today, so think about that. Thank you.

CO-CHAIR MONTANO:

Again, Cheryl, Dotty, Dan, thank you very much.

MS. FELICE:

Thank you very much.

CO-CHAIR MONTANO:

Wallace Broege. Is that pronounced correctly?

MR. BROEGE:

Yes, it is.

CO-CHAIR MONTANO:

And you are representing the Suffolk County Historical Society. After much debate, we got your name right.

MR. BROEGE:

That's an excellent job in pronouncing my name, too. It's virtually a name that's unpronounceable.

CO-CHAIR HORSLEY:

We all worked on it.

MR. BROEGE:

I don't know whether that's a good sign or not. I've made a lot of presentations over the last week so I'm going to try and be brief. Making these presentations is the only way I know to get the word out, and I really do believe in the program that I represent.

I have been the Director of the Suffolk County Historical Society for 31 years. And I have made a lot of presentations before the Legislature and the Budget Office, and I am digressing a little bit but I wanted to tell you that the last presentation and the discussion that followed it about the difficulties in funding programs in the County was probably the most sobering discussion I've ever heard because it -- you know, I come to talk about my program and obviously I need a little bit more money for the program, but thinking about the difficulties you face. I had a tough day today, I

climbed down off a stepladder to get here because we're sprucing up the museum for a visit by the State Museum Association on Thursday. But it's nothing compared to what you folks have got to go through when you're working on this budget. So I'm much happier running a historical society than sitting where you are.

In any event, I am here to speak about the Suffolk County Historical Society and the County Executive's recommendations for the Society for 2011. In 2010, the Historical Society will receive a total of \$265,000. Two-hundred and sixty thousand of that comes from the Hotel/Motel Tax. That's \$25,000 less than the requested amount for 2011, or rather the County Executive's recommendation for us is \$25,000 less than we requested. And I honestly believe that it's \$25,000 that we need. We are facing a deficit. With a \$25,000 increase I'll be able to get that deficit down to a manageable point. Without it I'm going to have to cut back programs. I'm going to have to reduce four part-time people's time and eliminate two part-time positions. Yet I'm going to be perfectly honest. I'm not facing closing the museum either. We'll get by. We'll have to reduce what we are doing.

I want to ask you to -- I respectfully request that you consider the increase if it's at all possible. I want to thank you very much for your past support, your interest in the organization. It's always been a pleasure to present programs here and also to work with Budget Review when they reviewed our operation. So thank you very much. If you have any questions about our operation or anything that I've said I'd be happy to try and answer them.

CO-CHAIR MONTANO:

Any questions? Thank you very much.

MR. BROEGE:

Thank you.

CO-CHAIR HORSLEY:

All right. I guess it's my turn now. Thank you very much, Mr. Broege. Our next speaker is Helen Harrison concerning arts funding. Helen?

MS. HARRISON:

I'm Helen Harrison. It's very nice to be here today. I'm a Sag Harbor resident, a taxpayer and a voter, and the Director of the Pollock-Krasner House and Study Center in East Hampton. I'm very grateful for this opportunity to address you today, but I'm not here to plead the case for Suffolk County support for my national historic landmark museum. Instead, I want to try to persuade you to restore the peer review process whereby the Citizens Advisory Board considers and recommends all cultural arts funding applications.

Peer review takes the politics out of the process. It's the universally accepted standard in a wide variety of areas and not only in the arts. The State Arts Council uses it. The National Endowment for the Arts and Humanities use it, and of course many other professional organizations in medical and science as well. And I urge you to reinstate this process and restore the fairness that has been traditionally the hallmark of arts grant making in Suffolk County. Thank you. Are there any questions?

CO-CHAIR HORSLEY:

Helen, thank you very much. We appreciate your comment today. Gail D'Ambrosio, representing of course the Suffolk County Probation Officers Association.

MS. D'AMBROSIO:

Good afternoon. Thank you.

CO-CHAIR HORSLEY:

You're welcome.

MS. D'AMBROSIO:

I don't have to say that. I'm representing actually 280 Probation Officers. I'd like to express my concerns again for the safety of our community if we continue to do without enough Probation Officers. Thus far in 2010 there are over 18,000 criminal court cases alone in Suffolk County. Further, Probation Officers have recently been given additional mandated responsibilities which include the Rockefeller Drug Law Reforms of 2009, ignition interlock expansion, Leandra's Law, increased sex offender registration and supervision requirements and enhanced DNA testing.

One year ago I was asked by the Legislature what increase in the number of probationers there would be -- likely be from the implementation of the Rockefeller Drug Laws. I reported that it was projected that approximately 54 cases would result. I am now aware that the actual number is almost 190 cases.

The County Executive's 2011 Operating Budget provides for only two Probation Officers to handle the influx of cases that will result from the recently mandated ignition interlock expansion. This law took effect in August of this year. The Probation Officer currently monitoring these cases reports that the number is already over 70.

In 2009 there were 4,249 persons convicted of a DWI offense. Every person convicted of a DWI offense may have ignition interlock as part of their probation conditions. There are currently 42 unfilled Probation positions -- Probation Officer positions. Within the next six months we anticipate this number will increase to over 50.

