

JOINT OPERATING BUDGET MEETING
OF THE
WAYS and MEANS
and
BUDGET and FINANCE COMMITTEE

A joint Operating Budget Meeting of the Ways and Means and Budget and Finance Committees was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Smithtown, New York, on Monday, October 18, 2010 at 9:30 a.m.

MEMBERS PRESENT:

Legislator DuWayne Gregory - Chairman - Budget and Finance
Legislator Louis D'Amaro - Chairman - Ways and Means
Legislator Kate Browning
Legislator Ed Romaine
Legislator John Kennedy
Presiding Officer William Lindsay - Ex Officio Member

ALSO IN ATTENDANCE:

Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Anita Katz - Board of Elections
JoAnne Sanders - SC Coalition Against Domestic Violence
Christine Malafi - County Attorney
Angie Carpenter - Suffolk County Treasurer
Vito Minei - Cornell Cooperative Extension
Wallace Broege - Suffolk County Historical Society
Maureen Fiorello - Cornell Cooperative Extension
Toni Dean - Cornell Cooperative Extension
Christopher DeStio - John J. Foley Nursing Home
Louis Mazzola - SC Legal Aid Society
Laurette Mulry - SC Legal Aid Society.
Frank Farris - Suffolk County Public Administrator

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano - Court Stenographer
Denise Weaver - Legislative Aide

(*THE MEETING WAS CALLED TO ORDER AT 9:36 A.M.*)

CHAIRMAN GREGORY:

Good morning. We are going to get start with the Budget and Finance Operating Budget Hearing. We are going to start off with the Pledge of Allegiance led by Legislator Kate Browning.

SALUTATION

CHAIRMAN GREGORY:

We have a number of speakers. First, we have Angie Carpenter, County Treasurer.

MS. CARPENTER:

Good morning. How are you?

CHAIRMAN GREGORY:

Good morning.

MS. CARPENTER:

I will be very brief. I just want to -- I just got a copy of the BRO report, so I haven't had an opportunity to look at it to see if they're going to agree with what I'm going to ask of you guys.

But basically, as far as the positions that have been eliminated, I would just ask that they be restored. At the very least, if you restore them without funding so that the lines are there so that hopefully at some point in the future we will have the opportunity to fill them rather than to try to have to recreate position lines.

Also, I would ask for a modest amount of money to enable us to continue doing what we need to do out there; in collecting the revenues in the record room and processing the tax grievances and everything that's going on that have increased enormously. But we have requested \$40,000 on overtime and 62 for temporary salaries. And with the amount of vacant positions that we have, it enables us to do what we need to do. So the requested amount was cut 5000 and 11,000. So what I'm asking that you do is restore the level to what we requested, which would mean adding \$17,866.

The other cuts that the County Executive's Office have proposed go to furniture, supplies and computer services. They are modest cuts, and we certainly can, you know, move things around and live within those. So I'm not asking to restore those cuts. The only two I would ask that you restore as far as dollars is the salary lines for overtime and temp salaries. So that would be 17,866. And again, the three positions that were slated to be abolished, that they be restored. That's it.

CHAIRMAN GREGORY:

Okay. Thank you. Does anyone have any questions?

MS. CARPENTER:

Thank you. I'm off to Riverhead.

CHAIRMAN GREGORY:

All right. Thank you. Vito Minei.

MR. MINEI:

Good morning, Legislator Gregory and Legislator D'Amaro and members of the committee. My name is Vito Minei. I'm Executive Director of Cornell Cooperative Extension of Suffolk County. And I'm here today to request that you please restore \$270,500 as recommended by your Budget

Review Office to the budget of Cornell Cooperative Extension for two major programs; Family Health and Wellness and 4-H Youth Development.

Now, as you know, Cornell Cooperative Extension is a non profit, education and research organization. And through our affiliation with Cornell university, we employ scientific research information to obtain our goals of strengthening families and communities, preserving the environment and fostering economic development. And I know these are key elements of your own mission statement.

I'm asking you today, as I did last Tuesday, to look at the information package we handed out. In there was an organization brochure that highlights several of our major programs including agriculture, marine, our many camping activities. But again, I want to concentrate on Family Health and Wellness that addresses some of the most critical public health and social issues confronting America today, as well as our 4-H Youth Development Program, which is literally tens of thousands of young people's lives in Suffolk County by teaching them to learn by doing, the motto of 4-H, hands-on education outside of the classroom.

I also want to focus on the budget process. We all know these are dreadful economic times, and we also know that you're going to arrive at a budget. But I ask you, at what cost? And in this context, the cost I mean is what will be lost in your efforts to try to trim the budget? We know, and I've heard several of you say in public that during these hard times, it is the responsibility of government to provide these critical services to people in need. There are people truly hurting out there having difficulty making decisions everyday on how to keep their families alive and well.

This makes the case in the title and subheading that we're asking for partial restoration of our funding. And we are also asking for your continued support. Cornell Cooperative Extension took a big hit in 2009, several hundreds of thousands of dollars were lost, several people had to be laid out off, these programs had to be restricted as well. With restoring this funding, again, as recommended by the Budget Review Office, we'll be able to keep these programs intact.

Please take a look at the middle of the page, Family Health and Wellness, again, addressing some of the most critical issues. These are on TV every night in the news regarding obesity, diabetes, bullying, the dangers of energy drinks. These are programs that are addressed by Family Health and Wellness. And when you're deciding which programs to keep in your budget, you'll be asked to look at value. And if you look at the bottom, the budget requested \$188,000 coupled with the \$75,000 also brought to the table by Cornell through the State Budget. The debacle that was the State Budget realized the importance of these programs and kept the money in there. And the people in Family Health and Wellness used their expertise to leverage this money to over \$1.3 million worth of grants in nutrition and other public health programs that we've documented to your Budget Review Office. So again, not only are these vital services, these are a bargain.

Looking at 4-H Youth Development, again, these programs reach over 41,000 youth teaching kids self-esteem and leadership and how to become productive citizens here in Suffolk County. My personal goal aligns with the national goal of 4-H, which is to teach children Science, Engineering and Technology, SET. It's embarrassing that America, we're dropping further and further behind other countries in these key educational opportunities.

At the bottom is the funding request, \$82,000. Once again, we've raised over \$300,000 in fees at the County Farm in Yaphank for these programs, and we also bring over \$100,000 of State funding. Again, the State Budget kept these programs intact as well as providing over a half a million dollar program for youth in Suffolk County.

So in closing, I ask you to remember that you recognized the values of these programs last year,

and I hope you come to the same realization this year. Thank you. Thank you to the Budget Review Office once again for their recommendations.

LEG. ROMAINE:

Question.

CHAIRMAN GREGORY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Actually, my question is for the Budget Review Office. You've looked at Cornell's request for the Family Health and Wellness and for the 4-H Youth Development. Did you opine in your review of the budget, your annual review of the budget -- which I know is in my mailbox, I've yet to collect it?

MS. VIZZINI:

Yes, Mr. Minei is correct. We are in support. We discussed these programs and what they do. And one of the keys here is that this revenue stream from the County is part of other revenue streams that flow into these programs. We discuss it on Page 150 and 151, specifically, we are recommending \$82,000 for 4-H and 188,500 for Family Health and Wellness.

LEG. ROMAINE:

And by funding this, this will generate additional dollars?

MS. VIZZINI:

That's our understanding.

LEG. ROMAINE:

And if we don't fund the 4-H, there will be no 4-H Program in Suffolk County, which my understanding is in terms of at least gross dollars, it's the number one agricultural County in the state.

MR. MINEI:

That's correct. And again --

LEG. ROMAINE:

Okay. Let me --

MR. MINEI:

-- look at the bargain; \$82,000 brings you over a half a million dollar 4-H Program. There's over 14 staff people involved in that program.

LEG. ROMAINE:

One last question, Family Health and Wellness, they deal with many things; cyber-bullying, nutrition, but particularly obesity and diabetes. What -- I assume there's a cost for -- if we didn't have a Diabetes Prevention Program, a Diabetes Education Program that there would be a cost for our health centers, because it tends -- people in the lower end of the economic stratum that would use health clinics tend to have these afflictions.

MR. MINEI:

Absolutely. And these education programs reach well outside of our clinics. They are taught in the clinics, but also elsewhere. And there is indeed a separate \$385,000 Diabetes Program that the core staff is encountered in the funding I'm requesting. So if you eliminate this core staff, you, in essence, eliminate diabetes education from Cornell in Suffolk County.

LEG. ROMAINE:

In the past, has the County Health Department used your Family Health and Wellness Program as a basis to apply for additional grants?

MR. MINEI:

Absolutely.

LEG. ROMAINE:

Grants that would not be otherwise forthcoming to the County without your program?

MR. MINEI:

Absolutely. Not only would the current \$1.3 million worth of grants be lost if this program is devastated by the funding cut, but the opportunities in the future would be lost as well.

LEG. ROMAINE:

Thank you very much.

CHAIRMAN GREGORY:

Okay, thank you, Vito. Wallace Broege.

MR. BROEGE:

Good morning. My name is Wally Broege, I'm the Director of the Suffolk County Historical Society. We're located in Riverhead. I want to thank you for giving me the opportunity to speak about the 2011 recommended budget and its impact on the Suffolk County Historical Society. This year, the Historical Society will receive \$265,000 from the Hotel/Motel Tax Fund.

The County Executive's recommended budget for the Historical Society for 2011 is \$260,000. Budget Review Office didn't review our budget or our program per se. We are listed toward the end of their report with other authorized agencies, and our line is on page 295. There are, however, two areas, I believe, in the dollars that were listed there, 2010, the adopted budget was \$265,000 for the Historical Society, and our requested level to the County Executive was \$285,000.

So the County Executive's recommended budget is \$25,000 less than what the Historical Society requested. And I'm here today to respectfully request that you consider adding that \$25,000 to our budget. The Historical Society is facing what could be a devastating deficit in 2011. It will force the reduction of four part-time positions and the elimination of two full-time positions -- I'm sorry -- will force the reduction of four and the elimination of two, all part-time positions. There are only two of us that are there full time.

The staff reductions will result in a number of changes in the services that we're able to offer; chiefly among them would be that the museum and library will be closed an additional day a week as well as the gift shop. With the increase of \$25,000 to our budget, we'll be left with an \$18,000, and I believe that's manageable. I think we can handle that. The \$43,000 I don't think we can do.

I'm well aware that it's -- these are difficult times to fund non-for-profits. They're difficult financial times for everyone. County funding for the Historical Society is currently below the 2008 level by \$15,000, which is a lot of money for a small organization. The deficit that we're facing next year didn't just arise all of a sudden, it's been there for a number of years. The Historical Society's income simply has not been able to keep up with rising costs. In order to balance our budgets and not cut back on programs, the Historical Society has been using accumulated dividends, interest and equity from our endowment and also cash-on-hand.

