SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

SIXTEENTH DAY
NOVEMBER 7, 2007

2008 Operating Budget

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

Minutes Taken By:
Alison Mahoney & Lucia Braaten - Court Stenographers

(*The meeting was called to order at 10:09 A.M.*)

P.O. LINDSAY:
Okay, Mr. Clerk, would you start calling the roll, please?

(*Roll Called by Mr. Laube - Clerk*)

LEG. ROMAINE:
(Not present).

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. CARACAPPA:
Here; I'm still here, not dead yet.

LEG. LOSQUADRO:
Present.

LEG. ROMAINE:
Here.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
(Not present).

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
(Not present).

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen (Not Present: Legislators Mystal, Montano & Viloria-Fisher).

MS. ORTIZ:
Kennedy is here.

P.O. LINDSAY:
Romaine and Kennedy came in.

MR. LAUBE:
Fifteen (Not Present: Legislators Mystal, Montano & Viloria-Fisher).

P.O. LINDSAY:
Okay, would everybody rise for a salute to the flag by Legislator Losquadro?

Salutation

If everybody could remain standing; unfortunately, I'm going to recognize Legislator Schneiderman for the purpose of a memorial about his Dad.

LEG. SCHNEIDERMAN:
Thank you, Mr. Lindsay. I'll try to get through this. With Veteran's Day approaching, those who have fought for our country are certainly in the forefront of our minds.

My Dad was a World War II Vet, a Korean War Vet, spent eight years of active duty and another 18 years in reserves, was a school teacher here at Middle Country School District in Centereach, was a terrific Dad. And I got a call this morning at around four o'clock that he had passed away, so I'd like to take a moment of silence in his honor and memory. Thank you.

Moment of Silence Observed

P.O. LINDSAY:
Thank you. Thank you, Legislator Schneiderman.

LEG. MYSTAL:
Tim.

P.O. LINDSAY:
Okay, this is a Special Meeting of the Suffolk County Legislature specifically to address the Operating Budget and just a few other items. Mr. Clerk, was the notice properly advertised?

MR. LAUBE:
Yes, it was.

P.O. LINDSAY:
Okay. With that, we have scheduled a one hour public portion. And I do -- wait a minute. Before we start the public portion, and I would be -- I'm sorry, I'm remiss in that I should have also had a

moment of silence for the two young men, or three young men that were killed in the auto accident in Smithtown. John {Orano} was 13 who died in the tragic accident on Jericho Turnpike in Smithtown this past Wednesday, along with two other teen-age boys, Daniel DeStefano and Michael Western and our prayers go out to their families and friends and keep them in your prayers. Okay, do you have to read the notice?

MR. LAUBE:
"Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Wednesday, November 7, 2007, at 10 AM in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6B of the Suffolk County Administrative Code for the following purpose: One, to hold a one hour public portion; two, to consider and vote on IR 2093; three, to consider and vote on Budget Amendments to the Mandated Portion of the Proposed 2008 County Operating Budget; four, to consider and vote on Budget Amendments to the Discretionary Portion of the Proposed 2008 County Operating Budget; and five, to lay bills on the table."

P.O. LINDSAY:
Thank you, Mr. Clerk.

MR. LAUBE:
You're welcome.

P.O. LINDSAY:
The first order of business is the one hour public portion and we do have some cards. The first speaker is Gregory Noone.

MR. NOONE:
Good morning. And thank you, Mr. Lindsay. First of all --

LEG. LOSQUADRO:
I don't think it's on. The top button, slide it towards you.

MR. NOONE:
Better?

LEG. LOSQUADRO:
There we go.

MR. NOONE:
Thank you very much. Good morning. Thank you, Mr. Lindsay. I don't have any prepared notes. I'm Gregory Noone from Thursday's Child, an HIV/AIDS Service Organization based in Patchogue. First off, I want to congratulate each of you for your victories yesterday; I know each of you worked hard and long.

Jay, you know, as I met each of you, talking about the clients that we serve, the least of our brothers here on Long Island, the poor, you -- you asked questions, your father should be so proud of you looking down. When I first met each one of you around this horseshoe and told you about the poor, about how people with AIDS are suffering in this County, and about how callous the Federal government and the State government has been and have requested assistance from each of you, you asked questions that were caring, informative, probative; I do believe your father would be quite proud of you.

LEG. SCHNEIDERMAN:
Thank you.

MR. NOONE:

To you, to Ms. Nowick, Legislators Eddington, Cooper, Losquadro, Schneiderman, Kate Browning; thank you for your dare and your courage for coming out and supporting Thursday's Child when it's not popular, when AIDS isn't sexy anymore, when we all consider that it's a disease somewhere else.

I'm asking the Presiding Officer if you would reconsider funding fully Thursday's Child AIDS Services Access Proposal before you vote on today's budget. It is urgent, it is vital, it is essential. Considering yesterday was Election Day, yeah, I can probably be very honest and say a lot of my clients probably didn't vote. During one of my speeches to you earlier this year I had talked about Mariani of Brentwood and I told how she left our office in tears crying because Thursday's Child didn't have services to offer anymore. Well, the news got worse, because Case Management Services for HIV/AIDS Services are also going down the toilet in this County. She is no longer being represented and she is now out of oil because she's being represented by a health services company in Nassau County who has no idea how to access her Social Services for Emergency HEAP.

No, the news is not getting better. Catholic Charities, the largest single social service agency on Long Island, is getting out of the HIV/AIDS service business January 1st, 2008, closing their Adult-Day Treatment Center in Freeport which serves hundreds of Suffolk County residents. I had stated that once the Ryan White monies had dried up, Thursday's Child would not be the first agency to close, it would not be the last agency to close.

I have learned a lot of lessons meeting each and every one of you, the lessons in courage are wonderful, the lessons in priorities of budget setting are incredibly difficult, each of you has such an incredible task before you. The point of government is to help the least, and I do ask that you reconsider your priorities. The people that I represent are the least of Suffolk County; they're not going to be out handing out campaign literature while they're seeking food for their children for this weekend.

I thank each and every one of you. Congratulations, once again, and condolences again to the Schneiderman Family. Thank you.

P.O. LINDSAY:
Thank you, Mr. Noone. Geri Walsh.
MS. WALSH:
Good morning. I represent the South Brookhaven Health Centers Advisory Committee.

LEG. LOSQUADRO:
Just pull that mike closer to you, please.

MS. WALSH:
I represent -- is that better?

LEG. LOSQUADRO:
Yes.

MS. WALSH:
The South Brookhaven Health Centers Advisory Committee and I'm here to ask you to continue to fund and fully fund the health centers of not only the two that I represent, Patchogue and Shirley, but the others as well.

To my way of thinking, those of us who have health insurance, perhaps we take it very for granted. It goes without saying, the way I look at it, that we should be funding people who do not have insurance or people who are under-insured, but that's not -- I'm going to leave that to others, that's a humanitarian aspect. What I'd like to mention is the practical aspect.

If these health centers are privatized, if these health centers are under-funded, it poses a very real

public health crisis to us. For example, take this new {Mercer} Staph Infection that we hear so much about in the news; I've read that the most important thing is for you -- if you suspect that you have it, to seek immediate medical attention. Well, if those health centers aren't open and if people don't have access to private physicians due to their finances or lack of insurance or under insurance, they're not going to seek attention and that becomes a problem for all of our society.

The second thing I wanted to mention was that if health centers close or if health centers reduce their hours, where are people going to go? Well, they're going to go to -- in Brookhaven, to Brookhaven Memorial Hospital. Already it is bursting at its seems. Brookhaven is the largest growing township in all of New York State and people are going to start using that hospital as a primary physician, and that affects everyone because we all have to use the same emergency room. We all have to wait there and if people are there for things that could be taken care of at the health centers, to me it makes no sense to put ourselves in that position.

So I would ask you to fund all of the health centers and I thank you for your time.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you very much. Phyllis Pitts. Phyllis Pitts?

MS. POTTS:
Hello. My name is Phyllis Potts; I guess I spelled it improperly.

P.O. LINDSAY:
I'm sorry, it looked like an I.

MS. POTTS:
But congratulations to all of you who won this election, I watched it with bated breath and tried to do my part.

I, too, am speaking on behalf of the health centers. I'm both a patient of the Shirley Health Center for, God, 20 years or more and have been on the Advisory Board for at least ten.

To me, it is so important, there are so many uninsured and under-insured people in our area and there are more families moving in all the time. It's so important that these health centers be kept opened. If the budget is not increased by at least 4%, they will have to cut more hours and more staff. They have been working with limited staff and hours and it just can't be done. I know people who are working two part-time jobs; the only time they could get to have help is at night or on weekends, and if the budget is not increased, those hours will have to be eliminated. If, by any chance, the health centers are privatized, I'm sure that the poorest among us will not be able to afford their services. I hope you'll consider that. Thank you very much.

