

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

FIFTEENTH DAY

NOVEMBER 9, 2011

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

Verbatim Transcript Prepared By:

Alison Mahoney/Court Reporter & Kim Castiglione/Legislative Secretary

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

*(*THE MEETING WAS CALLED TO ORDER AT 2:02 P.M. *)*

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Okay. Mr. Clerk, would you call the roll, please.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. ANKER:

(Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

(Present)

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

(Present)

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen. (Vote Amended to 18)

P.O. LINDSAY:

Okay. Could everyone rise for a salute to the flag, led by Legislator Cilmi.

(*Salutation*)

If everyone would remain standing while Legislator Cilmi introduces our visiting Clergy.

LEG. CILMI:

Thank you, Mr. Presiding Officer. As we gather today, we do so mindful of the fact that regardless of political philosophy and regardless of the outcome of this year's elections, each of us is here trying to do our part, at least in some small way, to improve our communities, our quality of life and our society. It is fitting, therefore, that we begin each meeting with an invocation as we officially recognize the presence of God in our midst in these challenging times and particularly in advance of today's agenda. We pray for His guidance in carrying out the people's business. Despite what the Ninth Circuit Court may believe, we will always be one nation under God.

It is in this context that I am pleased to introduce Father Don Babinski. Father Don is the Pastor of St. Mary's Church in East Islip, having been ordained in 1981. He has spent his entire career on Long Island, mostly in Nassau County. He has been a chaplain to numerous fire departments, is a member of the Knights of Columbus, and has spent time advocating for low income housing for our less fortunate. In 2008, he became Pastor of St. Mary's at a time when, like so many other institutions, St. Mary's was facing tremendous financial challenges as they continue to face today. Father Don, however, is steadfastly at the helm guiding our church and our parish community through these difficult times. Hopefully, in his words today we will each find some meaning. I give you Father Don Babinski.

PASTOR BABINSKI:

Thank you. I want to thank Legislator Tom Cilmi for inviting me to deliver this afternoon's invocation and for his kind introduction. I also want to thank the members of the Suffolk County Legislature for having me here today. I consider it both a privilege and an honor. As Pastor of a large congregation, I not only have a responsibility for the spiritual well-being of my people, but I also had the temporal well-being of the parish. I say this because I know how difficult it is to lead during these tough economic times. I can empathize with you as you try to lead and to govern. Therefore, be assured of my deep appreciation for the work you do and the tremendous responsibility you have assumed for the good of the people of Suffolk County. As a Legislature, you have my continued prayers.

Before we pray, I have one short reflection to share with you. It was prompted by the request for my presence here today. It is now even more relevant in light of the recent vote by the U.S. House of Representatives to retain In God We Trust as our national motto. As elated as I am with the House's decision, I'm also somewhat perplexed by their action, because we tend as a nation to pick and choose when and where we want God to fit in. We took God out of our classrooms, but we kept him on our currency. What kind of message does this send? That we value the prosperity of our nation more than we value the education of our children? That God is more important to our wealth than He is to our schools.

I offer you this reflection for your careful consideration. The future of our nation is in our young people. Without a morale compass to guide them, they will falter. Without a rock of surety to strengthen them, they will weaken. Hopefully, the issues and questions I have briefly proposed will be a springboard for future discussion and debate among you as each of you determines what role, if any, you want God to have in the future of our local communities, our County, our State and our nation. May God bless you and keep you. Let us bow our heads as we call upon God's holy name.

God of power and might, of wisdom and justice, through you all authority is rightly administered. All laws are purposely enacted and all judgements are fairly decreed. With your spiritual counsel and fortitude, guide and protect these elected members of government, who have been called to serve the people of Suffolk County. With the power of your grace, help them to be good and trusted public servants. Remove any bitter rivalry from their hearts or bias from their minds. May they lead our County with honesty and integrity. May they represent their communities wholeheartedly, may they use their skills and resources wisely, may the decisions they make and the laws they pass always promote the common good. We ask this in your holy name, one God, forever and ever.

("Amen" Said in Unison)

P.O. LINDSAY:

Thank you very much, Father. If everyone would remain standing for a moment of silence. Jack Rice, a former Legislative Aide, recently sustained a head injury and passed away on October 10th. Also for Suffolk County has established this week in remembrance of Marcello Lucero as understanding and accepting and respecting cultural differences week. And let us also remember all the men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

I'd bang the gavel, but I can't find it, so we can sit down.

*(*Laughter*)*

LEG. KENNEDY:

With the shoe.

P.O. LINDSAY:

Good afternoon, everyone. I'd like to start off this session as we have a very, very busy agenda, and we'll get through it. I should have asked the Father to say a prayer for us that we get through it.

LEG. NOWICK:

Yes.

P.O. LINDSAY:

I just want to congratulate all my colleagues who won re-election last night. I know it was a long night for all of us, and it was a very stressful campaign at times, and I just want to congratulate each and every one of you. I'm proud of each and every one of you. Thank you.

*(*Applause*)*

Okay. First up is public portion. First card is Anthony LaFerrera.

MR. LAFERRERA:

Good afternoon. My name is Anthony LaFerrera, Chairman of the Suffolk County FRES Commission. I'm also President of Suffolk County Fire Chiefs Council. I have here with me today representatives from the Suffolk County Fire Districts, Suffolk County volunteers and, of course, the Suffolk Chiefs Council. And, of course, we're concerned about certain monies. But I guess I do have to say, and to start off by saying thank you to everyone here for restoring the \$50,000 into the VEEB Board budget, appreciate that. And what you did with the positions for Suffolk EMS, I guess that will help save some of the training for our people throughout the County. So I do want to thank you for that.

Our first question is in reference to the FRES budget. Nine hundred thousand dollars was taken out. We'd like to know why nothing was restored into that budget, unless I missed it somewhere in this paper here. If you could answer that question, we would appreciate that. Also, capital project for 2012 was a new helicopter. We don't see that anywhere. And that's important to our community and the County. If anybody has an answer for that.

And lastly, excuse me one second. On page -- excuse me, on Page 8, DO 58, as I'm reading it, it also includes PSAPs. Everybody knows that's a pet peeve of mine, but I thought the PSAPs would be funded on total income and 20% of that would be divided by 12. Why would that be included on DO 58 in funding and not the way the legislation was passed two years ago?

P.O. LINDSAY:

We can't answer questions.

MR. LAFERRERA:

I know. Other than that, myself, I want to congratulate everybody that was reelected last night, any newly elected, and thank you for what you do for us.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. We have Karen Ross.

MS. ROSS:

Hello. My name is Karen Ross and I'm the Director of Nonresidential Services at The Retreat. For nearly 25 years, The Retreat has been a community-based not-for-profit agency that provides services and support to victims of domestic violence. Over the past few months many of you have been addressed individually by our Executive Director, Jeffrey Friedman, and/or collectively by our Chief Financial Officer, Jennifer Criticher, and have been made aware of the devastating trend Suffolk County is experiencing in terms of domestic violence. I want to thank you for taking the time to meet with us, as we've been encouraged by the messages of support that we have received from you and your staff regarding the need for our essential services.

It is important that you realize that domestic violence is a public safety issue that impacts both women and children in Suffolk County. This public safety concern is the catalyst behind the

development and maintenance of an important partnership with the Suffolk County Police Department. We work collaboratively to keep our women and children safe. Domestic violence service requests at The Retreat have increased by 56 percent in the most recent 18 months. Simultaneously, as demand for our services have been increasing at a record breaking pace, organizationally we've seen dramatic funding cuts.

As people continue to continue to struggle because of our economy, and as tensions within homes flare up, family violence continues to spike to unprecedented levels. In 2010 The Retreat received 800 more hotline calls than it did in 2009, and this first week of October, 2011, The Retreat surpassed the total number of hotline calls for the entire year of 2010. The Retreat feels and acknowledges the impact of the nation's economic downturn and the tough choices about resource allocation that are coming with it. We understand that Suffolk County has been hit hard by the economic crisis and that this budget year is the worst that we've ever seen. At The Retreat we want to thank you for working so diligently to bring in a balanced budget and for working to ensure that the critical domestic violence services are not disrupted.