And the simple fact is that all of that surplus cash, what might have been considered cash-on-hand is gone, and we're going to have to bite the bullet in 2011, because I can't, in all honesty, recommend to the board that they remove money from our endowment. We have been trying -- it's a small endowment. The opening balance was \$500,000. We have been trying to build it. We lost a lot of value in 2007, I guess, when everybody lost money in the stock market.

Fortunately, the news isn't all bad. We've got a lot of great programs going on that we're particularly proud of. I want to thank you for giving me the opportunity to speak to you about our concerns, and I want to thank the Legislature for its past support and your interest in the Historical Society. If you have any questions, I'd be happy to answer them.

CHAIRMAN GREGORY:

Okay. Anita Katz. Commissioner Katz, I'm sorry.

MS. KATZ:

Good morning, Presiding Officer, Legislators. First off all, Commissioner Wayne Rogers is out of town, that's why he's not joining me here today. I'm here to speak about the 2011 Budget. This is the first time I have had a chance to address the Legislature since we've had our election with the new machines, so it's an exciting moment for all of us.

I'd like to make sure that everybody knows that we have a new website, suffolkvotes.com. If you get constituent calls, if people have questions, it's in our mailing, and all of our literature. Constituents can go on see a video on how to use the machine on Election Day. There's also a section there for inspectors. They can download voter registration forms and absentee ballots and other information. So that's suffolkvotes.com.

We also have kiosks us in all of the Town Halls. In Smithtown, we're in the Senior Center rather than Town Hall, which is a free-standing kiosk that plays the video so any citizens that go into the town halls to do town business can just push the button, and that will also give them an opportunity to get familiar with the machines.

I think we did well on Primary Day, and it is due to the hard work of the employees at the Board of Elections and the poll inspectors. And that's what I'm here to talk to you about today. To get ready for the primary, your employees worked seven days a week, 12 hours a day for four solid weeks. And those of you who voted in the primary know how small that ballot was compared to November. We also trained 8000 poll inspectors from June through August. We hired extra poll inspectors that you may have noticed, so that there was no possibility that there would be long lines for voters who would have a problem with the new machines.

Our budget was cut by approximately \$500,000 in our inspectors line, and we have a \$50,000 cut in the carting and storage line that I wanted to talk about this morning. The one key difference for us at the Board of Elections from this year to next year is this year we have the Help America Vote Act money, we have the HAVA money for us to use, so that when we had extra expenses like extra training for poll inspectors or hiring extra poll inspectors, we were able to move the money around, use the HAVA money and supplement our operational budget.

Some of you may have seen the article in Newsday where Nassau County -- the headlines was *We Blame the Inspectors, It's Basically Their Fault*. That is not the way we went in Suffolk. We tried very hard to support our inspectors. There's a special video on suffolkvotes.com just for inspectors that they can go and get extra training if they got training in June and didn't recall until September. But the extra training is crucial for next year as well. We will have new inspectors, and we want to have additional inspectors at the polling place.

Unfortunately, that costs money. I understand that money is very short and everyone who comes before you today is here to ask for their department, their project, and it's the most important thing to every commissioner who comes before you. But we are talking about the ability for people to vote for next year; the County Executive, the Legislature and all of the towns. It is a very large ballot, it is a very complicated ballot. And the things that made us have a successful primary was the additional people that we hired. So that if you come in and you have questions, you don't have to get on a long line to speak to an inspector, because we had enough people and we had enough training.

Again, we have over 8000 inspectors that we train. It takes a long time. We went for small classes so that they could learn about the new machines, and that costs money. So we are asking you to put back the 500,000 that was removed by the County Executive in the budget.

Our other request is for money that was placed in the cartage, and what we call the cartage and storage line. I have spoken here several times about what do we do with the old machines in January. Originally, most of you know our plan was to sell the old machines after the first year, which would be at the end of this year. But the State Legislature passed a law allowing school districts and libraries to use the old machines for this year. For that reason, we have chosen to keep the machines through the universal school vote date, which is in the Spring and for the libraries and the fire departments.

This was not something we necessarily expected, but we have heard from a lot of the school districts, and quite frankly, I think if we told the school superintendent's that they had to use paper ballots a because we didn't want to let them use the old machines, you would be hearing from all the superintendent's as well. And there are Legislators who are here today who have called me about superintendent's in their district calling them. We all understand what a sensitive issue that is. So for 2011, we are going to keep the old machines in storage, not all of them, but enough to cover us for the schools and the libraries and the fire departments until the Legislature in the State makes a decision as to where they are in terms of whether or not school districts can or cannot use the old machines.

If they decided permanently that they could use the old machines, obviously we could sell them to the school district. But we have no control over the Legislature. We did not know that they were going to pass this new law, but they did. They've extended it through 2011 so they didn't have to deal with what to do with the school districts. And that's why we're asking for the additional \$50,000 in our cartage which we use for storage, because the same company that bids on moving our machines also stores them for us.

CHAIRMAN GREGORY:

If I may, Commissioner, so that \$50,000 in your estimation is going to be just an additional one year expense more than likely or possibly?

MS. KATZ:

That's what we are assuming. Again, you can't predict what the Legislature does, but that is our assumption, that it would be for this next year for 2011 (sic).

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Good morning. Hi. Just a question going back to the 500,000 for the additional training and the additional inspectors. Is that just an increased level of the cost of the new machines, or is that something that will recede as times goes on?

MS. KATZ:

It is a hard question to answer. Obviously, when inspectors become more familiar with the new machines, the learning curve changes. We won't need, hopefully, an extra class for all of the inspectors. We'll need our standard training classes. Again, we are thinking that for the next year or two, the public will have a chance to get used to the machines, and then there won't be the issue of long lines due to questions. So we're hoping that this is a temporary transition for one or two years that we would have to hire extra inspectors, and then we could go back to our standard level, because the public has gotten used to the machines then.

LEG. D'AMARO:

And you attribute the relative success of the primary first time using the new machines to the fact that there were additional poll inspectors present at each polling place? Tell me how that helps?

MS. KATZ:

Absolutely. Because people by definition, when something is new and something is different, people are anxious about it. They had many questions, they had never seen the -- they had never seen the ballot before, they had -- most people had not seen the new machines even though we did one mailing. Realistically, a lot of people, as we all know, they don't always read their mail when they get it many. And there were many people who simply didn't want to be disenfranchised and wanted to be reassured that they were doing it the proper way.

The problem is not on the machines themselves, the problem is with the public when they come in and they want to know how do we fill it out, how do we put it in the machine, where is the privacy booth, where is the privacy sleeve. Every question takes time. And one of the things that we stressed with our inspectors was to not just blow off the public, do not act as though the voters are annoying us by asking questions, that our job, that's why we're there. And if a voter needed five minutes to understand it, they get their five minutes, but that meant that another inspector could help someone else, because there were extra people.

CHAIRMAN GREGORY:

Presiding Officer Lindsay.

P.O. LINDSAY:

Anita, the legislation that was passed by the State to allow the school districts and the fire districts to opt -- do they have the option of using the new machines?

MS. KATZ:

They were given an extension for this year to use the old machines. I have not one school district -- they can't get the machines from anyone but us, and no one is asking to use them. We haven't heard from anyone. Theoretically, there could be the option, but until we figure out at the Board of Elections just how high the cost would be to use the new machines, we are not sure that that is an option even for us. And that's why the Legislature passed the law.

P.O. LINDSAY:

Was there any -- I mean, this legislation was passed by the State, was there any funding that came with it?

MS. KATZ:

No.

P.O. LINDSAY:

Do we charge the school districts or the fire departments for using the machines now?

MS. KATZ:

We do, but it's a very modest amount when you talk about the old machines. Some of them even can pick it up themselves, they can have a custodian come from the school with a truck. You know, with the old machines, you really -- you can't kill them. The new machines are obviously very delicate. We'd have to deliver them on special trucks with special employees, with special packing. They can't -- we can't make the ballot for them, they'd have to go to an outside printer. It's very possible that the school districts will eventually be just using old fashioned paper. But again, the State hasn't really made a decision, because it's under the Education Law, not under the Board of Elections Law.

P.O. LINDSAY:

I think, you know, either they're going to have to buy the old machines from us and store them and keep them themselves, because we can't continue to absorb that cost. And if they opt for the new machines, they're going to have to pay for the ballots and the transportation, because we just don't have the money.

MS. KATZ:

Certainly on the old machines that would be our option; we could, you know, sell it for a modest amount. We're both intergovernmental agencies. I mean, no one is looking to make a profit on the schools. That would be the criteria, if they would take the old machines. I don't know if the State is going to allow them to do that. We are unsure, and all of the counties in the State are not sure if it is even practical; it takes so many weeks to set up for an election, that it's something that we are trying to figure out ourselves; would we be able to handle the school districts. These are all questions, you know.

Budget Review made some comments about our overtime, these are always issues, it costs money. I don't know if the schools would be willing to cover the cost for us, but that is something we are working on. And once we get passed the November election, that's the top priority for Commissioner Rogers and for me, to start to figure out where we are in the school districts going forward.

P.O. LINDSAY:

And as archaic as it sounds, they always have the option of going to paper ballots.

MS. KATZ:

Absolutely.

CHAIRMAN GREGORY:

Okay. Legislator D'Amaro has another question.

CHAIRMAN D'AMARO:

One more quick question, Commissioner Katz. I don't want to get too far afield, but I am very curious about how the State could grant an exemption to the school districts and libraries. They don't fall under the retirements of the federal -- the HAVA Act? I mean, how does that work?

MS. KATZ:

Because they're covered by the Education Law rather than Board of Elections Law. We don't run the school districts. For instance, if you have -- if a constituent calls and has a question about whether they can vote in a school election, we tell them they can go to the school clerk, they go to the administration office in the school district. It's not an election. HAVA is, per se, elections run by Boards of Elections, schools are not. Now, we help them, we, you know, rent them the machines, we do print outs of their voters and so on, but they're in charge of it. It's like a village in that way.

LEG. D'AMARO:

Do you have sufficient funding in the proposed budget for printing ballots for next year?

MS. KATZ:

I saw that Budget Review did reference that. That has always been one of the points that we've brought to you when we ask for extra money. I am not asking for extra money. We will have enough. Again, not to get in the weeds, but you may recall the law says that you have to print 110% of the registered voters, that's the number of ballots you have to print. It seems going forward that this New York State Board of Election is going to modify that to a lower number, because they see how ludicrous it is when you have maybe a 50% turnout that you have to print 110%. So we have an accurate number in our budget, and we're fine with the printing. That's why I didn't bring it up.

CHAIRMAN GREGORY:

Okay. Thank you, Commissioner. Legislator Romaine.

LEG. ROMAINE:

There's a great deal of meaning to the fact that we're from the government and we're here to help you. However, what I would suggest, perhaps to our Presiding Officer, is right after the November elections that some Legislators sit down and consider the policy, vis a vis, the Board of Elections, old the machines; fire district elections, which are going to be held in; December school board elections, which are going to be held in May; village elections, which I guess come under HAVA and you're responsible for, but are you directly responsible for fire and school?

