

**WAYS & MEANS COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**MINUTES**

A regular meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on December 15, 2010.

**MEMBERS PRESENT:**

Leg. Lou D'Amaro, Chairman  
Leg. Jon Cooper, Vice Chair  
Leg. Kate M. Browning  
Leg. John M. Kennedy, Jr.  
Leg. Lynne C. Nowick  
Presiding Officer William J. Lindsay, ex-officio member

**ALSO IN ATTENDANCE:**

Leg. Vivian Vilorio-Fisher, Fifth Legislative District  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel  
Gail Vizzini, Director of Budget Review Office  
Robert Lipp, Deputy Director of Budget Review Office  
Renee Ortiz, Chief Deputy Clerk  
Ben Zwirn, County Executive's Office  
Christine Malafi, County Attorney  
Dennis Brown, County Attorney's Office  
Connie Corso, Budget Office, County Executive  
Thomas Spota, District Attorney  
Angie Carpenter, County Treasurer  
Judy Pascale, County Clerk  
Joe Caracappa, Undersheriff  
John Meyerricks, Undersheriff  
Joe Sawicki, County Comptroller  
Tom Ryan, Aide to Leg. Vilorio-Fisher  
Justin Littell, Aide to Leg. D'Amaro  
Marge Acevedo, Aide to Presiding Officer  
Joe Muncey, Budget Review Office  
Benny Pernice, Budget Review Office  
Paul Perillie, Aide to Majority Party  
Greg Moran, Aide to Leg. Nowick  
Carol Hart, Vanderbilt Museum  
Noel Gish, Vanderbilt Museum

**ALSO IN ATTENDANCE (continued)**

Kara Hahn, Communications Director for PO Lindsay  
Pam Greene, Director of Department of Real Estate  
Johan McConnell, South Yaphank Civic Association  
John Mcconnell, South Yaphank Civic Association  
Louis Kuhen  
Dan Tomeszewski  
Kevin MacLeod

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 10:10 AM**

**CHAIRMAN D'AMARO:**

Good morning ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Welcome and please rise and join the Committee in the Pledge of Allegiance led by our Presiding Officer this morning, William Lindsay.

**SALUTATION**

Okay. A few announcements looking at the agenda. We did receive one item of correspondence, the Committee did receive, consisting of an e-mail to myself and other Committee members from Legislator Cilmi with respect to a bill he has pending before the Committee IR 1941. You all should have received a copy of that.

And also just please note that we will have an executive session after the public portion of today's meeting. And with that I would like to turn to the public portion. We have several cards that have been filled out. If you're here and would like to address the Committee this morning, please fill out one of these yellow cards that'll be made available to you by the Clerk and we'll be happy to hear what you have to say.

With that I'll call the first. The first card this morning was filled out by Carol Hart. Carol. And good morning.

**MS. GIORSI-HART:**

Good morning. I just wanted to correct some inaccuracies. There was an opinion piece in Newsday and, I think, a fact sheet that went out that had some misinformation.

The projected -- I guess in these pieces it was stated that the County Executive Office was projecting a \$400,000 deficit in the Vanderbilt Museum's personnel budget line. And I just want to say with two weeks left to go the Vanderbilt Museum's overall budget, the entire budget is projecting maybe a \$15,000 deficit. So I'm not sure where those numbers came from, but they're very off-base. And if the museum does have a deficit, it does not affect fund 708. The money does not come from general operating; it's within the museum's fund.

And additionally while the museum certainly is facing many challenges right now, I wouldn't characterize the museum being in fiscal crisis. So just a few notes. Thank you.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Ms. Hart.

Okay, the next speaker Kevin MacLeod. Good morning.

**MR. MACLEOD:**

Good morning. Happy holidays to everyone. I'm Kevin MacLeod. And I'm the governmental operations for the Long Island Solar Energy Industries Association here on Long Island. And I have basically a letter to read into the record. It's dated today, December 15th 2010, addressed to the Suffolk County Legislature and the Ways and Means Committee.

*With regard to item number 1883, that's the Legacy Village project, on the committee's December 15th, 2010 agenda, the Long Island Solar Energy Industry Association supports renewable energy projects seeking to preserve the environment while protecting ratepayers from high energy bills and unpredictable spikes in fuel costs associated with fossil fuel based generation. When properly planned and sited, an investment in solar energy production and research yields significant returns. Ratepayers benefit from stable reduced utility costs, permanent local green jobs are created and Long Islanders in existing trades are put back to work, which is much needed at this time on Long Island. In addition, as we move away from carbon based energy supplies, we improve the air and water of our environmental communities for generations to come.*

*Affordable clean energy from renewable sources is a bipartisan issue and an essential component of Suffolk's economic future and our public health policy. LISEIA applauds the commitment of our public servants in supporting solar power investments, provided they make economic sense and employ local workers.*

*Respectfully submitted, R.Sail Van Nostrand, Chairman of LISEIA.*

I thank you and, again, have a happy holiday season.

**CHAIRMAN D'AMARO:**

Okay. Mr. MacLeod, thank you and same to you and your family.

Next speaker this morning is John McConnell.

**MR. MC CONNELL:**

Good morning.

**CHAIRMAN D'AMARO:**

Good morning.

**MR. MC CONNELL:**

John McConnell, member of the South Yaphank Civic. Also a member of various environmental groups, Sierra Club, Earth Justice, the Trust for Public Land and Wildlife, Federation Nature Conservancy and even though there's an -- and also the Greenbelt.

I'm here to speak about the -- what number is it, 2236, about surplus land in Yaphank. We're in favor of preserving that land, not selling it or I am anyway. Because studies have shown that preserving land actually saves money in the long run.

There's a study by the Rauch Foundation and Long Island Community Foundation, the economic benefits, fiscal impact of open space in Nassau and Suffolk. The parks and open space in the two Counties comprising of Long Island provide 2.74 billion economic benefits rather than developing the property, have a residential or whatever you have because you don't have fire protection, schools and so on. So that's a big savings I think there. And people come to Suffolk County to, you know, restore us, whatever, and this would help quite a bit, not to visit that property but all properties, whatever.

Anyway, last I'd like to mention my support for these elected officials here for their -- what they're

trying to do and have the power to appoint, I guess, who they want to appoint and not the County Executive. Anyway, thank you and have a happy holidays. Bye.

**CHAIRMAN D'AMARO:**

Okay. Thank you. And happy holiday to you and your family.

Next speaker this morning is Dan Tomaszewski. Thank you and good morning.

**MR. TOMASZEWSKI:**

Good morning, Dan Tomaszewski. I am the Vice-President of the Longwood board of Education. I'm here in support of bill 2236. It correctly calls for the abandonment of the Legacy Village project. In spite of claims by the County Executive's Office, we're of the informed opinion it is not a tax positive for the Longwood district when the entire project is accounted for. In fact, it would be a burden to our taxpayers.

From the very beginning, planners never engaged in meaningful dialogue with the community. The project is not in sync with Supervisor Lesko's Blight to Light initiative. And I think we all can agree that redevelopment, not development, is the key to Long Island. Drastic changes in the housing market conflict with the goals of Legacy Village and dilute the need for such vast numbers of affordable housing units. And in addition, it is not the job of local government to engage in the development business.

My family has called Yaphank home for almost a century. And this project will double the population. It will change the historic and rural nature of the community and it is just wrong. It is wrong for this community. It's wrong for Long Island.

And in addition, on another topic, 2055, and in reference to the bill before you with the elected officials controlling their budgeted positions, I'm in full support of that. That's on my own behalf not the school district. But democracy is a team sport. It is not -- it's not one person. And for us to have the most effective government, I think we need a number of people having something to say. So I am in full support of that. Thank you.

**CHAIRMAN D'AMARO:**

Thank you. Johan McConnell? Did I -- oh, I apologize. I had Johan's card first and John second.

**MS. MC CONNELL:**

I know, it's fine. It happens all the time. We usually try and separate our cards. Johan McConnell, I'm President of the South Yaphank Civic Association.

I come in support of resolution 2236 again. We would prefer to have it preserved, but if we cannot have the property preserved we do think it should go out on the open market and get a fair market value for it.

I do have two questions or concerns about it. It states that it would be the full 250 acres. I'm just curious if you would actually be able to divide out any of that property. I know that there's a large section of that of 95 acres that is zoned industrial and would probably be an easier sale so I didn't know if that was included in the resolution. I will tell you that my civic association would not have any objections to that. We have discussed it. We are very in favor of it. I've actually shared that information with Legislator Kennedy that because it is already zoned industrial, it would probably be an easier sale to do and I wasn't sure if it could be divided.

The other concern I have is you may know that the Town of Brookhaven has a Carmans River Watershed Preservation Plan in place and they're actually meeting this morning to try and devise. And I would say that 90% of the property of the 250 acres is located in the Carmans River watershed. So that may be a concern.

I would also like to offer my support for resolution 2255. These officials that are presently here in the audience were all elected and they should be allowed to control their own budget and they are the ones that know what funding is necessary for their departments. And so we do support that. Thank you very much.

**CHAIRMAN D'AMARO:**

Just before you sit, the Presiding Officer who's also the sponsor of the bill you spoke to is here and would just like to respond to you. Please go ahead.

**P.O. LINDSAY:**

Miss McConnell, it does not -- the bill does not include area A. It's been modified. That's the parcel on Yaphank Avenue. It includes all the other contiguous parcels on the western side of the property and I believe it's -- more than 95 acres is zoned industrial there.

And your answer about subdividing would become a town issue. And the purpose of the bill is for us to get out of the land development business and sell it because we have to because we're in desire fiscal shape.

**MS. MC CONNELL:**

Okay, thank you.

**CHAIRMAN D'AMARO:**

Okay, thank you again.

Next speaker is Louis Kuhlen. Good morning.

**MR. KUHEN:**

Senior Vice President with Community Development Corporation of Long Island.

I'm speaking to resolution 2236, but also generally to any disposition of surplus property by Suffolk County. There's been some discussion about changes in the housing market and feelings that there's a significant change in affordability in the housing in the market. It's true, there is a lot of housing on the market. But Community Development Corporation of Long Island serves some 4,000 low income or modern income renters on an annual basis and some 1,000 first-time home buyers that come into our homeownership center in Centereach and they can't find an affordable home.

So we would encourage you in considering any disposition of property no matter how it takes place to assure some provision of affordable housing; whether it's being privately developed or with subsidies from the County and the state, it's a necessity, especially in this economy today with people unemployed, with people losing their houses due to foreclosure. We need to have some consideration of affordable housing in the mix. Thank you.

**CHAIRMAN D'AMARO:**

Okay, thank you. And before you leave, sir, if you could just remain one moment, Legislator Browning had a comment.

**LEG. BROWNING:**

Yeah, you know, I've been continually hearing the story about Legacy Village and being affordable housing. I spoke with the developer myself and they gave me a ballpark figure of what an affordable home would be in Legacy Village and they told me about \$300,000. Do you consider that affordable?

**MR. KUHEN:**

I think a \$300,000 house with subsidies, which are available currently through the state and

organizations such as the Federal Home Loan Bank with a low income mortgage, could possibly reduce the actual purchase price on that house to \$200,000 or below, which could be affordable to some 80% of median today.

**LEG. BROWNING:**

Yeah, but those subsidies don't last forever and, you know, there's always the work with the Town to try and keep the taxes low for a period of time. And I know that CDC's done a lot of work even in my district creating affordable housing and, you know, those neighborhood stabilization monies, they came from the federal government. There's currently about 850 foreclosures just in Shirley, Mastic and Mastic Beach. And, you know, I think you would probably agree that using that neighborhood stabilization money to buy many of those homes that are around -- some of them \$150,000 would be the smarter way to go to create affordable housing and help communities. Do you agree?

**MR. KUHEN:**

We certainly support redevelopment. However, with the level of affordable rentals that are needed in our community that in general isn't really being addressed. We really need to take consideration of the need for affordable rentals in addition to affordable homeownership. And there's a significant population that are doubled and tripled up on Long Island today and are living in unsuitable conditions because they can't find affordable housing through normal development.

**LEG. BROWNING:**

I know about those unsuitable conditions. But I appreciate what you say but -- however, I think at this time Legacy Village is just not a smart move when we have so much available housing that needs to be turned over. And, again, many of it can be affordable rentals, but also affordable purchase.

**CHAIRMAN D'AMARO:**

All right, Mr. Kuhen, just one more comment. Legislator Kennedy, please go ahead.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Thank you for coming forward, Mr. Kuhen. And CDC does great work. As a matter of fact, I know that you work with New York State Affordable Housing Corporation, certainly with some of the federal first-time home buyer programs that are out there. You do actual work.

You also I know work with purchasers who may need some assistance in rehabilitating credit, learning some of the basics of budgeting, whole variety of different things that are kind of critical to first-time home buyers.

My question to you is, is cognizant of the fact that we do have these almost 10,000 foreclosures that are out there right now sprinkled all over Suffolk County and this notion that do we get out and construct new housing stock that's at the affordable level or what have you or do we try to target reestablishing and bolstering up neighborhoods that might be teetering because of these things, does the CDC own housing stock itself? Do you folks go into the market to actually acquire or do you work with and facilitate outright purchase?

