

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
SIXTEENTH DAY
NOVEMBER 6, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY
LUCIA BRAATEN, COURT REPORTER**

[THE MEETING WAS CALLED TO ORDER AT 11:00 A.M.]

D.P.O. CARACAPPA:

Good morning. Mr. Clerk, please call the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

(Not Present)

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

(Not Present)

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Still here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

(Not Present)

MR. BARTON:

There are eight present.

LEG. CARPENTER:

She's on her way.

LEG. CRECCA:

Mr. Clerk, I'm present.

MR. BARTON:

Nine.

D.P.O. CARACAPPA:

All Legislators, please report to the horseshoe, please. Brian's here.

MR. BARTON:

Ten now present, Mr. Chairman. (Not Present at Roll Call:

Legs. Caracciolo, Guldi, Lindsay, Fields, Binder, Cooper and P.O. Postal)

D.P.O. CARACAPPA:

Thank you. I'd ask everyone to rise for a salute to the flag, led by Legislator Carpenter.

{ Salutation }

D.P.O. CARACAPPA:

Please remain standing. I'd like to ask for a point of personal privilege for a moment of silence for our dear friend, Phyllis McAlevey.

For 25 years, Phyllis was a constant here at the Suffolk County Legislature. She first started working here in 1978 under then Presiding Officer Tony Noto. And in 1981, she became an Aide to the late Legislator Rose Caracappa. Unfortunately, and fortunately for me, she became my Aide in 1995, or should I say I became a Legislator in her office in 1995.

Her laugh, those of you who knew Phyllis, her laugh was absolutely infectious. Her care for others was endless. Her dedication to helping people, not only in the Fourth Legislative District, but throughout Suffolk County, was second to none. She was a mother to Alison, Jennifer, Sean and Thomas, a grandmother to Brian, Keira and Jake, a daughter to Angela. And to all of us, and especially to me, she was a loyal and trusted friend and she will be missed terribly. I Ask all of you to pray for her family in this very troubling time. Phyllis McAleveey was sixty-one years old.

{ MOMENT OF SILENCE }

Thank you. I'd like to recognize Legislator Crecca for the purpose of introducing today's clergy.

LEG. CRECCA:

Thank you, Legislator Caracappa. It's my honor and privilege to introduce the Clergy today and that's Father Francis Midura. He formerly was the Monsignor and Pastor at Saint Joseph's in Ronkonkoma, an area that many of us share as a district, and he did a phenomenal job there. More recently, he's come to my home parish, that is Saint Thomas More in Hauppauge, and has done a great job being a shepherd to our parishioners there. It is my honor and privilege to have him here to lead us in today's invocation. Monsignor.

MONSIGNOR MIDURA:

Thank you. Shall we bow our heads in prayer?

Gracious God, we gather together in gratitude for your blessings upon us. To those who are gifted, to guide and lead. We ask for continued insight to know what is best for all. May we uphold only what is good for all. May the God given principles upon which our great nation was

founded be the guiding light to ensure the continual pursuit of life, liberty and happiness. May we never neglect the needs of those less fortunate, those who are burdened, those who require affirmation and challenge.

As a people, we also remember those who are in need of our prayerful remembrance. For our servicemen and women, we pray that they have the courage and fortitude to effectively complete their mission. As we reflect on all that you have given us, may we always be a people of thanksgiving, today and always. Amen.

D.P.O. CARACAPPA:

Please be seated. Henry, would you, please, read the meeting notice?

MR. BARTON:

Received from the Presiding Officer, Maxine S. Postal, Notice of a Special Meeting, dated November 3rd, 2003, to all County Legislators. "Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Thursday, November 6th, 2003, at 11 a.m. in the forenoon in the Rose Y. Caracappa Legislative Auditorium, located at the William H. Rogers Legislature Building, Building Number 20, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6(B) of the Suffolk County Administrative Code for the following purpose: A one-hour public portion", followed by 24 items. Signed by the Presiding Officer and distributed to all Legislators.

D.P.O. CARACAPPA:

Thank you, Henry. Before we go to the public portion, I'd like to welcome and recognize Legislator-Elect Dan Losquadro from the Sixth District.

{ Applause }

Dan actually -- oh, and Legislator-Elect Jay Schneiderman from the Second District.

{ Applause }

Dan actually won a, though it was a general election, it was a special election, too, so he'll be joining us as soon as he is certified, which will be in a couple of days, and we look forward to working with you. It's great after a budget vote, so.

We're going to the public portion. First speaker is Jack O'Connell.

MR. O'CONNELL:

Good morning. I am Jack O'Connell from the Health and Welfare Council of Long Island. I'm here this morning to support Legislator Fisher's amendment that would appoint seven Medicaid Examiners for the Department of Social Services.

There are about 150,000 Suffolk residents without health insurance. Fifty thousand of these folks are children. In the past three years, about 50,000 Nassau residents -- Suffolk residents have secured health insurance through Child Health Plus and Family Health Plus.

There's a big "however". Because of the shortage of staff in Suffolk County Department of Social Services, at any one point in time, about a thousand Suffolk adults and children are in the pipeline and they don't have Medicaid cards, so, in essence, they can't receive the Medicaid services that are available. The main reason that this happens is there just isn't enough staff to process these applications.

Now, the County Executive, because of our urging and advocacy, had added examiners onto the Medicaid staff lines. These were removed, and Legislator Fisher has suggested the replacement, the amendment replacing seven of them. And what happens if you don't do this? There are working people in Suffolk County that will incur medical expenses, because in the three to four-month period that they're in the pipeline, they won't have health insurance, even though they're eligible. Children that don't get the preventive care that they need wind up at a bigger cost to the County getting primary care need.

Now, I know a lot of you feel that a lot of the -- that the Medicaid costs in the County are excessive, but I would bring this point to your attention, that more than 60% of the Medicaid bill is charged to long-term care and the disabled, people who rack up a lot of Medicaid expenditures in the whole area of residential care. The children and families in Family Health Plus are not the ones that eat up the Medicaid dollar and call -- cost a lot of the cost overruns.

So I'm asking you this morning, on behalf of the literally 1,000 children and families that are in the pipeline at any one point in time, because it takes three to four months to process these applications, to support Legislator Fisher's amendment that would give the Department of Social

Services the ability to process these applications and get these kids health insurance, and their moms and dads health insurance in a more timely fashion. Thanks.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Thank you. Next speaker is Dolores Kardon. Dolores Kardon, and on deck after her is Eleanor Smith.

MS. KARDON:

Good morning. I'm from the Suffolk County Perinatal Coalition and I'm here in support of the Public Health Nurses. I wanted to tell you that as an agency that works to reduce infant mortality, the service provided by the Public Health Nurses is essential to lowering infant mortality and to keep the numbers declining.

There's no other group that can reach out to isolated high risk pregnant women in the same way that the Public Health Nurses can. They travel to people's homes and they offer care to women who may not access prenatal care, and who may not go to their prenatal visits, and, therefore, they will deliver low birth weight babies, or worse, experience an infant death within the first year of life.

I understand that these decisions on cutbacks are very difficult to make, but on behalf of is SCPC, please remember that any decisions that would affect women and infants negatively cannot be the correct decision, so I urge you to consider Legislator Fisher's resolution. Thank you.

LEG. VILORIA-FISHER:

Thank you, Dolores.

D.P.O. CARACAPPA:

Thank you very much. Eleanor Seidman-Smith, followed by Anna, looks like Garta.

MS. SEIDMAN-SMITH:

I just want to extend my condolences. Phyllis was a very dear and good friend, so -- I just

found out about it, it's very upsetting. You'll be getting a handout from me. I will make this less than three minutes today.

In Budget Year 2003, the County Executive, as you know, eliminated the American Red Cross Community Service Program in the County Operating Budget, but thanks to all of you, the Suffolk County Legislators, we were restored. In the process, we lost nine full-time positions and two part-time positions, including the graffiti -- Anti-Graffiti Eradication Program.

The Probation Department, at the October Public Safety meeting, stated that their caseloads are continuously high in both adult and Family Court referrals. Our community service referral numbers have not decreased.

With the new State Law mandating community service to second time convicted DWI's within five-year limit, we are now seeing an increase in that population, which does represent over 50% of our clientele.

In a letter, the request of Vinny Iaria from -- the Director of Probation, the ARC Service Program was asked to outline our goals and objectives for our request for the restoration of the Anti-Graffiti Program, which was also cut in 2003. He brought -- he came to the October meeting in support of the \$86,000 for the Anti-Graffiti Program, and I'm very thrilled. We're working very well together, and I'm very pleased to announce that we are coming to some major decisions that are both -- good for both of us.

I want to thank you, most of all, for your vote of confidence when you mentioned at the General Meeting on September 16th that you would not forget the American Red Cross Community Service Program in the 2004 budget. The staff and Board of Directors appreciate all the efforts that you've made for it during these past 24 years to keep the program fully funded and operational.

I am requesting, again, a return to our 2002 funding level, and that it be placed in the omnibus for the upcoming 2004 County budget, which you have done for the American Red Cross Program during the past ten years. The restoration of \$86,000 for the Anti-Graffiti Program would enable us to continue our efforts in cleaning the unsightly graffiti that plagues our County.

This \$86,000, which I explained that Vinny has advocated in front of the Public Safety Committee meeting October 24, would allow two staff positions to supervise a crew of mandated community service offenders on a daily basis. This money will benefit the entire County, because graffiti knows no districts.

In closing, this program needs your help. Please restore us in the Omnibus for 2004. Thank you very much.

D.P.O. CARACAPPA:

Thank you, Ellie. Next speaker is Anna, I'll go with Garta, followed by Louise Stalzer.

MS. GAETA:

Good morning.

D.P.O. CARACAPPA:

Good morning.

MS. GAETA:

My name is Anna Gaeta.

D.P.O. CARACAPPA:

I'm sorry.

MS. GAETA:

It was close. That's okay. I do have some packets I'd actually like to give out, so I guess I'll give it to whoever at the end.

I am here to support the Public Health Nurses. Again, my name is Anna Gaeta and I am not a Public Health Nurse. However, I've had the unique opportunity as past President of the Professional Nurses Association of Suffolk County, and as a current member of Legislative Committee for New York State Nurses Association to learn a lot about what the Public Health Nurses actually do for Suffolk County.

There are many problems in health care in our County and in the country. What I've discovered after 25 years in acute care nursing and in for-profit medicine is that the Public Health Nurses

have it right. These nurses are educated, utilizing the BSN as their entry level into practice. They are professional, compassionate, caring, and they are effective and cost efficient. Their own research not only documents that the care they give improves the quality of life and patient outcomes, but it does so with an 92% reimbursement rate. This does not even include the untold dollars they are saving the County and the State in the prevention of premature births, unnecessary emergency room visits, and hospital admissions for children at risk with asthma, and the PHN is also keeping the frail elderly in the home, rather than slipping into costly readmissions and dangerous hospital admissions.

The Public Health Nurse identifies trends and risks to the public health. They are the front line in case-finding, giving the County the opportunity to prevent and limit future potential disasters. The Public Health Nurse is really the backbone of the Suffolk County's public health system.

The current issues in health care must inspire us in Suffolk County to develop a vision that addresses the delivery of health care in a safe and cost-effective manner. The push to cut or reduce this vital service must be rejected, especially in light of the fact that public health nursing is almost entirely self-sufficient. We cannot afford to hope that the needs of at-risk populations will go away, or that the private sector will pick up the slack. For-profit is for-profit, and the minute the profit is gone, so may be the service.

The commitment and dedication to those in need was and still is the mandate of public health. If we ignore our obligation to maintain these valuable service, we will most certainly see the effects at our doorsteps in the not too distant future. The public supports nursing and knows its valuable contribution to health care. I want the public to learn, as I have learned, just how exceptional this team of health care providers really are. The infrastructure of public health nursing in Suffolk County must be maintained, supported and emulated by all other health care facilities and programs in our County.

The evidence-based research done by the Public Health Nurses is a model for all other health care in the County. The outcomes in research should drive our health care policy.

D.P.O. CARACAPPA:

Ms. Gaeta, your time has expired.

MS. GAETA:

Best practice is what we are working on, and I'm happy to support the Public Health Nurses here today. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

We appreciate that.

{ Applause }

Next speaker is Louise Stalzer, followed by Kate Lehman.

MS. STALZER:

Hello. Louise Stalzer, Director of Peconic Community Council. I just wanted to bring it to your attention today that there are about 14 agencies under the County -- under the Executive portion of the budget. Now, I'm looking at the -- I'm going by the Budget Review Office and a listing of contract agencies, and there are approximately 14 agencies that have been cut 8%. It's something that I think is an oversight. If you look at the 2002 actual, these agencies were cut 10%, so that, in effect, the proposed 2% increase is actually an 8% decrease for them. So they would need to actually, if I don't totally confuse this, be increased 10% overall to bring them to a plus 2% over their 2002 budget. It's not a lot of money. It totals for these agencies \$66,649, but those two or \$3,000, in some cases, maybe \$10,000, means a tremendous amount to these agencies to at least maintain what they're doing. So I had given a handout to everybody earlier in your mailbox, and I hope that you will consider that.

Also, I've learned that Long Island Cares is supposed to be cut. I believe it's \$2,000. I can't tell from the Budget Review Office, but what I've just seen, Long Island Cares, of course, is a very important program that provides food for the homeless and the indigent, and we work closely with them out in Eastern Suffolk in our outreach to homeless kids that are in the shelters and in the motels. So we certainly support reinstate -- not cutting them \$2,000.

Another issue that I've just learned this morning is that there is Resolution Number 7, I'm not sure how all this works, but Suffolk Community Council's one funding stream underneath the County Exec's budget for their clearinghouse program is slated to be cut completely, which I cannot understand completely. That is a program that has a registry for mental health -- homes for mentally ill people. It is the only tool of its kind for Suffolk County. They do mediation services as well, which is very important for the people that live in the homes to live at peace with one another. So we certainly hope that does not get supported. Thank you for your attention.

LEG. FOLEY:

Thanks, Louise.

D.P.O. CARACAPPA:

Thank you. Next speaker is Kate Lehman, followed by Janet DeMarzo.

MS. LEHMAN:

Good morning, and thank you for the privilege of being here. My name's Kate Lehman and I am the Minister to the Unitarian Universalist Fellowship in Stony Brook.

When the Public Health Nursing Program first came under fire, I worked with a number of people to organize a postcard campaign whereby people from many, many Congregations across Suffolk County urged that this program be kept intact.

For those in the religious community, this is an ethical issue based on the belief that health care is a right, not a privilege, it's a right that every citizen in our nation and in our County should have. And to weaken the Public Health Nursing Program would put at risk those who are most vulnerable in our culture, and those who are least well able to advocate for themselves. Thus it is that the religious community came forward in a large group to urge that this program be maintained.

There are -- as I understand it, over 90% of the cost of this program is reimbursed.

It seems to me, in talking about not adding these positions, that some financial figures are being ignored, specifically many of -- while some people who are being cared for might be able to go to the clinics, many, many would be unable to. The frail elderly, women, pregnant women whose pregnancies are at risk, young children. And public transportation is not a very viable

option here on Long Island for those who would be able to access that. The cost of providing taxi transportation, our ambulettes, would surely be very expensive.

Also, there are some patients who, even if they could go to the public health clinics, would not have their needs as well served in that setting. Specifically, I think about foster children who the public nurses are able to see the situation in which the children live and are able then to make necessary recommendations.

The cost of not reinstating this program is very difficult to calculate, but if we do not have adequate and exceptional health care for all of the residents of Suffolk County, we will all be poor. And I urge you to add these positions, so as to protect the most vulnerable citizens of our culture. Thank you.

D.P.O. CARACAPPA:

Thank you.

LEG. VILORIA-FISHER:

Thank you, Kate.

D.P.O. CARACAPPA:

Next speaker, Commissioner of Social Services, Janet DeMarzo, followed by Elizabeth Kinnier.

COMMISSIONER DE MARZO:

Thank you very much. I just wanted to request the Legislature's support on two issues that are coming before you today. During the budget process, there were two issues identified by BRO relative to granted positions and funding that the State has reduced and that we are moving over to regular funding streams with Federal and State Aid, but not the 100%. And Resolution No. 4 deletes 24 filled positions and two contract agencies, EAC, Enhanced Supervised Visitation, and Family Service League does motel supervised visits for us for the homeless. Out of the 24 people, 18 of them are for employment assistance for our TANF people, and six are on CPS.

It's a technical resolution which seeks to maintain the integrity of the Charter provision. I just speak to you today in hopes that, you know, since there are 24 people and two very good programs, that the Legislature provides the necessary 14-vote support essential to maintain these people. And because they are employees and actually on board, I felt it was critical that I

speak to you today on them.

And since I have probably a minute or so left, I would just like to ask for your support as well on the Budget Resolution 22, which would provide some staff for the Medicaid Program. The County, you know, has been said earlier, is struggling to keep up with the Medicaid caseloads as we provide Enhanced Family Health Plus. So I would ask for your consideration of that as well as you deliberate today.

So it's really to protect the 24 people and the integrity of the budget that I ask that you -- if you don't pass 4, that's okay, but, please, pass 5, and that you consider the possibility of B.A. 22, which would add the seven positions, which would really help us ensure health care in a timely basis for Medicaid recipients in our County. Thank you very much.

D.P.O. CARACAPPA:

Thank you, Janet. Next speaker, Elizabeth Kinnier, followed by Judy Pannullo.

MS. KINNIER:

Thank you for the chance to talk to you about the Public Health Nursing positions that have been threatened to be abolished, and the other two that are being transferred to other departments.

Last week, I spoke to Legislator Foley and I gave him a little wrong information. And he asked me how many active Public Health Nurses there were, and at this time, I thought there were 28, there were actually 21.

I was a Public Health Nurse for 15 years, and so I know what it means when a Public Health Nurse walks into the home of a child who has asthma and is wheezing, perhaps because the mother is not giving the medicine properly. I know what it's like to walk into the home of a diabetic, who was taught for ten minutes how to give himself insulin, but doesn't know how to do it properly. I know what it's like to look into his refrigerator and see that he either doesn't have food in there, or doesn't have the right kinds of foods that he needs. It is only when the nurse goes into the home that she finds out if the teen pregnant girl is really following up on the care that she is supposed to be, or whether she needs help to be directed toward a drug abuse program. In fact, our nurses have directed 85% of drug abusing pregnant teens into drug rehab programs.

I was the Coordinator for our Pediatric AIDS Program. At one time, we had 65 children in the program. I saw Public Health Nurses go into the home and find out that the child was having symptoms of an infection, was able to contact the doctor immediately, and treatment was started and a child was kept out of the hospital. This is the kind of effective care that Public Health Nurses give. It is also the nurse who finds out when she goes into the home that the elderly person does not have the medications that they need and that the doctor supposes they are taking.

I know that the Public Health Nurses visit the foster care children regularly to make sure they are getting the health care that they need, and God knows what would be happening if the Public Health Nurse wasn't going in thereto find this out. The nurses visit children under court order, under Child Protective Services. We work together closely with the people in Child Protective Services.

All these programs are so important to the people in the community, but when it comes to health care, we all know that it does come down to cost. And since 92% of the visits by Public Health Nurses are reimbursed either by third party insurance, Federal and State grants, and that Medicaid actually pays \$176 for a nursing visit, there are few programs in the County that bring in as much reimbursement as Public Health Nurses do.

D.P.O. CARACAPPA:

Ms. Kinnier, your time has expired.

MS. KINNIER:

Thank you. I hope that the positions will be reinstated and that the funding that is necessary for them will be also. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

LEG. VILORIA-FISHER:

Thank you very much.

D.P.O. CARACAPPA:

Judy Pannullo, followed by Leslie Temme, Temme.

MS. PANNULLO:

Good morning. I'm Judy Pannullo, Executive Director of the Suffolk Community Council. I'm here today not to speak on behalf, as usual, of all the contract agencies, but to actually speak on behalf of our own agency.

Suffolk Community Council is the only agency that registers and tracks the County homes for the mentally ill. Many, many people use our directory, even some of the Legislators in this room. The clearinghouse registry is an extremely valuable tool that is still necessary. Additionally, as part of this contract, we have the mediation project, which has saved hundreds of thousands of dollars by serving to nip in the bud any problems that come up between roommates and consumers and their workers, so it's a way of keeping harmony and it's been very successful.

The Suffolk Community Council has had this contract for many years, because it's a good program. It works, it helps Suffolk County, it saves money. I urge you to fully reinstate this clearinghouse contract to Suffolk Community Council, and that is B.A. Number 7.

I have spoken to both Legislator Crecca and Legislator Guldi, who have said that they will remove their name. I just wanted to take a moment to talk about the program itself. Thank you.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Thank you very much. Leslie, Temme, Temme. I'll try every combination until I get it right.

MS. TEMME:

Okay, thanks.

D.P.O. CARACAPPA:

Then followed by Tom Isles.