MS. KATZ:

No, we are not responsible for fire, school or the village elections. And if I might just --

LEG. ROMAINE:

And that's March and June, if I'm not mistaken.

MS. KATZ:

Without alienating any group or pitting one, you know, governmental group against another, each governmental group has to pay for themselves in these difficult times.

LEG. ROMAINE:

I think we all understand that, but we are questioning now the best way to proceed with this, because a head's up notice to some of these other jurisdictions that these new machines are going to cost a great deal more and are going to involve a great deal more that's going to be billed from the County Board of Elections if the use them, and -- however, we are willing to sell the old machines providing they get State legislation to allow them to use the old machines. That certainly seems like a fair compromise, but then it's in their ballpark to really lobby their State officials on this.

MS. KATZ:

Yes. They are familiar with that. The Presiding Officer said, "Have you heard from anybody who's asking from a school to use the new machines?" They knew they didn't have to, and that's why they're not asking to use them this year.

LEG. ROMAINE:

Obviously, since we have to, there's no point for us to continue to store the old machines if they can be sold to these other jurisdictions. And that may be a way, not that we're looking to make profit, but that certainly, even if we break even, that's revenue to the County. That, obviously, a policy

decision that we'll have to make right after we do the budget, because clearly, the fire elections are coming up, I think, the first Tuesday in December.

MS. KATZ:

Right. In December, the fire districts -- we are using the old machines. The fire departments already have made their request. And we understand that any help we can get from the Legislature influencing the State Legislature on this issue would be very helpful. We don't seem to have much luck with it.

P.O. LINDSAY:

How many machines are we talking about, old machines, Anita?

MS. KATZ:

We have about a thousand, so approximately a thousand election districts. We've got about 12 to 1500 old machines. For the school districts, we're talking about maybe 100 districts. So, obviously, that would be a lot less.

P.O. LINDSAY:

But how many are we talking about storing, how many are we talking about selling?

MS. KATZ:

Theoretically, we were going to sell all of them. Obviously, we are going to try now for this year to keep a certain percentage of the old machines that would cover us for the villages, for the schools, for the libraries, a few hundred. And I think we will try and get rid of the rest of them by selling them.

The other issue that we have in storage is we are also storing the privacy booths -- for those of you who were there -- the large metal privacy booths that you stand behind when you fill it out. One of the -- because this was a new issue, Presiding Officer Lindsay, I don't think we realized how much actual physical space it takes to set up for this election. We are using our entire first warehouse where we used to store the old machines as a staging area for this November's election. So we were able to put approximately 3000 of the privacy booths at the Board of Elections in Yaphank, and we've got approximately 3000 stored in private storage. We are trying to do the best we can with the space we have.

P.O. LINDSAY:

Okay. But the point that I was making, we would have enough machines, say, if every fire district and every school districts and every village in Suffolk County said, I want one of the old machines, we could sell it to them for a nominal amount, we don't have to worry about the storage, and it's their responsibility.

MS. KATZ:

Absolutely. If the State said that was legal, that would be the best choice for us, no question.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

If the State said that they could continue to use the machines? They only had a one-year exemption?

MS. KATZ:

Right. 2011.

CHAIRMAN GREGORY:

All right. Thank you, Commissioner. JoAnne sanders.

MS. SANDERS:

Good morning. I first want to thank you all for allowing me to speak today. This is very important times, I'm sure, for the County as well as the agencies trying to provide services with the limited resources.

I did want to come out today to speak to you, however, about agencies like ours, especially -- I can only speak for domestic violence agencies. But we are expected to do a lot more with less. We've recently, this past year, due to cuts in County money to departments, the Department of Probation lost a lot of probations officers, which caused a change in procedure. So all victims of domestic violence who now petition to Family Court for an Order of Protection are expected to fill out the petition on their own, which is extremely difficult if you're in crisis, and even if you're not in crisis.

And our advocates are helping the best they can, but they are not lawyers. We are not even liability-wise supposed to be doing that, but we are doing the best we can. But even with that, we are losing money -- we are losing services I should say. Last year -- actually 2010, our core contract, which pays for precinct advocates, counseling services and prevention through education. We didn't get omnibus funding which to us was so important, because it decreased our contract by \$94,807.

So with that, we cannot turn people away. We're not the kind of agency to say, "I'm sorry, you have to get on a waiting list. If you're going to counseling, we can put you on the waiting list." If you're going to court, there's no such thing as a waiting list, you have to go. It's a matter of life and death in many cases. After you leave shelter -- you have to provide shelter. The agencies work closely together to refer, but there's just not enough resources to help everybody that's reaching out for our help.

This past year, you might have read Newsday's article stating -- it even surprised me to learn that one-third of Suffolk County homicides in 2009 were domestic violence related. It's one-third of the homicides. Suffolk County Coalition provided services to over 8000 individuals. A few years ago, a survey was taken of the Suffolk County Police Department. They were asked, "What would best help them in doing domestic violence incidents." Their overwhelming response was in favor of more Suffolk County Coalition advocates.

As I said before, we cannot turn victims away. As it stands now, because of the cuts, we will not have a precinct advocate in the Fourth and Seventh Precincts. The reason I say these two precincts is not that they don't need an advocate, but we went by the numbers. In 2010, this year, we were very fortunate to fill that gap with stimulus funding. However, stimulus funding is not going to be available in 2011.

So my request is to restore that \$94,807 of which the likelihood is that 50 to 60% of that money would be reimbursed to the County through Federal funds, because traditionally, since I've been with the coalition, which is decades and decades, the County gets reimbursed 50 to 60% of the funding that they give to us in our contracts by Federal and State dollars. I'll answer any questions.

CHAIRMAN GREGORY:

Okay. Thank you. Legislator Browning.

LEG. BROWNING:

Excuse my voice. You said the Seventh Precinct. And I know that the 7th Precinct we got

somebody back in again, so again, he's pulling them out of the 7th?

MS. SANDERS:

Well, we were able to get stimulus money for 2010 through a grant through New York State Division of Criminal Justice, but all the stimulus money ends the end of this year.

LEG. BROWNING:

Budget Review, did you recommend that in our budget?

MS. VIZZINI:

I think what JoAnne is talking about was the 232,000, was that the dollar amount of the Federal stimulus monies, Project Scope?

MS. SANDERS:

Yeah. We get a grant directly from New York State for \$187,000, it was directly between us and the State. The County got a grant that was probably that amount, and we got a small portion of that for the 3rd Precinct advocate to be full-time. We only got \$19,000 out of that one. There was also a Federal Grant -- there's a Federal Grant directly to the Police Department. We also contract with the Police Department, it's called Scope. That's Scope you're talking about? We get advocates under them also. But that money has been cut as well.

MS. VIZZINI:

Correct. No, we didn't make any specific recommendations.

LEG. BROWNING:

It's just that I know that we have had the need for the advocate in the past. And I know what you have been doing in my district, so I'd like to see that we could put some money in the budget for them.

MS. SANDERS:

Thank you. As you know, this is a life and death situation. And the devastation upon children, we do a lot of prevention programs. So in addition to domestic violence and family violence, we're working with schools, and bullying, cyber-bullying. There's so much expected of us, and we want to be able to do as much as we can, and we know we can't do it all. But there's so many issues out there that we're trying to address.

CHAIRMAN GREGORY:

Legislator Romaine.

MS. SANDERS:

Thank you very much. Oh, I'm sorry.

LEG. ROMAINE:

I get to ask a question, if I may. You have an advocate in the 7th Precinct currently; is that correct?

MS. SANDERS:

Yes.

LEG. ROMAINE:

That's funded with stimulus money.

MS. SANDERS:

Yes.

LEG. ROMAINE:

And how much stimulus money is being used to fund that position, if you know?

MS. SANDERS:

Well, the salaries are in the 30s, and there's, like, 20 something percent -- let's see probably around 45,000.

LEG. ROMAINE:

Okay. And all of that is stimulus money, is any of that County money?

MS. SANDERS:

No.

LEG. ROMAINE:

It's all stimulus money, it's all Federal money?

MS. SANDERS:

One hundred percent.

LEG. ROMAINE:

Right. Okay. And even though the stimulus money is over, the County is now going to fund advocates in other precincts, is that what you are saying?

MS. SANDERS:

Well, no. The County has always, through the Department of Social Services, has been funding advocates since 1989.

LEG. ROMAINE:

Right, okay.

MS. SANDERS:

And so we still have a contract with the County. That's the contract I'm talking about.

LEG. ROMAINE:

Right. So that contract provides advocates whether there's stimulus funding or not?

MS. SANDERS:

No.

LEG. ROMAINE:

Okay.

MS. SANDERS:

We have two advocates in each of the precincts -- ideally, two advocates in each of the precincts, because they spend three nights a week in the precinct, one night in court -- one day in court. So to cover each night, you really need two advocates in each precinct.

LEG. ROMAINE:

And do you have that now?

MS. SANDERS:

No. Because of cuts, we don't have that now.

LEG. ROMAINE:

Did you ever have that in the last 21 years?

MS. SANDERS:

Yeah. We had it in 2007 and 2008.

LEG. ROMAINE:

So it got cut in 2009, then an advocate got restored to the 7th Precinct in 2010 because of stimulus money; is that correct?

MS. SANDERS:

Correct.

LEG. ROMAINE:

That's my understanding. Okay. So what is the amount needed for an advocate in the 7th? Both Legislator Browning and myself and I'm sure Legislator Losquadro would be interested in the answer.

MS. SANDERS:

It's approximately 42 to \$47,000. I didn't break it down by advocate, because of the -- they get travel money and health care and other things. It's a minimal salary.

LEG. ROMAINE:

And this is for cases of domestic violence?

MS. SANDERS:

One hundred percent domestic violence cases.

LEG. ROMAINE:

One hundred percent domestic violence cases.

MS. SANDERS:

Yeah.

LEG. ROMAINE:

Now I'll ask our Budget Review Office, do we have a breakdown of the number of domestic violence cases historically by precinct?

MS. VIZZINI:

We don't.

LEG. ROMAINE:

We don't, okay. So can we make a request of our Police Commissioner if we could take a look over the last three years of the number of domestic violence cases by precinct?

I would hope that it would be forthcoming imploring the Davis Law. Okay? If you would put that request in, that would be good. And obviously, that information should be shared with all Legislators, because we all have part of the precinct, even Jay Schneiderman has two EDs in East Moriches. So we have a little piece of the police District.

MS. VIZZINI:

What period of time did you want that?

LEG. ROMAINE:

I would say the last three years would be fine. And then we could just -- how many cases by precinct so we could have an understanding. And the other piece of information that I think would be helpful would be not only how many by precinct, but how many advocates there are in each precinct for each one of those three periods of time.