**MR. KUHEN:**

We do also purchase houses and we have in the past purchased real estate and developed it on our own.

**LEG. KENNEDY:**

You have.

**MR. KUHEN:**

Yes.

**LEG. KENNEDY:**

Okay. And so from CDC's perspective when you look at what has been put out there with Legacy Village, not only from a facilitating outright acquisition, do you have any position as an entity regarding maybe acting as an intermediary, acquiring property for addressing the absence of affordable rentals? I think you hit on an extremely important point; everyone of us knows this in our districts. We work actively to try to promote first-time homeownership. We have some constituents who are just never going to be there, yet nevertheless we need to be able to maintain living space. How does that factor into this equation at all? And what role might CDC play?

**MR. KUHEN:**

CDC would be very interested in helping in any redevelopment or new development effort that could entail affordable rental housing in whatever way it may be developed. I'm not sure if that's directly answerable to your question.

**LEG. KENNEDY:**

Well, it is because I recall that probably some two years ago I know that our Community Development Office succeeded in acquiring about a million dollars to help facilitate acquisition and rehabilitation. And I've heard precious little, if anything about where those efforts went. I think it's important that agencies like yours have an opportunity to be engaged and we should be in dialogue with Fanny Mae, Freddie Mac, the federal underwriters for acquisition of some of these homes that have sat for two, three, four and five years unoccupied and deteriorating right in the heart of stable neighborhoods.

So I'm very much in favor of the Presiding Officer's bill, but I'd like to speak with you afterwards because I think there's another avenue we as a County can pursue regarding trying to target and reoccupy homes in established neighborhoods.

**MR. KUHEN:**

I really appreciate you speaking to that. I mean, there has been some degree of a program, a federal program called Neighborhood Stabilization Program, which the County has received funding and is working with both CDC and the Long Island Housing Partnership to acquire some foreclosures. It's certainly not enough money with the level of houses that are out there that need to be acquired and brought back to life in the community. So I'd very much look forward to working with you on that.

**LEG. KENNEDY:**

Very good, thank you. I appreciate it, thank you.

**CHAIRMAN D'AMARO:**

That's it. Thank you. Thank you, Legislator Kennedy. Is there anyone else this morning who would like to address the Committee? Okay, for the record there's no response. Then we'll turn to the next section of the agenda which is Tabled Resolutions. I'd like to take one of those resolutions out of order this morning and take it first as we're joined by our County Comptroller, County Clerk, County Treasurer and District Attorney this morning. And also a representative of the Sheriff's Office as well.

And that would be **resolution number 2055-2010, adopting Local Law No. -2010, A Charter Law to require the appropriate use of taxpayer monies for funded positions.** (Viloria-Fisher) I'll offer a motion to take that out of order.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Okay, the bill is now before the Committee. Once again it's **2055 of 2010, a Charter Law to require the appropriate use**

**of taxpayer monies for funded positions. (Viloria-Fisher).** I believe there was a request by the County Executive's Office. Connie, did you want to speak to his bill, again, this morning? And also just for the record I invite any of the other elected officials who choose to come up at any time. Just let me know. And that's fine.

**MS. CORSO:**

Good morning, everyone. I hope you'll bear with me. I have a bit of a cold.

**CHAIRMAN D'AMARO:**

Okay. Good morning. Take your time.

**MS. CORSO:**

I know that Steve met with the elected's yesterday as we're looking for just a few changes to make this a little bit more of a fair compromise as this moves forward. I believe it was a cordial meeting and that they left with a bill that we think, maybe, we could compromise on.

One of the major considerations that we think is important is, if you really think about it, the first SCIN and the first time you're really going to get someone on board in 2011 is really kind of March by the time you go through the Civil Service process. So we were thinking that if we met -- you know how we do the joint legislative and budget --

**CHAIRMAN D'AMARO:**

Connie, just before you -- you're saying the first time that any hiring really takes place is in March? Is that --

**MS. CORSO:**

Well, by the time the SCIN would be signed --

**CHAIRMAN D'AMARO:**

Right.

**MS. CORSO:**

And the list goes to Civil Service and it comes back --

**CHAIRMAN D'AMARO:**

Oh, I see. Okay.

**MS. CORSO:**

And you canvas --

**CHAIRMAN D'AMARO:**

Just procedure-wise.

**MS. CORSO:**

-- there really is a delay. So we were thinking if we didn't know how 2011 was going, if we did the joint budget presentation, the one that the Budget Review does with the Budget Office, and we both agreed that we were on solid economic footing, that then from that point forward everything can be signed. Because we wouldn't have any worries.

If we didn't agree, then Legislator Fisher's bill would kick in and it would just be the way it is. I just think it would be a fair compromise to say that if we were in good economic footing and we were in the black, then there's no reason not to have the SCIN's that are budgeted and have proper appropriations signed. So I think we're just looking for some small compromises that would really protect the County.

Now, if we couldn't get the savings, we would get them one way or another because if we went to 2012, you would just kind of eliminate all the turnover savings. You possibly would have to do layoff's. And where would that leave everybody? It would give less flexibility to the departments and they wouldn't have any degrees of freedom. It would also leave any future County Executive without any degrees of freedom. It would leave the Legislature without any degrees of freedom, if we started to eliminate all the turnover savings; because obviously during the year people leave and people go. But part of the turnover savings is to give flexibility and when and where you're going to hire.

One of the interesting parts and the most difficult in my opinion is how would we plan the classes for the correction officers? Say we have a class of correction officers in March. We have a plan for correction officers in September. But the class begins in January. And he decides the class would be in January. How would we get funding for that? We would lose funding. We wouldn't have enough funding. And that account would run in the negative. So it would be fair to run like the deputy sheriff class when the police came and we'd have to have some kind of consensus when the correction officers could be signed. So I really don't think that these are unfair compromises, that maybe we can come to agreement with.

And, you know, the other part is the elected's do have to adhere to the 20 percent backfill. It is a law that the Legislature adopted. And would we also handle that situation if we weren't able to monitor? I mean, I agree that, you know, they're responsible countywide elected officials. And really those are the issues. And I really think if you have a stressor, if you had to really think about it, if you to, you know, remove yourself from some -- some of the contentiousness that went on, I think I'm right. If you -- the first time somebody's going to get on board is March. If we have a consensus with the Budget Office we're in the black, then hire away. If we have a consensus that we're in the red, then we'd have to come up with a hiring plan and we would hire accordingly. If we didn't agree, then Legislator Fisher's bill would go and that's the way it would be.

So that's all we ask, is that you consider the compromise. I think it's fair and I think it works out for everybody.

**CHAIRMAN D'AMARO:**

Connie, there are several questions from Legislators. But I just wanted to first clarify what you're laying out as a compromise. Presently Legislator Vilorio-Fisher's bill would require -- not require but would allow the independently elected countywide officials to make their own hiring decisions in effect from year to year. I think what you're saying is that rather than go down that road in all cases, that would only be the case if the respective budget offices do not agree? And what would they be agreeing on or not agreeing on?

**MS. CORSO:**

Well, I think we come before you in March and do a joint budget presentation to tell you how '11 is going, what we think is in '12.

**CHAIRMAN D'AMARO:**

Okay.

**MS. CORSO:**

I think the compromise bill -- and, Dennis, may have to help me a little bit -- is that for the first quarter, it would be, if you need somebody right away, you know, we would put it before the County Executive and he would sign -- sign the bill.

**CHAIRMAN D'AMARO:**

So the County Executive --

**MS. CORSO:**

But after March --

**CHAIRMAN D'AMARO:**

-- would retain the discretion for the first quarter?

**MS. CORSO:**

He would certainly -- you know, may. And I think there's a compelling case. But I think the most fair -- the most fair thing to consider is if we do the joint budget presentation, which we come before you and we do --

**CHAIRMAN D'AMARO:**

Right.

**MS. CORSO:**

And we agree that the County's doing great, sales tax is coming in great, we're getting some of our delinquencies. And from that day forward, sign away. The countywide elected officials will have whatever staffing they need because we won't have to worry about any kind of budget deficit. One way or another, even if you give them the opportunity to sign the SCIN's if we are in the red, we will have to find that savings someplace else in their budgets. So I just think that this is a good compromise. And the reason I think it's a good compromise is the very first time you're going to get somebody in your office is no earlier than March 1st. It's just not going to happen. If you get -- sign the SCIN, send it to Civil Service, get the list, canvas, send it out, that's the first time somebody's going to come on board anyway.

**CHAIRMAN D'AMARO:**

Okay. But you're talking about a proposal, your own proposal that would allow -- you're saying for the first quarter of the year that it would remain the discretion of the County Executive to hire in all cases; right?

**MS. CORSO:**

Unless somebody came forth and said, *look, I have, you know, a critical need, you know, we have an issue in the DA's Office and I have to have this person on board immediately.*

**CHAIRMAN D'AMARO:**

Right.

**MS. CORSO:**

Then Steve would have the option to sign.

**CHAIRMAN D'AMARO:**

Okay, so the answer is yes.

**MS. CORSO:**

But after -- let me tell you this. After March 1st, if there isn't agreement, then Fisher's bill kicks in and that's the way it would go. We're only asking for a three month time period for consideration.

**CHAIRMAN D'AMARO:**

So if there's an agreement, you're saying, at this joint presentation, if there's an agreement between budget offices --

**MS. CORSO:**

The Budget Review Office --

**CHAIRMAN D'AMARO:**

With respect to the financial condition of the County --

**MS. CORSO:**

Right.

**CHAIRMAN D'AMARO:**

And I guess there's some way of measuring that?

**MS. CORSO:**

Right. We do a joint presentation.

**CHAIRMAN D'AMARO:**

Okay.

**MS. CORSO:**

We look -- when you see us in March --

**CHAIRMAN D'AMARO:**

Right.

**MS. CORSO:**

We'll be looking at '11 and '12.

**CHAIRMAN D'AMARO:**

Right. Now if it's agreed that it's an optimistic condition --

**MS. CORSO:**

Right.

**CHAIRMAN D'AMARO:**

-- financial condition, then the County Executive would be required to sign --

**MS. CORSO:**

Yes, yes.

**CHAIRMAN D'AMARO:**

-- off on the hiring's?

**MS. CORSO:**

Yes, yes.

**CHAIRMAN D'AMARO:**

If both sides -- if both budget offices agree that it is not a rosy picture, what happens then?

**MS. CORSO:**

If it's not a rosy, picture, we would like to be able to have some kind of quarterly hiring plan. There would not be any hiring plan. And I think if we didn't agree, then Fisher's bill -- the language in the bill as it is stays and you guys have the opportunity to override anything that the County Executive fails.

**CHAIRMAN D'AMARO:**

I see. So it's -- so if both offices agree that it's not a optimistic financial outlook, or if they disagree, one says yes, one says no, then Legislator Fisher's conditions would rule? I apologize. I'm just trying to -- before we continue the discussion I want to get it straight, yeah, what they're proposing; that's all.

**MS. CORSO:**

Right. If we agree -- if both sides agree that we're in the red --

**CHAIRMAN D'AMARO:**

Right.

**MS. CORSO:**

-- then there would have to be a plan for the hiring. It would not -- there would be not no hiring. There would be a plan for the hiring.

**CHAIRMAN D'AMARO:**

All right. So in that case if both sides agree that it's not an optimistic outlook, then the hiring -- the discretion would remain with the County Executive?

**MS. CORSO:**

Yes.

**CHAIRMAN D'AMARO:**

Okay. If both sides agree that it's optimistic, then the County Executive would be required to sign off on the requested hiring?

**MS. CORSO:**

Correct.

**CHAIRMAN D'AMARO:**

And what happens if there's disagreement?

**MS. CORSO:**

Then your bill takes over.

**CHAIRMAN D'AMARO:**

Then -- oh, I see. Then --

**MS. CORSO:**

All the clauses in --

**CHAIRMAN D'AMARO:**

-- Legislator Fisher's bill --

**MS. CORSO:**

-- Legislator Fisher's bill take over.

**CHAIRMAN D'AMARO:**

Okay. So the County Executive would only be retaining authority, complete discretionary authority in the case where both the Budget Office and the Budget Review Office agree using some parameters that there is not an optimistic financial outlook for the year.

**LEG. BROWNING:**

Right.

**CHAIRMAN D'AMARO:**

Right, not including the first quarter.

**MS. CORSO:**

There's no restriction on that, though; even if it's not optimistic they could still send in the SCIN's and considering what would happen, we would consider them.

**CHAIRMAN D'AMARO:**

Right. But the issue here is, is where the authority lies. All right. And I think what you're saying

is in one instance it would lie solely under the discretion of the County Executive. In another instance it would lie solely with the other independently elected officials. And in a third instance where there's the disagreement between the respective budget offices, it would be governed by the terms of Legislator Vilorio-Fisher's bill.

**MS. CORSO:**

Absolutely.

**CHAIRMAN D'AMARO:**

Okay. So that's clear to me. We have several Legislators that have asked to be -- to ask you some questions. And I'm going to defer to our Presiding Officer first if that's okay with the Committee members. Mr. Lindsay.