In closing, I want to remind you of The Retreat's mission, to provide safety, shelter and support for victims of domestic abuse and to break the cycle of family violence. The thousands of women and children who have passed through our doors will agree, The Retreat is a place where violence ends and hope begins. Thank you.

P.O. LINDSAY:

Thank you. Peter Quinn.

MR. QUINN:

Good afternoon, members of the Legislature. My name is Peter Quinn. I'm retired, but a frequent visitor here. I came today to talk about money, but first I want to applaud the decision by 12 Legislators to disagree with Steve Levy's budget, which would have eliminated over 700 employees, whereas your proposal limits that to 88. That's a great concern for human beings and I applaud that.

But I wanted to talk about the State surcharge. The State surcharge was enacted three years ago. In the last two years, that surcharge raised \$14 billion. You won't read that in Newsday, they didn't write about it. But in the Albany Times Union, they did. And you should know that the Governor, Cuomo, has a shortfall next year of \$2.4 billion. The following year, \$2.8 billion, and the third year out, \$4.6 billion. So it doesn't look like the State is prosperous enough to provide revenue sharing with counties and towns and the like. That's why I'm urging the Presiding Officer to join with the County Executive elect to join forces, go to Albany, sit down with the Governor's people and convince him that he needs to change his mind about no new taxes.

It turns out that raising those taxes would enable the State to cover all three years of those -- and by the way, that surcharge issue was short-term, it ends December 31st, so I would urge the Presiding Officer and the County Elect Executive to go to Albany in the next two weeks, sit down and try to convince the Governor that that tax needs to be extended. For too long we've allowed Republicans to say no new taxes, when, in fact, it's a mantra for them to get reelected. What we have -- Democrats have to say is that without that tax we're providing a gift to the most affluent in New York State. As a matter of fact, it would be better if we described that tax, if it's allowed to die in December, as providing entitlements, entitlements to the rich if we don't tax them. And we've got nine Republican Senators here on Long Island who are --

P.O. LINDSAY:

Peter, you're out of the time.

MR. QUINN:

Okay.

P.O. LINDSAY:

Thank you.

MR. QUINN:

Who are using that no new tax material to get reelected. It's time we held them accountable. And I'm hopeful that the two Democrats would start using those terms entitlements or a gift to the rich if they don't pass that tax -- extend that tax. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Luis Valenzuela.

MR. VALENZUELA:

Good afternoon. My name is Luis Valenzuela. I'm the Executive Director of the Long Island Immigrant Alliance, an alliance of some 50 charitable organizations that include labor, clergy, and other social justice organizations and, of course, immigrant rights organizations.

Today we have our members of the Alliance here to remind you that Suffolk County is tired of legislation that specifically targets a community that is of critical importance, not only to Suffolk, but to the rest of Long Island and the nation. And you're going to hear today the E-Verify bills, two of them, that were previously introduced by the County Executive, I believe in June of 2006 or 2007. Those bills were bad then and they continue to be bad today. The bills are unnecessary; they're harmful. You guys have a lot to do. You have \$130 million budget deficit that you can address rather than, again, tangle with legislation that is hateful.

What we want you guys to do is to make Suffolk County a hate free zone. And we absolutely are demanding that you step up and declare that making Suffolk a hate free zone is important to you. We have a new administration and we hope that the administration distance themselves from the present administration. There again, E-Verify, the two bills that you have, kill them here, kill the bill, make Suffolk a hate free zone. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Gregory Noone.

MR. NOONE:

Good afternoon, friends. My name is Gregory Noone, Program Manager at Thursday's Child. Thank you, Presiding Officer Lindsay. I come before you today to passionately and compassionately urge all members of this Legislature to pass the Working Group's omnibus budget. I understand how difficult this process has been for you all and acknowledge the hard work, dedication and many hours the Working Group has put in to help stabilize and save our County.

I would like to take a moment to thank the three retiring members of this Legislature, Jon Cooper, Vivian Vilorio-Fisher and Jack Eddington. All too often government is pilloried by a few loud voices. Jon, Vivian and Jack deserve the thanks and praise for their many years of dedicated service to all Suffolk County residents. Please accept my thanks on behalf of the thousands of lives you three have touched and made better.

I support the omnibus budget on behalf of the working families who have dedicated their lives to public service. We are very fortunate here in Suffolk County to have services ranging from beautiful parks to an excellent health care system, and I acknowledge the amazing dedication and service of our police and corrections officers. Let us not forget the poor, who have been left out of most recent political discourse. The recent massive increases in requests for social services must be addressed. And in the wake of all the election news, there was an article in today's Newsday from remarks made by our esteemed Secretary of State, Hillary Rodham Clinton. I was astounded as I read the paper this morning as she is discussing a possible future of an AIDS-free generation to come.

On behalf of Thursday's Child, I hope you support the omnibus. I pray for your continued support for our AIDS Services Access Project on Long Island. I will be calling on you all in the future as we are actively pursuing a new grant to provide early intervention services to identify people who are living with HIV virus who don't know it. It is estimated that over 4,000 persons are living in Suffolk County alone with HIV/AIDS. According to most recent statistics, there could be up to 1,000 others who do not know their status. I'm going to call on each of you to help me make HIV testing routine and commonplace as going to the doctor for your flu shot.

Thank you on behalf of all those whom we serve. Thank you for your service. Have a good day and congratulations to all who won last night.

P.O. LINDSAY:

Thank you. Thank you, Greg. Cheryl Felice.

MS. FELICE:

Good morning. Good morning, Legislators. And again, congratulations to those who won last night. I am here as President of the 8500 active and retired members of the Suffolk County Association of Municipal Employees. I'm here not to support nor speak against the omnibus resolution, but to merely state that -- to let you know that our Executive Board is here. Members of our Board of Directors are here, as well as members in the audience who are here just to witness the process and the very tough process that you had to go through. And while we appreciate that devastation will not occur to 710 people throughout the County, it is minimized to a lesser degree, it is still the first time in 21 years that this Legislature has to deal with the awful task of establishing layoffs in their adopted budget. We are here merely just to acknowledge the process and commit to you -- and pledge to you our commitment to work together in the future, because as we said, all County workers deliver the services in Suffolk County that are so vital to our 1.5 million residents and without us the job doesn't get done.

So we're here today to pledge that we will work together with the new administration and to the County Executive elect and also this Legislative Body, and hope that the budget process will not be held -- will not be an effort of hostage negotiations, but that true negotiations at the table can occur in the future. And again, I applaud the difficult position that you are all in. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Cheryl. I'm going to go to one more card and then we have a public hearing at 1:30. They tell me there's like four people have signed up so far and then we'll go back to public portion.

So Paul Caplan.

MR. CAPLAN:

Good afternoon, all County Legislators. My name is Paul Caplan. I've been a Suffolk County homeowner and a taxpayer for 27 years. I've owned and operated a business, employing approximately ten people in that time, until I had to close in 2008 due to the economic climate. I have previously spoken to the Budget and Finance Committee about the need to address the stagnant General Fund tax. Why is it that my school taxes are increasing at a rate of 4 to 9% annually, and the County cannot see fit to maintain or increase the fund tax to try to offset the ever increasing expenses brought on by so many State mandates, such as the pension contributions? There is a dire need for this body to confront the State Comptroller's Office about the over funded balance in this account and the State law prohibiting the collection of State income taxes on the payouts. The amount of State revenue that could be used to assist local municipalities would be tremendous.

I as a taxpayer have spoken with the State Actuary, as well as my State Senator and Assemblyman regarding these matters. As a lone voice I find it difficult to change the thinking of those who benefit from these mandates. I urge you to develop a strong voice in Albany to confront these issues and make some real change in the way Suffolk County can increase our revenue stream by the elimination of State laws that are hindering our ability to support the many programs, especially the health centers, that Suffolk County residents have come to expect and deserve. Let the people of Suffolk County know that by increasing the General Fund tax, some of the important programs and the jobs can be then saved. I wish that you would not be penny wise and pound foolish. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Caplan. Nanci Dallaire.