Now, if you can't do 2010, I understand that, because obviously the year isn't over yet, but 2009, 2008, 2007 would be -- gives an historic perspective. Thank you.

CHAIRMAN GREGORY:

Okay.

LEG. ROMAINE:

Obviously, it's interesting in the budget, because one of the things we get to do is understand how well or not so well some of our departments are responding to their mandated and perfunctory functions as described by Charter and law. Thank you.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. You are talking about restoring 94,807. What -- to the Budget Office, what line are we talking about here? I want to see where -- is that funding that you received last year in the budget and then was deleted this year in the proposed budget?

MS. SANDERS:

Yes. That's the omnibus money we were getting.

LEG. D'AMARO:

I'm just asking -- in other words, at the end of the day, when the smoke cleared last year and we passed the budget, you had a certain amount, and then this year, the proposed budget took 94,000 of that out?

MS. SANDERS:

Correct.

LEG. D'AMARO:

Okay.

LEG. D'AMARO:

Gail, do you know what line that is?

MS. VIZZINI:

I have to research that for you. The coalition has more than one contract. And also the grant that JoAnne talked about in the Police Department was a substantial grant that we received in 2007, over \$700,000. And we have not -- we didn't spend the whole thing in one year, so that particular grant has been rolled over for several years. So I'd have to look at all her line items to see what she's talking about.

LEG. D'AMARO:

Right. It's possible that grant could make up a portion of that cut?

MS. VIZZINI:

I don't know.

LEG. D'AMARO:

Okay. Right. I got it. All right, thank you.

MS. SANDERS:

No. It really -- it rolled over into 2010, and that ends in 2010. We have been awarded money in 2011 to 2012 through that Scope money, the Police Department, which will pay for advocates in those years. We still would not have enough for the 7th and the 4th.

MS. VIZZINI:

JoAnne, if you're going to stay for a few minutes, I wouldn't mind speaking with you directly.

CHAIRMAN GREGORY:

My colleague with no voice suggests that if we can get that answer for the domestic violence agencies for the Health and Human Services Committee, it would be much appreciated.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

I apologize for being late, but I just heard that the advocate for the Fourth Precinct has been cut out as well.

MS. SANDERS:

Yeah, well, that's strictly by numbers, the least amount of incidents that were reported. We didn't know how else to, I hate to say the word chose, but chose which precincts wouldn't have an advocate. But it's important in every precinct to have an advocate. You know, just because the numbers are less, does not mean it's not important.

LEG. KENNEDY:

In other words then, your agency was reduced overall and then you were forced with making the decision which precincts you had to look at, that you would have to eliminate -- there's an advocate that -- let's do it this way: How often did you have an advocate from a matter that's associated with the 4th Precinct here that had to go down to Family Court? Five times? Fifty times? Five hundred times? How do we track it?

MS. SANDERS:

I don't have the number. Victims that came into the Fourth that went to court. Is that what you're saying?

LEG. KENNEDY:

I really am uncertain about how the domestic violence advocates wind up becoming assigned or go to work with domestic violence case. I know things have changed.

MS. SANDERS:

They're stationed at the precinct. When the police make calls, then all the incident reports are given to the advocate, and she makes follow up calls to the victims, she or him may go to the

hospital if they have been hospitalized, they sometimes -- we get walk-ins. And the Police Officers know that any domestics, they will link up the advocate with the victim.

LEG. KENNEDY:

So if we were talking about the 4th Precinct not having an advocate then, then that would also mean that we'd have nobody who would work with, say, St. Catherine's with the ER. I know we have folks that go over to Stony Brook as well. Is that covered by somebody else or -- how does that happen?

MS. SANDERS:

We try to serve everybody. And, you know, it becomes -- something has to give. However, if the 4th Precinct advocates not available and an incident comes in -- we've been working a long time now with the Police Department -- they feel it's critical enough, they're going to call an advocate from the 5th Precinct if the hospital is near the 5th Precinct or the 3rd Precinct. And we try to do as best we can, you know, to cover as many -- help as many victims as possible.

LEG. KENNEDY:

I understand.

MS. SANDERS:

It is ideal? No. It is doable? Very limited.

LEG. KENNEDY:

Let me ask if I can. So your decision making is based on frequency of request for service by precinct. Is there a flat cost that you have from the agency for an advocate per precinct? How do you block that out? What is the cost associated with an advocate for the 4th Precinct?

MS. SANDERS:

Per precinct, it's under 50,000, 47,000 -- I don't have an exact number.

LEG. KENNEDY:

Okay.

MS. SANDERS:

I can get it for you -- for the salary and then fringes. And then you have the cost of administration and you have the other kinds of things to put in there. But it's not costly, it's not an expensive program considering how many people are helped.

LEG. KENNEDY:

Okay. So let's say -- we will just say 47,000 for argument's sake. And that 47,000 represents an advocate's salary and perhaps some benefits?

MS. SANDERS:

Yes.

LEG. KENNEDY:

Okay. And how many hours a week does that represent then that that advocate would be available.

MS. SANDERS:

The advocate works full-time. Three evenings a week from 3:00 to 11:00 she's in the precinct, one day she is in the courts to help the clients with follow up; getting an order of protection, whatever is necessary, and then one day she is in the office doing paperwork, but primarily doing follow up phone calls to victims she has helped in the past to see where they're at and if they need any further

help.

LEG. KENNEDY:

So we're talking about a 40 hour week basically --

MS. SANDERS:

Right.

LEG. KENNEDY:

-- staggered across different times associated with what's going on.

MS. SANDERS:

Right. Our advocates -- I don't think any of our advocates have less than a Bachelor's Degree, we have advocates with Master's Degrees. Their salary is actually 34,000. We just got a call from our broker saying our health insurance is going up 23%, and they have is a very minimal individual plan with a high copay. What I'm basically asking is to just to bring us to the level we were two years ago and we're going to make up the difference somehow.

LEG. KENNEDY:

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

MS. SANDERS:

Thank you.

CHAIRMAN GREGORY:

All right. Thank you JoAnne.

MS. SANDERS:

Thank you very much.

CHAIRMAN GREGORY:

Maureen Fiorello.

MS. FIORELLO:

Good morning. My name is Maureen Fiorello, and I'm from the Town of Smithtown. I've been a volunteer and associated with Cornell Cooperative Extension for close to 20 years. Why? You might ask. The answer to that question would be because never before have I been associated with individuals that are so compassionate and dedicated -- compassionate about and dedicated to their work.

The Family Health and Wellness Program has a human development team that conducts parent education programs throughout the entire County to both parents and professionals. They serve thousands of families and encourage family lifestyle choices through these programs. From the parent in Smithtown who needs new ideas because they finds themselves yelling all the time at their children to training a professional on the South Shore to go back into the community to teach others.

Family Health and Wellness Program strengthens families and the agencies that serve them. In today's difficult times, they need more services, not less. These are prevention as well as educational programs. They conduct nutritional -- nutrition education programs that improve family and community health. They also serve residents by reducing obesity prevalence in this County and promoting the prevention and management of chronic diseases. If you are not familiar with their Diabetes self-management and weight management programs, I urge you to learn more about

them. They change lives.

There's a saying that if you give a man a fish, he eats for a day; if you teach a man to fish, he eats for a lifetime. These women and men of Cornell Cooperative Extension are those teachers, the captain, the assistant captain, the deckhands that do that job, and they do it well. It is the organization I am aware of that provides all of these services. I was here before you in 2009 when the funding for this program area was cut from 300,000 down to zero. And I am here before you today to respectfully request you restore the 188,000 to Family Health and Wellness and the funding to 4-H. Please do not allow the Suffolk residents to lose these valuable services conducted in my backyard and yours. Thank you.

CHAIRMAN GREGORY:

Okay. Thank you. Legislator D'Amaro has a question for you.

LEG. D'AMARO:

Good morning.

MS. FIORELLO:

Good morning.

LEG. D'AMARO:

The two requests for restoration; 188,500 for the Family Health and Wellness and the 4-H Youth Development was 82,000.

MS. FIORELLO:

Correct.

LEG. D'AMARO:

Is that funding that you received last year or was that funding that was cut last year?

MS. FIORELLO:

My understanding is we did receive the funding last year. I'm a volunteer for the organization, so I might not be the best person to answer the question about the actual funding, but we did receive it last year.

LEG. D'AMARO:

Okay. And to the Budget Office, are there separate lines for those two programs?

MS. VIZZINI:

Yes. Those programs were restored in the Omnibus last year, and that's probably one of the reasons they were cut.

LEG. D'AMARO:

All right. Okay. Thank you. I appreciate it.

CHAIRMAN GREGORY:

Toni Dean.

MS. DEAN:

Good morning.

CHAIRMAN GREGORY:

Good morning.

MS. DEAN:

My name is Toni Dean. And I've come to request that the 2011 budgets be partially restored to two very important departments of Cornell Cooperative Extension; The Family Health and Wellness Program and the 4-H Youth Development Program. I've personally witnessed the value of both of these programs.

As the Children's Librarian at the Patchogue-Medford Library for 25 years where I arranged parent education programs for the community, Cornell's Family Health and Wellness Department was the main provider of research-based information on child development, discipline, health and nutrition. Programs were always well presented and highly regarded by parents who seek help with one of life's most important responsibilities, parenting.

The "Discipline is not a Dirty Word" class has helped countless parents through the challenging years of childrearing. I was a member of the children's -- the Librarian's Alliance for Parents and Children, which is a coalition formed for librarians who conduct parent-child workshops in Suffolk County public libraries. Our membership represents 37 libraries that, in turn, provide programs, services and materials and information to thousands of Suffolk County families. You can see the way that Cornell reaches out into the community.

These libraries rely heavily on educational program and information provided by both Cornell's Family Health and Wellness Program and the 4-H development life skills programs. Librarians have been deeply concerned that these valuable resources may no longer be available, and there's no other resource like Cornell Cooperative Extension. As a community member of the 4-H Program Advisory Committee and a former 4-H member, I'm requesting that the budget monies be restored to 4-H youth development.

Young people who are involved in meaningful programs and activities such as those provided through 4-H are more likely to become involved as future community leaders. The skills learned through the guidance of volunteer club leaders and their sense of belonging to a group and opportunities to showcase their accomplishments provide the type of education and recreation that builds confidence. Through Cornell University 4-H leadership, excellent professionally prepared curriculum with high educational standards are provided for leaders. Many of the skills learned through 4-H are not taught in the schools, but are life skills and domestic skills, such as gardening, environmental projects, domestic guards and caring animals.

The funding supplements the very small amount of money that club members pay to join, and they receive much more in return as the 4-H programs reach out to the youth of our community. They also partner with school districts and assistant programming for high-risk youth such as Project SOAR and brings life skills programs to libraries.