**P.O. LINDSAY:**

Thank you, Mr. Chairman. First of all, Connie, in all due respect, it sounds a little confusing and I'd really like to hear from the independent elected's to see if it's something that they could work with. It seems to me what you're proposing is to diminish the County Executive's power more so than in the bill. I mean, in the current bill before us, doesn't it give the Executive the power to declare a fiscal emergency and override the bill?

**MS. CORSO:**

It does, but it removes personnel which is the largest component of those budgets. So even if -- say, we had to go in and say -- and go put aside the 10%, it would almost decimate the rest of their budget.

**P.O. LINDSAY:**

Counsel, isn't there a clause in this bill -- I was looking, thumbing through it trying to find it. It's kind of lengthy. I can't find it, but I thought in case of a fiscal emergency it gave the Executive the veto power.

**MR. NOLAN:**

What the bill does is, it gives the discretion -- the hiring discretion to the department heads, the elected department heads. But states that the County Executive can state that we're not going to fill that vacancy because there's a deficit or five or six other reasons why we could not fill the vacancy. And in which case the question would come over to the Legislature to determine, do we accept what the County Executive is saying or don't we. And it would actually -- to fill a vacancy, as we discussed at the last committee meeting, there would actually have to be two Legislative resolutions; the second one requiring fourteen votes to ultimately fill a vacancy over County Executive objection.

**MS. CORSO:**

I think what we've -- the feeling is that our's is a little bit simpler and it preserves the budget savings that may be necessary.

**P.O. LINDSAY:**

The other thing that I didn't understand about the first three months, you said because of process, positions can't be filled anyway.

**MS. CORSO:**

I'm saying if you really thought about it, if you needed to have somebody on board -- say you had this -- you have a new budget and a new position in the 2011 budget. You have to wait for, you know, the system to have it in there and you need a SCIN, you have to have it signed, you have to send it to Civil Service, you have to have it canvassed. The longest -- the first day you're going to get somebody on board is March 1st.

**P.O. LINDSAY:**

Okay. But I think most of the positions we're talking here is filling existing positions that have been vacated because of retirement or death or for whatever reason; that there should be a civil service list in place -- and no, there isn't?

**MS. CORSO:**

No. You would still have to -- you would still to sign the SCIN and canvas.

**P.O. LINDSAY:**

If that's -- I mean I'm not totally familiar with the process. That's why I'd like to hear from the independent elected's. But why -- if it takes that first quarter to get anybody new, even to backfill an existing position, why is the change needed in the law if it physically can't be done anyway?

**MS. CORSO:**

I mean -- I think that's how I feel about the way -- you know, the way the County Executive does sign the SCIN's. I agree with the way -- the process that we do, because the process that we do right now is we ask for a quarterly hiring plan and we try to hire accordingly.

What happens is, as you all know, we depend on the fund balance because we have to send it back to the taxpayer. We don't have a good idea of what kind of fund balance we're going to turn until the Countywide financials are done. And when the Budget Review Office and the Budget Office comes together, we know exactly what the fund balance is. So say the fund balance right now is 22 million. And when the Countywide financials come out, it's 18 million. We're already in the hole. And we already have to think about how we're going to return that fund balance. So if you restrict your hiring for the first three months of the year, which almost happens on a natural basis, until we get this consensus, you're that much further ahead and you have that much more, you know, comfort in that when you hire for the rest of the year, you know that you're going to be track on budget.

**P.O. LINDSAY:**

I think I'm done.

**CHAIRMAN D'AMARO:**

Okay. So there's really a triggering event. And that event is the say of the respective budget offices to determine the path that we would take or that the elected's could take from that point forward?

**MS. CORSO:**

I believe so. And I'm not saying that they -- that they wouldn't get any SCIN's that, you know, in the very first part of the year. It's just it would be more on the discretion of the County Executive. And then once the presentation was done, it would be -- all fall in their hands.

**CHAIRMAN D'AMARO:**

Okay. Legislator Nowick. I apologize. Legislator Browning was first.

**LEG. BROWNING:**

Yeah, I'm glad that you made the statement that they're responsible County elected officials to start. And, you know, the fact that if we're not -- you know, if we're in a solid economic footing, that it would be okay for them to sign SCIN forms. We haven't been in a solid economic footing for quite some time. And if I'm not mistaken, because of these elected officials, I believe District Attorney mentioned there was about a \$1.9 million savings because of them and what they have done. So I'm also looking at -- you mention with your plan, you're basically cutting them back with your plan to only giving them six months to be able to hire people.

**MS. CORSO:**

No, no. It would -- there would be -- as soon the -- I think the joint budget presentation is the first

meeting of Budget and Finance in March. Right, Gail?

**MS. VIZZINI:**

Yeah.

**MS. CORSO:**

So it would only be to that point. And it's not limited at that point. If there was an issue, if there was, you know, a sting or a project that the DA was doing or something that Joe was going out on an audit, I think it's a fair assumption that if we appeal to the County Executive we needed those SCIN's filled for the first quarter of the year, it would be a consideration. And they would have a recourse.

**LEG. BROWNING:**

Well, then back to March, you're basically talking the summertime before they would be able to hire anybody. So there's -- six months is already gone.

**MS. CORSO:**

But that's kind -- that's almost the way that government runs naturally.

**LEG. BROWNING:**

However, they are responsible County elected officials. And with or without this bill, they have created the savings and they know where the positions need to be filled and they know where they can save the taxpayers because of budget issues that they know they are willing -- and we know that; they'll be willing to work with the County Executive to not fill positions if they're not needed, so.

**MS. CORSO:**

I think the point is they're very concerned about their positions. And if you remove that -- if you remove the 110 accounts from -- you're removing the degrees of freedom where we can get savings. So, say, we needed the 2.5 million in savings in 2010, a lot of that savings came from 110, the rest of their budgets are really not as, you know, beefy as a 110 account would be. So if we had to go in and set 10% aside of the rest of their accounts, it's the same hindrance. We're just looking for a small compromise here. I don't think it's -- I don't think it's a fair compromise to sit down with the two offices and agree that we're doing okay, and then they can move forward. And if, you know what, if we don't agree, then your bill kicks in.

**LEG. BROWNING:**

However, they did come up with a compromise. And they saved you \$1.9 million. And I know that moving forward with or without this bill, and even with this bill, I know that they'll do that because they are held accountable to taxpayers.

**MS. CORSO:**

I agree with you, but part of that 1.9 million was in staffing. So if you remove that, and you're removing that, so that is the largest component of their budgets. And the plans that we got did include that money. So you're just -- you're limiting the degrees of freedom where we can get that money from. And you're removing it for a three-month period.

**LEG. BROWNING:**

And again the County Executive can intervene if we're having a fiscal crisis.

**MS. CORSO:**

And the Legislature has an opportunity to say *we don't agree with you* and then your bill kicks in.

**LEG. BROWNING:**

Okay.

**CHAIRMAN D'AMARO:**

Legislator Nowick.

**LEG. NOWICK:**

Good morning, Connie. Just quickly, did you get an opportunity to meet with the elected officials; yes?

**MS. CORSO:**

The County Executive did.

**LEG. NOWICK:**

And this compromise that you speak of, and I would like to hear from them, was there an agreement about the compromise or not?

**MS. CORSO:**

We handed out -- we feel that it was a very cordial meeting. And that we handed out the bill. And we have not had any response from them. We would hope that, you know, maybe if we didn't come to compromise on all pieces of the bill, that we can could come to compromise on some of the pieces of the bill.

**LEG. NOWICK:**

So it's kind of a work in progress right now.

**MS. CORSO:**

We would hope so.

**LEG. NOWICK:**

Connie, just a question. I'm just going to use an example. Let's take the Comptroller's Office. They get a certain budget and they get a certain line for personnel. They work -- the way it is right now they work within -- you guys work within their budget. So in other words, if they -- if this bill does pass and the Comptroller's Office wants to hire two people or fill a vacant position or whatever it is, they still have to work within the budget that they're allotted?

**MS. CORSO:**

Well, part of the concern that we have, and I don't think that the bill is clear, is that if you're going to work in personnel, the preference was to stay in your 110 account; because you could run through -- there's a certain amount of turnover savings. And if you've run through your 110 account, then you would have to move money from, say, computers or office supplies. And then that would further hinder the ability to set aside, say, the 10% if we ran into a fiscal crisis. So part of that bill should be that you need to remain in your 110 account, that you could not exceed your 110 account and then take money from office supplies or equipment or travel to make up the overage in office supplies.

**LEG. NOWICK:**

Well, me just stop you. As it is now, and Budget Review might know this, can an elected move money now from one account -- one line to another? Can they do that?

**MS. CORSO:**

Yes, you can by a budget transfer.

**LEG. NOWICK:**

By a budget transfer. And the budget transfer is approved by --

**MS. CORSO:**

It's approved by the County Executive. But the problem with -- the problem with the budget transfer from the 110 account is the 110 account and any 110 account -- any 100 account can run

negative. So you could hire beyond what your appropriations are and have that account run in a negative. And it happens very often. I believe some of the issues that we had in the housekeeping were related to -- and I'm not saying it was these departments, overages in 110 accounts. 110 is -- you're obligated to pay payroll. So you can run payroll into the negative. And how do you -- how do you fix the negative account? You move money from other areas of the budget.

**LEG. NOWICK:**

Let me ask you another question. You keep talking about turnover savings; is that the word you used, turnover savings? Just explain to me, the way it works now, if an elected doesn't fill a position because they don't have authority from the County Exec, how do you get turnover -- how do you get savings? Do you take money from that? I don't understand how you get money out of it. Are you then able to take it from -- so how do you get that then?

**MS. CORSO:**

No, this is what happens. And if you remember, part of the -- part of the plans that we have had, you know, are budget mitigation plans over the last several years. So say in the budget this year, I think, we have 61 or \$62 million in turnover savings, you know, budget-wise, okay? And say in, you know, the Treasurer's Office we have \$100,000 in turnover savings so that theoretically --

**LEG. NOWICK:**

You got to stop because, you know, this is easy for you to understand, but you used the same expression again that you're giving me the definition of.

**MS. CORSO:**

Okay. I'm just trying not to be long.

**LEG. NOWICK:**

Within some of the elected departments --

**MS. CORSO:**

Right. So in other words what will happen is --

**LEG. NOWICK:**

There's turnover savings within the department?

**MS. CORSO:**

Yeah. So what will happen, say you have six vacancies in a particular department. You have six vacancies so you have six positions. We would technically put in turnover savings for, say, three positions. So you would have funding for three positions. But there isn't going to be -- if you have -- if you have the ability to sign the SCIN, you could really sign six SCIN's, hire them and then move money from other pieces of the budget so you're not going to spend money on overtime and you're not going to spend money on office supplies, you're not going to spend on postage; that could make your 110 account whole, but it also reduces the degrees of freedom if you do enter a fiscal crisis. We would be able to set money aside for savings.

**LEG. NOWICK:**

Okay. So you get your turnover savings by not signing the SCIN's from the other department so the money goes into the general turnover savings so to speak?

**MS. CORSO:**

Right. You would hold those three positions vacant and only hire the three that you had.

**LEG. NOWICK:**

Okay. So the only question I have, and I do want to hear from the elected's, and I understand where you're coming from. But I can't help thinking these elected's -- why couldn't they just pick

up the phone in January or February or March and have a conversation with the County Executive and say *let's talk about it, let's decide*, if this bill goes through. If this bill goes through, they still could pick up the phone and have a conversation and say *this is what we need to do*. You don't feel that that would work?

**MS. CORSO:**

But I also think the compromise bill says the same thing. For the first three months until we have a joint presentation, they have every right to talk about their hiring plan. And if we're in some kind of crisis in their departments, we would sign the SCIN's.

**LEG. NOWICK:**

All right. Just last thought, then; if that does happen, the compromise --

**MS. CORSO:**

Especially if -- especially if the turnover savings is on target to be met.

**LEG. NOWICK:**

And, Connie, just fast, if that does work, the compromise does work, so then if there's a rosy outlook, the positions can be filled unless the County Executive doesn't feel they should be filled. And if he doesn't --

**MS. CORSO:**

And if you --

**LEG. NOWICK:**

Just let me get it --

**MS. CORSO:**

No, that's not correct. That's not correct. If there's a rosy outlook, they are filled. They are filled.

**LEG. NOWICK:**

So the County Executive then can't say zero.

**MS. CORSO:**

No.

**LEG. NOWICK:**

But if there's not a rosy outlook --

**MS. CORSO:**

Your bill kicks in.

**LEG. NOWICK:**

What's the sense to it then?

**MS. CORSO:**

Because if we're not in agreement, then, we would still want to hold the positions vacant, but if you override us like your bill says now, then override us.

**LEG. NOWICK:**

So if you're not in agreement, then the bill kicks in.

**MS. CORSO:**

Right.

**LEG. NOWICK:**

And if there's a rosy outlook, it has to be filled.

**MS. CORSO:**

Right.

**LEG. NOWICK:**

And if there's not a rosy outlook --

**MS. CORSO:**

You guys can do whatever you want. If there's not a rosy outlook, it will probably trigger, you know, us to have to look in other ways how we want to make up that -- that deficit.

**LEG. NOWICK:**

Okay. You know --

**MS. CORSO:**

And unfortunately what will happen is when the 2012 budget gets adopted, is -- when the 2012 budget gets corrected, all positions will be eliminated. We may have to lay people off in order to stay within the budget and the budget projections and try to maintain the fund balance.