P.O. LINDSAY:
Thank you, Ms. Potts. Mary Therese Kaniecki.

MS. KANIECKI:
I, too, represent both of the clinics at South Brookhaven, Patchogue and Shirley; I'm not only a patient, I, too am on the Advisory Board.

The clinic has been under-funded for the last seven years. We already have lost the mornings Wednesday and all day Saturday. There is no way that we can pay decent salaries to the nurses, the technicians and the doctors, according to their salary on a County level, to be competitive to get the very people who staff the centers. If their salaries aren't up to par, we might as well close the doors. That's one thing.

Space. The clinic is so over-crowded at times just for simple things, colds that are on the verge of becoming pneumonia, TB that can't be handled by ordinary antibiotics. These are things that if they had to get into the emergency rooms at Brookhaven Hospital -- my own husband was there twice a couple of months ago, the place is wonderfully handled but it's like a zoo; you can hardly walk between the beds that are in the hallways and next to the nurses desks. I don't know where we're going to go.

If you're poor, you simply have to go to the emergency room if you don't go to one of our clinics. The clinics support the hospitals in ways that we'll never know. Hundreds and thousands of people are in each clinic in Suffolk County. When I came out here, the Suffolk County health system was the rave of the entire country. Now we have a young man who wants to privatize these clinics, has already done it without the knowledge of any one of you people. How can you let this happen? If he gets away with it here, he'll get away with it somewhere else. I'm told now, reading Newsday, the next thing he'll want is cutting the school taxes; he got away with it once, he'll get away with it twice. Maybe one of these days you won't be so healthy and wealthy, you're going to be in big, big trouble. Steve Levy has to be told he cannot get away with murder. I'm a Democrat, I could kill him for what he's doing.

It's a terrible thing that poor people who are citizens of this country, who pay their taxes all their lives, are now in desperation. You have to understand what the health clinics mean; they're not for a couple of hundred people, they're for thousands of people. I'm sorry you have to hear it, but if you cut again you're doing a very immoral thing; sorry, but it's true.

P.O. LINDSAY:
Anita Fleishman.

MS. FLEISHMAN:
Good morning. My name is Anita Fleishman and I'm the Executive Director of the Pederson-Krag Center. I congratulate all of you who have come through yesterday intact. My condolences to the Schneiderman Family.

I first would like to thank all of you for the restoration of our funding for our Post Adoption Program. The amount of money and human turmoil you saved by the restoration will far exceed the funding that was replaced. I feel it would be remiss of me and to my agency and to other not-for-profit community organizations if I did not speak today and let my words become part of a public record.

I am greatly disappointed by the County Executive and the Legislature that have not -- that have reduced our clinic budgets and not even added what we had requested for continuing services. I have had the opportunity to review the budgets to be voted on today. I believe that the monies being restored to our Police, Assistant District Attorney's Office, Sheriff's Office, Probation are very necessary given what I believe was a significant increase, percentage increase in the population that they deal with. However, recent studies have repeatedly documented that a large and growing percentage of individuals suffering from psychiatric disorders are those that are filling our jails and going in to our courts.

Suffolk County has instituted several programs that address only half of the problem, alternatives to incarceration, mental health courts will only be effective if there are sufficient resources in our community to provide services to individuals coming through these programs. Until there is sufficient funding to out-patient mental health and substance abuse programs, the root cause of this problem cannot be dealt with effectively and we will continue sinking money into an endless black hole and jeopardize public safety and our communities. Thank you.

P.O. LINDSAY:
Thank you, Ms. Fleishman. Debra Alloncius.
MS. ALLONCIUS:

Good morning, Chairman Lindsay and members of the Legislature. On behalf of Cheryl Felice and the members of AME, I would like to extend our condolences to Mr. Schneiderman and his family.

LEG. SCHNEIDERMAN:
Thank you.

MS. ALLONCIUS:
And I would also like -- we would like to commend the Legislature for the time and effort put into this report. And we aren't in quite a bit of agreement with several of the things that you put in, here especially issues like the pay-as-you-go; we don't want to see so much debt go out, there's no doubt about it. The account positions for the Account Clerks in DSS, you know you need them, that will probably eliminate very severe, critical shortages, not only in the process with the day-care situation but in all situations across the board with payments getting out of DSS with contracts.

The time and effort that went into this is really incredible. We cannot thank you more for what you do in establishing the positions and we need your help. We look forward to a wonderful year and we'd like to congratulate every one of you on your wonderful campaigns and reelections and look forward to a great year. Thank you.

P.O. LINDSAY:
Thank you, Debra. Terrence Smith.

MR. SMITH:
Thank you for the opportunity to speak on behalf of the Huntington Hospital Dolan Family Health Center. My condolences to the Schneiderman Family. I have an 87 year old Dad who's a veteran of the Second World War and he is precious to me, as I'm sure your Dad was to you.

LEG. SCHNEIDERMAN:
Thank you, sir.

MR. SMITH:
I'd like to thank the members of the Legislature. Every year you work hard to come up with the resources to help sustain our Suffolk County Health Safety Net. As has been appropriately pointed out before from the folks from Brookhaven where I was fortunate enough to be an administrator about 12 or 13 years ago, there's a tremendous amount of service and a tremendous amount of dependence on the County's Health Center network.

Probably about 25 years ago I saw a Public Health Policy course syllabus from a college in Phoenix, and the Suffolk County Department of Health and network was an example of what was taught as to how to deliver services for the indigent; I was proud then and I'm still proud that we've been able to sustain it. I truly believe that we have found this year the most resources that we can for care of the indigent, however it's going to present us with some difficult choices. I want to thank Legislators Cooper, D'Amaro and Stern for always being available to the not-for-profits in Huntington who are trying to take care of the poor and for listening to us.

I want to take a slightly different stant on the impact of the budget. I have with me nine documents here which are the nine iterations of the hospital budget that I've been through at Huntington Hospital. It's interesting, for an investment of about $230 million, our hospital is probably going to be very happy if it can achieve slightly less than half a percent return on that. And by that I mean for $230 million in revenue, the difference over expenses is about 500,000; I think most hospitals in Suffolk County would be very happy with a .04 of 1% return.

At the health center where the funding has been restored for us, the hospital budget right now is looking like about $834,000 loss that I'll have to help that hospital manage for next year, and that is with over a quarter of a million dollar contribution by the hospital. You can count on me to push that hospital to give every bit of indigent care that it possibly can, you can count on us to maximize

use of volunteers who come through and donate their services and orthopedic surgery and podiatry and a number of other specialities and you can count on us to pare that health center down to the very core mission. Some of the hard choices will be what to do about immunizations clinics, what to do with the number of hours that we have and so on. I can probably close -- out of that $834,000 gap, I can probably close a hundred thousand of it, but I will still hand the board and Huntington Hospital a $700,000 loss at current funding which will pretty much obliterate their $500,000 return on their $230 million investment.

Our hospitals are strapped. We have public reporting starting, we have people that are being vocal about how they're treated in the ERs. ERs are a very, very tough operation to do well, ERs will be pressed. Last year when I spoke here, Newsweek was reporting 44 million Americans uninsured, more recently they're reporting 47 million Americans uninsured. I know there's not a bottomless pit of money in Suffolk County to fund the indigent, but you also have to realize that all of the hospitals that help us manage health centers cannot accept the burden of care at the levels of demand if we do not fund the health centers properly.

So I thank you all for your hard work and good luck next year and I hope to be here next year talking to you about your good work and the challenges facing us. Thank you.

P.O. LINDSAY:
Thank you. Joseph Harder.

DR. HARDER:
I'm pleased to be here. And I want to thank the Legislature for all their support financially in previous years and from what I'm sure will be some restoration of funds this year. Also, my condolences also to the Schneiderman Family.

LEG. SCHNEIDERMAN:
Thank you.

DR. HARDER:
And congratulations to all of you who have been elected and re-elected. I will not repeat what has been said very eloquently by three people that accompanied me here, Geri Walsh and Therese Kaniecki and Phyllis Potts; they did an excellent job with presenting the needs in our health center in Shirley and in general. I do want to just add that when we say that we were 4.7% short, that came out to about a figure of 415,560, from what I heard from the administrators, to make it in dollars and cents instead of just percentages.