I'd also like to speak as a member of the Board of Directors for Long Island Head Start. The nutrition education programs provided by the Family Health and Wellness Program have been greatly valued in Head Start Centers where nutrition educators have attended health fairs, center events, and work with teachers and parents. The budgetary funding is necessary to keep critical diabetes and obesity prevention programs operating.

Head Start also benefits from staff trainings in child development and parent education and relies on Cornell Cooperative Extension to train their family advocates who support families as they seek to better their lives. We all know the economic downturn has placed great stresses on families causing an even greater need for parent education and life skills programs. It's distressing for libraries and other agencies to find that one of our most important sources of quality program for parents and families is in danger of being eliminated at a time when we need it most.

In hard times, citizens look to Cornell Cooperative Extension, which provides them with the information they need to do more and better their families. They provide education which helps Suffolk County citizens to help themselves. The staffs of both the Family Health and Wellness and the 4-H Youth Development Program have worked tirelessly and very creatively to serve the needs of Suffolk County residents. The partial registration of budgets is critical now for them to continue. Their programs are greatly needed and are of the highest quality, which throughout the County in many and varied ways and provide leadership information and resources of educational opportunities that are unique and supplement those of other agencies such as libraries and Head Start. Thank you very much for your consideration.

CHAIRMAN GREGORY:

Thank you. Christopher Destio.

MR. DESTIO:

Good morning to all the Legislators. The Legislators that are here today, I'd like to thank the ones that did vote to keep the funding going for the nursing home. We appreciate it. And I know you're not out of the woods just yet. I still need votes to override -- I believe a veto is coming town the tubes.

What I am here today to say is that if we do make it past this budget process, the nursing home, and we get past January 1st, you still aren't pursuing the closing of the nursing home. I believe he still has legal rights and courts to do that, so what I'm requesting is why have we never looked into the possibility of selling the Dennison Building. It's a possibility. Why couldn't we lease it -- not even lease it -- why couldn't we sell it and lease that office space to offset that and get that money from the sale of the Dennison Building and put it into the General Fund where that money could be used to go to the needy people of such County. I think that is one avenue that we need to look at.

We're always looking about selling the nursing home because it's an easy pick on. You know, but why can't we look at selling the Dennison Building? I'm sure it needs work and everything like that, but that's just an avenue -- maybe we should do an appraisal on it, see what that's worth. That's prime real estate right off of 347. And where here talking about selling the nursing home that's right next to the jail here and this is like, you know, that's going to be our big budget fix, get rid of the nursing home. It's something to look at and hopefully maybe a committee could be formed or something and maybe we can get an appraisal out of it and I think that would be very savvy for the taxpayers.

And also, I don't know if Budget Review has these numbers. I'd like to know, is it possible to find out all the money that has been saved through the Oversight Committee in the last few years concerning the John J. Foley nursing home. I'm sure we saved millions and millions of dollars.

And I'd like to also know if it's possible that Budget Review maybe give to the Legislators all the money that's been wasted on pursuing of the sale of the nursing home. Like it came to my attention, I was at one of the meetings that if the John J. Foley nursing home was sold that a consultant firm was getting more than \$800,000? That's like repulsive. That's pretty close to a million dollars of taxpayers money going to a consultant firm if the nursing home was sold. So instead of always like attacking this nursing home as the County Exec does and, you know, he stands behind the shield of the taxpayers, I think we need to look at that avenue and weigh out both options; the sale of the nursing home and sale of the Dennison Building. It's a lot easier to place office people then it is to place these people in this nursing home. These people in the nursing home, if they're transferred out of Suffolk County, it's still going to be costing Suffolk County money. If you transfer the staff members and the office workers at the Dennison Building, I believe leasing is a better option and we can get that money and put it towards the taxpayers or the rainy day fund.

And I thank you for your time.

CHAIRMAN GREGORY:

Thank you. Legislator Romaine has a question.

LEG. ROMAINE:

Quick retort. Several years ago, seven to be exact, I advocated the sale leaseback of the Dennison Building. It was calculated then somewhere in the neighborhood of 30 to \$35 million. The County would then enter into a contract with the soon to be owner for a 25-year lease. We would then get rid of everyone living in the Dennison Building and put only state reimbursed agencies like Health, Social Services, courts, etcetera, in the Dennison Building and at the end of the 25 years we would wind up owning it. But in the short-term, in one-shot, we would probably raise somewhere in the neighborhood of 30 to \$35 million.

So that idea has been floated out there but it had been rejected. It may be something that we may have to take a look at in these desperate times. Clearly everything -- if Foley is going to be in play then a lot of other things are going to be in play; starting with marinas, why is the County in the marina business? We have two marinas. There's a whole host of things that we really have to take a look at because once you go down that road, and this is something our Executive has pursued, once you go down that road all things become on the table. And that may be something that people are not aware of. Thank you.

MR. DESTIO:

And could I just make one comment too. Also, you know, we've been going -- I know I've been doing this fight, I can count on my fingers about six years myself. It's terrible that I got to keep coming up here, you know, this is my day off to come here and I'd rather be home with my wife and doing what I have to do. But, you know, you got to look at the residents at the nursing home, you know, the ones that do understand what's going on, when are you going to just let them be and let them live their lives. This has got to stop. This is actually an obsession going on here and we need to say what's more important here; real estate or the people in this nursing home. Thank you.

CHAIRMAN GREGORY:

You have Legislator D'Amaro wants to ask you a question.

MR. DESTIO:

Sure.

LEG. D'AMARO:

Hey, Chris, good morning. Thanks for coming down. The vote you're referring to is from the Special meeting?

MR. DESTIO:

Yeah, I believe that it was a vote on IR 1972 that it was passed. Am I correct?

LEG. D'AMARO:

Yeah, you're talking about the extra 20 million out of the reserve fund.

MR. DESTIO:

Yes, Sir.

LEG. D'AMARO:

All right. Just so it's clear, that bill did pass but I think many of the advocates who voted for the bill

even stated that, you know, we're still going through the working process right now at the Working Group for the nursing home and that funding may in fact be used for shortfalls in revenue in the proposed budget. I don't want to put words in the Presiding Officer's mouth but I think even he made the point that we're still working through that. And he's not sure at this stage of the process whether or not that funding will ultimately be used for the Foley center.

So I just wanted to, you know, let you know that I understand that, you know, there's a good chance that it might. But that's still being all worked through right now.

MR. DESTIO:

Okay. Could I just make one more comment and I appreciate it, to Legislator D'Amaro. Also too, I believe that that 20 million is if -- it's not all going to Foley nursing home either. I believe it's going to be spread out if that is the case. Am I correct on that, if it does pass?

LEG. D'AMARO:

That's exactly my point. We really don't know yet. The purpose of passing that bill for those who voted for it was really to give options to see as we work in our Working Group on the 2011 budget just how those funds could be used. I mean, those funds could be -- they're being transferred into the Pension Stabilization Fund or whatever, the Pension Reserve Fund and we know that our pension costs are doubling next year. So it may very well be that that funding goes right to those pension costs and doesn't even assist the 2011 budget other than the pension bill that's coming due next year.

So I'm not saying it's not going to happen, but I just want to make it clear to you that there's no guarantee that that funding will ever be able to reach the Foley nursing home. We're just not sure of that yet. I'm not saying it won't, but I don't think we're sure yet.

MR. DESTIO:

Okay. One last thing and I'm going to go. But what I do understand is that to subsidize the nursing home, if I'm correct there, we're looking at it's 2 and-a-half to \$4 million now each year, if I am correct on that. So if it did go to it, to just to subsidize it for that one more year it would not eat up that additional \$20 million if I'm correct on that.

LEG. D'AMARO:

The points were made that for instance there's \$12 million alone for the sale of the commercial part or the industrial portion of the Yaphank property. Many of my colleagues believe that that's too speculative to rely on for budgeting purposes. So right there that would take up 12 million out of the additional 20. All right. And there are other revenue streams that have been questioned and when you add them up it comes to over 20 million.

So again, I'm not drawing any conclusions, but I just want to make it clear that there's a very good chance or there is a chance, I don't know if it's good or not, that the extra 20 million ultimately will be used just to replace revenue that -- that the Legislature believes is too speculative in the proposed budget.

MR. DESTIO:

I agree with you to a point, but, you know, even when he says that he would net 20 million from the sale of this facility that number was never even correct there. I believe it came from Budget Review is \$15,900,000 and, you know, I'm not no budget or number man, but I found the numbers to be a lot lower too. I just find that 20 million to be a false number, Sir, but I thank you for your time.

LEG. D'AMARO:

Yeah, I thank you also but that's apples and oranges. That's all I'm talking about is if we have an

additional \$20, million available to the County for budget purposes it still remains to be seen exactly how that funding will be used. That's all I'm saying.

MR. DESTIO:

Thank you, Sir.

LEG. D'AMARO:

You're welcome.

CHAIRMAN GREGORY:

Okay, thank you.

Laurette Mulry. Are you Louis Mazzola?

MR. MAZZOLA:

Yes, I'm Louis Mazzola.

CHAIRMAN GREGORY:

Okay.

MR. MAZZOLA:

Good morning, Legislator Romaine, Kennedy, Gregory, D'Amaro and Browning. I'm here this morning to just address one issue in the Legal Aid Society's budget and that is the County Executive's recommendation that we add two new positions. That recommendation comes from our request in the budget that two new attorney positions, two secretary positions and two investigator positions be added to our budget. And the reason for that, the background for that is that we've had an increase in caseload since 2003 of approximately 12%.

In addition to the increase in caseload, one of the things that's just come to light and this happened shortly after we submitted our budget request; the Town of Southampton or the Village of, sorry, Sag Harbor is adding another court. The Town of Southampton added a village court. So we're covering a lot of places in the County and we're doing it with the same staffing that we've had since 2002. And at the same time staffing for the District Attorney's Office over that same period of time has increased by 40.

So, the reason -- and by the way, in making my preparation for these remarks, I had an opportunity to go on the Legislature's website last night and download the BRO's recommendation and comments about the Legal Aid Society's budget. And what they pointed out is that the County Executive has increased our budget from last year by some \$216,000 and has recommended that we add two new positions. However, our cost to continue, our cost and increase in our operating expenses amounts to some \$168,000.

So, if the Legislature wants us to add the two new positions, which we think are essential to continue providing quality legal services for our clients then we're asking the Legislature to add an additional \$102,000 to the County Executive's recommended budget for 2011.

Now, one other thing I wanted to point out is that and we mentioned this in our write-up, our budget write-up, and that is that the Legal Aid Society has taken several cost containment measures in the last year and one of the big ones is to have frozen our defined benefit plan. As of December 2009, we've frozen the defined benefit plan, obviously because it's expensive to run and it's just a reflection of what's happening in the greater society with defined benefit plans. I know the State's the Counties governmental organizations are dealing with this problem of defined benefit plans. We've decided to go to a 401k plan for this year and what that amounts to is basically we've frozen

the benefits. We still need to continue to fund that plan, but ultimately we feel that it's going to make the Legal Aide Society that much more cost effective and our budget easier to deal with.