MS. DALLAIRE:

Good afternoon.

P.O. LINDSAY:

Yeah, go ahead, Nanci. You're the last one. I know I was going to break for the public hearings, but go ahead.

MS. DALLAIRE:

I'm here to express my concerns with the budget that was balanced on the layoffs of hundreds of hardworking County employees and the sale of a vital County skilled nursing facility. What sale? That sale has not been a sale for months, but it is still being included in a balanced 2012 budget? I hope the new administration will work with the same -- will not work with the same practice of overestimating revenue, understating expenses, and including projections which have not come to pass. I'm not comfortable with this type of budgeting.

Last month I read the article of the Comptroller that released an audit that found billing errors made by the health plan administrator that net Suffolk \$1.2 million. It stated the County has begun to receive the savings on reduced fees and that revenue was included in the -- Steve Levy's \$2.7 billion

proposed budget for next year. I just question how's that possible? An error that was just discovered? Why would those benefits already be counted in a future budget.

I know I do not understand all of the financial problems this County is struggling with, but I do know Suffolk County is capable of raising revenue. If anyone doubts this fact I invite him or her to visit one of our crowded campgrounds or attend one of the many festivals that take place across this Island.

It is the practice of overestimating that revenue and projecting profits that have not yet happened that has hurt this County and has cost us vital services and these practices must end. Suffolk County should be able to continue to provide the services John J. Foley has been providing for decades, and if this County can no longer perform this duty, then there must be answers, there must be accountability. We must learn from this tragic loss and what I believe to be an necessary failure. Someone must be held responsible for the actions, and just as important, the inactions that cause the damages to this institution.

I want to know why this facility was not properly funded. I have to know how the neglect and mismanaged operations became so out of control that it cannot be fixed. I need to know why it is not possible to save our valuable resources. The State makes their cuts, causing the County to make more cuts, forcing towns to raise taxes, or while the people pay and the taxpayers suffer.

I hope the new administration will handle John J. Foley with the respect that it deserves and will honor the obligations that our government does have with providing for and protecting all citizens. And I just found something that I came across when I first began speaking before this Legislature four years ago, but I believe it's still relevant today.

P.O. LINDSAY:

Okay. We're going to break now for the Public Hearing. And we have before us first ***1477, A Local Law to require companies doing business with the County to certify utilization of the Social Security number verification services in the E-Verify program.*** And first speaker is Elaine Kahl, and you have five minutes.

MS. KAHL:

Good afternoon, everyone. Congratulations to the winners. I am here today to speak for my cause, for my people, for the citizens of Suffolk County. I am very, very upset to hear previous testimony in terms of stop the hate in Suffolk County. I wish that all these people would realize that everyone has been treated fairly, justly and greatly by the taxpayers of Suffolk County, both in our school system and in our hospitals. We have been mostly and definitely generous in our giving and gift giving. To brand a name to Suffolk County and to all of you people I think is totally unfair. I think we have to look at our County and realize that we are in a deficit mode.

Now, I'd honestly like to submit to you, when there's no more money, how many can we seat at the table. We would like to seat all of them at the table. I honor this bill that you're putting forth, 1477, so that you would give a job to the rightful people in Suffolk County, that they will be treated to jobs. We have high unemployment here. But if we're not going to have the rule of law in Suffolk County, what are we going to have? Special interest groups coming forward for their particular people, which is understood. I am here to represent the people of the East End, not all of them, but many of them. You must know that 60% of these people feel that E-Verify, they were overjoyed to hear that you were reconsidering this program. It is fair, it is equal. It levels the playing field. Right now we need to know who should receive that pay and who should not. We have never been permitted to ask anyone in Suffolk County who is legal or illegal. I call that being censured and not following the rule of law. We cannot have an anarchy type department. We must apply the rule of law to everyone, not just some.

I submit to you we did submit secure communities, which was suspended by Governor Cuomo for whatever reasons, but we were never notified. I have been, in the last six years, trying to plead with everyone up and down the scale that there will come a time where there's going to be consequences. You cannot ask for more when there's no more, and who are we going to share it with? I humbly submit that you make the right decision for the people in Suffolk County and stop calling them names because you lose the argument with me. Thank you very much.

P.O. LINDSAY:

Next up is Charles Styler on 1477. Charles, you're also signed up for 1478. If you want to combine your remarks, fine, or I'll call on you again under 78.

MR. STYLER:

Well, I think my remarks would remain the same for both. But first of all, I'd like to thank you all for recognizing that there is a higher order of things far beyond our elected officials, and holding in under God. So I applaud all of you for that. That's just a personal comment.

But, I would also like to thank you for the opportunity to speak about the proposed legislation, particularly IR 1477. I think you have to look at who you actually represent. Are you representing the legal citizens of this country and people that are here legally in the country? Are you representing people that are not so? I think you have an obligation to look at that primarily.

We have a lack of jobs in this country right now. I think part of your obligation is to make sure that those jobs are filled by people that legally are citizens and legally here in this country. I don't want to belabor the whole point. I think you get the gist of what I'm saying. I'm in favor of your support of I.R. 1477, and I would applaud you if you would go ahead and put that into place. Thank you.

P.O. LINDSAY:

Okay. That's all the cards I have on 1477. Is there anyone in the audience that would like to speak on 1477? Seeing none, I'll -- motion to close by Legislator Montano.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? Opposed? Abstentions? The public --

MS. ORTIZ:

Fifteen. (Abstentions: Legislators Muratore, Kennedy and Gregory)

P.O. LINDSAY:

Okay, the Public Hearing stands closed. Next up is ***I.R. 1478, A Local Law to require occupational licenses to utilize the Social Security number verification service and E-Verify program.*** And I have John Piazza.

MR. PIAZZA:

Thank you for asking me to speak, allowing me to speak, and congratulations, again, to all those winners. I don't want to make this a political issue, because I don't believe it is a political issue. We've heard Mr. Valenzuela talk about it. It's not so. The fact of the matter is everybody's running around saying we're running out of money. It's true. The point is that we have not only here in Suffolk County, and I come from the East End, but an underground economy which is swelling. The underground economy doesn't pay taxes and it doesn't matter if you're a legal immigrant or an

illegal immigrant or just a regular citizen of the United States. It doesn't take any commonsense to figure out if you're going to pay me cash and I don't have to pay taxes, I'm not going to do it. The point is, your County budget is in the hole and all E-Verify will do is -- you won't get rid of the underground economy, but you will punch a hole in it, and perhaps you'll punch a big enough hole in it.

At one time I was privileged to attend a Suffolk County Health Department course in food management, and I was told then that Suffolk County is the leading agency for health improvement in the United States. Usually California kind of jumps out ahead. Suffolk County sets the rules for the rest of the country. You have an opportunity here for Suffolk County to set the rule for New York State, and perhaps the rest of the country, by demanding E-Verify. All you're asking people to do is prove that they are eligible to work and willing to pay taxes to support the government that they want. Thank you.

P.O. LINDSAY:

Thank you, Mr. Piazza. I have Charles Styler again, but you're okay with your initial comments on 77?

MR. STYLER:

(Nodded Yes).

P.O. LINDSAY:

Okay. I don't have any other cards on this subject. Is there anyone in the audience that would like to speak on 1478? Seeing none, I'll entertain a motion. Do I have a motion? Come on, come on.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga to close, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fourteen. (Abstentions: Legislators Muratore, Montano, Kennedy and Gregory).

P.O. LINDSAY:

Okay. 1478 stands closed. And we go back to the public portion.
Tom Malanga.

MR. MALANGA:

Can you hear me okay?

P.O. LINDSAY:

Yep.