MS. TEMME:

Good morning. I'm here as a member of the Quality Consortium of Suffolk County, representing 24 not-for-profit agencies, providing all levels of drug and alcohol treatment and prevention services throughout Suffolk County. I'm asking you to help us not inadvertently lose the money you voted to unanimously restore in Resolution 799-2003. The County Executive's proposed 2004 budget does not include the funding that was unanimously restored on September 16th, 2003 due to the timing of the proposed 2004 budget submission. This was a result of the process, not a decision.

As you are aware, prior to the restoration of the 2003 budget, which required a 10% cut of Suffolk County monies to funded agencies, many of the Quality Consortium agencies were inadvertently cut as much as up to 80%. The result in the -- this resulted in the loss of matching State dollars, totaling \$109,000, closing of one treatment site in Coram, staff layoffs, and staff positions remaining unfulfilled, and a severe reduction in treatment services. This was a budgetary error, which was corrected by Resolution 799-2003.

Please, do not allow us to lose this money again because of the cumbersome budgetary process. Your effort to correct the original error will be lost if this money is not restored in 2004. You have already determined that this money should be restored to our contract agencies. Please help us in ensuring that these funds be actualized.

We request that the Suffolk County Legislature pass the 2004 discretionary omnibus resolution, note D019, which includes our 2003 restoration funds. Thank you for helping us maintain the Drug and Alcohol Prevention and Treatment services necessary.

D.P.O. CARACAPPA:

Thank you very much. Tom Isles, followed by Peter Quinn.

MR. ISLES:

Good morning, and thank you very much. There's two items I'd like to address the Legislature on today. One is an item in the budget, and the other is a matter that's on for your agenda today, Item Number 9.

In terms of the budget, the Planning Department has put in a budget to the County Executive that has generally been supported by the Office of Budget Review.

There is one item, however, we would like to bring to your attention that we are concerned about, and that is a position we've requested for a Deputy Director of the Department. At the present time, the County Executive has supported that, Budget Review Office is recommending that it not be included. I'd just like to point out to you that it is something I do think is quite important to the Department. It is something that historically has been filled under Lee Koppelman, under Arthur Kunz and Steve Jones, and I think it's important for getting the job done.

As I think many of the Legislators know, we have anywhere from two to three dozen special projects going in the office at any one time in addition to our normal duties. And I think in terms of the -- I've seen an increase in workload, not a decrease, and I think a Deputy Director would be critical to moving forward with those.

I understand, obviously, we're coming to a point of change potentially with personnel and with the structure of County government. I would just like to point out that at least if the position is in there, any filling of this position under current standard operating procedures requires the consent of the County Executive, so at least we preserve that option. If things change, so be it, but, therefore, I would just like to request your support of that position.

The second item is on Item Number 9 on your agenda, which is known as 511 Equities. I'm not sure if you would like to go into that at this time, but this was a matter that was considered by you at your meeting on September 16th. You requested additional information, which I have sent to you. I also have today with me the Director of Real Estate, our licensed general appraiser in the Real Estate Division, and also a representative of the Nature Conservancy, who is our agent on this transaction. So we are asking for your support on that resolution to authorize the acquisition of 511 Equities. Here again, if you want further information, I can provide that at this time, or when it comes up in the agenda, if you would prefer.

D.P.O. CARACAPPA:

Yeah, we'll talk about it later, most definitely. Thank you, Tom.

MR. ISLES:

Thank you.

D.P.O. CARACAPPA:

Before you go on, I'd like to recognize a class that has just arrived to watch the proceedings of the Suffolk County Legislature today, and that's from Longwood School District. Their teacher is {Theresa Brogdon}, and I'd like to welcome them. Legislators who represent part of the Longwood School District are Legislator Caracciolo, Legislator O'Leary, myself, and Legislator Losquadro. So we'd like to welcome them, and we really appreciate your coming down to review what your elected officials are doing, and you came to probably, most likely, the most important meeting that the Suffolk County Legislature holds on any given year. So we welcome you. Thank you.

{ Applause }

D.P.O. CARACAPPA:

Next speaker is Peter Quinn, followed by Nicolette Pach.

MR. QUINN:

Good morning. Do you have a quorum?

D.P.O. CARACAPPA:

One, two, three, four, five, six, seven, eight, nine. We need one. Would you consider Legislator-Elect as a part of a quorum?

MR. QUINN:

Of course.

D.P.O. CARACAPPA:

Then we have ten. Now we have eleven. Go ahead.

MR. QUINN:

Good morning. My name is Peter Quinn, Energy Analyst for Long Island Coalition for Democracy. I have appeared before the Energy Committee, and one person present at the Ways and Means Committee, where I urge the County hire an Energy Manager. I do so because the Budget Review Office and the Senior Officer at -- Senior Engineer at the Suffolk County Water Authority both showed in a report that you looked at back in March, that the County was spending 2.1 million dollars more in energy costs than they were the prior two years.

You know you're not going to get any help for -- the Energy Manager should be somebody who's an architect, an engineer, and an environmentalist, but you're not going to get any help from the Department of Public Works, which hasn't done an energy analysis or a review of buildings, sewer plants, and water pumping stations in 15 years. You're not going to get any help from the Federal Government, because the Federal Government's, Bush's energy bill actually calls for 60 to 65 billion dollars in spending, which goes almost exclusively to oil, natural gas, coal, and nuclear industries with -- and then those same companies advertise repeatedly on T.V. over the last several months that they are the renewable and energy efficient industries, which they are not.

A Goldman-Sachs report showed that what has happened in the utility industry, under the advice of Wall Street, is that since Enron's disaster, bankruptcy, utilities have sold off 21 billion dollars in asset, that's generating plants. Prior to that, from '92 to the Year 2000, they sold off billions more. Why? Because the utilities were told to get out of the generating plant business, hold onto the transmission lines, work private deals behind the scenes with private energy companies, and set the market price on which ratepayers, since these market price arrangement or agreements are done in secret, they're beyond the scope of the ratepayer from having to know what's going on.

The municipal marketplace and citizens who try to challenge these will see in the Federal bill legislation that protects the generating companies, protects the transmission lines from being sited anywhere without public input. I'm hopeful that you will include money in the omnibus budget, put out an RFP, bring in some expertise, and get the job done to bring down energy costs, and then maybe you'll be able, with your fiscal constraints, maybe you'll be able to pay for some of the other proposals that have been made here by others. Thank you.

D.P.O. CARACAPPA:

Thanks, Pete. Nicolette Pach, followed by Jiminy Cricket, AKA Phil Goldstein.

MS. PACH:

Good morning. Thank you all for your dedication to the issues which affect the most vulnerable members of our community. I'm Nicolette Pach. I have asked to address you to morning in support of the restoration of the Public Health Nursing positions.

As a former Family Court Judge, I have had many occasions to rely on Public Health Nurses

during my tenure on the bench from 1993 through 2002. The Bureau of Public Health Nursing played an integral part in the development and success of the Family Treatment Court, which opened here in Suffolk County with your support in 1997. It was designed to address the needs of neglected children where parental substance abuse was a factor in the neglect.

The nurses brought their long experience with substance abusing pregnant nursing women to bear in helping to design interventions to remediate the issues that brought these families to the court in the first place.

Public Health Nurses are alert to the increased level of physical and emotional problems children neglected due to parental substance abuse suffer. They routinely visit their homes and assess and monitor the babies born with drugs in their systems. The nurses visit all children in foster care every six months to oversee their health care needs.

In the Treatment Court, they assess every child under the age of three for developmental delays, and facilitate referrals to early intervention services. They continue to visit the family and child until they are sure that the developmental and health needs of the children are being met.

In home visits, Public Health Nurses observe parenting skills, and with a therapeutic approach, instead of an authoritarian one, they instruct parents on the care of their children. They assist parents in feeding fussy babies, show them how to administer the usual childhood medications, and normal -- and educated them on normal developmental expectations. Some parents have unreasonable expectations of the children's maturity, which, if unaddressed, could lead to safety risks, while other parents cannot recognize what you and I would see as developmental concerns without the help of Public Health Nurses.

Public Health Nurses avert thousands of dollars of health care and other costs. For every positive tox baby they prevent, they save up to \$50,000 in related health care costs. Countless dollars in special education costs are saved for every child they identify as developmentally delayed and refer to early intervention services. The dollars they save do not show up in the Public Health Nurse budget, but in many other areas of public expenditure. The County's share of the costs are surely made up for in the costs averted by their services.

The loss of these positions would be penny wise and pound foolish.

I'd like to end by saying how proud we all can be of Suffolk's Public Health Nurses. I would like

to personally thank each and every one of the Public Health Nurses for the work they do in Suffolk County, going into the far reaches of the County and into the homes that most of us would not dream of entering to provide public health services to Suffolk's neediest children and families. I hope you'll support the restoration of the positions. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Jiminy Cricket, followed by Paul Rowland.

MR. GOLDSTEIN:

Good morning, Ladies and Gentlemen, and newly elected members of the Legislature. Before I begin speaking to the issue of the budget, I would like to raise a point of order and that is with regard to the deprivation of the public's ability to participate in the budget decision-making process. Because the Legislature limits me to three minutes in which to speak, I cannot fully address the issues that I want to touch upon. But to add and make matters far worse, when I appeared before your committee meetings, I am held to that same rule, and I think that that is a gross injustice. It seems to me that if you don't want to sit there and have to listen to the public at great length when the horseshoe meetings are held, the least you could do is when segments of this Legislature meet in their committee responsibilities, that you afford the public an adequate opportunity to fully express their grievances. That is a First Amendment right and you are depriving us of that right.

(Applause from Member of the Audience)

MR. GOLDSTEIN:

Thank you. Now, to the matter at hand, budget betrayal. All the incumbent Legislators have betrayed their constituents, the taxpayers of Suffolk, also their political parties and their membership. And, finally, but most seriously, you betrayed the founding principles upon which this nation was created. The specifications of this indictment are, one, a betrayal of our nation's origins. The Revolution slogan was "No taxation without representation", yet, by a unanimous

vote of this Legislature, you agreed to turn over to three politically appointed attorneys the right to impose upon us a binding contract, which will require that the tax dollars of the citizens of Suffolk County be spent to satisfy the greedy over the needs of the needy. By that, I mean very simply that under arbitration, the decision, which is in the contract, requires that you fulfill the terms of that contract. In order to do so, you have two choices, either to diminish the services of those in need, and we heard the pleas from speakers previously with regard to the seriousness of that issue, or to raise taxes. And we know what the feelings of politicians are with regard to raised taxes.

All right. Furthermore, you added insult to jury. Not only did you grant arbitration, but you extended that arbitration from two years, which the original Taylor Law granted a two-year contract, and they offered the option of a four-year, if it was mutually agreeable to the parties. You made it mutually agreeable. You granted these police unions a four-year arbitration contract, which means that the newly elected County Executive, who ran on a reform --

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

-- campaign --

D.P.O. CARACAPPA:

You know it's time. Time's up.

MR. GOLDSTEIN:

Yes, I know. See, you want to squelch hearing the truth.

D.P.O. CARACAPPA:

No, I don't want to. I'll listen to you.

MR. GOLDSTEIN:

Yeah, I know, it's the rule, but it's a wrong rule. All right? I have things that are worth saying and worth hearing. And I am outraged by the deprivation of my right to express these thoughts. All right? I'm dealing in facts.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

You granted the four-year contract --

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

-- then you added the Superior Officers and the Detectives to that to further increase costs.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

We have seen what the arbitrators have done in Nassau County --

D.P.O. CARACAPPA:

I'd ask if the Deputy Sheriffs are here.

MR. GOLDSTEIN:

-- and we know from experience --

D.P.O. CARACAPPA:

Please, come in.

LEG. ALDEN:

Time's up.

MR. GOLDSTEIN:

-- that the arbitrators here in Suffolk are likely to do the same thing.

LEG. ALDEN:

Recess. Recess.

MR. GOLDSTEIN:

The end result is we are headed down the same road --

LEG. ALDEN:

Motion to recess.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

-- that Nassau went down.

D.P.O. CARACAPPA:

Come on.

MR. GOLDSTEIN:

No. Arrest me.

[Malfunction of Tape Recorder Due to Volume]

LEG. ALDEN:

Motion to recess.

D.P.O. CARACAPPA:

I'm certainly not going to go there. Phil, please.

MR. GOLDSTEIN:

You betrayed your party. How can you Republicans, who adhere to the principle of --

D.P.O. CARACAPPA:

Thank you, Phil. No. Thank you.

MR. GOLDSTEIN:

-- deprive supply and demand to govern over the cost of police services?

D.P.O. CARACAPPA:

Thank you Phil. We get --

[Malfunction of Tape Recorder Due to Volume]

D.P.O. CARACAPPA:

Please, everyone else --

MR. GOLDSTEIN:

But you won't allow me the opportunity to fully express my thoughts.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

And I think that is wrong. It is reprehensible. You call yourselves elected representatives in a democracy, but you ignore the public.

D.P.O. CARACAPPA:

Phil, thank you. To the new Legislators that are here, get used to that.

MR. GOLDSTEIN:

You'll hear more.

D.P.O. CARACAPPA:

Oh, we know. Thank you, Phil, we appreciate it. Paul Rowland.

MR. ROWLAND:

Good morning, and thank you for the opportunity to speak to you. My name is Paul Rowland. I'm the Chief Operating Officer of the Nassau-Suffolk Hospital Council, and we represent 24 not-for-profit and public hospitals on Long Island. The Council is also one of two agencies that were granted an award from the State Department of Health to be a lead agency on Long Island for the Child Health and Family Health Plus Program.

Over the past four years, we have worked to reduce the number of uninsured on Long Island. The attendance at our various enrollment sites leads us to believe that there continues to be a substantial number of people on Long Island who are without insurance and who qualify for Medicaid and Family Health Plus.

While the Suffolk County Medicaid Division has worked to become as efficient as they can with the resources they're given, the applications are continuing to be processed in excess of the time frames mandated by law. The Council feels that this is due at least in part to the enormous increase in applications generated by the Facilitated Enrollment Program and the introduction of Family Health Plus in 2002. According to the leadership of DSS, the increase in applications processing delays is due in part to being short staffed.

The Family Health Plus Program has added a tremendous amount of work to an already overburdened department. The difficulty with this program is that the coverage is prospective, unlike Medicaid, which is retrospective. The delays in processing Family Health Plus applications have caused many applicants to delay meeting the health care needs and/or to do without health care.

We also see in our applicants the anxiety of waiting for an insurance card, hoping --

D.P.O. CARACAPPA:

Mr. Rowland, just hold on one second. I'd ask for some order, so that we can hear the speaker. Continue.

MR. ROWLAND:

We also see in our applicants the anxiety of waiting for an insurance card, hoping that they don't get sick, or need emergency care while waiting.

In addition to the processing delays for community Medicaid, our member hospitals are also experiencing substantial increases in the accounts receivables for services rendered to patients awaiting Medicaid eligibility determination. A recent sample of our four hospitals found a 37% increase in the pending Medicaid bills over 2002. This is also due to the lack of staff and processing Medicaid applications.

As I understand it, there's a temporary increase in the {F-map} share that's going to sunset in mid 2004. Applications that are not processed by that point in time are not going to benefit from that increased Medicaid share, and I would ask you to consider that potential as you go forward in 2004.

I am in support, the Council is in support of the -- Legislator Fisher's Amendment Number 22, to provide additional staffing to the Medicaid Division in the -- to the tune of seven positions. I would -- I might note that the neighboring county has added over 30 positions to address this issue in Nassau County. Thank you for your attention.

D.P.O. CARACAPPA:

Thank you very much. Appreciate that. Rick VanDyke, followed by Penny LaValle.

MR. VAN DYKE:

Good morning, Legislators.

D.P.O. CARACAPPA:

Mr. VanDyke, hold on one moment. I'd ask all Legislators report to the horseshoe, please. We lack a quorum. Will all Legislators please report to the horseshoe, or I'm going to call a recess. Mr. VanDyke, you are up.

MR. VAN DYKE:

Thank you, Presiding Officer, for trying to gather the troops, appreciate that. My name is Rick VanDyke, and I'm the Executive Director of Family Service League. As you know, it is the only Suffolk County based not-for-profit organization to be accredited by the Council on Accreditation for Child and Family Services. I'm here to address three items very quickly.

First of all, I want to thank you for your strong commitment to children, families and seniors who are in need in this County. What you do today is very, very important to the well-being of those constituents.

The first item I want to address today is the Motel Service Project, which is, I believe, Item Number 5 on the agenda today. Janet DeMarzo, Commissioner DeMarzo spoke to this matter. I don't know how many of you have been out to the motels. I know some of you have been. I was there last week. I visited both a shelter and two motels, and I must say that those visits

really have an impact. We have our children, we have families, we have young children, we have teenagers who are suffering enormously as a result of being homeless, and with our growing homeless population, we have just in two motels here in Suffolk County over a hundred families who are really living in conditions that are what I consider to be very, very difficult.

In any case, we have a Motel Service Project, which we've been working on the last six months, and we actually work with those families. The end goal is to get them rehoused into permanent housing. That's harder to do than ever before. About a year ago, the average stay was about ten, eleven months. Now it's a year and two months and growing. But, anyway, we've been successful. What we do is we engage the family, we do needs assessment, crisis intervention, we help them get the medical care, we provide them with transportation to the doctors, we get the kids enrolled back in school. We normalize relationships as much as possible when they're in temporary housing, and then we try to move them into permanent housing and get them stabilized and follow up over the next year with Case Management Services.

This is really a critical program for those most needy children and families in this County, so I encourage you strongly, strongly, to vote for the Motel Services Project, which is included in that fifth resolution. Can I continue for a minute?

D.P.O. CARACAPPA:

Just sum up.

MR. VAN DYKE:

Yeah. Just the second item has to do with, on your agenda, D.O. 57. I understand, as of this morning, just found out about this, there is a 2% cut to our program home, which is an amount of about \$10,500. This program takes children who are about to be placed in foster care and prevents that placement. We're ninety -- talk about outcomes, we're 98% successful in preventing placement of children in foster care, thus saving the County tens of thousands of dollars, not this \$10,500 that we're talking about here. So I urge you to take that out and not have that cut, because we have too many children put away in foster homes and in lockups in this County and it's shameful, and we should be able to do much better than that, so I'm asking you to restore that 2%. Thank you very, very much.

D.P.O. CARACAPPA:

Penny LaValle.

MS. LAVALLE:

Good morning, Mr. Chairman, Honorable Legislators. I'll be very succinct. My name is Penny LaValle. I'm Director of Suffolk County Real Property. Real Property is an agency basically made up of 40 individuals. On an annual basis, recently, we've been bringing into the County on a net basis between eight and ten million -- excuse me, eight and ten million dollars. It chokes me up to talk about that much money.

I'd like to point out what I would like to refer to as a clerical error in the omnibus bill. Under expenditures, understand Real Property, where the turnover savings, that is addressed as \$132,000. I believe that the reference was made to this in terms of six vacant positions. These positions -- four of these positions are currently filled, and the other two will be -- I'll have individuals in the office next month. So I would like there to be some type of -- ask you for an amendment to this. And that's my comment.

D.P.O. CARACAPPA:

Thank you very much, I appreciate that. There are no more cards.

Anyone else wish to address the Legislature? Motion to close the public portion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? The public portion is closed.

I ask all Legislators to report to the horseshoe. We are about to start voting on budget amendments.

LEG. BINDER:

Mr. Chairman.

D.P.O. CARACAPPA:

I recognize Legislator Binder.

LEG. BINDER:

Thank you. Mr. Chairman, this morning I called over to Assemblyman, or County Exec Elect Levy's Office, his Assembly Office, and I asked him if he would attend the meeting today, the reason being, obviously, he's going to have to live with the budget we're about to do today in his first year in office. He, obviously, during this campaign made -- brought up a lot of questions, concerns about patronage jobs, cronyism I think was the operative word, scandals, corruption,

things like that. His desire to have the extension of the sales tax exemption on clothing and shoes, and things like -- so he has a number of concerns, and today he said he's going to be watching the budget closely. But it seems to me that we should find out if he would like to come down here, address us, and if we could include his concerns. I think it's incumbent upon us as Legislators, since we know who will be the County Executive, and know we have before us a budget amendment that we would like to move forward on. It would seem to me that we shouldn't start actually amending the budget without having some input from the very person that's going to -- is going to affect and his administration.

So I'm wondering if, before we take up the budget, could another call be made through the Presiding Officer's Office, so a call can go over there and find out if he's -- if he's interested in coming, I'd like some official word as to whether the County Exec Elect would like to be here to address us and maybe -- and I think we should, I think we should open the process to make sure his concerns are a part of this budget.

D.P.O. CARACAPPA:

Legislator Binder, I really appreciate those comments, but as one Legislator, I would have to say that's not necessary. This is a budget that was recommended by the current County Executive, Robert Gaffney. This is a budget that was amended and is about to be amended by the current Legislature. Come January 1st of the upcoming year, it will be Mr. Levy's show with relation to the Executive duties and the Budget Office of the Executive's Office, and it will be up to this Legislature, as it is formed at that point in time, to be the checks and balances in Suffolk County government.