The last thing I want to say is that we've also taken measures to contain costs of health insurance costs. And Laurette Mulry who's here with me now is going to address that issue and I'm going to just turn the microphone over to her. And just end with the point that the reason we're here is to request that the Legislature add the additional \$102,000 if they feel that we -- that's it's warranted that we add two additional attorney positions for next year. We do obviously because we requested that in the last several budget submissions that we made.

MS. MULRY:

Distinguished members of the Ways and Means and Budget and Finance Committees, good morning. My name is Laurette Mulry. I want to thank you for the opportunity to speak to you today and to supplement the comments of my esteemed colleague, Lou Mazzola.

This morning I would like to specifically tell you about some of the cost saving measures that we've recently undertaken in the last year in order to follow the directives of our County Executive as well as to become fiscally responsible as a County agency.

Of course one, probably very timely one, that just discussed was our pension, freezing our pension. And if you had noticed or read Newsday this morning, that is a very timely issue and we have frozen our defined benefit plan and we're going to a defined contribution plan. And, again, that is one way that we feel that we can become inline with the economic reality of our times.

Secondly, we are very encouraged to tell you that we have an application now pending with the Civil Service Department of New York State to become participating agency in NYSHIP. NYSHIP, of course, is the New York State Health Insurance Program which covers over one million State, municipal and government or quasi government employees and retirees and if you recall, Presiding Officer Lindsay, about a year ago had asked us to look into reducing our medical costs and this is the direct result of that. And with the support of many of the Legislators here including Legislator Kennedy who helped to spearhead this effort we have been able to reach out to Nancy Groenwegen who is the Commissioner of the New York State Department of Civil Service and she had responded favorably and given us some guidelines as to how we can be deemed to be a quasi public organization and thereby eligible for participation in NYSHIP.

Some of those criteria that she had outlined to us are, number one, whether or not Legal Aid was created or authorized by government. Number two, whether Legal Aid received some or all of its funding from government sources, and, number three, whether Legal Aid provides a government function. And in assessing or evaluating those three criteria, I think it's without a doubt that Legal Aid does perform a government function, it's funding obviously through all of you, comes from government sources. And we were authorized and approved by the Second Department of the Appellate Division in order to become created back in 1956.

So arguably we are a quasi public organization. And I do think that this application is going to go forward. We hope for continued support for that. And, again, we just want you to recognize that Legal Aid has taken several measures to try to cut its costs to become a very responsible contract agency with Suffolk County. Thank you very much.

CHAIRMAN GREGORY:

I have Legislator Kennedy and then Legislator D'Amaro.

LEG. KENNEDY:

Thank you. Laurette, I'm pleased to hear that the process has gone forward and that it seems

favorable. And it's to your agency's credit that you persisted. Your briefing documents are on those three points were very comprehensive and what seems to have been a pretty murky process 12 months ago, now seems to be quite clear.

I know that your employees will benefit from enrollment because NYSHIP's bundle of benefits, I think, is quite a bit more extensive than the coverage you were able to provide now through Oxford.

Tell me a little bit about the cost dynamic. Will it be an equivalent cost, will you realize some savings? Where do we gain there?

MS. MULRY:

Absolutely. Thank you for the question. Yes, we have done our research and there would be a considerable cost savings for our medical expenses if we were to be included in NYSHIP while still providing a comparable benefit for our employees under the Empire Plan. So we do feel that that would be a win situation for everybody, for the County obviously, for Legal Aid's employees and retirees and obviously to the taxpayer ultimately.

LEG. KENNEDY:

And not only is it going to realize in some savings for us here for the taxpayers, but it also will give you another tool to be a little bit more competitive when your recruiting new hires. Certainly that's important to our young graduates, our new attorneys. Or for that matter even folks that are coming in that might be doing career change, they want to make sure that they have that benefits package there available for when they go forward. Isn't that true?

MR. MULRY:

Absolutely. That's a very good point. We do have -- we're very, very proud of our cadre of attorneys that -- wonderful quality of attorneys. And one thing that we would love to be able to maintain for them is a quality benefit package. The fact of the matter is we have frozen our pension, as we told you, so, you know, that's, you know, now gone over to our defined contribution system. But we do want to at least maintain a comparable medical benefit for them and this would make it possible if we could be participating in NYSHIP.

LEG. KENNEDY:

That's great, thank you. Again, we appreciate the efforts. Thank you, Mr. Chair.

CHAIRMAN GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you and I appreciate Legislator Kennedy's questions; pretty much what I was thinking. But could you be a little more specific on the cost savings. What percentage of your budget or, you know, in dollars?

MS. MULRY:

I don't have a specific number or a percentage and that's because, you know, we would have to first become a participating agent. We're in the application process right now. And we're hoping to kind of piggyback on the unified court system because they are a participating agency currently in NYSHIP and we're hoping to perhaps have the same type of employee plan that they have.

LEG. D'AMARO:

What leads you to the conclusion that the cost savings would be considerable?

MS. MULRY:

Thank you again for the question. We have done our research and we've gone working with the Civil Service Commission and we've looked at the numbers and the numbers in the general Empire Plan program are significantly less as far as the family and individual plans when we compare it to our current family and individual plans.

LEG. D'AMARO:

So is significant, 5%, 50%, you know, roughly? I'm not going to hold you to any numbers but I'm just curious what the savings is if you can qualify as that quasi governmental agency.

MS. MULRY:

I cannot qualify in numbers or terms just because we -- it depends on what employee group we are attached to or what employee group we are put into. So I can't give you a definite percentage.

LEG. D'AMARO:

So is it possible if you're put into the wrong group you won't have considerable savings?

MS. MULRY:

Oh, no. Any of the employee groups that we researched already are, you know, much less as far as premiums for employees -- for individuals and/or family.

LEG. D'AMARO:

Okay. Thank you.

MS. MULRY:

You're welcome.

CHAIRMAN GREGORY:

What just -- what are you paying now per employee for costs?

MS. MULRY:

I don't have these numbers here, but I could certainly supply them to you.

CHAIRMAN GREGORY:

Okay. All right, thank you.

LEG. D'AMARO:

One more question.

CHAIRMAN GREGORY:

One more question.

LEG. D'AMARO:

I apologize, Mr. Mazzola, I had a question for you about the -- going to the 401k plan, the defined contribution plan. What is the impact in your budget in freezing the defined benefit plan and converting, what is it, in 2010 you did that?

MR. MAZZOLA:

We froze the benefits as of the end of 2009.

LEG. D'AMARO:

Okay.

MR. MAZZOLA:

And we're going to the defined contribution plan this year.

LEG. D'AMARO:

Does that apply to everyone in the program?

MR. MAZZOLA:

Yes.

LEG. D'AMARO:

In other words, you maintain your status if you're already in it, but going forward you're now in a separate 401k defined contribution plan.

MR. MAZZOLA:

Yes, that's correct.

LEG. D'AMARO:

What's the impact? Since you've done that for a year, what was the impact on your budget?

MR. MAZZOLA:

Well, you know, the difficulty of maintaining a defined benefit plan is not just, you know, what it costs. It's very difficult to even determine what your contributions are going to be year to year because it depends on so many variable factors such as what the stock market is doing, and how your assets are performing. So from year to year what we do is --

LEG. D'AMARO:

No, no. But I'm talking about not to the employee, I'm talking about what was the impact to your budget? I mean, if you froze the defined benefit plan and converted to the defined contribution plan for cost savings and you've been doing that for almost a year or a good ten months, what's the result? What's the impact on your budget?

MR. MAZZOLA:

We're not going to know that until our actuaries actually look at the plan, see what's in --

LEG. D'AMARO:

What was anticipated? I mean, you wouldn't make the decision without anticipating a savings obviously.

MR. MAZZOLA:

We anticipate a savings of -- well, let me put it this way, and maybe I'll back into it like this; our liabilities were increasing in terms of what our payout had to be by some \$150,000 a month. We're not going to have that any longer. We're not going to have any liability based upon those salary increases for this whole year. So when we look at it, I think our contributions last year to the pension plan what somewhat over \$2 million. They're going to go down to probably 700,000 to the defined contribution plan. Although we, you know, we --

LEG. D'AMARO:

Just by taking away the increases --

MR. MAZZOLA:

Yes.

LEG. D'AMARO:

-- had you stayed with the other plan.

MR. MAZZOLA:
Yes, that's correct.

LEG. D'AMARO:
Yeah, that's considerable.

MR. MAZZOLA:
Yeah, it's a lot of money.

LEG. D'AMARO:
Yeah.

MR. MAZZOLA:
We're talking big money here.

LEG. D'AMARO:
Yeah, I'm trying to gage what kind of savings because we look at total budgets then we look at our contribution.

MR. MAZZOLA:
Yes.

LEG. D'AMARO:
We look at, you know, a lot of factors. Does the new plan, the 401k plan, is that a match, an employer match plan?

MR. MAZZOLA:
We're not going to do a match on the plan. And we've had many meetings about this because there are some employees who can't afford to put any money in. And we're a non-profit 501(c). We're able -- our employees are able to put their own money into a 403(b), which is sometimes called a TDA, a tax deferred annuity. And they're able to do that on their own. So we felt that, you know, since they are employees who are not able to make any contribution whatsoever, that we would be fairer in effect by making a contribution for everyone across the board. And then if they wanted to add additional money they could do that on their own.

LEG. D'AMARO:
So it's a hundred percent funded by the Legal Aid Society.

MR. MAZZOLA:
Yes, yes. And we haven't determined what that percentage will be because it will --

LEG. D'AMARO:
Right.

MR. MAZZOLA:
-- depend on what our costs come out to be for the defined benefit plan.

LEG. D'AMARO:
Right. Now you have that flexibility.

MR. MAZZOLA:
Yes, we do.

LEG. D'AMARO:

Yeah, when is that decision made?

MR. MAZZOLA:

This is a decision that we had been looking at, believe it or not, for a number of years. But last year our board and ourselves, you know, the administration did an awful lot of work on it with -- in conjunction with our actuaries looking at many different possibilities, looking at what the cost savings would be. And looking at also, you know, the ease with which we could transition from one system to another without hurting too many people, you know. So it's been a long process. It's been a difficult process, but we've had lots of advice from a lot of good people because we've called in obviously people on our board who have some expertise in this field.

LEG. D'AMARO:

Sure.

MR. MAZZOLA:

We've leaned on our actuaries and you can tell from our budget because they're expensive. And that's another cost, too, by the way, that we're have hoping to save on, you know, these actuarial fees. Those fees will go down. A lot of our costs will go down. It's going to take a few years before we're able to have the plan fully funded.