MR. MALANGA:

Thank you. My name is Tom Malanga. I work in the Suffolk County Parks Department where I've worked since 2004. My title is Inter-Governmental Relations Coordinator and I'm also the Executive Director of the Suffolk County Parks Foundation, which is a not-for-profit that was put together under the auspices of then Commissioner Ron Foley, under the guidance of the County Executive, Steve Levy, Deputy Commissioner Tracey Bellone, and we worked very hard with the County Attorney's Office for a number of years to establish the Parks Foundation, which I hope that most, if not all of you, are familiar with. If you're not I encourage you to go to Suffolkparksfoundation.org

and see some of the work that we've been able to do in the approximate year-and-a-half since we've had our license agreement with the Suffolk County Parks Department.

I wanted to give a face to the 88 employees who under Budget Amendment Resolution No. 2 are being subjected to possible layoff. Ironically enough, it was this morning Greg Noone, who spoke about Thursday's Child earlier, had reached out to me after the County Executive's budget was drafted and asked for assistance, my assistance in getting Thursday's Child funding restored. So I was checking the budget this morning to see how that worked out and I found out that my job was being eliminated. So, it was sort of an ironic twist. But congratulations, Greg, I'm glad for Thursday's Child.

I want to explain a little bit more of what I actually do in the Parks Department. I write the resolutions that you've approved or disapproved over the years. There's a CN on Indian Island that's before you today that I drafted. I work with the Long Island Maritime Museum. I'm the liaison between the Parks Department and the Maritime Museum. It's sort of an unofficial duty, there's really no job description, but I take pride in the fact that the Maritime Museum has made great strides in the seven and a half years in which I've worked with them. I think that they're positioned for great things under the new leadership of Steve Jones. I was looking forward to working with him for the next several years on future endeavors, including the Ockers Transportation Center, because it's really with Steve there as the Director of the museum great things are about to happen at the museum. And I'm sure regardless of whether or not I'm there, they will, but I do think that my work there and my institutional knowledge will be missed to some extent. I work on grants. I've drafted over a million dollars of grants in the seven years for the department.

If I could just conclude. One of the other things I work on is I work with Risk Management in the Contracts Unit to ensure that our parks are being run safely, and that full insurance coverage whenever special events are being held, are in place. So to the extent that you don't know that, I take pride in that, because the less that you know about the smooth flow of operations in the Parks Department, that ultimately is what you should know, is that things -- regardless of whether it was Ron Foley, John Pavacik, Joe Montuori or Tracey Bellone at the helm of the department, I think we've had a great seven and a half years and I take pride in that.

My message to my union leadership is that before I knew that my title was on the chopping block, myself and other members of our department had talked about the possibility of the 770 layoffs and we certainly felt that a lag payroll was, in this economic climate, a reasonable thing. It has been done before. I would hope that our union, I'm a member of AME, would seriously consider that and to try to save these 88 jobs. Thank you very much.

P.O. LINDSAY:

Thank you. Mike Sharkey.

CHIEF SHARKEY:

Good afternoon. Mike Sharkey, Chief of Staff, Sheriff's Office. I just had a few comments in reference to the budget. First, I'd like to mention that the omnibus bill eliminates 34 positions from the Sheriff's Office, seven of which are sworn, 13 of which are currently filled. I point out that that's nearly twice as many positions that were eliminated in the County Executive's recommended Operating Budget.

Positions that I would specifically like to mention reference the funding was all of our Neighborhood Aides were eliminated from the budget. Those Neighborhood Aides in our office are used as bail expeditors, and in reality that elimination is penny wise and dollar foolish, as they assist in removing people from our jail population. And as you know, nowadays each additional body represents more

cost to the County.

Third, I'd like to mention the revenue that was included in the budget for commissary funds reimbursed from the County, I would like to point out that that is a revenue that was pointed out to the County by the Sheriff's Office, and although we intend to revisit this prospectively, we will need to investigate whether or not this is something that can be done retroactively according to the law.

The last item I would like to mention is that we are in favor of Legislator Romaine's stand alone, which replaces some of the funding for abolished positions for Deputy Sheriff titles. Thank you.

P.O. LINDSAY:

Okay. I don't have any more cards. Is there anyone else that would like to speak under the public portion? Seeing none, I'll make a motion to close the public portion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Yeah. Before we go into the budget amendments, I'm going to take the liberty of the Chair in just clearing the record on a couple of things. The Sheriff's Department just talked about 34 positions. They're not filled positions. We eliminated over 600 vacant positions in the budget in an attempt to balance this horrible budget. There is no sworn Sheriffs being laid off, so just to clarify that.

As far as J.J. Foley home is concerned, J.J. Foley was scheduled to be closed November 15th under the County Executive's budget. We funded it until July one to give the new County Executive an opportunity to figure out what -- how we're going to do this, what his priority is. At the time we did this we didn't know whether it was going to be a he or a she, but we wanted to give the new executive to establish a policy decision on J.J. Foley. And after J.J. -- after July one it's funded, I believe, 180 positions for the last six months, and it envisions that the public/private partnership would work. And we would shrink the number of beds and use some of those assets. It's a compromise position. And again it really lies --

And as far as my friends from the FRES Board that was here earlier, they asked a bunch of questions about PSAPs. Legislation was restored, the money for the local PSAPs that the County Executive had diverted in violation of County Law was put back in the local PSAPs. The overall question of why are we doing this, we have no money. I keep saying that. We have no money. And they were restored, the VEEBs Board, \$40,000, not \$50,000. They were originally cut 130. We thought the cuts were judicious. We restored some of the FRES positions that were scheduled for layoffs. We understand the need to train our volunteers. We're doing the very best we can with very, very short resources.

The one thing, and I'll ask the Budget Review Director, Ms. Vizzini, what I didn't understand, and I couldn't question, but Ms. Vizzini, they talked about the helicopter, a concern about the helicopter. The helicopter is in the Capital Budget. Can you maybe decipher what they're talking about?

MS. VIZZINI:

We also think that the reference was to the Capital Program, which is not before us today. This is the Operating Budget.

P.O. LINDSAY:

But do we have the purchase of a new helicopter in the '12 Capital Budget?

MS. VIZZINI:

We'll check.

P.O. LINDSAY:

All right. Thank you very much. Okay. With that, I am going to go -- yeah, we're going to go and we're going to start the budget and the first one is Budget Amendment No. 1, which consists of many, many pages. I'm going to turn it over to Ms. Vizzini to explain the many components of Budget Amendment No. 1.

And before she even starts, I just want to thank the Working Group, thank the Budget Review Office for what was, I think, an impossible task, to put together some kind of viable budget to move into '12. It is certainly not a perfect document, but, you know, somehow with a lot of pain we've moved the ball into 2012, and with that, I'll turn it over to Ms. Vizzini.

MS. VIZZINI:

Thank you, Mr. Presiding Officer. And I, too, first of all, congratulations to all of you on your re-election, and I welcome the opportunity to be working with you and the new County Executive in terms of implementing this transition plan. What you have before you, and before we go further, also thank you so much to the Working Group. We certainly put in a lot of hours and you made a lot of difficult but fiscally responsible decisions, and I applaud you all for that.

What we -- what you have before you, first off, is the index, which is an executive summary, it looks like this, of the mandated omnibus and the discretionary omnibus. By our own laws all budget amending resolutions are divided into the mandated and the discretionary. The mandated omnibus is the first one before you. When the mandated and discretionary are taken together they basically provide cuts and expenditures, consolidate functions, raise recurring revenue, access reserves, and authorize securitization of certain assets in order to transition County government into 2012 and through 2012.

In terms of positions, and I'll be specific to the mandated in just a minute, I just wanted to go over how the layoffs, the proposed -- the County Executive, as you know, recommended 710 layoffs, including the 221 from the Skilled Nursing Facility. The nursing home is a separate policy issue and will come before you as a stand alone resolution.

