

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

SIXTEENTH DAY

NOVEMBER 3, 2010

Special Meeting held in the Rose Y. Caracappa Legislative Auditorium

Of the William H. Rogers Legislature Building

725 Veterans Memorial Highway, Smithtown, New York

Verbatim Minutes Taken By:

Alison Mahoney & Lucia Braaten - Court Reporters

*(*The following testimony was taken & transcribed by
Alison Mahoney - Court Reporter*)*

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

P.O. LINDSAY:

Could everyone rise for a salute to the flag, please, led by Legislator Kennedy. Is he here?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Led by Legislator Nowick.

Salutation

Why he wasn't here, I didn't call the roll yet. Mr. Clerk, could you call the roll, please?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Present.

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:
(Not present).

LEG. GREGORY:
Present.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. Now I'll have Legislator Kennedy introduce our visiting Clergy.

LEG. KENNEDY:
Good morning, everybody, and thank you, Mr. Chair. It's my privilege this morning to go ahead and introduce Father Jack Custer of the Byzantine Catholic Church in Smithtown. Father Jack has actually been the Pastor for this congregation for the last 18 months. The congregation itself actually has been in existence for 50 years here in Smithtown, it is one of only two Byzantine Catholic congregations on Long Island, and actually the first one to be instituted.

Like many of our congregations throughout Suffolk County, the parish ministers to a wide range of needs. They are integral in the operation of a food pantry and a variety of other day-to-day needs, both spiritual and otherwise direct. And so Father Jack is very active and I look to him to please pray for us today. Father Jack, please.

FATHER CUSTER:
Thank you, Legislator Kennedy. I'm honored to be able to call down God's blessing on this assembly this morning. This is the word of God through King David in the first of the Book of Psalms. "Blessed is the man who walks not in the counsel of the wicked, nor stands in the way of sinners, nor sits in the assembly of the scoffers, but whose will is the law of the Lord and who meditates on his law night and day. He shall be like a tree planted by streams of water that produces its fruit in its season, his leaf shall not wither and whatever he does shall prosper. For the Lord knows the way of the just, but the way of the wicked will perish."

Heavenly Father, we call down your blessing upon this assembly this morning. Grant to our Legislators the wisdom to seek your will, the courage to do your will. Grant them a listening heart, guide them to balance justice with mercy. Grant that all that is deliberated and all that is done in this chamber this morning and in every place where our government gathers, that they will seek no kingdom but your kingdom, and so that what they deliberate and what they do may stand when your kingdom comes. Amen.

"Amen" said in unison

P.O. LINDSAY:

Before everybody sits down, can we just have a moment of silence to remember all those men and women who put themselves in harm's way every day to protect our country?

Moment of Silence Observed

Good morning, everybody. We have first, as we do with all of our meetings, a public portion, and I have a number of cards. The first one up is a Anita Fleishman.

MS. FLEISHMAN:

Good morning. I'm Anita Fleishman, I'm the Executive Director --

D.P.O. VILORIA-FISHER:

Anita, could you speak into the microphone?

MS. FLEISHMAN:

I'm the Executive Director of the Pederson-Krag Center which is the largest provider of out-patient mental health clinic services in Suffolk County. Figures that I can show you compiled by the New York State Office of Mental Health via 2008 reveal that PK produced more units of services to Suffolk County residents than all other clinics combined, including the County clinics, at a lower cost per unit.

I chose not to speak earlier this year because a budget that I had received for 2011 indicated, as it had in the past several years, that it was holding firm at the figures that it had been at. It wasn't until about a week or a week and a half ago that I received word that that budget was going to be cut by \$130,000. One hundred and thirty thousand dollars to us means three full-time therapists and approximately 200 patients that they would be seeing over the course of a year. Last year the Pederson-Krag Center turned away 1,335 individuals that requested services. This year in 2011, if we don't get that money restored, we can add another -- well, another 200 to that figure at least, as well as the termination of three employees.

In anticipation of OMH's restructuring of clinic programs, which is a story for another date and I will be happy to review that with you, that plan over the next four years will virtually decimate the community public -- community services for mental health and substance abuse. In anticipation of that, the Pederson-Krag Center consolidated and eliminated, reduced our budget by \$250,000 by consolidating our Admissions Departments across all of our three clinics. In doing so, we terminated seven employees; I would hate to think that that number is going to rise to ten and that much more of your constituents that we will not be able to provide service for.

Just recently I asked my Comptroller to run a zip code of all of our clinic services in our three clinics and what is revealed is that there is not one district that you serve that we do not have people coming in to see us because of the sparsity of services. So from all the way out east to the border, the Nassau border, we have clients in your district. That number I would also be happy to share with you.

So I'm here today to ask for the restoration of that \$130,000, it would mean a great deal to the communities that you serve. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Anita. Peggy -- is it Boyl or Boyd?

MS. BOYD:

Good morning, everyone. I'm Peggy Boyd, Family Service League, Vice-President of Advocacy. I got here around 8:30 and I was -- I had this whole speech and I'm shocked and saddened to see so many of the agencies we work with every day at Family Service League; I see the Dolan, I see Victims Information Bureau, PK, you know, youth service providers. And I know your challenge is great right now in terms of trying to find a way to balance a budget and yet fund all the not-for-profits that do incredible work.

At Family Service League, I'm deeply concerned about, you know, some of the budget items that currently desperately need to be restored. They're not items that we can do without, programs that impact families that are dealing with -- Joe's Project, for instance -- suicide, programs that address youth when we're, you know, dealing with drug abuse, gang violence on a regular basis. Those programs are really pivotal and crucial, just as are all the other programs. So I don't envy the position you're in, but I do encourage you and implore you to try and find a way to work with the children and families in Suffolk County to meet their needs, to find a way to restore not only Family Service League's losses but the losses to the countless agencies. I don't know how you'll do it. I know that all of us will try and work beside you. We know cuts are inevitable.

The cuts that will be made at the County level, I have to say that my job has become very easy over the last several months because there isn't funding out there right now in the not-for-profit center to restore at the County, at the State, at the Federal government level in the foundations. There isn't other dollars to pick up the importance and the important work that is covered through these dollars. So we're concerned, we're willing to work with you. We're concerned about all the other agencies as well as our own. It's not fluff dollars, these are real dollars that make a huge impact, and I hope you'll do your best to restore what you can. Thank you.

P.O. LINDSAY:

Thank you, Peggy. Beverly Cody.

MS. CODY:

Good morning, everyone.

UNKNOWN AUDIENCE MEMBER:

Hold the button.

MS. LOMORIELLO:

There's a button on the microphone.

MS. CODY:

Can you hear me now? I'm here to speak to you one last time as the Chairperson of the Suffolk County Disability Advisory Board. It is crucial that the Office of Handicapped Services remain an independent department. The board understands that it has been included to remain independent in the Omnibus budget; therefore, I urge each of you to vote for the Omnibus budget.

A few of the reasons not to move the Office of Handicapped Services are the move will not save the County any money, none; if it's not broke, don't fix it; the move would take away the office's influence and effectiveness; it would no longer have independent access to the County Executive, Legislators and other department heads. The Office of Handicapped Services is the County's ADA, 504 Compliance Office. There's no other office that has the in-depth knowledge of local, State and Federal legislation.

The Office of Handicapped Services is the one door for the 315,000 people with disabilities in Suffolk County to get accurate information, advocacy and referral. The ADA is largely driven by lawsuits. If someone doesn't sue, the problem doesn't get resolved. The County will be leaving itself open to costly lawsuits that could be avoided. In this day and age, placing the Office of Handicapped Services under the Department of Health Services, Children with Special Needs Bureau, would be a slap in the face to every adult, disabled person in Suffolk. The County will be treating them like children. This would be a throw-back to more than 20 years ago before the Americans With Disabilities Act gave people with disabilities their Civil Rights.

I also wanted to mention that another member of the board, Roy Probeyahn is here. He may have to leave before his opportunity to speak to attend another County meeting, but he will be back. Thank you.

P.O. LINDSAY:

Minerva Perez.

MS. PEREZ:

Good morning, Honorable Legislators. My name is Minerva Perez and I am the Director of the Domestic Violence Shelter for Women and Children that is run by The Retreat.

First I would like to thank you for the commitment you have made in the past to keeping the needs of domestic violence agencies in the forefront when making difficult budgetary decisions. We know that times are tough. We also know that those who choose to abuse their intimate partners don't often need reasons, but when you add the constraints of this bleak economy, times are tough turns into times are bloody and times are deadly. For victims of domestic violence, it's just getting worse. Seeking justice with mercy is all they ask and they need our help.

For over two decades, The Retreat has been coming to the aid of victims of domestic violence. The Retreat has been the only community-based, not-for-profit agency providing domestic violence services and support for victims located on the east end of Long Island. For safety reasons, many of our clients receiving our services are from western Suffolk as well.

I got to sit down last night and talk with one of our younger clients, Mayla, who's eleven years old. She came to our shelter just one month ago with her Mom and three siblings, she told me she feels safe with us and likes meeting the new children. She asked me why I was going to speak and I told her that we need the support of all of our County to keep The Retreat running. She said she would be sad if anything happened to the shelter because it has helped so many children and made her happy.

We have been operating at capacity. Currently I have six women, one infant, three toddlers, seven elementary school children and one middle schooler. With a 56% increase in demand for services just over the past 12 months, family violence has reached the level of public health crisis. The Retreat is struggling to meet this public health crisis, struggling to answer Mayla's call, struggling to continue the legal advocacy and domestic violence counseling that help your constituents to break free from the cycle of violence that they're in. Our current funding levels will not allow us to meet this heightened demand for services. I am here to thank you for all the work you've done in keeping domestic violence at the top of the County's list. Please continue your vigilance when making budgetary decisions for 2011. On behalf of The Retreat and Mayla, I thank you.

P.O. LINDSAY:

Thank you, Ms. Perez. Dan Tomaszewski.

MR. TOMASZEWSKI:

Good morning, Ladies and Gentlemen of the Legislature. My name is Dan Tomaszewski, Vice-President of the Longwood Board of Education. I'm here today to ask you to reconsider possible budget cuts for the Lifeline Mediation Service that we have in the greater Longwood community.

The relationship between Lifeline Mediation and the Longwood School District is a true school community partnership that benefits not only the residents of Longwood, but of Suffolk County in general. It represents a cost saving service that agencies -- excuse me. It represents a cost saving service because each dollar invested by the County saves many dollars of potential spending by Social Service agencies and the Criminal Justice System. Community-based programs are highly effective because they're more closely in tune with root causes of specific crisis characterized by an element of trust which is often missing when dealing with larger agencies.

Lifeline is a perfect example of how a community can help fulfill the public mandate of doing more with less by taking care of itself. Support of non-profit agencies like Lifeline represents creative thinking by local governments in maintaining the ability to deliver critical services in these troubled economic times. The Longwood School District considers its partnership with Lifeline Mediation an essential component to support children and families because it provides ongoing family counseling across the community, provides mentoring for children at risk, provides a neutral mediator for children and families outside the school setting. Lifeline relays early warning to the school district about serious conflict that often is brewing in the community. It provides an afternoon program for middle school students during these critical times, critical hours.

The school district provides academic assistance and Lifeline provides a positive experience of mentoring. It provides immediate and ongoing assistance for the homeless children and families in the community, and right now we have in excess of 350 homeless children in our community.

Lifeline is a critical resource for our evening alternative high school, the administration and mental health staff regularly partner with the serious cases involving our most vulnerable population. And the main focus of this partnership between Lifeline and the Longwood School District is early intervention and prevention for the children and families of the greater Longwood community. You know, as we look around Suffolk County and we see what's happening in some of these communities, we don't want to see that happening in our community, the violence that is literally ripped the heart out of so many communities and we want to protect our community, we want the opportunity to do that and we appreciate your support with this critical, critical agency, lifeline Mediation. We're hanging on by a thread, as many communities are. Thank you for your support.

P.O. LINDSAY:

Thank you, Dan. Joe Lecci.

MR. LECCI:

I'm the Executive Director of Lifeline Mediation, and I just want to speak for a couple of minutes on the past 14 years that we've been in operation. I'm living in the Longwood community for 41 years, I'm a retired Assistant Principal, and we did this out of vision. As far as what our basics are is that when you read the headlines, we're behind the scenes of those headlines as to the issues with gangs, the issues with bullying, cyber-bullying, the homeless situation that Dan brought out, those are the different things that we're mentoring one-on-one. And you know, I'm basically up here today to reinforce what hopefully you can support us and continue us, we so appreciate. But, you know, everyone communicates and basically few connect, and I'm hoping today that you can stay connected with us and in reverse, us with you. And I believe with the economy and everything the way it is and the tough job that we all face, if we can hold on and not let go in the time that we're living in, we can lower the casualty rate as far as those children that are in difficult situations and the different things that occur.

One of our programs, the PAL program with Jump Start which has been going on for 15 years, that program is on a Friday night at the high school gymnasium, and we've gathered at least 160 kids on those Friday nights. And a quick story is there have been past stories where we've had one particular year, we had four children that were homeless, we restructured their lives, they got back into the mainstream of school, and three out of four we put in to Suffolk Community College. We also get the support of the business people in the community and we're looking for that support to continue from you today and just to take into consideration the words that we're speaking, and hopefully you hear my heart. We just need the help and hopefully it can continue that way. Thank you for your time.

P.O. LINDSAY:

Dana Walcott.

MS. WALCOTT:

Good morning. I am the Director of Middle Island Caring for Kids, we're a day-care center in Middle Island. We were cut out of the funding budget this year, so I'm really just asking if we -- if you could reconsider that. If anything, we needed an increase, not to be cut out of the budget.

Middle Island Caring for Kids, we do have a contract with the Department of Social Services as far as child care. We do provide more than just child care services, we have family services as well. But when we're talking about finances and just sound fiscal decisions, when we cut day-care, that means parents can't work. Not only do we assist parents, but we also assist, obviously, in child care that if a family has more than one child, we don't charge them the full price. It's almost embarrassing to say, but we actually charge them half-price for the second child. We can't afford to do that, but we do, so we work with families. It's not -- you know, this is not just rhetoric to say, "Well, you know, we get in there," we really get in and we help families. If those parents can't work, they're going to be on services, you're going to be paying a lot more for services out of the County budget than subsidizing child care centers.

So I just -- you know, we're just here today to say -- asking you to reconsider that and to just realize that every dollar does help, and you're paying a lot less by assisting a small center like ours; we're licensed for 56 children. It's a lot less when we are supplemented than it is to have to pay the cost of families that are now out of work. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Walcott. Dan Nolan.

MR. NOLAN:

Good morning to all, and thank you for this opportunity to speak. My name is Dan Nolan and I've been an administrator and a teacher for over 38-years, the last 25-years being a high school principal in some of the most prestigious high schools in the north shore. I'm also the President of Middle Island Caring for Kids Day-Care and I have been involved in Lifeline Mediation since its inception. So with my experience, I can guarantee you that I have my finger on the pulse for student needs, children needs, and also for the needs of the community.

The past two years, under the leadership of Joe Lecci and Superintendent {Gersten Lauer} from Longwood and myself and Joe Lecci, we instituted a community council. We really feel that we're a program that has our finger on the pulse and are doers; we react to the community, we react to the community's needs. We created a community council of approximately 10 to 12 of the leaders of the community, and for the past two years we identified specific needs of the community. We brainstormed and decided let's hear from more of the community. About a month ago, thanks to Longwood Middle School and the school district, we had 60 participants from the community; 60 people who care about the Longwood School system, 60 people who care about Middle Island. I've been in Middle Island for 37 years. It's a wonderful place, we want to keep it that way.

At that forum, we identified many of the needed issues. Obviously we had gang awareness, we discussed the 350 homeless students, bullying, graffiti, traffic concerns, mentoring, drug and alcohol abuse, unemployment, and even fire department needs and recruitment. These are needs that have to take place, these are issues that we want to take on. Lifeline Mediation is the key component to bringing answers to these people and making things happen. It's a difficult time out there, I understand that, but we are really appealing that you could meet our needs.

As I stand here today, the clock is ticking; I only have three minutes. Well, the clock is ticking for those people out there in our community who have needs. We want to address them before the alarm goes off. We've done that in the past thanks to your needs -- thanks to your help and we can only hope that you will help assist us in the future. We greatly appreciate what you've done for us in the past and only hope that it will continue. Thank you for your help.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Nolan. Eric Naughton.

DIRECTOR NAUGHTON:

Good morning. Eric Naughton, County Exec Budget Director. On September 16th we presented a balanced budget with no tax increase and no fee increase. This budget was affirmed by all three rating agencies. Keep in mind that this is a proposed budget, it is the County Exec's fiscal plan. There were no surprises in this proposed budget; it has the initiatives that we have been discussing all year. Some have claimed that it contains some speculative revenue, but it doesn't because everything is in your control. We do not need any approval from any outside entities, we just need you to make the tough decisions.

You have the right to make changes, of course, but we would ask that you find legitimate offsets. However, you should keep in mind that your Budget Review Office thought that our budget does contain some risky items such as \$10 million in property taxes, \$3 million for Police overtime, a million dollars from Social Security, \$15 million for red light cameras. Therefore, we would ask why would you amend our budget and add millions of dollars in expenses? But what you have also done is your Budget Review Office has said that sales tax may be \$3 million more than what we have projected; we feel that that is speculative, it is clearly out of our control. And then in your amendment, she stretched the \$3 million to three and a half million dollars just to add more money for you to spend, which makes no sense.

Finally, you have included the revenue from selling the Foley assets that we put in the budget, but you removed the \$16 million that's required to defease the debt on those same assets to keep it open for some unknown time period, which clearly makes no sense. I respectfully suggest that if you're going to leave all the revenues that we put in the budget, then you should just uphold the proposed budget in its entirety. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Eric. Connie Corso.

MS. CORSO:

Good morning, everybody. I'm just going to reiterate a little bit of what Eric said. I'm sure it's no surprise how proud we are in this County of our high bond rating. The rating agencies did affirm the County Executive's recommended budget, not once but twice in the last six weeks.

I just want to let you know that I have a letter from our financial advisor and today he's -- excuse me? Oh, sorry. Our financial advisor states just this morning that the rating agencies made it abundantly clear that any transfer, additional transfer from the Tax Stabilization Reserve could truly send a downgrade by one or more of these agencies. If you look at it, isn't it better to have cash on hand at this point? Right now we only have \$60 million; after a \$20 million transfer, that would be 40 million. Surely we have to plan for any additional blip. I would implore you to please hold up

the County Executive's recommended budget.

D.P.O. VILORIA-FISHER:

Thank you. Ken Crannell.

MR. CRANNELL:

Good morning, Members of the Legislature. Just a couple of facts for the record in an effort to clarify the public's understanding of the Legislative Budget Amendments that are before you today.

Since the County Executive submitted his 2011 budget proposal, the residents of our County have been inundated by statements from many of the members of this Legislature with concerns about so-called phantom revenue presented in the Executive budget. Whether it was red light camera or revenue from the sale of land in Legacy Village, you made it clear that you felt that the revenue was bogus and that the budget was not balanced. Well, here we are today and the Legislative budget resolution endorses and includes the very same revenue that was labeled as phantom by many of you around the horseshoe today.

Also, a week has not gone by without a press release by a member of the Public Safety Committee with concerns about Police staffing and resources. In his proposed 2011 budget, the County Executive presented a fully-funded public safety plan that included the addition of 220 new Police Officers by the Fall of 2011; this includes 70 recruits currently in training in the Police Academy, a class of 90 recruits in November to be ready for deployment in June of 2011, and a class of 60 in March of 2011 to hit the streets by the Fall. I might also add that your own Budget Review Office affirmed that the County Executive's 2011 Police hiring plan is fully-funded, unlike the plan that the Legislature adopted in 2010.

Well here we are on the verge of the proposed budget vote and what do our residents get from the Legislative budget proposal? They get a Legislative plan that delays a fully-funded class of new Police Officers for five months and a reduction of replacement Police vehicles. Clearly, the actions of the Legislature don't add up, especially when you compare the morals of the heated statements about the need for more Police Officer staffing to protect the residents of your district; it's illogical.

When the chips are down and it's time to cast your vote, there is no denying the fact that you are voting for less Police staffing than proposed by the County Executive. I will leave it to the individual members of the Legislature to explain that to their constituents. Thank you.

P.O. LINDSAY:

Dennis brown.

MR. BROWN:

Thank you, Mr. Presiding Officer. I just wanted to spend a minute to talk about the proposed -- the amendments to the proposed budget and the treatment of the revenue from the sale of Foley.

The way I see it is that the proposed amendments to the proposed budget are inherently inconsistent. The amendments recognize the revenue from the closure of Foley as it is in the proposed budget, but the third and fourth RESOLVED clauses of the second budget amendment, they place a prior restraint on the ability of the County to actually realize that revenue. As you know, the budget is required to remain balanced throughout the course of the year, as stated in the Administrative Code, and these prior restraints on the ability to recognize the revenue as it was proposed in the budget would likely result in the budget throughout the year for the Fiscal Year of 2011. Thank you.

P.O. LINDSAY:

Ben Zwirn.

MR. ZWIRN:

Good morning, Mr. Presiding Officer and Members of the Legislature. "You can't have it both ways"; that's what Legislator Cooper said last night on News 12 when he was at the Governor-Elect's headquarters. But the County Executive is saying that's exactly what the Legislature is trying to do with this budget. You're taking the money, the revenue that would have been generated from the closing of the nursing home and the sale of its assets and using that to continue the operation of the nursing home. It leaves a \$20 million hole in the budget.

The County Executive made tough decisions in this budget. Albany has not made those tough decisions, Nassau County never has made those tough decisions and they sit on the abyss of financial disaster. He's asking you to join with him in making some of the tough decisions that have to be made and the one that we deal with here is the closing of the nursing home. The budget is out of balance. And in the past, taxpayers have brought lawsuits against counties where the budgets were imbalanced. In Nassau County back in the late 80's, a man by the name of Richard Korn sued the County of Nassau because the budget was out of balance and he won in court. The budget was declared illegal and all the Legislators who had supported that budget back then had to go back to their constituents and explain how they voted for an unbalanced budget. It was more than just embarrassing.

The County Executive would also ask you to sustain his veto of the transfer of the \$20 million to cover pension costs, because there's no guarantee that that money is going to go for that purpose. The pension costs were not increased in the General Fund, so that \$20 million is going to be floating and it could be used for other purposes, when it's designated to go only for pension costs. He did not eliminate the amortization portion of the payment for the pension.

The County Executive also asked me to comment on the fact that this is probably the most partisan and bitter budget that he has seen in all his years here where you have particularly attacked some of his budget lines for staff in his own personnel. He has never done that with the Legislature and he is afraid that this will set a dangerous precedent. And certainly there are positions that are on the Legislators' staffs that he might question, but he never has and he never will, but that has not been the case here today.

Finally, he would urge you to go back and adopt the budget that he presented. It was balanced, it preserved the fiscal integrity of the County of Suffolk for its taxpayers and he kept us with the highest bond rating in the County's histories. Thank you very much.

P.O. LINDSAY:

Susan Schlomann.

MS. SCHLOMANN:

Keep pushing it down?

P.O. LINDSAY:

Yes, you will see the green line.

MS. SCHLOMANN:

Good morning. My name is Susy Schlomann and I'd like to thank you all for your service to the County and the citizens here. I would like to talk a little bit about the Foley Nursing Home. I don't know about the budget the way some of these people do, and I really appreciate their study of the situation and standing up and speaking before you.

If my husband put his company at risk for \$8 million debt a year or threatened their rating, he'd be fired. I expect you people here to be standing up for the citizens of Suffolk County and what is best. You're not in the nursing home business and you shouldn't be. I listened to P -- the woman

from PK and Refuge; they're in the business of dealing with people in these service areas. Help them, put some of our effort to helping them do what they do best. We're not in the nursing home business, we shouldn't be. Give it to the people who know best, keep our balanced budget.

Tom DiNapoli, about a month ago, told us that in 2009, State income -- income for the people in the State decreased for the first time in 70 years by 3.1% across the board. At the same time, our State government increased their spending by 10%. I live in Smithtown, it's a well-run town; I live in Suffolk County, a well-run County, keep it up.

I really -- I count on you. I'm not a union member, I don't have anybody looking out for my special interests but you. So please do that. Consider the sale, Steve Levy's budget, sell the nursing home. Thank you very much.

Applause

P.O. LINDSAY:

Jan Williams.

MR. WILLIAMS:

Good morning, Legislators and Presiding Officer. My name is Jan Williams, I'm a Nesconset citizen -- resident and a Suffolk County resident. A lot of the ground area here has been covered that I wish to speak about, but it concerns the good work that you have been doing.

My real reference was fiscal responsibility and the Foley Nursing Home. I see this and what I've read up on it and -- is a win/win, triple A+ situation to keep our bond rating at what it is, and I urge you to support the Executive, Steve Levy's budget. And I won't really take too much more of your time. I said that I am in business. I have a small business and I make these decisions every day, so it's on a day-to-day basis, a month-to-month basis. So I urge you to keep up your good work and support Steve Levy and his Executive. Thank you very much.

Applause

P.O. LINDSAY:

Ann Podina,

MS. PODINA:

Good morning, everyone. My name is Ann Podina and I live in Huntington. In view of the election yesterday championing our elected officials to be fiscally responsible, I believe that selling the Foley Nursing Home that puts us in debt \$8 million a year would be beneficial to the County, especially if they have someone who is interested in buying it who said they would keep the current residents and staff and no one would lose their jobs. I thank you and the taxpayers thank you also. Thank you.

Applause

P.O. LINDSAY:

Roy Probeyahn. I might have mispronouncing the name, I'm sorry if I am.

MR. PROBEYAHN:

Good morning, Mr. Presiding Officer -- that's okay, everybody else does -- and Members of the Legislature. My name is Roy Probeyahn, I'm a member of the Suffolk County Disability Advisory Board and I'm also the Chair of the MRDD Committee of the Suffolk County Community Board and I'm a resident of the County for 50 years. My wife and I have spent our life advocating for people with disabilities.

I have spoken to you before on the issue of the proposed transfer of the Office of Handicapped Services out of the County Executive Office and into the Department of Health services. I would ask you to not allow that transfer to happen. It will destroy the independence and influence and effectiveness of the office, as our Chairperson had previously testified. We thank you for your support and hope that you will allow this agency to service the 25,000 constituents a year that it does, even being under staffed at this point. And the final issue of course is that this is not a money issue. There will be no cost savings nor revenue generated by the transfer and we need an independent voice in this County for people with disabilities. Thank you for your time.

Applause

P.O. LINDSAY:

Thank you, Roy. Roseann Miceli. Roseann Miceli? No Roseann? Okay. Nancy Dallaire?

MS. DALLAIRE:

Good morning. Thank you for allowing me this time. My husband and I received 97 mailings during this election.