I do want to emphasize something that wasn't emphasized, that among the things that might be cut if we didn't have enough restoration funds was the follow-up care to abnormal mammograms, and to report that that would be almost unethical. If we have screening programs in place and then we have abnormal findings, that we just tell them, "Well, there's something not right here but there's nothing we can do in terms of further diagnosis and care because the funds have been cut"; that would be a rather disastrous approach, I think, to a rather disastrous disease in any case, and I'll just read the paragraph that applies to that; "Imagine telling a patient who could be a long-term survivor of breast cancer that follow-up care and response to an abnormal mammogram is unavailable due to the reduction of resources at a community health center, imagine the impact."

I also want to say that in terms of the privatization of care or planned dismantling of the health care system, which I do honestly believe is in the agenda of the upper echelons of the Levy Administration -- in other words, to remove responsibility for care of the poor, under-insured and un-insured from the County government -- I believe that is in process because of the transfer or, quote/unquote, sale of the Elsie Owens Health Center in Coram to SUNY and the reported changes that are already spoken of as being in process by people there, in their advisory council.

Privatization does mean you're replacing a County system, in place for nearly 40 years, with subsidized caring for the less affluent by this partnership that was so successful, the communities, the County and, where available, backup hospitals. The consequences for tens of thousands who have depended for their health care on the centers as a Safety Net and as eloquently mentioned by Geri Walsh, the effects on public health and the hospital emergency rooms are unimaginable. And the question could be if this were to take place, will unavailable health care for the poor be added to the already inadequate food and housing that they often face.

Enough said on that, I just want to present former Legislator John Foley's comments to you. He would have been here with me except that he's too ill to attend today, but he asked me to stop by which is why I was late arriving, and read to you --

P.O. LINDSAY:
Mr. Harder, could you wrap up, please? You're out of time.

DR. HARDER:
Yes. He just asked that the Suffolk Health Plan changes and the changes perhaps with the Elsie Owens Health Center should be presented in accordance with the Suffolk County Administrative Code, Section A-4 (2)B requires the County Executive to submit his proposals for these radical changes. So again, thanks to you Legislators for your financial support for our health centers, we depend on you.

P.O. LINDSAY:
Thank you, Mr. Harder. Michelle Santantonio.

MS. SANTANTONIO:
Good morning. I, too, want to share my condolences for the Schneiderman Family, and congratulations on the elections.

I'm here to represent Long Island Housing Services. I did make a presentation before the Health and Human Services Committee and Veterans and Aging Committee. Unfortunately, as a small not-for-profit serving Long Island since 1969, particularly Suffolk County, there's always too little time to address all of the needs. Money is a big need for our agency. We have only received funding from Suffolk County twice ever in our history. Roughly, we serve 1,500 individuals a year related to substandard and illegal housing conditions. There's a big cost that we're saving to the County when we intervene with the landlord and tenant to try to correct problems and to teach tenants how to exercise their rights and to take proper care related to their leases.

We also counsel a great number of people related to mortgage default and foreclosure prevention, and particularly in the last four years related to predatory lending and abusive lending scams. Long Island Housing Services serves on the Steering Committee for New Yorkers for Responsible Lending and we've been a member of that organization since the beginning and have tried to encourage all of the HUD approved and HUD certified counseling agencies that serve Long Island, I believe there are 13 now, to support that effort which has resulted in some anti-predatory lending regulation for New York State. We're dealing on a daily and weekly basis with people that are facing foreclosures, and I'm sure that you're hearing these same things from constituents in your offices. Many of them perhaps have been complicit in fraud, but by and large what we're seeing in our office are people that have been totally scammed by fraudulent appraisals, sometimes attorneys, and lenders that are not telling up-front the required disclosures under the law.

We also deal with illegal discrimination, and unfortunately that's still very common on Long Island; we're one of the most racially segregated areas in the whole country. Long Island Housing Services has been the only provider of fair housing counseling and investigative services and proactively challenges illegal discrimination in the administrative realm and through Federal Court where there's compelling evidence to prove that discrimination has occurred. I'm asking you to consider support for Long Island Housing Services, the only not-for-profit that provides the services that we do.

I have some handouts for you. The last time we received grant money we came up with a CD that's available in English and Spanish, a 12 minute summary of our Fair Housing Rights Guide which also includes tenants' rights information. Thank you.

P.O. LINDSAY:
Thank you, Michelle.

That concludes the cards. Is there anyone else in the audience that would like to address the Legislature? Seeing -- oh, is someone coming forward? No, okay. Seeing none, I will make a motion to close the public portion. Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Twelve (**AMENDED VOTE: Thirteen - Not Present: Legislators Romaine, Montano, Alden, Kennedy & Mystal).

P.O. LINDSAY:
Okay, before we get to the budget, we did not -- our public portion, under our rules, we don't have the opportunity to reply to the speakers. But just in the interest of clarification for the Legislators that are about to vote on the budget, I would like to ask Budget Review just to the comment on Thursday's Child, the health centers and Pederson-Krag in terms of what the working group did in the Omnibus.

MS. VIZZINI:
As you know, Mr. Presiding Officer, this was one of the most challenging budgets that the working group and the Legislature has faced in some time. In that context, the recommended budget included $15,000 for Thursday's Child, if the lines in the Omnibus are approved, Thursday's Child would have a total funding of 85,000.

Pederson-Krag; similarly, the Omnibus restores 91,000 to Pederson-Krag which would give them a total funding of 178,109 for all their programs.

The health clinics were restored to the 2007 adopted amount with the exception of the Huntington Hospital which has slightly more funding than the '07 adopted.

P.O. LINDSAY:
What was that amount of restoration; do you have that in front of you?

MS. VIZZINI:
One point six million.

P.O. LINDSAY:
Thank you.

Okay, with that, we're going to consider and vote on ***Resolution 2093-07, A resolution delegating to the County Comptroller the powers to authorize the issuance not to exceed $300 million Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of collection of taxes, levied or to be levied for the fiscal year commencing January 1, 2008 and to subscribe the terms, forms and contents and provide for the sale and credit enhancement of such notes.*** I'll open to a motion.

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Stern.

LEG. COOPER:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not present: Legislators Montano & Mystal).

P.O. LINDSAY:
The next item on our agenda is to consider and vote on the ***Budget Amendments to the Mandated Portion of the proposed 2008 Operating Budget,*** and I believe it's in the long descriptions that's in your packet. And I will make a motion to approve.

LEG. LOSQUADRO:
I'll second that motion, Mr. Chairman.

(*Legislator Montano entered the meeting at 10:49 A.M.*)

P.O. LINDSAY:
Seconded by Legislator Losquadro. Any discussion? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Mystal).

P.O. LINDSAY:
Item No. 4, to consider and vote on the ***Budget Amendments to the Discretionary Portion of the 2008 County Operating Budget.*** And again, I will make a motion to approve.

LEG. LOSQUADRO:
I'll second again, Mr. Chairman.

P.O. LINDSAY:
Seconded by Legislator Losquadro, and it's Budget Amendment Resolution No. 2.

LEG. VILORIA-FISHER:
Ed Romaine has a comment.

P.O. LINDSAY:
Yes, Legislator Romaine.

LEG. ROMAINE:
Yes, Mr. Presiding Officer, I have a question for our Budget Review Office. Specifically, if as we adopt these, what the impact will be on the tax rate in each of the ten towns, so we know what the impact will be on property taxes, are they going up, are they going down? I think it's a fair question to ask since we don't all represent one part of Suffolk, we represent many different parts of Suffolk.

MS. VIZZINI:
We'll be happy to enter that information. It is included in our Operating Budget Review since the Omnibus, both Mandated and Discretionary combined, make no change in terms of the reduction in the General Fund Property Tax Levy and the modest increase in the Police District.

LEG. ROMAINE:
So let me ask you this, Ms. Vizzini. So whether we adopt the Omnibus or whether we adopt the Executive's budget, the tax rate would be the same; is that correct?

MS. VIZZINI:
We haven't changed the General Fund or the Police District, that's correct.

LEG. ROMAINE:
The tax rate would be the same per town.

MS. VIZZINI:
Generally speaking, yes.

LEG. ROMAINE:
Whichever budget is adopted.

MS. VIZZINI:
Correct. And as you know, there are many factors that impact the town property tax rates.

LEG. ROMAINE:
Of course, I understand that. Obviously assessments, in my view, have -- from what I understand have grown faster on the east end than the west end, that puts the east end at a disadvantage in terms of the tax rate. But I just wanted to go through the ten towns so we know what the impact is on the tax rate.

MS. VIZZINI:
Sure thing. I'm going to defer to Mr. Lipp.

MR. LIPP:
Property taxes will be going up in eight of the ten towns.

LEG. ROMAINE:
Let me just understand this. Under either the Executive's budget or the Omnibus budget, whichever is adopted, taxes will go up in eight of the ten towns?