Another issue resulting from the increase of the 18,000 criminal court cases in the County without enough staff is what we call crushing a caseload. This means when someone is out on military service, extended sick leave or there is an unfilled position due to retirement, that Probation Officer's caseload is divided amongst other Probation Officers in the unit. There are no temporary workers, part-time workers or substitute workers that can come into the County to assist in handling this overflow. The work is just distributed, crushed among the remaining Probation Officers. What is even more distressful is when there is a caseload of Spanish speaking probationers that has to be divided amongst non-Spanish speaking Probation Officers.

Newsday recently reported that in Suffolk heroin arrest charges are up 30% over the comparable period last year. The outcome of some of these arrests will result in supervision by Probation Officers. Probation Officers still provide the least expensive alternative to incarceration.

Probation Officers are a layer of invisible protection in the community. We protect the public from DWI offenders, sex offenders, and probationers who could reoffend. The fact that we are understaffed and experiencing increasing cases has a tremendous negative impact on those we serve, which is everyone in every community in Suffolk County. As Probation Officer workloads continue to increase without any reprieve, something or someone will fall through the cracks and the consequences will be significant.

I'd like to thank you for the opportunity to speak about this. I know you've heard me before, but I truly recognize the financial state of our County, however, I hope you can appreciate the critical position Probation Officers are increasingly finding themselves in. Thank you.

CO-CHAIR HORSLEY:

Thank you very much, Gail. We do have a couple of questions here. Gail, did you come down also to talk at the public --

MS. D'AMBROSIO:

Yes, I did. I spoke to them this morning.

CO-CHAIR HORSLEY:

Just questioning it. It's good to hear you, though.

MS. D'AMBROSIO:

Yes, they did hear me and they were very receptive. I just wanted everybody to hear it again.

CO-CHAIR HORSLEY:

The 151 on the -- I don't want to belabor this because it is really not our issues today, but 151 that were released from the Rockefeller Drug Laws, is that -- they just released them on a certain date? What -- how did that work? When it changed how did it actually work as far as the release of prisoners?

MS. D'AMBROSIO:

I don't know that they were necessarily released, and I don't want to speak about something that I'm not one hundred percent sure of, but I believe that the cases are screened and they're cases that would have come into the system.

CO-CHAIR HORSLEY:

That would have come under the Rockefeller Drug -- I see.

MS. D'AMBROSIO:

Correct. They're -- not necessarily had been released.

CO-CHAIR HORSLEY:

Is that going to happen or -- are they going to actually change the length of service, not service, the length of imprisonment because of the change? They are all out?

LEG. BROWNING:

No.

MS. D'AMBROSIO:

If they are found suitable for this program, they would not have prison, they would go through this program. In the event that they failed at this, that's when they would go into prison.

CO-CHAIR HORSLEY:

Yeah. I was thinking about those that are already incarcerated.

MS. D'AMBROSIO:

Oh, I don't know. I don't know.

CO-CHAIR HORSLEY:

I know I should know this but I don't.

CO-CHAIR MONTANO:

No, you shouldn't. It's technical.

CO-CHAIR HORSLEY:

Yes. Legislator Montano.

CO-CHAIR MONTANO:

You just confused me now because my understanding is Probation is pre-incarceration and parole would be post-incarceration. So are you dealing with -- you are not dealing with parole.

MS. D'AMBROSIO:

No, we're not -- parole is -- yes, once you've been in prison you get out on parole. Probation is --

CO-CHAIR MONTANO:

Right. So the persons that would -- that were serving under the Rockefeller Drug Laws, it seems to me if they were released and they had to do a supervision, it would go under parole. Am I correct in that? Not probation?

MS. D'AMBROSIO:

Well, with this program, this Judicial Diversion Program, they're coming to us.

CO-CHAIR MONTANO:

All right, so they diverted to you.

MS. D'AMBROSIO:

Correct.

CO-CHAIR MONTANO:

Interesting. One other question I had, just quickly, because you mentioned 42 vacant positions and then you clarified that by saying that there are 42 vacant P.O. positions --

MS. D'AMBROSIO:

Correct.

CO-CHAIR MONTANO:

-- Probation Officers, but there actually, from what I'm seeing here in BRO report, there are 77 vacant positions within the department.

MS. D'AMBROSIO:

That's department -- Gail, I'm thinking that's 77 within the department, correct?

CO-CHAIR MONTANO:

Within the department, which gives you about a 16% vacancy rate right now. You are reading 66? Let me get my glasses on. I'm reading 77 on page 236.

MS. VIZZINI:

You are correct.

CO-CHAIR MONTANO:

Maybe the new position's added to that?

P.O. LINDSAY:

On page 238 it says that -- 66 position disparity between the 466 authorized and the 400 on average filled positions.

MS. VIZZINI:

What page are you on?

CO-CHAIR MONTANO:

He's on 238 I think.

MS. VIZZINI:

I think those are active Probation Officers. The Department of Probation also has Clerk Typists and Probation Assistants and etcetera, etcetera, so the graph depicts the number of filled Probation Officers is down to, what --

P.O. LINDSAY:

Is on average 400.

MS. VIZZINI:

Okay, yeah, below -- below what had been a relatively flat line.

CO-CHAIR MONTANO:

If I may. We have 400 Probation Officer positions -- because I'm seeing here -- just so I am clear.