*(*Laughter*)*

I'm sure that amount of money spent on the campaign ads alone could have paid down some of our debt or saved some of these services we've been fighting for. The citizens who deserve -- depend on these services, such as those at the John J. Foley Skilled Nursing Facility, deserve to have our continued security from our government. Our taxes should provide this, some security in these insecure times. Changes need to be made, solutions have to be found, not the quick fixes that we will regret. We need to evaluate priorities. Millions of dollars are invested in to our correctional facilities, nobody says a word. We provide for the homeless sex offenders, but Suffolk County struggles to support a century-old institution that has been faithfully serving this community? It's a scary world. Criminals are given the support of our government, but services for hard-working citizens are sacrificed. Criminals are given consideration of due process, yet we've been fighting this battle for years. Where is our due process? Why have we not been entitled to the same timely and efficient proceedings? A call for change has been made with the election, but I implore you to please continue to safeguard these vital services for us. Thank you.

Applause

P.O. LINDSAY:

Thank you, Nancy. Dr. Carmine Vasile.

DR. VASILE:

Good morning. My name is Carmine Vasile --

P.O. LINDSAY:

Hold the button. You see the button? It turns green.

DR. VASILE:

I'm here as a -- to offer a way that you can cut the County medical costs and cut some of the costs to run the Foley Nursing Center. This is a Federal program, it was passed in 2000, it's the EEOICPA. And the Brookhaven National Laboratory has been poisoning us since 1943 when they were burning radioactive waste in their incinerators. This program covers 23 types of cancers; not just breast cancer, all kinds of cancers, and chronic disease.

The County, when they hire former DOE workers and former Grumman workers and Hazelton workers like me, they wind up paying for the medical costs that should be covered under this program. The program has paid out over \$5 billion already. I gave this story to Newsday in January; they did a hatchet job on this story, they misrepresented the facts, but there are people that are dying. Now, under this program you have a free medical screening. I had that done in February; I have diseases I never heard of. I had to go to Pennsylvania to get tested because Stony Brook, for all their money, they don't have the technology to test us. When you work in the nuclear weapons industry, you get exposed to all kinds of things that normal people aren't exposed to.

Legislator Lindsay wrote a letter to the Department of Labor asking them, "Why weren't we notified in 2001?" I was at a Town Hall meeting, people have chronic lung disease, lung cancer, they were totally misdiagnosed. They didn't get diagnosed until they had Stage IV cancer. So this burdens the medical system in Suffolk County and the Federal government should be paying for this; this is a Federal Workman's Compensation Program, it's not a lawsuit, and people don't understand it. So that's one solution.

The other one is I have here a petition, it's a court case. I sued the Suffolk County Water Authority because they have been spending -- spreading the toxic radioactive water from the Brookhaven Labs to 5,800 miles of water mains, so I sued the Suffolk County Water Authority. I want a filter that will filter out the radioactive elements that you can't filter out with a normal filter. You need special -- take Strontium 90, I mean, that's the simplest one, that's called the bone seeker and it gives people cancer.

D.P.O. VILORIA-FISHER:

Dr. Vasile, your time is up. Can you wrap up, please?

DR. VASILE:

You know -- okay. I'd like you to intervene in this lawsuit on behalf of the people of Suffolk County. Because the Suffolk County Water Authority is falsifying the water analysis and the Suffolk County Health Department is letting them get away with it. They know they're falsifying the water tests because they have their own tests of the same wells.

D.P.O. VILORIA-FISHER:

Okay. Dr. Vasile, can you just hand that to the Clerk if you have something for us to look at?

DR. VASILE:

Sure.

D.P.O. VILORIA-FISHER:

Thank you very much. Elsa Ford?

MS. FORD:

I'm addressing resolution -- oh, I hold this down. Thank you. I'm addressing the resolution and proposed amendment item DO-38CCE to cut water quality funding for the Cornell Cooperative Extension Pest Management Program by \$37,454.

I'm a member of the Pesticide Community Advisory Committee that oversees the implementation of Suffolk County law mandating the phase-out of pesticides on County property. We depend upon Cornell Cooperative Extension services of three people for training, scouting and consultation to carry out the law. Our approach is to use education for prevention, pesticide alternatives and/or cultural strategies. Our Pesticide Phase-Out Program has been recognized by the National Association of County Officials and given an award for our innovative program, but it's a big job. Suffolk County property is vast; 46,000 acres just of parkland, a building and campus list of many

pages, numerous golf courses, highways and the County Farms. Some examples of challenges are {cabumba} and other invasive species, barnacles on the Police boat bottoms and people who complain of insects whose desks are feeding station.

Before voting, I'd like to refer you to your copies of the Pesticide Phase-Out Committee, Advisory Committee Annual Report; Cornell Cooperative Extension Pest Management Procedural for Suffolk County; properties; the building operations and maintenance list, about 500 buildings; and this Pesticide Phase-Out Zone Poster before you vote on this resolution. How can we continue to be effective with less funding? And these are the books that I mentioned, these are all the buildings.

D.P.O. VILORIA-FISHER:

Elsa, please can you keep your finger on the button, please?

MR. LAUBE:

You have to hold the button down.

MS. FORD:

I'll do it, I'm sorry. Okay. And this just is a poster, it says "For our Health and Environment, this is a Pesticide Phase-Out Zone. Thank you for helping to not attract pests and working at home." So we do outreach to the home as well.

D.P.O. VILORIA-FISHER:

Thank you, Elsa.

MS. FORD:

You're welcome.

D.P.O. VILORIA-FISHER:

Before we go to the next speaker, I need a motion to extend the public portion.

LEG. MURATORE:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Muratore, seconded by Legislator Schneiderman. All in favor? Opposed?
Public portion is extended.

Our next speaker is Michael --

MR. LAUBE:

Sixteen.

D.P.O. VILORIA-FISHER:

Sorry. Okay, Michael Chapman.

MR. CHAPMAN:

Thank you. Good morning. Thank you for extending. There are those of us who believe that it is the charge of the government to provide the solution to all of our problems, but then there are those of us who feel the opposite. You see, we recognize that government should provide for the general health and welfare of its citizens, but where we find disagreement on is to what extent.

We believe that the free market can provide a place for many of the goods and services and, therefore, there is less of a need for the government to take action. In ancient times, it was customary for nations to set aside treasure in good times so that that they wouldn't need it -- need

to raise taxes or borrow money in times of disorder. But for years, governments have promised more than they can deliver and have delivered more than they could afford. If we continue to use reserves, eventually it gets to the point where you don't have reserves anymore. So you may cap taxes or solve whatever problem in the short-term, but eventually you will actually have to deal with it. We need to have the foresight to address a problem rather than let it fester.

English philosopher, Michael {Opeshot}, stated that, "There are those that seek government as a vast reservoir of power and that power inspires them to dream, to come up with favorite projects that they sincerely believe are for the benefit of man kind." So I ask you, are you willing to sacrifice the money of the taxpayers for your principal or ideal? When making policy and budgetary decisions, we ought to be asking questions such as how much government do we want to pay for; what can or should government be doing; or how about does this make economic sense? This is not about partisan politics, this is about common sense and good judgment. It is about economic reality because eventually someone has to pay for all of these programs and eventually you run out of other people's money.

I thank you for all that you do for Suffolk County and continue to keep up the hard work that you all do. I'm not going to urge you to vote either way, there are benefits of many of these programs. So I just ask for your good judgment. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Diana Cherry-Holmes.

MS. CHERRY-HOLMES:

Good morning. My name is Diana Cherry-Holmes, I'm the Executive Director of the Huntington Arts Council. And you all have some difficult decisions and I know you've deliberated very carefully on making your recommendations to the budget. I encourage you to continue to support the arts and cultural competitive grant process. It appears that there is a 28% cut in funding for the competitive grant process which will create a termination of a significant number of arts and cultural programs serving thousands of Suffolk County residents and their visitors. We all want visitors to Suffolk County, and annually Suffolk County, the return on arts and cultural programs is \$50 million, so that's not a small number.

We ask you to restore some of these funds. I'm not going to ask you to restore all of them because we all have to take a cut, that's just the need at this time. Thank you again for your continued support for the competitive arts and cultural grant process and thank you for your work for the citizens of Suffolk County.

P.O. LINDSAY:

Ray Hopp.

MR. HOPP:

Good morning. My name is Ray Hopp and I'm the Deputy Director of Colonial Youth & Family Services. Colonial Youth & Family Services is a comprehensive, not-for-profit organization in the Mastic-Shirley community, and we depend on County funding for several vital programs to operate. We have County contracts that allow us to provide hundreds of families services such as counseling and basic needs like food, clothing and holiday assistance. Without this funding, our agency will be left unable to help this population who are not making ends meet in today's economy. Our staff provides support and assistance to the youth and adults who find themselves without items that we all take for granted like food, clothing or heating oil. We are the front lines to help these families before they come to your office seeking assistance. We greatly appreciate the time and effort put forth to restore many agencies funding to operate programs that are as vital as Colonial's.

We recognize the difficult task this was and we want to thank you for restoring some funding. We're here today to ask that you pass the budget compiled by the Working Group of the Suffolk County Legislature. We are in need of every penny of County funding and we hope you support the work of your colleagues as well as the grassroots organizations such as Colonial Youth & Family Services. Thank you.

P.O. LINDSAY:

Linda Ogno.

MS. OGNO:

Good morning. I'm here to speak about John J. Foley and a few other things. First of all, I don't really blame this whole horseshoe, I blame a lot of your voters out there for not really being informed exactly how much things cost. Most people don't even know they only pay between 50 and \$100 a year on their County tax. I'm out there all the time speaking to people, asking them, "How much does your County -- how much is your County tax; do you know?" Most people don't even know how much they pay in the tax bill.

I've sat here, listened to these people coming here begging for money. Mr. Zwirn and his coworkers had said to take \$20 million would only leave us \$40 million. You tell me who we're going to tell they cannot have something. That abused mother out there who has nowhere to turn? That mother out there struggling to make a better life for herself and needs someone to take -- a quality child care that they're out there. We sat here, we take people in John J. Foley, I don't care what they say hat no other people will take, they're hard to place. Anybody who wants to come out and visit us, they may. The Reverend sat here, gave us all a speech. Can you sleep at night? Because by my God, I am my brother's keeper. Thank you.

Applause

P.O. LINDSAY:

Stephen Flanagan.

MR. FLANAGAN:

Good morning. Steve Flanagan from the Conservative Society for Action. How are you doing? We're a taxpayer group, so we come here from the point of view of fiscal responsibility. A lot of people are here asking for money, a lot of people are here saying that they want to restore, you know, lost funding, things like that, but there are ways to do that. One of those ways to do that is do what's right and do what's smart. We need to be fiscally responsible.

You talk about the Foley Nursing Home. They do a fine job, it's true, but the private sector can do that as well. And with the assurances that have been made in that proposal, the services will continue. Those people that are in the home will still be there, the people who are working there will still be there. The County's has bent over backwards to make sure that it's a transition that can be done without loss of services, without loss of jobs. Yes, some of those jobs will transfer into the private sector, but that's a good thing. We're trying to reduce the size of government, we're trying to get expenses under control and still deliver services.

Now, you look at some of the things that are going on and I just can't believe that a lot of things and a lot of the decisions being made by you members are politically motivated; they have to be, because they don't make sense. You're talking about selling a Foley Nursing Home, net \$65 million to the taxpayer; that's \$65 million that we can spend on other things. We have a sale price, it costs us additional money over the next five years, etcetera. It's a losing proposition. We can offer the services at the same time, so it's something that we are in favor of.

Additionally, the transfer of the \$20 million that was done last week out of the Tax Stabilization Fund; unnecessary, damaging, not good for the County. And everybody knows that that money was moved out to maintain a piece of property, not to be used for pension funds or other issues. So that's a sham. Now, I'm urging everybody here that if you are fiscally responsible, if you are answering to the taxpayers, that you make the tough decisions. That you'll sustain the veto last week for that extra \$20 million, we would ask that you sustain that veto, and then go out in your new budget, in your proposed budget, that it's real, that you're using real numbers, that your sales revenue and projections are correct. There's too much at stake. And after 2010 there's 2011 and after 2011 there's 2012; we need to look forward. And as a previous speaker said, take a look at what's happening in Nassau County. All right? If we get on that slippery slope, we're going to be where they are, we're going to be where the State is.

So again, I ask everybody to be fiscally responsible. We can do both; we can balance a budget and we can deliver services. Thank you very much.

Applause

P.O. LINDSAY:

Judy Pepenella.

MS. PEPENELLA:

I'm Judy Pepenella, I'm a single mom, I live here in this County; actually, Mr. Eddington happens to be my Legislator. I want you to understand something. I make the same tough decisions you guys have to make every day; I've got to keep a roof over my head and my kids, put food on the table, keep a car on the road, get them where they have to do like school and possibly a few other fun things they want to do. A lot's been cut because I can't afford it. We have an opportunity to balance a budget for this County, that needs to be done. And it's not up to me to make it, it's up to you folks. We have to do what's right, not cut the services that are needed for the people at Foley, but privatize it, give it an opportunity to run it as an actual business and run properly.

The services that are provided, the people that stood up here are providing necessary, mandatory services that people need, but we can't afford it and keep Foley. If we're going to balance a budget, let's wake up and smell the coffee, guys. It's not just push it here, push it there, push it here; we've got to do it the right way and it's up to you folks. Please, look at the bigger picture. It's not about who you like, who you don't like, it's dollars and cents and that's what you folks are supposed to do, represent us, the taxpayers, not any special interest or any specific group. The guys that elected you are the ones you represent. Stand up for them, because they're struggling to stay in their homes, to stay in this County, to keep a job. If they leave, where are you going to get the tax money from? Thank you.

Applause

P.O. LINDSAY:

Joe Cangeleri.

MR. CANGELERI:

Good morning. My name is Joe Cangeleri --

MR. FLANAGAN:

You have to hold the button, Joe.

MR. CANGELERI:

Okay, thank you. My name is Joe Cangeleri and I'm here to speak on behalf of the sale of the Foley Nursing Home. I'm a lifetime Suffolk County resident, I'm also an AFLCIO Building Trades member

for 35 years, and I've served my local many times in the position of Shop Steward.

Currently, in our industry we have a 35% unemployment rate. Some of our members that are fortunate enough to work are only working two days a week. Because of the economy and the market, okay, we have been -- we have looked around and implemented several major changes that we felt we needed to do in order to be competitive and basically stay alive in this economy; these included two-layer pay scales and reduced benefit package. None of these things were in our contract, we just went ahead as a union and did this because we need to survive.

In the past 15 months, I've worked a total of nine weeks. Our employers, if they don't have the work or the money to pay me, I don't have a job. There seems to be a mind set in the public sector that says you are guaranteed a job for life. Well, this is not realistic, especially in a tough economy with falling tax revenue. Suffolk County government does not exist for the purpose of providing lifetime employment. The taxpayers are being more than benevolent in offering to subsidize the pay for the staff of the nursing home and continued employment. Be thankful that you have a job.

And I would like to remind this Legislative body not to lose site of the fact that you represent the taxpayer first. Thank you.

Applause

P.O. LINDSAY:

Frank Ravell? Frank Ravell? John, it looks like Cortar? I might be mispronouncing it.

MR. CORAAR:

Thank you, Mr. Presiding Officer, Members of the Legislature. My name is John Coraar, I'm the Chairman of the Suffolk County Cultural Affairs Citizens Advisory Board, kindly referred to as the CAB, and I'm here to speak on behalf of the CAB today, particularly in regards to Budget Amendment 2, Omnicode DO 23 regarding changes in the Hotel/Motel Tax.

The CAB applauds the Legislature's expressed intention to change to the General Fund the three positions that are currently being charged to Fund 192. We agree with the Legislature that it didn't seem that was the intent of the original legislation when the Hotel/Motel Tax was established to fund those kinds of operating costs. We also understand that you're holding that cultural affairs competitive grant allocation to the indicated 263,660 as you allocated last year.

We are a little confused as to the wording that's available to us right now on item number three in the description of this amendment which indicates to reallocate the 199,436 in recommended funding for museums and historical services in Parks & Recreation. If that reallocation is to allow those funds to be distributed based on the competitive grant process by the Citizens Advisory Board recommendations, then we certainly applaud your change in that direction. If this is instead that you're intending to line item those allocations to groups at the Legislature's discretion without application or without competitive process, then we do wish to make sure that you understand that this is a \$109,000 reduction in the competitive grant program, a 28% reduction over last year, last year, of course, being already a \$44,000 reduction over the previous year, at a time when you all had quadrupled the Hotel/Motel Tax rate. It leaves the CAB with a difficult choice. There are 42 grant, regrant agencies that were funded in grants of under \$5,000 last year. Generally amounts between one and 2,000 are most typical. That was what came out of that \$109,000 that was allocated last year in addition to the Cultural Affairs Hotel/Motel Tax allocation. The General Fund allocation should no longer exist this year.

We could certainly get rid of those allocations, but those 42 groups are very much dependent upon those funds and we'll see a great loss. The other choice is we significantly reduce funding for the 25 major cultural organizations which generate over \$50 million in tax and expenditures annually. I understand I've run out of time, I am ending it. They support a full-time equivalent of more than 900 jobs, 24 million in household income in Suffolk County and generate more than 3.5 million in revenue for local governments. Both choices are difficult and I hope that we're not being forced to make those. Thank you for your difficult work on this budget, it's a tough time and I understand difficult choices must be made.

P.O. LINDSAY:

Dianne Romano.

MS. ROMANO:

Good morning. Thank you. My name is Dianne Romano and I represent the Bellport Chamber of Commerce today, an 84-year old, all-volunteer, no paid staff organization, just so you know.

My plea today is obviously not life threatening, like a lot of the people before me. However, it is very important to us when you get to that little line item with the Hotel/Motel Cultural Programs, we are being considered for a small portion of that. Our downtowns, I believe, are truly the windows into our communities. They are a reflection of who we are. The problems we've listened to before us earlier really are part of a larger systemic problem, not just in Suffolk County but everywhere in the nation. But I repeat, our downtowns are the windows into our communities. A safe and thriving downtown brings stability to our surrounding areas. If you're considering buying a home in Suffolk County or staying in the area as opposed to moving out of the area, what does one look at? You generally look at the community around you and hope that it is stable, safe and has a thriving downtown.

Bellport, just being one example, is a downtown struggling more than ever. We have more empty storefronts than we've had before and many, many businesses, small businesses, are struggling. So months ago the Bellport Chamber of Commerce developed a very ambitious program called Discover Historic Bellport and it's ambitious because it encompasses not just print and radio but the Internet. It has tags for people's phones to log right on to the website. It's a very well developed and executed program. It is being funded within, but of course any program, if you want it to have significant impact, we need a little bit more funding and that's why I'm here today.

I'm going to leave some handouts with the Clerk and I encourage everyone to check us out at www.discoverhistoricbellport.com.

Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Romano. Carol Carter.

MS. CARTER:

Hello. I'm Carol Carter, I'm CEO and founder of Sunshine Prevention Center. This is Jeron and this is Kyla and Mia. Real quickly, just to take a couple -- you know, not the whole three minutes, but I just want to first thank you all for your support. We are one of the Suffolk County youth agencies. I'm actually here to speak on behalf of all the agencies because we're all prevention; prevention is trying to get in front of the problems before they occur, so every single people, agency that is here -- every agency that is here -- I brought the kids, actually, because they're our future and that's what we're all about. We can put about \$8,000 a year into prevention, but if we don't it's going to be about \$80,000 a year just to -- for one person to be incarcerated.

Jeron, some of you know Jeron that's with me, he's representing the teen-agers. If we don't have these youth agencies, people like Jeron are going to end up on the streets. Not just -- you know, all teen-agers, not just black males which are at higher risk, but Jeron's one that's been a success story, I think thanks to Legislator Browning and also Fisher who have been big supporters of us. But it's really all the youth agencies and we're just asking you that these children are the future and if you do cut our youth agencies, then you're not -- you're going to have a lot more problems on our hands. So we're just asking you for all of us to please consider that when you're looking at the budget. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Chris Destio. Thanks, Carol.

MR. DESTIO:

Good morning, Honorable Legislators. A lot of the people behind me obviously don't exactly have all the facts straight about the John J. Foley Nursing Home, so maybe I can just give you a little facts here.

First of all, it costs per resident 31 cents a year to keep the John J. Foley Nursing Home open. The second thing here, you hear about Mr. Levy's balanced budget. Would you care to put a level on that? Because I've got to tell you one thing, it's not balanced. I met -- if I'm pretty correct on these numbers, we have about 1,600 or a little less vacant positions in Suffolk County, not abolished positions but vacant, and those positions are still being funded with taxpayer dollars and we don't receive those services. So if you do the math on that just a little bit, that's a little bit over \$6 million. So you know something? I find that kind of disturbing that we could fund vacant positions but we can't fund the nursing home all the vital services in Suffolk County. I just -- I have a really hard time with that.

Then you keep hearing about the bond rating. It's my understanding that, you know, you borrow 30 million and you're going to add another \$20 million to that. I believe it was under pressure anyway, even with the economic times we're going through, that it might have gotten knocked down one notch anyway.

And if you really looked into this budget, this balanced budget, you can turn around and say, well, he wanted to shut us down in 2011; that's fine. But if you look at the numbers for the 2008 HEAL Grant money, you turn around and look at that, it costs \$10,393,000 per 2008 to close the John J. Foley Nursing Home. So where is that money in our balanced budget? I don't know where that's at because I don't see it nowhere because that's -- once again, that's another false number. That's why people need to have the correct information here.

I ask the legislators today if we can override this veto for this money. Not saying it's for the John J. Foley Nursing Home, to have that money put into this fund which won't trigger nothing anyway, and to keep the nursing home continue going as a facility. Now, another thing, I would just like to add one more thing. The large majority of our population is Medicaid recipients, okay? The private sector only takes Medicare -- Medicaid recipients just if they're bed-hold, and once they get bed-hold, then they can pick and choose who they want and put Medicare in there. So why can't we, as a Legislative body here, somewhere down the road, we have Motel Tax and all these other things. You know, seeing that we do take the most needy of Suffolk County; why couldn't we do a tax on the forty something nursing homes that Mr. Levy says are in Suffolk County, put a levy on them, and that money would go into a special fund because we, too, take the most needy of Suffolk County. Thank you.

Applause

P.O. LINDSAY:

Mike Sharkey.

CHIEF SHARKEY:

Good morning. I just had three brief items we wanted to bring to your attention in the Budget Amendments. The first one is DO-27. I just wanted to mention, when we prepare our budget, as you well know, we make our own internal cuts before we present it and we feel we present a trim budget to you. We had asked in our budget hearing that our equipment lines be restored to their 2010 levels and it would have required \$70,000 in additional funding. DO-27 not only does not restore the 70,000, it further cuts our equipment lines by another 9,000.

I would also like to touch on Budget Amendment No. 31 which is the removal of Detention Attendant position from our budget. We had, as part of a civilianization effort, requested six civilian positions, four made it into the recommended budget. Although we had initially requested three Detention Attendants, one would address some of our problems and we feel that that would net a \$50,000 savings in overtime over the course of the year.

And finally and most importantly is DO-16 which abolishes unfilled Neighborhood Aide positions in the budget. I just need to bring to your attention that there is one in the Sheriff's Office that is noted that, in fact, is a filled position and it's included as an unfilled position. The confusion may have occurred because it's a split position allowing two people to work part-time; one person is currently at work and the second is on a leave of absence which may have led to the confusion as to it being vacant. That person is scheduled to return to work very shortly. I know that there is a -- in the RESOLVED clause it says that this is not intended to result in layoffs, and I assume that addresses our issue. I just wanted to bring it to your attention. Thank you.

P.O. LINDSAY:

Thank you, Michael. Ron Grant.

MR. GRANT:

Good morning, Members of the Legislature. I'm Ron Grant, a small business owner. I'm also a member of the Conservative Society for Action.

Look, here's the problem. We're all approaching being broke. Now, if we sell this facility, we're going to actually make money. The gentleman before said we're going to lose 31 cents per taxpayer? Well, if private enterprise runs this operation, maybe we'll make 31 cents per taxpayer. Now look, if private enterprise can't do the job, we're done. That's what this country's founded on. Government does not run an efficient operation, folks; it doesn't. So we sell the facility -- by the way, closing -- shutting down is going to cost 10 million to shut us down? The facility won't shut down if you have an owner. Now, maybe some of those folks have never been involved in a real business, but this is getting ridiculous.

Now, you folks have a tough job. You know, you have to answer to your constituents, a lot of you folks. You're supported by people that -- we all have a different agenda. You know, it's awful when this thing becomes partisan, because in the end we've all got to make things work. Now look, a lot of these folks that came in here with their programs, they're good people, they're all doing really good services. But we're not just going to let everybody fall by the wayside. What the heck do you think is going to happen here? It's a tough job for you to stand there and tell people who are backing you that you voted this way or that. The problem is we're damn near broke.

Now that's as simple as it is. This is a sweetheart deal. If you look at the figures, we've got a buyer for this, it's going to make money. Well, listen, we've all got to sacrifice, and I appreciate your time. Thank you, all of you.

Applause

P.O. LINDSAY:

Rob Powell.

MR. POWELL:

Good morning. I'm Rob Powell, I'm Program Director at the Boys & Girls Club in the Bellport area. The shootings, crime and problems in the North Bellport area has been well documented and publicized. There's nothing I can say about our community that you don't already know. The media and community organization have highlighted our challenges. I'm sure all of you work hard and long for the people you represent; well, I know Kate does. I, too, work long and hard for the people represent, that is why I'm here today. Our children, our young men and our young women need more support and opportunities, not less. Please, don't reduce the little hope that they are clinging to by eliminating funding. Let's be proactive in our quest to make Suffolk County a safe and affordable County for all. Thank you.

P.O. LINDSAY:

Thank you. Dan Farrell.

MR. FARRELL:

Good morning. I hope we all got enough sleep last night. There's something going on there. I just wanted to speak on behalf of AME's budget analysis. All of you have been given a copy of that. As always, please feel free to contact AME with any questions you may have, or if you need another copy of that, we'd be happy to provide you with that. And I as I testified here at the Legislature on it, I think we need to address the problem of the General Fund tax overall percentage of the tax bill. It's down to a little over 1%, and as I testified, 20 years ago it was 7% of the overall tax bill. I think that's the problem that needs to be addressed here today.

And I ask that you do not budget -- balance this budget on the backs of our AME members, because what good is it going to be if you decide you want to try and lay workers off, because what will that do for the economy? The question is where are -- what's going to happen with the tax collection then? You're going to put more people out on the street, you're going to have more people in foreclosure. So please, I implore you, do not, you know, even consider layoffs at this point. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Anne Marie Leonardi.

MS. LEONARDI:

Good morning. As a single working mom of two children, also a Suffolk County resident and an employee for 30 years, I just want to thank you for your continued dedicated service to the residents of Suffolk County. We appreciate your desire to do what's right with regard to the J.J. Foley Nursing Home and the budget and correcting the management flaws at J.J. Foley. Now continue that work and do what's right for those resident who live there, not only the employees and the County taxpayers who have already paid for those services and others through their taxes. Without the Suffolk County Association of Municipal Employees, workforce, which has come here -- which has been cut to the core and who are also Suffolk County taxpaying residents. There would be no one to provide those services that every resident, including those who are currently out of jobs and that they would be able to provide -- we provide to those residents and they've already been paid for in their tax bill. Thank you again for your continued hard work and your dedicated service.

