SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

TENTH DAY

JULY 7, 2010

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

VERBATIM TRANSCRIPT TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

TRANSCRIBED BY
LUCIA BRAATEN AND KIM CASTIGLIONE

(The meeting was called to order at 11:34 A.M.)

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

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

(Roll called by Mr. Laube - Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEGISLATOR CILMI:
Yes.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. Welcome to this special session of the Suffolk County Legislature. We'll go right into the public portion. I know this is July and we'll try and make this as quick as possible. Oh yeah, we've got to do a Pledge. Please rise for the Pledge, led by Legislator Barraga.

(Salutation)

And could everybody remain standing for a moment of silence for all of our men and women that are currently in harm's way.

(Moment of Silence)

We have one card for the public portion, Greg Fischer.

MR. FISCHER:
Good morning. My name is Greg Fisher. I'm a board member of Americans for Illegal Reform. I'm here briefly to speak on mismanagement of a particular agency, that agency is the Department of Social Services. I am calling for a cut in funding to that agency; they're wasteful. I'm calling for the resignation of Gregory Blass. Gregory Blass has not improved that agency. DSS is wasteful, politicized and predatory. I've written and published about elder abuse, abuse of trusteeships under Color of Law. I published that in a newspaper I have, occasional newspaper. I'll be publishing it again. The stories do not stop coming.

This agency has been assigning trustees to sound minded seniors to prey upon them and steal their assets. That is not tolerable. Also, false findings against fit parents to steal their children is not tolerable. Also, failure to find unfitness in politicized cases. Letting poor parents get a free pass because they are connected to Mr. Blass is not tolerable. Workers listing abrasions and other, let's say, burns that are even barely first degree that are self-inflicted by the child as abuse and maltreatment for a politicized reason is not tolerable. False findings generally to create administrative work and appeals is not tolerable. A very, very high percentage of appeals are overturned, something like 80%. They overturn the findings of the case workers.
The case workers are rendering medical opinions; they're not doctors. They're practicing medicine without a license.

DTAN laws are now in play here. The agency is receiving funding from the Federal Government under false claims and flawed procedures that opens the County up to significant suit. Gregory Blass' skewed findings to help particular political players, including but not limited to Senator Ken LaValle, that is not tolerable. I'm calling for the immediate resignation of Gregory Blass and a cut in funding of up to 20% of DSS. I'm calling for the appointment of an ombudsman or another overseer to start to collect cases and start to see the abuse. Thank you.

P.O. LINDSAY:
Thank you. I don't have any other cards under public portion. Is there anyone else in the audience that would like to speak under public portion? Please come forward and identify yourself.

MS. BRENNER:
I did fill out a card. I don't know what happened to it. My name is Jan Brenner.

P.O. LINDSAY:
You filled out a card for the Public Hearing on bills. This is the public portion. We'll go into the Public Hearings as soon as we --

MS. BRENNER:
My apologies.

P.O. LINDSAY:
That's quite all right. Public portion, anybody else? Public portion, anybody else? Seeing none, I'll take a motion to close the public portion.

LEG. GREGORY:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
Okay. There is two CNs that have been sent over by the County Executive, 1726 and 1724, and it's been posted in the vestibule that there'll be public hearings on these bills. We'll be going into those public hearings right now. ***1724, Adopting Local Law No. -2010, a Local Law electing a Retirement Incentive Program as authorized by Part A of Chapter 105, Laws of 2010 for the eligible employees of the County of Suffolk.*** Miss Brenner, you put the wrong number; do you wish to speak on 1724? It's an early retirement bill. Just come up and tell us what you want to tell us about the early retirement.

MS. BRENNER:
Yes, I would like to speak on that bill. Good morning. My name is Jan Brenner, and I am here as a supervising Probation Officer with the Suffolk County Probation Department. I am here today to request that Suffolk County Probation Peace Officer staff be included in the proposed retirement incentive bill. Probation Peace Officer staff would like to assist you in achieving your goals of containing costs and maintaining public safety. We would help you if we're allowed to participate.

A prepared written statement has been provided for you to review and proposes hiring 20 Probation Officer trainees at salaries of $41,500 per year to replace 34 Superior Officers at average salaries of $88, 400. The salary savings would be 2.1 million dollars per year, approximately 70%, and additional savings would result from SCAT pay out reductions and reduced payments into the retirement system on behalf of the new employees. Having field officers replace high paid administrative Peace Officers will ensure that public safety is not compromised. It will further improve overall Probation Department functioning by creating new opportunities for advancement, career development and transfers to new assignments.

Morale will improve as our P.O.A. membership recently voted overwhelmingly in favor of supporting Probation's inclusion in this bill. Hiring new staff members will reduce the numbers of unemployed workers. New hires, especially those fresh out of college, are likely to be computer literate and comfortable with the new technologies that are now an integral part of modern day community correction.

Many of the Peace Officer staff members that could be eligible to retire under this bill can still retire when they choose to do so. However, few will be expected to leave during the open window of opportunity targeted in this bill. This incentive legislation would provide them with the motivation to leave now, reducing the County's salary and SCAT pay out significantly. Including Probation Peace

Officers in this incentive will give a strong assist to the County Executive and the Legislature towards achieving the cost savings and reduce layoffs previously identified as the goals of this legislation.

Please review our statement and consider including us in this retirement incentive bill. Let our people go, hire those who qualify and need to begin their careers and let us help you meet your cost saving goals without layoffs to Probation staff. Thank you for your attention and consideration.

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

P.O. LINDSAY:
Thank you. We're on 1724. Is there anyone else in the audience that would like to speak on 1724? Seeing none, I'll make a motion to close the Public Hearing on 1724, seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen -- fifteen. (Not Present: Legislators Browning, Kennedy and Nowick)

P.O. LINDSAY:
Okay. Next up is we have another CN that, again, the Public Hearing was posted on 1726. ***1726, Adopting Local Law No. -2010, A Local Law amending Local Law No.35-2010, to enlarge the open period and the number of employees eligible to participate in the Retirement Incentive Program as authorized by Local Law No.35-2010, and Part A of Chapter 105, Laws of 2010.*** I don't have any cards on 1726. Is there anyone in the audience that would like to speak on 1726? Seeing no one in the audience on 1726, I will make a motion to close the Public Hearing on 1726.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
At this point, before we make any motions, I would like to address my colleagues and try and explain a little bit about the tremendous confusion with this opportunity that was given to us by the State as far as allowing our people to retire early and what's going on over the last two weeks.