This is -- this budget is for today. Mr. Levy will have to manage it. We will oversee that management. And the process has played itself out, both politically and governmentally with relation to the budget process, so we are going to, in my estimation, move forward today as a body that worked on this now, in '03, as opposed to moving forward to '04 so soon.

LEG. BINDER:

Mr. Chairman, I'd at least like to make a motion to recess, maybe for a half an hour, so we can see if we can get some official word as to whether the County Exec Elect, as I said, who will have to live with this budget, would like to have the opportunity to come here and talk to us and have some interaction with us about the budget. So I'd like to make that motion to recess --

P.O. POSTAL:

Second.

LEG. BINDER:

-- for a half an hour.

P.O. POSTAL:

Second.

D.P.O. CARACAPPA:

That is your absolute prerogative, and that is something that's within the rules of this Legislature. So there is a motion by Legislator Binder to recess for one-half hour, second by Presiding Officer Postal. Roll call.

LEG. BISHOP:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Let me just understand this. You spoke to him this morning, you extended an invitation.

LEG. BINDER:

To his staff. We haven't heard back.

LEG. BISHOP:

So now we're going to break for a half hour to extend another invitation?

LEG. BINDER:

No, no, to find out -- no, no. What I'd like to do is break for a half an hour, so we can get official word as to whether, through the Presiding Officer's Office, whether he is going to be here or not, because he might say, "I can be there in an hour. I have a radio program to do or something this morning, and in an hour I can be there." If he can be here in an hour, I think it

is incumbent upon the Legislature to wait an hour to have the County Exec Elect here before us to hear what his view is of what he would like to see happen with the budget.

LEG. BISHOP:

He would like to assume office and then manage the County, and he'll manage the budget, and next year will be his first budget.

LEG. BINDER:

No, he'll have to live with this budget.

LEG. VILORIA-FISHER:

So he'll live with it.

LEG. BISHOP:

He'll have to manage the budget that the Omnibus Committee constructed. I don't -- you know, if this is -- if you're setting the tone for a year of nonsensical partisanship, then congratulations, you just fired the opening salvo.

LEG. BINDER:

So meaning -- so opening the process and asking someone to come here and speak --

D.P.O. CARACAPPA:

Legislator Binder, please, Legislator Bishop has the floor.

LEG. BISHOP:

We all -- we all realize that no matter what he said, you're not going to change anything anyway. This is the end of a budget process that has gone on for more than two months that is the Legislature's process. When this County Executive files it, files the bill, you're not there to ask for his input, you're right on line to recharge everything. So now, suddenly, I'm to believe that you are desperate to hear what the County Executive Elect has to say.

LEG. BINDER:

Mr. Chairman, I just want a chance to --

LEG. BISHOP:

We all understand --

D.P.O. CARACAPPA:

I'll put you on the list.

LEG. BISHOP:

We all understand that this is the end of a long process that we have engaged in in a bipartisan fashion, that we have constructed a budget that we -- I believe, unanimously believe is in the best interest of the County. Let's not break down into nonsensical game playing and one-upmanship, and I'm afraid that that's what my colleague is trying to begin.

LEG. BINDER:

Mr. Chairman, could I respond?

D.P.O. CARACAPPA:

Legislator Binder is on the list.

LEG. BINDER:

Thank you? I think it's an amazing thing to be called -- to say that it's gamesmanship to actually want to open the process and extend an opportunity to someone just elected who has to live within a budget to come down and address us in what he thinks the priorities are. If he has a list of things that he thinks should be in here, we have the time, we should try to include them. That's an amazing thing to me that there are Legislators who think that it's a partisan thing to ask the Executive Elect of another party to come down here and have an opportunity to speak to us. That to me is an amazing thing.

LEG. CRECCA:

Move the question.

D.P.O. CARACAPPA:

Okay.

LEG. VILORIA-FISHER:

Move the question.

D.P.O. CARACAPPA:

There's a motion and a second to recess. All in favor?

LEG. GULDI:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Guldi.

LEG. GULDI:

I want to thank my colleagues for the motion and the dialogue. It's actually been very helpful and illustrative. It's remarkable how little I'm going to miss this.

LEG. LINDSAY:

Roll call.

LEG. FOLEY:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Pass.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

No.

LEG. GULDI:

Nah.

LEG. CARACCIOLO:

(Not Present)

D.P.O. CARACAPPA:

No.

LEG. ALDEN:

No.

MR. BARTON:

Two. (Not Present: Leg. Caracciolo).

D.P.O. CARACAPPA:

Moving on to Budget --

LEG. BINDER:

Very open body.

D.P.O. CARACAPPA:

-- to Budget Item Number 2, to consider and vote on the **County Executive's veto of Resolution Number 773, a Charter Law to change the County Tax Stabilization Reserve Fund Policy**. Is there a motion?

LEG. TONNA:

Is this a motion to override?

D.P.O. CARACAPPA:

There is a motion -- is there a motion to override? Going once, twice.

LEG. TONNA:

Just on -- I'll make a motion just for the point of --

D.P.O. CARACAPPA:

There's a motion --

LEG. TONNA:

-- information.

D.P.O. CARACAPPA:

There's a motion to override.

LEG. TONNA:

Paul, could you just -- Paul, could you just describe this bill one more time? What the bill does and by overriding.

MR. SABATINO:

Yeah. In order to understand the law, you have to understand -- the proposed law, you have to understand the current law. The current law provides that 25% of the surplus goes into tax stabilization, 75% under the Rizzo Law goes back to the taxpayers.

LEG. TONNA:

Right.

MR. SABATINO:

If you want to do more than 25% under current law, you need 14 votes, but you can go beyond 25%. Seventy-five percent goes back to the taxpayers. This proposal changed the 25% to 50%.

LEG. TONNA:

Right. The question that I have, I read his veto message, Paul.

MR. SABATINO:

Right.

LEG. TONNA:

I just want to make sure. He says that in principle, he was in favor of this, the County Executive, but that there were some ancillary issues, a part of the bill, that were problematic. What is he talking about?

MR. SABATINO:

I was about to get to the next --

LEG. TONNA:

Sorry about that.

MR. SABATINO:

-- two points, because the central -- the central component of the bill was to go to the 50%, but, in addition, it also made access to Tax Stabilization with regard to one of the components more stringent. Under State law, you can currently use tax stabilization if the tax levy in the General Fund increases by more than 2 1/2%. This proposal said make it a more stringent standard of 5%. So that was a second important component of the bill. And then the third component of the bill was to -- was to advance the -- was to advance the date of the -- I just want to be sure it was -- the third provision was to -- no, I'm sorry. The third criticism -- I apologize. No. The third criticism in the veto message was that it was making a distinction between Tax Stabilization Funds from year to year. But that's not true, because it would still be one pot of tax stabilization money. I think the confusion was caused by the fact that every year, we have to recreate the Tax Stabilization Reserve Fund. The County Executive was under the impression that there would be one pre-amendment Tax Stabilization Fund and one post. That's not the case.

LEG. TONNA:

All right.

MR. SABATINO:

So the third criticism was really a technical one, but it was irrelevant. The two essential components were the 50% provision and the 5% clause with regard to access to the money.

LEG. TONNA:

Right. So the 5% -- in other words, right now, technically, if money moved to the Tax Stabilization, we'd have less money in the Tax Stabilization, but we would be able to access it quicker, whereas this would be we'd have more money in the Tax Stabilization, but it would have to hit the 5%.

MR. SABATINO:

But just with regard to one component. There are other ways -- there are other legal reasons

for getting money out of Tax Stabilization. For example, if there's a change in Federal or State law, or rule, or regulation, or court order, after the budget is adopted, which directly causes an increase in some particular cost, or a loss in revenue, you can access it for that, but those would remain the same. This only changes the one component, which is the 2 1/2% jumping to 5%.

LEG. TONNA:

All right. Thank you very much. And I withdraw my motion.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I just wanted to put on the record, this is a Charter Law, so that this would go before the voters. So, basically, whether we approve this or not, we're technically just approving putting this before the voters in November; is that correct?

MR. SABATINO:

Yeah. What would happen is, in terms of the impact, the earliest that this could be voted on, obviously, would be next year, so that means that it wouldn't be relevant for next year's budgetary process either. So, if it was adopted by the voters, a referendum next year, which would be 2004, the first budgetary cycle would be 2005 for Fiscal Year 2006, so it would be down the road.

D.P.O. CARACAPPA:

Any other questions? Is there a motion?

LEG. BINDER:

Motion to override the veto.

D.P.O. CARACAPPA:

You just got it in, Allan.

LEG. BINDER:

Sorry.

D.P.O. CARACAPPA:

There's a motion to override the veto by Legislator Binder. Fails for lack of a second.

LEG. VILORIA-FISHER:

Mr. Chairman.

D.P.O. CARACAPPA:

The veto is sustained. I recognize Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Okay. Mr. Chairman, I'd like to address Item Number 10 on the agenda, to consider -- to waive the rules and discharge and place -- I'm sorry, I'm saying the -- Paul, can you say the three things I have to do here with this?

MR. SABATINO:

Okay. You need three separate motions.

LEG. VILORIA-FISHER:

Right.

MR. SABATINO:

But the first motion would be a motion to waive the rule that prohibits the discharge of resolutions committed to the -- assigned, rather, to the Budget Committee. That would be the first vote. If that vote is successful, then the second motion would be a motion to discharge the bill from committee. If that motion is successful, then the bill itself, which is being handed out right now, would have to mature for one hour. And then the third vote would be a vote, after the one-hour period expired, to vote on the merits of the bill. So the first motion is the one I just described, which is to waive the rule that prohibits the discharge of bills from the Budget Committee.

LEG. VILORIA-FISHER:

Okay. I'd like to make a motion to waive the rules.

LEG. LINDSAY:

I'll second.

D.P.O. CARACAPPA:

There's a motion, and a second by Legislator Lindsay, to waive the rules and ask for a discharge of Resolution Number --

LEG. VILORIA-FISHER:

Well, Paul is saying I have to do them separately.

D.P.O. CARACAPPA:

Number 1788 from the Budget Committee. So the motion before us is to waive the rules that prohibits us from making the motion to discharge.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

There's a second already. All in favor? Opposed? Abstentions? Now there's a motion --

MR. BARTON:

17.

D.P.O. CARACAPPA:

-- to discharge from committee Resolution 1788 by Legislator Fisher, seconded by Legislator Lindsay, so that it can age for an hour, so that we can vote on it at the appropriate time for approval. All in favor? Opposed? Abstentions? 1788 --

MR. BARTON:

17.

D.P.O. CARACAPPA:

-- will now age for one hour, and we will discuss and deliberate it at that point time.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

D.P.O. CARACAPPA:

You're welcome. Going back to **Item Number 4, to consider and vote on Introductory Resolution 1789, a resolution authorizing issuance of not exceeding 5 million dollar budget notes of the County of Suffolk, New York, to pay additional costs in the Suffolk County Pay-As-You-Go Capital Project Financing Program, for which insufficient funds were made in the current year.** This is the resolution that I've been talking about for sometime --

LEG. FOLEY:

Second the motion.

D.P.O. CARACAPPA:

-- which clears up all of the languishing bills on our agenda that have not had the appropriate votes, due to the fact that it was a method -- changing the method of financing. There is a motion by myself.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's approved. Item Number 5, to consider and vote on Introductory Resolution amending the -- oh, that's **1790. Amending the 2003 Operating Budget and appropriating funds in connection with the Suffolk County (Employee Medical Health Program)** -- oh, we did that already. Is that the same one, the 9.1?

MR. SABATINO:

No, no, no. This is now -- this is now the appropriation of the 9.1 million dollars that we authorized the budget note for.

D.P.O. CARACAPPA:

This is the appropriating resolutions.

MR. SABATINO:

This takes 14 votes to actually approve now.

D.P.O. CARACAPPA:

This, again, is the 9.1 million dollars that we approved at the last General Meeting in the Suffolk County Legislature. There's a motion by myself.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

17, it's approved. Item Number 6, to consider and vote on Introductory Resolution 1791, which is --

MR. SABATINO:

Mr. Chairman, that now appropriates 5 million dollars --

D.P.O. CARACAPPA:

That appropriates the 5 million dollars.

MR. SABATINO:

-- that we authorized, right, in 1789.

D.P.O. CARACAPPA:

There's a motion by myself.

MR. SABATINO:

Again, it's 14 votes.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's approved. Item Number 7. We have a -- do we have an Introductory Resolution Number?

MS. BURKHARDT:

1881.

MR. SABATINO:

1881.

D.P.O. CARACAPPA:

1881 - To authorize serial bonds of the County of Suffolk, New York, not to exceed 24 million to pay for the cost in 2002 Suffolk County Early Retirement Incentive Program. This is to be laid on the table.

MR. SABATINO:

I have not seen the Certificate of Necessity, so the only option at this juncture, in the absence of that, would be to lay it on the table and then to vote on it --

D.P.O. CARACAPPA:

Did we have a CN.

LEG. VILORIA-FISHER:

There's a CN in the packet.

MS. BURKHARDT:

They're in the packet.

MR. SABATINO:

Oh.

D.P.O. CARACAPPA:

That is a CN?

MS. BURKHARDT:

It's not a CN, no.

MR. SABATINO:

Okay. Then --

D.P.O. CARACAPPA:

It's not a CN.

MS. BURKHARDT:

It's just the bill was there.

MR. SABATINO:

Okay. Then I stand corrected. There is a CN. We can vote on it on the merits, then.

LEG. CARPENTER:

Well, the CN is for 74.

D.P.O. CARACAPPA:

No, there is no CN.

LEG. CRECCA:

We have a CN signed by --

LEG. VILORIA-FISHER:

I have it in my hand.

LEG. CRECCA:

1881.

MR. SABATINO:

I'm sorry. I got the CN for 74. I hadn't seen this one, but I apologize.

LEG. CARACCIOLO:

Okay, so it's a CN.

LEG. CARACCIOLO:

Counsel?

LEG. TONNA:

Did we do 5? I'm down as a not present, right?

LEG. FOLEY:

Explanation, please.

D.P.O. CARACAPPA:

Time out.

LEG. TONNA:

I'm sorry.

D.P.O. CARACAPPA:

There's no motion, yet. There is a motion --

LEG. TONNA:

On 5.

MR. BARTON:

You made it.

D.P.O. CARACAPPA:

On 5.

LEG. TONNA:

No. I'm an abstention.

MR. BARTON:

Okay.

LEG. TONNA:

Okay?

MR. BARTON:

Okay.

LEG. TONNA:

I'm sorry, I just -- on Number 5, I was an abstention.

MR. BARTON:

Got it.

LEG. TONNA:

Okay? For business reasons.

D.P.O. CARACAPPA:

Understood.

MR. BARTON:

Thank you.

D.P.O. CARACAPPA:

There is a motion -- the motion before us on Number 7 is to lay it -- is a CN. It is 1881. Motion by myself for the purposes of discussion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Counsel, kindly explain.

MR. SABATINO:

Well, the County Comptroller has recommended a more cost effective way of paying for the 2002 Early Retirement Incentive Program, which, in this case, is the authorization of the issuance of up -- of actually 24 million dollars to pay for the cost of the Early Retirement Plan over a five-year period of time. They communicated to me last week that they had done a whole series of analyses with their financial advisor, and the two respect Budget Offices, and that this made more sense than the alternative.

LEG. CARACCIOLO:

Fred Pollert?

MR. POLLERT:

Yes.

LEG. CARACCCILOLO:

Could you just put on the record what the nature of these costs are?

MR. POLLERT:

There was a bill, which is payable in December of 2003, associated with the 2002 Early Retirement Incentive Program. The actual rates charged to Suffolk County for the Early Retirement Incentive Program are higher than we had anticipated. We have two options, number one, to fund it through the State of New York at approximately an 8% interest rate, or to issue bonds, which we could do at approximately 3 1/4%. This is a more cost effective method of funding the County's obligation for the 2002 Early Retirement Incentive Program.

LEG. CARACCIOLO:

I hear what you've said and Counsel said, and I know what the resolution says. The essence of my question is why there is a cost associated with the Early Retirement Incentive?

MR. POLLERT:

When employees participated in the Early Retirement Incentive Program, they received one month worth of credit for the Retirement System for every year worth of service to the County up to a maximum of 36 months. So the incentive for the employees to leave is that they received additional retirement credits. Those retirement credits are charged back to the County of Suffolk. The normal rates were in the range of between 25 to 50%. The 2002 Early Retirement Incentive chargeback rate was roughly 75% of the final average salary.

LEG. CARACCIOLO:

What was the cost per employee?

MR. POLLERT:

Three-quarters of their final average salary. So for every employee who went out, if there was a \$100,000 employee who went out, the cost is approximately \$75,000.

LEG. CARACCIOLO:

Was this disclosed at the time the Early Retirement Incentive resolution --

MR. POLLERT:

At the time that the Early --

LEG. CARACCIOLO:

-- was before the Legislature? Because you said there's a difference between what the cost is today versus what you calculated then.

MR. POLLERT:

Right. The previous costs were in the neighborhood of approximately 30 to 50% of the final average salary. Because of the poor performance in the stock market, the actual chargeback, which we received, was 75%. At the time that the County Executive's Office had forecasted the costs, they had forecasted a rate of 50%. We felt that was a reasonable rate, because that was what the historical rate was.

LEG. CARACCILO:

How many individuals took advantage of the Retirement Incentive Plan?

MR. REINHEIMER:

We had 614 employees took advantage of Early Retirement, plus 25 crossing guards, and the total cost for the 2002 Early Retirement was 27.5 million.

LEG. CARACCILO:

That was in the FIS at the time it was before the Legislature? I don't remember that number at all.

MR. REINHEIMER:

Our impact statement generally is done on a per hundred basis, so that we figured 500 people would take advantage of this, based on several early retirement programs dating back to 1991. Generally, the average cost for the program is 50% of a person's final average salary. That was the basis that we used for our financial impact statement.

LEG. CARACCCIOLO:

Do you have a copy of that statement, because I don't remember this number at all. And this is a big number, this is a number I would remember.

MR. REINHEIMER:

Sure, we would have a copy of that.

LEG. CARACCCIOLO:

All right. I'd like to see that.

D.P.O. CARACAPPA:

Legislator --

MR. SABATINO:

And, also, the projected savings on this bill, in response to the question you asked me before, is, according to the County Comptroller, \$2,650,000.

LEG. CARACCIOLO:

Right. That's in terms of the method of financing.

MR. SABATINO:

In terms of this bill. When you asked before, I left -- I neglected to mention that.

LEG. CARACCIOLO:

Okay. Thank you.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

To Budget Review. What --

LEG. VILORIA-FISHER:

Mr. Chair, may I go on the list?

LEG. ALDEN:

What do we end up with, as far as the cost savings, with our Early Retirement System, and how did this affect it? Because now it's going to shift it out more than one year?

MR. REINHEIMER:

Early Retirement, in the past, we usually amortize over five years. The number of people that retired, their salaries, their annual salaries were in the approximate neighborhood of 37 million dollars. We haven't done a cost analysis on the impact, because some of these -- the actual impact, because employees have -- some of the positions have been refilled, Social Services. Many of the people that retired have been -- those positions have been filled based on need, so -- but a number of positions were abolished last year. I think in the neighborhood of 200 positions were abolished last year, so there was some savings there.

LEG. ALDEN:

Actual savings?

MR. REINHEIMER:

Well, we abolished the positions and, you know, they weren't recreated.

LEG. ALDEN:

Well, we know the upfront cost, when you have an Early Retirement System, it costs you money up front and then your savings come in in back years.

MR. REINHEIMER:

That's correct.

LEG. ALDEN:

So even abolishing positions --

MR. REINHEIMER:

The level of filled positions in the County has remained constant through 2003. We really -- in the neighborhood of 10,000 employees, a little over 10,000 has remained constant since the beginning of 2003, so there hasn't been a significant increase in the number of filled positions.

LEG. ALDEN:

Okay. Are we projecting, though, a cost savings, or is this -- this ends up no cost savings?

MR. REINHEIMER:

No. Over time, if you maintain the current level of filled positions, there would be savings. The savings has eroded when you rehire people and your staffing levels either approach or exceed what the pre Early Retirement filled positions were.

LEG. ALDEN:

The savings is eroded also when you have to go and borrow money to pay for that and now you're going to be making those payments over time also, so that's eroded into it. It's almost safe to say now that it doesn't look like there was any savings. There was a large amount of money that is cost us in 2003.

MR. POLLERT:

One of the difficulties with Early Retirement Savings Programs, as we have said previously, it's almost impossible to track what the actual savings are, because people move into different titles, there is an entire series of reclasses that take place, because people are now getting

promotions to hire title as they perform the work of the people that are actually left under the Early Retirement Incentive Program. We did not specifically go back to verify what the costs and the savings were with the Early Retirement Incentive Program, it would be a major undertaking.