Applause

P.O. LINDSAY:

Brian Kelly.

MR. KELLY:

Good morning. My name is Brian Kelly, I'm a Suffolk County resident and I'm a Suffolk County employee. I also pay taxes. Many people have come up here today and told us we're not in the nursing home business and we shouldn't be. But the truth is we are in the nursing home business and have been for over a hundred years and have provided quality care for Suffolk County residents.

None of us Suffolk County workers took our jobs expecting to lose it at some point. We all know the economy is terrible, and I'm sorry that some have lost their jobs. But just because they've lost their's, but does that mean we should lose ours? By doing our job, the residents get the services they need in their time of need. Thank you for your support of the Suffolk County residents and please save John J. Foley Nursing Home and approve the extra 20 million to the budget. Thank you.

Applause

P.O. LINDSAY:

Josephine Passantino.

MS. PASSANTINO:

Good morning, hi. I'm Josephine Passantino, I'm AME's 1st Vice-President, and I'm also a County taxpayer and I work for the County. I appreciate and recognize how hard you guys have worked on the budget, and I know it's no easy task. I feel that we need to look where we want our County government to go. We as County taxpayers realize that we have many areas that we need to focus on. However, we should not step backwards. We need to continue and leave our services of taking care of our County taxpayers and continue to supply the services that John J. Foley supply.

I know it was said earlier that John J. Foley would be handled the same way if bought by the prospective buyer; however, the research that we have done has shown that it will not be handled the same way and the same patients are not going to be taken care of. They have speciality skills there that are only supplied in that nursing facility, they need to stay here. As a County taxpayer, I'm really disturbed that after a hundred years of services, in good times and bad, we were able to supply this service. Why now do we have to stop it; just to make someone happy because they feel we're spending too much money? Well, how many County jobs are out there that do not create revenue? There are plenty; there are plenty of positions that are here as services to taxpayers, that's why it was there. But I do appreciate everyone's hard work, and thank you.

Applause

P.O. LINDSAY:

Kim Brandeau. Kim, I know we're not supposed to comment, but I noticed you listed your address as the Dennison Building; he doesn't let you go home at all?

*(*Laughter*)*

MS. BRANDEAU:

They don't let me go home much. Good morning. The County Executive asked me to make it clear on the override of I.R. 1972-10, the override of the \$20 million transfer to the Pension Reserve Fund, that we've been warned by our independent financial advisor if you vote to override this veto, you'll be voting to lower our bond rating.

Today you are voting on a CN that has the largest Tax Anticipation Note cash flow borrowing in our County's history. The financial officers of this County are raising a red flag in regard to our precarious cash flow position. To take this money and spend it in lieu of making hard choices will make a bad fiscal situation even worse and could lead to an additional interest cost of up to \$2 million. In the County Executive's recommended budget, the increased pension costs were fully funded. To add \$20 million to the Pension Reserve Fund is unnecessary and will lead to an immediate downgrading of our current enviable bond rating which was just affirmed based on the County Executive's recommended budget. Don't make the wrong choice. Please help us sustain this veto.

Applause

P.O. LINDSAY:

Okay. I don't have any more cards. There's two people I called, Frank Ravell; did Frank rejoin us? No.

MR. MOSKOWITZ:

Excuse me, sir. I submitted a yellow card.

P.O. LINDSAY:

Okay. Just let me see if these two folks are here and then I'll see if anybody else wants to speak, Okay? I didn't -- if I didn't call your card. The two cards I have here that I called that didn't come is Roseann Miceli and Frank Ravell. Either one of them here? Seeing none, anybody else who like to speak, please come to the mic, identify yourself and the Clerk will give you a card to fill out after you speak.

MR. MOSKOWITZ:

Good morning. Thank you for extending the time for the public address period. My name is Harold Moskowitz. I've lived in Suffolk County for 30 years. As a taxpayer, I have seen my taxes increase as government expenses have increased. One of the basic reasons for escalating taxes is involvement by the government and activities which can be privatized such as the Foley Nursing Home. I have previously addressed this group on this issue, my name statement is in the official minutes of a previous hearing. I will not go through all of the items that I said at that time. However, I have sat through a few hearings on this issue. I heard arguments about fiscal responsibility which made a lot of sense. I also heard statements made by some members of this Legislative body which didn't seem to be in the best interest of the taxpaying public. The concerns of the affected workers of the Foley Nursing Home are fairly addressed in Executive Levy's plan to relieve the taxpayers of an increasingly financial burden, including the potential burden of the pensions of the people who currently work at the Foley home. None of the advocates for the Foley home today mentioned the ongoing expenses into the future of the pensions of the current workers.

Postponing the decision on privatizing the Foley Nursing Home by taking money from the General Fund and putting it into the Foley nursing home is not in the best interest of the taxpayers. Anything in disguised, counter-proposals which directly or indirectly result in present or future expense to the taxpayers will not pass public scrutiny in the naked light of day. Executive Levy has repeatedly shown that he can make tough decisions in the best interest of the Suffolk County taxpayers. Today we call upon all of you, as members of this elected body, to make tough decisions. We know it's not easy. We know you are pulled in different directions. But you will individually go on record as either standing for the best interest of the majority of the concerned taxpayers who elected you or those of special interest groups. Today, with families in this County working multiple jobs just to be able to continue living in Suffolk County, I ask you a question from an old labor union organizing song: Which side are you on, boys? Which side are you on?

In conclusion, I would like to suggest that the economic and political climate of the times that we live in requires you to choose and to go on record. If you go on record as standing against the interest of the taxpayers, then I'm afraid that you might also put yourself at risk of not getting the support of the taxpayers when you ask them to reelect you in your next attempt to be reelected. Thank you.

Applause

P.O. LINDSAY:

Does someone else want to speak? Please come forward, identify yourself and then the Clerk will give you a card to fill out.

MR. RAUCH:

Hi. My name is Frank Rauch and I've been a Suffolk resident for 48 years and a taxpayer. And I have listened to many former speakers giving impassioned pleas about funds that are very scarce, and I agree that they all can certainly use those funds. But what I don't understand is that why the County has an opportunity to acquire a large amount of money, the Foley sale, you guys don't want to do it. Can you make it simple for me? I don't understand. You're going to get this large sum of money, you're going to stop a drain on the County budget, and for some reason you don't feel like you're doing it -- you don't want to do it. If somebody is willing to explain that to me, I'm here to listen to you. Thank you very much.

P.O. LINDSAY:

Is there anyone else that would like to address the audience? Please come forward, identify yourself, fill out a card.

MS. KERRIGAN:

Yes, I did. My name is Dorothy Kerrigan, I work at the County Nursing Home, I'm a nurse at John J. Foley, I'm also the 4th Vice-President of AME, the Suffolk County's union. I did fill out a card; I'm sorry, I did pass it up before, so, I will fill out another one, though.

The previous speaker, I can explain. I think something that most of the people here do not understand, the previous speaker or some of them before him, is that many people here don't know that the fund from which Foley is funded has not gone up every year, it has gone down every year. The money that funds Foley is not what's bringing your taxes up, it's the -- if you look at your tax bill, the General Fund which funds Foley Nursing Home, my salary and the salary of all the County employees goes down every year. We have less and less services in the County. You look in the paper, we have less and less services, that's what the County Executive has done with the General Fund.

Your property taxes -- and I'm not going to tell you any lies. You look at your bill, the only thing that goes up is the things that will go up by inflation. The school district goes up. This has nothing to do with Foley; Foley money does not come out of the school district taxes. The Fire District goes up, the Library Districts go up. Pull out your tax bill and look at the General Fund, please. I am so disappointed that -- I'm so incredibly sad that other middle class Suffolk County residents come out and speak against the middle class. It's a war against the middle class. I'm sorry if I'm very emotional, but you are working class people speaking out against other working class people who live in a nursing home that they need help. They're handicapped, they're disabled, they're sick, they have all kinds of misfortune. They were previous taxpayers, teachers, Police Officers. They pay their bills, they have insurance. And private nursing homes do not, if you look at studies, do not provide the same services and John J. Foley is not -- it's one of the few departments in Suffolk County that actually brings in revenue. You look at the other departments, they don't bring in revenue. It might cost 35 million revenue to run it, but they bring in 35 million, or maybe a little bit shorter. It's not like other departments.

I'm speaking passionately because this is the truth, this is the God's honest truth. And the sale of the -- I'm going to go back to my script because the prior -- the sale of the nursing home, I just want to put it on record, will not net taxpayers \$65 million as somebody previously said, it will not. It's another one-stop deal that the County Executive has to put forward because he has no sources of revenue. He's been cutting everything. We need increased sources of revenue, not to sell off other services that we as Suffolk County taxpayers and residents need. We need these services.

And please, I appeal to everyone, let's not fight against each other, let's try to figure out solutions, like the hard working men and women who are sitting in front of us do all the time and their job gets harder and harder. And I thank you all very much for all the time and effort that you put in to trying to make Suffolk County and keeping it the place that I love to live and that I know all of you do. We should embrace ourselves and try to figure out how to fix the problems and not hurt each other.

Applause

P.O. LINDSAY:

Thank you. Is there anyone else? Please come forward and identify yourself.

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

P.O. LINDSAY:

Is there anyone else? Please come forward and identify yourself.

MS. MONROE:

Hello. My name is Kim Monroe. I'm a Smithtown resident for 16 years, and I've been a Suffolk County resident since I was four. I'm a single mother of three boys. We have a budget. We have to pay a mortgage, pay utilities, put food on the table; the kids need lunch money. And then I lost my job in February and have not been able to find another job, so now we've got to make more cuts. Was it difficult to tell the kids they can't have T.V.? Absolutely, but it had to be done. I cut the house phone. We all had cell phones, there was no need for redundancy. I don't see why you guys can't figure this out. If a single mother can do this on her own, I don't understand why guys can't. It's really not rocket science.

Sell the nursing home. Stop dipping into the Tax Stabilization Fund. I have a savings account. I don't use that to pay for T.V. every month. That's for if the kids get sick, if somebody needs medication, it's for real emergencies. Our economic system is not going to get any better, it's just not. We are not at the end of this recession. And you guys really need to think about what decisions you are making, because it doesn't just affect the paper that you're printing it on, it affects people's lives. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Please come forward.

MR. CASIGLIA:

Good morning. My name is Frank Casiglia and I'm a 32-year veteran of Suffolk County and employee. My understanding is that initially the John J. Foley Skilled Nursing Facility was not budgeted through April of this year. I didn't see a tax decrease from the sale of Foley, I didn't see a tax increase by moving 20 million dollars from the Tax Stabilization Fund to save Foley. What I do see is 260 families that will still have food on their table and still have an income.

I'd like to think that we've grown beyond sending our elderly and our handicapped out on an ice flow or into the woods. The Tax Stabilization Fund is there for these emergencies, for difficult times. Suffolk, fortunately, is in better condition than most places. Before a single person is put out of the home or a single family loses their home because they were terminated, I believe that every penny of the Tax Stabilization should be used. That's what it's there for. We save the people first. When times get to the point or there is no money at all and we're facing difficulties, that's when the choice has to be made.

I don't need to lecture anybody here, we know what the true story is behind the John J. Foley, it's an obsession. Saving it is the right thing to do. Putting these people out, and that's what will happen, and we all know that, you all have heard the reports, you've all written reports on it, we have to save the residents and we have to save the employees, because you do not combat poverty by creating more poverty. So we've got 100 million dollars in the Stabilization, there's still a cushion in there. Perhaps many people don't realize that there are additional tens of millions of dollars that would be left over. Let us use the monies that we have. The taxpayers have already paid that money for positions that don't exist, and by not utilizing it, taxes are not going down, they are not getting raised either way. So, please, let's stop the smoke and mirrors. Let's save people and stop the baloney. Applause.

*(*Applause*)*

P.O. LINDSAY:

Anybody else? Seeing none, I'll entertain a motion to close the public portion. Motion by Legislator Eddington, seconded by Legislator Barraga.

LEG. KENNEDY:

Mr. Chair, I want to --

P.O. LINDSAY:

Before you make your request, I know on the public portion we don't get to comment with the speakers, but there was -- if you would allow me, there was a lot of things that were said that just, you know, isn't true and they don't have an understanding of the budget. And if I just could make some statements in case people have to leave the room.

Handicapped Services in our budget presentation was left as a County Executive Office, it was not put into the Health Department. Retreat wasn't cut in our budget presentation. I know they want more money, like everybody else wants more money. The police class was moved back by the Working Group five months to keep 30 more Police Officers on the street over the summer, because if you run a class through the summer, you have to -- we can't use the police officers in the academy on the street, which we've done consistently over the last six years.

As far as it being a partisan budget, we had nine people working on the Budget Committee, they were from three different parties.

Over the last few years the County workforce has been cut dramatically. The Cultural Arts Board, the reason that you have less money is because no money is coming out of the General Fund. And the County Executive did that, we didn't do that, and we can't figure out how to replace that. I'm sorry.

There isn't sixteen hundred funded vacant positions, somebody said. The nursing home, which it seems to be on the agenda today, although it isn't before us, we're going to make 65 million dollars on selling the nursing home? I wish we did. I mean, the net to us is 15.4 million dollars, and once you sell it, it's gone, you can't make any other revenue from it.

And as far as the exaggerations about the bond ratings and all that, Mr. Tortora, our bonding advisor, was in that seat two weeks ago and said to us that our bond rating could be lowered whether we take action on this or not, and if it is lowered, it will cost us about a half a million dollars. It's up to two million now with the exaggerations.

That's all I want to say. And with that, Legislator Kennedy, I'll entertain your motion.

LEG. KENNEDY:

Thank you. As a matter of fact, I'm going to make a request, Mr. Chair. I'm going to request a five-minute recess, if we can, for the purposes of some discussion on some of the matters we have before us today.

P.O. LINDSAY:

Could we keep it to -- try and keep it to five minutes?

LEG. KENNEDY:

We'll try and make it a real five.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Thank you very much. We stand in recess for five minutes.

MR. LAUBE:

Eighteen on that and the public portion.

[A RECESS WAS HELD FROM 12:01 P.M. TO 12:26 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, would you call the roll, please?

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Present.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Before we go into the budget itself, I've been asked by Budget Review to take the veto override, 978, out of order, because if that is overridden, then we can remove one of the stand-alones in the budget document; is that correct, Ms. Vizzini?

MS. VIZZINI:

Actually, if it's overridden, then we would vote on stand-alone number three.

P.O. LINDSAY:

Okay, okay. So I'm going to make a motion that we take the veto override out of order. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina-Fisher. Anybody on the question? Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. On this question, the issue --

P.O. LINDSAY:

I just want to take a vote to see if we can take it out of order and then I'll open it up. All right? All in favor of taking it out of order? Against? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Now it's before us, the veto of 978. Legislator Romaine.

LEG. ROMAINE:

Thank you. The question before us was a simple one. We had a pension bill that several years ago was about 13 million dollars.

LEG. GREGORY:

Excuse me, Mr. Chair. If memory serves me, I don't think we voted to close the public portion. We took a first and a second, but we didn't vote.

MR. LAUBE:

I announced it.

P.O. LINDSAY:

We did.

LEG. GREGORY:

We did? Oh, okay.

MR. LAUBE:

Legislator Gregory, I announced a number before we went out.

LEG. ROMAINE:

I'm sorry.

P.O. LINDSAY:

Legislator Romaine, you have the floor.

LEG. ROMAINE:

Thank you. Again, the choice was how to pay our pension bill. Several years ago our pension bill was about 100 -- was about 13 million. I believe this year our pension bill is about 130 million. I think your call last time, Mr. Presiding Officer, for pension reform is exactly the type of thing that, hopefully, our State officials are listening to. I believe it's one of the few serendipitous things that both the County Executive, yourself, and myself would agree on, that we do need pension reform.

There were two ways to pay our pension bill. One, under State Law, was to borrow at twice the going rate from the pension fund itself at five-and-a-quarter percent, and the maximum this County could borrow was 19 million and change. I oppose borrowing. I still oppose borrowing. I think it's foolish to borrow when we have cash on hand, particularly when we're paying twice the going rate.

The other option was to take money from the Tax Stabilization Fund and create a pension reserve account where we could pay that money. Now, in the mix of this, there was -- well that money is going to go for Foley, or that monies going to be used for the budget, or that you're adding to the budget. No. And I had this discussion you, Mr. Presiding Officer. I am going to do one of those two things. We are either going to borrow the money or we're going to pay for it from the pension reserve, but I am not going to do both.

My understanding, and I'm going to refer this to Budget Review, my understanding, that the County Executive desires to borrow this money at twice the going rate. I'm not in favor of that. Is borrowing provided in the Legislators' omnibus that they've put forward?

MS. VIZZINI:

The recommended budget includes the maximum threshold for the borrowing of 19 million. Approximately 15 million of that is for the General Fund portion. The omnibus does nothing to change that.

LEG. ROMAINE:

Thank you. So no matter what happens, no matter which budget is adopted today, we're going to borrow the money. I believe that's a mistake, but I'm not going to pay for pensions twice. So I am not going to support the transfer from the pension fund, because I am not paying for pensions twice, I'm paying for it once. I don't want to pay for it by borrowing, but, apparently, there isn't much choice. Thank you very much.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think Legislator Romaine enumerated those points very clearly through Budget Review. I think what the State did, as far as not allowing us to borrow this money individually, is sort of tantamount to usury with the rate that they're requiring us to borrow it at. If we were going to take this 20 million and pay with cash, which are the only two options they'd give us, pay with cash or borrow at their rate, if we were going to pay for it in cash and remove that 19 million dollars from the budget, remove it from the expense side, and if it was truly a zero sum game, I still don't think it's a great idea to deplete our reserve account to that extent. But, if we were going to pay cash, I'd be willing to entertain it. What amounts to increasing our budget by 20 million dollars and still borrowing at the rate that the State requires us, over 5%, I think is -- and I've said this before, I know I'm repeating myself, but I think it is a terrible budget practice and is not something I'm willing to support or engage in. Thank you.

P.O. LINDSAY:

Okay. I'm going to speak. First of all, the budget wasn't increased by 20 million dollars. Second of all, I don't want to get into the budget -- the minutia of the budget at this point, but the County Executive gave us a budget that's out of balance. There's 32 million dollars of funding in that budget that hasn't been approved by this Legislature. Selling property that we owned, selling Legacy Village, we haven't voted on it yet. Selling the nursing home, we haven't voted on it yet. You can't include that revenue. Truthfully, we don't know what to do with this budget, so what we did is we kept his revenue in the budget, and I intend to move the resolution on Foley before the end of the year. If he can get enough votes to sell the building and all that stuff, God bless him, he has his revenue.

We haven't seen a resolution yet on Legacy Village, we haven't approved it yet. If that gets moved forward, it will be up or down. If he can get it passed, he has the revenue. If he can't get either one of them passed, there's an extra 20 million dollars in a pension reserve fund that he'll have the option of using, we won't have the option of using. Once it's moved from one reserve to another,

we can't use it, we can't use it. Do you understand that? We're not spending another 20 million dollars. We're trying to create options for the County Executive to balance the budget if these erroneous sales that he put in the budget doesn't happen. Legislator Kennedy.

LEG. KENNEDY:

I wanted to just try to ferret out a little bit more with BRO, and I guess with our Counsel, about the early retirement constraints or the legalities associated with it. First of all, George, that's your understanding of this bill the way the special legislation was passed, that the State outright barred and precluded us from meeting that pension requirement through any local borrowing? We -- I just went through the latest bond issuing and our BAN rate is less than a point. We're paying I think .75 on money to go on a short-term rate. So is that the way the special legislation was written?

MS. VIZZINI:

Yes. Well, as far as borrowing to pay the escalation in retirement, which our retirement bill did go up by about 38 million in '11 and it's going to go up another close to 40 million in '12, if you are going to borrow as the recommended budget does, you can only do it using the rates established by the State. They, too, are in a difficult situation, and, therefore, they established these rates in order to get that additional revenue from the municipalities.

LEG. KENNEDY:

What kind of interest rate, if any, are we getting on money that we have held in these reserve funds?

MS. VIZZINI:

The Treasurer is getting whatever the prevailing rate is from the institutions that hold the money for us.

LEG. KENNEDY:

Well, if I go someplace, I bring in a toaster like at a bank, you get nothing, as a matter of fact, going to financial institution these days. Maybe with the reserves that we're looking at, there may be something. I mean, part of what we're talking about here is, as some of the speakers have spoken about in some respects, simple mathematics. When we look at fulfilling a requirement or a mandate from Albany and contrasting what we have in reserve and what the cost is to go out, the 20 million, if it's there and available, we should be paying. We should not be entertaining 5% interest on something that out in the market we could get for three-quarters of a point. That's the definition of insanity. But we don't know what the rates are on what we get?

MR. LIPP:

The amount of money that we are amortizing is a ten-year note, it's not one-year note. So you're probably in the mid 3% range as opposed to less than 1%. You're talking about a one-year -- less than one year, the TANs and the DTANs. So you're comparing maybe, as a guesstimate, 3 1/2% to 5%, which is what we would have to do if we borrowed from the pension system.

LEG. KENNEDY:

So we'll be -- we're still being extorted by the State to almost 2%.

MR. LIPP:

Well, actually, if I was the State, though, I would charge a higher rate, because their assumed growth rate is like 7 1/2%. So how they're only charging five is another issue, though.

LEG. KENNEDY:

Okay. I'll yield.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Gail, can you explain to me what Legislator Romaine said, because he went through it very fast? He said we're paying twice -- we're borrowing twice for pension -- for the same amount of money? I got confused on that. Can you just go over that?

MS. VIZZINI:

Well, perhaps I could answer differently. The General Fund portion of the retirement bill is about 67 million dollars. Fifteen we're going to borrow for at the rate that the State is allowing, leaving an expenditure in the General Fund of 52 million dollars to pay our retirement bill in February of 2011. The recommended budget already includes taking 30 million dollars from Tax Stabilization Reserve, providing it to the retirement reserve, but spending it. We have not changed that. The omnibus does nothing to add to or take from paying that 52 million dollar bill with 30 million from the retirement reserve. The resolution before you, 1972, would provide an additional 20 million in the retirement reserve. It can only be used to pay a retirement bill.

D.P.O. VILORIA-FISHER:

So how is that borrowing twice? That's what confused me.

MS. VIZZINI:

Well --

D.P.O. VILORIA-FISHER:

Maybe I should be asking Ed what he meant by that.

LEG. ROMAINE:

I said I wasn't going to pay for it twice, with the permission from the Presiding Officer.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Yes, through the Chair.

LEG. ROMAINE:

Because either you pay for your pension bill out of the pension reserve, or you pay by borrowing. If you have borrowing in the budget, why do you need a pension reserve. You've already made a choice of how that's going. If you took the borrowing out, then you just are going to pay for it out of the pension reserve, but you can't have two -- you shouldn't have -- yeah, I guess you could, but you shouldn't technically have both items to pay the pension bill. And the strongest argument I heard was actually made by our Presiding Officer when he said, "Well, the 20 million dollars would be there available for our County Executive." That's one option I don't ever want to give him.

D.P.O. VILORIA-FISHER:

But it's in the Pension Reserve Fund, so he could use that to pay the --

LEG. ROMAINE:

Well, he would use the money that we would borrow, not the pension reserve, because the pension reserve can only be used to pay pension funds.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

Okay. I just got to pick up on this dialogue. The 50 some-odd million dollars, 30 million from pension reserve, 20 million moving from General Fund --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

Borrow 19. Borrow 19. The 20 million is built around the concept that he is going to sell the building, the license and the property that the nursing home sits on that we haven't authorized yet. He might get that authorization, but we haven't done it yet, twelve million from selling the 95 acres that's part of Legacy Village industrial property, right, which we think is grossly undervalued, grossly undervalued; he hasn't gotten permission to do that yet either. So moving the 20 million to the reserve fund is -- if these two sales fall apart, at least he has some backup money to pay for the pension bill.

LEG. ROMAINE:

Not to engage you in dialogue, Mr. Presiding Officer, this is a budget that the County Executive says he could live with. You know what, if, God forbid, he gets it, I guarantee you he'll be back here begging for more.

P.O. LINDSAY:

Anybody else want to join this interesting dialogue? Okay. Seeing none, I -- we don't have a motion to override as yet; am I correct?

D.P.O. VILORIA-FISHER:

Motion.

MR. LAUBE:

No.

P.O. LINDSAY:

Okay. We do now. Legislator Viloría-Fisher has made a motion to override the veto and I will second that. Roll call.

(Roll Called By Mr. Laube, Clerk).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

No to override.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No to override.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay. The override fails. Now to the budget. Ms. Vizzini, you want to start by explaining the budget to us?

MS. VIZZINI:

Sure. When we amend the budget, we have to do so in separate mandated and discretionary resolutions, so the omnibus consists of the mandated resolution and then the discretionary. Each of you have an index, looks something like, where it actually summarizes the line items that you would be voting on. The mandated is Budget Amendment Resolution 1, and the discretionary is 2. When taken together, just a few highlights in terms of what's in the omnibus. Not going into too much detail, but there's no change in property taxes, property taxes are flat. Funding for the nursing home is continued until such time as there's a final adopted resolution by the Legislature as to its continued operation or divestiture. The Ethics Commission is constituted as a separate entity. The proposed transfers of youth, handicapped, and the Peconic Bay Estuary Program are reversed, so youth and handicapped will remain in the County Executive's Office, and the Peconic Estuary

Program will be continued to be operated by the Health Department.

Sales tax is conservatively increased by three-and-a-half million dollars. We have done this based on projections from the Budget Review Office that 2011, the growth rate will be, rather than at 4.25, it will be 4.56.

We've provided some salaries for prompt payment in Social Services. We have provided for community service initiatives. Certain departments have -- positions have been restored, not necessarily with funding. The funding will come from existing appropriations. Audit and Control, they lost 10 out of the 12 retirees. We have restored positions to Audit and Control for the necessary supervisory structure, and the treasurer also has three positions restored, no additional funding.

The clinics, a gross amount of 1.3 million dollars has been restored to the health clinics. We've provided \$200,000 for vaccines. We've provided 1.2 million dollars for the purchase of electronic medical records. That's completely offset by anticipated Federal and State reimbursement, once we have them. One of the doctors, the positions was inadvertently abolished, it's filled, we put it back. The park fees are increased to the same magnitude that they were in 2009. We've provided a line item transparent presentation of what entities are going to receive hotel/motel money. And three positions recommended to be funded with the Cultural Affairs money have been returned to the General Fund. Five additional positions recommended to be funded with more Water Quality money have also been returned to the General Fund.