When we met on the 22nd, we did not agree with the County Executive's bill that excluded the folks that worked at the Foley nursing home from the retirement program unless we sold it, and I had introduced a separate bill allowing them to participate and my colleagues supported me in that effort and we scheduled a public meeting for today and a Public Hearing for today, and since that time, an awful lot has went on.

We've gotten a number of different interpretations from the State Comptroller's Office on this process. Some of them at times were confusing. Legislator Kennedy, who is the Chair of our Labor Committee, who the bill was assigned to, wrote to Comptroller DiNapoli and asked for a response in writing so that we could better understand this whole thing. He did get a response that he shared with our Counsel, and before I continue on, I am going to ask Counsel just to go through the latest interpretation of the State legislation.

MR. NOLAN:
One thing that has become clear is that in terms of picking the eligible titles and the people who can

participate in the program, that is the purview of the County Executive. So basically the laws that are going to be before us today really just are going to set open periods where people can come in and we're electing the A option for our employees where they would get a one month credit for every year they worked up to three years additional credit.

The first CN we're going to be looking at is just going to set a one month open period. The County Executive will select the eligible titles and employees who can participate in the program, and again, that's the A option.

They've come forth with a second bill that essentially is going to -- what it does would amend the first bill that we're considering today, that would extend the open period by 30 days and going into September, but that would be conditioned on the County Legislature voting to sell the Foley facility by August 17th.

We got these bills last night, we had some questions about whether we could do both of these bills legally. I sent them up to the State Comptroller's Office last night. I spoke to them this morning and they advised me that we could pass both of these bills today. The first bill would go up to them I presume pretty quickly. I think the County Executive would act quickly on it. It would go up there and it would give it effect, people who the County Executive says can participate can start putting in their papers.

If the sale of the Foley facility goes through on the 17th and we enact the second bill, at that point the Comptroller would accept that second bill, they would give it effect, they would extend the open period through September and the County Executive could allow additional people to participate in the program. I've tried to make that as clear as possible, but if I haven't, I can certainly answer any questions.

LEG. MONTANO:
Question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah. Just very quickly, could you just tell me the statement you made about the County Executive having the sole authority? What section of the enabling legislation is that in?

MR. NOLAN:
It is in part A, section 1, subdivision G, paragraph D.

LEG. MONTANO:
Do you know what page that is?

MR. NOLAN:
I don't.

LEG. MONTANO:
Do you have the language in front of you?

MR. NOLAN:
I actually don't have the exact language. But it basically says they define eligible title to participate in the program and they say specifically in the legislation that that selection is made by the Chief Executive Officer by the County, and of course that person is the County Executive.

LEG. MONTANO:
Can you give me that section again, please.

MR. NOLAN:
Part A --

LEG. MONTANO:
Part A.

MR. NOLAN:
Section 1, subdivision G, paragraph D.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. George, upon reading 1726, it seems to me we have seen that the purpose of this law is to include the employees at John J. Foley, but the applicability of it is only upon the sale -- our agreement to sell John J. Foley.

MR. NOLAN:
Correct.

D.P.O. VILORIA-FISHER:
So, in other words, if we're not in agreement that John J. Foley should be sold, then it doesn't make any sense for us to vote on 1726 if we don't anticipate the sale.

MR. NOLAN:
What that language means is we could pass the second bill, 1716. We probably shouldn't do it today because it's amending a Local Law that hasn't gone into effect yet. We probably should hold that until the beginning of August. But all it's saying is if the sale does not go through Foley, then nothing happens. It will be a 30-day open period that's really -- that will be it. Only if the sale goes through will the open period be extended by 30 days, which would allow presumably the Foley employees to come into the program.

D.P.O. VILORIA-FISHER:
So approval of 1726 doesn't commit any Legislator to the approval of the sale of the nursing home.

MR. NOLAN:
No, it does not.

D.P.O. VILORIA-FISHER:
Okay. But your recommendation today is to table 1726 or commit 1726 because it's amending a law that hasn't been passed yet.

MR. NOLAN:
Right. In the body of 1726 it says we're amending Local Law number blank. I think it would be smart to get a Local Law number, let the County Executive amend it during July so we get to August, then we can take that bill up in its incomplete form.

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

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I just wanted to follow-up on those comments. If passing that second bill would keep it open-ended, which is exactly the point that you made, it doesn't commit anyone to anything, but if that is -- decides that that is the will of the Legislature, we have the resolution in place already and we make those employees -- or at least give the County Executive, obviously we do not have the authority, but we give the County Executive the ability to name those employees that he sees fit and be able to, since we are approving option A and extending that window, that he can add in those individuals. So having that in place in advance of the sale of the facility would give us that ability to include those individuals or give him the ability to include those individuals.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. And I appreciate the opportunity to discuss this. As you had referenced, there seemed to be a lot of open questions with all of this. The Comptroller DiNapoli has guided us all, I think, very dispositively on how titles can be brought forward, but I need to ask Counsel about the selection of the eligibility period, because that also is very specific in Chapter 105 and it is very clear that a local body can only select one eligibility period. So much of what's brought us to this point is this body's desire to see that opportunity for participation in early retirement be afforded to John J. Foley. However, with this two bill scenario we are selecting a period and then we're talking about extending subject to a certain set of conditions. Now, I'm somewhat uncertain whether or not that even fits the bill. But my first question with Counsel is, is there an ability to extend an eligibility period so that in fact we could have employees participate in this second phase? Did you speak to Counsel about that?

MR. NOLAN:
Correct. I did speak to them this morning and asked them that specific question, and they said we do have the ability to extend the period. We can ask them to extend the period. They indicated they would give effect to the second resolution if we presented it to them sometime after August 17th. According to the Counsel up there, this has happened in the past with other municipalities where they selected a 30 day period or 45 day period, subsequently they came back and said may we extend the period, and the Comptroller in the past apparently has said yes. So they would give us the same treatment, as long as we stay within a 90 day framework in total, which we obviously will because we are only talking about a 60 day open period if both bills go through.

LEG. KENNEDY:
Okay. So from the legal perspective, then, they're fine. Mr. Chair, at some point are we going to have BRO talk to us a little bit about what the fiscal consequences with some of this are going to be?

P.O. LINDSAY:
Legislator Kennedy, ask them.

LEG. KENNEDY:
Okay. Through the Chair. Can you speak to us at all about what some of the purported savings are that we're going to realize through this two step scenario if it -- only from the employee retirement perspective. First and foremost, what about the bill that's in front of us for the period that we're authorizing.