MS. VIZZINI:

You have four-hundred and --

CO-CHAIR MONTANO:

Four-hundred and sixty-seven authorized positions. Authorized. Filled we have 390 according to this chart. How many P.O. positions do we have is what I'm asking, Probation Officer positions. Not administrative, not Clerk Typist, not support staff, just Probation Officers who are dealing with those on probation, who are supervising those that are under probation.

MS. VIZZINI:

On page 238 there's a graph of just Probation Officers. Active means filled.

CO-CHAIR MONTANO:

The active Probation Officer employees.

MS. VIZZINI:

Yes. So we're at -- at the time --

CO-CHAIR MONTANO:

Two eighty-four? Two eighty-two?

MS. VIZZINI:

Two eighty-two, right. At the time we did the report it was 282.

CO-CHAIR MONTANO:

Okay. Thank you.

CO-CHAIR HORSLEY:

Thank you very much, Legislator. Any there any further questions?

P.O. LINDSAY:

Well, I'm confused then. Then what's the chart above it, Gail, that's the entire department? The 400?

MS. VIZZINI:

In the whole department they have 466 authorized positions. The whole department is --

P.O. LINDSAY:

On average 400 filled.

MS. VIZZINI:

Correct.

P.O. LINDSAY:

Which really, Gail, brings us to the problem. You know, for the Legislature to put more positions in budget is meaningless if they are not filled.

CO-CHAIR MONTANO:

We could be here all day.

CO-CHAIR HORSLEY:

Well, either way we have a problem. Is there anything else you'd like to -- any other further questions? Gail, thank you very much. We know you have a problem.

MS. D'AMBROSIO:

And thank you. I know you've heard it a number of times, and I appreciate it.

CO-CHAIR HORSLEY:

Okay. Lynda Moran from Cultural Affairs. Lynda, want to come up?

AUDIENCE:

She had to leave.

CO-CHAIR HORSLEY:

Oh, she had to leave? Lisa Brieff, also Cultural Affairs.

MS. BRIEFF:

Good afternoon. I'd like to thank the committee for permitting me to speak. My name is Lisa Brieff. I live in the Town of Huntington. I am a viola player and a volunteer grant coordinator for the Island Symphony Orchestra, also known as the Allen Senior Symphony and the Island Senior Citizens Orchestra. I am the youngest member of the orchestra; not yet a senior citizen, not yet. But the vast majority are senior citizens and we have some players that are well into their 90's that are still performing.

The Island Symphony Orchestra was incorporated in 1975 and it provides an opportunity for senior citizens to continue to participate in making music with a wonderful, experienced conductor, Dr. Howard Cinnamon, he's a music scholar and college professor, and he's been with us since 1992. We learn so much from him during our weekly rehearsals. Many of our musicians are retired music teachers. This experience helps them -- helps give them a satisfying, productive life and allows them to continue to give back to their community through the gift of music. The orchestra is like a family with members supporting one another through good and hard times.

The Island Symphony Orchestra is the only classical community orchestra that meets in the daytime. This permits seniors with limited night vision to participate. We have a longstanding relationship with the underserved Brentwood community. We practice in their library on Thursday mornings where patrons are welcome to come and listen to our rehearsals. For many, this is their only opportunity to see a live orchestra. We will be performing a concert in the spring for the community at the Brentwood Library. Our relationship with the Brentwood School District provides intergenerational opportunities for seniors to inspire and mentor students.

Our orchestra, with its small group ensembles, has performed throughout Suffolk County in libraries, parks, assisted living facilities. We also played in the Heckscher Museum. Most of the funds to maintain this orchestra come from our members, many of whom are on fixed incomes. These same members donate countless hours to the service of the orchestra. Our concerts are free; we encourage donations, we do pass around a hat.

I would like leave you with some quotes that speak to the importance of music in our society. Red Auerbach said, "Music washes away from the soul the dust of everyday life". Pat Conroy, "Without music, life is a journey through a desert". And finally, Bill Clinton said, "Music is about communication, creativity and cooperation". Shouldn't we be doing everything we can as a society to promote these three C's? This music enables us to do that.

The support of Suffolk County is critical to the survival of the Island Symphony Orchestra. We depend on you. Please continue to support us along with the other groups, and please restore

sufficient funding to the Competitive Cultural Affairs Grant Program and allow us to compete in that process. Thank you very much.

CO-CHAIR HORSLEY:

Thank you very much, Lisa, and we will continue to trudge through the desert. Maria Loreta Celitan?

MS. CELITAN:

Yes, My name is Maria Loreta Celitan. I am the Executive Director and founder of Sol y Sombra Spanish Dance Company. And I'm here today as a member of the Citizen's Advisory Board and I'm thanking you to give us -- me, the opportunity to express my concern on the decrease of funding for competitive grants here in Suffolk County.

My particular concern is with the smaller art groups from which we just heard and Sol y Sombra also participates. This is a group that falls into what we have called the regrants group. We receive smaller grants. And the money for these grants has been taken from -- since I have been on the board and before from the General Fund. And as you may know, in the General Fund right now, unless things have changed, there is absolutely zero monies allocated for the arts. The money that is being allocated from the hotel/motel tax will be going to support the cultural tourism grants, which go to the museums and the very big named art organizations here on Long Island. So I don't think money is going to be taken from the -- less than they had last year to consider supporting these smaller organizations.