**(D.P.O. VILORIA-FISHER CAME INTO THE AUDITORIUM)**

**LEG. NOWICK:**

Right.

**MS. CORSO:**

If you don't maintain the fund balance, that's going to mean a tax increase.

**LEG. NOWICK:**

Okay, thank you, Connie. I was just hoping that Dr. Lipp could clear this all up for us, right, Mr. Presiding Officer?

**D.P.O. VILORIA-FISHER:**

Hi, Mr. Chair.

**CHAIRMAN D'AMARO:**

Good morning. Yes. The sponsor of the bill has joined us now for the record, Legislator Viloría Fisher. I did have Legislator Kennedy next on the list.

**D.P.O. VILORIA-FISHER:**

Okay. I'll wait. I'm not a member of the committee, so I'll wait until you're ready.

**CHAIRMAN D'AMARO:**

All right. Thank you, Legislator Fisher. Legislator Kennedy, go ahead, please.

**LEG. KENNEDY:**

Thank you. And first of all let me say that I'm pleased that the County Executive had an opportunity to go ahead and meet with the four elected's or five elected's yesterday afternoon. Dialogue is always an important thing. But I think the gentleman in the back of the room said it best; that democracy is a team sport. You're speaking about the concerns that we have with the budget and the budget operations and the first part of the budget for next year, what we've just gone through. But I think it's also important, Connie, to understand what's kind of brought us to this point. And some of what we heard 14 days ago from the five elected's that were before us, the District Attorney spoke specifically about not having a Bureau Chief for prosecutions in the Gang

Unit. I am not a prosecutor by trade; but the fact that there is no law enforcement individual to go into court to prosecute criminals in our neighborhoods kind of goes beyond some of what we're speaking about here as far as some of the hyperbole, having been nine years in the County Clerk's Office and knowing that they are the largest revenue generator in the County of Suffolk, the dialogue about where we are now about three months, six months, four months, rosy pictures, kind of gets glossed over with the reality that they brought to us.

For the Sheriff to have to take prisoners and transport them to Orange or Utica or wherever on overtime because there aren't sufficient personnel to deal with it in straight time, takes a budget clock and spins it like a cartwheel. It doesn't make sense and we're not meeting our prime public responsibilities. So what I would say to you is, is this notion now presented to us of consensus or moderation, I think may be good as far as the County Executive expressing some perspective he has, but I also think we're talking about what may or may not occur. I try to be a pragmatist. I have no other bill in front of me. The sponsor is here. She made an amendment because the administration brought forward two weeks ago a primary concern about "shall" or "may".

We need to act now. Why is it that we're being asked at this point -- excuse me -- I'm trying to have a conversation with you. Why is it at this point we're being asked to entertain a whole variety of other modifications? What went on between then and now?

**MS. CORSO:**

I think a lot of what happened had to do -- I mean this was a really tumultuous year. None of us can argue that. And I think -- if I may go through your points one at a time, the COC and the correction officers, if you think back to when we created this jail, and everybody who sat before us, the direct supervision was supposed to be less staffing. And when the staffing plan came forward, it's almost doubled the staffing that we thought it was going to be. If we hired all those correction officers, where are they going to go? The new place isn't open. They're going to go in and they're going to train. And do you think it is not in the County's best interest to try and work with the COC to kind of limit those posts? The way they promised us when we spent the extra money to build these direct supervision pods in one of the biggest County capital projects we ever took on? I mean we talk about debt service, why do you think the debt service went up? We have this huge unfunded mandated jail that we had to build. So with the COC and the correction officers, I think we have a little bit of, you know, we can understand where they're coming from.

The other part is the County budget process was, again, we were in negotiations. And part of that was we needed to see in the County Exec's Office where we were going to land once the County -- once the omnibus bill and once the process was over. I really do feel until this bill came forward we were going to -- it was going to be status quo as far as signing the SCIN's for department and elected officials. I just think that there was some confusion and maybe -- and I agree, there's frustration. There's frustration on the elected's parts; there's frustrations on our part.

I also feel we needed to look at the edict in how this bill was going to affect the 20 percent backfill; because remember that is a local law. So I don't think that this was a blanket *we're not signing SCIN's for the elected*. I think that there were several factors that we all need to consider when we think about when you're going to make a substantial change to the way things are done.

**LEG. KENNEDY:**

I appreciate you bringing forward those concerns. I'm going to yield to the sponsor but I'm also just going to say to you that if there -- I have no reason not to believe what an elected comes before me and says. I believe that the electorate elected them to do the job that they are there for. And when they sit here at the table and speak to us about the resources that they need to accomplish that, I don't think that they're speaking in theory or not cognizant of the cost and the operations to each and one of their offices. They stand before the electorate just like we do. And they are judged on whether they are prudent, effective and get the job done. And so I think that's what we have before us.

**MS. CORSO:**

Right. And I feel that -- I have the same respect. I think that -- I think that, you know, maybe in the last six months -- I mean we have really been in terrible economic times. I think we've tried our best to try and fill and do as much as possible to save their jobs. I think the budget process, you know, the way it went, I think once the budget process was over, the theory was to sign the SCIN's that were necessary. And I do believe some of the elected's did get SCIN's signed that they needed. I think that we always are cognizant that they, you know, earned the respect of those elected officials, we try to do everything possible to make their jobs easier. I think we're all caught in the state of the economy. That's all I could say at this point.

**LEG. KENNEDY:**

I think there's no doubt about that. Each of us are sitting and looking at this. And, let's remember, there are 300 -- about 260 layoff notices that have been issued. We are not talking about what may occur. We're speaking in a time of what actually has begun to be implemented. So we have shifted from what may to where we're at now. And in this environment they still know what it is that they have to have in order to complete the mission of each one of them is tasked with. So, as I said, I'm glad the dialogue occurred. I think that was something that was significant and important amongst all of them. I think we have this bill before us today and that's what we're being asked to act on. I'll yield, Mr. Chair.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Kennedy. Legislator Fisher, Legislator Cooper just had a quick question then we'll go to you.

**D.P.O. VILORIA-FISHER:**

I had a great segue.

**LEG. COOPER:**

No, I'll defer to Vivian.

**D.P.O. VILORIA-FISHER:**

I had enough time to catch my breath. I just went back and forth to Tarrytown to my grandson's concert. So I'm thinking musically. And I guess the phrase comes up *there's something happening here and what it is ain't exactly clear*.

Legislator Kennedy is talking about dialogue and compromise. Whoops! The sponsor of the bill was not included in any of the dialogue. My staff was on the phone with me as I drove back here from Tarrytown talking to me about this compromise. This isn't aimed at you. This is your boss. I have never heard a thing from the County Executive regarding this obfuscation that's being called a compromise. Rosy picture? Is there anyone at this horseshoe who believes that the County Executive will ever think that there is a rosy picture in this economy? From the moment he was elected, he was talking about a \$300 million hole in the budget. Do you remember the panic? Those of us who were here from the moment he was elected. I find it disingenuous, I find it disrespectful for the County Executive to send his agents to this Legislature without having said one word to the Legislative sponsor of this resolution. Number one.

Number two, I find it insulting and I find it disrespectful to undermine the dignity, the responsibility and the professionalism of the five elected officials who clearly see that there's a crisis in their departments if it is not corrected through this resolution. In good faith I listened to what was said by you, Ms. Corso, and by Mr. Brown. I conferred with Counsel. We made the changes. We clarified the points that you said were ambiguous. We redirected one of the very important verbs there from "shall" to "may" in order for there to be a flexibility on the part of the five elected officials with whom we're referencing in this legislation. We have given a great deal of latitude, a great deal of latitude to the County Executive with seven situations under which he could certainly pull back the power of this legislation.

There is no reason, and I'm saying this very clearly to my colleagues, including Mr. Kennedy, there's no reason to have this piece of legislation fail. There is no reason why we as a legislative body understanding that we have a responsibility as copartners in building a fiscally prudent budget, and we who have sat in the working group, and I know Legislator Nowick you sat in the working group for as long as you've been in the Legislature. And you know that these elected officials have come to us in the working group saying *I'm desperate, I don't have a supervisor where people are counting money, where people are looking over the shoulders of those who are spending the taxpayers' money.* We cannot do our jobs if we are not providing these elected officials who are elected. We are all elected by one eighteenth of the population in Suffolk County. The people who are sitting in the audience and who are named in this resolution are elected by 100% of the population in Suffolk County; just as the County Executive is elected by the full County.

We cannot undermine their authority. We should not undermine their authority. And we should certainly not put faith in some panacea of the County Executive seeing a rosy picture unless we were to paint a great big pair of rosy sunglasses on him. Because I'll tell you, I have never seen him see a rosy picture. I discourage any compromise that seems to be so complex and so bizarre and so iffy as to be nothing. And I think we should enough respect for ourselves as a Legislative body that we cannot have a compromise which hasn't been crafted between the County Executive and members of this Legislature. And we must stand strong on this. It's our responsibility and our charge as elected officials. So please vote to approve this so that it can be before us next Tuesday. Thank you.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Vilorio-Fisher. Legislator Cooper.

**LEG. COOPER:**

Thank you, Mr. Chair. I had a question regarding -- Connie, I had a question regarding the current decision making process by the County Executive by which he determines whether or not to sign a particular SCIN for a vacant position. How does he reach a decision for each individual position? For example, if it's a position in the DA's office, can I assume that the County Executive reaches out to the District Attorney and reviews position by position, invites his input and then comes to a conclusion; and ditto, he'll reach out to the Comptroller to invite input, or the Treasurer? Or is it unilateral decision on his part?

**MS. CORSO:**

No, no, no. What happens is the SCIN's comes in to the SCIN log. And the appropriate staffer from the County Executive's Budget Office, who does a biweekly payroll projection, will look and see if there are adequate funds in the 110 account for that position. They will also look at the level of funding from the New York State or federal. So if it's 100 percent state aided, typically it'll be signed very quickly. Or if it was -- I won't talk in other situations because it wouldn't affect an elected official.

Then at that point we go up and meet with the County Executive, either myself or Eric Naughton and an analyst and we say this is for, you know, the DA's office, it's a 100 percent grant. And more times -- and most of the times it gets signed. The only time we see a lag is if, you know, we get a sales tax check that's negative 25 percent or we see, you know, the finances of the County are going down or we see a tumultuous budget process where we may need a few weeks to make a decision.

Can I just clarify?

**LEG. COOPER:**

Well, if I can just -- unless this is on the same because I have a followup question. Let's say again that the District Attorney believes that there is a dire need to fill a certain critical position. But this low level staffer in the County Exec's Office for whatever reason disagrees and conveys to the County Executive that he feels that there aren't sufficient funds to fill this position. Are you saying

that the County Executive will defer to this staffer or will he then in that case reach out to DA Spota, sit down with him, have a conversation with him and try to work this out, try to get input from him directly or the Treasurer or --

**MS. CORSO:**

I think there are times when, if the -- if the DA, especially, has a special initiative, and one of his accounts is, you know, doesn't have the proper funding, and if we don't fill it, it's going to be an embarrassment to the County or it's something he really needs to do, we sign it.

**LEG. COOPER:**

But from what we've been hearing, that's not the case.

**MS. CORSO:**

I don't think in the case with certain elected officials there really has been as big a problem as there is. I think maybe the last three months it might have been a little tumultuous, but, you know, I don't remember last year ever not signing or never not recommending the signing of a position for the DA. I don't recall one position.

**LEG. COOPER:**

Well, we're going to be hearing from the Countywide elected, too, in a few minutes. But I mean who -- Connie, just your own personal opinion, who do you think is best suited to determine whether a particular vacant position is critical to be filled?

**MS. CORSO:**

There is no doubt a person even in my own office, say, this is what I feel that I -- the staffing that I need. But if there isn't any money and we're continuing to lose revenues, what would you do? If there wasn't enough money and there's no revenues coming in, what is the prudent responsible thing to do?

**LEG. COOPER:**

Are you saying that these other -- and it's an honest question. Are you implying that these other Countywide elected's are going to be making decisions that are not prudent and are not fiscally responsible?

**MS. CORSO:**

I think -- listen, I can't talk -- I can't speak for them. I'd like to hear from them. I think that programatically everybody would like every position filled. But you have to look fiscally in this type of a climate. You have to look fiscally. We have to be fiscally responsible because what we fill in one area, you're either going to take money from another area or you have to make up in another part of other departments. And I think all of you sitting around if you really think about it, it's a lot of the agencies and departments that are not highly aided that have taken a hit for this economic climate. There are other department here that are suffering because they're not highly aided and there are just other priorities. And the County, when you look at all the departments, you have to prioritize. I'm not saying they or more or less important. I think we always try to treat them with the most importance. But there are some times when everybody kind of has to bite the bullet. I mean we did lose a tremendous amount of revenues this year. Do I think next year is going to be better? I do.

And I also feel like maybe we have come here and we have sat here and not painted such a gloomy picture, but there is no line that we lost a \$100 million in revenue. And the Budget Review Office and even your body has agreed that we have. I don't think there was a time that we came before you -- and, Robert, maybe correct me, but we didn't agree there was an issue. And if you did disagree that we come with a doom and gloom forecast and we don't agree, guess what? Legislator Fisher's bill kicks in and we have no say.