As the Presiding Officer indicated, the police class is scheduled to begin in September. Monies are provided for enhanced technology in the Police Department. We've made across-the-board cuts, but modestly, in equipment and supplies, and we have reduced the equipment provision for vehicles by 25%.

The Road Fund is -- was recommended to be dissolved. We've reconstituted it, there's no net change in expenditures. And we are simply changing the designation for the salary contingency from mandated to discretionary. We believe that was an error on the part of the Budget Office.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Presiding Officer. Just several comments I'd like to make.

In initially reviewing the Executive budget, from a Legislative perspective and from the perspective of the people that I represent, this particular budget had some major decided advantages. First and foremost, the General Fund property tax is frozen, not just for one year, but it's been frozen for the last seven years. And when you realistically look at that, that helps the people that I serve. I mean, many of my people are having a very, very difficult time from an economic perspective, and they take a look at that overall property tax bill and they are dead set against any increases. This County has not increased that County property tax for seven straight years, you know. And I think the County Executive deserves credit, I think the County Legislature deserves credit. Take a look at any other county; can they say that. Take a look at the State of New York; can they say that?

This budget had also no fee increases, none whatsoever. Take a look at the adjacent county, Nassau County, the terrible fiscal situation that they're in and what their Legislature had to do last week. They increased fees by over 60 million dollars to offset what they feel will not be an agreement between the unions and the County Executive on givebacks.

And the Executive budget also maintains and enhances core services, even without raising taxes. This budget calls for the hiring of 377 new law enforcement personnel, 220 police persons, approximately 140 new correctional officers to meet a mandate by the New York State Commission of Corrections, a mandate, and they're in there, and 17 additional Deputy Sheriffs. Three hundred and seventy-seven new law enforcement personnel. What are other counties doing? Last time I looked, Nassau County didn't have a class at all for police, not this year, not the year before. Very difficult times in other counties, but this is all being done without increasing taxes.

Now, here's the quandary I face. We, as a Legislature, a County Legislature, we want to deal with the issues that we control. It's only natural. And we've heard those issues, you know, what's happening at Yaphank, what's happening with the Foley Nursing Home. We want to jump into those issues. My problem is this: We have huge looming costs, mandated costs coming down from other levels of government that we almost know they're there, but we don't want to deal with them. It sort of reminds me of that commercial where the husband and wife are sitting there and over in the corner is this big 800 pound gorilla that nobody wants to pay attention to, because you don't control it, it's a mandated cost. We have two huge 800 pound gorillas that we have to deal with, one is Medicaid and the other is pension costs. In the next two years, this County's pension costs will go up 90%; 83 million dollar increase in two years, going from 94.5 million to 178 million in two years. The question is where do we get the additional 83 million dollars?

Medicaid. In the Executive budget, there's an additional 40 million dollars. That's out of control statewide. How much more will we need in one or two years, another 40, 50 million? And add that to the pension costs, now we're up to about 125, 130 million dollars, and yet we take a look even in this budget. If we amortize some of the pension costs, and I happen to be in agreement with that, over a ten-year period, the cost total on that is something like 24 million dollars, if you amortize anywhere between 17 and 18 million.

Early retirement, we talked about the number of people who participate in it. Well, there's an incentive cost, you have to pay for that. That comes due in 2012 or 2013 and it's in the area of another 15 million, which will probably be amortized over another four or five-year period, costing maybe 19 or 20 million dollars. And lest we forget, remember tobacco securitization? Well, come 2013, 25 million dollars less coming in to us. In 2014, 19 million dollars less coming in. Where do we get the hundreds of millions of dollars to meet future commitments?

If you keep that in mind we have to make appropriate decisions here to make sure resources are available to help meet those fiscal commitments. No one wants to shut down the Foley Nursing Home. That is the worst option. We want to sell it. My position is to sell it. You take the --

*(*Applause*)*

LEG. BARRAGA:

No, don't applaud, please, don't applaud. You take the 36 million, you pay off the 20 million outstanding overall debt, and the interest, the annual interest is no longer there on that debt, and may pocket 15 million dollars going towards one gorilla or the other, so the money is there. Every step has been taken that I can think of to make this transition as palatable as you possibly can for the residents and the employees.

I am upset personally that a deal hasn't been struck, because 40 or 50 of those employees, as you know, were eligible for the early retirement. It was a great deal, a win-win. If I was employed at that nursing home and I retired, I'd get the pension from the County and I'd still be employed by the new owner; not a bad deal. That's gone. What we have in this Executive budget at this point are "X" amount of dollars, because we reached the worst ending, as far as I'm concerned, the possibility of just shutting down the building, transfer the patients, the residents, and then the 250 employees, they're out of luck. The only hall they wind up in is an unemployment hall, picking up an

unemployment check for 70 or 80 weeks. No one wants to do that. The best option here is sell the home, take the 15 million, put it aside and use it to make future fiscal commitments, which we know are mandated costs coming down.

The 95 acres at Yaphank, 12 million dollars, I understand we're not getting enough. We should put it to auction. But understand -- I guess the point I'm trying to make, all of this has been going on for years. Based on what's coming, we can no longer procrastinate. We've got to make very, very difficult decisions here. If we don't, we're just digging ourselves a tremendous hole. There is a positive outcome for even at this stage for the Foley Nursing Home. And as far as the Yaphank facility and other things, we should deal with those as aggressively as we possibly can.

We've always, and I think Gail Vizzini would agree, there's always been an imbalance in the methodology of our budget system. We are heavily dependent on two sources of income, sales tax and the property tax. Huge amount of sales tax is required. What are the options with everything that's going to hit us? Is everybody willing to increase the sales tax in Suffolk County and making us totally uncompetitive? Do you want to increase County taxes on the property tax? I don't think so. The only thing we can do is to make very, very difficult decisions, hopefully in the best interest of residents and employees at that nursing home, make them quickly and control the spending.

You know, I hear all the time, and it's true, even with the early retirement, for every ten that took the early retirement, we only replaced two. But to date, unless somebody can correct me, not one single employee in Suffolk County has been laid off. Other communities can't say that. That's always been the goal of this Legislature, control our expenses, make sure we don't raise the taxes or lay off anyone, and we've kept to those goals. We can continue to do that, but we can't do it if we're going to procrastinate. We can't do it if the two 800-pound gorillas are here and we don't want to recognize that they exist, because when they come into the room some day, they are going to raise holy hell, and God forbid what happens. I'm not in favor of going into that reserve fund another 20 million.

About a year-and-a-half ago we had 130 million in the reserve fund; now we're down to 60; now we'll be down to 40. What happens if a huge expense hits us? That money may not be there. We may not have enough to cover. Then what do we do? We raise taxes? Do we go out and borrow? We're better off leaving that money exactly where it is, and on the offshoot, sell the nursing home.

These are difficult times, but, you know, we can no longer play the game, because what bothers me more than anything else, and I understand the politics and I understand this group doesn't like this group, and partisanship, and all this other crap, but the truth is there are 250 people at Foley. What's in their best interest at this point, and what's in their best interest from my perspective is to do the sale, secure their employment, keep the residents in that home, and put us in the position where we at least have 15 million dollars to meet future expenses.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
That was about as well put as you can put it. You know, there's a reason that New York State was formerly, up until about a week ago, ranked 45 out of 50 as far as states to do business. The only one who was behind us was New Jersey, and, unfortunately, we now have been moved into the dubious distinction of being the worst state in the country to do business. We are 50 out of 50, we are rock bottom. The pension costs, things we've been discussing here are the reasons that it is so difficult, the taxes, that it's so difficult to do business here.

Now, I heard someone mention before during the public portion about how small the County portion of the tax bill is. Good, good. It should be. Taxes are death by a thousand cuts. Every layer of government adds up on top of the other and it leads to the fact that we are the worst state in the country to do business. We need to do everything we can on the local level to control our costs and to control our taxes.

You know, to put it, you know, a little -- in a little more friendly terms, as Legislator Barraga would say, it's time to fish or cut bait. We've been making -- we've been having these discussions about the property in Yaphank, about the nursing home for three years or better now. Whatever we need to do at this point to force ourselves into making a decision, and whatever that decision may be, we need to do that. To simply punt as State Government and Federal Government did this year is not the answer and that's what we are doing here. That's what we are discussing doing here, punting. Put it out until next year, we know the problems are still going to exist, and don't address them now. I won't be part of that.

P.O. LINDSAY:

Okay. I'm going to talk. In order to punt, we need the ball. We don't have a resolution before us to sell the nursing home or to sell Legacy Village. We don't have it.

LEG. LOSQUADRO:

We haven't acted on it.

P.O. LINDSAY:

The County Executive put in the budget to sell the building, the property, the license. I don't see the resolution yet. How do you vote on a resolution when you don't have it? And I agree with you, I think we should move forward one way or another on both of them, on both of them. But to say that this Legislature's punting is wrong. We don't have the documents in front of us.

As far as the 220 new Police Officers, we funded them last year, 200 Police Officers, we're just reshuffling them. Now we say that the County Executive put 220 Police Officers in the budget. Come on.

You know, every step was taken to keep the people employed at the nursing home. Mr. Rozenberg sat right there when Legislator Barraga said, "Will you give us a commitment to keep all the employees?" He said, "You want me to commit to overstaffing? I won't do that."

Procrastination. Well, maybe the County Executive should learn something about procrastination. Maybe it's time to -- instead of being so thick-headed about Legacy Village, about the nursing home, to maybe look for a different way. The biggest problem with Legacy Village is in the undervalue of the 95 acres. It's the only revenue, 12 million dollars, that we get for the whole thing, 230 acres, because the County Executive wants his legacy of fourteen hundred housing units that there's no longer a need for. Did anybody look at the for sale signs in the paper lately? When it started, it was a great idea. The whole market changed. It's time that he changes. I'm all for -- if we want to excess the 220 acres, I'm all for that, but at least let's get a fair value for it, and it's certainly worth more than 12 million dollars. I mean, that would be -- the last deal that was that good was when the Dutch bought Manhattan from the Indians. So, I mean, that's some of the fundamental problems with it, and it isn't procrastination on this body, it's that, come on, somebody's got to take a look at this. It isn't right.

I was remiss before when I didn't -- I should have thanked the Budget Working Group that put this document together. Without a doubt, and I probably worked on eight of these over the years, this was the most difficult document we've ever, ever had to deal with. And I thank them for spending untold hours. I mean, we cut everybody and anything that moved. We cut agencies that a couple of years ago we wouldn't think -- we wouldn't think about not funding. I mean, our health clinics,

which are near and dear to us, that provide the last source of medical care was cut dramatically, not as much as the Executive cut it, but it was still cut dramatically. I mean, we took positions -- we didn't want to lay anybody off. We took positions out of the budget that weren't filled, for example, the County Executive's photographer. I mean, we did away with our photographer five years ago. We don't know why he needs a photographer. The public relations guy for the Police Department that left to go to the Water Authority; positions vacant, don't fund. It saves us \$150,000. I want more cops on the street, I don't want another public relations guy.

You know, the Executive said that we're messing with his budget. We took out a lot of vacant positions of neighborhood aides, and that he threatened that he doesn't look at our budget. That isn't true. He took \$200,000 out of our budget this year, the Legislative budget. Nobody restored it, we left it in there. It's a time that we should all tighten our belts. I just think that we did the best we could with a horrible, horrible document. And in spite of the veto not being overridden that would give the Executive more leeway, I'm still recommending that we -- that we pass the omnibus budget. We didn't take out the revenue that he put in there, but no matter how -- no matter how he cuts it, he still needs us to approve that revenue of excess property. And I think there's some serious questions about either one of those deals.

Forget the issue of whether -- whether we're selling the nursing home to Mr. Rozenberg, whether it's a good deal. I mean, Mr. Rozenberg just -- he owns about 12 nursing homes. He just bought another one in Brooklyn at much more money than he's paying us. I just think that it should be seriously, seriously looked at. And anybody else want to talk? No? Okay. We need a motion on BA 1. I'll make that motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina-Fisher. Roll call.

(Roll Called By Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Mark me as a recusal.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. Budget Amendment 2.

LEG. SCHNEIDERMAN:

That was a yes, it passes?

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Gail, you want to explain Two?

MS. VIZZINI:

I included the contents of Two in my overall remarks. This is the discretionary portion. It has the majority of the line items. It's necessary to balance, the fact that the mandated portion passed.

P.O. LINDSAY:

Any questions on Two? I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

(Roll Called By Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Recusal.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. Three is moot, so we don't have to vote on it. Do you concur, Ms. Vizzini?

MS. VIZZINI:

Correct. And 4 through 20 are conflicted, they are contained within the omnibus, so you should move to 21. You'll see on your index under the conflict column, they are referenced as BA 2, meaning that it's the same thing that was in the discretionary omnibus.

P.O. LINDSAY:

Okay. I'm being told that we can't -- the question was, is if the omnibus is vetoed and we don't override the veto, should we vote on these stand-alones, and Counsel is telling us that you can't do both. So we go to what, 20 --

MR. NOLAN:

Twenty-one.

P.O. LINDSAY:

Twenty-one. This resolution adds 59,386 in 2011 to Huntington Hospital, Dolan Family Health Center, which is offset by 28% State Aid and reductions in expenditure for health insurance. There's no impact on the General Fund property tax.

LEG. D'AMARO:

Mr. Presiding Officer, I'd like to make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

We have a motion to approve.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. LOSQUADRO:

Explanation on the --

P.O. LINDSAY:

Explanation. Legislator Losquadro would like an explanation.

LEG. D'AMARO:

This bill would increase the funding for the health center, the Dolan Family Health Center, to the 2010 funding level. We all know the importance of our health centers, we all know the services they provide to our communities, especially for those that are not able to provide medical care for themselves and their families. If Dolan is not restored, it will result in cuts and it will impact the facility's ability to handle a growing caseload of patients. So I'm urging everyone to consider this bill carefully and, hopefully, support it.

P.O. LINDSAY:

Legislator Losquadro, and then Viloría-Fisher.

LEG. LOSQUADRO:

Thank you. I just wanted to ask, I'm just reading with the offset, the State aid, and the reduction in expenditures for health insurance. Could you explain the offset there of where the money -- as long as it's a zero sum game on this, that we don't impact -- BRO's concurring that there's no impact on the General Fund property tax, it sounds fine. I just wanted to just understand the methodology of where the additional funding came from.

LEG. D'AMARO:

I believe the -- I'll leave it to BRO, but my initial response is that a portion of the additional 58, 59,000 and change would be picked up by the State aid. But, also, I believe we feel comfortable with the reduction in the expenditure for health insurance, meaning that that line is over funded, as per the Budget Review Office, but, of course, Gail, I'll defer to you on that.

MS. VIZZINI:

Sure. The omnibus included an additional 534,752 for Dolan. As Legislator D'Amaro indicated, this would bring Dolan, with the additional 59,000, closer to what it actually expended in 2010. It's aided, it's about 36% aided, and Budget Review provided the offset as far as health insurance, predicated on a restrictive hiring policy.

P.O. LINDSAY:

Legislator Eddington.

D.P.O. VILORIA-FISHER:

Well, wait, you missed me.

P.O. LINDSAY:

I'm sorry.

D.P.O. VILORIA-FISHER:

Jack, I'm sorry, I was ahead of you.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Just looking back at the omnibus, and in the omnibus we have restored five-hundred-four-seven-hundred-fifty-two -- \$504,752 for Huntington Hospital, Dolan, and I just think, since we have that restoration in the omnibus, I'm not going to support this further restoration. The omnibus went across the board and restored funding for various clinics that are important to all of the people of Suffolk County, so we should look at what we've restored in the omnibus.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:

Yes. I have a concern, because I certainly would have tried to find an offset for the south Patchogue area and Shirley, I'm sure, too, but I was honoring the omnibus, saying that we all work together rather than me try to get my share better than you and -- so I won't be supporting this either.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I appreciate the comments of my colleagues, especially Legislator Vilorio-Fisher. I do agree with you, that the omni does restore much needed funding for several of the health centers, and that's always been a priority for me as I know it's always been a priority for you. And I agree with that restoration of funding. This would, of course, just bring Huntington Hospital, the Dolan Family Health Center, which is in my district, up to not just the funding that they got last year, but what they actually spent. I mean, the impact here -- and I would be willing to support the funding for the other health centers as well. You know, this is, you know, a top priority. This is real people getting real medical attention, many of whom are not in the position to afford to get that medical attention and preventive care. So, again, I would ask that everyone consider that.

D.P.O. VILORIA-FISHER:

What I'm concerned about is not having the 12 votes that we will need when this is vetoed, and that will preclude all of those other clinics from receiving the funding that they so sorely need, because we're talking about thousands of people not having access to medical care. And so I -- my great concern is not being able to override that veto.

P.O. LINDSAY:
Anybody else? Okay. Do we have a motion on this?

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

P.O. LINDSAY:
Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Pass.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. ROMAINE:

Abstain.

LEG. HORSLEY:

No.

MR. LAUBE:

Seven.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, I'd like to request a five-minute recess.

P.O. LINDSAY:

Okay. Legislator Schneiderman has requested a short recess. Thank you.

[THE MEETING WAS RECESSED AT 1:18 AND RESUMED AT 2:03 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, call the roll, please.

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

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:

Eighteen.

P.O. LINDSAY:

First of all, I apologize about the extent, that it was more than five minutes. And if you didn't like that, you're not going to like this. I'm going to call a lunch recess until three o'clock, because Legislator Schneiderman came up with some thoughts that have -- necessitate some additional work. So we're recessed until three o'clock.

[RECESS FROM 2:03 P.M. TO 3:25 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, are you ready?

MR. LAUBE:

I am, sir.

P.O. LINDSAY:

Call the roll.

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

(Not Present)

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:

Mr. Barraga. Seventeen. (Not Present: Leg. Muratore)

P.O. LINDSAY:

I apologize for the lengthy lunch recess. We're still trying to prepare some documents. I'm going to go back to the stand-alones. We left off after 21. ***22 - This resolution restores \$87,000 in the General Fund for Cornell Cooperative Extension Diabetes Prevention, 4-H Youth Development and Farm Education, Family and Health Wellness Program, which is offset by a reduction of appropriations for the purchase of automobiles in 2011, and provides an additional \$37,000 from water quality for the Integrated Pest Management Program. There's no impact on the General Fund property tax.*** Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. D'AMARO:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just to -- just to slow it down a bit, I'm not even sure where we are, if you could just point that out to me.

P.O. LINDSAY:

We're on nine of ten. The stand-alone is number 22, by Legislator Romaine, halfway down the page.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Okay. Any other questions on this? Here's my main question about this. All right. Is -- the automobile, we kind of raided that a lot already and I'm very, very reluctant to reduce that anymore at all. I don't have a problem, especially the pest management, taking it out of 477, but I think it would be irresponsible if we took away any other automobiles. Maybe Legislator Romaine wants to answer that.

LEG. ROMAINE:

Yes. We submitted this as two separate budget resolutions, that's why I'm kind of amazed to find this all wrapped together. We did one for 4-H Youth Development, Farm Education, Family Wellness and Diabetes as one, and then we did the other one for Pest Management as a separate resolution, but when we got here today, we found that BRO had combined them together. Maybe it was for convenience, but we had submitted it as two separate amendments.

P.O. LINDSAY:

Counsel is looking at it now, and if there was a clerical error here, we'll see if we can correct it. Budget Review, maybe you could explain why they were combined.

MS. VIZZINI:

It wasn't clearly conveyed to us that it was going to be two amendments, so if you wanted to change it, we would have to entertain an amendment on the floor.

P.O. LINDSAY:

Legislator --

D.P.O. VILORIA-FISHER:

Can I just ask a question?

P.O. LINDSAY:

Okay. Legislator Romaine, are you willing -- it's obviously a mistake on our part here. Do you want to make an amendment to separate the two issues?

LEG. ROMAINE:

Yes, I'd like to make an amendment to separate them out, because that's the way it was intended, that way you can vote on each one.

P.O. LINDSAY:

Okay. And which one would you like to take up first?

LEG. ROMAINE:

I'd like to take up the pest management first.

P.O. LINDSAY:

Okay. And Legislator Vilorina-Fisher?

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Mr. Chair. Gail, we restored in the omnibus -- some of the money for 4-H and Family Health and Wellness, so wouldn't this be in conflict with one or two, whatever --

MS. VIZZINI:

Yeah. The omnibus includes an additional 77,000 for diabetes, an additional 88,000 for 4-H, and 198,250 for Health and Wellness. The Integrated Pest Management Program was recommended at 187. With the omnibus, it's restored up to one-hundred-thirty-four.

D.P.O. VILORIA-FISHER:

But that goes back to my question. This doesn't conflict with that, because this adds more to it?

LEG. ROMAINE:

It does.

P.O. LINDSAY:

It brings it back.

D.P.O. VILORIA-FISHER:

Okay. So we had not made them whole in the omnibus.

MS. VIZZINI:

We had not made them whole in the omnibus. Again, the information that we received was this was in addition, this would be in addition.

D.P.O. VILORIA-FISHER:

And that's counting what individual Legislators had added, right?

MS. VIZZINI:

Well, at that time, we didn't have that information.

D.P.O. VILORIA-FISHER:

Okay. All right. Okay. But I'm --

P.O. LINDSAY:

But you have it now.

LEG. ROMAINE:

That's the point. This should not be 87 -- this should not be 87 thousand dollars, this should be whatever it takes to make them whole, which is considerably less, because a number of Legislators, myself included, contributed to Cornell, and I thought that Budget Review would subsequently reduce the amount needed to make them whole. I'm interested in making Cornell whole. That's probably in the range of less than \$30,000 on top of what they've received. And then I'm interested in taking up Pest Management separately, because that was not made whole, and taking that from 477, which is a legitimate expense. So that's what I'm interested in doing. If Budget Review's staff would like to come back with what that actual number is, now that they know what every Legislator had included in the omnibus; if the omnibus prevails, that's fine.

MS. VIZZINI:

So your objective is to -- you want to break out the 477 from the General Fund expenses? This to be two resolutions?

LEG. ROMAINE:

Right, two resolutions, and then the balance of that money -- the balance of that money is whatever it takes to make Cornell whole.

MS. VIZZINI:

And how would you define that? Is that that 2010 estimated expenses?

LEG. ROMAINE:

Yes, the 2010 estimate would be the estimate that we'd be looking at. So we're talking about the cost of less than one car, so it really doesn't draw much on the auto account, and the other one draws on the 477.

MS. VIZZINI:

Right.

LEG. ROMAINE:

If you want, Mr. Presiding Officer, why don't we pass over this, allow Budget Review's staff to do their calculations, and we can come back to this at a later date -- later today.

MS. VIZZINI:

Sure.

P.O. LINDSAY:

Okay. No. We'll -- we'll do that later on. You could have someone on your staff, Ms. Vizzini, work up the numbers of what we're talking about.

MS. VIZZINI:

Sure.

P.O. LINDSAY:

Okay. Going on to ***23, this resolution provides \$47,370 in 2011 for the Long Island Council on Alcoholism and Drug Dependence's Hope Programs, which is offset by a decrease in health insurance expenditures. The action has no property tax impact.***

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. CILMI:

Put me down as a cosponsor, please.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

To Budget Review, if I could.

MS. VIZZINI:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I know, you know, we're talking about shortfalls. Is this, you know, decrease in health insurance expenditures, is this a real pot of money here? Are we just trying to find places to grab from here? I'm just concerned that, you know, we're just looking for pots of money here where they may not exist.

MS. VIZZINI:

Absolutely. As you well know, the directive from Budget Review was that we needed to work together because there are no true surpluses. Health insurance is reasonably estimated. However, we believe that there will be an arduous restrictive hiring policy. There's 300 million dollars in health insurance, so --

LEG. LOSQUADRO:

Yes, but with health care costs continuing to rise at, actually, a faster than expected rate because of some of the Federal actions, I don't think it's really prudent to be taking out --

D.P.O. VILORIA-FISHER:

It's a little political. I'm sorry.

LEG. LOSQUADRO:

Well, it's just a fact.

D.P.O. VILORIA-FISHER:

Or not.

LEG. LOSQUADRO:

I don't think it's prudent to be taking out of this. I don't know if this -- like you said, I think it's reasonably estimated, I just don't think it's a real pot of money, or one that we should be taking out of.

MS. VIZZINI:

We identified it, as I said, because we expect that there will be restrictive hiring. And if there was any line item that could constitute an offset, this might be one of them.

LEG. LOSQUADRO:

All right.

D.P.O. VILORIA-FISHER:

Mr. Chair.

P.O. LINDSAY:

Legislator Vilorio-Fisher, and then I'll --

D.P.O. VILORIA-FISHER:

Actually, I'm concerned about this also, because I just read in the paper regarding increases in health insurance premiums, despite Federal actions that have tried to curtail this kind of usurious behavior by insurance companies. And although we may not be hiring, we still do have to pay those insurance policies on people who have retired, because they continue to be covered. So I'm very reluctant to dip into that particular account as well.

P.O. LINDSAY:

Mr. Naughton, did you want to comment?

MR. NAUGHTON:

Yes. I just want to say that the recommended budget was based off of strict hiring already. So, to assume that there would be even stricter is -- we're not going to achieve any further savings in health insurance.

P.O. LINDSAY:

Okay. I'm going to add my two cents and -- I can't support this either for the simple reason that when we put the budget together, every not-for-profit, every agency was cut dramatically. And we tried to give some input by each individual Legislator to restore things that they thought was important to their district and to the County, and I heard Legislator Cilmi second this. Instead of seconding it, why don't you use some of your money to restore it?

LEG. BROWNING:

He may not have the money to restore it.

P.O. LINDSAY:

He does.

LEG. BROWNING:

I don't.

P.O. LINDSAY:

Okay, but we -- I just don't know -- I mean, because if we do this, then we have to start going down the path of doing them all and I just -- there's nothing on this list that isn't worthwhile, I mean, everything here is worthwhile. I just don't know where to get the money. So that's just my two cents. But anybody else have anything to say? Okay. We have a motion and a second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. CILMI:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

You skipped Legislator Romaine.

MR. LAUBE:

No. I called him first, he said yes.

LEG. ROMAINE:

I said pass.

MR. LAUBE:

I'm sorry. Yes and pass sometimes.

LEG. ROMAINE:

No.

MR. LAUBE:

No. So it's five.

P.O. LINDSAY:

Okay. I.R. -- *B.A. 24 - This resolution adds salary and fringe benefits to create one new Youth Services Specialist position in a new Gang and Youth Offender Prevention Unit (001-7320-0300) in the Youth Bureau for three-quarters of 2011, which is offset with a reduction in health insurance expenditures. The new position will serve as a liaison to Probation and all elements of the criminal justice system in Suffolk County, focusing upon the youthful component of gang prevention, works with County criminal justice agencies to obtain Federal and State grants for gang-related crime prevention initiatives involving youth, organizes anti-gang parenting classes and collaborates with community organizations to establish alternative programs to help keep troubled youth out of gangs and off the street. There is no net County cost as a result of this addition.* Do I have a motion?

LEG. GREGORY:

Mr. Chair, I apologize, I'm going to withdraw this budget amendment.