MR. LIPP:
Yes, on average, for the average homeowner.

LEG. ROMAINE:
Right, we have to calculate it as if we're talking about the average homeowner. Could we discuss the percentage of increase per town for the ten towns?

MR. LIPP:
Sure. The effective increase would be overall 2% and the calculated estimated average homeowner property tax bill would go up by 3.1% in Babylon, 1.2% in Brookhaven, would go down by 1.9% in Huntington, up by 4.4% in Islip, up by 2.6% in Smithtown; then out east it would go up by 24% in East Hampton, it would go down by over 21% in Riverhead, up by 3 1/2% in Shelter Island, up by 8.7% in Southampton and up by 7% in Southold.

LEG. CARACAPPA:
That's general or blended?

MR. LIPP:
This is a blended rate of the combined General Fund, College, District Court and Police District.

P.O. LINDSAY:
Does that satisfy your question, Legislator Romaine?

LEG. ROMAINE:
Yes, thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Gail, I have a question regarding the Suffolk Health Plan, the sale of the Suffolk Health Plan. Mr. Harder referred to one of the pages of the Budget Review Office's review of the budget in which you suggest and advise that there should be a detailed proposal when it comes to this plan and the sale of it, because it's such a radical change. And we heard a number of the speakers refer to their concern regarding the future of our health centers and there have been a number of people who have approached me, called me and spoken with me, as I canvassed during the election season, that under a private health plan scenario, the health clinics would be in danger because of the lack of profit that private HMO's would realize in supporting and having the health clinics as, you know, health providers. Can you just comment on that and what we should be looking for when we look at a proposal?

MS. VIZZINI:
A couple of things. One is the Charter does require that a change in policy of this magnitude or reorganization, a sale of asset should have been provided to us beforehand. In this particular case, unfortunately, the sale, the proceeds of the sale, the transfer of $16 million benefitting the General Fund was all very tightly woven and integrated, this particular policy decision, into the Operating Budget. So it was difficult to just look at the pros and cons of the actual policy determination without adversely impacting the General Fund.

Secondly, it is my understanding that the Legislature had limited input or information except that there was a consultant report that was issued, I believe it was in August, and we did have the opportunity to review that, but that was also on or about the time we're viewing the budget and preparing our report. Conspicuous by its absence was any discussion of the impact on the clinics of this particular change.

The -- it could go either way, and we don't really know and that's not something that the consultant addressed. The RFP, my understanding, is being expedited and, therefore, the sale would also be expedited. The budget provides for paying the people for about six months until such time as the sale is consummated and approved and then the people have all been basically transferred mid-year or will be transferred mid-year to other functions.

D.P.O. VILORIA-FISHER:
Is there going to be something in the RFP that would protect the clinics?

MS. VIZZINI:
The thinking, based on what the department and the County Executive's Budget Office has shared with us, is that the RFP will include a proviso that the clinics remain part of the network for whoever purchases the membership, because really all that they're purchasing is the 14,000 members of the Suffolk Health Plan.

The concern of the Budget Review Office is -- one of the problems why the plan is not doing as well as it has been in the past, it is not in the red, although that does change from month to month, and it is not identifying the considerable fund balances that it has generated in the past, and that has a lot to do with the Federal funding and the State funding changes. The concern here is that if our

clinics are poorly rated by our clients as having long waiting periods and what have you, is it really probable that whoever purchases this is going to want our clinics as part of their network? But the thinking is that we do have some loyal clients to the clinics and that that would be -- certainly we're trying through the RFP to maintain the flow of revenue and the operation of the clinics if someone -- when someone buys the plan.

D.P.O. VILORIA-FISHER:
So the bottom line is that through this proviso that's included in the RFP, our clinics are being protected, in this sale.

MS. VIZZINI:
That's my understanding. Budget Review has had no real opportunity, other than based on what the department and the Budget Office have told us; we have not seen a draft RFP nor have we been asked for any input into the process.

D.P.O. VILORIA-FISHER:
Now, will we have the opportunity to see a draft RFP? I don't -- maybe I should be asking --

MS. VIZZINI:
I'm sure if we requested it, if it was requested by the Legislature, absolutely but, you know, I would defer to Counsel. Once we approve the budget, the budget has this woven into it.

D.P.O. VILORIA-FISHER:
I'm concerned about that because are we then giving an approval of whatever the direction -- George, I'm asking you this question. By approving the budget -- and as Ms. Vizzini has stated, this was so woven into the budget that the working group, in all its difficult deliberations, couldn't tease this out of the budget and still have a balanced look at our numbers. Are we giving an approval for the County Executive to go ahead and draft the RFP in whatever form they want by approving this plan in the budget?

MR. NOLAN:
Well, I definitely think there's a tacet approval, if it's in the budget, that they can go and should go ahead with drafting the RFP. If down the road the Legislature was to act and say, "We don't want to move ahead with the sale," and passed a resolution and established a policy, "We're not going to do it," I believe that would prevail; however, obviously it would leave you with a budget problem.

D.P.O. VILORIA-FISHER:
We'd have holes all over the budget.

MR. NOLAN:
As far as I know.

D.P.O. VILORIA-FISHER:
But what I'm asking, though, is approval of the RFP.

MR. NOLAN:
No, that does not -- I don't think that --

LEG. VILORIA-FISHER:
That they don't have to come to us.

MR. NOLAN:
I believe with a major policy -- because the County Legislature is a policy making arm of the County government, I believe that particular sale should come here to be approved by the County Legislature, not withstanding what we're doing with the budget.

D.P.O. VILORIA-FISHER:
Okay. All right, so we do have the ability to take a look at it.

MR. NOLAN:
I believe we do. You know, the County Executive may have a different opinion about whether it needs to come over here, but since it's such a major policy determination, I think the Legislature can assist it and come over here.

D.P.O. VILORIA-FISHER:
And as Ms. Vizzini said in the Budget Review's Review of the budget, that according to Administrative Code, there should be detailed, a detailed look at the proposal.

MR. NOLAN:
Yeah, I looked at that section that was cited, I don't know that that section really applies to this situation; I looked at it quick and I -- but that was a first. I'll talk to the Budget Review Office about it and what their interpretation is.

D.P.O. VILORIA-FISHER:
Okay. All right, yeah, we'll be looking for that, it's really important to protect our clinics. Thank you.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
First let me say that I enjoyed being on the work group this year, I think we did a good job. There were some very difficult decisions.

P.O. LINDSAY:
That's on my list, to thank everybody; don't beat me to the punch.

LEG. SCHNEIDERMAN:
Okay, that needed to be made, particularly you, Mr. Lindsay. It was a challenging effort.

A moment ago, Mr. Lipp was talking about the various tax changes in the different -- in the various townships, and you heard some towns go up, some towns go down. Our budget in terms of the General Fund is a slight decrease in the rate of taxation, and what happens town to town, if property values go up more than another town, then that tax rate gets applied against a bigger number. Similar to if you buy a TV today versus tomorrow and the price of that TV goes up, even with the tax rate not changing, you're paying more taxes. So there's nothing we can do about that. In some senses in my district, I'm happy that property values continue to appreciate at strong rates; as long as we're cutting the tax rate, I feel that we're doing our job.

One question I have and it's a protest that I have raised many, many times, is we continue to take money out of the General Fund and bring it in to the Police District, and there is some compensating that goes to the areas outside the Police District. This year, if my memory serves me, we're taking about $15 million out of the General Fund, putting it in the Police District and compensating the area outside the district at about half a million dollars. In a population basis, if we distributed public safety based on population, we would be getting 1.5 million, not half a million; it's a significant inequity. And I guess my question -- I can't seem to win this argument; it's clearly unfair to me and to my district to have an unequal distribution of public safety. But I do want to ask BRO, have you looked at Article C-46-J of the County Charter? Is what we're doing in compliance with C-46-J which deals with how public safety revenues are to be distributed, particularly in respect to sales tax revenue growth? Does this budget comply with the County Charter?

MS. VIZZINI:
We can certainly look at that for you. What this budget does is the same as previous budgets have done, the distribution of the public safety revenue sharing is in the same proportion to the towns and villages as it has been since 1997.

LEG. SCHNEIDERMAN:
Seven, 1997.

MS. VIZZINI:
I do not believe that that is directly proportional to the growth in sales tax, but we can certainly look at that for you.

LEG. SCHNEIDERMAN:
Yeah, I would like to see that.

P.O. LINDSAY:
If I might interject.

LEG. SCHNEIDERMAN:
Go ahead.

P.O. LINDSAY:
The way sales tax is going, what would happen next year if we had a negative sales tax growth; are we going to take money away from the revenue sharing?

LEG. ROMAINE:
Proportionally.