MS. VIZZINI:
Actually, it's a County Executive bill and the fiscal impact is theirs. I would respectfully request that we start by hearing from them.

LEG. KENNEDY:
Okay. Again, through the Chair?

P.O. LINDSAY:
Go right ahead.

LEG. KENNEDY:
Okay. Do we have any anybody from the County Executive's Office who's going to speak to us about anything associated with any kind of savings with this?

(The following was transcribed by Lucia Braaten, Court Stenographer)

MR. NAUGHTON:
Good morning. Eric Naughton, County Exec Budget Director. With the first bill before you, our estimated savings is 12 million dollars.

LEG. KENNEDY:
Okay. So that is -- and explain it to me, if you would, Eric, for what you're going to realize or recognize for 2010 and then what your projection for 2011 is.

MR. NAUGHTON:
Okay.

LEG. LOSQUADRO:
Legislator Kennedy, can I ask before you start these projections, through the Chair, if you would?

P.O. LINDSAY:
Why don't you let Legislator Kennedy --

LEG. LOSQUADRO:
No, I just want to ask if it's predicated on the 10 million dollars from Tax Stabilization Reserve as well, just so we don't have to go back through the numbers, that's all.

P.O. LINDSAY:
Yeah, but how does -- that's money that we have in the bank. How does that affect the impact? It doesn't affect the impact. It affects your budget line at the end year, but --

LEG. LOSQUADRO:
Yeah. I just wanted to ask.

P.O. LINDSAY:
Let Legislator Kennedy finish his train of thought.

LEG. KENNEDY:
Let's just see at this point. I mean, basically, we're literally trying to digest this stuff with, you know, less than an hour or two as we're going forward. So, from your perspective, having put together this most recent piece that we have in front of us, what are we looking at realizing in savings for 2010? The County Executive has made a strong case that the lion's share of savings that can be realized need to be done sooner rather than later. His estimate is that there's 1.2 million dollars every pay period that we're forfeiting. I don't necessarily agree with that, but what do you project?

MR. NAUGHTON:
All right. I'll do this in two parts. If we are to assume about 400 people leave the County, and let's say they leave at the end of August, from that point forward, we save 1.2 million dollars per pay period, because once those people are off pay, that's the value of their pay -- of their salaries. From that point on, now just looking at 2010, once you factor in the scat pay and the wages that we save, we feel that there is a cost of approximately 1.2 million dollars in 2010.
However, as Legislator Losquadro mentioned, we would like to use 10 million dollars of the Tax

Stabilization Fund, and so, therefore, there would be no cost in 2010. And the only way we can actually use the 10 million dollars is by -- with this -- with the --

LEG. KENNEDY:
Hold on a second, Eric. And I'm -- I work in a linear fashion.

MR. NAUGHTON:
Okay.

LEG. KENNEDY:
So I'm trying not to muddy the waters. Let's stay on 1.2 million in savings per pay period for the balance of 2010, and we must have -- what do we have, seven or eight pay periods, ten pay periods; how many do we have left.

MR. NAUGHTON:
It's four months, so it's roughly nine pay periods.

LEG. KENNEDY:
Okay. So if we do the math, you know, that's what, 11, 12 million gross, and then what are you backing out of that, all the separation pay?

MR. NAUGHTON:
Right. We figure there's about 9 million dollars in separation payment. We will lose about 1.3 million dollars from reimbursements on the salaries, the State aid and Federal aid associated with the people that leave. Also, we have to pay back the lag payroll from last year, and that's worth roughly 1.1 million. So that's your cost for 2010 of 1.2 million. So you have that in a nutshell, okay. So there are --

LEG. KENNEDY:
Okay. So let's stay with that for a second, just for a second. So do we have the ability to amortize any of that separation, or are we taking that all as a charge in this year?

MR. NAUGHTON:
We cannot amortize it. It all has to be paid roughly this year, which is why we're proposing the use of the Tax Stabilization Fund to pay -- make that payment.

LEG. KENNEDY:
Well, let's stay on that one just for a second. We're choosing not to or we absolutely do not have the ability to amortize any of that separation?

MR. NAUGHTON:
We, as in Suffolk County, do not have the ability to amortize our payments. Nassau did get that legislation passed last year. Suffolk did not choose to go that route, so we do not have the ability to amortize.

MR. ZWIRN:
If I might, Legislator Kennedy, just respond. We tried to get that bill passed out in Riverhead at a General Meeting and we didn't have the support at that time. We had a Home Rule Message before the Legislature that failed, so we don't have that option.

LEG. KENNEDY:
Well, we didn't have this set of circumstances in front of us either, Ben, I understand that. Okay. So from the way that you calculate it, we've got a net cost, but, as Legislator Losquadro spoke about, and let's bring that in, we're -- the County Executive has offered to move 10 million from Tax Stabilization, which we can do in this current year?

MR. NAUGHTON:
That is correct. Because the State passed this in June, that was something that was unanticipated, therefore, we can use the Tax Stabilization money.

LEG. KENNEDY:
BRO, do you concur with that?

MS. VIZZINI:
It's really a legal question in terms of interpretation of the law. I would defer to George.

LEG. KENNEDY:
Okay. This is a cushion shot. George.

MR. NOLAN:
They can tap Tax Stabilization for that. Because it's a new statute, it meets the definition of an unanticipated event that can trigger our use of that fund.

LEG. KENNEDY:
Okay. So we get 400 folks go out the door, it only -- well, we use reserves. We have 1.2 as a cost, and then what does 2011 get us? What -- when do we actually get to save some money because we have less people that we pay?

MR. NAUGHTON:
In 20 --

LEG. KENNEDY:
Ever?

MR. NAUGHTON:
Yes. In 2011, we will save 12.6 million dollars.

LEG. KENNEDY:
Twelve-point-six. And is that the net from what will be some rehiring, or is that predicated on we have 400 that go and those 400 slots get collapsed and remain vacant?

MR. NAUGHTON:
No. We are assuming a 20% backfill. And, also, to be fair in our analysis, we also assumed that there was also normal retirement, so we're not giving ourselves credit for people who would have left in a normal situation, because the truth of the matter is there's actually about 29 1/2 million dollars worth of salaries that are going to go off of payroll. However, we feel that in a normal situation, one-third of the people would have -- roughly one-third of the population would have left, so we can't give ourselves credit -- so we can't give ourselves credit for people who would have left under the normal situation, so we did not do that, so that's why the savings is 12.6 million.