P.O. LINDSAY:

Okay. Thank you. You could have told me that before I read the whole thing.

*(*Laughter*)*

LEG. GREGORY:

That's why I apologized.

P.O. LINDSAY:

Okay. 25, are you going to withdraw this, Legislator Kennedy, before I read it?

LEG. KENNEDY:

No, no, no.

P.O. LINDSAY:

Okay. *This resolution adds \$40,000 in 2011 for the Federation of Organizations Senior Respite Program offset with a reduction in the Living Wage Contingency Fund in 2011. This action does not impact the General Fund property tax.* Do I have a motion?

LEG. KENNEDY:

Well, Mr. Chair, I'm going to make a motion to support this despite the fact that I understand that there's a number of private entities who want to bid for this out there and can do it at a profit. But I'm going to make a motion to approve. It's for care for people who are caring for infirm and elderly spouses and other folks in their homes, and I think we are not so far gone from trying to do something for people that we've got to abandon everything. So I'll make the motion to approve.

P.O. LINDSAY:

Do I have a second?

LEG. NOWICK:

I second it.

P.O. LINDSAY:

Second by Legislator Nowick. On the question, anybody have any comments? Unfortunately, Legislator Kennedy, here's something I don't understand, and maybe Ms. Vizzini can -- okay. It takes money from the Living Wage Contingency Fund. Is that a fund that we can afford to take money from?

MS. VIZZINI:

Well, it's in the General Fund and it is the subsidy to child care providers of sort.

P.O. LINDSAY:

I just -- Legislator Kennedy, as much as I'd like to support it, because it's a worthy thing, same thing, I just -- I just can't -- can't -- can't -- although it's worthy, everything here is worthy and I just -- I just can't support it. I'm sorry.

LEG. KENNEDY:

No need to apologize, Mr. Chair. Look, all 18 of us are sitting here, as a matter of fact, trying to pick and choose between cutting off an arm or cutting off a hand. And it is an unpalatable and actually quite despicable position to be put in. Nevertheless, I put the resolution forward.

P.O. LINDSAY:

Okay. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Pass.

LEG. BARRAGA:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. ROMAINE:

No.

LEG. CILMI:

Abstain.

MR. LAUBE:

Three.

P.O. LINDSAY:

26 - This resolution abolishes three positions in the County Executive's Public Affairs Unit, Assistant Deputy County Exec and two County Exec Assistants III, and one in the Intergovernmental Relations Unit, Assistant Deputy County Executive, and increases pay-as-you-go, the General Fund transfer to the Capital Fund, by \$436,199, the amount of saving from salary and benefits. There's no property tax impact associated with this action. Just the one comment before I ask for resolution is, if this passes, Legislator Gregory, I'd love to see this press release.

(*Laughter*)

Do I have a motion?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. GREGORY:

If I may.

P.O. LINDSAY:

These are filled positions.

LEG. ROMAINE:

Failed positions?

P.O. LINDSAY:

Filled, filled.

LEG. GREGORY:

I think this -- you know, the County Executive in his proposed budget allocates a million dollars for pay-go account. I think we're, as we all understand, that we're in tough fiscal times. We went through the waiver fiasco or ordeal for months. You know, this bill would add \$436,000 to the pay-go account, so we're not bonding projects under \$4,000 and pushing that burden onto the taxpayers for the next 20 years. This is, in my estimation, a department that can, you know, use some cuts. You know, we have -- I have people that I know personally that work in Department of Social Services and Department of Health and they're telling me that, you know, they have to bring in their own pens and pencils and paper, you know. The employees are feeling the brunt of it, but there are other departments I feel that are overstaffed. And I just want to send the message that, you know, if we're going to be fiscally responsible, let's look at all departments, put all departments and everything on the chopping block and we'll go from there.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Well, I think we could be fiscally responsible without terminating people. We haven't done that so far, we haven't basically fired anybody. When you eliminate the positions, you eliminate the people. I think that's inappropriate at this point. We may get to that point four or five, six months down the road, but, certainly, we haven't reached it thus far, and I don't think this proposal should go forward.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. I just want to agree with Legislator Barraga. And if I know the County Executive, I would be willing to bet that these assistants are bringing their own pens.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I want to also agree with Legislator Barraga, plus which I would miss the instantaneous press releases that come out. I think there was one that was done even before we took the lunch break

that commented, and that type of efficiency I would miss in the Executive's Office.

*(*Laughter*)*

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yes. I agree with Legislator Barraga, but then I also disagree.

And we just took a vote and we had 11 Legislators, as a matter of fact, that supported the omnibus, which was restoration for the funding for John J. Foley for next year. We, in effect, have actually underwritten 250 layoffs effective April of next year. But I believe that when we start on -- in the beginning of next year, we will be retooling the budget even before the ink is dry. And I think when we have a first opportunity as Legislators to amend the budget, we maybe looking at departments across the board, as Legislator Gregory suggests. So I don't think this one particular amendment is prudent now, but there will be many more to come, I'm sure, in the beginning part of the year.

P.O. LINDSAY:

I've got a question for Legislator Gregory. I know the titles are here. Is this Mr. Smith's position?

LEG. GREGORY:

I believe so.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Not exactly sure, but I believe so.

P.O. LINDSAY:

It's very tempting, very tempting and --

LEG. GREGORY:

Yes. But I'm a little crazy, so that my -- I'm not exactly sure if his name is on this list, but --

P.O. LINDSAY:

Okay.

LEG. GREGORY:

-- possibly.

P.O. LINDSAY:

Okay. All right. We have a -- Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I just quickly want to say that I seconded that, not because of any particular person's name being on this, but, as Legislator Kennedy said, we're looking at 250 people who work in the nursing home. We have had many not-for-profits come before us and tell us how many people they are letting go because of cuts we've made to contract agencies or inability to restore them. So, although we are not laying off anyone who works for the County, we are indirectly causing agencies to lay people off, and those are people who are not just putting out press -- governing by press release, but people who are out there counseling kids, working on juvenile delinquency, working on all manner of social justice issues. And I just believe that there seems to be -- and you and I, Mr. Presiding Officer, have sat here some days and said, "Wow, that's millions of dollars worth of salaries sitting out

there." We're just wondering, what are all those guys doing? So it just seems top heavy there on the 12th floor. And there's enough time to put out, it seems, a press release a day, so put these people to good work somewhere else in the County.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Just very quickly, just to follow up, you know, again, to agree with some of the points that were made previously, there may come a time when we look into actually diminishing our existing workforce and not through attrition and that may time -- that time may have to include each of us looking and saying, "Do we still support three staffers, then, for each of our own office?" Maybe we cut it down to two. Maybe we'll let a person go out of each office.

P.O. LINDSAY:

That was a subject that the Working --

LEG. LOSQUADRO:

I know that.

P.O. LINDSAY:

-- Working Group talked about extensively.

LEG. LOSQUADRO:

Absolutely, I know that it was, and I know it's been discussed in the past. So do we do this in the absence of that? I just don't think this is -- this is prudent; and agree with Legislator Barraga, you know, we have been successful in not becoming part of the unemployment problem and I think we should stick to that.

P.O. LINDSAY:

And I should explain myself. I agree with that concept. If a position is vacant, I'm all for abolishing it, not refilling it, because I think -- I think in these times that's something we have to do. And if you'll notice, I think I have one stand-alone coming up that does that, but -- and I apologize for mentioning Mr. Smith by name, but he has caught my attention when a staffer names elected officials in press releases and puts his name on it. I think that is totally inappropriate. If his boss wants to put his name on it, I understand that, but for staffers to do that I think is wrong, and maybe the crowd in the back could convey that to Mr. Smith.

LEG. GREGORY:

And I would echo that. My staff, despite my disagreements with Mr. Levy, and I will respectfully call him Mr. Levy, treat him with respect. I expect his staff to treat myself, as well as my colleagues, with the same respect that he gets. And if not, this is where we are. You know, to say that, you know, eliminating four or five positions, whatever it is, when we're facing -- as of right now, we're facing not the sale, but the closure of the nursing home, which is going to lay off a couple of hundred people, and we're talking about, you know, in the balance, four or five people that we're going to go to bat for, but we have a whole nursing home full of people that are going to lose their jobs potentially? You know, we -- Legislator Kennedy, I know he was fought, and I've gotten the E-mails, for the Smithtown Library. We zeroed them out \$100,000. They are real cuts.

LEG. NOWICK:

No, the Youth Bureau.

LEG. GREGORY:

Or the Youth Bureau, whatever it was, that -- you know, real -- you know, there are real cuts, lots of jobs, I'm sure, that are going to be eliminated because of those cuts, and constituents that are not going to be serviced because we haven't provided the funding levels that we had in past years. You know, we're going to have real consequences. And, yes, Mr. D'Amato, you know, we have to make cuts. I hear you making your noise. You know, you worked on the budget, just like everyone else.

LEG. D'AMARO:

I didn't say a word.

LEG. GREGORY:

You did, I heard you say something.

LEG. D'AMARO:

I didn't say a word.

LEG. GREGORY:

Yeah, you did. So, you know, we have to make a decision. You know, next year is going to be a year that's difficult for us, and, you know, this is not going to, you know, some youth league, or whatever, this is going to a pay-go account, which is going to help us, you know, manage our budget a little bit better.

P.O. LINDSAY:

Anybody else? No? Okay. We have a motion and a second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

I'll give you the yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No for now.

LEG. NOWICK:

No.

LEG. HORSLEY:

Fun mischief, but no.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Abstain.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Four.

P.O. LINDSAY:

Okay. *27 - This resolution provides \$25,914 in salary and benefits for a Senior Account Clerk to be filled after July 1, 2011 in the Office of Public Administrator, which is offset with a reduction of like amount in 2011 health insurance, resulting from the County's restrictive hiring policy. There's no property tax impact associated with this action.*

LEG. KENNEDY:

I will make the motion to approve again, Mr. Chair, with an explanation.

P.O. LINDSAY:

We have a motion to approve? Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Before you explain it, I thought that we restored some of the positions in the Public Administrator's Office.

LEG. KENNEDY:

Let me turn to BRO. I recall it was three weeks of haze in the basement there. I know at one point we talked about it and --

LEG. LOSQUADRO:

What's going on down there?

LEG. KENNEDY:

I know. Buckets full of blood everywhere. But this -- pragmatically, it's a very simple function, and interestingly, as a reflection of our times, the public administrator not only is doing more states, but as we talked about, business is up with burials of folks who are homeless and without any other resources. The accounts clerks, basically, they keep the bucks to put people in the ground. But let's -- Gail, what happened? Well, I have no reason to believe that anything that's in Budget Amendment 1 or 2 is going to survive, so let's talk about what this is in comparison to that.

MS. VIZZINI:

The Public Administrator currently has six positions. One of them is an Admin III. Mr. {Bianche} retired, and that position was abolished in the 2011 budget. The Public Administrator came and he spoke, I think it was at several committee meetings.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

That he would like the creation of a Grade 14 Senior Account Clerk --

LEG. KENNEDY:

Yes.

MS. VIZZINI:

-- to assist with the clerical responsibilities. The Working Group, based on my notes and the notes -- and the consensus of the group, we did restore positions to the Treasurer, to Audit and Control, but there was no final determination on the Senior Account Clerk for the Public Administrator, so it is not in the omnibus.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

I found what I was talking about. We added money to the Public Administrator's fund to do audits, that's what we did with the Public Administrator.

MS. VIZZINI:

Yeah, we added --

P.O. LINDSAY:

Ten thousand dollars, I have.

MS. VIZZINI:

Correct. Yes, because they're behind on their audits. So we did provide additional appropriations for the Public Administrator, but we did not provide a position.

LEG. KENNEDY:

Okay. But also, Gail, the creation of this position at this level and funding it for a half year is still a substantial savings over what the expense was associated with Mr. {Bianche's} position for last year.

MS. VIZZINI:

Of course.

LEG. KENNEDY:

Grade 28 at top step, right?

MS. VIZZINI:

Yeah. The way we have this funded, the net cost, with benefits, is under \$25,000.

LEG. KENNEDY:

Again, you know, to my colleagues, this is a pragmatic simple cost of what it is that government does. And as we deconstruct government, we're going to have to make decisions like whether or not we bury people, so it's that simple. I offer it and put it forward so that this small office can do a basic ministerial function.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Well, sort of ditto to the remarks made earlier about reducing this line, but also starting in July 1st, 2011, we fund for part year this year. We're not just going to hire someone temporarily, I assume, so we'll need to fund this position for a full year in 12.

LEG. KENNEDY:

Yes, yes, presumably, absolutely. It's an ongoing sustaining function. My recollection is that they administer at least a couple of hundred administrations each year, and that I believe -- I believe there were about 200 burials that they dealt with as well. It is a mandated function. It's a creature of the State statute. It's a small office located out in Riverhead. I had interacted with them, as did Legislator Romaine, on a regular basis, and they're actually quite efficient, but you can't do a function without any individual to perform the function.

P.O. LINDSAY:

Legislator Kennedy, here's the other problem that I have with it as far as restoring positions.

LEG. LOSQUADRO:

I was just going to say.

P.O. LINDSAY:

We have no assurance that the person will be hired.

LEG. KENNEDY:

You know, Mr. Chair, look, this is a dilemma that we consistently come back to over and over and over again, but I refuse to succumb to the prospect that I should not act in a responsible manner because somebody else doesn't. And the fact that to close one's eyes and to stick your fingers in your ears and think that basic functions of government are going to happen without the people to do that, I find to be totally and wholly irresponsible. So I will offer what I can, which is in my purview, which is to put a line ministerial body. I'm not talking about a Deputy County Executive or a Commissioner, or anything else, I'm talking about a basic Grade 14 Clerk.

P.O. LINDSAY:

Okay. Legislator Losquadro, did you want to say something?

LEG. LOSQUADRO:

Yeah, I just want to follow up, and it's not on the -- I understand the point, you know, we don't want

to be governed by whether or not someone will actually fill the position, but back to my previous point, and I had asked Gail the question earlier regarding taking from the insurance fund, which is something I'm very concerned about. I was wondering if it would be possible to perhaps have, since I already got an answer from Gail, if I could ask maybe the Executive's Budget Office to weigh in on that same question?

P.O. LINDSAY:

He did. He did already. Mr. Naughton talked about it before, didn't --

D.P.O. VILORIA-FISHER:

Yes, he did.

P.O. LINDSAY:

Didn't you, Mr. Naughton?

MR. NAUGHTON:

Yes.

D.P.O. VILORIA-FISHER:

Yeah.

P.O. LINDSAY:

Yeah. He said that they didn't anticipate any excess money in that account.

LEG. LOSQUADRO:

Right. Okay.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Gail, now we're discussing whether or not there is going to be any excess fund in this account. If this position -- and I guess I could ask the sponsor -- if this position doesn't need to be filled until July, couldn't this be done during those times of the year when we can do budget amendments when we see how the budget is going, see how the revenues are going, or the funding is going in that insurance account? Couldn't this be done later in the year.

MS. VIZZINI:

It could be added to the budget with an offset, although that would certainly delay the hiring in terms of any, you know, further processing of the -- getting the list, etcetera, etcetera, because it would be done after the July cycle.

D.P.O. VILORIA-FISHER:

You're saying there's no lists for this position?

MS. VIZZINI:

I think there is, yeah.

P.O. LINDSAY:

So, if we -- I mean, we have times when we could do budget amendments during the year.

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

The first time that you can do it is?

MS. VIZZINI:

February.

D.P.O. VILORIA-FISHER:

February. And the next time is May?

MS. VIZZINI:

April. April.

D.P.O. VILORIA-FISHER:

April. Okay. So, if Mr. Kennedy put in a resolution to create this position in April, and if there's an existing list, why couldn't it be done then?

MS. VIZZINI:

It could.

D.P.O. VILORIA-FISHER:

When we see if there are any funds available in that particular line. All right?

LEG. KENNEDY:

You're right, that's an alternative.

P.O. LINDSAY:

Okay. Anybody else? Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay. The next one *(BA28), this resolution abolishes a Senior Deputy Commissioner of Labor position in the Labor Department and transfers the related savings of \$137,627 to pay-as-you-go. There's no property tax impact associated with this action.* And I'll make a motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Well, this is the position where -- I was shocked last week when a Deputy Commissioner was fired, and I found out what he was doing was really ministerial. He was checking payrolls to see the prevailing rates were made, which I think they have someone in the Department of Public Works that does that, and also checking, I think -- what was it, living wage or -- yeah, I think on living wage compliance, which is what I thought Brenda Rosenberg does. So I just think it's an awful lot of money. And I think that if this position is absolutely needed, it can be done with a pretty low grade accounting person, certainly not spending, with benefits, well over \$150,000 a year.

LEG. MONTANO:

Is there a second to that?

P.O. LINDSAY:

I have a second by Legislator Romaine. Did you second it?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes. Okay. Any discussion on it? Did you want to speak on this, Legislator Barraga?

LEG. BARRAGA:

Well, I'm wondering why don't you just leave it in the hands of the County Executive. He has a reputation of not filling jobs, unless the people doing the jobs have market responsibility. Based on what you've just said, it doesn't seem like this person wasn't doing very much, which would lead me to believe that the County Executive, if he takes a look at the job, he may say, "Look, I'm just not going to fill it."

P.O. LINDSAY:

Well, in all due respect, the County Executive at times fills high level jobs, especially when it isn't a Civil Service job and it's subject to political patronage.

LEG. BARRAGA:

I would think he would be filling it because he feels there's a definitive need for that particular job. But based on what you're saying, he may feel that, "Well, you know, if that's all that fellow is doing for \$137,000, maybe we just don't need --"

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

-- the job at all, but leave that to me, because the Labor Department comes under the Executive Branch."

P.O. LINDSAY:

Okay. Anybody else want to speak? Okay. Roll call.

(Roll Called By Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

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:

29 - This resolution transfers 25,000 from the Interdepartmental Operation and Service Fund (016) to the General Fund (001) for the purchase of a medical ATV for the Health Department's Division of Emergency Medical Services (EMS) for rescues on County hiking trails and beach facilities. There's no property tax impact associated with the action.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

Do I have -- let me get a second. Second by Legislator Browning. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I just want to say, I mean, I certainly think it's a good idea. This is something I did through a community grant in my district for the Rocky Point Fire Department for the old RCA State hiking properties, but we wound up doing a John Deer Gator piece of equipment with a Medbed and everything decked out on it for \$10,000, so --

LEG. ROMAINE:

It will save money, but the number that I was given was for this is to make sure that they could acquire this would be 25. If it comes in for less, it will come in for less. I just want to make sure that there was enough there. Again, it's an interdepartmental transfer of money and it's going right to EMS and that's for County parks and County beaches, and to have one in the County I don't think is an onerous burden. I can site an example. In Manorville, well, someone collapsed. They thought that he was having a stroke. He was 12 miles in. They got the local ambulance company to response. They couldn't reach him. The stretcher broke after the first quarter of a mile, and then what they had to do was wait for two more men to come and all four of them ran in and then had to carry him out, because the County did not have an medical ATV. I think one medical ATV that would be available for our beaches and our hiking trails for County EMS. And this is an interdepartmental transfer, it's not where we're adding to the budget.

LEG. LOSQUADRO:

To that question to Budget Review, interdepartmental transfer from where? Where does that come from? Is that another pot of money that's actually available?

MS. VIZZINI:

We purchase cars from our Interdepartmental Operations Fund, and the extent, if those --

LEG. LOSQUADRO:

So this is coming from the pool of money to purchase vehicles?

MS. VIZZINI:

That -- well, that fund is subsidized by all the user funds, so it's predominantly from the General Fund.

LEG. LOSQUADRO:

All right. Thank you for confusing me. Where is this money coming from?

*(*Laughter*)*

MS. VIZZINI:

The money is coming from --

LEG. LOSQUADRO:

What would this money be spent on otherwise, vehicles, what?

MS. VIZZINI:

You know, in Fund 16, there's a certain amount of money coming from the General Fund for computers, for vehicles. It's the transfer of what the General Fund owes.

LEG. LOSQUADRO:

So, otherwise, it would be used to purchase computers and cars.

MS. VIZZINI:

That's most --

LEG. LOSQUADRO:

Short answer.

MS. VIZZINI:

Yeah.

LEG. LOSQUADRO:

Okay. Thank you.

MS. VIZZINI:

You're welcome.

LEG. LOSQUADRO:

Once again, I mean, I know that the Working Group cut down that fund substantially. We are -- you know, we can argue back and forth as to whether or not we put in money for the Police Officers, even though it didn't fund those 200 for a full year, or if the County -- but the point is we're going to have 220 officers, you know, through the next year, and we're -- you know, we've cut back on cars the past several years, we have vehicles in our fleet that are past the end of their life expectancy, and we're going to start to incur serious repair costs on these vehicles. I don't think it's prudent to cut back on that line any further than we already have. In fact, I think we've already cut it down too much, so I don't think we should touch that line. And this is something that I'd be happy to work with Legislator Romaine with to maybe see if we have some monies available between us that we could do this through a community service initiative to get the money available, because, like I said, it's been very successful in my district when we did it through the fire department.

P.O. LINDSAY:

But you could get some State money, Dan.

LEG. LOSQUADRO:

I will try.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

Yeah. I'm certainly not going to question a need. I gave a community grant to Flanders and they bought an ATV for the EMS and actually ended up saving somebody's life. But I do question, in light of the budget problems, the moving of the funds. And I just wanted to make sure that at least the Health Department is asking for this, and maybe the sponsor can tell me that, because I'm assuming that they have a budget that they've worked out with the County Executive and to move money around might put other things at risk, which that we can't determine at this point. So, if I might, through the Chair, ask Legislator Romaine if the department requested this.

LEG. ROMAINE:

I did speak with the department about this and they did acknowledge the need and that something like this could be helpful.

LEG. SCHNEIDERMAN:

So they did ask you to move this over?

LEG. ROMAINE:

I don't want to say that because I don't want to get anyone fired by the County Executive.

LEG. SCHNEIDERMAN:

Okay, fair enough.

P.O. LINDSAY:

Anybody else? Seeing none, I just have a logistical question, Legislator Romaine. If this is to serve all the hiking trails and the beaches, where is it going to be located?

LEG. ROMAINE:

Well, I guess it would start with EMS and they would have to make the best determination of how that would be used. You know, that's a logistic thing. We don't have the money to, obviously, provide medical protection to everyone, so they would have to make the best determination of how this would be used, Smith Point Beach, Mashomack, wherever.

P.O. LINDSAY:

Okay. We have a motion and a second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. Next one, *30 - This resolution provides \$25,000 in 2011 for Parents for Megan's Law hate crimes advocate, which is offset by a like reduction in fees for services in the County Executive's Office of Budget and Management. This action does not impact the General Fund property tax.*

MS. VIZZINI:

This was an oversight on the part of the Executive Budget Office. They approached me and provided the offset.

P.O. LINDSAY:

Okay. So the County Executive meant to put this in the budget?

MS. CORSO:

Yes.

LEG. GREGORY:

Yes. I make a motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Eddington. Any other comments? How about all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

31 - This resolution removes the proposed new Detention Attendant position for the Sheriff's Office. There's no property tax impact associated with this action. And, Legislator Romaine, this position isn't filled, right?

LEG. ROMAINE:

Isn't filled, brand new position. Something we can --

P.O. LINDSAY:

Okay. Would you like to make a motion, Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Second by --

LEG. KENNEDY:

Second.

P.O. LINDSAY:

-- Legislator Eddington. Anybody on the question? Legislator Losquadro.

LEG. LOSQUADRO:

Why the Sheriff's Office -- I guess they requested this position, if it's a new position. What function will it fulfill? Is it something that we are doing to mandate through the State?

P.O. LINDSAY:

I don't think they requested it.

LEG. LOSQUADRO:

Okay.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second. I'm going to see if we could do it without a roll call. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

32 - This resolution increases the full fare ticket cost from \$1.50 to \$2.00 beginning March 1, 2011, to provide sufficient revenue to implement a Sunday bus pilot program by May 1, 2011. The program will be developed by DPW and provide Sunday service to the greatest extent possible based on maximum ridership. There is no property tax impact associated with this action.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Is there a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

As we all know, the County finds itself in dire fiscal straits, and, you know, probably the most discussed thing we've talked about is trying to cut expenses to try to get out of this hole. You know, I think we've set aside or ruled out any kind of tax increases, but there's a third way to get out of a hole and that's to grow the economy. The County does not have public transportation on Sundays, one of the busiest retail shopping days. People, if they could get around, no doubt would go shopping and it would drive sales tax revenues. Instead, the people who depend on public transportation are forced to take taxi rides, which are very expensive.

There was a study that was conducted, determined that Sunday bus was seriously needed in Suffolk County. We held public hearings. The ridership said that they would be willing, overwhelmingly, to have a small increase in the main fare if the County would provide Sunday Service. A 50 cent increase in only the main fare, this would be leaving all the reduced fares alone, senior fares, transfers, everything would stay the same, that fare -- that \$1.50 fare hasn't changed in 16 years. Even with the 50 cent increase, it will still be substantially below Nassau County's fares and all other fares that I'm aware of for a bus ride. It will provide some money to provide a pilot program for Sunday service in the areas that the Saturday ridership is highest.

DPW, who I spoke with, who does not object, at least that's what they've expressed to me, in this approach will be able to provide, to the greatest extent they can, Sunday service, and we can at least see if it's working out, see what kind of revenues are generated. We are reducing County government left and right. It will be nice in this process if we could say we have done one thing, we have taken a step forward in providing services to our County. This is an important step. The time has come. Actually, the time is long overdue. We need Sunday service. There's no impact to the budget by doing this. The riders are paying the 50 cents and they are asking for it.

So I'm just asking my colleagues to allow this to move forward so we could at least see what kind of ridership we have and how successful the program is.

P.O. LINDSAY:

Anybody else on this subject? I should ask Legislator Schneiderman this. I know there was a Task Force charged with studying this issue and there was public hearings. What kind of comments did you get back?

LEG. SCHNEIDERMAN:

The ridership has told me overwhelmingly, and I've attended these hearings, at least the one that was in Riverhead, that they're willing to pay a little bit more, because they're spending so much on taxicabs. But the other fares they're begging to not raise, particularly the SCAT fees, where you have a lot of people who are on Medicaid, who are -- have very limited incomes, and they just really simply could not afford a higher fare. But they would love this Sunday service, because wherever we provide Sunday service, the main routes for the Suffolk Transit, also SCAT has to go, too, and that's part of the expense of this. People who are physically disabled are trapped on Sundays, there is no SCAT service to take them shopping or anywhere else they might go, so they're hoping this Sunday service goes through, so -- but the only place I believe from their comments we can raise the fares really is the main fare from \$1.50 to \$2.00, not to go to the MTA fare, which is 2.50, but to go up to \$2.00.

P.O. LINDSAY:

Okay any other questions?