What the omnibus does is certain select essential positions are restored for 12 months. They are limited to certain functions in the Medical Examiner's Office and other functions that are in separate stand alone resolutions. The brunt of the proposed layoffs, there's 464 positions, the omnibus directs the County Executive's Budget Office to create interim positions. The omnibus includes funding for six months of salary and six months of benefits, which is equal to about 8.6 million in salaries and another close to four million in benefits to transition these services into a mid-point in 2012. It gives us six months for the new County Executive to establish priorities, and by budget amending resolution, the 2012 budget could be changed to replace the priorities of the new County Executive, to replace any of these -- any of these actions with priorities of the new County Executive and the Legislature.

Specific to the mandated omnibus before you, we have to break out certain mandated expenditures.

These are detailed for you on page one through -- one and two of your index and pertain actually primarily to public safety, where specific line items in the Probation Department and the Sheriff's Office were grossly understated. These include the out housing of the prison population due to the population and also the recent revocation of variances. Overtime in the Sheriff's Office is by necessity augmented. You are all well aware, and I don't know how much the public realizes, but the budget you were given, there are many line items where expenditures were severely understated and revenues were severely overstated, so the mandated goes about based on the recommendations of the Budget Review Office and the consensus of the Working Group to remedy these particular mandated expenditures. Certain grant items that were not included are in there. One of the major policy issues is that Social Services expenditures in 2011 were estimated to be overstated. We were able to reduce those in line with more appropriate dollars, giving some savings there.

What this also does is accesses our reserves. The County Executive's budget had proposed in 2011 to take \$12 million out of the Tax Stabilization Reserve Fund. Based on the reductions and efficiencies that the Working Group agreed to, we actually don't have to take as much. When all is said and done, we are transferring \$10.6 million from the Tax Stabilization Reserve Fund to the retirement reserve in order to mitigate some of the growing expense in retirement.

The mandated portion addresses the need for additional appropriations for legal -- 18-B attorneys, defense for the indigent, which is a mandated expenditure. It also authorizes a reduction in debt service, which is a mandated expenditure, based on anticipated proceeds from the securitization of the tobacco revenue. The mandated portion also expects a savings related to the refunding of our existing debt. You have a separate resolution before you, I.R. 1907, which authorizes the refunding of existing debt which will allow us to reduce our debt service by \$3 million. Those are the highlights of the mandated portion of the budget amending resolution.

P.O. LINDSAY:

Ms. Vizzini, would you suffer just a clarification point? I don't intend to entertain broad questions about it, but please, Legislator Vilorio-Fisher, just clarify your point quickly.

D.P.O. VILORIO-FISHER:

Yes. Just a very quick question, Gail. When you mentioned the interims and the six months -- the cost of the six months. I thought you said 3.6 in salaries and four million in benefits? That sounded wrong to me, so I wanted to make sure I had -- I heard that clearly.

MR. PERNICE:

It's approximately 8.9 million in salaries and about three million in benefits.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIO-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Continue. Are you done with the --

MS. VIZZINI:

Those are the highlights of the mandated, yes.

P.O. LINDSAY:

What I'd like you to do, Ms. Vizzini, is go through the discretionary portion of the budget and then I'm going to open the floor to questions from the Legislators, and just that mandatory and discretionary blend together and it's really one document, although we have to show it in two different documents. Thank you.

MS. VIZZINI:

Sure. And absolutely, you must take them together, otherwise you will not have a balanced plan for the transition. For the purposes of confining my remarks to the discretionary, I'm going to go by the index. I'm not going to read it to you, but just give you the highlights. The line items are highlighted for you on pages three through nine of the index. The discretionary, when it comes before you, consolidates the Departments of Economic Development and Environment and Energy under the broad umbrella of the Planning Department. As a result, there are a few nonessential positions that have been eliminated for savings of \$792,000.

We authorized the Director of Aging to discontinue the EPIC Program. The State is completely changing the eligibility. It is far more narrow, and it is only for -- a small number of people would even be eligible and the County only pays 25% of the offset for the Medicaid donut hole. In light of the current fiscal climate, we are directing that that program be discontinued.

The contracted health clinics were seriously underfunded in the recommended budget. We are adding \$4.4 million for continued operation of health services. The exception to that is the recommended proposal for the North Brookhaven Health Center in Coram. We have not changed the funding for that, and that is because we believe that there is a separate and distinct plan for that location.

The recurring revenue necessary to augment County services comes from several sources. One of them is a -- the recurring sources are -- involve an increase in property taxes commensurate with the 2% New York State property tax cap. We get the maximum benefit by applying that in the Police District. It gives us recurring revenue of \$12.3 million. That is used to offset the growing expenses in the Police District, which were recommended to be augmented by yet another \$9 million in sales tax transfer. This allows us to pay for a police class, a class of 80 in October. It allows us to pay for the PSAPs, which we have an \$282,000 increase in PSAPs, which is commensurate with Legislator Horsley's bill, rather than another version, which never passed. We use this to allow some of the sales tax revenue to remain in the General Fund and fund some of the other expenditures I'm about to detail for you.

There is some -- the discretionary includes revenue from the proposed sale of surplus property in Selden. It increases certain line items in the Medical Examiner's Office, allowing the -- I'm sorry. It increases revenue in certain areas, including the Medical Examiner, where we are going to increase fees for urine testing, drug testing, blood testing. It was necessary to authorize certain increases in such things as bus fares, park fees, real property tax verification, and other revenue items, the fees which have not been increased in years, in order to provide recurring revenue in these areas. Included in this is Probation fees. Presentencing investigation fees will go from 200 to 375. These are all areas where the Work Group agreed that a new fee structure should be considered, rather than have these layoffs take effect.

The Human Services Division the function is consolidated. This pertains -- this is an office of the County Executive's Office. The office will remain, but there are some consolidations of fiscal and administrative functions, which gives us the savings of \$534,000. We already discussed the significant salaries that have been included in the contingency fund for the six months of interim positions. We also found in our analysis of the recommended budget that the regular salary lines were short by an estimated \$14 million, meaning that those employees who were left behind, whose positions were not abolished, there was insufficient appropriations. We were able to augment those

salary lines in the total amount of \$14 million.

You already mentioned the 40,000 for VEEB. You passed legislation regarding the Ethics Commission. We provided for the \$24,000 in stipends that was not included. The Planning Commission will now be charging, although it's a modest revenue item, we will be charging for access to certain documents that the Planning Commission provides. Hotel/motel monies have been -- there were lump sums in the recommended budget. The Legislature has line itemed and designated historical agencies and cultural agencies to benefit from those monies, as well as leaving specific expenditures for the Citizens Advisory Board to further make allocation, which would come before you in a separate resolution.

The Public Health Nursing Bureau is -- revenue is increased from that function in order to mitigate the proposed layoffs there. That has to do with focusing on Medicaid eligible clients and basically working smarter in addition to working harder.

Certain Medical Examiner -- essential Medical Examiner positions are restored. There's nine positions. They're primarily the Pathologist and the Toxicologist. They are treated differently than the interims. They are restored for the full 12 months on a permanent basis.

Legal Aid, there's provision for an additional \$300,000. The Working Group reviewed over \$78 million in contract agency appropriations, and in addition to the County Executive's proposed reduction, those, after establishing very precise priorities, those expenditures were reduced another \$445,000.

The discretionary omnibus reverses the County Executive's recommendation to privatize the marinas, and in order to mitigate the overstated revenue from marina fees related to privatization, the omnibus includes an increase in marina fees. It's mostly for flat fees for electrical usage and the specifics will have to be determined by the Parks Commissioner and the Legislature, but we were able to mitigate the overstated revenue associated with privatization.

Overtime salaries for the Board of Elections were grossly overstated. We added \$750,000 -- understated. The same thing with Public Works. They were understated; we augmented that. Our health insurance expenditures were understated; we added \$1.8 million to that. Probation's overtime was understated; we addressed that.

In the discretionary we consolidated, as was brought up earlier, the Emergency Medical Services and EMT training from three departments to two departments. The consolidation is anticipated to promote and streamline the training, as well as to maximize revenue to make up for the shortfall in lost State Aid that EMS is suffering from.