LEG. KENNEDY:
That's a big delta, though, Eric. If you're talking gross 30 million that you're looking at, but you're only booking 12, I don't understand why -- where does the other 18 million go?

MR. NAUGHTON:
Okay. I guess, just to make it clear, what we're saying is that, for instance, in this year, you would have roughly 100 people leave. We're not taking credit for that. That's roughly about 2.6 million this year. Next year, it's an additional 12 million dollars for about 133 people who would have left under a normal situation. I mean, it would be disingenuous for us to say we're getting 30 million dollars in savings from early retirement when the truth of the matter is it's only roughly about, you know, a third, a third, a third. I think, in Budget Review's analysis --

LEG. KENNEDY:
Well, that's what I was going to say. Budget Review asked for the Exec's Office to go first. Do you have anything to add to that?

MR. REINHEIMER:
Well, I'll clarify what Eric was saying on the numbers. And we concur, we agree with their methodology. You can't assume that everybody that retires under early retirement is going for that reason, people are planning on retiring each year. What the County Executive's Office is doing is there's a seven million dollar savings in 2011 through normal retirements. So the combination of early retirement and the normal retirements, it's really about a 19 million dollar savings in 2011 from the combination of normal attrition through retirements and early retirement. And early retirement, you know, is really -- there's a 20 million dollar savings in early retirement, but they're discounting that by the regular retirements.

MR. NAUGHTON:
That's correct.

MR. REINHEIMER:
So the net impact, you know, budgetarily, there's about almost a 20 million dollar savings through early retirement and normal retirement, people off the payroll.

LEG. KENNEDY:
When we put together the 2011 Budget, Lance, and we're looking at the payroll function across our departments, how much less do we have to plug in there predicated what we see coming forward from this program we're contemplating? I'm not trying to be, you know --

MR. REINHEIMER:
No. I think --

LEG. KENNEDY:
-- thickheaded here, but I'm trying to look at where eventually do we get any benefit from doing this?

MR. REINHEIMER:
Okay. Good question. The answer, net savings between early retirement and looking at who's leaving the payroll, according to the County Executive's financial impact, is about 20 million dollars in 2011. There's a 20 million dollars reduction in what the budget would need if these people did not retire, whether they went through early retirement --

MR. NAUGHTON:
That's correct.

MR. REINHEIMER:
-- or normal retirement.

LEG. KENNEDY:
Do you agree?

MR. NAUGHTON:
That's correct.

LEG. HORSLEY:
Is it 20 or 29?

MR. NAUGHTON:
Twenty million. We also -- all said, in the 29 million, there is -- we assume some backfill and also

some revenue loss from State and Federal aid.

LEG. KENNEDY:
All right. I've monopolized it long enough. Let me turn it back over, Mr. Chair. There's got to be other questions.

P.O. LINDSAY:
Legislator Viloria-Fisher, did that answer your -- no? Go ahead.

LEG. VILORIA-FISHER:
No. I had a different set of questions. Over the long-term, though, it's -- you know, by 2016, we will have lost -- it will have a negative impact; is that correct? Am I --

MR. NAUGHTON:
That's accurate.

D.P.O. VILORIA-FISHER:
Okay. I just wanted to point that -- what is the total difference in the impact over -- for how long will we feel that impact? Is 2016 the end of it, or will we continue to feel an impact?

MR. NAUGHTON:
2016 is the end of it. We are assuming that we're going to amortize the additional pension costs over a five-year period and that will start in 2012.

D.P.O. VILORIA-FISHER:
Okay. But the number that you have here only takes up to 2012 into consideration, right, as the impact? You have $12,000 --

MR. NAUGHTON:
Twelve million.

D.P.O. VILORIA-FISHER:
-- as a positive impact, but that only goes through 2012, right?

MR. NAUGHTON:
Correct.

D.P.O. VILORIA-FISHER:
That's the end of three years, it's 2010, '11 and '12?

MR. NAUGHTON:
Correct.

D.P.O. VILORIA-FISHER:
So the positive impact is only up to 2012. So, in a way, it's kind of a two-shot. I mean, we only talk about a one-shot, this is a two-shot, because by 2013, we'll be in the negative range again.

MR. NAUGHTON:
Well, the other thing we were looking at is, clearly, to help balance the budget, we are going to need payroll savings, and in our feeling, the early retirement is a way to mitigate harsher ways to reduce payroll.

D.P.O. VILORIA-FISHER:
Okay. The other -- how much backfill did you say would occur in 2011 in order to realize the savings?

MR. NAUGHTON:
We are assuming 20% backfill.

D.P.O. VILORIA-FISHER:
Okay. I know that you often listen to the streaming version of our meetings, and this morning at the Labor Meeting, there was a presentation by people from the Probation Department who gave us some figures that would result in a 70% saving. Were you listening to that, Eric, at all?

MR. NAUGHTON:
Yes, I was in the audience. I did not see the analysis, but just from what I heard, I think there was a couple of things that they left out. One important factor is, for the new employees, there's a health insurance cost I don't think they factored in, which is roughly about $13,000 a head. They also did not show you the fact that if you hire someone this year, that person is going to get a step increase July 1st of next year. And, as a trainee, once they finished their one-year period, they will jump two grades, so that would be another salary increase they will have in another year. So their analysis was limited in what they actually showed you, so their savings would be a lot less. In addition, they're not factoring in the additional pension costs, which for Probation Officers is 125% of their salary.

D.P.O. VILORIA-FISHER:
Well, I was going to say, since they showed such a great savings, could you factor that into the lists that the County Executive comes up with, because we just want it to be held in consideration for the lists. The recommendation by the State is 50%. If they're saying 70 -- you know, if you look at your numbers and their numbers, just see where they fall out.

MR. NAUGHTON:
We'll consider it.

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

MR. ZWIRN:
Legislator Viloria-Fisher, the County Exec said he would look at the numbers. Because of the way the bill has been amended and drafted in line with what the Presiding Officer had requested, they can make their case to the County Exec's Office. If they can show the savings, I think he'll take it under consideration.

D.P.O. VILORIA-FISHER:
Okay. And I believe the Presiding Officer did encourage the folks who spoke to us this morning that they should direct their request to the County Executive's Office. So I hope that before they come to you, you can have all of those numbers together so that it can be a full conversation.

MR. NAUGHTON:
Not a problem.

D.P.O. VILORIA-FISHER:
Okay. And as far as the -- going back to the fiscal impact, List A, the backfilling would occur in 2011 and then 2012, only in -- only in 2010 actually when they're leaving, is that when you're figuring the backfilling? I'm just trying to --

MR. NAUGHTON:
We assume, with the normal --

D.P.O. VILORIA-FISHER:
-- see the impact through the years, in other words.