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just I appreciate Legislator Schneiderman's comments on this, but, you know, the fact that we're raising the fare seems to be -- seems to me to be a recognition of the fact that at this time, at this point, the County cannot afford the Sunday service. And so what we're doing by raising the full fare ticket is we're acknowledging the fact that we can't afford to do this right now, but, yet, at the same time, we're going to ask the people who are riding the bus to pay that increase. And I just think I would like to see Sunday service, but I just don't think this is the appropriate time and I don't think we should pass the cost on to the ridership.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Chair. Just through the Chair to Legislator Schneiderman, and maybe you said this already, I don't know, is there some minimal level of service that would be provided on Sundays, and if so, does the -- would the increase in cost during all of the other days pay for that minimum level of service?

LEG. SCHNEIDERMAN:

Okay. The study that we conducted, which was done by Abrams and Cherwony, determined there were basically 24 routes that would have high Sunday ridership. These were mostly retail routes, not industrial routes. The cost that DPW determined was about three million dollars to provide that service. The 50 cent fare increase only gets you about halfway there. So how do you determine which routes to bring in? It would be based on ridership. So the most -- the busiest Saturday route right now is the Huntington route on 110, the second busiest is the s-92, which is actually out on the East End. There are busy Sunday routes throughout the County, it's not specific to any one region, but DPW would put the package together. So I'm leaving it in their hands, but based on the highest ridership. So this will produce about a million to a million-and-a-half, we believe, in terms of new revenues, that it won't get us all the way there, but will get something and then we can take it from there and decide what the next step is.

LEG. CILMI:

So are you suggesting that the County subsidizes the remainder, or are you suggesting that we would only provide enough -- so much service that we can pay for through the fare increase?

LEG. SCHNEIDERMAN:

Right. In fact, the fare increase would precede the implementation of Sunday service, so we'd actually be building up a pot of money before we even began. And no, that we would not extend the service beyond what the new revenues would be, and the revenues would be not just on Sunday that -- it wouldn't be just a \$2.00 fee on Sunday, it would be a \$2.00 fee across the board.

P.O. LINDSAY:

Legislator Losquadro.

*(*The following testimony was taken & transcribed by
Alison Mahoney - Court Reporter*)*

LEG. LOSQUADRO:

Thank you. You know, this is something that I've actually been working with a disabled advocate on, and I do not think it's the right time right now. If we haven't done it -- you know, we've discussed for quite some time the possibility of raising the rates, and if we haven't done it as part of the budget process, I don't think we should just do it here. I think one of the areas -- and Legislator Schneiderman referenced the cost of these taxis for disabled individuals, the ambulette services are just completely out of reach.

If we were to do a night surcharge or a weekend surcharge to cover the additional cost, I think that could be a way to go without impacting or having other riders subsidize the additional service. So it's something I've been looking at. I haven't introduced anything yet, I'd like to perhaps leave it with someone if I'm not going to be here come January. But I don't think raising the rates across the board, especially given this economy and so many people who are, quite frankly, under employed, you know, struggling to get by, taking public transportation, I don't think now is the time to raise that rate. But I think there are other ways we can do it and have those individuals who are now spending a lot more money in other areas or maybe avoiding using the services because the costs are prohibitive, to find a way to do that, like I said, through a night or a weekend surcharge.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, I'm being advised that there's a technical problem with the bill, so I may need an amendment anyway. So maybe if Counsel could weigh in on this. But one of the WHEREAS clauses should be a RESOLVED clause, or repeated in the RESOLVED clause. So we may have to pass over it, I might need a new copy before we vote on it.

MR. NOLAN:

Well, it's a -- you can amend it on the floor. The change, I would suggest, is that there's a fare increase referenced, but it's nowhere in the RESOLVED clause. So I think there should just be an additional RESOLVED clause that the fare will be raised from 1.50 to \$2, and we can just -- you can make the motion now to amend it and if it's approved --

LEG. SCHNEIDERMAN:

Well, I'll wait until the end of discussion, but at that point I will make that revised motion.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you Mr. Chair. First of all, to Legislator Losquadro, I would be happy to go ahead and take that research that you have come up with. I get the opportunity to do research myself on the bus lines, being across the street in the Labor Department, night after night at seven or eight o'clock and looking at empty buses coming through this complex. And it drives me crazy that we're continuing to subsidize operations of something that has the perception of being critically needed but, once again, I think is an example of a system that has clearly gone out of control. And we turn ourselves inside out to fund something that is servicing no one with extraordinary cost, as I look at empty buses that pull up to that stop with the audible signal.

I would be inclined to look at Sunday service, but absolutely not with the schedule that we run, the daily service. And if we continue to underwrite daily service, we won't only layoff 250 people at John J, we'll layoff thousands for a purportedly needed service that nobody uses. We have to retool it and deconstruct it like the rest of what's a cost-continue operation. That's all I've got to say on that one.

P.O. LINDSAY:

Anybody else? You want to respond, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, just to address one thing. Again, this came to me through the riders. The riders, this isn't something we're doing to them but something we're doing for them, they are overwhelmingly asking for this. If there was another way to pay for Sunday service I would absolutely support that, but as we know there is not. And there is room -- you know, \$1.50 fare is way below market prices for this type of service. But I will make a motion -- I'll amend my motion to approve so that it's -- the bill would be changed to add a RESOLVED clause that mirrors the WHEREAS clause that includes the fare increase.

MR. NOLAN:

Right. Just to clarify from a procedural point of view, you're making a motion to add that RESOLVED clause to raise the fare to \$2. You'll need to get a second, we'll need to approve that and then we can take a vote on the budget amendment as amended.

P.O. LINDSAY:

Okay. You make a motion to amend the resolution?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay, I'll second that for the purpose of expediency. All right, we're voting on the amendment --

MR. NOLAN:

Just to allow it.

P.O. LINDSAY:

-- allowing the budget amendment to be amended, not on passing it. Is everybody on board with what we're doing?

LEG. NOWICK:

We're voting to amend it, right?

LEG. SCHNEIDERMAN:

To amend it, okay.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Now the amended amendment is before us.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

And we already have a motion to approve, right?

MR. LAUBE:

And a second.

P.O. LINDSAY:

And a second.

MR. NOLAN:

Okay, and that's as amended?

P.O. LINDSAY:

As amended. We have a motion -- all right, let's do it again. You're going to make a motion to approve the amended resolution. And who was the second, Tim?

D.P.O. VILORIA-FISHER:

I am.

MR. LAUBE:

Legislator Viloría-Fisher.

P.O. LINDSAY:

And you're going to second that motion.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay, so now we're good; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Abstain.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay. This resolution adds -- this is **33**, this resolution ***adds \$250,000 in 2011 for the MI-HEAP Program which is offset by an equivalent reduction in surplus, health insurance expenses resulting from the County's restrictive hiring policy.*** Do I have a motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the question?

LEG. HORSLEY:

Thank you very much, Mr. Presiding Officer, for allowing me to go first. This is MI-HEAP, Middle Income, HEAP, Home Energy Assistance Program. This has been designed for our recession that we are facing here, not only in Suffolk County but across the United States. And what this allows is

that a middle income person who may be struggling because of a layoff or a loss of income that has happened to so many of our peoples who have built our neighborhoods, who have built our towns and villages, the middle income people. And here this is the one program that addresses that problem where some people are just too poor to be rich and too rich to be poor, where they are able to get a \$500 supplemental payment for heat so they don't have to make the choice; they don't have to make the choice of having -- whether it's somebody who is choosing between food or medicine or for their children's clothing, so that they can keep their house warm during this winter. This is going to be upon us. This is the cruelest of all cuts.

I didn't put it in the budget because we were dealing with the youth programs and all those vital programs that we have dealt with in the past. We have -- since 2008, since we've put this together and always unanimous, put this -- well, maybe mostly unanimous. Put this -- in 2008 we put in \$500,000 for this program; 2009, \$550,000 for this program; in 2010, \$200,000, which was in an agreement with the County Executive. This is a \$500 supplement that 2,500 residents who have run into problems, those bumps in the road, those middle income people, so that they can have -- make sure that they do not go cold this winter.

This is a program that is worthwhile for our supporting. I'm not sure if this is the right offset, but it is certainly something that this Legislature should make a statement that we care and support our middle income people, our residents, our neighbors.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
I just wanted to make sure that this is the same line that we've had --

P.O. LINDSAY:
(Nodded head yes).

LEG. EDDINGTON:
Okay. Then I want to make a statement that I support the program but not the offset.

P.O. LINDSAY:
Anybody else? I was going to make that point, too, is that we've already gotten testimony about three times that the money isn't there.

LEG. HORSLEY:
I'd be glad to change it if that's a possibility, Gail.

P.O. LINDSAY:
What are you going to change it to? We don't have any money.

LEG. HORSLEY:
Well, it sounds to me like there may be additional monies if we vote the rest of the budget; it sounds like about \$4 million in excess. So I don't know, maybe that's a good place to spend it, on our middle income peoples.

P.O. LINDSAY:
If in the process of changing the Omnibus, if you took the \$4 million and spent it, it would be a real disaster. I mean, we just -- we couldn't get through I don't think the first month of the year. I mean, let's take a vote; I mean, I don't care. Anybody else want to comment? I mean roll call.

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

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Pass.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. CILMI:

No.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay. Ms. Vizzini, we have a couple of unfinished pieces of business. We have to go back to Legislator Romaine's resolution, the one that he asked to split. We didn't do that, did we?

MR. NOLAN:

No. 22?

P.O. LINDSAY:

Right. Are we ready to -- Ms. Vizzini, are we ready to take up 22?

MS. VIZZINI:

Yes. Legislator Romaine, after looking at it more carefully, the index should have indicated that this resolution was, in fact, in conflict with Omnibus, because for the Diabetes Prevention Program, we cannot add any more money than was collectively added in the Omnibus that brought them up to their 2010 estimate.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

So you want to withdraw that piece of it, Legislator Romaine?

LEG. ROMAINE:

The piece that deals with diabetes, absolutely. Now let's talk about 4-H on education.

LEG. LOSQUADRO:

Use the microphone, Ed.

LEG. ROMAINE:

Sorry.

MS. VIZZINI:

Well, as I understood, the request was to break out the 477 from the General Fund --

LEG. ROMAINE:

That's correct.

MS. VIZZINI:

-- programs inclusive of the Diabetes Program.

P.O. LINDSAY:

The Diabetes and the 4-H; were both of them restored through Omni adds?

LEG. ROMAINE:

Yes. Okay, so then we don't have to do --

MS. VIZZINI:

Through the Omni adds, they were brought to at least their 2010 estimate.

LEG. ROMAINE:

Including the Diabetes Program.

MS. VIZZINI:

The Diabetes Program in Omnibus was actually cut.

LEG. ROMAINE:

We're restoring that cut, that's what this resolution is supposedly doing.

MS. VIZZINI:

Right. If Omnibus cut something, you can only give it more money if you give it more money in the Omnibus, which is going to be the same with the 477. In other words, if --

LEG. ROMAINE:

So you're recommending I withdraw this; is that what you are saying?

MS. VIZZINI:

The -- if Omnibus adds money, a standalone resolution can add money. If Omnibus reduces money, you want to reduce it more. You can go in the same direction, you can't go in competing directions. This would be --

LEG. ROMAINE:

What would prevent us from doing that; is there a rule, a law, a procedure?

MS. VIZZINI:

That is the procedure by which we determine what is or is not in conflict.

P.O. LINDSAY:

No.

MS. VIZZINI:

We should have indicated to you that this is in conflict with Omnibus; Omnibus restored these agencies.

LEG. ROMAINE:

I understand Omnibus cut things, but budget amendments usually act as -- if you want to add, if you want to restore that funding that is cut, you usually put in a budget amendment to that effect. And while it may conflict with Omnibus, it's an amendment and therefore can be voted on separately and therefore would reverse that --

MS. VIZZINI:

As long as it goes in the same direction. Typically, had you used your Omnibus monies for these, and to some extent you did, that would have been one method to restore the reductions. To do a standalone, you have to go in the same direction.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

If I could jump into this, that's what he's trying to do.

LEG. ROMAINE:

Right. I'm trying to --

P.O. LINDSAY:

The County Executive's proposal cut programs --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- to Cornell dramatically.

LEG. ROMAINE:

I'm looking to restore the Diabetes.

P.O. LINDSAY:

And the Working Group restored --

MS. VIZZINI:

Not the Diabetes Program.

P.O. LINDSAY:

It wasn't cut?

MS. VIZZINI:

It was reduced by the Working Group, it was cut by the Working Group.

P.O. LINDSAY:

Okay. And --

MS. VIZZINI:

So the options available to the Legislators are to restore it with Omnibus funds in Omnibus.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

Would it cut it further.

P.O. LINDSAY:

Okay, but he don't want to cut it further, he wants to make it whole.

MS. VIZZINI:

I know. Well, this is the criteria that we, you know, use as a standard in terms of what is or is not in conflict.

LEG. ROMAINE:

It's late in the day and I want to help my colleagues get through this as quickly as possible, so let me ask a question for Counsel to resolve all of this. Rather than create this procedural nightmare, if I withdraw this, George, I can present an amendment to restore it in February or March, whenever the first time is; is that correct?

MR. NOLAN:

Yes.

LEG. ROMAINE:

I'll do that and spare my colleagues this, but I will -- if you will note on your calendar, George, to draft an amendment to restore the Diabetes Program and we can have a vote on this in February, then. Because on this, then, according to Budget Review, I'm going in the wrong direction, which is an accusation I've been charged with many times.

*(*Laughter*)*

At least I'm not going in circles.

*(*Laughter*)*

P.O. LINDSAY:

And what about the Pest Management Program with 477?

LEG. ROMAINE:

477, that should not be a conflict, or is it? Oh, it is? Another one, George, that we're going to have to put off til February or March, whenever the first opportunity to amend the budget is. If you would simply note these two and I will withdraw this so that I'm going in the right direction, Gail. Thank you.

MS. VIZZINI:

Budget Review will be happy to prepare those for you.

P.O. LINDSAY:

Okay. And now --

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, I'd like to make a motion to reconsider BA 1 first for the purposes of being able to split it into two; those aspects that pertain to John J. Foley and those that don't. That would allow my colleague from the 1st Legislative District to participate in the vote. He does represent some 90,000 people in that area and is only recusing himself on matters pertaining to Foley. And as a professional courtesy, I feel that we probably should have done that right from the start, but I certainly think we should do that at this point.

P.O. LINDSAY:

Okay. We have a motion by Legislator Schneiderman to reconsider Budget Amendment 1.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

And seconded by Legislator Cooper. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

To Budget Review. Doesn't the nursing home affect our overall budget? How can we vote on one aspect of the budget when there's another aspect that impacts how monies from the General Fund are being expended? I don't understand how we can separate the two. To me, it's inextricably tied because the money is coming from a single pool of taxpayer resources; isn't that correct?

MS. VIZZINI:

Well, we would break this out to make it stand alone, in a sense, that whatever --

LEG. LOSQUADRO:

That's not what I asked; I asked about the fiscal aspect of it.

MS. VIZZINI:

You can break out the fiscal aspect. The nursing home, as you know, is over 80% reimbursed; its operations are 80% reimbursed.

LEG. LOSQUADRO:

We subsidize it every year; is that correct?

MS. VIZZINI:

Yes. There is a subsidy from --

LEG. LOSQUADRO:

So that money comes out of the same taxpayer -- you can cost-shift wherever you want. This comes out of a pool of money, I just don't understand how we can break this out if it impacts the overall budget and our overall expenditures for the County and the overall manner in which we levy our taxes; it doesn't make sense to me that we can separate that.

MS. VIZZINI:

Well, technically we can, just like we separate any of the standalone resolutions. You know, what you're saying is the net sum of over all our actions will have impact, either -- will have impact or may not have impact on General Fund or Police District taxes or whatever actions it is that we're taking. So technically it can be accomplished.

LEG. LOSQUADRO:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Gail, I have a question for you on this. And I feel like sometimes I think we just have to go back to some of the accounting 101. This is an Enterprise Fund that the John J. Foley Nursing Home operates off of; isn't that correct?

MS. VIZZINI:

Yes, you're correct.

LEG. KENNEDY:

Okay. And what does an Enterprise Fund do?

MS. VIZZINI:

Well, typically its expenditures are segregated. Most of its revenue go directly to that fund and is charged against its expenditures.

LEG. KENNEDY:

Right. It's an accounting methodology that we utilize. We have one for our baseball park, we have one for -- as a matter of fact, they're all mapped out in the bond offering. I saw one associated with the Industrial Association.

MS. VIZZINI:

Airport.

LEG. KENNEDY:

And it's established that way specifically to be able to book expenditures and revenues. Now, sometimes Enterprise Funds are tagged with legacy costs that no other aspect of County government has, like retirement costs for employees which we don't see in Public Works or Labor or anyplace else. But if we need to look at specifically financial aspects associated with operations of John J. Foley, we do that by virtue of the Enterprise Fund; correct?

MS. VIZZINI:

We do, and there's a clear and fairly transparent presentation in the operating budget.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I guess I'm concerned about the process involved here. You know, four or five hours ago we voted on this, we voted on it; and now four or five hours later we're extracting the Foley Nursing Home and bringing this back before the people.

It sort of reminds me of what all of us used to hear and still do hear about, the school boards and their budgets. People complain about going down, they vote and the budget is defeated, but the powers that be didn't like the outcome. They didn't like the outcome, so they just put it right back up again. We changed State law to limit that to at least two votes. This is what we have here; it's a do-over. Certain people didn't like the results this morning, maybe one or two individuals didn't vote the way some of the people thought they were going to vote, so now we bring it back.

If you wanted to extract the Foley Nursing Home, you should have done that this morning. This is not representative of democracy, this is a rip-off of the voters and the taxpayers that send us here. We cast that vote this morning, period. I don't want to hear about the legalese. This isn't the right thing to do, and the nuances associated with this particular budget bill. The vote was cast, let it stand.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I just want to ask BRO a few questions so I at least understand what we're doing here and I know what I'm voting on. We start off with a recommended budget. You guys are having fun over there, huh?

MS. VIZZINI:

No, sir.

*(*Laughter*)*

LEG. D'AMARO:

Okay; me either. We start off with a recommended budget from the County Executive. That -- this year, that particular recommended budget for 2011 closed the nursing home. And as a result of closing the nursing home, there was some revenue attached to that. In effect, we can

argue over the number, but there would be a cost savings for the recurring subsidy that the County provides. And in addition to that, if you close the nursing home, you have to pay off the outstanding debt, and the way the County Executive proposed to do that was to take the revenue from the sale of the nursing home asset -- the land, the building, the license, etcetera -- to pay down the debt. So there was a revenue source in the recommended budget to pay down the debt and there was a cost savings to the amount of the subsidy.

What we're proposing to do, and correct me if I'm wrong, right now is to remove, or rather -- going back to the recommended budget, to keep the County Executive's proposal in tact. In other words, we're -- there would be a standalone to change his proposal with respect to the nursing home, but the rest of what we're doing won't address that.

So my question is when we make the modification to the recommended budget through this standalone, does the revenue that would pay down the debt service remain tied and linked together? Because if the standalone bill doesn't account for that revenue, then in effect, you may wind up in a position of having the sale of those assets, okay, but the revenue not being applied towards paying down the debt.

LEG. SCHNEIDERMAN:
Bill?

LEG. D'AMARO:
I mean, is that a possibility here? And forgive me if I'm confusing. I just want to understand that the whole revenue side as well as the closure side are staying together in this standalone bill?

MR. LIPP:
What is being proposed here is we would carve out of the -- there wouldn't be any change in terms of what's going on with what was initially adopted this morning compared to if you voted to carve out, if you will, the nursing home. So you would still have the same issue in terms of whether or not there was a problem in terms of closure or the assets.

What we're doing here is we're balancing the two mandated/discretionary standalone budget amendments for the nursing home so that there's no net property tax increase or decrease, and ditto for what would remain of the remainder of the Omnibus.

LEG. D'AMARO:
If the standalone ultimately is not effective, that would leave us with the County Executive's recommended budget with respect to the nursing home. Will the revenue be available to pay off that debt?

MS. VIZZINI:
There was no change to the revenue. Everything in Fund 632, the Enterprise Fund, is still in tact, whether it's in what you did today, earlier, or the amended version. The revenue is still in tact.

LEG. D'AMARO:
Okay. So if we get stuck with having to pay off the debt, where do we get that revenue in our budget, where is that coming from?

MS. VIZZINI:
The presentation shows that the revenue is still included in the line items.

LEG. D'AMARO:
But -- I'm sorry, what line items would that be?

MS. VIZZINI:

The sale of real property --

LEG. D'AMARO:

Okay.

MS. VIZZINI:

-- sale of equipment and sale of something else.

LEG. D'AMARO:

And when you say the presentation, that's the presentation in the recommended budget.

MS. VIZZINI:

The recommended budget.

LEG. D'AMARO:

Okay. So that presentation is in -- would be effective, should ultimately the recommended budget become law, you know, when we get through the process. That presentation would stay tied together. We're not making any change to that, so we'd have the funding available to pay off the bonds from the same source recommended by the County Executive.

MS. VIZZINI:

The revenue presentation is the same as shown in the recommended budget.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Okay. I'm going to listen to you, Mr. Brown, now before we continue our debate.

MR. BROWN:

Thank you, sir. Even though I want to shrink because I know that Legislator Barraga doesn't want to hear the legalese, but I'd have to say that he's 100% correct, I really can't say it any better. There's no authority now to amend Budget Amendment Resolution 1 or Budget Amendment Resolution 2.

The Charter does provide for the ability to amend an amending resolution prior to initial consideration of the amended resolution. Now that there's been a vote on the resolution, on all of the budget amending resolutions, there's absolutely no authority to act now whatsoever to go back and revisit them and amend them and vote on them again.

P.O. LINDSAY:

Okay. I'm going to turn it over to George in a minute, but in all due respect, Mr. Brown, I think you're wrong. The motion before us now is to reconsider something that we did today. We didn't adjourn for the day. As long as I've been here, a resolution to reconsider has always been in order providing we're in the same session, and the last time I looked we're in the same session. So that's the -- that's what's before us at the moment is a vote to reconsider.

MR. BROWN:

I understand your point, sir. And I understand that we disagree. George and I spoke --

P.O. LINDSAY:

How can you disagree with that? We've always had the right to reconsider anything we passed.

MR. BROWN:

The reconsideration, though, for a budget amending resolution is --

P.O. LINDSAY:

We didn't get that far yet.

MR. BROWN:

That's my point, sir, is that reconsideration is not even possible at this point because it's barred by the Charter.

P.O. LINDSAY:

I'm not an attorney, but I'll turn it over to our Counsel.

MR. NOLAN:

Well, yeah, I do disagree with the County Attorney's Office. I think it's -- I understand what section of the Charter he's looking at, but it seems to me a cramped interpretation.

I think the Legislature undoubtedly has the right, as the Presiding Officer said, to reconsider an action taken earlier today, and the Charter undoubtedly gives us the right to amend these resolutions.

So taken altogether, I think the Legislature has the right to reconsider these resolutions, and if they are reconsidered, the right to amend those resolutions and then pass them as amended. That's what I believe, I believe that strongly.

LEG. D'AMARO:

Bill?

LEG. EDDINGTON:

Let's move on.

LEG. D'AMARO:

I have a question.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Dennis, for clarification purposes, are you citing a rule that applies only to a budget amendment bill?

MR. BROWN:

That's correct; it's Section C-410 of the Charter. I'm not sure of the subdivision right now, but I know that the paragraph that the language is in, it's a subparagraph three, but I don't know if it's A, B, C, D or E-3.

LEG. D'AMARO:

So in other words, if we were just talking about an earlier action on an IR that wasn't a budget amendment, you would agree that we have the authority to reconsider?

MR. BROWN:

Yes. In fact -- and I don't want to get into all the details, but budget resolutions are handled differently than resolutions. Resolutions require seven days to be laid on the table prior to their consideration.

LEG. D'AMARO:

Right.

MR. BROWN:

Budget resolutions are two days, and that's specifically addressed in that same section.

LEG. D'AMARO:

Okay.

MR. BROWN:

The Presiding Officer has the right to waive the two-day requirement.

LEG. D'AMARO:

Right.

MR. BROWN:

While tucked in there also, it says that budget amendments may be amended, but only upon prior to the initial consideration of such budget amendment resolution.

LEG. D'AMARO:

It says that, in sum and substance, expressly?

MR. BROWN:

Almost verbatim, yes.

LEG. D'AMARO:

George, just what meaning do we give to that type of language, then, if it doesn't apply here?

MR. NOLAN:

The meaning I give to it, Legislator D'Amaro, is the action -- the initial action I believe is the action we're taking today at this meeting and during this meeting. So I believe during this meeting we have the right to reconsider and then amend a reconsidered resolution. That's the meaning I give to it. It gives the Legislature more authority, Mr. Brown gives us less authority. I think it's a cramped reading and I think we're free to act.

LEG. D'AMARO:

So you're saying as long as we haven't adjourned for the day, we still have the authority to go ahead and reconsider. That language would only apply should we adjourn. But we would never have the ability to reconsider anything once we adjourn, would we?

MR. NOLAN:

Pretty much, that's correct. Once we're out of the meeting, it's done, the vote has been taken and we're done. But we're in the meeting and I think we still -- it's my opinion, what we're doing, what we're proposing to do, we can do. And I don't --

LEG. D'AMARO:

So we haven't "acted upon" until we adjourn, to kind of like cement it or finalize the action.

MR. NOLAN:

Correct; it's still fluid.

LEG. D'AMARO:

It's still fluid. So is there any precedent? You know, have we done this in the past, if you know; or Dennis, if you know?

MR. BROWN:

Not that I'm aware of.

MR. NOLAN:

I don't know. I don't recall offhand, since I've been here, whether we've had this exact circumstance, no. I don't remember this, whether we passed a resolution, then reconsidered, then amended it.

LEG. D'AMARO:

A budget resolution.

MR. NOLAN:

Right.

LEG. D'AMARO:

I mean, certainly we've reconsidered other bills at regular meetings.

MR. NOLAN:

Right. Yeah, but it's only -- it really is only a budget amending resolution that we can amend on the day of a meeting.

LEG. D'AMARO:

Oh, okay.

MR. NOLAN:

You know? So it wouldn't come up in another context, it would only come up in the context of the budget.

LEG. D'AMARO:

So if the code allows us to amend on the day of the meeting, then I guess one point of view is you have to do that prior to the initial vote. The other point of view is you can amend it at any time and reconsider as long as you don't adjourn, and that's where we're at right now.

MR. NOLAN:

Yeah, and that's the disagreement.

LEG. D'AMARO:

All right.

P.O. LINDSAY:

Okay? Okay, we have a motion and a second to reconsider. This vote is only on reconsidering Budget Amendment No. 1. Legislator Losquadro?

LEG. LOSQUADRO:

Yes, just -- not to go into the -- I know we're obviously debating whatever changes are being discussed here. I haven't seen those changes. Have those changes been provided -- oh, you're standing there already. Have those changes been provided to the Executive Budget Office? I would like to hear their analysis before we even consider reconsidering it.