And if there's no money in the general operating budget, then there is no money at all for these many, many, many (inaudible) groups, and many also professional groups. My group is a professional dance company. There is the Long Island Baroque Ensemble, there is the Hamptons Opera in the Hamptons. They're very, very high quality professional groups that will not receive any funding. And it seems so little, but it does enable us to do our work in our arts and education work here in Suffolk County. So I'd like you to please consider at least putting some money in the General Fund for us. Thank you very much.

CO-CHAIR HORSLEY:

Thank you very much, Maria. We do have couple of questions. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Hi, Maria Loreta. How are you doing? You've confused me.

MS. CELITAN:

Oh, okay. Maybe I'm confused, so let's see.

D.P.O. VILORIA-FISHER:

Because earlier when the Chairman was addressing us, and he distributed this, it's talking about different funding. And Maybe Budget Review can help me with this, but I thought there was money there so that the -- so that the board would still be able to continue to choose among the competitive grants that were receiving the monies. And I know that you've always been part of -- one of the people with Sol y Sombra who has been considered. Now, last year you didn't get anything you said?

MS. CELITAN:

Yeah, I received money last year. There was money. See, what happened is a few years ago, and John, you can help me with this, the Budget Office refused to pass us grants of less than \$5,000, which many of the smaller organizations receive. So there were two grant applications they made available for what were called the regrants. These were smaller institutions such as Sol y Sombra. And they -- it -- when we meet for the grants they're funded through the General Fund. Only the cultural tourism organizations, such as museums and people with much higher profile are funded through the hotel/motel tax. So I just wanted the Legislature to be aware of this fact that I don't

think when it meets -- I don't know, I can't say. But with the reduced funding as it is I didn't think they are going to take money out of that for the regrants.

D.P.O. VILORIA-FISHER:

Maria, I'll refer my questions to Budget Review then later, okay? Thank you.

P.O. LINDSAY:

If I might.

CO-CHAIR HORSLEY:

Yes, Legislator Lindsay.

P.O. LINDSAY:

Just some semblance of understanding here, all right?

MS. CELITAN:

Okay.

P.O. LINDSAY:

The money originally came from the General Fund. There was a line in there, there was a slight amount. Last year the hotel/motel tax was raised with the specific purpose of keeping our museums alive, keeping our cultural arts alive. In the County Executive's presentation, there's no money from the General Fund at all. It's zero.

MS. CELITAN:

Right.

P.O. LINDSAY:

So it's totally out of the hotel/motel money.

MS. CELITAN:

Right. Yes.

P.O. LINDSAY:

Plus for the first time there's positions in Economic Development that's being funded out of hotel/motel, which reduces the pool more.

MS. CELITAN:

I didn't know about that.

P.O. LINDSAY:

Yeah, well, I do.

MS. CELITAN:

Okay.

P.O. LINDSAY:

So we hear you. We got a problem. We got a real problem. And it isn't the Legislature that's doing this. When we supported the hotel/motel increase, it was to keep the arts and the museums alive on Long Island. And how we sold it to the hotel/motel industry, if we don't have any venues to attract people to Long Island, you don't have a business. And it's a real struggle this year and we'll do the best we can with it.

MS. CELITAN:

Okay. I just -- I have been speaking to Legislators and I don't think that many are aware of the process and how it goes about. So I just wanted you to be aware that there is no money really for

the grant as far as I can see. Thank you very much.

CO-CHAIR HORSLEY:

Thank you very much, Maria. It's regrants, huh? Regrants is almost like regifting. All right. Nancy Donohue?

MS. DONOHUE:

Good afternoon. Now it's on. Hi. Good afternoon. My name is Nancy Donohue and I'm President of the West Islip Symphony Orchestra. We are beginning our 31st season of presenting classical music concerts to the south shore of Suffolk County. Without your help we could not exist. And I'm going to be very, very brief, but can you imagine a world without music? Please don't let it happen. Thank you.

CO-CHAIR HORSLEY:

Thank you very much, Nancy. And that concludes the cards that I have. Is there anyone else who would like to speak? Let me ask on behalf of the Economic Development, Energy and Higher Education Committee, Commissioner, do you have anything you'd like to add to our issues relating to the budget? What do you think of the budget, did you like it?

COMMISSIONER MICHEL:

Well, it's a budget that Economic Development we kept our portion leveled and there was no increase in our end, so nothing else to add from that.

CO-CHAIR HORSLEY:

No decrease either?

COMMISSIONER MICHEL:

It's some areas, yes.

CO-CHAIR HORSLEY:

You and your -- all in the phrasing, I see. All in the phrasing, I got it.

COMMISSIONER MICHEL:

Yes, it is.

CO-CHAIR HORSLEY:

I have heard your commercials, by the way, and you sound good.

COMMISSIONER MICHEL:

Thank you. It's a good, strong retention program.

CO-CHAIR HORSLEY:

Right. You're okay is what you're saying?

COMMISSIONER MICHEL:

Yes.

CO-CHAIR HORSLEY:

Okay. Yes, Legislator.

LEG. BROWNING:

The hotel/motel tax, I want to go back to that a little bit because I'm not 100% sure what they're thinking. I know that within my district each Legislator was assigned to pick organizations and community groups throughout their district and to be able to fund. There's two groups in my district that did not -- have never received money. There is no arts money has ever gone to my district from the County. And I picked two organizations. We had a crab festival, there was music

events in my district that have never happened in the past, and in Bellport Village every weekend they had music events. They were small events but each Legislator had the opportunity to fund small groups, so the lady who mentioned about the small groups not getting anything, I think maybe going and talking to your Legislator would be good idea.