LEG. ALDEN:

Not that it's water under the bridge, because it's very, very relevant in going forward, so it's something we're going to have to explore. But right now, what we're faced with is either we pay for this on a more expensive basis by borrowing at 8%, or we go with these at -- what is it, 3 1/2, you said?

MR. POLLERT:

Yes.

LEG. ALDEN:

Okay. Thanks, Fred.

D.P.O. CARACAPPA:

Vivian.

LEG. VILORIA-FISHER:

Actually, Mr. Chair --

LEG. O'LEARY:

Mr. Chair.

LEG. VILORIA-FISHER:

-- I'd like to yield to Legislator O'Leary.

LEG. O'LEARY:

Mr. Chair, with respect to Item Number 11, 1804, I'm going to make the motion to waive the rulings for purposes of discharging from committee.

LEG. CARPENTER:

Second.

LEG. O'LEARY:

And to age for one hour.

D.P.O. CARACAPPA:

On the motion. Paul, this is out of the Budget Committee?

MR. SABATINO:

This one is --

MS. BURKHARDT:

They both got voted out of Budget Committee to the Special Meeting.

D.P.O. CARACAPPA:

Okay.

MR. SABATINO:

Yeah, this one actually got -- at the time that we prepared the notice, it hadn't yet been discharged, but now it's been discharged, so we're okay.

LEG. O'LEARY:

I'm under the impression, Mr. Chair, that this is prime for the meeting on November 18th.

LEG. LINDSAY:

Voted today.

MS. BURKHARDT:

No. We're going to vote on it today.

LEG. O'LEARY:

Today? Okay. Then I withdraw my motion.

D.P.O. CARACAPPA:

Very good. Legislator Fisher, you had the floor.

LEG. VILORIA-FISHER:

Thank you. Fred, I just have a question regarding the issue of the pension costs. When I read the backup, it referred to the New York State Pension Reform legislation. Is that Comptroller Hevesi's plan to allow us to pay over a period of time, or is this --

MR. POLLERT:

Yes, that was actually part of it.

LEG. VILORIA-FISHER:

It was part of that plan.

MR. POLLERT:

There were -- right. The County has the capability of funding out over a number of years the County's pension costs for 2003, in part, the Early Retirement Incentive Program, as well as the 2004 portion. The County Executive's Office has proposed bonding out a portion of the 2004 obligations. Those will first come due in 2005. So this specifically deals with the Early Retirement Incentive Program. Sometime during 2004, there will be another resolution to authorize the bonding out for Fiscal Year 2004 of the pension costs for 2004.

LEG. VILORIA-FISHER:

So there were certainly great ramifications involved in that particular reform. I mean, it affected us in a variety of ways.

MR. POLLERT:

Yes, it did.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, another question to Budget Review, or either Lance or Fred. Even if a position is backfilled, I mean, it's still at an entry level because of lack of longevity, so there's still a cost

saving even in the backfilled position.

MR. POLLERT:

That's what makes it so complex to actually do --

LEG. LINDSAY:

To quantify it.

MR. POLLERT:

-- the calculation of a savings, because you really have to calculate when was it backfilled. And, quite often, the spot that went out was not backfilled, but some other title somewhere else in the department could have been backfilled.

LEG. LINDSAY:

But, in general, not quantify it, but, in general --

MR. POLLERT:

But, in general, there are savings even with backfilling.

LEG. LINDSAY:

-- that's where the savings really comes in.

MR. POLLERT:

That is correct.

LEG. LINDSAY:

Thank you.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Pollert. Fred, the memo that Lance just handed over to me, dated June 7th, 2002, which was prepared at my request with regard to the 2002 ERIP Program, where in this spread sheet would I find the cost to the retirement system of 24, 25, 20 million dollars?

MR. REINHEIMER:

What you have before you is a summary, bottom line, which wraps the costs and savings of the program into these different scenarios.

LEG. CARACCIOLO:

But the document itself does not make any reference to the issue before us, and that is a chargeback to the New York State Employee Retirement System, does it?

MR. POLLERT:

Basically, what --

LEG. CARACCIOLO:

Does it?

MR. POLLERT:

No, it does not --

LEG. CARACCIOLO:

Thank you.

MR. POLLERT:

-- but we have another document, when Lance can leave the table, he can dig out, that was provided to all the Legislators with what the anticipated cost was.

LEG. CARACCIOLO:

That document I'd like to see as well, because, again, that's a big number and it's not a number I recall, and I would remember a number like this. Thank you.

D.P.O. CARACAPPA:

Okay. Any other questions? There is a motion and a second, Legislator Caracciolo. Do you have a preference to table, then, until you have more information?

LEG. CARACCIOLO:

Well, as Legislator Alden accurately indicated, this is a measure that's already previously been

approved. The Comptroller, to his credit, is providing us with a cost saving mechanism. Since there is a cost savings at this time, it would be inappropriate not to take advantage of that.

D.P.O. CARACAPPA:

Very good. I just wanted to ask. Okay. So there's a motion and a second. All in favor?

LEG. CRECCA:

To approve?

D.P.O. CARACAPPA:

Do we need a roll call on this? Yeah. Roll call.

MR. SABATINO:

Yeah, bond.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

17 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. We are now going to jump to **Item Number 20, which is the budget amendments**. If you go to your index of resolutions for amending the recommended 2004 budget, which is in your packet, of course, we are going to start with number one, which is a 14-voter. **Budget Amendment Number 1.**

LEG. VILORIA-FISHER:

Wait a minute. Wait a minute.

D.P.O. CARACAPPA:

Right here. Okay. At this point in time, I'm going to ask Fred Pollert to give a brief explanation as to what Number 1 consists of and why it is before us.

MR. SABATINO:

Also, before you do that, just so the Clerk's Office doesn't get confused, for record-keeping purposes, that happens to also be I.R. 1849.

D.P.O. CARACAPPA:

Correct.

MR. SABATINO:

So there won't be double counting. That's one in the same resolution for record purposes.

MR. POLLERT:

Budget Amendment Number 1 was submitted at the request of the County Executive. When the County Executive submitted his 2004 recommended Operating Budget, it was not in compliance with the caps. In order to bring it into the tax levy cap, as well as the expenditure cap compliance, the County Executive did not include funding for the Child Care Block Grant in the amount of 30 million dollars, and he did not include funding for Police District permanent salaries, also in the amount of approximately 30 million dollars. He had requested that the Legislature adopt a companion resolution, which is shown as the last pages in Volume I, which

would pierce the caps, recalibrate the caps, and include the necessary funding.

LEG. FOLEY:

How many votes?

D.P.O. CARACAPPA:

This is a 14-voter?

MR. POLLERT:

Yes, it is.

LEG. ALDEN:

Would this pierce the cap?

D.P.O. CARACAPPA:

This would not -- by approving this, it wouldn't pierce the cap.

LEG. CRECCA:

It would?

D.P.O. CARACAPPA:

It would? It would.

MR. SABATINO:

It does, yeah. The 14 is to pierce the cap.

D.P.O. CARACAPPA:

The stand-alones --

MR. SABATINO:

Both caps.

LEG. CARACCILOLO:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Fred do we have a Melvin for this?

LEG. BISHOP:

A Melvin.

MR. POLLERT:

The County Executive submitted the resolution, and, therefore, has prepared the Fiscal Impact Statement.

LEG. CARACCIOLO:

Is it attached? I didn't see it.

MR. POLLERT:

It's probably attached to Introductory Resolution 1849.

LEG. CARACCCIOLO:

Could we distribute that before we vote on this, so everybody knows, unlike the Early Retirement System, what the actual financial impacts are?

LEG. CRECCA:

Where is Melvin?

LEG. FOLEY:

It's in the packet.

LEG. CRECCA:

The Melvin's not attached.

LEG. CARPENTER:

The Melvin's not attached.

LEG. VILORIA-FISHER:

The Melvin's not attached.

LEG. FOLEY:

Melvin is missing.

LEG. CRECCA:

Where is Melvin?

LEG. FOLEY:

Hiding out in the Budget Review Office.

LEG. VILORIA-FISHER:

Mr. Chair.

LEG. FOLEY:

I have a question.

LEG. VILORIA-FISHER:

Legislator Caracciolo?

D.P.O. CARACAPPA:

Are you done for now, Mike?

LEG. VILORIA-FISHER:

Were you done while we're waiting for that?

LEG. CARACCIOLO:

Yeah.

LEG. VILORIA-FISHER:

Okay.

D.P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Okay. Fred Pollert, with regards to the child care portion of this, although we have to vote on it and we have to have the 14 votes to pass this, this is not discretionary. The money that we must expend on child care, that 30 millions, is not at our discretion; am I correct?

MR. POLLERT:

That is correct. It's our understanding of the law that if you do not appropriate the funds and federal funds are, in fact, available, you will have an obligation to, at County's expense, provide those services. So, as long as funds are available, there's an obligation that the County provide day-care services.

LEG. VILORIA-FISHER:

Okay. So that's truly critical when you're considering your vote on this. We will have to -- it will cost us more money if we don't approve of this; is that correct, Fred, it would -- we would incur -
-

MR. POLLERT:

Yes, you would have an obligation.

LEG. VILORIA-FISHER:

-- the total expense ourselves.

MR. POLLERT:

That is correct.

LEG. VILORIA-FISHER:

Thank you, Fred.

D.P.O. CARACAPPA:

I'll put you on the list, Mike. Legislator Foley is next, then, Mike, we'll go back to you.

LEG. FOLEY:

Legislator Vioria-Fisher asked part of my question, if we don't approve this, and you've answered a portion regarding day-care. But, to answer the question wholly, considering the other portion of the resolution, if this is not approved, what would be the consequence?

MR. POLLERT:

The consequence of the entire resolution is, if it is not adopted, there would be insufficient appropriations to meet payroll for sworn personnel and civilians in the Police District for Fiscal Year 2004. The shortfall would be approximately 30 million dollars in total. If for whatever reason a resolution is not appropriated to provide those appropriations, it would be almost impossible to make up that shortfall. In all probability, the County would be forced with having to issue a budget note, which would impact taxes the following year. You could not even, if you wanted to, generate that amount of savings through a layoff in the Police Department, because of the termination pay, which would be an obligation to be paid to the sworn personnel.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, thank you. I always enjoy the annual Operating Budget meeting, because to listen to Budget Review and the way they walk on eggshells to answer questions is a disservice to this Legislative body. So now I'm going to go to Legislative Counsel, so Paul can dissect what the options are with respect to Legislator Fisher's concerns about the child care needs in the County, and tell us, is there more than one way to skin this cat? This isn't the only way. And why wasn't that.

30 million dollars included in the Executive's proposed budget? I've heard no discussion about that. We have a new County Executive, so I want to make sure Steve gets it right.

MR. SABATINO:

Well, I don't know why the County Executive chose this particular item to be treated as supplemental. But the starting point for the analysis is that there's an expenditure cap and a tax levy cap. The budget should be submitted in compliance with both of those cap laws. There's a whole calculation that goes into it. There's three ways to then deal with it.

Number one, you can submit a budget which states that in order to get into compliance with the

two caps, these are the programs you're recommending as County Executive not be funded. That's option number one.

Option number two is to do what was done in the Cohalan and in the one LoGrande year, which is to -- you submit the budget with a column that states "In compliance with the cap laws", but then you have a second column that says, "Notwithstanding the budget cap compliance requirements, these are the items that I still think, as County Executive, are significantly and sufficiently important to the County function and operation, that I make the request that you go for 14 votes and approve it." That was done for probably four or five budget cycles.

Then the third way to deal with it is to leave it out, as it was done here, and then subsequently propose a budget supplement resolution, which is what you have in front of you. The process that goes into deciding which of the components are going to be made part of the supplement is something I can't comment on, because I wasn't privy to the deliberations.

LEG. CARACCIOLO:

With reference to the Budget Review Office response to Legislator Fisher, if action is not taken affirmatively on BA 1, Budget.

Amendment 1, then, in effect, there is a 30 million dollar transfer into the Police District tax. Is that where that tax should be considered, or is it being lumped into an omnibus to preclude a tax in the Police District?

LEG. VILORIA-FISHER:

That wasn't the response to my question.

MR. POLLERT:

No.

MR. SABATINO:

There's a -- well --

LEG. CARACCIOLO:

First, let me hear Paul answer it. Go ahead.

MR. SABATINO:

The legal answer is that you need \$29,978,000 for police salaries for the Year 2004 above and beyond what's in the recommended budget. That's --

LEG. CARACCIOLO:

Why is that?

MR. SABATINO:

Because the -- because the --

LEG. CARACCIOLO:

How could you propose a budget that has a 29 million dollar line item payroll shortfall?

MR. SABATINO:

Because what the County Executive did here was he decided that this is the place where he wanted to show the compliance with the blended tax levy cap, and then leave it to the Legislature to decide whether or not there were 14 votes to make that payment. It was a -- you know, it was an exercise in discretion on his part to pick this 29 million -- he could have picked 29 million dollars, you know, someplace else. He could have said, you know, a 5% across the board, every account will be 5% less, and you get the 29 million dollars, 3%, whatever percentage it would take to do. In an exercise of his discretion, he chose to put it all in this one line item, so you would see it, I guess from his perspective, in one place. It would, you know, simplify the vote. Again, I can't comment on his motivation, but you certainly can do it more than one way. This was just one way he proposed to do it.

LEG. VILORIA-FISHER:

Excuse me. Legislator Caracciolo, I just have to correct the record. My question was not regarding the Police District, but, rather, it was about the day-care expenditure, and that it does not impact the Police District tax. It's a completely different question altogether, and the response that Fred gave me was not the response that you represented on the record.

LEG. CARACCIOLO:

Okay. Fred, then what did I hear you say about a 30 million shortfall and sworn and civilian positions in the Police Department? I heard you say that.

MR. POLLERT:

Yes. There were two components. The first component accepts revenues for the child care block grant. On Page 311 of our report, we found that refusal by the County to accept 100% child care block grant funds doesn't release the County from the responsibility of providing child care to families that are eligible, as long as funds are available. This is just bringing in 30 million dollars worth of revenue.

The second portion of the County Executive's resolution funds or increases real property taxes in the Police District by 29.978 million dollars and uses it to fund permanent salaries. The recommended budget, which legally complies with the caps, is short 29.978 million dollars for permanent salaries in the Police District for sworn personnel and civilians.

LEG. VILORIA-FISHER:

Okay. And, Mike, that's why I was interrupting, because my question and my point is that, with regards to child care, we would be losing that 100% block grant if we didn't vote affirmatively on this resolution.

LEG. CARACCIOLO:

I understand your position. The Melvin, do we have it?

D.P.O. CARACAPPA:

Have we circulated that?

LEG. CARACCIOLO:

The bill is insufficient without a Melvin, Mr. Chairman, it can't be voted on.

MR. POLLERT:

That was the responsibility of the County Executive's Office. I don't know if they submitted one or not. We can certainly do one very quickly, if you'd like.

MR. SABATINO:

Can we just check with the Clerk's Office first? Maybe it was attached. I kind of thought it was when it was filed. 1849, not --

MR. BARTON:

We're going to double check, but I believe everything was distributed that's been filed.

D.P.O. CARACAPPA:

Just so everyone knows, this isn't something new, a stand-alone amendment with additional funding for next year's operating costs, it's been done continuously now over the last couple of years. This is no disrespect to the Budget Office across the street, but it is budget gimmickry to a certain extent, and, in a way, to keep the overall dollar amount in the recommended budget lower. We've done this year after year. And to say that -- no one is saying that this is new, but this is something we've done over the last couple of years, so it is no surprise, and it's something that we fully expected.

LEG. VILORIA-FISHER:

And, Mr. Chair, if I may add to that, Legislator Caracciolo, I think there is a degree of gimmickry here, because it's putting two very different issues together. With regards to the child care, it's -- it would be a net loss to us not to vote affirmatively on this. It would cost the County 30 million dollars not to vote on this. And the police issue is a completely different issue.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Pass to the next one.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Fred, just the appropriateness of one of these is mandated and one of these is discretionary; is that what I heard you say before?

MR. POLLERT:

No. They're both on the discretionary side of the budget. If they were mandated, there would be no requirement for a super-majority vote to pierce the caps. The mandated side of the budget can free-float. So these are both on the discretionary side of the budget.

LEG. ALDEN:

Okay. So then you're addressing the legal question I would have made next, whether that's appropriate to -- legally appropriate to put these two items together like this.

LEG. FOLEY:

Well the day-care -- through the Chair. The day-care is to accept those monies, correct?

LEG. VILORIA-FISHER:

Correct.

MR. POLLERT:

Yes.

LEG. FOLEY:

It's an acceptance of money, that 30 million.

LEG. ALDEN:

Right.

LEG. FOLEY:

And the other is -- the Police District is materially different from that, right.

LEG. ALDEN:

That's what I'm asking, you know, as far as the appropriateness to mix and match here, and that seems what we've done here.

LEG. FOLEY:

Mr. Chairman, if I just may --

D.P.O. CARACAPPA:

Well, Legislator O'Leary is next.

LEG. O'LEARY:

Yes. Mr. Chair, just by way of clarification, I think we're on discussion on Item Number 20. Should we not be on Item Number 22 with respect to this issue.

MR. SABATINO:

Well, no, it's --

D.P.O. CARACAPPA:

No.

MR. SABATINO:

Actually, what happened was 22 is the I. R. Number, but to simplify things, it was added to the --

D.P.O. CARACAPPA:

Budget amendment.

MR. SABATINO:

-- list of budget amendments as Budget Amendment Number 1. So Number 1 and what you call Number 22 are one in the same. I mean, you're right --

LEG. O'LEARY:

Okay.

MR. SABATINO:

But it's being dealt with --

LEG. O'LEARY:

Same thing.

MR. SABATINO:

As part of the Operating Budget amendments, because you need -- you need to have this at some point in the process to establish a base for all the other amendments.

LEG. O'LEARY:

But Legislator Caracciolo's point is that it's not a mandated portion of the budget; is it not -- is that correct, this is not mandated?

LEG. VILORIA-FISHER:

No, it's not mandated.

LEG. O'LEARY:

Discretionary?

MR. SABATINO:

It's on the discretionary side, that's correct.

D.P.O. CARACAPPA:

But it is an overall part of our 2004 Operating Budget.

LEG. O'LEARY:

The omnibus.

D.P.O. CARACAPPA:

Not necessarily -- it's not part of Omnibus, it's a stand-alone.

LEG. O'LEARY:

Okay.

D.P.O. CARACAPPA:

But it does impact our 2004 budget significantly, so that's why Legislator Caracciolo would like a Melvin, so that we could see the financial impact to taxpayers. That's what a Melvin outlines. It's basically a graph or a chart that spells out how much each town, township and village would be taxed based on this stand-alone amendment.

LEG. O'LEARY:

Thank you.

D.P.O. CARACAPPA:

And is that being circulated as we speak? Is that the Melvin that you just received?

LEG. CARACCIOLO:

No, no, no that's the Early Retirement.

D.P.O. CARACAPPA:

Early retirement.

LEG. CARACCIOLO:

Estimated 14 million dollars.

D.P.O. CARACAPPA:

Legislator Carpenter, then Foley.

LEG. CARPENTER:

Thank you. Regarding the Police District portion of this budget amendment, I think it's important to remember, and the point was made in the Public Safety Committee, the amount of positions that would actually have to be terminated in the Police District. And if my memory serves me correct, it was somewhere between three and four hundred. Jim, can you confirm that?

MR. SPERO:

In actuality, you probably couldn't abolish enough positions, because, as Fred pointed out, SCAT pay to the people leaving would be so great that you would never -- you wouldn't save the money in the first year.

LEG. CARPENTER:

So, fiscally, it wouldn't make expense.

MR. SPERO:

You'd have to issue the budget -- the budget note would have to be issued to actually provide the appropriations to continue --

LEG. CARPENTER:

So, fiscally, it wouldn't make sense not to support this, and, certainly, from a public safety perspective, it certainly doesn't make sense.

D.P.O. CARACAPPA:

Legislator Foley, you're up.

LEG. FOLEY:

Mr. Chairman, my question was answered. Thank you.

D.P.O. CARACAPPA:

Okay. There's a motion and a second to approve. Roll call.

MR. BARTON:

Mr. Chairman, who made the motion?

D.P.O. CARACAPPA:

Myself.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter.

MR. BARTON:

Thank you.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

(Not Present)

LEG. CARPENTER:

Mr. Chairman, could you, please, call the Legislators?

LEG. BISHOP:

Yes.

D.P.O. CARACAPPA:

They're coming in.

LEG. CRECCA:

This is on Budget Amendment 1?

D.P.O. CARACAPPA:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

LEG. ALDEN:

No.

LEG. NOWICK:

Yes.

LEG. FIELDS:

No.

LEG. CRECCA:

Motion to table for --

LEG. VILORIA-FISHER:

Second.