P.O. LINDSAY:
Well, we haven't done that and the increase this year was there and it had nothing to do with the increase of the revenue.

LEG. SCHNEIDERMAN:
If I may. The General Fund funds a lot of programs. We were looking at one point at $11 million in cuts to contract agencies, these are all General Fund funded agencies. When you take $15 million out to give it to the Police District, we don't have that money then to continue these other -- you know, these important programs and we've got to find other places to cut. So it's a practice, it's a practice that I don't like, we continue to do it and there is a limit to how much you can do this. When you hit three-eighths, and we're going getting very close to that three-eighths of a percent, we're done with this, we've maxed out and that may come in a year from now, we're getting very close.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes, two questions. I'm going to follow-up with Legislator Schneiderman in terms of public safety revenues. When I served in this Legislature 22 years ago, public safety revenues were funded totally by property taxes, so there was no question how they were collected or how they were going to be distributed, they were distributed through the Police District. But some years later, after I left and was serving as County Clerk, the Legislature and the Executive made a decision to use sales tax, which is collected from all ten towns, for public safety. Our contention, Legislator Schneiderman's and mine, is that money that is collected should be proportioned accordingly between the five western towns that make up the Police District and the nine villages and five eastern towns that have their own police departments.

I believe there is an incongruity in the method of funding that is being proposed as far as the distribution is concerned and the County Charter. So I will renew the request of Legislator Schneiderman to compare the practice that we are doing, and I don't care if it's been done in the past or not, I am only interested how that practice stacks up -- and maybe this is a question for George Nolan as well; how that practice stacks up with the Charter.

And finally, my question is directed now to Counsel. I understand about the sale of the health plan; that sale is being voted on in the budget. But putting it -- doing it through a budgetary practice does not make it a finality; is that your contention, Counsel?

MR. NOLAN:
That is what I'm saying, that we're doing something in the budget, they're assuming monies from the sale of it, that doesn't mean that the Legislature has approved the sale.

LEG. ROMAINE:
That's correct.

MR. NOLAN:
As I said before, there's a tacet approval to move ahead with it, but I believe it should come back here for final approval.

LEG. ROMAINE:
Let me ask you one final question. If this is adopted in the budget, which in your view would not make it a finality, and no resolution is forthcoming to this Legislature seeking its approval of that action of that sale, would that place the sale of the health plan in legal limbo, technically?

MR. NOLAN:
If there's no resolution forthcoming -- if the Legislature does not act, either from a County Executive resolution or one that originates here, then I think the thing can probably move ahead. When the Legislature does not act and does not say what the policy of the County is, then our power is at a low ebb. I think we have to state what the policy is, and if we don't do that then that gives the County Executive more leeway.

LEG. ROMAINE:
So you -- silence implies consent.

MR. NOLAN:
It places our power at a low ebb when we don't act.

LEG. ROMAINE:
We are at a low ebb. Thank you.

P.O. LINDSAY:
I'm going to comment, too, but I'll let Legislator Alden go first.
LEG. ALDEN:
My first comment, or actually a question then, would be to Legislative Counsel; shouldn't this budget -- shouldn't that contain some kind of language that would allow us to move forward but still have to come back with a resolution to actually sell that asset?

MR. NOLAN:
You could have that type of language but you don't have to; it could.

LEG. ALDEN:
Okay. All right, so I'm throwing that out there as a possibility.

Then on another subject, if we're going to do an analysis of how much revenue sharing actually goes

to the different Police Districts outside of it, there's one key factor and it's a big chunk of information that really needs to be updated. And I believe Robert Lipp might have done the analysis about X number of years ago, 10 years ago, 12 years ago; how much actually goes as far as provision of service from the Suffolk County Police Department to the other towns that are not in the Suffolk County Police Department? So that information would have to be upgraded, and whether there's compensation for it or whether it's just a one-way sort of -- not a donation but a one-way provision of service with no accompanying adjustment in any payment for that. Because there are services that are being provided, but I believe that in a prior conversation you indicated that you had done an analysis of that but it's quite old now?

MR. LIPP:
We did take a look several years ago, it's been a while, but the difficulty in updating it is there are all sorts of issues that you have to speak to in terms of what services are being provided in terms of, for instance, open space or not, is that completely General Fund? But police Services in particular, you know, we can do some analysis if we just limit it to that specifically and we could include that as part of the request.

LEG. ALDEN:
Well, it would have to be a broad analysis, though, because I know that some services are actually -- like murder and some of those investigations actually fall to the Suffolk County Police Department, don't they?

MR. LIPP:
Yes.

LEG. ALDEN:
Even in the private jurisdictions.

MR. LIPP:
Uh-huh.

LEG. ALDEN:
Okay. So if you could update whatever you had from the past and include all factors, even provision of -- if it's police officers or some kind of sworn officers for parades or crowd control, other types of things of that nature; I think all of that has to be included in the loop.

MR. LIPP:
Okay.

LEG. ALDEN:
Thanks.

LEG. SCHNEIDERMAN:
Can I just add, on that? And I certainly welcome any -- welcome that review, of course, as I have said in the past. But I want to say that those things that Suffolk County Police do, like the Homicide Unit, the Gang Unit, the Hate Crime Unit that are available to the whole County are funded through the General Fund and not part of the money that I'm questioning; we are paying for those services, you know, within these towns. But, you know, certainly do the review and let's take a look at the numbers.

P.O. LINDSAY:
Did you want to reply?

LEG. ALDEN:
Well, how about if you're under paying, then that's -- or you might be over paying.

LEG. SCHNEIDERMAN:
Right.

LEG. ALDEN:
So that really should come forward.

LEG. SCHNEIDERMAN:
The towns are willing to pay their fair share for those services, even the ones -- you know, we may not use some of those units very often, but they're available to us.

LEG. ALDEN:
At least we have the information before we go and act in a rash fashion.

LEG. SCHNEIDERMAN:
Right. But it's a different portion of the budget, that's all I'm saying.

P.O. LINDSAY:
Before I recognize Legislator Kennedy, I just wanted to weigh in a little bit about the issue that Legislator Romaine brought up about the sales of the HMO, the County HMO. It's -- although it is in this budget, I mean, we're putting out an RFP, it's an asset of the County and we should absolutely, in my opinion, vote on it because you don't know what the RFP is going to come back with. I mean, it might come back with -- we're estimating a sale of $6 million, it could come back with a sale of a million dollars, we really don't know. And it would be my opinion and my strong suggestion that we vote on it, that we just don't hide under the rug and let this pass today. Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, again, you kind of echoed the language that I was going to go towards, and I was going to ask a little bit more as far as specific detail with effectuating the sale, and I guess the conversation is with Counsel.

We can speak about what powers we should reserve unto ourselves, but it's my experience, in the short time I've been here, the devil is always in the details. If we adopt this, the RFP goes out, what then is to go ahead and mandate that it comes back to us before a contract is executed?

P.O. LINDSAY:
Because it's an asset of the County.

LEG. KENNEDY:
I understand, Mr. Chair, but I guess again, so then by definition we're saying that whoever the selected vendor to this RFP is, that contract is going to be subject to our approval before the Executive can execute?

MR. NOLAN:
There is nothing specific in the Charter or the Administrative Code. It says that what our power lies on is we are the policy making arm of the County government and that is a major policy determination and that is the legal basis for why that should come here and be approved by us or not approved by us.

LEG. KENNEDY:
In essence, I don't want to talk about how many angels can dance on the head of a pin, but I don't want to be here six months from now having been advised that Acme Health Services has been selected and there's a contract there; how do we make sure it comes back to us?

MR. NOLAN:
I would suggest that perhaps passing a resolution, you know, subsequent to the budget directing that that happen, that anything that results from that RFP be submitted to this Legislature for

approval would be a belt and suspenders approach to make sure that happens.

LEG. KENNEDY:
Is there an alternative that would allow us to put that language in this Omnibus that we're going to adopt before us right now?

MR. NOLAN:
Well, you'd have to go back to the -- we'd have to go into the Omnibus Resolution. I know we -- I believe that is something we have done verbally with Budget Amendment resolutions, so it's something we could amend on the floor.

D.P.O. VILORIA-FISHER:
(Inaudible).

LEG. KENNEDY:
I would offer then that we at least consider that so that we can effectuate what it appears that at least some of us are saying we should have in print. Where does that conversation go then, to Budget Review?

P.O. LINDSAY:
No, it falls in your court.

LEG. KENNEDY:
Good.

P.O. LINDSAY:
Make an amendment.

LEG. KENNEDY:
Okay, I'd ask that Budget Review do an amendment to effectuate that language and add it to what we have right now.