But I think last year I thought it was done very well because of the groups that received that have never received in the past. So I'd suggest that the lady who came and said she hasn't received anything should probably go see her Legislator if it's something that she's doing within her district.

CO-CHAIR HORSLEY:

Is there anything else you'd like to add, Commissioner?

COMMISSIONER MICHEL:

Not at this time. Thank you.

CO-CHAIR HORSLEY:

Okay. Would anyone else like to be heard? Yes, Legislator Montano.

CO-CHAIR MONTANO:

Commissioner, I just wanted to follow-up on what Mr. -- what the Presiding Officer said with respect to the revenues from the hotel/motel tax. Some of those revenues are being diverted to fill positions in your department? Is that accurate? Is that what I heard?

COMMISSIONER MICHEL:

They're currently being -- not to fill positions, but to pay for the positions that were there.

CO-CHAIR MONTANO:

And how much dollar amount is that?

COMMISSIONER MICHEL:

The total dollar amount --

CO-CHAIR MONTANO:

I'm on page 159. Is that the \$150,000, Gail?

MS. VIZZINI:

That's correct.

CO-CHAIR MONTANO:

And how much did we receive in the hotel/motel tax? About six? Gail?

MS. VIZZINI:

The estimate for 2010 is 6.7 million which falls short of the 7.1 million that was adopted.

CO-CHAIR MONTANO:

That we had projected. And some of that money is already earmarked, according to the legislation, correct, so --

MS. VIZZINI:

Absolutely.

CO-CHAIR MONTANO:

It's earmarked for the Vanderbilt and it was also earmarked for the Walt Whitman Historical Society. And the balance --

P.O. LINDSAY:

Tourism Bureau.

CO-CHAIR MONTANO:

So how much is left after you do all of those? Can you give me an idea, Commissioner, how much is left for the programs that I thought when this was passed we were intending to fund and assist, particularly some of the newer programs like the Teatro Yerbabruja and some of the other programs that we talked about. And the second part of this question is has the redeployment of that dollar amount affect the programs that we funded last year? It's really a two part question.

COMMISSIONER MICHEL:

The total amount for the two staff members, three, excuse me, was 191,000. And our recommended was \$352,447.

CO-CHAIR MONTANO:

When you say recommended, recommended for what?

COMMISSIONER MICHEL:

For the program.

CO-CHAIR MONTANO:

That's out of what is left?

COMMISSIONER MICHEL:

No, no.

CO-CHAIR MONTANO:

In other words, once we divert -- once we take off the top those dollars that are earmarked for the Vanderbilt, for the Walt Whitman Historical, for what Legislator Lindsay -- what was the other item?

P.O. LINDSAY:

The Tourism Bureau.

CO-CHAIR MONTANO:

The Tourism Bureau. How much is left for actual programs? How much was left last year and how much is going to be left this year?

COMMISSIONER MICHEL:

Three-hundred and fifty-two thousand.

CO-CHAIR MONTANO:

Is what is left over.

COMMISSIONER MICHEL:

Correct, for actual programs.

CO-CHAIR MONTANO:

All right. And the 191, if it was not diverted to your department, would have gone into that kitty, the 352, thus making it about 500,000?

COMMISSIONER MICHEL:

That's correct.

CO-CHAIR MONTANO:

How much was allocated, approximately, last year from the hotel/motel tax for these agencies in dollar amounts, if you know?

COMMISSIONER MICHEL:

Five-hundred and forty thousand.

CO-CHAIR MONTANO:

So we're going to be cutting programs by over -- 190,000 this year? And what programs are going to be cut?

COMMISSIONER MICHEL:

We are not aware of that at this point in time.

CO-CHAIR MONTANO:

You're aware that you'll be cutting, you just don't know which agencies you'll be cutting because the board has to meet to allocate which programs get money under the application process. Am I correct?

COMMISSIONER MICHEL:

That is correct.

CO-CHAIR MONTANO:

All right. Okay.

CO-CHAIR HORSLEY:

Legislator Cilmi.

LEG. CILMI:

Commissioner, how are you?

COMMISSIONER MICHEL:

I'm doing well, thank you.

LEG. CILMI:

Great. Just this might be somewhat unusual, this question, but in as much as there are areas within our Health Department that are critically important to economic development in the County, such as waste water, such as restaurant approvals, do you have a handle on what's going on in their department in terms of their budget specifically as it relates to those areas?

COMMISSIONER MICHEL:

No, we do not, although we work very closely with them as we work with the projects that do relate to economic development. But as a dollar amount, no, we do not.

LEG. CILMI:

If you were to sort of have a -- have just a quick look or discussion maybe with the Commissioner of that department and just make sure from an economic development standpoint we are not at all crippled or hindered by what's going on with their budget.

COMMISSIONER MICHEL:

I shall.

LEG. CILMI:

Thank you.

CO-CHAIR HORSLEY:

Okay. Are there any further questions of the Commissioner? Would anybody else like to be heard? That being the case -- who's going to Chair? Oh John, and he is not here, so I guess he has no further information. That being the case, then we'll close the -- we'll close the hearing on --

(The following was transcribed by Diana Flesher, Court Stenographer)

CO-CHAIR MONTANO:

Before you do that --

CO-CHAIR HORSLEY:

Okay, before I do that.