LEG. CRECCA:

-- a half hour.

LEG. CARPENTER:

Just make it 15 minutes.

LEG. CRECCA:

Fifteen minutes, actually. I change my motion to table until 1:10 p.m.

LEG. TONNA:

How many votes did we have?

D.P.O. CARACAPPA:

We need 14. There's a motion to table by Legislator Crecca, second by myself, for ten minutes.

LEG. TONNA:

Did Bishop vote? Did Bishop vote?

MR. BARTON:

Yes.

LEG. VILORIA-FISHER:

This is accepting excepting funds.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstention?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's tabled for ten minutes. I want to move on to the other 14-voter, which is **Budget**

Amendment Number 5. Budget Amendment Number 5 - Adjusts the budget to re-create the positions and contract appropriations formerly funded by TANF grant positions & contracts. This is a companion resolution to BA 4. So, do we have to do four first, Paul?

MR. SABATINO:

Well --

D.P.O. CARACAPPA:

I just want to get the 14-voters out of the way.

MR. SABATINO:

I recommend you do 5 first, because that will establish the base line. Five requires 14, then you go back to Number 4. They're really in tandem, but I would take 5 first.

D.P.O. CARACAPPA:

Okay. I'll make the motion.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Fisher.

LEG. ALDEN:

Explanation.

LEG. CARACCIOLO:

Is there a Melvin?

MR. POLLERT:

Attached.

D.P.O. CARACAPPA:

Explanation. It's attached.

LEG. FOLEY:

Mr. Chairman, could we just have an explanation as to the importance of this particular amendment?

D.P.O. CARACAPPA:

Yes. Fred?

MR. POLLERT:

Yes. What this resolution would do would be to restore to the budget 24 filled spots in conformance with Local Law Number 2, which prohibited the passing along of mandates. Specifically, there was some Federal and State Aid, which was no longer available in the 2004 Operating Budget. Positions were transitioned to County funded lines. We had recommended in conformance with the No New Mandate Law that those spots come out. They are filled positions. This would restore positions to the budget in conformance with the no new mandates with a vote of 14. The fiscal impact is attached. The average homeowner impact is sixty-three cents.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

We're looking for the Melvin. There it is, okay.

MR. POLLERT:

It's right after --

LEG. CARACCIOLO:

What are the impacts for Brookhaven, Riverhead, Southold, and Shelter Island.

MR. POLLERT:

It's forty-six cents for the Town of Brookhaven, Shelter Island is a dollar-one, Southampton, a dollar thirty-three, Southold, eighty-two cents, and Riverhead, forty-three cents.

LEG. CARACCIOLO:

Thank you.

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I would consider this, Mr. Chairman, as one of the cosponsors, to be one of the exceptions to the rule. The rule that we, or the governing discipline that we had in this area is if the State defunds a program, then it's very difficult for us to shoulder that program. However, when we're speaking of Child Protective Services positions, I think this is one area that all of us hopefully will agree upon is an absolute necessity to do this. I think outrage may be too strong a word, but the State certainly has not lived up to its responsibilities in this particular area, so it's fallen upon us in the County to take up the cause. And I cannot think of a better one that we need to continue to fund at an effective level than when it comes to CPS.

Many of us who have been involved in this particular area, or if we had, unfortunately, constituents who have been victims in this respect, we need to have a department in a division of CPS that's going to be of quick response to these particular tragedies. And I think we need to -- again, with that said, I think this is one of the exceptions to the general proposition, and that we wouldn't otherwise fund programs that have been carelessly defunded by the State government.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, I intend to support the resolution, but I do have a few questions. Counsel, could you just briefly explain the second, third, and fourth "whereas" clauses. They're not numbered, so I'm sure you can figure that out.

MR. SABATINO:

You said the second, third and fourth?

LEG. CARACCIOLO:

No, three, four, five.

MR. SABATINO:

Oh, three, four and five? Three, four -- well, okay. Oh, I see what you mean. In 1997, the County Legislature adopted a Charter Law. It was called the No New Mandates Law. It was a reaction to, obviously, the ongoing issue of the State and Federal Government pulling the plug on various programs. The essence of that statute is that if a Federal or State funded program is defunded, which means in its entirety, if that particular program or subprogram or component of a State or Federal project is defunded, then the only way the County can reinstate the funding is by getting 14 votes or more.

The theory behind the sponsor's legislation was that it would, A, highlight for the purposes of lobbying the State for reform, you know, where the money is being spent when the State and the Federal Government pulls the plug, and then number two, the theory of the sponsors was to make it more difficult to reinstate programs that the County did not initiate on its own. So those were the two rationales behind it, but the safety valve was that it would take 14 votes to, in fact, reinstate something that you lost funding for.

LEG. CARACCCILOLO:

Thank you.

D.P.O. CARACAPPA:

Who's next? Legislator Alden.

LEG. ALDEN:

Fred, on your explanation before, you say -- you stated that these positions were funded by the State, Child Protective Services, they were defunded by the State in their wisdom, and now we basically -- it's not violation of our laws, but we're overriding a law that's on the books to put money back in the budget to fund positions that were defunded by New York State.

MR. POLLERT:

They were filled spots that were transitioned to County funded line items in the budget. This

would conform the budget with the requirements of the No New Mandate Law by including them in the budget with 14 votes. They are currently in the budget. This merely conforms the budget to the legal requirements of the No New Mandate Law.

LEG. ALDEN:

Do we have any back-up as to why New York State actually defunded it? And I don't want to go into a big thing today, but I just -- in the future, I'd like to just -- I'd like to see that, if we do have any backup to why they decided to --

LEG. VILORIA-FISHER:

Legislator Alden, if I may. I believe, Fred, that there was a grant and the grant -- it was a grant that was limited in time and the time ran out for that grant. It was, for example, a five-year grant. Wasn't that how the defunding occurred?

MR. POLLERT:

I would defer to Janet DeMarzo. I know that a portion of it was the World Trade Center Grant that the County used to retain Child Protective Service workers. That grant was time limited. It was associated with the World Trade Center disaster.

LEG. VILORIA-FISHER:

I believe that was the background --

MR. POLLERT:

Right.

LEG. VILORIA-FISHER:

-- that it was a time limited grant and it had run out, and we had these workers who had been performing a very vital function and we want to keep those workers performing that vital function, and so we would have to include them in the budget.

LEG. ALDEN:

Thanks.

D.P.O. CARACAPPA:

There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

17.

LEG. FIELDS:

Joe.

D.P.O. CARACAPPA:

I recognize Legislator Fields.

LEG. FIELDS:

I'd like to make a motion to reconsider Budget Amendment Number 1 for the purposes of changing my vote.

LEG. CARPENTER:

Second.

MR. BARTON:

I haven't called the roll.

D.P.O. CARACAPPA:

Yeah, it was tabled for ten minutes, which has expired, so we're going to take that up in just one more minute. Thank you, Legislator Fields. I just want to do the companion resolution for the 14-voter that we just did, which is Number 4. Only needs ten votes. There's a motion by myself.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's approved. Going back to Number 1, which is the stand-alone, the 14-voter that was tabled for ten minutes. I'll make a motion again to approve, second by Legislator Carpenter. Roll call.

MR. BARTON:

I hadn't called the roll from before. I was just about to do it. You want to do it again? Okay.

LEG. VILORIA-FISHER:

Yes.

MR. BARTON:

Legislator Caracappa.

LEG. CRECCA:

Wait. What are we doing. Are we doing a recall of the vote?

D.P.O. CARACAPPA:

He never finished --

LEG. VILORIA-FISHER:

He has not called the roll on 5.

D.P.O. CARACAPPA:

He never finished the roll, so he's just going to do it again.

LEG. CRECCA:

Okay.

D.P.O. CARACAPPA:

Go ahead, Henry.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

No.

P.O. POSTAL:

Yes.

MR. BARTON:

14-3.

D.P.O. CARACAPPA:

Thank you very much.

LEG. CARPENTER:

Thank you.

D.P.O. CARACAPPA:

Very good. Moving on to **Number 2 (Mandated Omnibus Resolution)**.

LEG. CRECCA:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Crecca, seconded by --

LEG. LINDSAY:

Second.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- Legislator Lindsay. This is the mandated part of the omnibus. All in favor?

LEG. BINDER:

Can we get --

LEG. ALDEN:

Just on the motion.

D.P.O. CARACAPPA:

On the motion.

LEG. ALDEN:

Just, Budget Review --

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

-- a quick explanation of what this does, real quick, though.

LEG. BINDER:

Bottom line.

MR. POLLERT:

Basically, what this does is it deals with the mandated portion of the budget. It clarifies the presentation on what should be a mandated expense. There's no property tax impact. And it establishes a fund for the hiring of Correction Officers on the mandated side of the budget. It also deals with other technical changes, including a removal of the mandated portion of the salary contingency account for contract negotiations in 2004. It increases revenues from the gain of the sale of tax acquired property, and it increases the transfer from the General Fund to the Tax Stabilization Reserve Fund in the amount of \$23,788.

LEG. ALDEN:

That's an increase, you said? Thanks.

MR. POLLERT:

That's an increase to a tax stabilization reserve.

LEG. ALDEN:

Okay, thanks.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. FOLEY:

Joe.

D.P.O. CARACAPPA:

Legislator Foley, then Caracciolo.

LEG. FOLEY:

Thank you. Mr. Chairman, and to you, Fred, this mandated amendment also includes the increase in Medicaid; is that not correct?

MR. POLLERT:

That's also on the mandated side of the budget.

LEG. FOLEY:

Okay.

MR. POLLERT:

That's correct, but it's not specifically dealt with with respect to the budget amendment.

LEG. FOLEY:

Okay. Where is it dealt with within the amendment?

MR. POLLERT:

The forecast of Medicaid provided by the County Executive was reasonable in the expectation of the Budget Review Office.

LEG. FOLEY:

So, in other words, there was no need for an amendment, but I think --

MR. POLLERT:

That is correct.

LEG. FOLEY:

Thank you. But I think, just for the record, Mr. Chairman, and for those who are here present,

and for those who will be reading the record in the future, it should be noted for the record, and I know a concern that Legislator Binder had just mentioned about the County Executive, this is going to be one of the key issues next year that this Legislative body, as well as the new County Executive, will be confronting and grappling with is the unacceptably high and grossly high amount of increase in the Medicaid mandates of this particular County. There is over a 50 million dollar increase, Mr. Chairman, in Medicaid costs next year alone. And we know that in subsequent years, that the next year, that that amount could even be greater than 50 million per anum increase.

So this is an area of the budget that continually grows, it's an area that is -- a huge amount of local dollars that otherwise could be used for discretionary purposes as we would see fit are now being funneled to this -- really a Medicaid, an unfunded mandate, or, in this case, the mandate that is funded through local costs that is really a crushing blow to our taxpayers, and it's also something that's taking monies away from programs that many of us have worked so hard to develop. So I wanted that just stated for the record today, because this is an area that we will be taking up next year and where we will be challenging the State to live up to its responsibilities, vis-a-vis Medicaid payments. We're one of only two states, Mr. Chairman, where the states force counties and cities to pay for half of the state's share of Medicaid and that has to stop. Thank you.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Just to piggy-back Brian's comments, there's a much bigger issue, and that's one that I bet most Legislators aren't even aware of. In terms of the total County budget, Budget Review, what is the amount that we are forced to pay by State and Federal mandate that we are not providing funding for? What percentage of our total budget?

MR. POLLERT:

Perhaps the best way to look at it is in terms of the tax levy. The County Executive had forecast that 51.6 million dollars of the General Fund tax levy is for mandated programs. The discretionary portion of the tax levy is only 4.5 million dollars. So it's nearly 90% of the entire tax levy is due to mandated costs.

LEG. CARACCIOLO:

I look forward, as we did in the early '90's, when Pat Halpin was County Executive and Bob Gaffney first became County Executive, of marching on Albany and getting representatives in both Houses, Republican Senate and the Assembly Democrats, to finally address this issue.

The question I had, though, on the resolution deals with resolution -- I mean "resolved" clause 24, Paul, and 27. In 24, it speaks of a

Tier II shelter. I'm sorry, Tier -- yeah, Tier II shelter, and directs the Commissioner of Social Services to, I guess, explore a work group to research the most appropriate way to operate and build a homeless shelter. Is there any money in the budget next year for the construction, not this budget, but in the Capital Program and Budget for a Tier II shelter? I thought there was.

LEG. TONNA:

Forty-one million.

MR. SABATINO:

Well, there's two different issues. This particular clause deals with trying to secure the 1.5 million dollar --

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

-- grant, which has been awarded by the State of New York for planning purposes. So this clause is to at least make sure that we remain eligible for the 1.5 million dollars by having a work group go out and at least look at sites.

With regard to Part 2, there is money in the Capital Budget and Program for 2004 that was adopted back in June as part of the Capital Budget process. That money can't be accessed, however, until you have a site, a proposal, and then a vote to appropriate money.

LEG. CARACCIOLO:

Do we have a time line for the construction of this facility?

MR. SABATINO:

Not a statutory one. There may be -- you know, there may be some internal projections by the Department of Social Services, but just knowing the normal process, it's going to take -- it's going to take more than -- well, it's going to take a couple of years, I would think, you know, to --

LEG. CARACCIOLO:

Well, in the meantime, Fred, what is the financial impact on taxpayers for housing homeless in motels and hotels?

MR. POLLERT:

Just to deal with your first question, the planning funds are in 2004 in the Capital Program, construction funds are in 2005, so the shelter probably would not be open until 2006, 2007. The net cost of the emergency housing is currently 13.2 million dollars. As short as in 1999, the costs were only 3.8. So the costs have grown dramatically since 1999.

LEG. CARACCIOLO:

This brings me to another point, and that is we can point our finger at Albany and Washington in unfunded mandates, but when you have an Early Retirement Program, which now that I have the memo from Budget Review, estimated a range of 10 or to 14 million dollars would be the County's cost and we find out today that it's 24 million dollars, then maybe we need some new accountants. Number two, that's a 10 million dollar difference, that's a big difference, one I'm not happy about, one that probably would have persuaded me not to support that initiative at that time.

The other issue here is on Resolved Clause 27. Legislator Counsel, it appears now that the Marine Emergency rescue vehicle, but it says here Sheriff's Office patrol boat, I'm assuming that's the same vehicle we're talking about, is now going to be funded to the maximum extent possible under the forfeiture funds under provisions of forfeiture laws?

MR. SABATINO:

Right. That's to try to take advantage of the provision in the forfeiture laws, which allows for the use of forfeiture monies to enhance or to provide, you know, greater funding for something as opposed to replacing funding. So this would help to offset, you know, additional costs for whatever it is that the -- I believe it's a security -- I believe it's a security basis for the use of that patrol boat, and this was put in to try to get the Sheriff's Office to free up some of that

forfeiture money to help pay for it.

LEG. CARACCIOLO:

Okay. Because, as part of the contract agency funding, Fred --

MR. SABATINO:

Right. There's a line -- I know your question. You have a line -- there is a line item in the discretionary omnibus resolution, which provides for some degree --

LEG. CARACCIOLO:

Twelve thousand dollars.

MR. SABATINO:

I think it's 12,000, provides some degree of funding. That's why this was worded, you know, to the maximum extent possible. The theory would be that it's going to cost more than \$12,000 to do what they're proposing to do, so that the forfeiture funds would, you know, enhance, not replace the 12,000, but to go beyond that, if that's what it costs.

LEG. CARACCIOLO:

Okay. So the 12,000 would be tapped first, or not at all? I mean, that -- I mean, because that makes a big difference.

MR. SABATINO:

Well, the only problem with the 12,000 is that the 12,000 isn't a line item vote. I think the \$12,000 was put into a line item that talks about gas, and supplies, and materials, so --

LEG. CARACCIOLO:

Maintenance, maintenance.

MR. SABATINO:

Yeah, okay. So that, I mean, a lot of this, you know, hinges on management discretion in the departments, because it's not a specific line item that says "patrol boat". You know the Sheriff wouldn't be legally obligated to go and take that \$12,000, it's just that there's \$12,000 more in the maintenance account.

LEG. CARACCIOLO:

He and I understand -- he and I have an agreement that that's what that \$12,000 is for.

MR. SABATINO:

Oh, okay. But that may be morally binding, but it's not legally binding.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

And we've seen more than once where that doesn't have any impact in this County. So this particular clause, this particular clause is helpful in the sense that this one is not a moral obligation, this is a legal obligation to go out --

LEG. CARACCIOLO:

Well, we're dealing with an ex-Marine, sheriff Tisch, and I have every reason to believe he's honorable.

Now, the final point on the Tier II shelter and emergency housing cost, let's get the ball rolling, so we're not sitting here next year and the year after talking about 13 million dollars in emergency housing expenditures, while Rome burns and we're waiting for a work group to come back with a proposal of site, etcetera. Thank you.

D.P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Legislator Lindsay.

LEG. LINDSAY:

Than, no I pass.

D.P.O. CARACAPPA:

Okay. I'd ask all Legislators to report back to the horseshoe. I know one just stepped out to use the men's room. I thought, seeing that Legislator Caracciolo had the microphone, he'd be in good shape to go, so he surprised us. Actually, he surprised Legislator Foley.

LEG. VILORIA-FISHER:

Now you've really let the --

D.P.O. CARACAPPA:

Now I really let the cat out of the bag. I had to go before, too. I know Legislator Fields is just outside the doors there. I'd ask her to come on back in.

LEG. CARPENTER:

You want to take a three-minute recess?

D.P.O. CARACAPPA:

No, I'm not going to call a recess, because then everyone will go to the bathroom.

MR. SABATINO:

We could take the vote there.

D.P.O. CARACAPPA:

George, we're going to -- come on back in.

LEG. VILORIA-FISHER:

It might be good to take a short recess. Ten-minute recess?

D.P.O. CARACAPPA:

No, no, no, no, no, no, no.

LEG. LINDSAY:

No. You only need ten.

D.P.O. CARACAPPA:

Yeah, this is -- the rest are all 10 and 12-voters. Well, in the meantime, I'd like to take the opportunity to thank Legislator Lindsay and Legislator Crecca, and those for leading a group of Legislators who worked very hard again in this budget process. Those of you who participated, you know who why are, and I thank you. We are facing a tough year in '05, and what we -- the main theme in this year's omnibus working group was to prepare for '05 while still taking advantage of some unforeseen revenues that came to us in the current year and for '04. What we're doing with that unanticipated revenue is, again, shoring up for the rainy days. We're also

taking care of many needy people. We're also keeping taxes in the General Fund at no increase for the year '04.

There is so many other wonderful things that we're doing in omnibus, and I think this Legislature, as a whole, should be applauded and credited for a balanced overall view of the needs of the County while still looking ahead at our financial obligations in '05. So with that, Legislator Foley, I'm out of words, so I wish you'd hurry on back.

LEG. VILORIA-FISHER:

Okay. Excuse me, while we have this little interim.

D.P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I'd like to ask Budget Review a question about -- when we get to this, I'll ask them, now that we have -- do we have all of us back? No.

D.P.O. CARACAPPA:

There's a motion.

LEG. ALDEN:

Doesn't matter, let's go.

LEG. VILORIA-FISHER:

Well, I don't think Legislator Lindsay is back, so I'll ask this question. Regarding what Penny LaValle said earlier today, although it's on the omnibus resolution on the discretionary budget, how would we -- there was a \$132,000 item to which she referred on --

MR. POLLERT:

Yes, that is -- right.

LEG. VILORIA-FISHER:

-- jobs that have been backfilled. How do we correct this in this resolution?

MR. POLLERT:

The Legislature has the capability of making a motion on the floor to amend that portion of the omnibus that deals with turnover savings in Real Property Tax Service Agency. We could delete that line from the budget and adjust the transfers to Tax Stabilization Reserve Fund accordingly.

If there is a shortfall in appropriations, what the other alternative is is not to change the omnibus, but during 2004, to do a budget transfer from either the Benefit Funds, which were not adjusted, even though turnover savings was pushed up, to make Real Property Tax Service Agency whole.

So, there are two options. You can either deal with it in the omnibus, or you can deal with it during 2004 with a stand-alone resolution.

LEG. VILORIA-FISHER:

Okay. So I suppose the people who had the leadership position in the work group might want to decide how we're going to address that, Legislator Crecca?

D.P.O. CARACAPPA:

That would be the next one in Number 3.

LEG. VILORIA-FISHER:

In the discretionary, yes.

D.P.O. CARACAPPA:

Correct.

LEG. VILORIA-FISHER:

I was just asking that question now, since we had a little time on our hands.

D.P.O. CARACAPPA:

Very good. There's motion and second for Budget Amendment Number 2. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present).

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. TONNA:

Yes for Tonna.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

(Not Present)

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Number 2 is approved. Moving on to Number 3, which is the Discretionary Omnibus Resolution.

LEG. VILORIA-FISHER:

Okay. Mr. Chair?