MR. NAUGHTON:
Okay. We assume, with the normal civil service process, we would not -- no one would get hired for the balance of this year, and, therefore, to be able to come on payroll starting in early next year.

D.P.O. VILORIA-FISHER:
Okay. And when you talked about going into the Tax Stabilization Fund, you were talking about a 10 million dollar dip into the Tax Stabilization Fund?

MR. NAUGHTON:
That is correct.

D.P.O. VILORIA-FISHER:
Okay. And so that in 2010 it would leave us with 8 million, a little -- right, 8 million dollars, 8.8 million as a net positive, you're saying, in the budget?

MR. NAUGHTON:
Correct.

D.P.O. VILORIA-FISHER:
Although, we understand it's a cost and you're pulling out of Tax Stabilization.

MR. NAUGHTON:
Exactly.

D.P.O. VILORIA-FISHER:
But we have 8 million --

MR. NAUGHTON:
Eight-point-eight million.

D.P.O. VILORIA-FISHER:
Eight-point-eight to play with -- not to play with, but to include in our funding. Okay. Thank you, Eric.

MR. NAUGHTON:
You're welcome.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
No.

P.O. LINDSAY:
You're done? Legislator Eddington.

LEG. EDDINGTON:
Yes. Good morning. You mentioned -- you heard Legislator Viloria-Fisher talk about Probation, and it sounded like this was news to you about considering them. It's my understanding that yesterday morning the Director of Probation, John Desmond, met with the County Executive and went over all of this. Now, are you unaware of that meeting or did that meeting never take place?

MR. ZWIRN:
I'm not -- I don't know if that meeting took place or not. But the way the bill is constructed, everybody now will be able to make their case to the County Executive, and he has control over the titles that will be eligible. So, whatever department you're in, I mean, if you can -- you can make

your case and ultimately the final choice to save the taxpayers money will be made at the County Exec level.

LEG. EDDINGTON:
Okay. I'd be interested in also finding out the numbers when you're done with that.

MR. NAUGHTON:
Okay.

LEG. EDDINGTON:
Thank you.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
This is to our -- question to our Counsel. In the past, when the Comptroller's Office has been asked to extend the opt-in period, have they extended for a particular group, or are they just extended for everyone for another 30 days?

MR. NOLAN:
I think they just extend the period.

LEG. BARRAGA:
And anyone --

MR. NOLAN:
And they don't -- from what they tell me, they -- in terms of the titles and so forth, they don't really care that much about that.

LEG. BARRAGA:
So, really, if we do that, it's not only for the Foley people in the case of a sale, it could be for everyone else.

MR. NOLAN:
It would be for everyone, yeah.

MR. NAUGHTON:
It would for everybody.

MR. NOLAN:
Yep.

MR. NAUGHTON:
It would be for everybody.

LEG. BARRAGA:
And it's up to the County Executive at that point as to who is going to actually participate.

MR. NOLAN:
Right, exactly.

LEG. BARRAGA:
All right. The other question is this: We're not going to do anything, I guess, today with 1726. The question is, based on 1724, do we really need 1726? Because we're authorizing early retirement, the County Executive now has the power to add or delete. At any point in time, it's a matter of

public record what he intends to do if it's sold. He could always, you know, basically add those people in.

P.O. LINDSAY:
The window has to be extended.

MR. NOLAN:
It's the window.

LEG. BARRAGA:
Well, I understand the window, but does the window Legislatively have to be extended? Is that the request with the Legislature, or can he do it by way of an Executive letter to the Comptroller's Office, because he has the power to add and delete, and requesting them to extend the period another 30 days?

MR. NOLAN:
I think the period has to be by Local Law.

LEG. BARRAGA:
Are you sure of that?

MR. NOLAN:
I'm pretty sure about that. But, you know, I'm literally reluctant to say how sure I am, because it's been --

LEG. BARRAGA:
I know. What's happening --

MR. NOLAN:
It's been shifting. But it says we're supposed to pass a Local Law that sets the period that people can opt in. We're picking 30 days through a Local Law. If you're going to extend it, it would also have to be by Local Law.

LEG. BARRAGA:
All right. I just want to make sure of that, because, you know, if he already has the power to add or delete, I want to make sure you're telling me he does not have the power to make a request of the Comptroller of the State of New York to extend the period another 30 days.

MR. NOLAN:
I think he needs a Local Law.

LEG. BARRAGA:
All right. Thank you.

P.O. LINDSAY:
Yes, Legislator Nowick.

LEG. NOWICK:
This is confusing, but I'm looking at the two -- the two bills. The one, 1724, has the commencement date of July 23rd. 1718 has the commencement date of September 1st. How --

MR. NOLAN:
1718 is not before us, Legislator Nowick.

LEG. NOWICK:
Oh, that's not going to be before us at all?

MR. NOLAN:
No.

LEG. NOWICK:
Okay. So it's just now -- then it's just going to be 1724 before us? And I'm sorry, but this is kind of --

P.O. LINDSAY:
And 1726, two that are --

LEG. NOWICK:
And did somebody just say 1726 wouldn't be voted on? Did Judge Barraga -- Judge.

P.O. LINDSAY:
No, no, that was just a comment.

LEG. BARRAGA:
Last thing you want me to be is a Judge.

(Laughter)

P.O. LINDSAY:
Legislator Nowick.

LEG. BARRAGA:
I'm happy with Legislator.

P.O. LINDSAY:
Just to clarify something, we have two alive CNs before us.

LEG. NOWICK:
That's what's confusing me.

P.O. LINDSAY:
It was suggested one be tabled. That doesn't mean you have to table it.

LEG. NOWICK:
Okay, okay.

P.O. LINDSAY:
Okay?

LEG. NOWICK:
Thank you. It cleared that up just a little.

P.O. LINDSAY:
Anybody else? If not, then I just have one question and then we're going to take up the issues, and, really, not so much a question, but a commentary.

Ben, you just said something about saving the taxpayers money. And over the last few weeks there's been an awful lot in the media about this Legislature, in particular me, not caring about the taxpayers, and costing them millions of dollars and being reckless. The fact of the matter is this program over the next seven years is going to cost us seven million dollars; am I wrong about that? Am I reading your sheet differently?

MR. NAUGHTON:
No, that's correct.

P.O. LINDSAY:
Okay. So there is no savings. All that media hype that your boss has been generating is wrong, and I wish he'd have the guts to be honest with the people of this County.