CO-CHAIR MONTANO:

If I may, could we get back to Consumer Protection? And I notice that Commissioner McElligott is in the audience. And I just wanted to ask him to step forward and address one or two issues in the budget. How are you, Denis?

COMMISSIONER McELLI GOTT:

Good. Thank you.

CO-CHAIR MONTANO:

Good. Denis, with respect to the 2011 budget, what I'm looking at is 31 authorized positions and -- wait a minute. I'm on the wrong page.

COMMISSIONER McELLI GOTT:

43.

CO-CHAIR MONTANO:

43. And I remember your vacancy rate about 25%; is that accurate?

COMMISSIONER McELLI GOTT:

Correct.

CO-CHAIR MONTANO:

Okay. Well, just let me say I read that you were leaving the Department in Newsday so I want to wish you the best of luck. I understand you're going into, I guess, private practice, is what I heard?

COMMISSIONER McELLI GOTT:

That's correct.

CO-CHAIR MONTANO:

When is your last day?

COMMISSIONER McELLI GOTT:

Friday.

CO-CHAIR MONTANO:

I wish you the best, Denis.

COMMISSIONER McELLI GOTT:

Thank you.

LEG. CILMI:

Look how happy he is.

CO-CHAIR MONTANO:

So where are we going -- do you have any idea where we're going with this vacancy rate or was there anything discussed prior to your leaving in terms of what we're going to do with the Department in terms of where we are with the vacancies? By the way, is one of the vacant

positions a Director position that -- I believe that was created or that was merged into the Commissioner position? Am I accurate in that?

COMMISSIONER McELLI GOTT:

No, that's not -- the documents that the Legislature has before it and issues regarding vacancies and the numbers that we just spoke about don't include the Commissioner's position.

CO-CHAIR MONTANO:

Restate that; what do you mean they don't include?

COMMISSIONER McELLI GOTT:

The numbers that we were talking about don't include my position.

CO-CHAIR MONTANO:

Oh, no, that I understand because your --

COMMISSIONER McELLI GOTT:

That's more recent than the documents.

CO-CHAIR MONTANO:

Exactly.

COMMISSIONER McELLI GOTT:

This is a more recent development than the documents that you have before you.

CO-CHAIR MONTANO:

Right, I understand that. What I was asking, maybe I didn't ask it correctly, was there was a Director position in the budget before you became Commissioner.

COMMISSIONER McELLI GOTT:

Correct.

CO-CHAIR MONTANO:

Is that Director position still --

COMMISSIONER McELLI GOTT:

No, that Director position no longer exists.

CO-CHAIR MONTANO:

Is no longer in existence?

COMMISSIONER McELLI GOTT:

Correct.

CO-CHAIR MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

The Director position was eliminated when the Commissioner position was created by this Legislature's March --

CO-CHAIR MONTANO:

Resolution.

COMMISSIONER McELLI GOTT:

-- March 3rd. The resolution that was effective March 3rd of '09.

CO-CHAIR MONTANO:

Now was that Director position Director of Weights and Measures --

COMMISSIONER McELLI GOTT:

No.

CO-CHAIR MONTANO:

-- or just Director of the Department?

COMMISSIONER McELLI GOTT:

No, that was a Civil Service position that was Director of the Department. And statutorily was -- pursuant to the Agriculture and Markets Law was the Director of Weights and Measures for the County. The Agriculture and Markets Law provides that either the Commissioner or the Director of the Department is the County's Director of Weights and Measures.

CO-CHAIR MONTANO:

Okay. So you're performing both functions?

COMMISSIONER McELLI GOTT:

Correct.

CO-CHAIR MONTANO:

All right.

COMMISSIONER McELLI GOTT:

In every other county besides Nassau and Suffolk County, the Director of the Department of Weights and Measures is -- the Director of the Department of Consumer Affairs is the Director of Weights and Measures. The Agriculture and Markets Law provides that in Nassau and Suffolk County, if there is a Commissioner, the Commissioner is the Director of Weights and Measures. And once March 3rd of '09 happened and I was the Commissioner, I statutorily became the Director of Weights and Measures.

CO-CHAIR MONTANO:

All right. And before that, that was a Civil Service position?

COMMISSIONER McELLI GOTT:

Correct.

CO-CHAIR MONTANO:

Is there still a list for that position as far as you know?

COMMISSIONER McELLI GOTT:

I don't know.

CO-CHAIR MONTANO:

Okay. So do you have any indication of where we're going in 2011 with these filled positions? Was there any discussion prior to you leaving what would happen with some of these unfilled positions? Or that's left for the person that would come in after you?

COMMISSIONER McELLI GOTT:

There is never a discussion that I have with the Deputy County Executive assigned to the Department of Consumer Affairs that doesn't include issues regarding the unfilled positions. It's a constant discussion. So, he's well aware of the vacancies and I leave it to him to decide, you know, when and -- when each of the positions are going to be filled. We're a small department and it's

not my decision.

CO-CHAIR MONTANO:

Okay, Denis having worked with you in the AG's Office and having worked with you for the last twenty months, I got to say you've always been, you know, working under you and with you has been a real pleasure. And I really do wish you the very best in your new venture. And I think you'll enjoy private practice.