P.O. LINDSAY:

I was just asking Counsel a question.

LEG. LOSQUADRO:

I asked a question.

P.O. LINDSAY:

Okay, go ahead.

DIRECTOR NAUGHTON:

No, we have not received those changes.

LEG. LOSQUADRO:

Are we going to -- are we going to get a copy of those changes?

Are they going to get a copy of those changes? I mean, before we -- I just think fundamentally I have to agree with Legislator Barraga.

We had residents of the public here today, this morning, you know, who left who, in good faith, thought that we had acted on this. And now to reconsider this at this late hour and to pull the rug out from under something we already acted on, I'm really disappointed in the way this process is going this year.

P.O. LINDSAY:

I'll you what I'm disappointed in. And we know what this is all about; this is all about an attempt to prevent Legislator Romaine from voting on a budget because of his wife.

LEG. LOSQUADRO:

Absolutely not.

P.O. LINDSAY;

Let me finish -- because his wife is a housekeeper in the nursing home. And he's -- you know, charges have been filed against him because of that, but yet we have other people at this body that I could make a stand is precluded from voting on anything in the budget as well. Legislator Muratore is collecting a pension from the Police Department, does that preclude him? Legislator Barraga's daughter works for the Law Department, does that preclude him? Legislator D'Amaro's wife is the County Attorney, does that preclude him? Come on, guys. We all know what this is about.

LEG. D'AMARO:

Bill?

LEG. LOSQUADRO:

I'm glad you do.

P.O. LINDSAY:

Okay. Well, I just shot my mouth off, I guess I explained it pretty good.

*(*Laughter*)*

Legislator Barraga, then Legislator D'Amaro.

LEG. BARRAGA:

With all due respect, this isn't an effort to stifle LEG. ROMAINE in terms of casting a vote. If your group had realized this several days ago, you could have extracted the Foley Nursing Home from the

budget vote this morning. Why didn't you do it this morning? Because I'll tell you why, because you thought the vote was going to go a certain way and it didn't. And you're not happy so you're bringing it back, and you use him as the pawn; he's not even involved in this. It's the process that's wrong here. You took the vote, live by the vote.

P.O. LINDSAY:

The process to reconsider it --

LEG. BARRAGA:

And if you do this --

P.O. LINDSAY:

-- is part of our rules.

LEG. BARRAGA:

If you do this Budget Amendment, think of the precedent you're setting. Some day, at some point, the majority may change, and every time we're unhappy with a particular outcome on a budget amendment, maybe we do the same thing and use this as the precedent. It's the wrong way to go on this.

P.O. LINDSAY:

First of all, you're implying this is a partisan issue; it isn't a partisan issue.

LEG. BARRAGA:

I'm implying you're trying to --

P.O. LINDSAY:

You have people on both sides of the issue.

LEG. BARRAGA:

With all due respect --

P.O. LINDSAY:

On both sides of the issue.

LEG. BARRAGA:

With all due respect, what you're trying to do here is to manipulate the vote to get a different outcome this afternoon versus what you had this morning.

P.O. LINDSAY:

What we're doing is reconsidering a resolution that was before us in the same way that we've always had a right to do here.

LEG. BARRAGA:

I'll stand by my statements. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Just for the record, I understand Legislator Romaine's recusal, but I just want to make it very clear, since the issue was raised, that I have consulted with the Ethics Commission before I even took office with respect to this very issue and was advised in writing, through an opinion, that it would -- I'm not conflicted from casting a vote in the budget process.

Whenever the terms and conditions of my spouse's employment has been before this body, I have recused. So I just need to state that for the record.

The second thing was, Mr. Naughton, as long as you're standing there, I had asked earlier our Budget Review Office about the revenue, and I apologize for not being too clear about it. But ultimately, if the standalone retaining the nursing home does not become law and we are left with the recommended budget, do you know if the revenue is there to effectuate the closure and to pay off the debt? How do we know that, is it there? You know, I just want to be comfortable with that.

DIRECTOR NAUGHTON:

The actual question I think you really want to ask is is the appropriation there to actually spend the money to defease the bonds.

LEG. D'AMARO:

Can you just go closer? I can't hear you, I'm sorry.

DIRECTOR NAUGHTON:

The actual question I think you want to ask is is there an appropriation to actually defease the bonds.

LEG. D'AMARO:

That's correct.

DIRECTOR NAUGHTON:

The revenue is there, however what the amendment is doing is taking away the money that we had set aside to actually defease the bonds and it's restoring the staffing.

LEG. LOSQUADRO:

Could you speak up a little?

DIRECTOR NAUGHTON:

Sure.

LEG. LOSQUADRO:

I'm sorry, I'm having trouble hearing you.

DIRECTOR NAUGHTON:

All right.

LEG. D'AMARO:

Yeah, I am, too.

DIRECTOR NAUGHTON:

The problem is there is revenue but there's no appropriation to actually defease the bonds. If we were to sell the property, the license, we are required to actually set aside money in escrow to defease the bonds; that's how we presented the budget. However, the amendment that's before takes that money that was set aside in debt services and moves it into salaries and equipment and other expenses. So we will be able to sell the property, but there's no actual mechanism to actually defease the bonds and, therefore, we feel that the budget would be out of balance.

LEG. D'AMARO:

So in other words, if -- let's say that the revenue remains in the salary lines. So what if you don't sell the facility, or close the facility if you're in the recommended budget, until December? And now you have the bill to pay off the bonds, but the revenue has been spent on the salaries; is that a

possible position we could be put in?

DIRECTOR NAUGHTON:

Yes, it is.

LEG. D'AMARO:

Well, so --

DIRECTOR NAUGHTON:

A very strong possibility.

LEG. D'AMARO:

Well, so now we're 14, 15, \$19 million in the hole.

DIRECTOR NAUGHTON:

That is correct.

LEG. D'AMARO:

Oh, okay. All right.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

If I can just pick up that thread with you, Mr. Naughton. Let's talk a little bit about this bond. My understanding with this bond is that we are probably about halfway through it. I believe that we have about seven years left to go. We paid down -- well, I'm sorry, let me correct myself. The State pays on our behalf about two or two-and-a-half million per year and has come, I guess, about halfway through the process to date; right?

DIRECTOR NAUGHTON:

No. My understanding, in our conversations with Bond Counsel, is that if we no longer have the business there and we do not own the asset, the money has to be put in escrow so those bonds can be paid off. We are not going to -- the bonds are not callable at that point, but we cannot -- we must have the money set aside in escrow to do so.

LEG. KENNEDY:

So you're saying that Bond Counsel says that we have to establish a sinking fund?

DIRECTOR NAUGHTON:

Essentially, yes.

LEG. KENNEDY:

And that we have no alternative or optional method to retire that debt over the next seven years?

DIRECTOR NAUGHTON:

The debt will get retired through the payments from the sinking fund, but the sinking fund must exist first.

LEG. KENNEDY:

Did they give that -- do you have a memorandum on that? Did you get a briefing memorandum or a letter on that?

P.O. LINDSAY:

Legislator Kennedy, if I could interrupt.

LEG. KENNEDY:

Yeah.

P.O. LINDSAY:

To create the sinking fund, you've got to sell the assets first, and you can't sell the assets unless you get 12 votes from this body, which they haven't gotten.

LEG. KENNEDY:

Why confuse this with the obvious, Mr. Chair? I'm very concerned about how this revenue aspect is going to be treated. We don't have to do this now, I'll talk to them off-line.

D.P.O. VILORIA-FISHER:

Good.

LEG. KENNEDY:

But I think it's something that I want to speak to.

DIRECTOR NAUGHTON:

I mean, our comment there, is if you were to -- since you are removing the debt payment, the thing that you need to do is actually remove the sale also. That's the only way this works.

*(*Laughter*)*

LEG. KENNEDY:

That works for me.

P.O. LINDSAY:

Okay. Going back to the original resolution was to reconsider Budget Amendment 1, that's all it was. We have a motion and a second; roll --

LEG. LOSQUADRO:

I'm sorry, one more thing on the motion, just because I was just handed these amendments. Again, I am not going to vote to reconsider this because in the past we've criticized the Executive Branch for sending things over at the last minute. I'm handed this packet that's half a ream of paper and we're expected to reconsider this and vote on this, that is the County's budget for next year, in a matter of minutes? This is a farce.

P.O. LINDSAY,

Well, I'm glad you think that, Legislator Losquadro. Maybe you'll do better in Albany. Okay? We have a motion and a second to reconsider, that's all we have before us; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Recuse.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No to reconsider.

LEG. EDDINGTON:

(Not Present).

D.P.O. VILORIA-FISHER:

Where's Jack?

LEG. COOPER:

Jack's outside.

*(*Roll Call Continued by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. MONTANO:

Yes to reconsider.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

It passed. Did you call the vote?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay. It's reconsidered.

MS. ORTIZ:

Twelve.

D.P.O. VILORIA-FISHER:

Twelve.

P.O. LINDSAY:

Budget Amendment No. 1 is back before us because it was reconsidered. Now, Legislator Schneiderman, you want to explain what you did here or you want Counsel? Make a motion.

LEG. SCHNEIDERMAN:

Yeah, I would make a motion -- and Counsel, you might have to help me shape this motion -- to split this amendment, split this budget amendment into two, basically segregating out those components that have to do with the John J. Foley Skilled Nursing Facility from everything else. So we could vote, I would think, first for the budget that did not include any of the John J. Foley so that my colleague, Legislator Romaine, could participate in that budget vote, and then the John J. Foley items which I am sure that Legislator Romaine would then recuse himself from.

MR. NOLAN:

All right. So the motion, the proper motion, what you're making a motion to do is to remove from Budget Amendment No. 1 all references to the Foley facility. Incidentally, in the last couple of moments, we did circulate a packet of documents that would show what Budget Amendment No. 1 would look like as amended without the Foley references in it. And at this point we would need a second.

P.O. LINDSAY:

Okay. We have a motion.

LEG. SCHNEIDERMAN:

That would be my motion, thank you.

D.P.O. VILORIA-FISHER:

And I make a motion to second out of respect for my colleague's ability to vote on a major policy statement.

P.O. LINDSAY:

Okay. On the question?

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Just to Budget Review. Now we are considering a bill that has deleted references to Foley, if I understand it, and the funding and the revenue and expenditures and all of that. But my question is does this new resolution now, amended resolution, also include the proposed increase in park fees?

MS. VIZZINI:

Yes, the only change is the nursing home is broken out. The park fees are included.

LEG. D'AMARO:

All right, that will -- so the park fees are included in one, and then anticipated doing the same thing on the --

MS. VIZZINI:

They're actually in the discretionary.

LEG. D'AMARO:

They're in the discretionary. But is that -- does that affect this vote or this amended bill?

MS. VIZZINI:

I don't see that it would. The revenue from the park fees is not used in any way towards the nursing home.

LEG. D'AMARO:

Or towards anything that's in this mandated bill that we're going to vote on now; is that accurate?

MS. VIZZINI:

That's correct.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

No.

P.O. LINDSAY:

You weren't on the list? Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. While I'm deeply touched that all of you seem so genuinely concerned for Legislator Romaine's welfare and his ability to vote on this --

LEG. HORSLEY:

We are.

D.P.O. VILORIA-FISHER:

We are.

LEG. LOSQUADRO:

I would expect that his vote --

LEG. SCHNEIDERMAN:

(Inaudible).

LEG. LOSQUADRO:

No, I am deeply touched, but I expect that his vote should remain the same. Because Budget Review, does this amendment still contain the additional borrowing cost that Legislator Romaine was so adamantly opposed to this morning?

MR. LIPP:

That's a different issue. It wasn't before and it isn't now in there, the borrowing costs.

LEG. LOSQUADRO:

No, the \$19 million.

MR. LIPP:

Right, that has nothing to do with this at all. It's not part of -- it wasn't part of the resolutions that were passed this morning and it's not part of these resolutions.

LEG. LOSQUADRO:

Our overall budget does contain \$19 million of borrowing for the pension fund, does it not?

MS. VIZZINI:

The recommended budget, yes.

LEG. LOSQUADRO:

But that's in our budget as well.

MS. VIZZINI:

We're not changing it, so we're only --

LEG. LOSQUADRO:

Correct, so it's a yes.

LEG. ROMAINE:

No, it's not in our budget.

LEG. D'AMARO:

Absolutely.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Go ahead.

MR. LIPP:

I apologize, I thought your question was the amendments that we're making, is it in there, and we didn't address that issue in the amendments here.

LEG. LOSQUADRO:

I'm not asking if we addressed it. Is \$19 million worth of borrowing for the pension in this budget?

MR. LIPP:

Yes.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, I think I look at this year's budget and what's gone on and it's an absolutely ridiculous sham what's going on. It's so political, it's pathetic. We're supposed to be here to do the right thing by the Suffolk County residents. I believe that the last time we did this budget, I believe last year there was some consideration to take out John J. Foley because of Legislator Romaine's inability to vote. And I agree that we should do that for him, I think we should give him that courtesy.

And then I look at who's voting no on the budget. And if we get 12 votes, they all get their 150 something thousand dollars of Omnibus grant money to distribute in their district. And I will challenge them, if they vote no, they should give that money back, because if they didn't vote for that -- this budget, I think it's hypocritical to take the Omni grants that's being offered for them to spend in their districts.

I look at Lifeline Mediation was here today. My concern is we go back to the County Executive's budget, and I think the County Executive's people are here today, they'd be happy for us to go back to the County Executive's budget. And as far as I'm concerned, he has fair-haired children that he has well funded in his budget, but I look at Lifeline Mediation, they took a two-third cut; reduced from 161,000 to 47,000. And I would hate to think that we would do that to organizations that do vital programs in our districts.

Carol was here today from Sunshine. The young boy standing next to her, you know, we all know him; that was a child that was in serious danger and now a Suffolk County Community College student. And these are the things that we're doing. I think this should be about good government and stop the politics. I'm totally disgusted with what's going on.

The 95-acres? I still don't agree with putting it in the budget, but I have to look at the lesser of the two evils. I think this is a better budget than the budget that was handed to us by the County Executive.

John J. Foley, I'll continue to support them. I went to John J. Foley last week. Chris Barnes, that was in England for six years, being taken care of with the National Health Care System in England, finally gets to come home. He got to come home to John J. Foley, and the only reason he's in John J. Foley is because it's the only nursing home that would take him from Queens to Suffolk County. So let's get down to what the real business is and that's doing good government and stop playing politics right now.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Very quickly. First of all, thank you to my colleagues. This is something I did not ask for but I'm happy to cast a vote on.

Secondly, as far as my colleague, Dan Losquadro, is concerned, we don't vote on the County Exec's budget, we never vote on the County Exec's budget. Under the Charter of this County, we vote on additions and deletions. We are not adding or deleting borrowing, we're leaving what he put in in.

Thirdly, and most importantly, whatever vote is cast today, no tax increase. And I'm going to ask Budget Review, when we cast a vote, if we cast for Amendment 1, will this in any way increase general property taxes in Suffolk County?

MR. LIPP:

When you do the mandated and discretionary combined, the answer is no.

LEG. ROMAINE:

So the answer is no, there will be no tax increase. Thank you.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, sir. Just for clarification; if the Omni modifications are approved and enacted, would we still -- as now we have a revised recommended budget because of the Omni bill. Would we still be borrowing for to cover the pension costs?

MR. LIPP:

Yes.

LEG. D'AMARO:

All right. And of course, if the Omni bill fails, it's recommended -- the recommended budget also mandates that we borrow for the pension costs.

MR. LIPP:

Yes.

LEG. D'AMARO:

So either way, we're still going to be borrowing for those costs, whether we approve the Omni or don't approve the Omni or any version in-between.

MR. LIPP:

Yes.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Okay. Counsel, could you explain what we have to do now? We have this --

D.P.O. VILORIA-FISHER:

Amendment.

MR. NOLAN:

Right. In accordance with the Charter, this would be a vote to just make the amendments to Budget Amendment No. 1. If that's approved, then we would take a subsequent vote to approve Budget Amendment No. 1 as amended.

P.O. LINDSAY:

Okay.

MR. NOLAN:

So the first one is more of a procedural vote to make amendments to the resolution, then we take a separate approval vote on the amended version.

P.O. LINDSAY:

Legislator Schneiderman, would you like to make that motion?

D.P.O. VILORIA-FISHER:

He did.

LEG. SCHNEIDERMAN:

Yeah, I'll make the motion to amend Budget Amending resolution No. 1.

LEG. COOPER:

I'll second the motion.

D.P.O. VILORIA-FISHER:

I seconded it already.

P.O. LINDSAY:

It's seconded by Legislator Viloría-Fisher; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Recuse.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. Now, the amended --

LEG. SCHNEIDERMAN:

Now the motion would be, I guess, to approve the amended amending Resolution No. 1.

MR. NOLAN:

Right, Amendment No. 1 as amended, 11/3/2010 which is in front of everybody.

LEG. SCHNEIDERMAN:

Okay. Motion to approve.

P.O. LINDSAY:

And we have a second by Legislator Vilorio-Fisher.

LEG. NOWICK:

This is the actual --

D.P.O. VILO RIA-FISHER:

This is the amended mandated budget.

LEG. D'AMARO:

Which bill are we voting on now?

LEG. COOPER:

Mandated.

MR. NOLAN:

No. 1, as amended.

LEG. D'AMARO:

But which one, the one -- you know, the kitchen sink or with the Foley; you know, which one are we doing?

D.P.O. VILORIA-FISHER:

The kitchen sink.

LEG. D'AMARO:

The kitchen sink, okay.

MR. NOLAN:

No, this --

D.P.O. VILORIA-FISHER:

The one without the Foley.

MR. NOLAN:

Without Foley.

D.P.O. VILORIA-FISHER:

As amended.

P.O. LINDSAY:

Are there any questions?

D.P.O. VILORIA-FISHER:

I think we all yelled out the answers.

P.O. LINDSAY:

Okay. Okay, we have a motion and a second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

I believe I can cast a vote on this, so the vote is yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Thirteen.

D.P.O. VILORIA-FISHER:

Now we do the same thing.

P.O. LINDSAY:

All right. What do we need now, Counsel?

MR. NOLAN:

We need a motion to reconsider No. 2.

P.O. LINDSAY:

A motion -- but isn't two where the Budget Amendment 1 was split?

MR. NOLAN:

We will do the split-off piece --

P.O. LINDSAY:

Okay.

MR. NOLAN:

-- towards the end.

P.O. LINDSAY:

Okay. So we need a motion to reconsider Budget Amendment No. 2.

LEG. SCHNEIDERMAN:

I will make a motion to reconsider Budget Amendment 2.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

And Legislator Viloría-Fisher will second that.

LEG. NOWICK:

What is this?

D.P.O. VILORIA-FISHER:

Reconsidering No. 2.

P.O. LINDSAY:

It's procedural. Okay. Any discussion? All talked out; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

I'll recuse myself on this.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

LEG. SCHNEIDERMAN:

Now we need a motion to amend.

D.P.O. VILORIA-FISHER:

I'd like to make a motion to amend Resolution No. 2, omitting all references to John J. Foley Nursing Home; is that okay, George?

MR. NOLAN:

That's correct.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher.

MR. NOLAN:

Mandated and discretionary.

D.P.O. VILORIA-FISHER:

No, this is the discretionary. This is No.2.

LEG. SCHNEIDERMAN:

I think Vivian made the motion, I seconded it.

D.P.O. VILORIA-FISHER:

I made the motion, Jay is seconding it.

MR. NOLAN:

Hold on one second.

P.O. LINDSAY:

Okay, hold up.

LEG. SCHNEIDERMAN:

Vivian, the motion was to amend it to delete all references to John J. Foley.

D.P.O. VILORIA-FISHER:

All references to J. J. Foley Nursing Facility.

P.O. LINDSAY:

Are we all right now; we're okay to go?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Okay. We have a motion and a second to amend -- and this is purely procedural, too, right?

MR. NOLAN:

This is to remove Foley from the text of the resolution.

P.O. LINDSAY:

Okay; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Recuse.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

D.P.O. VILORIA-FISHER:

I'll make a motion to -- oh, you didn't call the vote yet?

MR. LAUBE:

I did.

D.P.O. VILORIA-FISHER:

I'd like to make a motion to approve Resolution No. 2 as amended.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Okay. We have a motion to approve Resolution No. 2 as amended.

LEG. D'AMARO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Again, to Budget Review; does this now amended resolution include the increase in -- a proposed increase in park fees?

MR. LIPP:

It still does, yes.

LEG. D'AMARO:

Okay.

MR. LIPP:

So it didn't take that out.

LEG. D'AMARO:

All right, the fees sunsetted already. I believe when the Legislature first considered raising the park fees there were not sufficient votes to enact or override the increase in fees unless they sunset, and they, in fact, did sunset. And the purpose at that time was to prop up the Vanderbilt Museum, and a compromise was reached and ultimately the fees did go up for a short period of time, it helped the Vanderbilt out and then they sunset. To now put this in a budget vote and say, "Take it or leave it," again leaves me with -- puts me in a very precarious position because I don't support the increase in park fees, and yet I'm being asked to vote contrary to how I've consistently voted with respect to these increases in the past. So for that reason, I am not going to support this bill.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I'm surprised that Mr. D'Amaro would make that comment, when this was discussed in the Working Group, of which you were a part. And we reintroduced the park fees, because in this case the money from the park fees is being used to provide relief to all of those different contract agencies that are out there supporting our kids after school, gang programs, after school activities, tutorial programs, employment programs, health service programs, the clinics. The list goes on and on as to the good that's being done, and it was a consensus of the Working Group that we add this to this Omnibus. So it truly surprises me that anyone who served in that Working Group would be surprised that this should come before us at this point in time.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second on the amended Budget Amendment; roll call.

MR. LAUBE:

Just to confirm; Legislator Schneiderman was the second?

LEG. SCHNEIDERMAN:

Yes.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

I believe I can cast a yes vote on this.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:
No.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
I'm sorry to say this, but I've got to call a short recess. They have to get some paperwork together between Budget Review and Counsel that they're arguing over.

*(*Brief Recess Taken: 4:32 p.m. – 4:48 p.m. *)*

P.O. LINDSAY:
Okay. Mr. Clerk, call the roll.

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
(Not present).

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present).

LEG. CILMI:
Yep.

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.

LEG. MONTANO:
Here.

LEG. MURATORE:
Here.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. Let's go, guys, so we can get out of here. All right, let's hold it down. Come on, come on, come on, let's get back.

All right, before you you have a document labeled ***Budget Amendment Resolution No. 34, amending the 2011 Recommended Operating Budget regarding the John J. Foley Skilled Nursing Facility.*** I'll make a motion to approve.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. Are there any questions?

LEG. NOWICK:
Could you explain this? This is getting confusing.

LEG. HORSLEY:
Yeah, what are we doing.

P.O. LINDSAY:

Okay. George, you want to explain it?

MR. NOLAN:

Well, these two resolutions are the -- well, we just worked on two resolutions to remove Foley. These are the kind of the sister resolutions dealing with Foley essentially, and I'll defer to Budget Review, but restoring funding to Foley I believe to fund positions for the entire year.

LEG. HORSLEY:

Where did you get that money?

P.O. LINDSAY:

Gail, do you have anything to add to that?

MS. VIZZINI:

No. Resolution 34 is the mandated component and 35 is the discretionary component necessary to continue funding of the John J Nursing Facility until such time as there's a policy decision made to its operation or divestiture.

P.O. LINDSAY:

Okay. Anybody have any questions?

LEG. NOWICK:

Yeah.

LEG. BARRAGA:

One quick question.

P.O. LINDSAY:

Legislator Barraga and then Legislator Nowick.

LEG. BARRAGA:

Where does the funding come -- where does the funding come to keep this nursing home in operation?

MS. VIZZINI:

The monies are transferred from existing appropriations. The mandated component transfers 15.9 million in -- from the debt service line, it leaves sufficient monies to make the annual debt service payment, it transfers appropriations.

There are a lot of appropriations in the nursing home. They are funneled into the personnel lines so that if positions are to be abolished, it would be by a subsequent resolution. This provides funding to assure that there's sufficient salaries to operate until such time as we would run it until it's privatized, we would run it because that's our policy decision or we would run it until we have determined we are going to divest ourself of the asset.

LEG. BARRAGA:

Fifteen million from debt service; shouldn't that be used to pay debt service?

MS. VIZZINI:

Should we receive the revenue associated with the divestiture, we can modify the budget, and we would have to modify the budget once you make final decisions.

LEG. BARRAGA:

These positions are being funded, but the divestiture money is still there as if we've sold the place but we're still keeping the personnel on board, even though it might be --

LEG. LOSQUADRO:

Using it.

MS. VIZZINI:

No. One reason we didn't change the revenue substantially is because we didn't want to have more revenue. Medicaid will offset a significant percentage as we continue to operate. We did not substantially increase the Medicaid revenue, we thought that would be too much revenue. So it's -- we're providing appropriations within the Enterprise Fund to pay the annual debt service and to pay the people. Once there is a more final decision, the budget can be amended to reflect that.

LEG. BARRAGA:

But in the Omnibus, we still have the money put in by the County Executive for the closing; that's still there, right?

MS. VIZZINI:

That's in the recommended budget, correct.

LEG. BARRAGA:

And now we're saying even though the money is there for closing, we're going to appropriate dollars to keep these people working at the same facility we're trying to close.

LEG. LOSQUADRO:

That's the money they're using.

MS. VIZZINI:

This provides the opportunity for any of the policy decisions to be made.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

From what I understand, what we're going to be voting on right now was part of the Working Group's original Omnibus budget, it's just the part we extracted.

D.P.O. VILORIA-FISHER:

Right.

MS. VIZZINI:

That's basically correct.

LEG. NOWICK:

And if you read this, it says that "No provision in this resolution shall be interpreted or construed to require or support the closure, privatization or divestiture of the nursing home." I think what I understand is that there must be money in the budget, because whether we close the nursing home, leave the nursing home open, sell the nursing home, this nursing home will stay open for several months.

We can't just close it come January 1st; am I correct? So those people still must be paid.

MS. VIZZINI:

That's correct.

LEG. NOWICK:

And this is then responsible budgeting.

MS. VIZZINI:

There is money in the budget to pay through approximately April. The scenario in the case of a privatization would require us, at least the rhetoric from last year was that we operate it for almost a full year before we had all the approvals in place. And if the budget isn't modified in this fashion, then the salary money will run out.

LEG. NOWICK:

So close it, open it, sell it, we still -- well, it actually still will be open for several, several months.

MS. VIZZINI:

Correct.

LEG. NOWICK:

And those people must be paid.

MS. VIZZINI:

Correct.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Anybody else?

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I want to pick up on my colleagues comments, particularly Legislator Nowick. You know, responsible budgeting, and I hope you're right, I just want to think this through a little bit. Because the way I see it is to provide the funding to operate this facility for the year, that money is coming from the sale of the facility. It's inherently contradictory, so it's fictitious. I don't see the responsibility there.