**LEG. COOPER:**

Okay.

**CHAIRMAN D'AMARO:**

Legislator Cooper, any more questions?

**LEG. COOPER:**

Just one last point. Connie, I think -- and this is not a reflection on you at all, of course, but I think it's our -- the inherent problem here is that the County Executive sees himself as not among coequals but as somehow better than the other branches of government or the other Countywide elected officials. And he believes that he is better suited to determine than the Legislature is which of these -- which SCIN's forms should be signed, which positions should be budgeted. And rather than reaching out to the Legislature and trying to work with us and find common ground and compromise, he prefers to make unilateral decisions on his part. And now I'm seeing the same thing with these other Countywide elected officials, that just as the County Executive as pointed out by several of my colleagues on this Committee, they also were elected by all the voters of Suffolk County.

I happen to believe that the Treasurer is best suited to determine what the critical positions are in the Treasurer's Office. The Comptroller is best suited to determine what the critical positions are in the Comptroller's Office. And the same thing with the Sheriff and with the DA, etcetera. But the County Executive for whatever reason, hubris or what have, and you've admitted this yourself, he doesn't reach out if there is this discrepancy, if there is a feeling on the part of the District Attorney that he needs to have the SCIN form for a Bureau Chief signed to fill that position; or if the Sheriff, he needs to have SCIN forms signed so he can civilianize his department, which ostensibly was a goal of the County Executive on himself, instead of trying to reach out and work this out in a positive fashion, instead the County Executive makes unilateral decisions on his own, which is why we've been brought to this point.

**MS. CORSO:**

Can I just go through what happened? I think that -- I think this particular year with the budget, it was a little bit of an anomaly; and I can speak from personal experience that I know I have worked -- I remember last year working with the Treasurer and saying *I think we need an accountant and a few other positions*. And I think there was four or five positions. And I called Angie and I spoke to Doug and said, *look, I can probably get four out of five of these, you know, which would be your priority?* And I do think they were -- you know, we got them signed.

This is an anomaly year because we did not know where we were going with the budget. There is a major issue in this budget this year. Now that the budget is adopted and we know where we are, I think it will go a little smoother. And I know that I go in for the Treasurer, I know that I go in and I have a conversation with the Treasurer, I have a conversation with the Clerk, I know Ed goes in, I know Ed has spoken to the District Attorney's Office and their staff. And we've always compromised. I think -- I think this bill is coming out of an anomaly situation. That's my personal opinion.

**LEG. COOPER:**

Okay, thank you.

**CHAIRMAN D'AMARO:**

Okay. Ms. Corso, thank you for spending time with the Committee this morning. I appreciate that. There's been requests obviously from myself and other Committee members to hear from those are that affected by the bill, namely the five independently elected County officials. Would you guys like to step up and join us in the dialogue this morning? I invite you. Okay. And I, of course, welcome and good morning. Welcome back I should say and good morning. And I really appreciate that you're again taking time out of your busy day, of course, to join us in this debate and dialogue.

I have several questions but I want to invite all of you to speak first you if you would like to. It's your choice. How would you like to proceed?

**D.A. SPOTA:**

I think I'd like to just say a couple of things in response to what Ms. Corso has stated on the record.

**CHAIRMAN D'AMARO:**

Sure.

**D.A. SPOTA:**

And she speaks for the County Executive.

**CHAIRMAN D'AMARO:**

Please go ahead.

**D.A. SPOTA:**

First of all, let me just say as far as my office is concerned, the DA's Office, I was the head of the Homicide Bureau for ten or eleven years. I've been -- and then other positions in the office including Chief Trial Prosecutor which basically you run the day-to-day operations of the DA's Office. Now of course I'm the District Attorney. I don't have run the day-to-day operations of the office but I know it as well or better than anybody in my office. I know what I need and I don't need.

I will say this. As long as I have been the District Attorney, and that's going on almost ten years now, it is not a question of the economy. What has been going on as far as my office is concerned, and I think I can speak for the others, it's in good times and in bad times, the County Executive treats us the very same way. In good times and in bad times.

My office and John Meyerricks who's here on behalf of the Sheriff, and I think I can -- John will correct me if I'm wrong, we deal with emergencies. I don't have the luxury of sitting back in an ivory tower and saying well, I need this or I need that. I have -- and I'll give you two examples of what has occurred just within the last six months. When we had the retirement incentive, my Gang Unit Chief, the Head of the Gang Unit left. I had a vacancy. I sat down in my office with the County Executive and he agreed with me that that was an absolutely critical position that I had to have filled right away. And I think everybody can understand that. What greater crime or problem do we have in the law enforcement community than gangs, guns, violence? And it all -- and drugs. And it's all coming from -- primarily from gang activity; homicides. Notwithstanding the fact that we agreed that there was an immediate need for that position.

Ten weeks I waited. And it was only because I was begging and calling. And as -- I think it was Legislator Cooper, had asked a question is there a dialogue back and forth with the County Executive. The County Executive has never once ever called me to say well, *can we do this or can we do that, can we delay?* It is just beg, beg, beg. That's all it is.

I have a Chief of our Insurance Crime Bureau. And I think everybody knows -- I just met with the insurance crime industry. Just about every single one of the carriers that do business in New York State, the Allstate's, Geico's, and all of them, and we have a huge problem with organized crime fraud that's going on in the County. And it's driving up the cost of our premiums. Almost one-third of every premium is as a result of insurance fraud.

My Bureau Chief left on September 3rd. I put in a request for a SCIN form. I have never heard a word. The only thing that has ever happened, Legislator Cooper, is that we are sending e-mails. We are making phone calls and asking that that position be filled. An Assistant DA also left. I have five people prosecuting nothing but insurance fraud. I'm down to three. I cannot get an answer other than Mr. Dumas, and I know Miss Corso has done the best that they can to try and get these positions filled. I have no idea why it's not being filled. None. It is not a new position. It's just replacing a Bureau Chief. That's all it is.

The -- one of the important things to remember, she talked about layoffs. Remember we are dealing with 1000 people amongst all of us. There are 11,000 people that the County Executive will have unfettered discretion to fill positions or not fill the positions. That's just a scare tactic, this nonsense about layoff's. That's all it is, in my view. She talked about the CO's and the problems that may occur. I like to think and I happen to know that we have a very, very, very responsible Sheriff that will certainly work with everybody on this Legislature; not just this Committee, the full Legislature, in making sure that he is fiscally responsible in every respect. I will be fiscally responsible. Certainly Judy and Joe and Angie will also be fiscally responsible. We are not going to go out and just all of a sudden bust the budget. That's not going to happen.

I told you before when we last spoke we -- it was we, not Mr. Levy, when he went before the public and said that he saved \$1.9 million; quite simply that just not true. We did it amongst ourselves. We did it. Not him. And we will continue to do it. There will be turnover savings. There's not going to be a fiscal crisis because this bill passes. It's just not going to happen.

I'll turn it over. There's just one or two other things I just want to look down. Oh. The -- when we met yesterday with the County Executive, we just listened to him ramble on, quite frankly. This is -- and I think the sponsor put it best. It's a disingenuous attempt to what he calls compromise. In our view there should be no compromise. We are responsible people. And if you look at what he requests in his so called compromise, by the time -- it leaves him still with unfettered discretion no matter what because there's one section, and maybe I'm mis-reading it, it says after all is said and done your budget committee and their budget committee are going to meet and we're all going to agree -- and we know that's never going to happen -- but assuming that it does, then there's 30 days and then they come back to you with another 60 days and all the other stuff; by the time we're able to fill a vacancy, it will be July, August, September whatever it may be. That's really what this bill says.

But one point they didn't bring up is that at the very end of this so called compromise, here's what it says. "Nothing contained in this section" -- and this section is everything that Miss Corso talked about -- "nothing contained in this section shall be construed as a limitation on the power of the County Executive as Chief Budget Officer of the County of Suffolk." In other words *I can do whatever I want*. And that's what this so called compromise is. It's the "Steve Levy I'm going to do whatever I want notwithstanding you" -- meaning us -- "or you" -- meaning the Legislature. That's what this is all about. I just urge that you pass the bill or however you vote on this today. And we hope that the full Legislature will feel the same way. It appears that almost all of you feel. Thank you very much.

**CHAIRMAN D'AMARO:**

Thank you, District Attorney Spota. I appreciate your comments. I invite any other official to address the Committee. Comptroller Sawicki.

**MR. SAWICKI:**

Yes, thank you, Mr. Chairman. It's really an insult to the five of us Countywide elected officials to be told by the County Executive or more so by his staff that basically we're incapable of managing our own departmental budgets. I mean we can't count, I guess. We can't -- when we go hire people, we can't say, *well, gee, how much do we have left in our salary accounts? I wonder if we have enough money to pay for the 55 positions I want to add to an already, you know 60 or 150 positions or some ungodly crazy number*. I mean I find that insulting. I find this so called compromise, which is the County Executive's term, it's not our term. This is far -- this is an insult. It's not a compromise. It's disingenuous to us. And I don't where he even came up with the word "compromise."

But if I could just go deflect a little bit to another issue in terms of my office, real quick. The United States General Accounting Office establishes standards for audits. And that's obviously what we follow, what New York City follows or major counties in the state follow. One of the major criteria

out of five criteria for establishing independence is that the Comptroller's Office, the auditing authority has to have no fear of political influence or political reprisal. And that's what's so important. That's why the Comptroller in our County, whether it's me or my successor or my predecessors are elected; because I don't have to drink the Kool-Aid that's being poured on the 12th floor. And that's -- and I answer to the voters of this County and no one else. And I enjoy, as you know, a great working relationship with this Legislature.

Talking about political reprisal, in 2009 and 2008 I started working with this Legislature in an attempt to change the hiring of consultants and to create transparency on the hiring of consultants. And we also added -- you added, this Legislature, we helped to prepare the legislation and a new manual for hiring procurement policy for hiring the consultants, I mean after all the County spends well over \$50 million a year on consultants. And it was only done in a one way fashion prior to this legislation. We added -- we added the Presiding Officer, a member of this Legislature to the RFP Committee, to the Waiver Committee. I received two SCIN forms in the last two years since November of '08. And that's not political influence or political -- have I ever been called, Legislator Nowick or, Legislator Cooper, by the County Executive's Office and say *you really need this position? Why, you know, Mr. Swacki, Mr. Comptroller? Are you -- after I send letters that we're behind paying the County's bills, you know, how many -- what positions can you work with, what ones can't you?* Two positions in the last two -- over two years now.

And then this past September -- I'll wrap up -- this past September, as you know, I brought to light the fact that while none of us could get positions that we felt were critical for the operations of our departments, the County Executive unilaterally, as he hires in every single one of his departments from Parks to Police to Social Services, etcetera, he can hire at will with no checks and balances. We can't do that obviously.

But I pointed out the fact that he wants a personal photographer for \$61,000 plus a year with benefits. I said wait a minute, this doesn't make sense. If we're truly in a period of austerity and real difficult economic times, how can he justify a personal photographer? Well, guess what? Talk about political influence and political reprisal? When his proposed budget comes out in October, it came out later in September, I lost -- I eliminated eight of my top positions in my department. Thanks to you in the Legislature you overrode the veto and you restored the positions. Obviously until we pass this legislation I'll never be able to fill these positions anyway. But this is -- this is the kind of political reprisal that I am subject to from doing my job, working with you, developing a procurement policy for the hiring of consultants, pointing out that hey, wait a minute, we really don't need personal photographers in this County, etcetera. That's only two illustrative examples I want to give you and share with over my course as the Comptroller for the last eight years that I've been going through. So thank you, Mr. Chairman, thank you, to this Committee again.

**CHAIRMAN D'AMARO:**

Thank you, Mr. Comptroller. We appreciate your comments. Would any other -- one second. Unless there are specific questions, that's fine. Legislator Nowick, I just had a few myself before -- go ahead.

**LEG. NOWICK:**

Tom, do you mean to tell me that -- do you mean to tell me that the County Executive, when you need something, never picks up the phone and calls you? Never have?

**D.A. SPOTA:**

(Shaking head no) Well, the -- other than the fact when we met in my office and agreed on the fact that I needed the Gang Unit Chief, that's the only time I can ever recall speaking with the County Executive other than me -- I have called him. But even when we did agree, it took him nine or ten weeks before he filled it. I was without a Gang Unit Chief. And there was no reason for that. Absolutely none. It was a replacement. It wasn't a new position. It wasn't anything. It's just that he wanted me to come over and beg. I have to beg. That's what happens. I am not saying that in respect to Miss Corso and Dumas, Mr. Dumas. I know that they're trying. It's not their

fault. I know that they try and they try hard. He just -- that's the way the man is. I can't say anything else. I just don't understand it.

I do know, you know, I've worked very closely with the Comptroller's Office and investigations. And there's that -- I'm not going to go into it, but there are -- he needs certain positions that will help not only the people of Suffolk County in so far as fiscally making certain determinations, but helping the DA's Office in investigations. And they're not being filled. And maybe -- maybe there's a reason for that but I'm not going to go into that.