LEG. CARACAPPA:
In Omnibus?

LEG. ROMAINE:
In Omnibus.

LEG. KENNEDY:
In Omnibus.

MS. VIZZINI:
Well, I think what I hear you saying is a RESOLVED clause that asserts that the -- prior to effectuating the sale of the County asset, that it be subject to approval of a duly authorized resolution of the Legislature.

D.P.O. VILORIA-FISHER:
Would you suffer an interruption?

LEG. KENNEDY:
Of course, I'll yield for the dialogue, for the purposes of the dialogue, sure.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Mr. Chair. Could we do it, George, as part of a -- could we say we will make a motion to approve with the following amendment, and use the language that Gail just mentioned?

MR. NOLAN:
My understanding is past practice is we can amend the Omnibus Resolution on the floor --

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

MR. NOLAN:
-- and put that language in on the floor and then have the written resolution reflect the changes that were made.

D.P.O. VILORIA-FISHER:
I recall doing it in the past as a motion; right, Joe? We would say make a motion to approve it as amended.

LEG. CARACAPPA:
Make a motion to amend the Omnibus including -- I'm sorry, including proper verbiage that we all agree upon and then we vote on the Omnibus as a whole, there will be a motion to vote on Omnibus as amended.

D.P.O. VILORIA-FISHER:
As amended, okay.

P.O. LINDSAY:
Okay.

LEG. CARACAPPA:
It's two motions.

P.O. LINDSAY:
First of all, I took Legislator Kennedy's comments as a motion, so.

LEG. ROMAINE:
And I'll second that motion.

LEG. KENNEDY:
And what I'm going to say, Mr. Chair, is I guess I'm going to defer to BRO and the Counsel to get the actual specific language.

P.O. LINDSAY:
Well, I think you have to have the language --

LEG. CARACAPPA:
Stated on the record.

P.O. LINDSAY:
-- stated on the record. Do you have the language, Gail?

MS. VIZZINI:
Well, first I have a question.

P.O. LINDSAY:
Go ahead.

MS. VIZZINI:

Legislator Viloria-Fisher mentioned input into the RFP process; is this -- you know, at what stage -- no. Okay, at what stage do you want to be involved?

P.O. LINDSAY:
Wait, I believe --

LEG. KENNEDY:
Can I reclaim my time?

P.O. LINDSAY:
Well, go ahead, you want to explain what you said? I don't want to explain what you said, but I think that's what you said.

LEG. KENNEDY:
All right, thank you, Mr. Chair.

LEG. HORSLEY:
I think we all know.

LEG. KENNEDY:
What I asked for is to try to keep it from -- the kiss philosophy; I want it to come back to us for approval prior to final execution. A contract for the County essentially requires four signatures; purchaser, department and ultimately the Exec, or whoever the Chief Dep Exec is. If I had a final execution, I want the ability for us to go ahead and approve.

LEG. HORSLEY:
Okay.

LEG. KENNEDY:
So however we manifest that.

D.P.O. VILORIA-FISHER:
He's going to a further point than I did.

P.O. LINDSAY:
It's not -- it doesn't involve the RFP.

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

P.O. LINDSAY:
It's at the end of the RFP process when the contracts are prepared to physically sell the HMO that we would have to approve it.

MS. VIZZINI:
So what we can do is add a RESOLVED clause that says prior to the execution of the final sale of the Suffolk Health Plan --

D.P.O. VILORIA-FISHER:
There must be Legislative approval.

LEG. MYSTAL:
No, the final sale of the health plan must have the approval of the Legislature.

LEG. HORSLEY:
Right.

LEG. MYSTAL:
It's simple.

LEG. CARACAPPA:
There you go.
MS. VIZZINI:
Those terms and conditions must be approved by a duly authorized resolution of the Suffolk County Legislature.

P.O. LINDSAY:
Does that satisfy your needs?

LEG. KENNEDY:
Yes.

P.O. LINDSAY:
Does that satisfy your second, Legislator Romaine?

LEG. ROMAINE:
That satisfies it. Thank you.

P.O. LINDSAY:
Okay. Anybody else on this matter? Okay. Okay, so we have a motion and a second on amending Budget Amendment No. 2. And if I remember my Robert's Rules, we'd have to vote on the amendment before we vote on Budget Amendment 2. So on the amendment, all in favor? Opposed? Abstentions?

MR. NOLAN:
Just one second, before you call that vote. Just to be clear that the verbatim language that's going to go into the resolution; Gail, if you could restate it.

MS. VIZZINI:
Prior to the execution of the sale of the Suffolk Health Plan, the terms and conditions of such sale shall not proceed unless approved by a duly authorized resolution of the Suffolk County Legislature.

MR. NOLAN:
Okay.

P.O. LINDSAY:
Okay.

LEG. HORSLEY:
Sounds great.

P.O. LINDSAY:
Now, I said all in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Eighteen, okay.

LEG. VILORIA-FISHER:
Okay, very good.

P.O. LINDSAY:
On Budget Amendment No. 2, as amended. And again, the amendment doesn't go through if the Budget Amendment doesn't go through.
Any comments? I'll make a motion -- do we have a motion to approve, by the way?

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
I'll second it.

LEG. LOSQUADRO:
Yeah, I seconded it.

D.P.O. VILORIA-FISHER:
Oh, we do have it.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
If you go through your index, that's the easiest way to follow it. The next to last page there's some stand-alones.

LEG. D'AMARO:
Excuse me, Mr. Chair?

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
I just would like to go back one moment to that language and make a point to Counsel and to BRO and just get your impression. The language that I heard from BRO said that the contract for the sale would be subject to this body's approval prior to its execution, and I think the way it should be is that the fully executed contract should be subject to the review and approval of this Legislature. The reason being that we may wind up voting on a contract that's not yet signed by a buyer and it's not finalized.

MR. NOLAN:
Well, quite --

LEG. D'AMARO:
Similar to a lease agreement.

MR. NOLAN:

Yeah, but quite often that's what we do end up voting on, something that has not been executed. It comes over in, you know, near final form, and final form it hasn't been executed yet. And typically, when we do approve a contract or a lease, it's before it is fully executed.

LEG. D'AMARO:
Oh, my understanding was that they were fully executed.

MR. NOLAN:
Well, typically.

P.O. LINDSAY:
You know what's similar is within the next couple of weeks we'll be voting on the results of the auction of excess property where people have entered numbers and before those contracts can be executed, we have to approve those sales. I mean, that's the closest thing that I could compare it to.

LEG. D'AMARO:
Okay.

P.O. LINDSAY:
Okay. Anybody else? All right, let's go to page five of six and we have some ***stand-alones.*** The first one is ***Budget Amending Resolution no. 3-2007, Transfers office machine discretionary appropriations totaling $1,723,345 and mandated appropriations totaling $62,000 in the companion resolution (BA 4) from Information Technology to all the respective departments for the Operating Budget to more accurately reflect departmental expenditures, it was sponsored by Caracappa and Kennedy.***

LEG. CARACAPPA:
Motion.

P.O. LINDSAY:
And I believe that was already done in the Omnibus?

MS. VIZZINI:
That's correct, it conflicts with Omnibus 2.

LEG. CARACAPPA:
Oh, good.

LEG. ROMAINE:
Oh, okay.

LEG. VILORIA-FISHER:
And the next one.

P.O. LINDSAY:
Yeah, but I'll just go through them procedurally. ***Budget Amending Resolution No. 4-2007, Increases mandated office machine appropriations by $62,000 in the Sheriff's Office as the companion resolution to the Discretionary Resolution (BA 3) that transfers office machine appropriations consolidated in the Department of Information Technology to all the respective departments for the Operating Budget to more accurately reflect departmental expenditures.*** And again, I believe that was done; am I correct?

MS. VIZZINI:
Correct. Yeah, the problem is that the Sheriff's Office equipment is considered mandated, so this is the mandated to companion piece that is already included. The Omnibus transferred office equipment back to the electeds.

LEG. CARACAPPA:
Very good.

P.O. LINDSAY:
All right? Amending ***Budget Amending Resolution 5-2007, Transfers Office appropriations totaling $1,364,610 from the Department of Information Technology back to the respective departments, excluding departments headed by elected officials for the Operating Budget to more accurately reflect departmental expenditures.*** Where are we; that was done as well?

MS. VIZZINI:
This -- no, the Omnibus only transferred office machine appropriations back to the electeds, this would give the rest of the departments their office machine monies for a more transparent presentation that each department would have their own money and their own budget presentation for office equipment.

P.O. LINDSAY:
So that Legislator Caracappa and Kennedy again, this is not conflicted.

LEG. CARACAPPA:
Motion.