(Applause)

That's my only comment. What I'd like to do is, first of all, I'd like to apologize to this body for dragging you all in here on your vacation period. I know it's something that I didn't take lightly, and, as it turned out, it really turned out to be a fool's errand. As a result of the multiple interpretations that we've been getting from the State Comptroller's Office, what we started out to do we can't do. And as a result of that, 1718, which was the bill I was sponsoring, I asked to be tabled in committee today so there wouldn't be any confusion here.
In spite of the cost, I don't think we have any choice but to go forward with this program to save money next year, because we are in dire, dire straits. It just annoys me about the portrayals that we're saving money. We're not saving money.

I think that the original plan that I envisioned by including the J.J. Foley people made sense. If we sold the home, they tell me about 80 people are eligible out there, or somewheres around there, which is close to 25 or 30% of the workforce. And I'm sure that if we decide to sell the place, all of them will take advantage of it. If we didn't sell the place, certainly, I don't think maybe as many, but probably at least maybe half of that, 30 or 40 would retire. And you heard my appeal the last time. We just have to figure out a way of doing with less people at that facility in order to bring down the numbers in this horrible time. So I don't -- I don't apologize for the rationale, I apologize for dragging you in here. We should have had a clearer understanding of the State bill before we went down this road.

I know I've been criticized the last few weeks and disparaged about being a union supporter, or whatever. I don't apologize for my blue collar background or my union background. I think it kind of gives me a perspective sometimes about working people and what they go through with, and this bill is all about working people. And I'm not a career bureaucrat, I worked in the real world a lot, so -- but, again, I apologize. I have tabled 1718. 1724 is before us today. I made a proposal to the Executive's Office earlier today, being that he is the only one with the power to approve the categories. Would you please drop all the categories, get them off the table. With that proviso, I will make a motion to approve the revised 1724.

LEG. LOSQUADRO:
Second that motion, Mr. Chairman.

P.O. LINDSAY:
That goes forward with an early retirement. That purview is it's entirely up to the County Executive.

LEG. LOSQUADRO:
Second the motion.

P.O. LINDSAY:
Seconded by Legislator Losquadro.

LEG. LOSQUADRO:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
I would just say there's no need to apologize. You know, we're all here to do the people's business. And as it turns out, because of the opinion given by the Comptroller, removal of that schedule, of that list, actually now has us in conformance, and that as it was originally proposed, we may have actually not been in conformance with that State Law. So a little extra time, a little extra work I think got us to a much cleaner solution where we all have a clear understanding that the decision of who to include and who not to include does fall with the Executive.

And I think you're absolutely right, Mr. Chairman, we do this not because it is necessarily the best solution, we do it because it is one of our only solutions at this time. And with the investment that we make perhaps in the longer term, we do close the deficit in the short term and we provide a much better situation for those who wish to retire, and we avoid the possibility of significant layoffs in the short term as we deal with this fiscal crisis. So thank you for your work in this. Thank you to the Executive and his staff for their work on this.

P.O. LINDSAY:
And just to piggy-back on something that you're saying, and it's something that maybe my colleagues -- we had a discussion before we opened the meeting today about this. What this will enable us to do is people walk out the door with a smile on their face instead of getting a pink slip. But, more importantly, we don't have enough people in our workforce now. Almost every one of our departments are working with less and less and it's going to get worse after this goes into effect.

LEG. LOSQUADRO:
Before it gets better, yeah.

P.O. LINDSAY:
Before it gets better. But, if we don't do this, the layoffs that we're going to have to encounter are probably a hell of a lot more than the amount of people affected here. And the reason why is the early retirement allows the senior people to walk out the door, the higher paid people. If we went down the schedule of a layoff, we would be affecting the entry level people, the people with the less -- least seniority with the lower pay grades, which means that we'd have to lay off a hell of a lot more people than letting the senior people retire.

And the other thing, and we went through this last year, the turmoil of the layoff notices to thousands of our workers to adhere to the bump and retreat system would just put this County in paralysis and I'm not willing to go down that road, I'm just not willing to go down that road. So, anybody else want to speak?

D.P.O. VILORIA-FISHER:
On the motion.

P.O. LINDSAY:
Yes, Legislator Viloria-Fisher, and then Gregory.

D.P.O. VILORIA-FISHER:
Before I ask my question, again, no need to apologize, because we are doing the people's work here. And the other impact is the broader economic impact. When people retire, especially when they retire with an incentive, they're feeling a little flush and maybe they'll spend money out there in the economy. If you're laying off people who are low income workers, they're certainly going to tightening their belts, and it will be a cost to the general society and our general economic picture.

But I have a question for Counsel regarding the rainy day fund, the Tax -- I'm forgetting the title.

MR. NOLAN:
Tax Stabilization.

D.P.O. VILORIA-FISHER:
Stabilization, thank you. Now, I know that, again, that is the County Executive's call, but does there have to be legislation?

P.O. LINDSAY:
There's another bill in the packet.

D.P.O. VILORIA-FISHER:
Oh, there is a bill for that.

P.O. LINDSAY:
There's another CN in the packet.

D.P.O. VILORIA-FISHER:
Okay. I'm sorry, I missed that.

MR. NOLAN:
And that's a two-thirds vote on that.

P.O. LINDSAY:
Okay.

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

P.O. LINDSAY:
Legislator Gregory, and then Horsley.

LEG. GREGORY:
Thank you, Mr. Chair. Yes, this incentive is very important, that's why we're all here today, but we're not completely out of the woods yet. According to the County Executive's numbers, he was looking at upwards of 750 employees being laid off. This gets us to the 400, 500 employee mark, so we are looking at upwards of maybe 250 to 350 more, or actually employees that are subject to being laid off.

P.O. LINDSAY:
That's the County Executive's numbers.

LEG. GREGORY:
Right.

P.O. LINDSAY:
I mean, that's something that will go into the budget deliberations.

LEG. GREGORY:
Right, so we still have a ways to go. And if at possible -- if at all practical, I think it would be incumbent upon the County Executive to put out a list of those employees that he's at least looking at laying off so that they can take advantage of this incentive. I understand the bump and retreat makes it difficult, but at least a starting point where, you know, an employee can make an informed decision, you know, taking advantage of an incentive that they may not want to take advantage of or being laid off, you know. So I think that's something that he should consider.

P.O. LINDSAY:
Okay. Legislator Horsley.