And, I guess, the aim is and, you know, if anybody could predict the stock market or the economy, it's not me, and it's not anyone else that I know. But the aim ultimately would be to terminate the plan, which means that everyone would be paid out and the plan will end. But it's anybody's guess how long that will take. We've been told, you know, as much as seven years to do something like that. But we have -- the actions we've taken have frozen the plan in terms of its increasing liability. There'd be no further liability added to the plan because of what we'd done by freezing it.

LEG. D'AMARO:

In the proposed budget has, as you mentioned, recommended an additional 216,000 into your budget.

MR. MAZZOLA:

Right.

LEG. D'AMARO:

And added back two positions, which you do need.

MR. MAZZOLA:

We do need the positions. We've been asking for them over the past couple of years.

LEG. D'AMARO:

Right.

MR. MAZZOLA:

And again, you know, part of that grows out of the lawsuit that was brought by the ACLU against the State of New York, some of our clients were named as plaintiffs in that lawsuit. And that lawsuit has had a rather securitas cost to it. It's gone to the Court of Appeals and been sent back to the trial court. We don't know where that's going, but I think the aim of that suit is to have what we do be driven by standards rather than by the budget right now. Everything we do, and I guess my favorite saying is; *it's driven by what our budget will allow*. The number of investigators, the size of the caseload, the experience of the people.

LEG. D'AMARO:

We have the same situation on this side.

MR. MAZZOLA:

Sure.

LEG. D'AMARO:

It's unfortunate, but it's the reality of the times.

MR. MAZZOLA:

Right.

LEG. D'AMARO:

Just so I understand, there's an extra 216,000 in there. There are two positions more. You're expecting substantial savings from the conversion of the retirement plan or the freezing of the existing plan. You're expecting substantial savings from the health insurance costs, but yet you're asking us for 102,000 more on top of what's been recommended in the budget. So I'm trying to understand. If you took cost cutting measures and they are going to result in considerable savings and you've already gotten a \$216,000 increase, how do we justify the extra 102?

MR. MAZZOLA:

Well, first of all, those savings are right now speculative. As Ms. Mulry just told you, we don't know what the savings are going to be for the health insurance. We can speculate right now. We're even in -- we're in the application process and, you know, our budget is prepared a year before it has to be implemented.

So, you know, it's a budget. It's a guess. And as far as our pension plan is concerned; those costs are not going to go down for some time. What we've done is, we've taken a different course, which will ultimately result in a cost savings for the Legal Aid Society. But right now, we're anticipating the same costs for pensions because whatever we save on the defined benefit, we're going to be allocating towards the defined contribution. So it's the same dollars it's just the matter of the way it's been split up.

And, in the short run, I don't see or foresee any savings for this coming year. There may be some in the next year. Again, it's going to depend on how our -- the assets in our pension plan perform. So we don't see any cost savings right away. These are cost savings that are going to ultimately play in over time.

LEG. D'AMARO:

So the cost savings are speculative right now. And I appreciate that. I think that's smart budgeting. You don't want to rely on something that doesn't materialize.

MR. MAZZOLA:

Right.

LEG. D'AMARO:

So that's not reflected in the request for the 102 additional?

MR. MAZZOLA:

No, it's not.

LEG. D'AMARO:

Okay. So, you're asking for -- let's put aside the cost saving measures and I do appreciate what you're telling us because I know that's been a topic of discussion in the past. But putting that aside for the moment, with the increase of \$216,000, are you saying the 102,000 additional on top of that is just for a cost to continue? What's the purpose of that funding?

MR. MAZZOLA:

The purpose of that funding is to add the two new positions. We estimate the cost of the new positions to be 150,000. The County Executive has given us 216. And out of the 216 we estimate about \$168,000 is cost to continue, real cost to continue in terms of increases in some of our operating expenses; workers comp, unemployment insurance, things like that, you know. I can give you a breakdown and that, but it's about \$168,000. So that would only leave a balance of \$48,000 to make those hires. It's just -- it's not going to be enough. That's where the 102 comes in. If we're going to hire two new positions or new attorneys on the budget, that's the money we would need.

LEG. D'AMARO:

All right. So I understand that. So 168,000 is your estimated cost to continue if everything remained the same.

MR. MAZZOLA:

That's correct.

LEG. D'AMARO:

All right. Does that cost to continue include any increases in pension contributions or salary increases?

MR. MAZZOLA:

No, it's does not include salary increases.

LEG. D'AMARO:

What's the two largest or three largest factors into that increase in cost to continue?

MR. MAZZOLA:

Off the top of my head, I think it's -- there is some increases in health insurance, small increases in the health insurance. And, also, workers comp and unemployment insurance. We've had increases in both of those areas. The rest is supplies, travel, various items that we've estimated that we need.

And again, you know, it's a budget. It's our best estimate from looking at last year's budget as to what it's going to cost us to operate next year.

LEG. D'AMARO:

All right, and just the last point. So if the new positions are 150,000, that only leaves you, what is that, 66,000 of an increase. So on top of that, so you're looking for 66 and the 102 is really the 168,000 so those numbers are consistent.

MR. MAZZOLA:

I think if you look at the BRO's recommendation or write-up here, I think he outlines it very well. It says here, *the recommended budget indicates that part of the increase over the estimated budget is intended for two additional attorney positions. However, the recommended increase is only two hundred and sixteen six sixteen. Operating expenses are hundred sixty eight four eighty one and that leaves a balance of 48,135 and the 102 would make up the difference.* He pretty much lays it out very well here in this BRO report.

LEG. D'AMARO:

Okay. Thanks for clarifying.

MR. MAZZOLA:

Okay.

LEG. D'AMARO:

I appreciate it.

CHAIRMAN GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

I'm looking the book here about the 18B. And the difference between you and 18B is that basically I think what you're trying to tell us is if we spend the money on you we could actually save money because -- and I believe that 18 B takes certain cases, but you will cover all of the cases rather than sending them to 18 B. I see Christine is shaking her head. Can you explain the difference between Legal Aid, 18 B? And, you know, are the cases that are 18 B lawyers are doing that you guys could be doing if you had the staff?

MR. MAZZOLA:

There's a common misunderstanding about 18-B because actually the Legal Aid Society comes under 18-B, 18-B of the County law. And what happened there is that the State when the right-to-counsel cases came in, passed on the obligation and the requirement to do it to the Counties. In some states it's a state function. And, in fact, it is a state function. But County Law 18-B passed this onto the Counties and made it a local responsibility. That's one of issues in the lawsuit. But we are under 18-B a contract agency, an institutional contract agency. So when you give us a budget whether we handle 28,000 cases or 29,000 cases or 30,000 cases it costs you the same. We can't go over our budget and we don't go over our budget.

On the other hand, 18-B, those attorneys are appointed when we have a conflict of interest or it's the type of case we don't handle. We don't handle murder cases. Traditionally that's the way the Legal Aid Society was set up when it was done back in the early 60's. We don't handle murder cases. And in other cases where we have a conflict of interest because there may be two or more defendants charged with the same crime, we don't handle those cases. So whenever there's a conflict, they're assigned to an 18-B panel attorney. Those are called assigned counsel cases. And those cases are paid on a per case basis and on an hourly basis. So there's basically no control over -- I mean, from a budgeting standpoint, there's no control over what that is going to cost you. So I'm making a short answer long. But essentially we're cheaper per case because we have attorneys full-time in the courtroom. And we cover most of the courtrooms in Suffolk County if not all of them. The ones where we cover them only intermittently are out east because they don't meet everyday. They don't have criminal calendars everyday.

But we are in the Family Court. We are in all of the district courts here on the West End and some of the village courts too because we appear in Amityville. We appear in Northport. We appear in many of the village courts from time to time and that's a, you know, that's something that goes into the mix of what it costs us to do this. And all of the East End courts because all of the East End towns have their own town courts so we appear in all of those. And when I mentioned Sag Harbor, when they open new court rooms, well, we try to cover them. And if we can't cover them then 18-B has to cover them because, you know, the law requires that people be assigned counsel when they're unable to afford counsel. I don't know if that answers your question.

LEG. BROWNING:

Okay. I think so. What I'm reading here in Budget Review's book about staffing it's saying, *despite increasing workloads, Legal Aid Society had maintained a policy of not refusing assignments, which is beneficial for Suffolk County because the alternative 18-B contracts through the Law Department are substantially more costly.* That's correct?

MR. MAZZOLA:

That's absolutely correct, yes.

LEG. BROWNING:

Okay. So the 18-B lawyers through the Law Department are more expensive than using a Legal Aid attorney. Correct?

MR. MAZZOLA:

That's correct. They are.

LEG. BROWNING:

Okay, okay. Thank you.

CHAIRMAN GREGORY:

Okay. Legislator D'Amaro has a followup question.

LEG. D'AMARO:

Just to clarify again, in my mind, maybe I am misunderstanding. But the 18-B is not used in lieu of a Legal Aid Society attorney, it's in the case of a conflict or a murder case.

MR. MAZZOLA:

That's correct. Although, you know, we don't totally control the assignment process. The attorneys are assigned by the judges. So in some cases, I guess especially in Family Court, I think that's probably where the greatest cost for the County is.

LEG. D'AMARO:

Let me just ask the question another way because I don't want to keep you up here longer.

MR. MAZZOLA:

Okay.

LEG. D'AMARO:

Just are you saying we can reduce our referrals to 18-B by sending some cases over to your court?

MR. MAZZOLA:

Sure, absolutely.

LEG. D'AMARO:

And how do we accomplish that?

MR. MAZZOLA:

How do you accomplish it?

LEG. D'AMARO:

Yeah.

MR. MAZZOLA:

That's the million dollar question, how do you accomplish it. The assignment process is not done by us generally.

LEG. D'AMARO:

Right.

MR. MAZZOLA:

We don't decide which cases to take.

LEG. D'AMARO:

Right, it's done by the court.

MR. MAZZOLA:

We're there to be assigned.

LEG. D'AMARO:

Right. It's done by the court.

MR. MAZZOLA:

Right.

LEG. D'AMARO:

So, are there some instances where the court is assigning to 18-B where it's not a conflict or not a murder case or any of the other special instances where 18-B would apply but you would not?

MR. MAZZOLA:

My answer to that would be speculative, but I would think so, yes. There are cases where we could be assigned where we're not being assigned. And, you know, that's only anecdotal. I don't, you know, have any figures on it, but I do know that there are cases where I think that we could be assigned where we're not.

LEG. D'AMARO:

All right. My purpose is not to play the 18-B against -- it's apples and oranges, really. Yeah, but I was just curious. Thank you.

CHAIRMAN GREGORY:

Okay, thank you. We have the County Attorney, Christine Malafi, next.

MS. MALAFI:

Good morning, Honorable Legislators. Before I talk about the Law Department budget can I tell you something about 18B and Legal Aid. The State just passed a law this year that allows Counties to create what's called a Conflict Defenders Office. So, I'll just use an example. A burglary occurs, three people are arrested for participating in that burglary. One of those people can be assigned to Legal Aid Society. There's a conflict, the Legal Aid Society cannot represent the other two people. So 18-B panel lawyers run by the Suffolk County Bar Association, they have an administrator, the Bar Association and the administrator choose the lawyers, we have no say in it, would get two people to represent. It costs the County \$4500 for each case handled by Legal Aid. It cost, I think around between four and \$600 per case for Legal Aid to handle it.