COMMISSIONER McELLIGOTT:

Thank you very much.

CO-CHAIR MONTANO:

And I know you as an excellent lawyer so good luck to you.

COMMISSIONER McELLIGOTT:

Thank you.

LEG. GREGORY:

I have a question, Mr. Chair.

CO-CHAIR HORSLEY:

Please, Legislator Gregory.

LEG. GREGORY:

Hi, Commissioner. I just want to get your opinion as to, there's an idea that I've been floating. And I'm not sure all the legalities of it, if it's permissible or not. But my thoughts were or are that possibly we can fold the Department of Consumer Affairs under the Department of Economic Development. Is there any restrictions that prohibit us from doing that? Or what would your initial thoughts be to that? This is certainly a preliminary idea, initial stages anyway.

COMMISSIONER McELLIGOTT:

My only -- my first response would be that care would have to be taken with regard to all of the issues that the Department deals with with regard to Weights and Measures; the idea being our Weights and Measures Bureau deals very carefully and coordinates very specifically with New York State. We report to New York State. The inspections that are done are done according to the Agriculture and Markets Law. The fees that are charged are charged in accordance with New York State Agriculture and Markets Law and the New York State Code of Rules and Regulations.

The octane testing that we do is done in accordance with the New York State Program. And the Department gets reimbursement from the State for some of the testing that's done. For that reason I would just -- if there is going to be some sort of merger along those lines, I would suggest care be taken with regard to that, because it's working very well right now. And you wouldn't want to confuse that kind of work.

I would also suggest that before any kind of merger is made, someone take a very careful look at the Department of Consumer Affairs. I've been there for twenty months and two weeks. And I can tell you that I've only had visits from three Legislators from this body. And I've had phone calls from many of you. And I've had phone calls from more of your aides. But the beginnings of most of the phone calls are my Department or my educating the Legislature about the work that we do. Before you start messing with something that works and works well and raises money for the County every single day, I think, you might want to make sure you know all about what the Department does.

LEG. GREGORY:

I think that all those concerns could be addressed. You know, we don't necessarily have to have a Commissioner, as you said. We can have a Director. That Director can report to the Commissioner

of Economic Development. I think by merging departments possibly, not knowing all the associated job titles, you actually may benefit from clerical support that you don't have already. And understanding that they are positions in your Department that are unique, but I think there are probably maybe one of two that could -- I don't know.

COMMISSIONER McELLI GOTT:

I'm not saying it's not a good choice. I just think it should be an informed choice.

LEG. GREGORY:

Right, oh, absolutely. That's why I asked you, what your opinion is.

CO-CHAIR HORSLEY:

Are you done?

LEG. GREGORY:

I'm done. Thank you.

CO-CHAIR HORSLEY:

Legislator Nowick.

LEG. NOWICK:

Thank you for serving twenty months and two weeks or two days, whatever it was. Thank you for being always so wonderful with my office. I appreciate that.

I wanted to ask you something. You said that the Consumer Affairs Department makes a lot of revenue for the County. And I do believe it is a big, very, very important part of our government because Consumer Affairs gets right down to the nitty gritty of our electorate who worries, especially us women shoppers who enjoy it so much. But don't you think that Consumer Protection, this is like a pet peeve, don't you think Consumer Protection could make a lot more revenue if they were able to carry out some of our laws that we create that never get addressed? I think that the fines alone on my Restaurant Law, I think, that we could -- we could create another General Fund.

CO-CHAIR MONTANO:

What Restaurant Law?

LAUGHTER

LEG. NOWICK:

You don't see it. I think -- I could give you a list right now.

CO-CHAIR MONTANO:

She has a list.

LEG. NOWICK:

I do.

COMMISSIONER McELLI GOTT:

If I had -- no, I would do it myself if I had --

LEG. NOWICK:

I would working with you if you want. I'll go to the restaurants.

COMMISSIONER McELLI GOTT:

If I had an expense account, I would go out to dinner every night to enforce your law.

LAUGHTER

LEG. NOWICK:

What time do you want to go? Let's start with Sempre Vivolo.

LAUGHTER

COMMISSIONER McELLIGOTT:

If I had the expense account, I would go out every night to enforce your law about the specials.

LEG. NOWICK:

I must tell you, when I leave a restaurant, I go back to my office and I send them the legislation "for your info". I mean I don't want to send you there because then I'll never be able to go back, I'm sure. But I think we can make -- we can make a large amount of money just enforcing the laws.

COMMISSIONER McELLIGOTT:

I know. But then where would you go to dinner the next time?

LEG. NOWICK:

I don't tell them it's my law anymore. I tell them it's Legislator Browning's.

LAUGHTER

COMMISSIONER McELLIGOTT:

By the way, I want to thank you for your excellent choice of your staff. I really -- specifically, Ms. McGuire, has always been just an absolute pleasure and I'm going to miss the good times I had e-mailing and speaking with her.

LEG. NOWICK:

Carol is a gift.

COMMISSIONER McELLIGOTT:

She's got a great sense of humor.

CO-CHAIR HORSLEY:

Legislator Montano.

CO-CHAIR MONTANO:

Yeah, just to follow up on Legislator Nowick's comments, she's absolutely correct. I mean I'm looking here that your budgeted amount for 2011 is two million 141. But your total revenues are five million 400 and something, which is a net gain of three million dollars. So if that's the way the numbers work, I'm sure that if we put in some more expenditures for staff, we would probably generate some more revenues. At some point we'll hit the diminishing returns, but I don't think we're anywhere near that.