LEG. HORSLEY:
Yes. Thank you. And I concur that there is no apologies necessary on any level. I just -- I have a quick question for George. I don't want to be intellectually deficient, or whatever the term was last week.

(Laughter)

In this 90-day period, now, can he -- can we start offering the retirements any time throughout that 90? Do they -- can they be staggered as long as they're within that -- within that time period, or do they have to be all at once? How does that -- how does that work as far as the offering of retirements?

MR. NOLAN:
Well, first of all, the County Executive bill that we're going to vote on today is a 30-day open period.

LEG. HORSLEY:
Okay.

MR. NOLAN:
So people will start putting in their requests to retire and, you know, the County Executive is going to implement that as he sees fit.

LEG. HORSLEY:
Right.

MR. NOLAN:
But, you know, I think it will be, you know, staggered, people will come in at different times. But they only have a 30-day window, so they're going to have to move real quick.

LEG. HORSLEY:
So, okay, within that 30-day period, they can be staggered and more offered as time goes on within the 30-day period? Say if he decides to include Foley, that could be in day 15 of the period and that offering --

MR. NOLAN:
I believe they can do that.

LEG. HORSLEY:
So there could be negotiations throughout that 30-day period?

MR. NOLAN:
Yeah. I've got a feeling that probably is going to be decided within the next couple of weeks before --

LEG. HORSLEY:
I think you're right, but I just wanted to see. Does it all have to be settled the day that --

MR. NOLAN:
The first day of the period, I don't think so.

LEG. HORSLEY:
Okay. Thank you.

P.O. LINDSAY:
Legislator Cilmi.

LEGISLATOR CILMI:
Thank you, Mr. Chairman. Just a question first to the County's budget folks. Mr. Naughton, the costs that we see that appear in your impact statement that's attached to the bill that we're going to vote on, particularly those costs listed under years 2013, '14 '15 and 16, those are a result of what?

MR. NAUGHTON:
New York State charges an extra pension cost, an extra contribution for regular employees, most of the employees in AME. It's roughly 75% of their pay -- of pay. For some of the public safety salaries such as Probation Officer, or Correction Officer, or Deputy Sheriffs, it's roughly 125% of their salary.

LEG. CILMI:
So -- so it's basically pensions?

MR. NAUGHTON:
Yeah. The State requires us to make an extra contribution to the pension system for these --

LEGISLATOR CILMI:
So tell me if this statement is correct: We're reducing the number of employees in the County theoretically by 400, and yet, at the end of seven years, it's actually costing us money to do so as a result of pensions.

MR. NAUGHTON:
Right. To get the short-term benefit, we have to make a long-term investment of paying more into the State Retirement System for that benefit.

LEGISLATOR CILMI:
Now, if we continue to utilize programs such as this and continue to reduce our workforce, which is by most accounts seriously diminished at the present time, will it continue to, in fact, cost us money to do so?

MR. NAUGHTON:
I guess you're asking if there's another program next year. I mean, we don't see that happening. I mean, we haven't had an early retirement at the State level since 2002.

LEGISLATOR CILMI:
I mean, the fact of the matter is that our workforce is decreasing and, yet, our costs are increasing, at least by way of this program in this analysis. So my simple point to everybody in the room and to the leaders up in New York State today and after this November would be that we cannot continue to pay people for nothing. Prospectively, there needs to be significant change to our pension system in this State, otherwise, we're all going broke, it's going to be game over. The well that we continue to go to, the tax payer well of funding is absolutely dry. So I would urge our colleagues at the State level to really have a serious look going forward at pensions, because we can no longer sustain these types of costs in the future. Thank you.

P.O. LINDSAY:
Anybody else? Nope? Okay. We have a motion and a second on 1724 to approve it. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Recuse.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Not Present)

LEGISLATOR CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

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

MR. LAUBE:
Fifteen. (Not Present: Legislators Browning and Montano)

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

P.O. LINDSAY:
Okay. What I'm going to do is go to 1726 next in your packet. We have a number of CNs. Why I jumped is that's the other pension bill that creates the second window having to do with the Foley

people. I'm open to --

D.P.O. VILORIA-FISHER:
Motion to table.

P.O. LINDSAY:
We have a motion.

D.P.O. VILORIA-FISHER:
I mean to commit, right.

MR. NOLAN:
Either way.

P.O. LINDSAY:
We could do either.

LEG. KENNEDY:
Mr. Chair, can --

P.O. LINDSAY:
Hold on for one minute. I've been asked by Legislator Montano to reconsider a vote on 1724. He was out of the room, and we called the vote before he got a chance to cast his ballot. So I'll make a motion to recommit.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. LOSQUADRO:
Reconsider.

P.O. LINDSAY:
Reconsider, reconsider. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
It's carried. It's before us again. ***1724, Adopting Local Law No. -2010, a Local Law electing a Retirement Incentive Program as authorized by Part A of Chapter 105, Laws of 2010 for the eligible employees of the County of Suffolk.*** Please recall the roll.

MR. LAUBE:
Same motion and second from previous?

P.O. LINDSAY:
Same motion, same second as previously.

(Roll called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Recuse.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEGISLATOR CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. Like I said, I wanted to go to 1726 next and Legislator Viloria-Fisher, you made a motion to

--

D.P.O. VILORIA-FISHER:
To commit to committee.

P.O. LINDSAY:
Okay. And second -- did you second that Legislator Kennedy?

LEG. KENNEDY:
No.

P.O. LINDSAY:
Okay.

LEG. COOPER:
I'll second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. KENNEDY:
I have a question on the motion, Mr. Chair.

P.O. LINDSAY:
Before we get to that, I'd just like -- I mean, do you people see any harm in this going back to committee at this stage, that we shouldn't have to vote on this as a CN, because it wouldn't kick in until August 17th anyway.

MR. ZWIRN:
It could be considered at the August 3rd General Meeting.

P.O. LINDSAY:
Okay. Legislator Stern had a question.

LEG. STERN:
Thank you, Mr. Chair. Just on the point that Ben had made. Maybe we could go to Counsel just for further explanation on the dates, the timing, and how all of that would work, just to get some clarification on whether or not if we do decide to recommit, what kind of time would be involved in going forward to ensure that the provisions here could apply going forward.

MR. NOLAN:
Well, we've held a public hearing on this bill, so we don't have to do another public hearing. So it goes through the normal committee process. Assuming it gets out of committee it will be eligible for a vote on August 3rd. Then the County Executive has to do his thing. I'm assuming he would do it on an expedited basis, so by August 17th I think it would be in effect.

LEG. STERN:
One more question. This legislation depends on the passage of IR 1474.