D.P.O. CARACAPPA:

Wait. There's a motion by Legislator Crecca.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. On the motion, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Actually, I was going to suggest that before we move on that, on the omnibus, that we consider whether or not we want to move to amend it on Page 10, that \$132,000 line, and so I wanted to discuss that.

D.P.O. CARACAPPA:

There's a motion by Legislator Viloría-Fisher to amend the current omnibus resolution before us, which is Amendment Number 3, to include the items mentioned by Penny LaValle during the public portion. What is the dollar amount to that, Fred, with relation -- adjusting turnover savings to --

MR. POLLERT:

It would decrease the amount of turnover savings by \$132,372. There is no change to the revenue portion of it.

D.P.O. CARACAPPA:

So the motion is to adjust turnover savings in omnibus to that dollar amount. Is there a second?

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor?

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

What's the impact on the -- obviously, I know it's \$132,000, but is that going to raise the tax

warrant, then?

MR. POLLERT:

The Legislature has an option. You can either raise the tax warrant, or you can decrease the amount being transferred in from Tax Stabilization Reserve Fund. So, clearly, there's \$132,000 which is being restored to the budget. You can either increase how much is coming from Tax Stabilization Reserve Fund, hold the taxes at zero, or you can let it free-float to real property taxes.

LEG. CRECCA:

Is there an option for an appropriate offset, or are we -- have we sort of tapped that out, so to speak?

MR. POLLERT:

The only offset that I could suggest at this point in time would be the benefit fund, which we have not adjusted, even though there was an adjustment to turnover savings.

D.P.O. CARACAPPA:

The other option, Legislator Crecca, is -- for an offset possibility is to wait to the first period under Davis Law under '04 to make the correction.

LEG. CRECCA:

We could do that, but that would -- if we -- it wouldn't correct the tax warrant. I would ask Legislator Fisher if she would consider using the Benefit Fund as an offset to -- for that 132,000. Those two things. Number one is it still allows us to put the amount that we've targeted into the Tax Stabilization Reserve Fund. Number two is it keeps the tax increase at -- the percentage at zero while still accomplishing what I believe you want to accomplish.

LEG. VILORIA-FISHER:

Well, that's why I had deferred to you during the -- our little intermezzo was to ask what your opinion was on that.

LEG. CRECCA:

Well, I'll make a motion.

LEG. VILORIA-FISHER:

I can withdraw my motion, if there is a different motion that you think would serve the same purpose of adjusting what we need to adjust to make it correct.

LEG. CRECCA:

I can make the motion before she withdraws, right?

D.P.O. CARACAPPA:

Yeah. Well, on the motion, I'd just like to ask Fred if we would allow that dollar amount, was it \$132,000?

LEG. VILORIA-FISHER:

A hundred and thirty-two thousand dollars.

D.P.O. CARACAPPA:

To free float. What's the percentage difference? Percentage increase.

MR. POLLERT:

You would effectively have a zero -- you would have to go out two decimal places before that there would be any impact on the tax levy.

D.P.O. CARACAPPA:

It would be -- say that again, Fred, just for Legislator Crecca.

LEG. VILORIA-FISHER:

Yes.

MR. POLLERT:

Because your total tax warrant is close to 56 million dollars, a 30 -- you know, a \$130,000 impact would be less than one cent.

LEG. CRECCA:

What do you mean, County-wide?

MR. POLLERT:

Yes, on the General Fund.

LEG. ALDEN:

Just like in Enron when they put down on thing nil.

D.P.O. CARACAPPA:

No, not quite. So I think the amendment put forward is appropriate, in my viewpoint, unless you're still solid behind finding an offset, Legislator Crecca.

LEG. CRECCA:

I just have a question for Budget Review on that. Is there -- does it bring the percentage up? I see what you're saying about one cent, but it brings the percentage up of the General Fund property tax.

MR. POLLERT:

Then the increase would no longer be zero, it would be a \$132,000 increase in the General Fund, that's correct. If you did it with an offset, we could maintain a zero increase.

LEG. CRECCA:

I'm going to make the motion --

D.P.O. CARACAPPA:

Okay.

LEG. CRECCA:

-- Legislator Caracappa.

D.P.O. CARACAPPA:

Very good.

LEG. CRECCA:

I'm going to make a motion to amend to include -- to add to the omnibus \$132,000, as has been previously stated by my colleague, Legislator Vilorio-Fisher, and ask that that amount be offset from the Benefit Fund, as set forth by Budget Review.

D.P.O. CARACAPPA:

Okay? There's a motion and a second by Legislator Vilorio-Fisher.

LEG. CARACCIOLO:

Joe.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Fred, I'm looking at the -- the backup indicates that all of the General Fund impacts are negative in the First Legislative District?

MR. POLLERT:

That is, yes.

LEG. TONNA:

They always are.

LEG. CARACCIOLO:

That's the way we like it. Keep taxes low. Thank you.

MR. POLLERT:

Yes.

D.P.O. CARACAPPA:

It's in the negative.

LEG. TONNA:

Fine leadership by Legislator Caracciolo.

D.P.O. CARACAPPA:

Okay. There's a motion and a second on Budget Amendment 3. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Very good.

LEG. TONNA:

Let's keep going. Let's keep going.

D.P.O. CARACAPPA:

Budget Amendment Number 4, we did that. It was a companion to Number 5, which we've done. Moving on.

LEG. VILORIA-FISHER:

Wait. Did we vote on 3, or just on the amendment to 3?

LEG. BINDER:

Well, no, no. Was that -- that was the amendment.

LEG. VILORIA-FISHER:

That was the amendment.

D.P.O. CARACAPPA:

Oh, that was amendment. Now, Number 3, which is discretionary omnibus.

LEG. BINDER:

Mr. Chairman.

D.P.O. CARACAPPA:

On the motion. There's a motion -- there has been a motion and a second already by Legislator Crecca and Legislator Carpenter.

MR. BARTON:

Yes.

LEG. BINDER:

Mr. Chairman.

D.P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. CRECCA:

Just change my motion, for the record, to approve it as amended.

LEG. BINDER:

I'd like to make a motion to amend the omnibus, using what are Amendments Number 24 and 26, that have offsets for Social Security. There are five new positions in Waste Water Management and two Sanitarians. And the reason is this is basically an economic development question, particularly in Waste Water Management. There is a 12-week waiting period, that if anybody wants to build anything, a single developer, a person bought a piece of land, he's trying to sink a cesspool in his house, he can wait 12 weeks just to try and get the project going. So I - Number 23 and Number 25 I put in, Number 24 and 26, Legislator Crecca put in, and he has an offset on there by decreasing Social Security. So I would use those with an increase, if that's possible, so we have a zero -- a zero impact.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. FOLEY:

Mr. Chairman --

LEG. CRECCA:

We're going to get to it in a minute, though.

D.P.O. CARACAPPA:

Hold on, hold on, one at a time. Why don't we just --

LEG. BINDER:

I'd like to just include both of those with the offsets of the zero impact but add those positions into Omnibus so that they would --

LEG. CRECCA:

But if it's as a stand-alone we're going to get to that on the merits and I don't think it's going to be a problem, but let's just --

D.P.O. CARACAPPA:

We'll do it as a stand-alone, Allan. You still have the right to make the motion; it's the same impact either way.

LEG. BINDER:

All right. I mean, that's fine, I'll wait.

D.P.O. CARACAPPA:

Okay, we understand. So No. 3, there's a motion and a second. All in favor? Opposed? Abstentions?

LEG. BINDER:

Opposed to No. 3 on approval.

D.P.O. CARACAPPA:

One opposed.

MR. BARTON:

15 (Opposed: Legislator Caracappa - Not Present: Legislator Postal).

Moving on to **No. 6, this deletes \$505,000 in 2004 --**

LEG. TONNA:

I make a motion.

D.P.O. CARACAPPA:

-- for the Suffolk County Jewish Center; it increases the Tax Stabilization Reserve Fund by that amount.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

There is a motion by Legislator Tonna, second by Legislator Alden.

LEG. TONNA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Fred, just what was requested in the budget? I think it was \$5,000; five thousand?

MR. POLLERT:

Yes, the \$500,000 was added to the 2003 Operating Budget, the department had not requested funding in that amount for 2004.

LEG. TONNA:

Right. So the department says they want 5,000, right; was it 5,000?

MR. POLLERT:

Yes.

LEG. TONNA:

And we say no, no, no, let's give them 505,000, all right? Just -- we have already had this debate, every Legislator here knows the issues, I just -- I find this appalling. I cannot believe that we would take money when we're trying to cut every single other place, when we have a long history of dealing with contract agencies that deal with the homeless, that deal with, you know, hungry children, that deal with, you know, abused and battered mothers and children. And we're going to tighten every single one of these, but we're going to give 500,000 more dollars to something that was requested that the department didn't even request. I just find that tough to believe. Thank you.

D.P.O. CARACAPPA:

That's duly noted. All in favor?

LEG. TONNA:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. TONNA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Abstain.

P.O. POSTAL:

(Not present).

MR. BARTON:

Seven (Not Present: Legislators Guldi & Postal).

D.P.O. CARACAPPA:

No. 6 fails.

Moving on to **No. 7, this deletes \$67,187 in the 2004 for Suffolk Community Council Clearinghouse Program.**

LEG. CRECCA:

For the record, I have withdrawn this resolution. I believe Legislator Guldi is joining me in withdrawing this resolution.

D.P.O. CARACAPPA:

Very good, that is withdrawn.

Moving on to ***No. 8, it transfers \$1 million from the General Fund to the Community College Reserve Fund.***

LEG. FOLEY:

Motion to approve, Mr. Chairman.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

There's a motion by Legislator Foley, second by Legislator Viloría-Fisher.

LEG. ALDEN:

On the motion.

LEG. CARACCIOLO:

On the motion.

LEG. FOLEY:

On the motion.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

Let me -- I hear Legislator Alden the loudest, so let me go with Legislator Alden first.

LEG. ALDEN:

This transfers from our General Fund to the Community College's Reserve Fund which I find just a little bit confusing because we had the ability to put \$700,000 that the college didn't include in their budget in their reserve fund. So I would question the validity of doing this transfer.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

To the sponsor, what's the justification and what are the financial impacts, positive/negative?

LEG. FOLEY:

Thank you, Legislator Caracciolo. You'll recall that during the Community College Operating Budget season over the summertime we did not increase the County's contribution at that time to the Community College. One of the suggestions made back then by both Fred Pollert and Jim Spero was that if we do not increase the County's contribution, which we didn't, that in the fall we would have the ability at our discretion to at least give them a one-time increase through this particular approach that I've proposed today. By doing it this way, this is not a recurring -- it's not a recurring additional \$1 million, it's a one year amount of \$1 million to place into their Reserve Account. And I would emphasize the fact that this cannot be authorized, the funds cannot be approved without the authorization of the County Legislature. So the college cannot spend these monies unless they come back to us to justify the expenditure.

Number two, part of the property tax impact is that it wouldn't change at all, Legislator Caracciolo; there would be no change, we're simply taking it from the reserve fund, we're reallocating it to the college. And again, this is a way as let's say a one-time substitute for our decision over the summer time not to increase the County's contribution to the college. Come next year we can make whatever judgements we need to make next year.

I would say that over the last three years, I don't think we've made any increases in the County's contribution. And we all know that tough times may lie ahead, not just for our County institutions but also for the community college. So this is a way to get them prepared for the future.

And I would also say that it's also, as the Budget Review Office indicates in the third WHEREAS clause, that there are insufficient funds in the Community College Reserve Fund. So this would help bulk up, if you will, to use that ungrammatical term, but to bulk up their particular reserve fund in light of the potentiality of some difficult times vis-a-vis State budget impacts next year and the year after that.

LEG. CARACCIOLO:

Mr. Pollert, is this an amendment that the Budget Review Office supports?

MR. POLLERT:

It was an option that we had laid out --

LEG. CARACCIOLO:

No, no, no, no, not an option; is it something the Budget Office supports?

LEG. BISHOP:

Do they support resolutions?

MR. POLLERT:

It's totally neutral, it's a Legislative policy choice. What you're doing is transferring \$1 million from one reserve fund to another reserve fund.

LEG. CARACCIOLO:

But in the absence of having that million dollars available that's at a subsequent date, and this goes back to Legislator Alden's I think point, we would have to raise General Fund Tax Levies, would we not? Rather than do it where it belongs in the college budget, we do it in the General Fund.

MR. POLLERT:

You would be doing it in the County contributions, so it all flows back to the General Fund. The community --

LEG. CARACCIOLO:

All right, you answered my question. Thank you.

D.P.O. CARACAPPA:

Brian, I think you stated everything you had to say in your answering of Mike's question.

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Legislator Lindsay, you're up.

LEG. LINDSAY:

Yeah, question for Fred. Does this conflict with the Omnibus we just passed? I mean, does it reduce the \$32 million we're putting in to Tax Stabilization?

MR. POLLERT:

It's not the same \$32 million. There's currently money in the Tax Stabilization Reserve Fund, so what you're doing is you have increased \$32 million going into the Tax Stabilization Reserve Fund and now you are taking a portion of Tax Stabilization Reserve and moving it to a different reserve fund at the Community College.

LEG. LINDSAY:

So we're putting in 32 million and taking out a million.

MR. POLLERT:

That's correct, to move it to a different reserve account.

D.P.O. CARACAPPA:

Okay, understood. Roll call.

(* Roll Called by Mr. Barton, Clerk *)

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. CARACAPPA:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

I said yes.

LEG. FIELDS:

Abstain.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

10.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Remember that, Brian.

LEG. FOLEY:

Always do.

MR. POLLERT:

Excuse me, Mr. Chairman? Resolution No. 9 shows there's a conflict with --

D.P.O. CARACAPPA:

Yes.

MR. POLLERT:

-- No. 3 but that's incorrect. The Omnibus increased revenues for services to be provided in 2004, this --

D.P.O. CARACAPPA:

Is 2003.

MR. POLLERT:

-- is 2003 services with the revenues to be recognized in 2004.

D.P.O. CARACAPPA:

Okay, so there is no conflict. What this does is what Fred just indicated, it increases 2003 revenues for Police charges, Police services at McArthur Airport, which we're basically charging to the other municipalities that -- which would be Islip Town.

LEG. FOLEY:

Right. If I may, Mr. Chairman?

D.P.O. CARACAPPA:

Go ahead, Legislator Foley, then Legislator Alden.

LEG. FOLEY:

Thank you. Yeah, I believe this not just because I'm sponsor of the resolution but I think it's important that this resolution was put forward because this will, in effect, be a chargeback to the municipality that has enjoyed the protection that's been afforded to it by our County Police Department. You know, we live in a time when our Police Department is stretched to do many different things and for a long period of time there was a portion of police officers whose sole

responsibility was working at this municipal airport.

That being the case, this should be treated as we treat other areas of the County budget where there should be a chargeback. And when you consider that this was a -- this added protection of police officers at this airport was a result of 9/11, I would say that this is a perfect candidate for the Town of Islip to attempt to access Homeland Security Funds from the Federal Government when under the Bush Administration they said they were going to make those funds available for localities in order to protect their citizenry. And when we consider how close our County is to New York City, I think this kind of resolution will help persuade the Town of Islip to go forward and challenge, request or however you want to use the terminology to get the Federal government to fund this particular protection that was given to it by our County police officers. It's a perfect candidate for Homeland Protection monies and I would hope that we could pass this because that would be an added incentive to the Town of Islip, notwithstanding some other remarks made by the Supervisor yesterday. But it would be added protection -- it would be added incentive for them to do the right thing.

D.P.O. CARACAPPA:

Legislator Alden is next.

LEG. ALDEN:

You referred to remarks he made about this, McArthur Airport? Anyway, no, no, getting past that.

LEG. TONNA:

I don't know if we're going to get past that.

LEG. ALDEN:

This is a question, I guess I'm going to start with Paul Sabatino. The binding legal implication on this is none; is that correct?

MR. SABATINO:

That's correct, it would require a negotiated agreement. There's no legal mechanism to unilaterally impose it as a chargeback.

LEG. ALDEN:

Then I would suggest that rather than vote on something like this, if we want to have a policy whereby when we supply Suffolk County Sheriffs when a town is having a parade or if we supply police for other types of special patrol or whatever it might be, if we're going to institute a policy, let's do it as an overall policy and not just pick out one thing and just try to put something that's going to look like revenue in the budget but it's not going to be revenue. Because the chance of collecting from Islip on this, I'm going to say slim and that's giving it -- you know, that's being really generous as far as the chances of collecting on it. Is it going to persuade them to go for Homeland Security? No, but I think that if a number of us Legislators called and asked, I think that that would be more of a way to ask them to apply for Homeland Security Funds.

LEG. CARACCIOLO:

Mr. Chairman?

LEG. FOLEY:

Duly noted.

D.P.O. CARACAPPA:

Legislator Carpenter -- I'm sorry, Tonna, Carpenter, then Caracciolo.

LEG. TONNA:

I would just like to put on the record and then defer to our Legal Counsel about my ability to vote on this, even though it has to do with Employee Medical Health Insurance but I think this is in the area of drugs, right?

MR. SABATINO:

It's okay for you to vote on it even though the summary on the front page is a little misleading where it makes -- not misleading but it makes reference to generic Employee Medical Health Insurance which might appear to create a conflict. But in fact the line item was changed to make it limited to drug claims which is not an account from which your business is paid, so you are able to vote with the disclosure that this is a drug claim line item, not an account from which your company is paid.

LEG. TONNA:

Thank you very much.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Yes, just to pick up on what Legislator Alden was saying. I think it's important to note, too, that this airport is really not a local airport but a regional airport. And the idea of tapping into Homeland Security Grant Funds from the Federal Government I think is very good and I think it's something that we should do in partnership with the town because more and more funding agencies are looking to those kinds of collaboration when they're making decisions on dispensing those kinds of dollars. So, you know, I for one will work towards doing that, but I don't think this is an appropriate way to go.

D.P.O. CARACAPPA:

Mike?

LEG. CARACCIOLO:

I believe there's a more fundamental issue here and that is the Town of Islip is one of the five west end towns where the residents contribute through the Police District Tax for Police Department expenditures. I think it's wholly supported as is that the Police Department provides a service, a primary service of police protection at a facility within the Police District. I would tend to agree with those if you're talking about perhaps an air show in Riverhead, now that we have a new supervisor, if he's got any sense he won't even go there, but the fact is something like that outside the Police District, there has to be a chargeback for County Police personnel services but in this instance, I don't see the need for that at all.

As far as working with Federal officials to security Homeland Security, I would hope that the incoming County administration, because we as day-to-day Legislators, lawmakers, don't have that responsibility, but I would hope the new administration would work with the town officials to secure that Federal funding. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

You're welcome. Legislator Crecca then Foley.

LEG. CRECCA:

I'm not going to echo the same remarks but I agree with the comments by so many Legislators. And I'll just say echo to Legislator Caracciolo's comments on this in that this is a regional airport and we should be supporting this service.

D.P.O. CARACAPPA:

Legislator Foley?

LEG. FOLEY:

Let me just end with this. It's true that Islip Town taxpayers pay for the property tax Police District, but that's for the sector cars,

that's for COPE and that's for all the other assorted patrols that our Police do.

I would liken this town airport to let's say a town park. We don't have County police in town parks policing 24/7; the town police do that or the town park police or the town park public safety people do it. The same would hold true here, this is a town owned property where it's unusual to have County police officers in a town facility. And because it's a town facility, normally up until last year it was handled by town security folks.

I'm glad we're having this kind of discussion because what it's demonstrating is the fact that we need to have a more creative approach to how we work with other municipalities. And the fact of the matter is I think this discussion is going to engender on the part of Islip Town to try to access other Federal dollars that otherwise may not have even thought about if we didn't have this debate. I'm still, Mr. Chairman, going to move forward with the resolution, but I would say simply that, you know, Islip taxpayers receive police protection through COPE and sector cars; this is materially different. This would be akin to, as I said, if it's a town park, you don't have County police in a town park nor do you necessarily have County police in other town properties as is this airport.

D.P.O. CARACAPPA:

Legislator --

LEG. TONNA:

Just --

D.P.O. CARACAPPA:

-- Tonna.

LEG. BISHOP:

On the motion?

D.P.O. CARACAPPA:

There's a long list.

LEG. TONNA:

What your resolution does basically is says that we're going to charge the town, right?

LEG. FOLEY:

We're going to charge the town and then the town is going to say, "Oh, we can't pay for it, we don't have the money."

LEG. TONNA:

Well, why can't they? They're getting tons of tax revenue from the airport --

LEG. FOLEY:

I understand that.

LEG. TONNA:

It's about time they paid for this. You know --

LEG. FOLEY:

This is an incentive.

LEG. TONNA:

I mean, the current Supervisor talks about his great fiscal management, you know, the reason is he has a windfall in taxes with regard to the airport. Why should the people of Suffolk County, the complete people of Suffolk County, you know, pay for that when it should be charged?