COMMISSIONER McELLIGOTT:

That's true.

LEG. NOWICK:

And that's not the only law that's not being enforced.

CO-CHAIR MONTANO:

Oh, I know that; absolutely.

COMMISSIONER McELLI GOTT:

That's true. But one of the issues we do have, and it might be something that might this body and the County and -- in cooperation with other suburban counties, you may want to consider is that right now the State of New York through the New York Code of Rules and Regulations determines the amount that our Weights and Measures inspectors can charge for inspections. The charge that they can -- that we impose was determined back in the early 1980's. So in Nassau, Suffolk and Westchester, we're sending folks out to do work in a Stop and Shop to inspect 15, 20 or 30 different scales in a particular store; charging \$20 for the first five scales, \$10 for each additional scale. And that's pursuant to the New York Code of Rules and Regulations. The consumers are being protected because the scales are then determined to be accurate. So that is a good thing.

CO-CHAIR MONTANO:

Right.

COMMISSIONER McELLI GOTT:

But the dollar amount that is being charged does not in any way correlate with the amount of time and the expertise that the Weights and Measures folks bring to their job.

CO-CHAIR MONTANO:

And I would also add it's my understanding, and correct me if I'm wrong, that the Department has seven people that do this function and there are over 9,000 establishments that fall within the jurisdiction. So simply by doubling the staff, number one raising the fee to be a fee based on reality and not on a number from 1980, and number two increasing the personnel so that you can regulate more of the businesses because you're hitting a small percentage, am I accurate in that?

COMMISSIONER McELLI GOTT:

There's two different issues. First is, every device, every scale, meter, pump has to be inspected once a year. Then if there is a repair that needs to be made --

CO-CHAIR MONTANO:

You have to go back.

COMMISSIONER McELLI GOTT:

-- it has to be inspected after the repair is made.

CO-CHAIR MONTANO:

Right.

COMMISSIONER McELLI GOTT:

So there are two different things. There's the regular inspection, the yearly inspection, and then the post repair inspection. And then there are also the surprise type inspection.

CO-CHAIR MONTANO:

Right.

COMMISSIONER McELLI GOTT:

So there's three different types. On the regular inspection, those can be done -- those are done on a schedule. The surprise inspections are done a little less -- a little less regular. And the other ones have to be done as soon as a call is made because we want to be as friendly as possible to the business because the business has a device there that they want to use. And we want to get it back into service as soon as possible. There does become a point when having 100 inspectors is not going to be -- is going to be too much.

CO-CHAIR MONTANO:

Well, we're not going from a seven to 100.

COMMISSIONER McELLI GOTT:

Correct. I don't know -- I don't know what the number is. But there are other -- there is other work that additional inspectors can do that would assist in increasing revenue.

CO-CHAIR MONTANO:

Well, this is the point, I'm going to end on this because we're getting late and I never liked a meeting that goes beyond two hours, and we're almost there. What Legislator Gregory said is appealing because you are a revenue generating department. And if we could increase some of the personnel, we would then increase the revenues. And if you fell under Economic Development, maybe we can use those increased revenues to fund the positions that they're asking for instead of raiding the Hotel Motel Tax which is intended to go to cultural programs that are really needed. So, you know, this is something that we'll consider as we move forward. Hopefully it'll be considered in the budget process.

COMMISSIONER McELLI GOTT:

In a closing statement --

LEG. GREGORY:

And if I may --

CO-CHAIR MONTANO:

Hold on, Denis.

LEG. GREGORY:

And if I may just to address your comments, the County Executive has proposed laying off over 200 people in the Foley Nursing Home. And it's my understanding, number one, step foot in that building. This consolidation would not lay anyone off, everyone keep their positions. There may be a demotion in title as far as Commissioner to Director, but everything's whole and you may get some additional help out of it by way of clerical support. So I think it's something that we should consider.

COMMISSIONER McELLI GOTT:

Just in closing, I have been here in the past and I have been criticized for focussing on the revenue generating aspect of Consumer Affairs. And I bring it up only because it's a very -- it's a very real aspect of the department. And in this time with the financial realities, it's something that I think is worth discussing. Let's be clear, though. For every dollar that is brought into the Department, it's a dollar that's brought into the Department because there's some Consumer Protection attached to it; whether it's a dollar that's brought in because that means that a gas pump is accurate and it's been inspected, a scale is accurate and it's been inspected and it's accurate, or a home improvement contractor has bought into the system, has become licensed and has proven to us he has the ability, he understands the law and he's proven that's he's insured. All of those things protect the consumer.

So while I focused a little bit, some say, and I've been criticized here for focusing on revenue a little bit too much, each time I do that, every single dollar that comes into the Department is a reflection of Consumer Protection as well.

Thank you very much. I look forward to seeing all of you in my next life.

CO-CHAIR HORSLEY:

Good luck to you, Commissioner. All right, I think that concludes our hearing. Anyone else want to be heard? That being the case, motion to close, second by Legislator Cilmi. All in favor? Let's let's move.

THE MEETING CONCLUDED AT 3:58 PM
{ } DENOTES SPELLED PHONETICALLY