**CHAIRMAN D'AMARO:**

All right. Thank you. I'm going to defer to my colleagues in one moment. I have just a few quick questions. The first, I think I can assume your answer that you don't need any more time to contemplate any compromise with respect to this bill?

**MS. CARPENTER:**

No.

**D.A. SPOTA:**

We never ever used the word "compromise." Not one of us.

**CHAIRMAN D'AMARO:**

Okay.

**D.A. SPOTA:**

By the way, this is not -- this is not a compromise.

**CHAIRMAN D'AMARO:**

Yeah.

**D.A. SPOTA:**

This gives him overall -- and that one -- I don't -- I don't -- I guess, just maybe I'm misreading it. When you have -- when you end the bill with saying that *nothing in the bill will limit me as the County Executive*, what does that mean? You know what it means? *I'm going to do whatever I want.*

**CHAIRMAN D'AMARO:**

Okay. I appreciate that answer. I have just couple of quick questions as I go through my own process of deciding with respect to this bill. I assume then all of you are prepared at this point then to share responsibility for managing the County budget to some extent at least with respect to personnel. That's a responsibility that you're going to welcome because presently that's only, I believe, by Charter with the County Executive.

**MS. CARPENTER:**

To say that we don't manage our personnel --

**CHAIRMAN D'AMARO:**

No, no, no. I did not -- I'm not implying that you don't manage, I'm not implying that you don't do it correctly or properly or appropriately or efficiently. All I'm saying is that this -- I think we would all agree this bill would give you somewhat more latitude in hiring decisions and, therefore, there's going to be a broader scope of responsibility with respect to the budget. That's all I'm saying. I just want to know you feel that your office should take on that responsibility.

**MS. CARPENTER:**

Absolutely.

**CHAIRMAN D'AMARO:**

Okay.

**MS. CARPENTER:**

And speaking from my perspective, we are certainly, I can speak for all of us, we demonstrated the ability to function and function appropriately within the budget that is allotted us each and every year. And I think that's something we have to keep in mind. And to deviate, even to suggest that we would, you know, max out the authorized positions for every authorized position, and we would just move money around, we have to get approval for any expenditures over \$100 from the Budget Office; from the County Executive's Budget Office.

**D.P.O. VILORIA-FISHER:**

I could answer that question.

**CHAIRMAN D'AMARO:**

I really would like to just finish with my questions and then I'll defer to you. I really just want to continue the dialogue here. Thank you.

**MS. CARPENTER:**

The perspective of how many positions we're talking about, we're talking about in a 12,000 plus Countywide positions, we're talking collectively of about 1800. The County Executive still would have -- okay.

**CHAIRMAN D'AMARO:**

Right, I heard all the testimony.

**MS. CARPENTER:**

Okay.

**CHAIRMAN D'AMARO:**

I understand that. And, again, it's not my intention to say that you're not doing your job, of course, responsibly and efficiently. I'm just speaking more to the office itself; that right now the way the County government was established, and you're operating under it and you're frustrated with it, is that the County Executive has that ultimate hiring authority. And you've all spoken to that and explained very clearly what you think about that. But just looking at your respective offices, and all of the responsibilities that you have in a day, are you now prepared to take on more responsibility with respect to the budget itself as opposed to, you know, knowing what your office needs, and how to fight crime and how to manage county finances, how to audit and how to run our Clerk's Office?

**MS. CARPENTER:**

I would say yes, but also understanding that we do take responsibility for our budget even though ultimately we had to get the final say for hiring from the County Executive; when a position becomes available within my office, and I'm sure others do the same thing, I didn't immediately and don't immediately run to get a SCIN form to fill that position. But when a second and third becomes available because I, too, want to show at the end of the year that I have turnover savings, that I have not spent every dollar that the Legislature authorizes my department to spend.

**CHAIRMAN D'AMARO:**

And I appreciate that answer. And that goes to one of my other questions. And it goes to if we agree that that budget responsibility should come into your office, just with respect to personnel we're talking about, and DA Spota has already spoken about the turnover savings and how you were responsible for those turnover savings, explain to me that when you're looking at your office, the Comptroller explained how you were in need of more personnel to do crucial functions, is part of your thought process also, you know, what's the fiscal impact, how does this affect the budget?

**MS. CARPENTER:**

Absolutely.

**MR. SAWICKI:**

If I --

**CHAIRMAN D'AMARO:**

Yeah, just let me finish. Where we're at with respect to the budget that was enacted and what turnover savings target I need to meet? Because these are all the budget parameters that, let's say, right now the County Executive is looking at which maybe you are doing now, which is wonderful and great, but now you would almost be mandated to do that. And that's a change. That's a change how your responsibilities are defined in County government. So is that something that you're contemplating when you're looking at not only now the needs of your office and, you know, how do I best fight crime or manage or the County Clerk's Office, but also, you know, what's the broader impact? That's what I'm speaking to.

**MS. CARPENTER:**

Before -- let me respond, Joe. I would just like to say being the Treasurer and sitting there with the cash and knowing exactly what money we have, I am extraordinarily cognizant of that.

**MR. SAWICKI:**

Legislator D'Amaro, I think that's pretty inherent in the positions that we're elected to, is to fulfil a responsibility to the voters of the County. I know that might sound trite after a while, but when -- whenever we fill a position, and I'm sure you do the same with your own -- with your own staff, Presiding Officer Lindsay does it, the Legislature, you can't -- I mean nobody in their right mind is -- if you're a decent manager, you can't spend more than you have. I mean we do that in our own homes for crying out loud. For the County Executive --

**CHAIRMAN D'AMARO:**

No, we're not talking about spending more than you have. We're talking about saving --

**MR. SAWICKI:**

It's kind of the same. It's pretty much the same.

**CHAIRMAN D'AMARO:**

-- as we go. Well, it's a little different.

**MR. SAWICKI:**

We would weigh -- we would weigh -- I would weigh whether I need a position in tough fiscal times versus the pros, versus the cons --

**CHAIRMAN D'AMARO:**

Okay.

**MR. SAWICKI:**

I mean should I be six weeks behind in paying the County's bills? I don't think so. Not when Legislator Gregory's bill and Vivian Fisher's -- Legislator Fisher's bill is hanging there that mandates us to pay certain bills of the County within 30 days. I know what I need to -- what I need to fulfill in my department. I don't need, you know, somebody -- the County Executive, you know, who tells everybody he knows best better than we do --

**CHAIRMAN D'AMARO:**

Right.

**MR. SAWICKI:**

Now you know why we take umbrage to that comment. But in comparison, I started doing a little research this past week, I reached out to the top -- the largest municipalities in the state. I spoke

to the Deputy Comptroller in New York City. And he said -- and he's the one who pointed me to the United States General Accounting Office Standards. He said once the city council and the mayor are given the budget, the Comptroller's Office and the District Attorney's Office hire within the budget. He says they are constrained from having any influence; otherwise there'll be, you know, imposing upon those standards or violating those standards. Nassau County has no such SCIN form process. Erie County has no SCIN form process, other than they all say we have to fulfill the positions that are in that we have the budgeted monies for. So I don't think Suffolk is going to stand out like a sore thumb. I think Suffolk's going to join the rest of the major municipalities as, you know, in sync with them.

**CHAIRMAN D'AMARO:**

Joe, Mr. Comptroller, do you feel that given this expanded authority to manage your office and your budget and personnel, that you also now would have to contemplate the early retirement targets that need to be met as well as fund balance as well as just, you know, general what impacts the taxpayer kind of considerations? I know the Treasurer knows all about that having served on this body; that's often in our minds and it should be. I mean in my mind it's just, you know, taking on a much broader scope of contemplation when you speak to hiring. Right now you're elected as the Comptroller or the District Attorney, etcetera. And you know your office's responsibilities. And although the procedure to get more personnel because you feel you need more personnel is not the best, the fact is now that you're going to have the authority to get that personnel and, therefore, the further responsibility of thinking the broader impacts of that. So, for example, sitting here today, would you be filling all the positions in your office at this point? Or just would you be looking at the need and weighing these different competing factors? And I'm not saying you would. I'm just asking, you know, what's the thought process and how are you going to approach this?

**MR. SAWICKI:**

Legislator D'Amaro, as the Comptroller -- first of all I can't believe you're asking me this question. I don't mean to be disrespectful to you. But I'm taking it, like, almost an insult. I mean what do you think I am? Do you think I'm that stupid and naive that I don't know how to fill my positions? We do this every single day --

**CHAIRMAN D'AMARO:**

I did not imply that.

**MR. SAWICKI:**

We do this -- let me finish. We do this every single day --

**CHAIRMAN D'AMARO:**

I'm not going to let you finish.

**MR. SAWICKI:**

We look at the entire budget, Legislator D'Amaro.

**CHAIRMAN D'AMARO:**

I'm not calling you stupid and naive. I thought I was trying to ask just a reasonable question about how you would exercise the authority.

**MR. SAWICKI:**

It's not any expanded management. We do this every single day while we're elected in office, Mr. Chairman. And it's nothing expanded. You're making it look like -- with all due respect, I can't be real with you until unless I correct you. We do this every single day. And we're not naive. We have a little bit more than an elementary education sitting up here all the five of us. We can manage our own departments. We do it every single day. We don't need the guy in the 12th floor telling us, *well, you have to come up with this turnover savings*. We came up with a \$1.9 million on our last own year, for instance.

So to ask me, it's like condescending, am I going to fill tomorrow every single position in my office. That's my decision to make with the budget the Legislature gives me. I'm responsible to the voters. And to some extent to this Legislature. You can also amend the budget --

**CHAIRMAN D'AMARO:**

Right.

**MR. SAWICKI:**

-- four times a year and can cut me back.

**CHAIRMAN D'AMARO:**

Right. And that's a valid point.

**MR. SAWICKI:**

So the sole authority really rests with the Legislature.

**CHAIRMAN D'AMARO:**

That's right. And it goes to my next question about when we do our budget process, and I've been on the working group and I know we've met with you and we talked about the needs and I think that's healthy and we should have that dialogue. And I think the Presiding Officer spoke to this at the last committee meeting, that you know, maybe as the policymaking body we would take a closer look at least at the actual positions that are authorized and funded within the budget; and that is yet another check and balance on the whole process. Okay.

And then one more. All right, again, I appreciate your answers, Mr. Comptroller. It's not my intention to be condescending. I'm trying to have an open and fair dialogue on a very important change to how we run government. And I know that you agree with me and all of you agree with me, we're in tough times. And I think it's healthy to have the dialogue.

So with that, I have a list of Legislators that have some questions. If you don't mind, Legislator Kennedy, you first.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I would just like to say to each and every one of you I had the opportunity to have some conversation with each and every one of you over these last two weeks. And I want to thank you personally for taking the time to have the meeting that you had with the County Executive. We are dealing with, I guess, probably the essence of what we are as a government. And dialogue, I think, is always important. It may not ultimately be productive, but nevertheless I think dialogue is important as we go forward.

One of the things that I think I just wanted to come back to, it's the approach that I've tried to take through this. And I commend Legislator Viloría-Fisher. And I don't mean it to be condescending or demeaning, but I think in these tough economic times, Mr. Comptroller, you probably play one of the most critical roles here because the penchant for fraud and abuse seems to escalate. And I know your audits have significantly, significantly realized funds for equipment with the County of Suffolk. I believe that you have undertaken a number of Medicaid audits and shelter provider audits. And you've exposed significant amounts of County taxpayer funds that have been diverted by criminal enterprise. And you worked with the district attorney to go ahead and do that. And that's got to be a function of personnel.

The thing that we're not speaking about here, I guess, is, is what you know comes to your office that you could do with the people that you establish that you must have. That's where we defer to your expertise, I believe. Am I missing it? Or is that something as far as the essence of what we're looking at?

**MS. CARPENTER:**

That's it.

**LEG. KENNEDY:**

Madam Clerk, how much money did the County Clerk's Office turn over last year to the County of Suffolk? And that's somewhat gratuitous because I know it was in double digits, multiple millions each year.

**MS. PASCALE:**

I think last year despite the state of the economy, I believe we turned over about 2.5 million. And since I -- that's in turnover savings. And I believe since I've been the Clerk for the last four years, we've returned about \$55 million to the General Fund.

**LEG. KENNEDY:**

And not only do you pay to the General Fund, but you pay to the State of New York Taxation and Finance, to the MTA, to State Ed.

**MS. PASQUALE:**

That's correct. We collect mortgage tax. We collect for the State Education Fund. We collect for the MTA. And we also collect the Community Preservation Fund for the five east end towns.

**LEG. KENNEDY:**

You also have funded positions for some of the personnel that are there.

**MS. PASQUALE:**

That's correct. Those persons that touch any mortgage tax document, we have a reimbursement schedule that we have an agreement with the state ranging from eighty percent reimbursement, sometimes to as little as twenty percent reimbursement. But anybody that touches the mortgage tax document, we do claim to the state that -- we declare some reimbursement for. However, if those positions are not filled, I cannot claim that. I will not claim to the State that I had these positions filled. So in some instances it's less, it's more; but it's only for those positions that have been filled that are attached to the mortgage tax collection.