Charge it back. We pay taxes, everybody outside of the Town of Islip, we pay all sorts of taxes to fly in and fly out, that's included in our fees. The town should pick up the police charge.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Well, if you want to just go one step further than that, then you're going to see an apportionment of that charge given to anybody that wants to use that airport. So if somebody from Southampton or --

LEG. CRECCA:

Smithtown.

LEG. ALDEN:

-- Smithtown or Huntington wants to use that airport, there's going to be a security fee and I don't think that's the right way to go. So I'll stand by my comments earlier stated.

LEG. TONNA:

Charge the east end.

D.P.O. CARACAPPA:

Legislator Bishop; finally Legislator Bishop.

LEG. BISHOP:

There you have it; Islip makes money off of this and then when it comes time to pay for it they want to apportion out the bill to everybody else, and Legislator Alden just stated it very clearly. Obviously the town is making a tremendous -- what is the profit, Legislator Alden, for the airport; any idea?

LEG. ALDEN:

What are you talking about profit?

LEG. TONNA:

To help supplement those IDA commercials?

LEG. ALDEN:

It's nonprofit.

LEG. BISHOP:

Well, they contribute to the town's General Fund, is that --

LEG. ALDEN:

Are you saying that the town operates on a profit basis? I don't think so but then we'd look at what's the profit margin in Suffolk County?

LEG. BISHOP:

Yes, I am saying that because a government operation can operate in a profit basis, it's not a personal profit but it can make revenue just like, you know -- if it cost X amount to run a facility and it takes an X plus Z, Y is your profit.

D.P.O. CARACAPPA:

Hold on. This is -- we're not going to debate the revenue streams of the airport at this point in time.

LEG. BISHOP:

Well, Legislator Alden is clearly trying to avoid answering the question I asked by --

D.P.O. CARACAPPA:

That's a very difficult question to answer. What if I throw a question at you about Babylon revenues, you're not going to have it at your fingertips.

LEG. BISHOP:

Well, maybe I would say I don't know; I mean, if the answer is that he doesn't know then it's fine. But I'm sure that it's far more than \$2 million. And since there's a \$2 million cost to operate this facility, it should be paid from the profit that the facility is making, at least there should be a partnership involved in it.

LEG. TONNA:

Right. It's like a pilot payment, they should pay.

LEG. BISHOP:

Right now it's just a complete subsidy from the County going to the Town of Islip.

D.P.O. CARACAPPA:

Duly noted.

LEG. TONNA:

Pay, pay, pay.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just for the record to correct Mr. Bishop's statement or interpretation of my statement, and we could have the record read back but we're not going to go through that. I did not put forward that program, nor did I espouse that I think that it should be apportioned, I just said that if you keep with that line of thinking that was expressed previously then it should be apportioned. So that's not my plan, so please just, you know, for the record --

LEG. BISHOP:

Understood.

LEG. ALDEN:

Thank you.

D.P.O. CARACAPPA:

Okay, very good. Legislator Caracciolo.

LEG. BISHOP:

It's not the Alden plan, we got it.

LEG. CARACCIOLO:

I think there were remarks by two Legislators that deserve some rebuttal or comment. First with respect to Legislator Tonna's remarks, and it's not often I disagree with Paul but this is one

occasion I do. As far as airport fees, let he who lives in glass house not throw stones because why aren't we collecting the fees we should be collecting at Gabreski, number one? Number two -
- now it's your turn, okay.

LEG. TONNA:

No, I'm with ya; so far we're in agreement.

LEG. CARACCIOLO:

All right.

LEG. VILORIA-FISHER:

I smell a coalition.

LEG. TONNA:

So far we're in agreement.

LEG. CARACCIOLO:

Number two, I think Brian --

LEG. CRECCA:

It's too early for that, Vivian.

LEG. CARACCIOLO:

-- who usually makes remarks that are on the money is off the mark this time with respect to town public safety and the County's supplement and the town public safety need. Absent 9/11/01, there would be no need today for the County Police to be at that airport. It is in the Police district, we belong there, public safety officers are not sworn police officers with the same training and background, they help us out but they're not coequals so nobody should be confused by the two. Thank you.

D.P.O. CARACAPPA:

Legislator O'Leary then Guldi.

LEG. O'LEARY:

Yes. My observation regarding the Police services at Islip McArthur Airport is no different than the beefed up services throughout the County because of 9/11 and because of the Homeland Security that's been imposed upon the various agencies throughout not only this County but the State and the country. I think perhaps the -- it would bode well if the County sought reimbursement from the Federal government with respect to Homeland Security and any beefed up Police services throughout the entire County of Suffolk, not the town municipalities but the County itself.

D.P.O. CARACAPPA:

And finally Legislator Guldi.

LEG. GULDI:

Not quite yet, but soon. With respect to the Gabreski Airport fee status, since Gabreski Airport has been added to my anatomy in the last recent campaign, I feel constrained to point out that the Legislator's comments about the fees we should be collecting are off the mark. Currently the fees that we added to last year's budget were inappropriate at Gabreski, they were a security fee authorized by the FAA to be collected from commercial passengers; it's in the ticket price for the passengers and then collected by the airport from the operator of the commercial operation. We budgeted for those at Gabreski notwithstanding the fact that we don't have any flights in that class or category at Gabreski. I submit that the situation at Islip is different since they do have commercial part -- what's known as Part 121 carriers carrying scheduled passengers who are paying that fee to offset the cost of the security --

LEG. TONNA:

Right.

LEG. GULDI:

-- being provided by law enforcement since 9/11.

LEG. TONNA:

Fork up the bucks.

D.P.O. CARACAPPA:

Okay, we're all done? Legislator Lindsay.

LEG. BISHOP:

So they're paying for it already.

LEG. TONNA:

They're getting reimbursed for it.

LEG. LINDSAY:

But I think the point that's being missed here is that the only one that can add those fees are the owner of the airport and that's the town. We're paying the bill, the town has the right to pass on that expense to the passengers, we don't. So how do we get reimbursed for this expenses, this additional expense?

D.P.O. CARACAPPA:

Legislator Fields?

LEG. TONNA:

Let her negotiate it with McGowan.

LEG. FIELDS:

Excuse me?

LEG. TONNA:

You should negotiate it with McGowan.

LEG. FIELDS:

No comment. I recently had some discussions and evaluated a lease agreement that was made between the Supervisor and Southwest Airlines where they were building a building to give to Islip Town in 25 years but that the town did not ask for a land lease fee. So the town essentially has Southwest building a building for their own use who receive their own concession fees and the town doesn't get anything from Southwest Airlines so, in essence, it's a sweetheart deal. I think that the Supervisor has the ability to negotiate to allow more money to come in to pay for the Suffolk County Police Department, he has chosen to take advantage of Suffolk County and use Suffolk County and I believe that we should charge this back and there is nothing wrong with charging it back and I would agree with this bill.

D.P.O. CARACAPPA:

Very good. Roll call.

LEG. CRECCA:

Call the question.

LEG. FOLEY:

Motion

D.P.O. CARACAPPA:

There's a motion by Legislator Foley, second by Legislator Fields. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. CARACAPPA:

No.

LEG. BINDER:

No.

MR. BARTON:

Nine (Not Present: Legislator Postal).

LEG. FOLEY:

All right. Thank you.

D.P.O. CARACAPPA:

Keep in mind, we are going after --

LEG. FOLEY:

We'll take this up in '04.

D.P.O. CARACAPPA:

Yeah, we are going after it in '04.

LEG. CRECCA:

That's fine

.

D.P.O. CARACAPPA:

Okay, moving on to **No. 12** which has no conflict. This is a Bishop amendment that ***adds \$30,000 to each of the ten non-County Public Safety Dispatch Points for a total of \$300,000. The offset with increased revenue from cell phone surcharge.***

LEG. CARPENTER:

Henry, cosponsor.

LEG. BISHOP:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion by Legislator Bishop, second by Legislator Carpenter.

LEG. TONNA:

Is this revenue neutral, Fred?

LEG. CRECCA:

Yes.

LEG. TONNA:

Okay, thank you.

D.P.O. CARACAPPA:

All in favor?

LEG. ALDEN:

Just on the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Adds 30,000 to each of 10 non-County Public Safety Dispatch Points; where are those dispatch points?

D.P.O. CARACAPPA:

Legislator Bishop?

LEG. BISHOP:

The PCAP points in the County are in the east end which has -- each town has its own individual PCAP, Smithtown has its own PCAP, Babylon Central which serves populations in Islip Town has its own PCAP and some of the other villages around the County, so for a total of ten PCAPS that are not run by the County.

The logic of this bill is that Suffolk County receives revenue from a cell phone tax from New York State but has not been transferring that revenue down to the local PCAP's in the same proportion that we're receiving it in. And so this tries to correct that perceived injustice, if you will.

LEG. ALDEN:

But it states non County Public Safety Dispatch Points, so these are --

LEG. BISHOP:

Right, but they don't --

LEG. ALDEN:

In one way these are duplicative of what's already existing in Suffolk County.

LEG. BISHOP:

Yes, but they are the system that we have in the County. They're not duplicative because they are exclusive in the jurisdictions that they

serve, so it's not duplicative in that sense but they are the same thing as the County has for the rest of the County.

LEG. ALDEN:

This would --

LEG. BISHOP:

In the Town of Smithtown, if you dial 911 you get sent to the Smithtown PCAP. And the problem is that the Smithtown PCAP, the Babylon PCAP and the east end towns and -- by the way, the Babylon PCAP serves populations and portions of the Town of Islip as well. They are not getting their cell phone tax money in the same growth that has -- in other words, the County is taking it all for their PCAP and I'm trying to correct that without salvaging the County's PCAP.

LEG. ALDEN:

Okay, so it's ten but they're not in each -- there's not one location in each one of the towns.

LEG. BISHOP:

No.

LEG. ALDEN:

And this does decrease County revenue then by \$300,000.

LEG. BISHOP:

It does not, it increases the estimate for the tax revenue, not unreasonably.

LEG. ALDEN:

But how can it increase the estimate for tax revenue if we don't set that tax? This is something that goes through the New York 9/11 Fund which is not our fund.

LEG. BISHOP:

New York State sets the rate and the New York State estimate is actually for a decrease and that doesn't seem reasonable to me given the amount of cell phone usage.

LEG. ALDEN:

Okay. Just so I'm clear on it, you're saying that New York State when they did their budget, they didn't look at this properly, they should have put more money in it.

LEG. BISHOP:

Correct.

LEG. ALDEN:

Now if, for instance, their revenue falls short, do we have to make up the shortfall because we just passed this?

LEG. BISHOP:

There is a risk. The risk would be that the presumption that their estimate is wrong could prove incorrect and then yes.

LEG. ALDEN:

Fred, where would the money come from then if -- the \$300,000 if New York State, if they're proven correct and then we have a \$300,000 obligation?

MR. POLLERT:

Fund 102 is also funded by a transfer from the County's General Fund, so if there is a shortfall it would be necessary to increase that transfer to make up the shortfall.

LEG. ALDEN:

And we'd know about that next year, is that what you anticipate, Dave?

LEG. BISHOP:

Yes. And this is -- this is -- if I'm wrong and the State is right, then this is not for, you know, positions, these are --

LEG. ALDEN:

No, but we're going to have to do a budget transfer or something next year, an adjustment.

LEG. BISHOP:

Yeah, but we wouldn't have to renew it next year.

LEG. ALDEN:

Right. Thank you.

LEG. BISHOP:

Thank you.

LEG. CARACCIOLO:

Fred, what is the essence of the budget amendment?

MR. POLLERT:

What the budget amendment does is it increases each of the PCAP's and it uses as an offset an increase to revenues from public safety communication fees.

LEG. CARACCIOLO:

Which is an estimate.

MR. POLLERT:

Which is an estimate.

LEG. VILORIA-FISHER:

I'm on the list, Joe?

LEG. CARACCIOLO:

So in effect, what does the resolution accomplish?

LEG. BISHOP:

It get's more money to the PCAPS.

LEG. CARACCIOLO:

It puts on the budget line \$300,000 more than currently -- that was proposed on that budget

line, is that what it does?

MR. POLLERT:

Yes, it does. It increases expenditures by \$300,000 and also increases the revenue estimate from the cell phone fees by \$300,000.

LEG. CARACCIOLO:

That's part one. Part two, if I understand what Legislator Bishop said, is that if the funds actually materialize, then they will be distributed in a manner that would be fairer and equitable for a number of jurisdictions in the County including the east end; correct, Dave?

LEG. BISHOP:

Correct.

LEG. CARACCIOLO:

Okay. But in the absence of that materializing, what happens; no improvement in these PCAPS?

LEG. BISHOP:

What's happening is that these PCAP's are unable to upgrade at the same pace that the County PCAP is because the County is taking a hundred percent --

LEG. CARACCIOLO:

I'm very familiar with the issue, I just want to make sure that, you know, this is something that sounds good but never materializes itself in a fashion that accomplishes its goal. So that's the essence of my question, are we going to accomplish something here or are we just moving some money around, playing with money saying that, well, if \$300,000 more than we estimate --

LEG. BISHOP:

Well, let me just give you what I think is --

LEG. CARACCIOLO:

If it materializes then we'll be able to do something good.

LEG. BISHOP:

Let me give you what I think is a fair and reasonably objective answer. You will be doing some good in all these PCAPS, they all have \$30,000 with which to upgrade their systems which

they're mandated to do and which is a policy goal that we've set. There is a risk that I'm wrong, that the money won't materialize, and then we would have to do a budget modification. Three hundred thousand dollars in the grand scheme of things is not a tremendous amount in a \$2 billion budget. It's a risk that I think is worth taking because the mission of the PCAP's is so critical, you know, in fact, it's about saving people's lives. And I think that the assumption that we're going to have greater cell phone tax revenue than is estimated is not an unreasonable one.

LEG. CARACCIOLO:

Thank you, David.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

I have a very simple procedural question. On my agenda I have Budget Amendment Nos. 10 and 11, we haven't addressed them and we're discussing No. 12; is there a reason why we're not addressing those?

D.P.O. CARACAPPA:

There's conflicts, if you look in the final column.

LEG. VILORIA-FISHER:

They're a conflict with three and ten.

D.P.O. CARACAPPA:

Yes, 10 and 11 conflict with --

LEG. VILORIA-FISHER:

Oh, since we've passed three --

D.P.O. CARACAPPA:

We passed three, they conflict, they're in there.

LEG. VILORIA-FISHER:

Oh, so they're out, they're off the table?

D.P.O. CARACAPPA:

Any time you see a conflict they're removed.

LEG. VILORIA-FISHER:

Oh, so they're off the table.

D.P.O. CARACAPPA:

Right, they've been addressed. Okay, there's a motion and a second. All in favor? Opposed? Abstentions? Legislator Tonna is behind you.

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Moving on to **No. 13**, page two of amendments, ***adds 15 new positions in the department of public works, Engineering, to facilitate construction projects with salaries and benefits for 3/4 of year to allow for reimbursement at a cost of \$590,967.*** I'm going make a motion, seconded by Legislator Foley to amend Amendment No. 13 to add the offset which is in No. 14 which is sponsored by Legislator Crecca and use that offset in Budget Amendment 13 and add Legislator Crecca's name as one of the sponsors. And I'd like to thank Legislator Crecca for taking the time to go out there and find an offset.

LEG. LINDSAY:

On that issue?

D.P.O. CARACAPPA:

There's a motion and a second. On the motion, Legislator Lindsay.

LEG. LINDSAY:

So we're dealing with the same 15 positions, using 15 positions twice.

LEG. FOLEY:

Correct.

D.P.O. CARACAPPA:

Well, we're going to strike 14.

LEG. FOLEY:

14 will be stricken.

LEG. LINDSAY:

Will be blended into 13.

D.P.O. CARACAPPA:

Right.

MR. SABATINO:

Only the offset part.

D.P.O. CARACAPPA:

Understood? There's a motion and a second. All in favor?

LEG. CARACCIOLO:

Question.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I know we have an outgoing administration and an incoming one. I see the offset is Social Security. I know over the years this administration has been adamantly opposed to Social Security offsets; has there been a change in mood of the Legislature to go along with that mode?

D.P.O. CARACAPPA:

Fred?

LEG. CARACCIOLO:

Consistency.

D.P.O. CARACAPPA:

Yeah, there is consistency. I know this offset has been used in many resolutions in years past.

LEG. VILORIA-FISHER:

I've seen it.

D.P.O. CARACAPPA:

It was checked with Fred Pollert this morning based on Legislator Crecca's work.

MR. POLLERT:

The Omnibus resolution increased turnover savings in the amount of \$5.3 million gross, there was no adjustment to Social Security. So at this point in time, because turnover savings was increased, there's a surplus in Social Security.

D.P.O. CARACAPPA:

Also, the Gaffney Administration always objected to using Social Security as offsets during the Davis Amendments during the year as opposed to --

LEG. CARACCIOLO:

Okay.

D.P.O. CARACAPPA:

-- a budget document. All in favor? Opposed? Abstentions?

LEG. BISHOP:

I'm opposed.

D.P.O. CARACAPPA:

One in opposition.

MR. BARTON:

15 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Moving to 15.

LEG. GULDI:

Is that the amendment or the bill?

LEG. VILORIA-FISHER:

Both.

D.P.O. CARACAPPA:

It was the amendment to the amendment and it was all included in one.

LEG. CRECCA:

For the record, I'm withdrawing Budget Amendment No. 14.

D.P.O. CARACAPPA:

Thank you. The language I used was to include the amendment.

LEG. CARPENTER:

Cosponsor 13.

D.P.O. CARACAPPA:

No. 15, this adds 17 Deputy Sheriffs at three-quarter year at \$302,250. The positions are included in Omnibus.

LEG. CRECCA:

Motion for the purposes of discussion.

D.P.O. CARACAPPA:

Motion by Legislator Crecca, second by Legislator Guldi for purposes of discussion.

LEG. CRECCA:

Fred, I'm a little confused why this is a stand-alone if it was in Omnibus already.

MR. POLLERT:

Just because you had not withdrawn it as the sponsor, we tried getting in touch with you.

LEG. CRECCA:

Withdraw it.

D.P.O. CARACAPPA:

15 is withdrawn.

LEG. CRECCA:

I'll withdraw 15 and 16 then because they're both included in Omnibus.

D.P.O. CARACAPPA:

16 is withdrawn.

No. 17, there is no conflict, this adds \$7,528 for software to manage leases in the Division of Real Estate.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

This is actually a very good amendment. There is a motion by Legislator Fields, second by Legislator Guldi. All in favor?

LEG. TONNA:

We all agree, let's go.

D.P.O. CARACAPPA:

Opposed?

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I see there are two here, I would just ask that it be amended to include the offset so it's not a straight add.

D.P.O. CARACAPPA:

Oh, I see that.

LEG. CRECCA:

I will withdraw No. 18 and let Legislator Fields be the sponsor.

D.P.O. CARACAPPA:

Okay. The motion on the floor is to amend Amendment No. 17 and include the offset of reduction in Social Security which is in the Budget Amendment No. 18.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? That was the amendment, I said to include --

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

So that is approved with the amendment.

No. 18 is withdrawn.

No. 19 is withdrawn and we're going to move to No. 20 and add Legislator Postal as a cosponsor to Legislator Crecca's bill, this adds \$55,000 for the Route 110 Redevelopment Corporation (pseudo code GQR1) and transfers the agency from Public

Works to Economic Development, the cost is offset by a decrease in Social Security.

LEG. CRECCA:

Motion to approve.

D.P.O. CARACAPPA:

-- which uses Social Security as an offset for the same reasons.

Motion by Legislator Crecca, second by Legislator Carpenter.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. TONNA:

What is this?

LEG. FOLEY:

It mentions that it transfers the agency from Public Works to Economic Development; what's the justification for the transfer?

D.P.O. CARACAPPA:

Budget Review, John?

MR. ORTIZ:

This agency basically promotes economic development on the Route 110 corridor.

LEG. TONNA:

Come on.

MR. ORTIZ:

So it basically is an economic development.

LEG. TONNA:

What --

LEG. FOLEY:

Is this -- let me just finish, please. Is this a new agency that we're funding or is this something that we've been doing over a period of time?

MR. ORTIZ:

It was funded last year as well, this increases the funding.

LEG. FOLEY:

What was the -- what's the funding contained in the proposed Operating Budget? Because this says adds 55; was it defunded by the County Exec, is there a certain amount that he has as part of his proposed budget?

MR. ORTIZ:

Off the top of my head, I believe it was 55,000 last year and it was cut to 40 or 45 and this adds and increases it.

LEG. FOLEY:

All right, so --

LEG. TONNA:

By another 55 over the 45.

LEG. FOLEY:

I still have the floor. I still have the floor, Mr. Chairman. Thank you. So in other words, in the proposed budget for '04, the County Executive has proposed 45,000; is that not correct?

MR. ORTIZ:

It was 30,000.

LEG. FOLEY:

Thirty thousand.

MR. ORTIZ:

It was 45,000 the year before.