We have the, as Chief of Staff Sharkey mentioned, the Commissary Fund, the Sheriff's Commissary Fund has an off budget balance of a million -- of over a million dollars. It was brought to our attention, not only by the Sheriff, but also in 2003. In 2002-2003 Audit and Control did an audit basically verifying that the Commissary Fund by State Law is supposed to be self-supporting, meaning that those employees in the General Fund who administer it, it should be reimbursing the General Fund for the administrative costs, salaries, etcetera. So the omnibus recaptures going back five years monies that the Commissary Fund should have paid the General Fund.

We also further recommend that the Sheriff provide Audit and Control and the Budget Offices with ongoing detail in terms of the cost of this administration, so that these and future numbers can be reconciled and we can make the appropriate interfund transfers. Those are basically the highlights that's in the discretionary portion.

P.O. LINDSAY:

Okay. I'm going to open up the floor to questions about the budget. And I'll start with Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Presiding Officer. Certainly I have had issues with reference to the budget that was presented to us by the County Executive, especially in terms of his proposal to lay off in excess of 700 individuals, and tying at least 464 of those layoffs into some sort of an agreement or pressure on unions to participate in their health care contributions. I felt that that approach was inappropriate. I understood it, but it was also, I felt, dead on arrival.

Being an equal opportunity critic, I am not happy with this particular budget as well. And it comes back to a fundamental issue on an individual basis. During the campaign, I can only speak for myself, but there were many times where I got up before a group and indicated that in the years that I've been in the Legislature we have not increased the General Fund. And I gave commitments to people that I would not go back and increase taxes. And I was very emphatic in terms of not embracing any layoffs. And those positions were taken by me because I didn't feel we had to increase taxes or initiate layoffs. Now, what would you like me to do? One day after the election come back and vote to increase taxes and implement layoffs?

We have other methodologies we should have used to offset any potential for layoffs or increase in taxes. We have a Reserve Fund. That's what a Reserve Fund is for. If you take out Irene where there should be some Federal reimbursement we still have \$48 million. It is my understanding we are using 22 million. An additional seven to eight million dollars we eliminate the 88 layoffs. An additional ten or 11 million we eliminate the increase in the Police District tax. What is one to say? Well, we're still not increasing the General Fund tax. We're increasing this tax over here in the Police District. It all comes out of the same wallet.

I've got people in my district who are losing their homes. I met them the other day as I voted. They do not want to see any further increases in taxes because it is not just 27 or 30 or 40 dollars in one line item. It is 16 line items on a budget on a property tax bill that often, when you take a look at the bottom line, it goes up eight, nine or a thousand dollars.

There'll be a case made, Mr. Horsley, there'll be a case made that overall we had to do this, but when you have a Reserve Fund, when you have tobacco stabilization, where you have even a potential bond issue -- take a look at Nassau County. What did they do a couple of weeks ago to close their budget? They put out a bond issue, \$450 million. I would even be willing to embrace a \$9 million bond issue to save those jobs. What do we do session after session here? And I always remember Mr. Montano's remarks, how much did we bond today? Another 25 million, another 30 million? Last seven or eight years we've bonded over \$450 million to buy parks and land development rights and everything else. We can't appropriate a bond issue if that's the only recourse, and it isn't, to save 88 jobs? It can go from 462 to 88, you can go to zero.

In the years to come if you support this and somebody asks you, "Hey, did you ever lay off anybody during your tenure?", you want to be able to say "No. No. We used the Reserve Fund. We used tobacco stabilization." The Stabilization Fund is being used indirectly to keep the Foley Nursing Home afloat to the tune of \$14,800,000. Some of that money should be used to prevent a tax increase and prevent those layoffs.

The County Executive gave you a 12 month budget. Hey, all of a sudden it's a six month budget. I've never seen anything like this. He gave you a 12 month budget, deal with a 12 month budget. This scenario, well, the County Executive in six months, he'll be able to establish priorities and we -- no. He gave you a 12 month budget, the current County Executive, you deal with a 12 month

budget, period.

I'll go back to layoffs and I'll use the example of Andrew Cuomo. For those, and there are a number of union people out here, there was an agreement with CSEA at the State level. They weren't happy with it, they wanted to save jobs, they went along with it. Then PEF came along and they voted, a very similar package, they said no. Andrew Cuomo did not walk away from that issue because no elected official wants to really layoff people if there's an alternative. They sat down, they tweaked it. They went back for a second vote; it passed. We should never as a Legislature put ourselves in the position of laying off people, not when we have alternatives.

Now again, we have that Reserve Fund. It is there. Use it. Go all in. Make the decision and later make it right. Tobacco securitization, the Foley Nursing Home is a huge deficit drain on this County. We should have taken care of it in the spring of 2010 when we had the opportunity, we had Rosenberg who was ready to buy it, and we didn't. I have tremendous empathy for those people, but at that moment they had the best deal in the world and it just didn't happen. But yet now we're still trying to keep this thing alive. If all else fails do the bond issue. What's a \$9 million bond issue?

I asked the other day, I said, you know, why aren't we using more of the Reserve Fund. The answer was your colleagues really don't want to do that. Well, what the hell is it there for? What is it there for? We use it, we don't have to increase taxes. We use it, we don't have to layoff anyone. Bottom line, as you vote on this, you'll be raising taxes and laying off people totally and completely unnecessary. Don't do it. Don't do it, you don't have to do it. Eight, ten years from now you don't want to have to answer -- I swear to God, ten years from now if somebody says to certain people here did you ever layoff somebody you'll have to sit back if you vote for this and give a big, huge scenario as to why you justified the layoff. You're better off saying no, I didn't. I had to layoff no one, period. Because if you do that, it is failed leadership and we'd all have to take responsibility for that. Don't put yourself in that position. Thank you, Mr. Presiding Officer.

*(*Applause*)*

P.O. LINDSAY:

Before I recognize anybody else, I'm on the list as well, Robert, Gail mentioned before about we reduced the County Executive's contract agencies by \$450,000. How much of a reduction from last year to this year in contract agencies?

MR. LIPP:

Fifteen point six million.

P.O. LINDSAY:

Fifteen point six million. I think that's an important number. I would be remiss if I don't follow Legislator Barraga's remarks with some comments of my own. Nobody wants to layoff anybody, nobody. If we didn't go down this road and try to balance this budget with some one shots, some new revenue, and some reduction in expenses, next year we would be facing laying off three times as many people with nothing to fall back on. Nothing. I don't know about anybody else, but I do not see this economy getting any better. If anything, I think it's getting worse.

And I disagree with Legislator Barraga in that I think this document is a document of leadership, of making hard, hard choices. And I'll remind people, some of those choices we didn't exclude our branch of government. In this document is a lag payroll for elected officials, is a lag payroll for exempt employees, hoping to set the example for the unionized employees, as well as layoffs here,

layoffs in the Executive Branch, so nobody was exempt, nobody. This was not a budget where we picked on the grunt in the field. We started from the top and worked down and nobody is exempt from anything. And I think it was painful, it was horrible, but I think the budget we put together was fair. Legislator Eddington.

LEG. EDDINGTON:

Thank you. Well, I've heard a lot of different words from Budget Review, mandatory, discretionary, grossly overstated revenues, under -- grossly underestimated expenditures, and I tried to look at things and speak plainly. I'd like to know, in your estimation, was this a balanced budget when it was presented to the Legislature?

MR. LIPP:

No, it was not. We said that in our report.

LEG. EDDINGTON:

Okay. So that when we see the County Executive going on T.V. saying he presented a balanced budget to us, that's a lie. As plain and simple or you can use a fancy word and say he underestimated or overestimated or didn't consider, but it wasn't a truthful statement, and that's why we're here today, because of that -- not being told the truth. And this is one of the biggest things I've seen in this organization called politics or government, is that we don't tell the people the truth. It's like a parent that never wants to tell their kids the reality, they want to protect them, but they're protecting them from what? We're not telling people the truth.