**LEG. KENNEDY:**

My point is simple. I think amongst all five of you, we've heard that you know very well how to go forward with your functions. Madam Treasurer, how could we -- how could you maximize the interest that we could have on the balances without having staff that are dedicated to monitoring them as you spoke about; not only a daily basis but sometimes almost on a hourly basis?

**MS. CARPENTER:**

Oh, absolutely. And speaking about having the staff and needing, I have the SCIN that's been requested for months for a position in the cancellation unit. And this is the unit where the tax certioraris come through. And every single document has to be gone through and the changes have to be made in the system. And then the tax, you know, refund checks get sent to the person representing the taxpayer. Many of you have called; months and months and months behind in getting these out. There are three people -- years ago it was four and five, but three. And we've managed to do with three. But now there are two. I need to get that third position filled at a clerk level for \$24,000, I believe, the amount was. We're still waiting. Please wait until after the budget. Well, the budget's, what six weeks ago that it was approved? We still haven't gotten that SCIN form.

Yesterday I sent a report that that unit in the Treasurer's Office was not functioning at all. One girl of the two remaining, one was on vacation and the other one was out sick. So there was no one there to do the function. Now some of these are 30 day court orders. And if we don't get the check out within 30 days, then we have to pay interest. We have to pay interest at the rate of 3%; better than the banks are paying right now. That breaks my heart to see that happen, but we have no choice.

**LEG. KENNEDY:**

Mr. Chair, every one of us around this horseshoe, I think, has heard how the inability for these elected's to bring on line staff is not only affecting operations in the County in a global perspective, but our constituents. I speak to constituents everyday about filing a simple tax grievance and how they as citizens are empowered to go ahead and have some impact. I was prepared to do this two weeks ago. I was told that there was a reason to go ahead and have some dialogue. I'm prepared to support it today. I'll make a motion to approve the resolution and I think that the case here has been compelling.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

Okay, there is a motion to approve the resolution, seconded by Legislator Nowick. Legislator Cooper, you had some questions?

**LEG. COOPER:**

Yes. Before we vote, I want to re-visit one issue that was raised a bit earlier. There was a very serious and disturbing allegation that was made by Mr. Sawicki that decisions by the County Executive on whether or not to sign particular SCIN forms are based on at least in part on political reprisals. And I don't want to put any of these elected officials in difficult positions, but if this is true, it's of great concern. And I'm wondering whether any of the other elected officials would like to weigh in on this, whether anyone else shares Mr. Sawicki's concerns on this matter.

**D.A. SPOTA:**

I cannot say that from my office. I don't find that. But I just happen to think that with respect to at least Mr. Sawicki, and I quite frankly think at least one other elected official here, that there is some political considerations by the County Executive.

**MS. CARPENTER:**

I would just like to say that I think at all times when this was being considered by the sponsor and the five Countywide elected officials, this is not a political issue. This is really a good government issue. Whether it's this County Executive, past County Executives or future County Executives, the five Countywide elected officials should be able to run their own offices without that burdensome process of getting another approval to fill even civil service positions. So, you know, maybe there are political things going on, but this is really a good government issue. And this is something that will protect the interest of the taxpayers what we're all sworn to do.

**LEG. NOWICK:**

Mr. Chairman.

**CHAIRMAN D'AMARO:**

Legislator Nowick.

**LEG. NOWICK:**

I have a question.

**MS. PASQUALE:**

I would just like to respond. I have not found that to be the case either.

**CHAIRMAN D'AMARO:**

Okay.

**LEG. COOPER:**

Okay.

**LEG. NOWICK:**

I have a test. SCIN, what does it stand for? SCIN?

**MS. PASQUALE:**

Internal something.

**CHAIRMAN D'AMARO:**

Connie, just for the limited purposes of answering the question. Suffolk County --

**MR. SAWICKI:**

It's even spelled S-C-I-N.

**MS. CORSO:**

Suffolk County. If you notice it's not just -- it's not just a -- the position form, that's a SCIN form. I think -- (inaudible) -- it's Suffolk County Internal Notification form.

**CHAIRMAN D'AMARO:**

Okay.

**LEG. NOWICK:**

Thank you.

**MS. CORSO:**

Can I just say one thing real quick and it has nothing --

**CHAIRMAN D'AMARO:**

I'm going to ask you to hold for a moment, okay.

**MS. CORSO:**

Okay.

**CHAIRMAN D'AMARO:**

Now, Legislator Nowick, do you have any other --

**LEG. NOWICK:**

That was my question.

**MS. CORSO:**

Did I win?

**CHAIRMAN D'AMARO:**

Is there anyone else? Legislator Fisher.

**D.P.O. VILORIA-FISHER:**

Thank you, Mr. Chair. I just wanted to clarify something that -- in a question that you asked that I wanted to make sure that inadvertently it wasn't misleading. Because you asked the officials if they were willing to take on the responsibility of managing the budget. And I believe that that might give the impression that we as a Legislature are ceding our policy making responsibility of questioning --

**CHAIRMAN D'AMARO:**

No, that wasn't my intention at all.

**D.P.O. VILORIA-FISHER:**

Exactly. That's why I wanted to clarify.

**CHAIRMAN D'AMARO:**

I don't think I said that at all.

**D.P.O. VILORIA-FISHER:**

Yes, I believe that was the question.

**CHAIRMAN D'AMARO:**

Well, I disagree with you. I don't think I said that.

**D.P.O. VILORIA-FISHER:**

Okay, well, we'll look at this minutes. But I just want to make sure --

**CHAIRMAN D'AMARO:**

Okay, we'll look at the minutes. That's fine.

**D.P.O. VILORIA-FISHER:**

Okay, if I could, I believe I have the floor; you gave me the time.

**CHAIRMAN D'AMARO:**

Yes, certainly please go ahead, but I'm just clarifying that that's not what my intention was.

**D.P.O. VILORIA-FISHER:**

But I just wanted to clarify --

**CHAIRMAN D'AMARO:**

That's not what I said.

**D.P.O. VILORIA-FISHER:**

-- I haven't yielded the time to you, Mr. Chair.

**CHAIRMAN D'AMARO:**

Okay. Please go ahead then.

**D.P.O. VILORIA-FISHER:**

In any case as the person whose name is listed as sponsor of this legislation, I want to make it completely and absolutely clear that we as Legislators are not ceding our responsibility to be the policy makers who craft the budget under which you will be functioning and you will continue to function; that we're actually saying, and I think it was made eminently clear by the questions -- by your answers to Mr. Kennedy's questions which went to the issue of your expertise and your knowledge of your departments. And how because of that expertise and knowledge and managerial skill, you could work within the confines of the budget that has been created by the County Executive and amended by the County Legislature and voted upon by us, that you would be better able to manage your offices efficiently to the benefit of every taxpayer in Suffolk County.

I just received a call yesterday from a constituent who had a grievance of \$1,000 in 2008 that was court ordered. And one of my staff did call the Treasurer's Office and was told that there was just too much work and too few workers, specifically over 22,000 claims and only two workers; exactly what you just said on the record now, Angie. And it's really, you know, for a County such as Suffolk to have to be -- to bear that kind of burden, and I think it's embarrassing to have to say that to a constituent; that a court ordered settlement from 2008 we cannot effect the completion of that court order. That's shameful.

So I just wanted to make sure that if I heard it one way, that other people might have heard it and misinterpreted the Chair's question. And I wanted to make that absolutely clear that I would never

have a piece of legislation where I ceded any of the responsibility of the County Legislature. Thank you.

**MS. CORSO:**

Can I add just a tiny little note?

**CHAIRMAN D'AMARO:**

I think we're going to conclude it right there.

**MS. CORSO:**

It's just about cash flow.

**CHAIRMAN D'AMARO:**

No. Please sit down.

**MS. CORSO:**

Okay.

**CHAIRMAN D'AMARO:**

Thank you. Unless there are any other questions from Legislators? Legislator Browning, please go ahead.

**LEG. BROWNING:**

Okay. Sheriff's Office, you know, 2006 Sheriff DeMarco took office. And there was this proposed Taj Mahal jail. And I'd just like to get some insight from you as to how much you estimate he's saved; because I know that there was a Phase One, Phase Two.

And the second question -- and to show that he is fiscally responsible. And, you know, reading recently about civilianizing and how, you know, he has not been able to fill positions for civilians. And now he's hiring corrections officers at a higher rate. So, if you could start with the jail and give us a ballpark figure what we've saved.

**MR. CARACAPPA:**

Numbers-wise on the building of the jail when the Sheriff came in, I was already -- still over on your side. He did work closely with us as a Legislature at the time and the County Executive. And they were able to shave tens of millions of dollars off the capital side of that building.

But I'm glad you bring up the civilianization because this would be a very important point that the Sheriff would make if he was here today and he does send his regrets for not being here. Sometimes hiring somebody is -- basically helps you -- makes your department more efficient. In his case he's trying to get the sworn officers from behind desks or writing grants or in our civil bureau and back on the street or doing jobs on the street because we don't have those civilians in place. We've been trying to get civilians in -- again, civilians in Yaphank or in the jail itself, cooks for instance, the overtime is skyrocketing. Little tiny positions in civilianization such as the County Executive's done in the Police Department is very important in the Sheriff's Office. And that's of major, major importance to the Sheriff.

**LEG. BROWNING:**

Okay. Thank you.

**CHAIRMAN D'AMARO:**

All right. Thank you. Is that it everyone? Okay, there is a motion pending to approve and has received a second. At this time I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. The resolution is approved. **(VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

Thank you to all of you again for coming down and sharing your thoughts with us. We appreciate it

very much.

**MS. PASQUALE:**

We would just like to thank you for your patience and the respect that you've shown us. And a special thanks to the sponsor, Legislator Vivian Vilorio-Fisher whose words and eloquence, I must tell you, you are just spot on the issue and we really appreciate your understanding and your advocating for us. Thank you all very much.

**CHAIRMAN D'AMARO:**

Thanks, Judy.

**D.P.O. VILORIA-FISHER:**

Thank you.

**CHAIRMAN D'AMARO:**

Okay. Turning to tabled resolutions, I'll call the first.

**TABLED RESOLUTIONS**

The first is resolution number **1659-2010 - Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (SCTM No. 0300-058.00-08.00-005.000 et al). (Co. Exec. Levy).**

**LEG. BROWNING:**

Motion to table.

**CHAIRMAN D'AMARO:**

There's a motion to table by Legislator Browning.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Tabled. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 1688-2010-Adopting Local Law No. -2010, A Local Law mandating compliance with financial disclosure requirements. (Cooper)**

**LEG. COOPER:**

Motion to table.

**CHAIRMAN D'AMARO:**

I'll second. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**1838-2010 - Adopting Local Law No. -2010, A Local Law to ensure fairness in the County's disposition of property acquired under the Suffolk County Tax Act. (Schneiderman)**

**LEG. COOPER:**

Motion to table.

**CHAIRMAN D'AMARO:**

I'll second. All in favor? Opposed? Abstentions? Motion carries. **Tabled. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 1883-2010 - Adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec. Levy)** The public hearing is still open. I'll offer a motion to table.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Second by our Vice-Chair, Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 1941-2010 - Directing the Department of Information Technology to publish the County's total indebtedness online. (Cilmi)** At the request of the sponsor Legislator Cooper offers a motion to table, I'll second. All in favor? Opposed? Abstentions? Motion carries. **Tabled. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)** And just to note there that the sponsor requested the tabling. Just for the Committee's information, I had sent an e-mail to him, he had sent one to me, you all have copies, trying to get maybe some more information disclosed along with just the total debt figure. And I'm happy to see that he's trying to work with us in crafting a bill that maybe we can agree on.

**Resolution 2018-2010 - Adopting Local Law No. -2010, A Local Law to promote the preservation and integrity of the Pine Barrens Core area by prohibiting the redemption or conveyance of vacant or unimproved Pine Barrens Core parcels acquired by Suffolk County by tax deed. (Co. Exec. Levy)** For discussion purposes I'll offer a motion to approve.

**LEG. COOPER:**

I'll second for discussion purposes.

**CHAIRMAN D'AMARO:**

Okay. And I think what we could do maybe is turn to Counsel first just for a brief explanation of the bill itself.

**MR. NOLAN:**

Well, under existing law a person who loses their property for taxes can apply to the County to reclaim ownership under a local law 16 process, which is we always say those are redeemed as a matter of right. And also 215 redemptions, which are the hardship redemptions. This law would bar us from allowing the redemption laws properties and the reconveyance of those properties if they're vacant and unapproved and in the Pine Barrens Core. And that's the explanation.

**P.O. LINDSAY:**

Can I ask?

**CHAIRMAN D'AMARO:**

Yes, I just want to let you know I had reached out to Counsel yesterday and just asked if there was any legal impediment to us doing that and the response is no. But, of course, as a matter of policy is another level of analysis.

**LEG. COOPER:**

It's not discriminatory.

**MR. NOLAN:**

Well, basically we've taken a tax deed to the property so what we do at that point is really a County policy. And so we've established a process where people can redeem within six months if they pay their taxes and then we have the 215 process, which is the hardship process. So going forward if a

person lost their property and it was in the Pine Barrens Core, we could not reconvey the property to them if this law's enacted. As the Chairman stated, I don't see a legal impediment to doing this. It's a policy call for the body.

**CHAIRMAN D'AMARO:**

All right. Mr. Presiding Officer, please go ahead.