MR. NOLAN:
Correct.

LEG. STERN:
And that's the only measuring point here within this legislation. It doesn't go beyond that, correct, it doesn't depend on ultimately a sale, it doesn't depend on the timing of a sale. It doesn't depend on any other factor other than the passage of 1474.

MR. NOLAN:
It kicks in if and when the Legislature approves 1474, but it would have to be by August 17.

P.O. LINDSAY:
But the other thing, Legislator Stern, still the Executive has the power to designate who can retire and who can't retire, even if this is approved or not approved or the home is sold or not sold. It's still up to him to sign-off on who can retire.

LEG. STERN:
Right, understood. Thank you.

P.O. LINDSAY:
Anybody else? Legislator Gregory.

LEG. GREGORY:
Okay. So this bill goes into -- can go into effect possibly with the agreement of the County Executive should we approve to -- this body approve to sell the nursing home. Now, we haven't even had the public hearings. When are those scheduled?

P.O. LINDSAY:
The public hearings are scheduled for the 3rd and the 17th.

LEG. GREGORY:
When is our next meeting after the 3rd?

P.O. LINDSAY:
The 17th.

LEG. GREGORY:
Okay. So we would -- okay. All right, thank you.

LEG. CILMI:
I have a question, Bill.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Question for Counsel. If we agree, as Legislator Barraga suggested, that the portion of this resolution that deals with specifying those employees from Foley is really moot because of the alterations to the previous resolution that we approved, then the only aspect of this resolution that is in play is the one relative to extending the date, correct?

MR. NOLAN:
Correct.

LEG. CILMI:
So my question is this. Inasmuch as this resolution is contingent upon the sale of the Foley Nursing Home, if the sale does not go through, does that prevent us then from extending that date?

MR. NOLAN:
It would not extend. If it doesn't pass on the 17th, if the sale does not go through on the 17th, the period will stay at 30 days.

LEG. CILMI:
So, in fact, if this bill were to -- if this bill were to pass ultimately and the sale does not go through,

then we're handcuffed in terms of extending those -- extending that date.

MR. NOLAN:
Right. What 1726 is doing is amending 1724. The amendments to extend the period would -- only takes effect if 1474 is approved. So if August 17th comes and the sale does not go through, if 1474 is not approved, then it's a 30 day period which expires around August 23rd.

LEG. CILMI:
Okay. Thanks.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
George, could we just clarify the wording on that? Because I think what has to go through is the -- our authorization of the sale, not the actual sale. Am I correct in interpreting it that way?

MR. NOLAN:
The language is approving I.R. 1474.

D.P.O. VILORIA-FISHER:
Which is our authorizing --

MR. NOLAN:
Our voting.

D.P.O. VILORIA-FISHER:
-- the County Executive to proceed --

MR. NOLAN:
Exactly.

D.P.O. VILORIA-FISHER:
-- not the actual sale, right?

MR. NOLAN:
Right, that would -- you, know, the consummation would come later.

D.P.O. VILORIA-FISHER:
And we give the authorization.

MR. NOLAN:
Yeah. We're talking about the authorization by this body.

D.P.O. VILORIA-FISHER:
The authorization, yeah. I just wanted to -- I didn't know exactly how far Tom's question was going, whether it was the actual sale. It's our authorization of the sale.

P.O. LINDSAY:
Anybody else? Okay. We have a motion to commit 1726 to committee and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Browning)

P.O. LINDSAY:
Okay. Now, the rest of it we can move through relatively quickly.

1725 -- I'm taking these -- let me take them in order now.

1722 is the first one, ***Accepting and appropriating a grant sub-award from Tidewater Community College for a Department of Health and Human Services Health Information Technology Project, 100% reimbursed by Federal funds at Suffolk County Community College.***

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by Legislator Viloria-Fisher. Any discussion? All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
1722 stands. ***1723, Accepting and appropriating a grant award from the United States Department of Labor - Employment Training Administration (DOL-ETA) for a Community-Based Job Training Grant: POWER 100% reimbursed by Federal funds at Suffolk County Community College.***

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

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
This is over a million dollars. Motion by Legislator Losquadro, second by Legislator Horsley. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
1725, Apportioning mortgage tax by: County Treasurer. Do I have a --

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Who was the second? Second by Legislator Nowick. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
1727, and this goes with the retirement bills, ***Authorizing transfer of funds from the Tax Stabilization Fund to the General Fund.***

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by Legislator Muratore.

D.P.O. VILORIA-FISHER:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
I have a question for Counsel and Budget Review, or anybody else who can answer it. When you read the legislation, the County Executive is asking for the authorization to go into our rainy day fund and he specifies $10 million. And I was wondering, because he specified the $10 million expenditure, when I add up the expenditures as listed in 1727, it adds up to eight and a half million dollars. How precise does the amount have to be when you're asking for that emergency use of the rainy day fund? And can that be rolled over into the expenditures that are anticipated in the following year?

MR. NAUGHTON:
Actually, I'm not sure which lines you were reading. However, if you look --

D.P.O. VILORIA-FISHER:
Okay, right in 1727 it talks about anticipated expenditures and in the third RESOLVED it talks about 10 million -- in the last WHEREAS where it says "the County anticipates that many eligible County employees will opt into this incentive program which will cost the County approximately ten million dollars". Okay, I know it says approximately, but I'm wondering when you do the paperwork to allow us for the State to permit us to do this, do you have to give a more specific amount and does this cover that?

MR. NAUGHTON:
In the third RESOLVED clause it says up to $10 million, so it can be less than ten million, but not more.

D.P.O. VILORIA-FISHER:
So that would cover it. Okay, thank you.

P.O. LINDSAY:
And the other thing is you don't know how many people are going to retire. I mean, you can't compute the final cost of this thing until, you know, until the 30 day period.

MR. NAUGHTON:
That's correct.

D.P.O. VILORIA-FISHER:
When we talked about this a couple of years ago there were a lot of regulations and restrictions, so I just wanted to know how exact we had to be. Thank you.

P.O. LINDSAY:
Anybody else? Do we have a motion on this, Mr. Clerk?

MR. LAUBE:
You have a motion and a second to approve.

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

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

MR. NAUGHTON:
Thank you.

P.O. LINDSAY:
Okay. We don't have any other business at this special meeting. I'll accept a motion to adjourn. Motion by Legislator Muratore, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

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

P.O. LINDSAY:
We stand adjourned. Enjoy the rest of your summer.

(The meeting was adjourned at 12:47 P.M.)