And I hear Legislator Barraga, basically I think he's saying that, that, you know, we need to have like full disclosure. But, you know what? Let's look at this. Did the budget vote just start this year the day after election? When did that start? It's been here for six years that I've been here. Does anybody know when it started? Has it been here as long as you've been here, Gail?

MS. VIZZINI:

Well, you know, for the past several years we have been doing nothing but Operating Budgets. We have been experiencing significant shortfalls, and the Legislature has been apprised for anyone attending the committee meetings, certainly the Budget and Finance Committee meeting, or the debriefings that all Legislators were invited to know, even before the budget came out, certain Legislators were briefed by the Budget Review Office in terms of what is likely to be in the recommended budget.

LEG. EDDINGTON:

I guess what I'm saying is the vote that came -- comes the day after election, this isn't a new process.

MS. VIZZINI:

Oh, no. The process is the recommended budget comes out, the Legislature has two public hearings; one in Riverhead and one in Hauppauge, which were attended. The Legislature dedicates committee meetings specific to the Operating Budget, your Budget Review Office does a 400 and something page report, which is a public document, and we defend those recommendations, those public recommendations at these committee meetings or any other place. The caucuses were briefed in terms of the budget, as well as the respective amendments that were under consideration. That's the process as I know it.

LEG. EDDINGTON:

No, but I mean that we're taking the vote today is not new, we did it last year and the year before and the year before.

MS. VIZZINI:

Well --

LEG. EDDINGTON:

Because, I mean, if you watched Channel 12 News yesterday it sounded like this is a new process, according to Steve Levy, that it's like a way of putting in taxes after the vote, and I want to make sure everybody knows we've been doing this for as long as I can remember. We vote on it the day after election. So this isn't something new. So again, another untruth that we're told.

MS. VIZZINI:

We have --

LEG. EDDINGTON:

And if we're going to be honest, then look, if prices are going up, and costs going up, how do you deal with that in your own economy at home? If you don't -- if you don't raise taxes or you don't get a second job, which we're seeing people on Long Island doing, you've got to cut services or reduce staff. I mean, look, I studied economics in school. If you know another way, well, then please step forward and tell us, but nobody wants to tell the truth. There aren't 16 choices; there are two or three. And what I really enjoy is when I hear a conservative perspective and, I mean, from any -- my father, where, you know, if you're going to bond things, you're using a credit card. I'm using your grandchildren's credit card. And I want you to tell me if I'm not right, Gail, you guys at Budget Review tell me, but we're putting all of this bill on our grandchildren when we bond, but usually the conservative perspective is pay-as-you-go, don't put it on anybody in the future. So I'm having like one of these moments like what the heck, we can't have it both ways.

And maybe what we should really try to do is just do what you guys do in Budget Review, tell it straight. It's just -- it just seems -- when it goes from you into us, we all want to spin it, and I don't mean just the 18 of us here, I mean all the elected -- we don't want to say we've got to raise taxes. I know I've talked to people in my district and they said to feel safer, remember I had the Haven's Drug situation and across the street a bank that was robbed three times and Haven had been hit three times. When I asked them would you pay \$21 more for 100 more police officers they say yes. Oh, do I sound like Barraga? I'm sorry.

*(*Laughter*)*

They say yes. So let's say yes. We did it last year and everybody got reelected because you did the right thing. And we're saying it's the right thing now. It's no secret, like the County Executive said on T.V., this isn't a secret. We did it last year and he took credit for the cops. I'm tired of trying to get it both ways. Tell the people the truth and I think we'll all get reelected and they'll thank God somebody's being the parent or the adult. Thank you.

P.O. LINDSAY:

Just one correction, Legislator Eddington. We didn't raise the police tax last year, that was two years ago.

LEG. EDDINGTON:

Time flies when you're having fun.

P.O. LINDSAY:

We're just getting the remainder of that, those Police Officers should start in December.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

It was two years ago. Thank you. Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer. First of all, I want to make something absolutely crystal clear. I do not support the County Executive's budget. Mr. Levy and I have agreed on some things, and there are aspects of this budget that I do agree with, but this budget hurts public safety, it irresponsibly and unnecessarily lays off hundreds of employees in an across the board fashion. This methodology of cost reduction, in my opinion, has rendered our County less than effective in many areas despite the tireless and relentless efforts on the part of our employees to constantly do more with less.

This budget walks away from many of our responsibilities which the taxpayers expect us to live up to. Our Medical Examiner's Office, equipped to help tackle the continuing drug problem, for example; our commitment to Fire, Rescue and Emergency Services; to public health; the ability to prosecute crimes; our ability to do some of the things that actually help us generate revenue, like providing the best quality golf courses; properly staffing Consumer Affairs.

On the other hand, we have an omnibus budget amendment which corrects some of those things. It adds cops, which I totally support. It restores Fire, Rescue and Emergency Services, which I totally support. It restores the Medical Examiner's Office, restores Probation Officers, temporarily restores most of the positions. And it increases some fees, which I could also agree with. But it also further cuts funding to contract agencies that help so many of our most needy. It lays off 88 employees, 88 human beings, people with families, people who spend money in our communities. It funds hundreds of jobs for just six months.

Then there's the process, the process by which Legislators, equal members of this body, are left sitting out in a hallway to avoid the Open Meetings Law, a process which after countless hours of private talks we get the details, the public gets the details most importantly, at 11 p.m. the night before the vote, notwithstanding, notwithstanding, make this clear, the tireless efforts of our Budget Review Office. They work tirelessly and should be commended for all of their efforts.

Then there's the tax increase, maxing out our available tax increase so that we do not pierce the State mandated cap. Both County Executive candidates, throughout the campaign, campaigned on a platform of being able to fix these problems that face the County. County Executive elect campaigned on a platform of lowering taxes, making County government more efficient. I told, as Legislator Barraga did, countless people during the election, during the campaign, including our residents, including our unions, that I could not support a tax increase this year in these economic times. I'm, therefore, left with an incredibly difficult decision. Our County Executive can amend the Operating Budget at any time. He says he knows how to do more with less. I think we all should have the opportunity to work with the new County Executive and try and fix these problems together.

We're proposing a tax increase which I am vehemently against at this time while we have tens of millions of dollars still in our Reserve Fund, which could easily replace the tax increase and, again, give the new County Executive and the Legislature and our employees the opportunity to work together to reinvent our government. I am deeply committed to that task. In fact, I look forward to it. Until then, no matter how hard I've tried, I cannot convince myself to support a budget which is constructed in a way that I am philosophically opposed to and I cannot support a tax increase when at this moment in time it is completely unnecessary when we have a Tax Stabilization Reserve Fund, which purpose is to stabilize taxes.

Therefore, despite the fact that there is so much in the County Exec's budget to dislike, and despite the fact that there are some things in the amendment which I approve of, I'll be voting no today and

I encourage my colleagues to do the same. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. We live in strange times. We have a national rhetoric that calls for smaller government. That's the drumbeat that we hear throughout this country lately. What does smaller government mean? Who works in the government? It's people. If you're going to call for smaller government, then you're going to call for fewer people. However, we've begun to see that the emperor has no clothes when you look at that particular drumbeat of no more taxes, no more raising taxes and smaller government, because we have to look at ourselves and say as Americans what are our values.

And when we speak to our neighbors and with our neighbors as we go door to door, and although I wasn't running this year, I was walking on behalf of other people who were out there running, and I would never have made a promise myself or on behalf of someone else that we would never raise taxes, because once again I'd go back to values. And the people with whom I was speaking are my neighbors, and I'm speaking with them as equal neighbors, not as a politician speaking to a potential voter. And as neighbors, I trust that the people with whom I am speaking have read the papers and understood some of the ramifications that were in this County Executive's budget.

When I sat here as a member of the Health and Human Services Committee, that evening was the first night that I could not sleep because of what I heard in this auditorium. When our Health Department told us that they wouldn't have enough people available to provide access to health for the people of Suffolk County. When there weren't going to be enough Medical Examiners, so if someone were hit by a car on the street and needed to have somebody from the Medical Examiner come to do the forensic work, that body would have to lie on the street for long hours. When I heard our Health Department talking about not being able to test our beach waters. That means our beaches would have to be closed, because you can't have open beaches without doing tests for coliform levels. I heard our Department of Social Services say that we had just shifted money into programs, but there would not be staff that could implement those programs.