**P.O. LINDSAY:**

Well, it just seems discriminatory in some sense. But if Counsel says it's okay, it's okay. My question, does this happen a lot? Is that why the necessity for this legislation? It seems like it would be a kind of --

**MR. NOLAN:**

Yeah, I don't know. And the one thing I would state is that I believe at least -- I don't know if it's for local law 16's or the 215's, those are reviewed by the Department of Energy and I think the Department of Planning to see if there are environmental qualities to a property that might be subject to redemption so -- but I can't really state how often this particular issue comes up where it is a vacant unapproved parcel in the Pine Barrens.

**P.O. LINDSAY:**

So that person wouldn't receive any compensation at all then?

**MR. NOLAN:**

Well, they didn't pay their -- they've lost the property.

**P.O. LINDSAY:**

I know they lost the property. But in another circumstance if someone, if it wasn't in the Pine Barrens Core, wanted to come in and pay the back taxes they'd get their property back.

**MR. NOLAN:**

Correct.

**P.O. LINDSAY:**

And this we're just saying you have no recourse.

**MR. NOLAN:**

Correct. It would take -- right now we have the discretion to look at the applications and this would take it away.

**CHAIRMAN D'AMARO:**

Right. I think the theory is that as far as the legal impediments go the County, once we take title to the property, we can own it, we can put it through whatever procedure or no procedure that we choose to. But, again, as a matter of policy, do we want to do that is the issue. Legislator Browning and then Legislator Kennedy.

**LEG. BROWNING:**

Yeah, I think I understand and I'm a little concerned because it's -- say you have a piece of property, it's worth \$100,000 and it's still within that redemption period, but it's in the Pine Barrens. And maybe that person only owes \$5,000 in back taxes. We can take that \$100,000 piece of property and not pay a difference and the owner of the property doesn't get the difference of what we would owe them if we purchased it?

**MR. NOLAN:**

Correct.

**LEG. BROWNING:**

I'm a little concerned about that.

**CHAIRMAN D'AMARO:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. As to the policy, I think the policy is -- well let's just say I question the merits. I don't think government should make a windfall at the expense of -- at property owners whatever the circumstances are. And each one of us works very hard regarding law circumstances in their districts.

But my question goes back to Counsel. And George, with all due respect, I would want to take a look at the Suffolk County Tax Act, which as you know governs and controls the collection and the loss of and the redemption of properties here in Suffolk County, a special lot piece of legislation that goes back to 1920. I know where there is silence in the Act we have added other types of redemption provisions. But I seem to have always operated under that premise that where there is non-payment of property tax on a vacant, it's basically a six month opportunity to redeem. And I'm wondering how we have a local law then that comes in and negates that. Maybe my recollection is not clear.

**CHAIRMAN D'AMARO:**

Mr. Brown, would you like to respond?

**MR. BROWN:**

It's 12 months.

**LEG. KENNEDY:**

Hold on. I want to hear from our Counsel first. Then, Dennis, if want to weigh in, that's fine. But I asked the question of our Counsel.

**MR. BROWN:**

I was just telling you there's 12 months, that's all.

**LEG. KENNEDY:**

Okay.

**MR. NOLAN:**

This bill is only amending our local laws. Our local laws give people the right to get their property back. And I should say, by the way, that it's always within the discretion of the Legislature. Even though we say the local law 16's are as a matter of right, in fact, they're not. We could vote those down. And with the 215 they have to fit narrow hardship areas and that has to come to the Legislature.

So basically, we -- the local laws give us discretion to judge applications redemptions. This law would take away our discretion in terms of properties that are unimproved and in the Pine Barrens.

**LEG. KENNEDY:**

So, but let's go back to the first question. The foundation statute the Suffolk County Tax Act. What does that allow?

**MR. NOLAN:**

Well, I'd have to get back to you on that, John. If there's anything in the Tax Act I don't recall in terms of the redemption.

**LEG. KENNEDY:**

Okay. So based on that I'm going to --

**MR. NOLAN:**

-- but I think the redemption is generally governed by our local laws.

**LEG. KENNEDY:**

Okay. But based on that I'm going to offer a motion to table because I think there is an underlying legal question that requires some further dialogue or discussion here before we even rise to the policy issue.

**LEG. BROWNING:**

I'll second that table.

**CHAIRMAN D'AMARO:**

Okay. There's a motion to table and a second. Just, Legislator Kennedy, we always have, once we have the tax deed, we have discretion even on redemptions as a matter of right. But I guess what you're questioning, just so it's clear, and correct me if I'm wrong, is that can we treat a different class of individual, namely someone who owned in the core area, not even give them the proverbial bite at the apple, so to speak, and treat them differently than others.

**LEG. KENNEDY:**

Absolutely, Mr. Chair.

**CHAIRMAN D'AMARO:**

Right.

**LEG. KENNEDY:**

I think there are a variety of different issues here. I would even question whether or not we're starting to get into some constitutional issues as far as creating a separate class or a special class as opposed to all vacant properties. Yes, we're talking about the Pine Barrens. But then what's to say that we don't speak about the Oak Brush Plains or special groundwater protection areas in Suffolk County. We have a number of state designated critical environmental areas throughout Suffolk County and I've got some concerns.

**CHAIRMAN D'AMARO:**

Okay. There's a motion to table with a second and there's a motion to approve with a second. I'll call --

**LEG. COOPER:**

Actually I withdraw my seconding motion.

**CHAIRMAN D'AMARO:**

All right. There was a motion to table then pending. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2045-2010 - Adopting Local Law No. -2010, A Charter Law to limit campaign donations by members of the Ethics Commission. (Cooper)**

**LEG. COOPER:**

Motion to table. I'm sorry, it has to be tabled for a public hearing.

**CHAIRMAN D'AMARO:**

Yes, and I'll second. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2055-2010** we already decided.

2058-2010 has been withdrawn.

**2100-2010 - Directing modernization of the County Financial Disclosure Form. (Co. Exec. Levy)**

**LEG. COOPER:**  
Motion to table.

**CHAIRMAN D'AMARO:**  
Motion to table by Legislator Cooper.

**LEG. BROWNING:**  
Second.

**CHAIRMAN D'AMARO:**  
Second by Legislator Browning. Anyone on the motion? Okay. All in favor? Opposed? Abstentions? Motion --

**LEG. KENNEDY:**  
Abstain on that.

**CHAIRMAN D'AMARO:**  
Legislator Kennedy abstains and the motion carries. **Tabled. (VOTE: 5-0-1-0 Abstain: Leg. Kennedy)**

**Resolution 2144-2010 - Authorizing certain technical correction to Adopted Resolution No. 934-2010. (Co. Exec. Levy)** I'll offer a motion to approve and place on the consent calendar.

**LEG. COOPER:**  
Second.

**CHAIRMAN D'AMARO:**  
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved and Placed on the Consent Calendar (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2147-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Valena Hays (SCTM No. 0100-058.00-06.00-019.000). (Co. Exec. Levy)** 40 by 135 parcel in Wyandanch appraised and sold for \$3500. I'll offer a motion to approve.

**LEG. COOPER:**  
Second.

**CHAIRMAN D'AMARO:**  
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2148-2010 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of East Hampton) (SCTM No. 0301-002.00-01.00-016.000). (Co. Exec. Levy)** It's a small triangular parcel in the Village of East Hampton. I'll offer a motion to approve.

**LEG. COOPER:**  
Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2149-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Janice Cooke-Giugliano (SCTM No. 0400-245.00-02.00-017.000). (Co. Exec. Levy)** Again, a parcel located in Huntington, 40 by 102 by 100, Irregularly shaped, Brought in \$3800. I'll offer a motion to approve.

**LEG. COOPER:**  
Second.

**CHAIRMAN D'AMARO:**  
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2150-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Jocelyn Jean (SCTM No. 0500-122.00-03.00-004.000). (Co. Exec. Levy)** This is a redemption as a matter of right. I'll offer a motion to approve and place on the consent calendar.

**LEG. COOPER:**  
Second.

**CHAIRMAN D'AMARO:**  
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2151-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Rose Lacascia, as surviving tenant by entirety (SCTM Nos. 0100-020.00-03.00-002.000 and 0100-020.00-03.00-003.000). (Co. Exec. Levy)** I'll offer the same motion, same second and without objection same vote. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2152-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Frank Catalfamo and Mary A. Catalfamo, his wife (SCTM No. 0200-980.50-01.00-048.001). (Co. Exec. Levy)** I'll offer the same motion the same second and same vote. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2153-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Estate of Donald Humel, by Christine Humel as administrator as to a 60% interest and Philip Humel, as heir to the estate of Elsie Humel per Suffolk County Surrogate's Court File 381-A-1970 as to a 20% interest and Bruce Humel, as heir to the estate of Elsie Humel per Suffolk County Surrogate's Court File 381-A-1970 as to a 20% interest (SCTM No. 0500-213.00-02.00-011.000). (Co. Exec. Levy)** I'll offer the same motion, same second and same vote. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2154-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Angela Bowman (SCTM No. 0700-025.00-01.00-058.000). (Co. Exec. Levy)** Same motion, same second, same vote. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2167-2010 - Authorizing the sales of surplus property sold at the October 20 and 21, 2010 auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution). (Co. Exec. Levy)** This was approximately, I think, 129 parcels that sold for a little over 1.9 million. Director Greene is here; would you like to speak to that?

**MS. GREENE:**

I'd be happy to, Mr. Chairman.

**CHAIRMAN D'AMARO:**

Okay.

**MS. GREENE:**

The Division conducted its auction this year. It was held over a two-day period. It was held in-house so it did save costs and expense in that way. It also produced a positive net revenue for the County. Out of 168 parcels put up for sale, 129 were bid upon. I'm sure you're interested in the results of any of that were local law 3. And as this Committee is aware, local law 3 no longer applies to those properties within the Town of Brookhaven. So the properties that were subject to them in this past auction were three: One in Babylon, one in East Hampton, one in Southampton. There was no bid on the property in Babylon. There were successful bids for both East Hampton and Southampton. And, again, you have the revenue figures in front of you. Given the deduction of the County investment of the properties to date, at the time of the auction there was still positive cash revenue produced back to the County.

**CHAIRMAN D'AMARO:**

Okay. I'll offer a motion to approve.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. Thank you, Ms. Greene, I appreciate it.

**MS. GREENE:**

Thank you.

**CHAIRMAN D'AMARO:**

All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2181-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Nazzarena Console and Michael Console, as tenants by the entirety (SCTM No. 0100-021.00-01.00-079.000). (Co. Exec. Levy)** This is redemption as a matter of right. I'll offer a motion to approve and place on the consent calendar.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**2182-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Estate of Grasilda M. Angelo, by Veronica Angelo-Heizman, as administrator (SCTM No. 0200-700.00-02.00-006.000). (Co. Exec. Levy)** I'll offer the same motion, same second and same vote. **Approved and Placed on**

the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)

**2206-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act Barbara Sukowa (SCTM No. 0500-497.00-03.00-048.000). (Co. Exec. Levy) Same motion, same second and same vote. Approved and Placed on the Consent Calendar. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 2208-2010 - Adopting Local Law No. -2010, A Local Law implementing the Charter Commission's recommendation regarding the terms of the Presiding Officer and Deputy Presiding Officer. (Romaine) Requires a public hearing. I'll offer a motion to table.**

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 2224-2010 - Reappointing Commissioner of the Suffolk County Board of Elections (Wayne Rogers). (Losquadro)**

**LEG. KENNEDY:**

Motion.

**CHAIRMAN D'AMARO:**

Motion by Legislator Kennedy, second by Legislator Nowick. This would be for a four-year full-term for Mr. Rogers. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

**Resolution 2236-2010 - Declaring as surplus and authorizing sale of real property in Yaphank pursuant to County Law Section 215. (Pres. Off.)**

**P.O. LINDSAY:**

Make a motion to table. It's got to go to CEO.

**CHAIRMAN D'AMARO:**

Motion by the Presiding Officer to table.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **Tabled. (VOTE: 6-0. PO LINDSAY INCLUDED IN THE VOTE)**

That concludes the public portion of our agenda. I'd offer a motion at this time to go into executive session for the purposes of discussing a possible settlement of litigation, second by Legislator Browning. All in favor? Opposed? Abstentions? Okay. We'll be back on the record shortly. Thank you.

**[AN EXECUTIVE SESSION WAS HELD FROM 12:30 PM - 12:57 PM]**

**CHAIRMAN D'AMARO:**

Okay. We're back on the record. Just for the record the Ways and Means Committee has unanimously approved the settlement of the following three actions: One, Philip Halpin against

County of Suffolk; second is Vicki Dollin, D-o-l-l-i-n, against Denise M. Savelli and the County of Suffolk; and the third action is MacCallum-Dittmeier, D-i-t-t-m-e-i-e-r and James Dittmeier against Suffolk County, the Suffolk County Suffolk County Sheriff and Suffolk Sheriff Steven J. Gordon, G-o-r-d-o-n. All three of those settlements were unanimously approved in executive session by the Ways and Means Committee. Thank you. And we are adjourned.

**THE MEETING CONCLUDED AT 12:58 PM**

**{ } DENOTES SPELLED PHONETICALLY**