If we create this Conflict Defenders Office, the second person involved in the burglary instead of going to the 18-B panel would go to a conflict defenders office, which would be another, I've been calling it the Legal Aid two. Because they would be a Legal Aid Society number two, Conflict Defenders Office, which would lower our costs.

As soon as that law was passed, I contacted -- the law requires that we set it up only with the consent of the Bar Association. I have called. I've already spoken to the President of the Suffolk County Bar Association who is already floating it to the Bar Association Executive Board. I believe this month's monthly meeting of the Suffolk County Bar Association they're going to discuss it with Dave Besso who is the Attorney Administrator for the 18-B panel lawyers. He's going to give them their input. And then in November I'm going to be invited to talk to them. But that will be a significant cost savings.

The 18-B panel, my budget for 18-B for 2010, the Legislature took half a million dollars out of it and gave it to Legal Aid last year. It's resulted in this month will be the last vouchers I can pay to 18-B panel lawyers. So I'll be running at a -- either a deficit or we're trying to -- County Executive's Office is trying to find money where they can put it back into my budget. Because the 18-B panel lawyers are Suffolk County residents, attorneys, working hard for people in Suffolk County and it's not fair not to pay them for the last quarter of the year. Because they do, they work and they deserve to be paid. So that's 18-B and Legal Aid Society. If there's any questions on that?

Oh, one more thing that Legislator Browning brought up. We don't control who goes to the 18-B panel. We have heard numerous occasions that there are judges who when an 18-B panel lawyer happens to be sitting in the courtroom and it occurs, yes, a lot in Family Court in Criminal Court too, instead of referring the criminal defendant to Legal Aid, they will just say, you go to this lawyer, he's an 18-B lawyer, he'll help you. And they make the assignment directly. We've been trying to stop it and I've spoken to the administrative law judge for Suffolk County and also for the Family Court numerous times and they've said that they've put a stop to it, but I do know it is happening. There's no way I can stop that. It just would more be public outcry for them to stop doing that. If there's no questions on that, I'll move onto my budget.

I don't want to take up a lot of your time. My budget is -- I've kept it pretty much the same as last year, the only new positions that I've asked for are in the Red Light Camera Program, because there's a need for people to sit in front of computers reviewing all of the tickets. My office verifies every ticket before it goes out. There is a rule that if somebody is looking at a ticket and they recognize a car or the license plate, that they're not allowed to verify the ticket. So you need a bunch of people. There's a lot of people who know other people's cars. If you see your mother's car, you can't verify. So you need people.

Also, it's a little difficult of a position to be sitting there. It's all you do all day, is look at a video screen, look at a car going through a red light, read the license plate number and verify that the ticket is correct. So I have a lot of positions in the budget for it. I believe eight -- six people to do it. I've also asked -- I need attorneys to go to District Court on the tickets. It is the perfect spot for a part-time attorney, because court is only going to be a couple of days a week. And I don't need -- it's hard to have a full-time person in the office that you know two to three days a week is just going to be doing one specific thing. And they really can't handled a caseload that way. And we get lots of calls in this day and age and the economy the way it is, there's a lot of people who are willing to work part time to just help out their family. And that is why I put in for some part-time positions rather than full-time.

I don't have anything else, but I'm willing to answer any questions anyone has.

CHAIRMAN GREGORY:

So you have a request for a part-time attorney, right, is that what you said?

MS. MALAFI:

Two part-time attorneys.

CHAIRMAN GREGORY:

Oh, two part-time attorneys and six positions to, I guess, verify the pictures or whatever.

MS. MALAFI:

There's six people do that, and then I need -- there's a couple of administrative people -- there's a lot of administrative paperwork that needs to be done in addition. So it would just be to fill those spots. I do not anticipate having to fill them all at the outset. It would be throughout the course of the year.

CHAIRMAN GREGORY:

Okay. I know you have one vacancy. How many do you have now?

MS. MALAFI:

Vacancies? For what, throughout the Department of Law?

CHAIRMAN GREGORY:

No. In those six positions, what you call, verification positions.

MS. MALAFI:

They are all except one.

CHAIRMAN GREGORY:

Right.

MR. MALAFI:

One is a transfer position that I can move somebody in there, and the rest are new for my department.

CHAIRMAN GREGORY:

But how many positions do you have now? You have, say, four now and you want six for a total of ten, or do you have --

MS. MALAFI:

No, I don't have any. The Red Light Camera Program doesn't have any -- I have two people from -- they're already Law Department employees who picked up the -- looking at the red light camera violations, but they have other jobs to do. And we're scrambling to have them do both jobs at the same time right now.

CHAIRMAN GREGORY:

Okay. Anyone else have any questions? What dollar amount are you looking at?

MS. MALAFI:

I believe it's 350,000, a little over that. But one thing about the Law Department is that we bring in revenue for the County, but it doesn't come into the Law Department, so nobody ever sees what we do. But they anticipate that the revenue to the County in implementing the safety program is well over 10 to \$20 million a year. I don't -- Budget Review would know better than me. It's a big -- it will bring in revenue. So the cost of the employees is definitely offset by the revenue that's anticipated.

CHAIRMAN GREGORY:

Okay. I think it was like 30 million? They anticipated, I think, for the budget was 30 million this year, right.

MS. VIZZINI:

Close. It's 33.9.

MS. MALAFI:

More than I thought. I will say though, just to give -- because I read the Budget Review analysis of my budget, I don't have many vacant position in my office, because I -- we run the Law Department with only 67 lawyers. Just to give a comparison, Nassau County has 95 lawyers. You know, we -- everyone has full caseloads, everyone works very hard. It's very hard for me to absorb a program such as the Red Light Camera Program without having additional people. My secretary to attorney ratio is at the lowest it can possibly be. And we're very paper driven. The court wants paper. We have to get papers to the court. So that is why the vacancies are not as high in my department. It would cost the County money -- if I don't have lawyers to try cases and I have to settle cases, it's going to cost money. We do very well defendant-verdict wise every year. We save the County a lot of money. It's hard to put on paper how much money we save the County. I can tell you that every year the cases that we get defendant's verdicts on, the demands are in the millions and millions of dollars.

CHAIRMAN GREGORY:

Gail.

MS. VIZZINI:

I was just going to point out that the Law Department did not participate in the Early Retirement, so that was another indication of really not being able to afford to lose anybody, but also, therefore no positions were abolished relative to that.

MS. MALAFI:

It's hard -- it was hard to tell the County Executive that I could not lose anybody, because I had four people, I think, who put in for the Early Retirement and I just couldn't guarantee that I wouldn't need them, the positions. So it was difficult, but we do what we have to do.

CHAIRMAN GREGORY:

Okay. All right. Thank you.

MS. MALAFI:

Thank you.

CHAIRMAN GREGORY:

That's all the cards that we have. If there's anyone else, yes, please come forward and state your name for the record.

MR. FARRIS:

My name is Frank Farris. I'm the Suffolk County Public Administrator. Thank you for allowing me to speak.

I'm speaking primarily on one part of the budget. We had a member of our staff take the early retirement incentive and his salary was \$95,000. When we had our original budget meeting we were under the impression that position would be continued at a lower grade level but the County Executive's recommended budget abolished that position. We would like to have a grade 14 Senior Account Clerk added to our budget and we need it. We are almost a revenue neutral agency. Our yearly commissions that we earn come close on some years to meeting our total budget.

We also have some parts of our budget that are -- what I recall unfunded mandates. Each year we

have to do about 140 to 150 funeral investigations for either indigents or persons who don't have family members or wills as far as burials. And in some instances we can locate assets for these people and that saves the Department of Social Services \$1200 each time we find that because that's what the indigents are allowed for burials.

And that takes up probably one position in our department. And, again, we're only six people and we've lost four clerical workers and we've lost one of them, which is 25%.

By giving us a grade 14 the County would still be saving approximately \$60,000, which is more than 10% of our budget. And we might make that money back up in additional efficiency. And, again, we report not only to the County, but we have to report monthly, bi-annually and annually to the Suffolk County Surrogate. We now have to appoint through the Surrogates Court, we have to report annually to the Office of Court Administration. We are audited annually also and that's another point, we do want to have an extra \$6000 added so we can catch up on our State mandated annual audits. We're one year behind at this time. We have a contract for two more years at \$8000 per year. If we do those two years in this year, we'll be up to date and meet all of our State requirements. And the renewal of that contract at \$8000 per year per audit is far less than the going rate for audits of the Public Administrator's Offices in other Counties. In New York City I know they're getting estimates of \$20,000 per year per audit.

That's primarily what I have to say. Ready for any questions.

CHAIRMAN GREGORY:

Just for clarity, you said you lost one person who's making 95,000 to the early retirement.

MR. FARRIS:

Yes, and he was primarily our -- I would say our office manager. He was an Administrator III. When we met at our budget meeting in the summer we were under the impression we'd be able to get a grade 21 at a starting salary of about \$42,000 a year. When we got the County Executive's recommended budget they abolished the position. And, again, a small agency like ours, we're losing 25% of our clerical staff when we've lost basically our office manager, somebody with 38 years of experience. So that's putting a big glitch in our operations.

And, again, we produce revenue. In our worst years we bring in \$300,000 in commissions, which is 80% or 70% of our budget. On a good year we can bring in up to half a million dollars in commissions and that's a function of the real estate market, the Stock Market and the vagaries of what estates come into office. Some years we get large estates in and our commissions will increase, but to get the commissions we have to liquidate the estates, marshal the assets and get everything ready for a court accounting.

CHAIRMAN GREGORY:

Okay.

MR. FARRIS:

In the Surrogates Courts that the only time we get the commissions is by court decree and we need these personnel.

CHAIRMAN GREGORY:

Okay, all right. Just so that I'm clear, so you're not looking to replace that position for 95,000. You're looking to replace that position with a grade 14. Correct? Or are you looking for two positions?

MR. FARRIS:

We would be -- all we're requesting is that that position, that person was a grade 28. We would like to get a grade 21, but I understand what the budget realities are here and in order for us to help the County get more funds we need at least a grade 14, which I believe is Senior Account Clerk. And if we get that grade 14 at a starting salary, the County is still saving approximately \$60,000 a year, which is more than 10% of our budget.

CHAIRMAN GREGORY:

Okay, all right. I'm more clear now. Anybody else have any questions? Okay. Thank you, Sir.

MR. FARRIS:

Thank you.

CHAIRMAN GREGORY:

All right. Anyone else? That's it. We stand adjourned. Thank you.

THE MEETING CONCLUDED AT 11:39 AM

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