LEG. FOLEY:

All right, so he's proposing 15 less, correct?

MR. ORTIZ:

Correct.

LEG. FOLEY:

All right. Well, this could be taken care of by member item money early next year. I'm not going to support this particular --

LEG. CARPENTER:

I'm going to withdraw my second.

LEG. FOLEY:

This particular amendment.

D.P.O. CARACAPPA:

There's a withdrawing of the second. Is there a second from anyone else?

LEG. TONNA:

I just want to talk.

LEG. BISHOP:

No, there's no second.

D.P.O. CARACAPPA:

There is no second.

LEG. TONNA:

Oh, it's failing? Great.

D.P.O. CARACAPPA:

It fails for lack of a second.

No. 21 - Adds 5 new Public Health Nurses to be funded with existing appropriations.

LEG. VILORIA-FISHER:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by Legislator Foley. All in favor? Opposed?

LEG. CARACCIOLO:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

D.P.O. CARACAPPA:

Abstentions?

LEG. NOWICK:

Cosponsor.

LEG. BINDER:

Cosponsor.

D.P.O. CARACAPPA:

Cosponsor everyone, Henry, please.

Moving on to Budget Amendment ***No. 22 - Adds 7 positions in Medicaid; 1 Chief Management Analyst, 1 Social Service Examiner III and 5 Social Service Examiner I positions. State and Federal aid is increased by \$260,076 and Social Security is***

reduced by \$144,807.

MR. BARTON:

16 (Not Present: Legislator Postal).

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

There is no General Fund property tax impact. Motion by Legislator Vilorio-Fisher, second by Legislator Binder.

LEG. BISHOP:

That's a great coalition, Fisher/Binder.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Postal).

LEG. VILORIA-FISHER:

Kim from Budget Review, is this still -- the statement here, the description, is this still correct? I know that there might have been changes.

MS. BRANDEAU:

Yes.

LEG. VILORIA-FISHER:

Okay, that's correct. Okay, thank you.

D.P.O. CARACAPPA:

No. 23 - Adds 5 new positions in wastewater management; 1 Engineer, 2 Sanitarians, 2 Clerks. Associated revenue is increased by \$130,800 for a net County cost of \$138,136.

LEG. BINDER:

Mr. Chairman, I'd like to have it amended to have the Social Security offset and add Legislator Crecca and thank him for this work.

LEG. CRECCA:

And approve.

LEG. BINDER:

And to approve.

D.P.O. CARACAPPA:

There's a motion by Legislator Binder, second by Legislator Crecca to amend Amendment No. 23 to include the offset which is Social Security which is 138,136?

LEG. CRECCA:

And to approve.

D.P.O. CARACAPPA:

And to approve it.

LEG. BINDER:

Right, as amended.

D.P.O. CARACAPPA:

As amended. All in favor? Opposed? Abstentions? Approved.

MR. BARTON:

16 (Not Present: Legislator Postal).

24 is withdrawn.

No. 25 - Adds 2 Sanitarians and 1 Clerk for restaurant inspections at a net County cost of \$49,805. Associated revenue is increased by \$100,000 for a net County cost of \$49,805.

LEG. BINDER:

Same thing, Mr. Chairman. I would like to have it amended with the Social Security offset from 26 put into 25 and pass it with that amendment.

LEG. TONNA:

Why are we -- is this what the department is requesting?

LEG. BINDER:

Yes. At our committee meeting the Health Department had requested it.

LEG. TONNA:

They need them? Okay.

D.P.O. CARACAPPA:

Just so the record is clear, the motion is to amend the amendment which is No. 25 to include the dollar amount which is now offset by the Social Security offset.

LEG. TONNA:

Great.

D.P.O. CARACAPPA:

There is a second by Legislator -- do we have a second, Henry?

LEG. TONNA:

Yes, myself.

D.P.O. CARACAPPA:

Legislator Tonna, on the motion, Legislator Lindsay.

LEG. LINDSAY:

Just really a generic comment about this and the prior resolutions, is that these were positions that weren't asked for by the County Executive in his budget for his departments. You know, I'm not arguing the need for some of these positions and will vote for the resolution, but just keep in mind what we're facing next year, it's going to be very hard to sustain additional

personnel in next year's budget and, you know, everybody is going to have to exercise some restraint from the department heads, the County Executive and ourselves.

D.P.O. CARACAPPA:

Thank you, Bill. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Postal).

LEG. VILORIA-FISHER:

Mr. Chair, I have a question for Budget Review.

D.P.O. CARACAPPA:

I recognize Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Okay. Fred, with 23 and 24, I just wanted to make sure that we did that okay by combining the two resolutions because I thought that we discussed the fact that the full 138 couldn't come from Social Security because you couldn't cover that Social Security with Social -- that there was a Social Security component of the --

MR. POLLERT:

You're correct, but because the bill has been amended we will do all the adjustments that are shown in the companion resolution that has been withdrawn.

LEG. VILORIA-FISHER:

Okay. Because I thought in the amendment the amount was mentioned --

MR. POLLERT:

You are absolutely correct.

LEG. VILORIA-FISHER:

-- and yesterday explaining it to me you said you couldn't offset the full amount through Social Security.

MR. POLLERT:

But what we're going to do is we're basically just going to change the resolution so it looks like the companion resolution.

LEG. VILORIA-FISHER:

Okay. Thank you.

D.P.O. CARACAPPA:

Moving on to **No. 27 which** --

LEG. TONNA:

Has a conflict, right?

D.P.O. CARACAPPA:

Yeah, which is 28. Legislator Foley makes the motion to amend No. 27.

LEG. FOLEY:

Correct.

D.P.O. CARACAPPA:

Add Legislator Crecca as a cosponsor and use the offset which is located in No. 28 and use that in No. 27.

LEG. CARACCIOLO:

On the motion.

LEG. TONNA:

What are we doing; we're basically opening -- we're shorting the Social Security Fund?

LEG. FOLEY:

No --

D.P.O. CARACAPPA:

Hold on, hold on, hold on. The motion is to amend the amendment and to approve as stated on the record, there's a second by myself.

LEG. CARACCIOLO:

On the motion.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo, Legislator Alden, Legislator Tonna.

LEG. CARACCIOLO:

The justification, is that because there's a shortfall on the budget line for this malpractice insurance? I understand it's for doctors who are from Central-Suffolk Hospital who work at the Riverhead Health Center, I understand that.

LEG. FOLEY:

We have --

LEG. CARACCIOLO:

Really it's Southampton Health Center, but that's okay.

LEG. FOLEY:

Through the chair, we do have representatives from the Health Department. It's my understanding that the Health Department wishes to expand let's say the cooperation, the agreement with Central-Suffolk Hospital to deliver additional services for clients at our Riverhead Health Center who also would need services at the hospital. In order to expand that relationship, they need additional dollars in order to reflect the additional services that would be provided.

LEG. CARACCIOLO:

Okay. The next question I have then is to the Chairman of the Ways & Means Committee. George, as those of us, the six members right here that have been recently in executive session over issues surrounding malpractice lawsuits against the County and settlements, some of which are very significant, I would like to know what is the relationship here between us engaging and expanding our role in medical malpractice insurance fees for doctors that we can't hire and fire.

LEG. GULDI:

Yeah, let me --

LEG. CARACCIOLO:

George, you want to answer that?

LEG. GULDI:

Yeah, I can address that because I spoke to Mr. Maimoni about this and the related issue. And Mike, just for the benefit of the rest of our colleagues, the amount of those settlements from last week's exec session was over seven and a half million dollars County share for medical malpractice claims that we're self-insuring. This is a step in the right direction because by increasing the \$100,000 the -- we will pay a \$100,000 cost toward that insurance and the hospital will provide the insurance. The other bill that we have pending that is tabled at our General Session and which I intend to move and wholeheartedly urge everyone to support, is a bill that prohibits the County from entering contracts for doctors to provide health services at our clinics unless those doctors come with insurance.

The tragedy, the insanity if you will, of the current situation is the doctors who are servicing our clinics who are otherwise on the hospital staff with privileges and insurance are being assured by us, the taxpayers, when they work on patients in the clinic, the insurance companies are being subsidized by the taxpayers. The bill that I have tabled, I would submit, would prohibit that practice and prohibit the further subsidy of insurance companies on the taxpayers backs. The bad news is I'm informed by the County Attorney's Office that next month's array of proposed settlement approvals is going to be as grim as last months and we need to stop this as soon as possible and we'll address it further at our next meeting.

LEG. CARACCIOLO:

It's called a going away present, George.

LEG. GULDI:

Yeah.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

That answered my question. Thank you.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16 (Not Present: Legislators Postal).

LEG. FOLEY:

Thank you.

LEG. TONNA:

Are we done?

D.P.O. CARACAPPA:

That will do it for Budget Amendments.

LEG. GULDI:

Back to the agenda.

D.P.O. CARACAPPA:

Back to the agenda.

LEG. TONNA:

We don't have that much more, right?

D.P.O. CARACAPPA:

No. We're going back to number eight, Item No. Eight.

LEG. TONNA:

Did we do one?

D.P.O. CARACAPPA:

Yes, we did No. 1. **No. 8 - To consider and vote on IR 1874-2003 - Resolution delegating to the County Comptroller of the County of Suffolk, New York, the power to authorize**

the issuance of and to sell not exceeding \$250,000,000.00 Tax Anticipation Notes of said County in anticipation of the collectin of real estate taxes or assessments levied or to be levied by said County for the Fiscal Year commencing January 1, 2004 and providing for other matters in connection therewith.

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Tonna; thank you, Paul.

LEG. TONNA:

Come on, let's move. Joe, you going to second it?

D.P.O. CARACAPPA:

Second by myself. All in favor?

LEG. GULDI:

Hold on.

D.P.O. CARACAPPA:

It's a bond.

LEG. TONNA:

Bond, bond.

D.P.O. CARACAPPA:

It's TANS.

LEG. FOLEY:

It's No. 8?

LEG. TONNA:

James, James Bond.

D.P.O. CARACAPPA:

Tax Anticipation Notes. We good? Roll call.

(* Roll Called by Mr. Barton, Clerk*)

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

(Not Present).

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

17. 16, I'm sorry, Crecca not here (Not Present: Legislators Postal & Crecca).

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

No. 9 - To consider and vote on IR 1843-2003 - Resolution authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program (511 Equities/Hither Woods Addition - Town of East Hampton).

LEG. TONNA:

Motion.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Tonna, second by Legislator Guldi.

LEG. TONNA:

You know what?

D.P.O. CARACAPPA:

Hold on.

LEG. TONNA:

Legislator Guldi, you make the motion. I'm just trying to move this thing.

LEG. GULDI:

Thank you.

D.P.O. CARACAPPA:

For the record so it's clear, there's a motion to approve by Legislator Guldi, second by Legislator Tonna.

LEG. TONNA:

There you go.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I believe this is a property -- how much, this is \$20 million? What's the acquisition cost on this one?

MR. SABATINO:

Two million.

LEG. GULDI:

Two, \$2 million; \$100,000 an acre for waterfront at East Hampton. It's slightly below the mean appraised value for waterfront East Hampton parcel, undivided raw land; it's a steal.

LEG. TONNA:

This is better than Shagmore, right?

D.P.O. CARACAPPA:

A lot better.

LEG. ALDEN:

The problem is if we put --

LEG. GULDI:

Not in everyone's opinion but in the opinion of some.

LEG. TONNA:

Shag me.

LEG. ALDEN:

The report that we have has two different appraisals.

LEG. TONNA:

Shag me more.

LEG. ALDEN:

One's two million five and the other is one million five?

LEG. GULDI:

Well, yeah, the update -- if you look at the updated -- the adjusted time value of those appraisals and the mean calculation, you come up with a price of slightly, very, very slightly and insignificantly above the purchase price on this. Frankly, though, I can't believe the appraisals

knowing the area and knowing the volatility in the market.

LEG. ALDEN:

George, do you mind if I address a couple of questions to you, because it didn't really cover it in the documentation that I got. How many building lots does this really entail?

LEG. GULDI:

Tom Isles can address it better than I. Under the applicable zoning I don't know because we're not buying it as a yield subdivision, we're buying it as raw undivided land. If it were subdivided and we were paying the subdivision cost it would be very substantially higher. Tom?

LEG. ALDEN:

Well, my question isn't to the valuation of it, my question is to the propriety for us to go and buy something like this. If this is one building lot, you know, that's a lot of money for us to spend to take the footprint of the house, you know, out of the development. Because the rest of the land probably by the town would be required to be open space anyway and not build on. So if you can address that concern.

DIRECTOR ISLES:

I spoke to the Planning Director of the Town of East Hampton following our last discussion on this, she indicated to me that there is no approved subdivision on the property but she estimated that the yield would be a maximum of six building lots, so it could go anywhere from probably four, five or six but six would be the number she told me as the yield of the property.

LEG. ALDEN:

All right, thanks.

MR. ISLES:

The final yield wouldn't be determined until the Planning Board completes their review which has not occurred at this time.

D.P.O. CARACAPPA:

Okay.

DIRECTOR ISLES:

But six houses would be the number.

D.P.O. CARACAPPA:

Thank you, Cameron. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Abstention.

D.P.O. CARACAPPA:

One abstention, Legislator Caracciolo.

MR. BARTON:

15 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

It's approved.

Moving on to **No. 10**, this was discharged earlier, it is now before us, this is ***to consider and vote on IR 1788-2003, amending the 2003 Operating Budget transferring funds for John T. Mather Memorial Hospital Fortunato Breast Health Center.***

LEG. VILORIA-FISHER:

Motion.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by Legislator Tonna.

All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16 (Not Present: Legislator Postal).

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Okay, **No. 11 - To consider and vote on IR 1804-2003 - Amending the 2003 Operating Budget transferring funds to various contract agencies.** It says discharged from committee, but they have been.

LEG. O'LEARY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Foley on Item No. 11. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

No. 12 - To consider and vote on IR 1835-2003 - Resolution transferring contingent funding for various contract agencies (Phase III). Same motion, same second, same vote.

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Item No. 13 - To consider and vote on IR 1850-2003 - Resolution allocating Pay-as-you-Go Funding for planning for construction of noise abatement structures adjacent to Patchogue-Mt. Sinai Road, CR 83, between Granny Road and Bicycle Path, Town of Brookhaven (CP 5546.110), this is to lay on the table. Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? That is laid on the table and will go to Public Works.

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

No. 14 - To consider and vote on IR 1867-2003, a Resolution authorizing program to update Suffolk County Comprehensive Water Management Plan (without funding) --

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

15 and 16 are to lay on the table Resolution No. 1867 which will go to ELAP I believe?

MR. SABATINO:

ELAP is correct.

D.P.O. CARACAPPA:

1859 which will go to Public Works, 1860 which will go to Public Works; those are to lay them all on the table. Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

No. 17 - To consider and vote on IR 1861-2003, a Resolution authorizing public hearing for authorization of approval of lateral ferry license for Fire Island Ferries, Incorporated (to be laid on the table).

LEG. GULDI:

Same motion.

D.P.O. CARACAPPA:

Same motion, same second, same vote on **1861, 1862** and they will go to Public Works. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Now we're going right to **No. 23 - To consider and vote on IR 1871-2003, a Charter Law to abolish Division of Sports & Recreation (To be laid on the table and to set the public hearing for November 18, 2003)**. This is to lay on the table and set the public hearing for November 18th at 2:30, 2003. Motion by Legislator Fields, I'll even second that. All in favor? Opposed? Abstentions? And it's assigned to Parks, Sports and Recreation.

MR. BARTON:

16 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

We're laying on the table **No. 24 - To consider and vote on IR 1872-2003, a Charter Law to create a Suffolk County Department of Aviation (To be laid on the table and to set the public hearing for November 18th, 2003)**.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

It will go to Economic Development. Motion by Legislator Guldi, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Postal).

And **No. 25 is a CN which is 1882-2003**. This CN is asking to be laid on the table, not for approval, to be laid on the table and to be discussed at a Special Meeting of the Ways & Means Committee which I believe has been set.

MS. BURKHARDT:

I think we're going to just go regular committee.

D.P.O. CARACAPPA:

Oh, we're going to go just with a regular committee cycle.

LEG. GULDI:

Yeah, you were working that out; are we doing it regular?

D.P.O. CARACAPPA:

Regular committee cycle, the next regular committee cycle, this bill, this CN is to lay on the table.

LEG. BISHOP:

It needs how many votes?

D.P.O. CARACAPPA:

It needs 12 because it's a CN.

MR. SABATINO:

No, 12 will adopt it, so the key is --

D.P.O. CARACAPPA:

Oh.

MR. SABATINO:

The key is to get to 10 or 11; 9 will defeat it but 10 or 11 will get it into committee.

D.P.O. CARACAPPA:

Oh, I understand.

LEG. BISHOP:

My --

LEG. FOLEY:

Mr. Chairman? Mr. Chairman, if I may.

MR. SABATINO:

You can just make a vote -- if you want to, you can just take a vote to commit it to committee, that might be a better way to do it.

D.P.O. CARACAPPA:

I'll make a motion to send this to committee.

LEG. BISHOP:

Second.

D.P.O. CARACAPPA:

Second by Legislator Bishop.

LEG. FOLEY:

On the motion. On the motion.

D.P.O. CARACAPPA:

Lay on the table and second to committee which will be the committee of Ways & Means.

LEG. GULDI:

Next regular meeting.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

You sure you want to discuss it now, Brian?

LEG. FOLEY:

Yes, I would be happy to.

LEG. TONNA:

Let's just --

LEG. FOLEY:

No, no, no, we have -- I understand there's time constraints; I understand there has to be a

decision made by November 22nd. I had initially wanted to go through committee, but when I took a break before and spoke to some who are involved in this area, and we may want to hear from them directly, but it's my -- maybe Budget Review can also chime in on this. It's my understanding that there is a November 20 -- Mr. Chairman, can we have some order to this? That there is a November 22nd deadline as to whether or not -- well, certain decisions relating to this bill have to be made by that date because it's a deadline of some sort of nature. That being the case, it cannot then go through the regular committee process.

D.P.O. CARACAPPA:

Well, they can be --

LEG. FOLEY:

Maybe we can hear from Todd on this.

D.P.O. CARACAPPA:

I know, but there can be another Memorandum of Agreement extending the deadline --

LEG. FOLEY:

Oh.

D.P.O. CARACAPPA:

-- which would allow the committee cycle to happen and have full --

LEG. BISHOP:

Do we need to authorize that today, the temporary?

D.P.O. CARACAPPA:

No.

LEG. BISHOP:

Well, Counsel?

MR. SABATINO:

You have an asymmetrical situation which is that one, two, three, four, five of these memoranda have been done without Legislative approval; this one's being proposed to do it the right way

which is to have Legislative approval after not doing it for 12 years. But if you believe that this resolution is necessary, then all of the previous memoranda are invalid including the deadline that's an artificial deadline of November whatever. So --

LEG. BISHOP:

You're right, I'll buy that.

LEG. FOLEY:

I stand corrected.

LEG. BISHOP:

So we don't need to do it, okay.

D.P.O. CARACAPPA:

So it's --

LEG. BISHOP:

Motion to table to committee.

D.P.O. CARACAPPA:

Right.

LEG. BISHOP:

Refer to committee.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal).

LEG. TONNA:

We have another two votes, right?

D.P.O. CARACAPPA:

Well, there was --

LEG. TONNA:

Point of personal privilege?

D.P.O. CARACAPPA:

Yes. Legislator O'Leary, you discharged -- did you just -- oh, that was already before us, that's right. Legislator Tonna.

LEG. TONNA:

Point of personal privilege.

D.P.O. CARACAPPA:

Go ahead, Paul.

LEG. TONNA:

I just want to -- I just read this Newsday article about Supervisor McGowan's comments to Legislator Fields and I just think since it is a colleague of ours, I just think this is absolutely horrendous. And I just want to express my complete displeasure with Supervisor McGowan's comments to you, Legislator Fields. I just think this is so

unprofessional of somebody who in the great Town of Islip would act so unprofessionally. Thank you.

LEG. VILORIA-FISHER:

I would like to second that. As a woman, it's particularly insulting.

LEG. TONNA:

Right, but I didn't make it primary as a woman, you know.

D.P.O. CARACAPPA:

That is duly noted and I'm sure --

LEG. FOLEY:

As a human being.

D.P.O. CARACAPPA:

-- that is shared by the entire body.

LEG. NOWICK:

I would also agree and I would say kudos to you for taking on the race.

D.P.O. CARACAPPA:

Is there any other business to come before this Legislature? Before we adjourn, I'd just like to thank the Budget Review Office for another wonderful job in assisting us through the budget process.

LEG. FOLEY:

Yeah, 4/7 for a number of weeks to months, both you and your staff have done an outstanding job.

D.P.O. CARACAPPA:

We're adjourned.

[THE MEETING WAS ADJOURNED AT 2:25 P.M.]

{ } - DENOTES SPELLED PHONETICALLY