You know, I want to understand. You know, when we take a recommended budget and put something back into it that costs \$15 million, I want to make sure that we were actually have that money, but we don't have that money and the only way we get that money is if we sell the facility. So it's just -- in my mind, it's inherently contradictory and, you know, I don't see that as responsible budgeting. I don't think it's something that we've ever done in the past.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

To follow-up on that, not just contradictory but imbalanced --

LEG. D'AMARO:

Uh-huh.

LEG. LOSQUADRO:

-- and, therefore, I think imprudent, illegal, whatever you want to call it. I'd like to -- I see Ms. Corso sitting up front there; could I ask her to maybe comment on her take on using this revenue to fund this?

MS. CORSO:

Well, considering from what I've seen in the amendment before, it does look like an unbalanced budget, and I'm going to kind of go around to everybody's thing. The way I see it is the current legislation is to reopen the facility by closing and selling the asset.

LEG. D'AMARO:

Right.

MS. CORSO:

And using the unused debt service. Does that make sense? Now, Lynne, wherever she was, she said we funded it through April; that is the way the County Exec funded it, through April. The State has already been notified of the closure.

I just don't understand what this new legislation is doing. It doesn't even fund the facility for the full year. Are we going to all of a sudden in April we're going to take up another resolution and then drag this out? These people, you all say it, they deserve the certainty of what is happening to the fate of that facility, the fate of their jobs, the fate of these people. This is just another shell game. It's unbelievable. Am I wrong here, or do you all agree with me that this is what's happening?

P.O. LINDSAY:

I disagree with you, because it starts with your budget that puts revenue in that this Legislature did not approve to sell the building, the property and the license.

MS. CORSO:

But it doesn't fund the facility --

P.O. LINDSAY:

That's where it starts.

MS. CORSO:

-- and include the revenue.

P.O. LINDSAY:

That's where it starts.

MS. CORSO:

You had the facility and the revenue.

P.O. LINDSAY:

That's where it starts.

MS. CORSO:

How can that be?

P.O. LINDSAY:

That's where it starts.

MS. CORSO:

The facility is closed and the revenue is in, you have both in.

LEG. KENNEDY:

Be respectful.

P.O. LINDSAY:

I don't believe that if you were to close the facility that you could close it and throw the patients out on the street. I think you have to find a place to position these patients if you do close it, if we do decide not to sell it. But until that time, the facility has to operate.

MS. CORSO:

And you know that it is the County Executive's -- he would rather sell it with the good deal that we have on the table and leave each one of those in the beds.

P.O. LINDSAY:

The good deal, a good deal is your opinion.

MS. CORSO:

I believe the --

P.O. LINDSAY:

Is your opinion.

MS. CORSO:

I believe the appraisal is better than the appraisal you got.

LEG. LOSQUADRO:

Hold on, hold on. We're going back and forth.

P.O. LINDSAY:

No, no, no, don't hold on. Don't hold on.

LEG. LOSQUADRO:

I asked a question, we're going far afield.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I asked a question --

P.O. LINDSAY:

And she answered it.

LEG. LOSQUADRO:

-- and we've run very far afield.

P.O. LINDSAY:

And she answered.

LEG. LOSQUADRO:

In your opinion, is this budget imbalanced and is it proper?

P.O. LINDSAY:

And she answered that.

MS. CORSO:

It is an unbalanced budget.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

We continue to talk about what's been defunded in this resolution and we look at a notion of where money is going to come from from operations of this. But it is something that has been an inherent flaw in any dialogue that we have regarding John J. Foley, that there is a stream of revenue that comes into that facility for the provision of service that each one of those 251 residents there today, and we do have bed hold. I believe when I went through the bond offering, in this past year we generated 26 or \$27 million worth of revenue.

I also know that there are three years worth of IGT due to this fund and which can be used only for the operation of that nursing home. And once again, none of that dialogue is put forward here and portrays this as something that's nothing but a cost and a loss. Each day we operate is another day that competent billers with positions filled would be able to get reimbursement instead of misguided hiring for Assistant Nursing Supervisors that are bundling the oversight bureaucracy out there.

So I will not go ahead and buy into the fact that it is an unbalanced budget; as matter of fact, it's very ably balanced. But the other side of the equation is not presented.

P.O. LINDSAY:

Anybody else? Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. Maybe I'm thinking about this over simplistically. My take on this is that the County Executive has proposed the closure of the facility, and as was stated, the funding is in there until April 1st or till April. And we're giving that opportunity for him, we're giving him the faith that he put it in the budget, that he has the votes to close the facility. We just disagree on what date the actual facility will be closed; he's April 1st, the Budget Working Group says, "Well, we're going to need a little bit more time, possibly 'til the end of the year." So we put the proceeds in from the sale of which he's put in the budget, I would think that's a responsible thing, he believes he has the votes, the revenue is going to be there. But we need to fund those positions 'til the end of the year or 'til whatever date we're going to need the personnel. Maybe that's overly simplistic, but at least that's my point of view on what we're doing here.

P.O. LINDSAY:

Thank you for that clarification. Did you want to say something, Mr. Brown?

MR. BROWN:

Thank you, Mr. Presiding Officer. What I would like to say is that the two budget resolutions which are before you which you're going to vote on momentarily, 34 and 35, Budget Amendment resolutions, notwithstanding a section of the Charter which allows immediate consideration for certain types of resolutions, Budget Amendment resolution have to be laid on the table of the members two days prior to consideration. The two days may be waived by the Presiding Officer upon written request of the Director of the Budget Review Office. However, it would seem that in order for there to be a waiver, that waiver would have to occur prior to the two day period before consideration. Thank you.

P.O. LINDSAY:

The waivers have been granted in writing.

Okay, we have 34 before us. We have a motion and a second. And I just want to say one more time, this doesn't do anything different than what we voted on this morning. The only thing it does is it separates it out that Legislator Romaine can participate in some of our budget votes, some, not this particular one. We have a motion and a second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Recuse.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay, next is ***No. 35 which is the discretionary portion of the budget that pulls out the nursing facility***, again, so that Legislator Romaine could vote on the rest of the budget. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper. Any questions? Seeing none, roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Recuse.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

We're almost done, just bear with me. While Counsel is looking up something, I'm going to go to the folder.

D.P.O. VILORIA-FISHER:

Is that the Medical Examiner? Can we take this out of order for her, 2038?

P.O. LINDSAY:

I'm going to apologize. In the packet you have a CN having to do with the Medical Examiner, and she's been sitting in the audience all this time; if you had mentioned something, I would have taken it out of order a long time ago. Please forgive me. I don't -- I can just take it, I don't have to take it out of order now, right?

MR. NOLAN:

No.

P.O. LINDSAY:

Okay. So find *2038-10 - Authorizing execution of an Assistance Agreement between the Office of the Chief Medical Examiner of the City of New York and the Suffolk County Medical Examiner's Office (County Executive)*. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions?

P.O. LINDSAY:

Again, please, accept my apologies.

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Bill? Bill, we have -- do we have a veto for the Schrader House?

P.O. LINDSAY:

Well, I'm in the folder.

LEG. BROWNING:

Oh, okay.

P.O. LINDSAY:

I'm going to get through it. *2040-10 - is a Tax Anticipation Note resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$390 million Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied on or to be levied for the Fiscal Year commencing January 1, 2011 and to prescribe the terms, forms and contents and provide for the sale and credit enhancement of such notes.*

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Cooper.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a question for BRO. This clearly is in anticipation of taxes, not just limited to property taxes, this is sales tax and all other types of revenue? It far exceeds our annual levy.

MR. LIPP:

It's property taxes only. It's because the General Fund makes all of the taxing jurisdictions whole and there is a total of \$4.8 billion in property taxes among all taxing jurisdictions in the County. So it's a cash flow thing.

LEG. KENNEDY:

Just for the purposes of front-loading the jurisdictions that take -- okay, fine. All right, thank you.

P.O. LINDSAY:

Okay. We have a motion and a second on the Tax Anticipation Notes. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we have a veto of *951-2010 - Authorizing the use of the Schrader House at the Suffolk County Farm by Project Soar.*

LEG. BROWNING:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Browning. I'll second that.

LEG. LOSQUADRO:

Can we just get an explanation of --

P.O. LINDSAY:

Maybe, Legislator Browning, you can explain.

LEG. LOSQUADRO:

Why this is being -- it seems sort of specific as to why this was brought back before us.

LEG. BROWNING:

Right. Mr. Danforth is here. I mean, this is a program that's run with the Probation Department and Cornell Cooperative. I guess basically the County Executive's issue is that he wanted to rent the building. This is a program that they run out of Cornell, they live -- they're using trailers right now that are in the worst condition you would want to see. And you know, basically it's -- it would be a cost savings to us to allow them to use the facility. They are going to be -- they need a new place to go, and this is something that I think is appropriate for us to work. I mean, look what the program is. I think it's appropriate for us to allow them use the home.

LEG. LOSQUADRO:

Through the Chair. I voted for this, it seemed like a very worth while program. I'm just afraid we're going to run afoul of Public Bid Laws or other areas of public law that have been mentioned here. I'm not disagreeing at all with the value of the program. Could Counsel comment on that? I just don't want to put us in a situation where either we or they are putting ourselves in danger.

MR. NOLAN:

Well, my understanding is I think there was a statement made that this had to go through Space Management before it could be approved by the Legislature. And I read over the section that governs Space Management and that governs Space Management, it's my opinion that it did not have to go through that committee for us to take this particular action.

I should say that I've spoken to people on the Space Management Committee, they said that sometimes they will look at this type of proposal, but it is not a legal requirement, in my opinion, that it go through that committee before we take this action.

LEG. BROWNING:

If Mr. Danforth -- Mr. Danforth, if you could explain this? I'd prefer you speak first.

MR. DANFORTH:

I'm Peter Danforth, I'm Director of Operations for Project Soar.

MR. LAUBE:

The green light will be on and it stays on.

MR. DANFORTH:

Oh, sorry. Hi. I'm Director of Operations for Project Soar, my name is Peter Danforth. About a year ago we submitted a space request for this building under the directive of Probation Department, and I think that's where the problem lies is that Cornell Cooperative Extension submitted it. We're a hundred percent funded organization from the County, from Probation, and we have Probation Officers who are supervising the program as well, and so there was probably some misunderstanding on that level. So we did follow the correct protocols, as we saw it at the time, and it went through that procedure and now we're here.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Sir, thank you for that information, and it's good to know that. You submitted a request for space through the proper channels, so to speak.

MR. DANFORTH:

Yes.

LEG. D'AMARO:

Whatever came of that request, was it acted upon?

MR. DANFORTH:

Well, we waited quite a while and eventually it went before, I believe, the Space Committee and then to the Legislature, in that order.

LEG. D'AMARO:

So as far as you know -- and I'm on the Space Committee, Space Management Steering Committee, but I don't recall this particular action -- the Space Management Steering Committee did act on the request favorably?

MR. DANFORTH:

Well, when we came back here, apparently there were some questions about it because of that procedure, so I'm not entirely sure. I mean, all I know is that I submitted it and then Vito Minei backed me on that particular thing, and as well as Probation Department. And then it was, I believe, rejected by the Suffolk County Executive on the basis of following the incorrect protocol, but then it was brought to the Legislature.

LEG. D'AMARO:

No, I understand that. But I'm just wondering if you know, was it acted favorably by the Space Management Committee?

MR. DANFORTH:

I never knew the initial answer to that, no.

LEG. D'AMARO:

Okay. And the other question I had, the veto message also talks about this contract was awarded through a process, a competitive process.

MR. DANFORTH:

The contract for the house or for our program?

LEG. D'AMARO:

There was a bid that was submitted. In that bid request that you submitted, did that indicate that you had space available or that you would be seeking space from the County; how was that handled?

MR. DANFORTH:

We merely filled out the space request form. At the time, I was unaware of any other forms that we needed to start with.

D.P.O. VILORIA-FISHER:

Is he done?

LEG. BROWNING:

Bill, can I ask a question?

P.O. LINDSAY:

Legislator Browning and then --

LEG. D'AMARO:

Just Mr. Presiding Officer? I'm sorry, if I could just follow-up one more time. Thank you. So there was a competitive bid process -- I'm just looking at the veto message and I just want to make sure that -- what the veto message says is something very serious, that there is some type of advantage that was gained over other bidders by submitting a bid when you didn't have the appropriate facilities. Any reaction to that?

MR. DANFORTH:

I'm not quite -- I don't understand what you're asking, actually.

LEG. D'AMARO:

All right. Well when you submitted the bid, did you have -- did you already have a facility to conduct the operation?

MR. DANFORTH:

Yeah, we are currently in facilities. And the reason --

LEG. D'AMARO:

No, but did you have a facility to cover what you were doing under the bid?

MR. DANFORTH:

We had a facility we continued to work with and then this is a facility we'd like to move into, it's adjacent to where we are and it's on the County Farm.

LEG. D'AMARO:

That's the facility we're talking about here, the County space.

So it was the County space that you were anticipating in that bid? It's the County space that you were anticipating using when you put in your bid?

MR. DANFORTH:

Yes. The Schrader House is really -- yes.

LEG. D'AMARO:

Okay. Was that specifically referenced in the bid, do you know?

MR. DANFORTH:

It is actually, yes. I'm sorry, I didn't understand where you were going with that. Yeah, we had to resubmit a bid for our program and in it we mentioned the Schrader House and the process has had been initiated, yes.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, I just wanted to check and see, does the statute -- you know, does it apply to County agencies? I guess this question is for George. Hang on a minute. George?

D.P.O. VILORIA-FISHER:

George, Kate is asking you a question.

MR. NOLAN:

I'm sorry.

LEG. BROWNING:

Does it apply to County agencies to have to go through Space Management for space? And Cornell is a non-profit contract agency, do they have to go through the Space Committee?

MR. NOLAN:

Right. The language in Article 22 of the Administrative Code talks about County department and agencies, when they're looking for space, that has to go through Space Management Committee. That's why I said this particular space request technically would not have to go through that committee, sometimes requests like this do, but legally they do not have to. We can act without the recommendation which, by the way, is advisory from Space Management.

LEG. D'AMARO:

Right.

P.O. LINDSAY:

Anybody else? No. Okay, we have a motion -- Legislator -- Mr. Brown has been at the mic so much I'm calling him a Legislator. Go head, Mr. Brown.

MR. BROWN:

No, I just -- our office, we worked on the contract. And since the issue was raised about the competitive bid, I just wanted to give you the background on what happened.

The RFP for the Soar Program required that the proposer submit a proposal to run the program and include with the proposal his or her facilities that would be used. When the two proposals came back, one proposal, the proposer had his home facility, the other proposer had the Schrader House facility. Well, the Schrader House facilities aren't the facilities of the proposer, and so actually we thought that that was inconsistent with the RFP and would give an advantage to Cornell in that they weren't being required to use their own facility. That's the background on that. Thank you.

LEG. BARRAGA:

Okay.

LEG. BROWNING:

Call the vote.

P.O. LINDSAY:

Okay. Did everybody get the answer they were looking for?

D.P.O. VILORIA-FISHER:

I'm a little confused as to what to do now. George, can I ask you a question?

P.O. LINDSAY:

Counsel, Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Okay. I'm very perplexed about this now, because if, in fact, Cornell had an advantage over the other bidder, then that would be problematic and we could be sued by the other bidder who was at a disadvantage because they had to provide their own facility? And I know that Cornell runs other programs at the farm, so it's kind of a facility where they're working but it's not their facility. So I don't know, what do we do with this?

MR. NOLAN:

Well, I don't know anything about the bidding process, what happened with that except what Mr. Brown just testified to. I'd have to defer to him and his department whether or not they thought there was a chance that there might be a legal action, I don't know.

MR. BROWN:

It's a hypothetical question. The answer is yes, a bidder may make that argument. Does Legislative resolution confer any immunity on the County if a bidder were to make that argument? I don't have the answer to that, you know, at hand. We didn't research that issue. We just looked at it strictly from the procurement issue when we entered the contract.

D.P.O. VILORIA-FISHER:

But Dennis, I think what I'm hearing is that the bigger issue here is the bidding process rather than the Space Committee's recommendation.

MR. BROWN:

Exactly, you're 100% correct. That is exactly the way we looked at it from the contract perspective when we worked on the contract after we were told that an award was issued. In fact, I didn't even really know about the Space -- the Space dealing --

D.P.O. VILORIA-FISHER:

So how can we fix this?

MR. BROWN:

Pardon?

D.P.O. VILORIA-FISHER:

How can we fix this? Because this is a good program, it's an important program. We know Cornell can do the job, but what happens now then?

MR. BROWN:

I don't -- you know, the contract, I think -- I'm not sure if the contract has been fully executed, but an RFP has been issued and the award has been issued, and we worked on the draft of the contract. The only thing that wasn't in the contract was the use of the Schrader House. So Cornell would have to comply with the contract in terms of coming up with a facility for the space. Maybe it means -- I don't want to give them advice, but it would mean they would have to come up with a facility in connection -- consistent with the RFP.

D.P.O. VILORIA-FISHER:

Dennis, didn't you say that they indicated that they would be using the Schrader House as the facility?

MR. BROWN:

Yes, they did. But --

D.P.O. VILORIA-FISHER:

So then wasn't that a mistake on the part of the County and not on the part of the agency?

MR. BROWN:

I can't speak to Probation as far as the award was concerned or those that sat on the Evaluation Committee. But as far as strictly looking at the terms of the RFP and how it was -- and how the contract was proposed, we thought it was inconsistent with the terms and conditions of the RFP.

D.P.O. VILORIA-FISHER:

Okay.

MR. DANFORTH:

Can I make one comment?

LEG. BROWNING:

Bill?

LEG. LOSQUADRO:

Will it marinate until our next meeting?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Well, Mr. Danforth, I guess he wanted to make a comment.

P.O. LINDSAY:

Yes, Mr. Danforth?

MR. DANFORTH:

Okay, the RFP that we -- we did indicate that we were looking to move it to the Schrader House and it's in the contract, so I'm not really sure what he's referring to. Maybe he seems to be referring to another document I'm unaware of.

LEG. LOSQUADRO:

Mr. Chair?

P.O. LINDSAY:

Okay. Yes, Legislator Losquadro.

LEG. LOSQUADRO:

Because of the rule change that I think you and I both cosponsored, doesn't the clock start running at the first General Meeting? So wouldn't the clock start running on this today? Don't we have time to address this until the next General Meeting?

MR. NOLAN:

Excellent point, Legislator Losquadro. The clock starts running today. Resolutions are presented at Special Meetings and then we have, I believe, 30 days to act override. So we could withdraw the -- if the sponsor is willing, that would be up to her, but we do have 30 days from today's date to effectuate an override.

P.O. LINDSAY:

Okay. But what is going to change today or 30 days from now? Are we short of some vital information?

LEG. BROWNING:

You know, this is --

LEG. LOSQUADRO:

From a liability exposure standpoint, I just want to make sure --

P.O. LINDSAY:

But the Law Department is saying that because of this resolution, Cornell had an edge over any other potential bidder for the use of this facility. But then, you know, how do we -- how do we legally let any of our facilities be used by a not-for-profit? And we have not-for-profits that operate County facilities.

LEG. LOSQUADRO:

Did they engage in bids for programs?

P.O. LINDSAY:

Well, for one thing, I mean, my district, I'm thinking that the Maritime Museum is run by a not-for-profit agency, that's never bid. I mean, it was formed so that we don't have to operate the museum.

LEG. BROWNING:

Well, this is -- the Soar Project is 100% funded by the County, and there's supervision with Probation. So I'm trying to understand, even the RFP; when you mentioned about the RFP process, weren't they selected in the RFP?

MR. BROWN:

Legislator Browning, I didn't sit on the RFP Evaluation Committee. The RFP, as part of the terms and conditions of the RFP, and I just double-checked this with Mr. Danforth, it said that to run the Soar Program, the successful agency, the successful proposer had to have its own facility. And Cornell -- and I have nothing against Cornell, believe me. Cornell proposed that the Schrader House be used.

When we looked at it strictly from a procurement, RFP contractual perspective, if Schrader -- and that was proposed, that was in their proposal, that then they had not complied with the terms and conditions of the -- strictly complied with the terms and conditions of the RFP, and that if they were using County property instead of their own facility, then that gives them -- that gave them a cost advantage over a competing proposer. That's strictly the way we looked at it.

LEG. BROWNING:

You know, it's 100% funded by us, we pay for this. And I'm trying to understand where the cost advantage is. If they have to pay for this, we save approximately a million dollars if we let them use the Schrader House to do the project.

MR. BROWN:

Well, doesn't -- I mean, doesn't that give them an economic advantage over another proposer? That's how we looked at it.

P.O. LINDSAY:

So as a result, we'll put it back out to an RFP again and we'll pay a million dollars more for the service.

LEG. ROMAINE:

We can spend more money if you want.

P.O. LINDSAY:

I mean that doesn't make any sense either.

MR. BROWN:

I'm only saying how we looked at it, from a contract perspective. The RFP required one thing and the contract as proposed was something else.

D.P.O. VILORIA-FISHER:

Why don't we just vote?

P.O. LINDSAY:

All right. Do you want to go forward with the override, Legislator Browning? Browning? Come on. Legislator Browning.

LEG. BROWNING:

I'm sorry, hold on.

P.O. LINDSAY:

Do you want to go forward with the override?

LEG. BROWNING:

I think I would, yes.

P.O. LINDSAY:

Okay. We have a motion to override and a second; roll call.

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

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

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:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Don't pack up your stuff yet.

All right, I have a couple of bills to assign to committees.

MR. NOLAN:

You need to make a motion to waive the rules and lay on the table.

P.O. LINDSAY:

Okay. I'm going to make a motion to waive the rules and lay on table the following Late Starters: 2044 to EPA; 2054 to Health & Human Services and set a Public Hearing for 11/16, 2:30 in Hauppauge; 2055 to Ways & Means, set a Public Hearing for 11/16 at 2:30 in Hauppauge, and that's it. Do I have a second to that motion?

LEG. COOPER:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Now --

MR. NOLAN:

Hold on.

P.O. LINDSAY:

-- I'm going to make a motion to reconsider Budget Amendment No. 1, and I'm going to turn it over to Counsel to explain why.

MR. NOLAN:

It is with a heavy heart --

*(*Laughter*)*

-- that I have to explain that we've learned, after adopting the amended No.1, that the schedule that had been the backup to it had an error. So what we need to do is reconsider No. 1 again.

LEG. EDDINGTON:

This is the amended amended?

MR. NOLAN:

And we have to amend it again to allow the substitution of the right schedule which reflects, you know, no Foley, and then we have to approve it again. And I'm sorry about that.

LEG. COOPER:
Second the motion.

LEG. MONTANO:
A stapling error.

P.O. LINDSAY:
Okay. It's a one-page document that's before you.

LEG. SCHNEIDERMAN:
We have to vote on reconsidering.

MR. NOLAN:
Yes, you do.

P.O. LINDSAY:
We have to vote on reconsidering. We have a motion and a second.
All in favor?

D.P.O. VILORIA-FISHER:
Wait a minute. Who made the motion?

P.O. LINDSAY:
I made the motion.

D.P.O. VILORIA-FISHER:
Okay, sorry.

LEG. COOPER:
Bill, I second it.

LEG. LOSQUADRO:
Mr. Chairman, just on the motion. I just want to say this is why I was not in favor of reconsidering this in the first place. We're trying to look at too much information and do too many things in a short period of time here and I'm just afraid this might not be the only error that we're -- you know, that we're missing, and we caught this. So once again, I won't be supporting it. I hope we got it right this time.

P.O. LINDSAY:
I do, too. We have a motion -- yes, Mr. Brown?

MR. BROWN:
Thank you, Mr. Presiding Officer. Please just let the record reflect that my comments from before would apply here as well. Thank you very much.

P.O. LINDSAY:
I assumed that. Okay, we have a motion and a second to reconsider budget document -- Budget Amendment No. 1. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Recuse.

LEG. D'AMARO:
Opposed.

LEG. LOSQUADRO:

Opposed.

MR. LAUBE:

I just need you to raise your hand if you're a no.

Eleven (Opposed: Legislators Muratore, Losquadro, Cilmi, Barraga, D'Amaro - Recuse: Legislator Romaine).

LEG. ROMAINE:

Counsel, did that include Foley?

MR. NOLAN:

To recuse yourself?

LEG. ROMAINE:

Yes.

MS. VIZZINI:

Foley was taken out.

MR. NOLAN:

No harm.

P.O. LINDSAY:

The motion is just to reconsider, okay?

LEG. ROMAINE:

Nevertheless, we overrode the vigilant County Executive.

P.O. LINDSAY:

Yes, yes. Okay, we have a motion to amend No. 1 to reflect the proper schedule and to remove the schedule that was adopted before in the sense of accuracy.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Cooper. Any discussion? Can we do it by a voice vote?

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

No; roll call.

LEG. SCHNEIDERMAN:

This does not include Foley.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen.

MR. NOLAN:

Now vote No. 1. Now the motion is to approve No. 1 as amended.

P.O. LINDSAY:

Okay. I'm going to make a motion to approve No. 1 as amended with the new schedule.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher; roll call.

MR. LAUBE:

The motion and the second was Lindsay and Viloría-Fisher?

P.O. LINDSAY:

Viloría-Fisher.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. I'm going to make a motion to *reconsider Budget Amendment No. 2*, this is the motion with all the contract agencies in it that does not have any reference to Foley.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
No.

LEG. COOPER:
Yes.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Okay. Now I'm going to make a motion to *amend Budget Amendment No.2* to reflect the corrected schedule. We've got one more vote after this. Same motion, same second; roll call.

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

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. Now that we have Budget Amendment No. 2 that has been amended before us with the new schedule, I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Pass.

LEG. BARRAGA:

Mr. Presiding Officer, is there anything left on today's agenda that I could possibly vote yes for?

*(*Laughter*)*

LEG. MONTANO:

Adjournment.

P.O. LINDSAY:

Would you like to make a motion to adjourn?

MR. LAUBE:

Wait. Just wait, I didn't finish the vote.

P.O. LINDSAY:

Wait, wait, finish the vote.

MR. LAUBE:

Legislator Stern had passed, I was just checking it and I hadn't finished the roll yet.

LEG. D'AMARO:

Mr. Presiding Officer, I haven't voted yet either. I apologize, I'm just not clear which bill we're voting on. I apologize.

P.O. LINDSAY:

We're voting on Budget Amendment No. 2 that had the wrong schedule. We reconsidered it, we amended it and now we're voting on it with the correct schedule.

LEG. D'AMARO:

Now, is that the amendment that --

P.O. LINDSAY:

This includes all the contract agencies and does not have anything to do with Foley.

LEG. D'AMARO:

Okay, not include Foley; understood. Thank you. Okay.

*(*Roll Call Continued by Mr. Laube - Clerk*)*

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. Now I'll accept Legislator Barraga's motion to adjourn, and I'll happily second that. All in favor? Opposed? Abstentions?

*(*The meeting was adjourned at 6:35 PM. *)*