MS. VIZZINI:
Correct.

P.O. LINDSAY:
You have a motion to approve.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second. Okay, any debate?

LEG. VILORIA-FISHER:
(Inaudible).

P.O. LINDSAY:
Well --

LEG. CARACAPPA:
It's a wash.

P.O. LINDSAY:
It doesn't have any fiscal impact, but the point was to consolidate under Information Technology this whole process, and there was a very strong case made by the electeds that it would really hinder their operations. But in terms of other Executive departments, we didn't feel that it should be moved back to the departments because we thought it would kind of hinder the centralization within the Executive Branch. Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair, on the motion. I felt strongly about going ahead and supporting what has been a process that I personally, along with Legislator Romaine, participated in for the development of a fairly successful and extensive automation of the County Clerk's Office over a nine year period, and we made numerous presentations to both the Steering Committee as well as the Oversight

Committee.

There is a fairly detailed infrastructure now in the County to go ahead and vet any acquisition proposals. It seems to me that, you know, that we empower and charge departments to go forward to take action, we invest tremendous amounts of time to research it, going through the acquisition process, retain consultants to advise us, and as we go forward, or formally went forward from a departmental perspective, we had to pass two significant hurdles. I don't see any gain in further restricting departmental involvement. As a matter of fact, I see that consolidation as really depriving departmental involvement from an important process. So that's why I felt comfortable sponsoring.

P.O. LINDSAY:
Okay. I have a list; Legislator Stern and then Viloria-Fisher.

LEG. STERN:
Thank you, Mr. Presiding Officer. I look at it the other way and see it as a significant move towards consolidation, and so I support it. I think that our fellow elected officials made a compelling case, that they should have the discretion over these type of expenditures within their departments. But other than that, I would strongly support the initiative towards consolidation of this kind of purchasing, I think it's good for our movement towards a more technology-advanced County operation.

So again, I think our elected officials made a compelling case that they should maintain their discretion. But other than that, I think it should be consolidated within the Department of IT.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
I'll just echo that, because I believe that that would serve in the articulation and alignment of all of the departments within the Department of IT. I think it would be smoother, a smoother run County with that.

P.O. LINDSAY:
Okay, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I disagree with that. I feel in terms of budgeting, we ought to know department by department how much each department is budgeting for the various office equipment so we -- so the public can really see what the accurate -- an accurate reflection of those expenditures.

And although I think in this year's budget, even though it's all moving over to IT, there is a breakdown so, you know, Probation's might be able to see how much is allocated. Through the years, I think you're just going to get this just one big clump of money and it may go to certain departments over other departments, and I think it's a real mistake.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN-COURT STENOGRAPHER]

LEG. SCHNEIDERMAN:
Speaking as a former Supervisor who did these budgets, I really think it's better for the public to be able to see on a department-by-department basis how much they're spending. And there's already a Purchasing Department. If they want to go out and buy a fax machine or an adding machine. They have to go through Purchasing anyway, but now they have to go to I.T. and not even know how much is allocated down the road for, you know, what they're going to be spending on office equipment. I think it's a mistake, so I'm going to be supporting this stand-alone.

P.O. LINDSAY:
Anyone else?

LEG. CARACAPPA:
Just quickly, Mr. Chairman.

P.O. LINDSAY:
Legislator Caracappa.

LEG. CARACAPPA:
My fear is, and I think Legislator Stern is partially right, consolidation's good, and to have everyone on the same page when buying equipment and technology as we move ahead is right as well. But it's my fear that these departments, essential departments, whether they be Real Estate, right down to Health Department, Social Services, that they're going to have to go with hat in hand time and time again to the Department of Information and Technology for the smallest piece of equipment. And it's fearful on my end that they're not going to get what they want when they need it, and it could be crucial to their operations and crucial to the operations to the constituents that we all serve. We all know when things are kind of -- go through the County Executive's Office, at times they could be held up for years and years, and sometimes, whether it's funding for a community group, or in this case it's going to be Information Technology for a department, you know, it could be very, very important, and I'd hate to see, again, that hat-in-hand mentality over something that could be exceptionally crucial.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Thank you. I'm just going to echo John Kennedy, who was my Legal Counsel when I was County Clerk. I served there for 16 years. It's one of the larger departments of County government. To have department heads have the ability, once you put money in their budget, to use that money responsibly, to be able to be accountable for that money, and to operate their departments efficiently is so critical. There are people that haven't run a County department that don't understand how important it is to be able to order needed pieces of machinery, to get things done, to get things out, to get things accomplished, to make things run. By putting more roadblocks, we don't help these departments run, we help government become less efficient, less productive.

This amendment that is proposed by Legislator Caracappa is worthwhile supporting. It makes our departments -- look, we have oversight, so does the County Executive. We provide budget lines. The County Executive has to sign off, the Budget Office has to sign off. There's all types of checks and balances, but to make another hoop, to throw another roadblock, in essence, in doing this, you're not going to realize the savings, because everything is audited anyway through the Working Committee. There was only certain times of the year as County Clerk I could order computers, because I was told when I could order them, how much I could order them, and the orders have to go in together. That's already been accomplished. This is just another roadblock, in my view, that will prevent the departments from being as efficient and effective as they possibly could be. Thank you.

D.P.O. VILORIA-FISHER:
Legislator Mystal.

LEG. MYSTAL:
Basically, I think I agree with Legislator Caracappa's assessment in terms of a department going with your hat in your hand looking for something. I agree with that, but the problem with that approach of -- to make everybody independent gets you into the system whereby the Navy and the Army will have different planes, you know, and you buy, you know, a boat for the Army and it costs

you 50 cents, you go to the Air Force, it costs you $50,000. I think it's better if we are moving as a County toward technology. It is better for us to be on the same page, because I can envision a scenario whereby one department will want to go with this kind of a server, with this kind of a machine that has this kind of a language, whereas another department doesn't want the same thing, and five years, ten years down the line, what we have is a mish-mash of different technology competing with each other. I do fear that you may have that problem, whereby the department will have to somewhat kowtow to the County Executive in trying to get equipment for their department. I do have that fear also, but I think for our purposes right now, it would be better to have the whole thing in one -- under one department that can make everything work together and everybody talk to each other in terms of technology.

D.P.O. VILORIA-FISHER:
Thank you. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. And I'd say, I disagree with the end of Legislator Mystal's statement. I think this is a very good approach, and I think this is in keeping with the private sector approach to accountability within individual departments and large corporations. You give a department a set budget that they must live within, yet you have overall oversight for which computers, for example, or which printers the company is going to be purchasing. But you don't limit that department to say, if one of their printers breaks, they have to go through a convoluted series of steps in order to replace that printer. You make them live within their own budget, you make them be accountable. And if they're not accountable, you fire them, and that's the way government should operate, it should operate like a business. You give them a set budget, yet you have oversight. You make sure there is standardization, so we don't have that example that you pointed out, where someone's buying one thing and another person's buying another, but we already have that oversight with the Steering Committees and the like. So I think this is a very good model and a very good private sector model that should be applied to government and I'm wholeheartedly in support of it.

D.P.O. VILORIA-FISHER:
Any other comments? We'll just give Bill a chance to get back with his coffee before we call the vote. Legislator Kennedy to the rescue.

LEG. KENNEDY:
Hey, got to fill in the dead air, right?

LEG. STERN:
We'll give him time for brunch.

LEG. KENNEDY:
There you go, there you go. I fed you, you know.

LEG. CARACAPPA:
Motion to end debate.

LEG. KENNEDY:
All I would say, Madam Chair, is I'll just point to again the experience that I've had or have had. Mr. Kovesdy's in the audience. He sat at the committee that we --

LEG. CARACAPPA:
Bill's back.

LEG. LOSQUADRO:
Bill's back.

LEG. KENNEDY:

Okay, presented to. There's a model that works.

LEG. HORSLEY:
Give him time for brunch.

LEG. KENNEDY:
You like that, huh?

P.O. LINDSAY:
Legislator Kennedy, that was brilliant.

LEG. KENNEDY:
Absolutely.

P.O. LINDSAY:
Okay. We got that talked out. I'm going to call roll call. I'm going to call the roll, Mr. Clerk.

MR. LAUBE:
Ready?

P.O. LINDSAY:
Go.

(Roll Called by Mr. Laube, Clerk)

LEG. CARACAPPA:
Yes.

LEG. KENNEDY:
Yes.

LEG. COOPER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. MYSTAL:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Nine.

P.O. LINDSAY:
Budget amendment fails. The next one is on 6 of 6. ***6-2007, to increase permanent salaries and fringe benefits, a total of $276,941, to create six new --***

D.P.O. VILORIA-FISHER:
Did we do this?

P.O. LINDSAY:
Yes, we did. ***Six new Assistant District Attorney positions in response to a 30% increase in felony cases. These additional appropriations are offset by an increase of $76,941 in Federal aid, Civil Defense in 2007 to reflect year to date revenue and a decrease of $200,000 in snow removal expenditures in 2008.*** Ms. Vizzini, did we not add positions to the District Attorney's Office?

MS. VIZZINI:
Yes, you did. The reason we did not consider this a conflict is you do have the discretion if you wanted to increase the line. So the omnibus added six, which was the original intent of this at the time it was --

P.O. LINDSAY:
So it wasn't conflicted, you still -- this still might stand and you'd have 12.

MS. VIZZINI:
Correct.

LEG. KENNEDY:
On this matter, Mr. Chair, as one of the sponsors, at the time that we were compelled to file our stand-alones, we had not had --

P.O. LINDSAY:
Right.

LEG. KENNEDY:
-- the benefit of the consents from the working group. So I'll clearly, along with my cosponsor, request that this be withdrawn. It was not my intention to double that number.

LEG. CARACAPPA:
Correct.

P.O. LINDSAY:
Okay, withdrawn. ***Resolution 7 of 2007 - Increase permanent salaries and social security by $276,097 for the Electronic Monitoring Unit, to fund one vacant Supervising Probation Officer position and 10 vacant Probation Officer positions for one-half year to provide for the demand from the Criminal and Family Court systems to impose electronic monitoring as a condition of probation and to provide an alternative to incarceration. The costs are offset by an increase of $49,698 in Probation State Aid, and an increase of $226,399 in 2008 Park fees.*** Ms. Vizzini, before I ask for a motion on that, could you explain to -- what the working group did in regards to Probation?

MS. VIZZINI:
Yes. Similar to the previous budget amending resolution at the time this was requested, we did not know what the omnibus does incorporate substantial funding to restore appropriations to electronic monitoring, which would actually allow Probation to fill for the full year a goodly number of their 14 vacancies, but if you want to consider this in addition to what the omnibus did, but they basically are both having the same intent.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Again, Mr. Chair, not my intention to go ahead and to duplicate.

P.O. LINDSAY:
Just say, "Withdrawn".

LEG. KENNEDY:
Yeah.

LEG. MYSTAL:
Say, "Withdrawn".

LEG. KENNEDY:
Well, no. I just want to make sure that we essentially will accomplish what the intent was, to provide the funding to establish the expansion of GPS monitoring.

MS. VIZZINI:
Yes, if that --

LEG. KENNEDY:
Withdrawn.

P.O. LINDSAY:
So, are you withdrawing?

LEG. KENNEDY:
Absolutely.

P.O. LINDSAY:
Okay. Thank you very much. Legislator Romaine, you want to add to this debate? Go ahead.

LEG. SCHNEIDERMAN:
The withdrawal?

LEG. ROMAINE:
To the withdrawal?

P.O. LINDSAY:
Yeah.

LEG. SCHNEIDERMAN:
Withdrawal symptoms, yeah.

LEG. ROMAINE:
If someone's withdrawing, I don't ask.

P.O. LINDSAY:
Okay. ***Budget amendment 8 of 2007 - To increase permanent salaries $147,115 and fringe benefits by $77,812 to create five new Account Clerk positions to expedite payment processing in DSS Accounting. Following a composite 69% State/Federal aid, the net annual County cost of adding these positions is $69,727, which is offset by an increase of $69,727 of Federal aid, Civil Defense in 2007 to reflect year to date revenues. The additional positions will decrease overtime and temporary salaries in DSS Accounting.*** And again, Ms. Vizzini, would you explain to the body?

MS. VIZZINI:
Yes. Similarly, the omnibus includes three positions for DSS Accounting. This would provide five, which could be in addition to the three.

P.O. LINDSAY:
Okay. And I would just -- the thought process of the Working Group is it was our understanding that the County Executive sign two SCINS for that department, so we added the other three to make it a total of five.

MS. VIZZINI:
Yes, the two existing positions.

P.O. LINDSAY:
Right.

LEG. KENNEDY:
Again, Mr. Chair, I'll withdraw, similar to the time frame that we had. I'll be happy to withdraw.

P.O. LINDSAY:
Thank you very much. I think that concludes our budget deliberations for 2008.

LEG. LOSQUADRO:
Mr. Chairman.

P.O. LINDSAY:
I would like to just take a moment, and then I'll recognize you, to thank the Working Group in

Legislator Montano, and Alden, and Nowick, Stern, D'Amaro, Losquadro, Schneiderman, and Legislator Kennedy visited us a couple of times and gave us his valuable input. It was an extremely difficult budget, and I was very, very proud of the Working Group, of how we worked together and got through the process. I thought everybody did a wonderful job. And I would certainly be remiss if I don't thank Gail, and Lance, and Robert, and your whole staff for working with us.

MS. VIZZINI:
You're welcome.

P.O. LINDSAY:
Thank you very much.

(*Applause*)

P.O. LINDSAY:
Did you want to say something, Legislator Losquadro?

LEG. LOSQUADRO:
I was just going to echo the sentiments, Mr. Chairman, and also thank you for shepherding us through that process, and keeping everyone on the same page during some very difficult negotiations. And again, thank you to Budget Review for all of your hard work.

P.O. LINDSAY:
Thank you. Anybody else?

LEG. NOWICK:
You can feel the love.

P.O. LINDSAY:
Yeah, you can, you really can, you know what I mean?

LEG. HORSLEY:
The day after the glow.

P.O. LINDSAY:
The day-after love fest.

LEG. MYSTAL:
Exactly.

P.O. LINDSAY:
Okay. We have a bunch of late-starters. I'm going to make a motion --

LEG. CARACAPPA:
Second.

P.O. LINDSAY:
-- to waive the rules and lay on the table the following late-starters:

I.R. 2097 - Adopting a Local Law to establish a Cold War Veteran property tax exemption. It's assigned to Vets and Seniors, and we set a public hearing for 11/20 at 2:30.

I.R. 2101 - A Local Law to amend Chapter 270 of the Suffolk County Code, frequently known as the DWI Seizure Law. It's assigned to Public Safety, and a public hearing is set for November 20th at 2:30 P.M.

I.R. 2110 - Appoint member of the Suffolk County Community College Board of Trustees, Avette D. Ware, to Economic Development and Education and Energy. 2111 --

LEG. LOSQUADRO:
What was that assigned to, Bill?

P.O. LINDSAY:
It was to Economic Development, Education and Energy.

2111 - To appoint a member of the Suffolk County Community College Board of Trustees, Paul V. Pontieri, Jr., assigned to Economic Development, Education and Energy.

2112 - Authorizing the acquisition of farmland development rights under New Suffolk County Drinking Water Protection Program, the Zaweski Property, Town of Riverhead, assigned to EPA.

2113 - Authorizing the acquisition of farmland development rights under the New Suffolk County drinking Water Protection Program for the Warner -2669 Sound Avenue LLC Property, assigned to EPA. That's in Riverhead.

2114 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program - for the Bell Property, Town of Riverhead, to EPA.

2115 - Authorizing the acquisition of land under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund - Hamlet Parks Component - for the Grace Presbyterian Church Property, Town of Brookhaven, assigned to EPA.

2116 - Authorizing acquisition of farmland development rights under the Suffolk County Environmental Legacy Fund for the Topping Property, Town of Southampton.

2117 - A Local Law to reduce nitrogen pollution by reducing use of fertilizers in Suffolk County, is assigned to EPA, and the public hearing is set for November 20th at 2:30.

D.P.O. VILORIA-FISHER:
Is that EPA?

P.O. LINDSAY:
Huh?

D.P.O. VILORIA-FISHER:
Was that EPA?

P.O. LINDSAY:
Yes, it's assigned to EPA. I'm sorry if I didn't say that.

2118 - Adopting a Local Law to refine procedures of the Planning Commission, is assigned to EPA, and a public hearing of November 20th at 2:30.

2119 - Appointing a member of the Council on Environmental Quality, Eva Growney, is assigned to EPA.

And 2120 - Approving the appointment of a relative of a County Legislator in the Suffolk County Legislature, is assigned to Ways and Means.

I need a motion, second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Who was the -- you were the motion? You didn't announce it. I couldn't hear anybody.

P.O. LINDSAY:
Legislator Losquadro, and there was a second over here. Second by Legislator D'Amaro. All right?

MR. LAUBE:
Thank you.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
And I'll entertain a motion to adjourn. I will make that motion, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

[THE MEETING WAS ADJOURNED AT 12:48 P.M.]

{ } Indicates Spelled Phonetically