And I thought how could I, in my good conscience, know that we as a government were going to let down every single person who lives in this County because I wouldn't have the courage to vote and ask my neighbors to contribute \$27 a year? Come on, people. Let's think as neighbors. No one is going to lose his or her house because of \$27 a year. Three years ago when I saw that child care was in trouble, I asked to have an increase in the General Fund property tax. I called my campaign a cup of Joe for java -- a Cup of Joe For Jobs, because it was going to save jobs. That meant that for the cost of a latte per family, per year, we could save jobs.

If we were to make the decision to talk to our neighbors, don't think of them as voters, think of them as people with equal intelligence to yours to whom you can say we have shared values. Today we heard a priest talking about looking at higher values when we make decisions. Well, let's remember I am my brother's keeper. Let's remember that the reason we have government is because we have decided as a people to get together and support one another. Create a better place for all of us. And just to get to the practical, DPW under the County Executive's budget would not have been able to remove snow, would not have been able to repair our highways. This is quality of life. This is our quality of life. And to ask the people with whom we share this wonderful County to contribute \$27 a year, I would be proud to say that.

Why did we decide to use the interim position situation where people would be hired back for six months? Because we didn't have the money. Because we don't have the money to keep them for a

full year. That we hoped between now and the time that those people will reach their six month position we can find some way to dig ourselves out of this mess that has been presented to us.

Why won't we use up all of the Tax Stabilization Reserve Funds? Two reasons. Number one, we need money in the Tax Stabilization Reserve Fund because there are times in our budget during which we cannot meet payroll, and sometimes we have to borrow our own money in order to pay our bills. Number two, the more money you borrow from the -- you take out of the tax stabilization -- Tax Stabilization Fund, the more interest you pay on your loans because it affects your bond rating.

You know, three years ago I would have understood if someone said well, I don't understand this whole thing. Have you heard of Greece? Look what's happening now with Italy. You're talking about 7%, you're talking about bankruptcy. And when we have that drumbeat of no more tax, no more tax increases, we've seen what happens from our Federal Government that trickles down to the rest of us where there are states that are in a position of bankruptcy, when there are municipalities who can't stay solvent.

You want to talk about tax -- layoffs, rather? The most painful thing I see are the number of teachers without jobs. My niece lost her job two years ago as a teacher. She's going to be 30 years old and she said I don't know if I'm ever going to be able to start my career. She just got a job as a teacher's aide. There are teachers who are teaching classes in our United States of America, teaching classes that have 50 kids in a class. That's not teaching, that's baby-sitting. Those are the layoffs that are hurting our kids. And as the good Father said, what do we put first, the wealth or our children? Our pockets, or our children? Don't talk to me about 88 layoffs when I'm seeing tens of thousands of teachers unemployed. And kids, primarily in our inner cities, who are being crammed into classrooms because there aren't enough teachers to go around.

We have to be honest with the people that we represent. We have to provide the dignity and respect to those people that we speak to them straight and say this is a shared responsibility. And your share of the responsibility is to pay your taxes. And if we need you to -- if we need to ask you for \$27 more a year, well, we'll ask for that rather than keep kicking the can down the road. Bond? What does bond mean? Borrowing again. And not paying for what you have to spend. Not sharing with your constituents what you have -- what your job is to do, which is to provide the services that you're sworn to provide to the people of this County.

Ladies and gentlemen, that's leadership. That's leadership. When you -- you don't just lead because of how it's going to sound, but you lead because you find shared values with the people you represent. And you see the whole picture as a leader. And you bring that picture to the people who you represent and you say let's do this together. That's leadership. Thank you, Mr. Chair.

P.O. LINDSAY:

Thank you. Legislator Romaine.

LEG. ROMAINE:

Thank you very much. First of all, let me extend my congratulations to all my colleagues that were reelected, and I believe they all were, the ones that ran. And to the three open seats, to the people that are elected there, I extend my congratulations, look forward to having them join us on January second. My congratulations also goes to our County Executive candidates. They ran a competitive race, and of course, now my congratulations goes to our County Executive elect. I followed his campaign, I watched his billboards where it said cut taxes, cut spending, cut debt on all of his billboards. Look forward to working with him on those issues. Look forward to working with a lot of my colleagues who campaigned against taxes, understanding that we're in a deep recession. Understanding that it's very difficult sometimes to tax your way out of a recession as deep as this.

I looked at the County Exec's budget. I think Mr. Lindsay's description of that budget was adequate, probably didn't go far enough. It was unbalanced, unfair, unequal, illegal in parts. Definitely something I could not vote for. Looked at the omnibus. A lot of the issues in the Executive's budget was remedied in the omnibus. Not everything there I found to my liking. Most of the things I found, and in an omnibus, you kind of throw in the -- a little bad with a lot of good and hope that most people vote for it. And under just about any other circumstances I would consider voting for the omnibus, because it's a choice between that and the Executive's budget, which I cannot support. The problem is twelve-and-a-half million dollars for the Police Department, which is desperately needed and I want to see funded, is funded by a tax. Most people around this horseshoe, regardless of the rhetoric, spoke to their constituents, put out fliers, put our mailers, put up billboards saying they would not support a tax.

Then I remembered this County had created a Tax Stabilization Fund, whose sole purpose was to stabilize taxes in tough times. Sometimes referred to as a rainy day fund. Boy, if it isn't raining now it will never rain. It is definitely raining now. This is a Tax Stabilization Fund. I'd like to see that twelve-and-a-half million dollars used to stabilize taxes. I'd like to send a message to the taxpayers of Suffolk County that you know what, someday we may have to raise taxes. We may be totally out of everything, but the day isn't here yet. That should be our last option. We're pretty close to the last option, and I understand, and I want to congratulate all the hard work of people on the working committee, Budget Review Office, the countless hours and times that they put together. But I find it difficult to vote for a tax increase when we still have money in the Tax Stabilization Fund. If that fund was nearing the bottom and down to our last million or two or three or four or five, well, maybe I'd have a different outlook on that. Not have to waive the value of the services against the taxes being raised. But we're not there yet.

This is a Tax Stabilization Fund set up to stabilize taxes. Not for the bond -- not for the bond rating agencies, you know, the ones that gave triple A ratings to the default swap -- credit default swap mortgages. Remember those? The ones that sent this economy into a tither? We're worried about them? Well, what we should be worried about, what everyone around here should be worried about, is go back and look at the flyers that you got in the elections from your colleagues, from people running for office, even from our County Executive elect.

I would love to waive the rules today and love to substitute that tax for use of Tax Stabilization, but that won't happen. I'm in the minority. Six members of my party was elected, we're outnumbered two to one. But sometimes ideas have capital beyond political identification. Why now? We are not at the last hour. If we were, we should consider taxes. And then we could all make our own personal decisions whether the services justify the taxes. But we're not there yet. Let's use the Tax Stabilization Fund. Let's do that twelve-and-a-half million dollars and then let's work with our County Executive. He's made some bold initiatives and claims in this election. I want to work with him. I want to make sure that his message is heard and that he can implement them. Thank you very much.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
A couple of years ago during my last election campaign I met a woman at a supermarket in Huntington Village and I was trying to get her vote, but she spent a good 15 minutes complaining to me about everything under the sun. Local issues, town issues, County issues, State issues, Federal issues, complaining, complaining, complaining, and I tried to answer her concerns. And then, you know, finally after literally 15, 20 minutes of speaking with her, I gave up and I said "Well, look, at least Election Day is coming up next Tuesday," I think this was on a Saturday, "and you'll have a

chance to vote against me if you want." And she said, "Oh no, I'm not registered to vote. I never vote in elections."

*(*Laughter*)*

And I felt like saying, I didn't say it, but I felt like saying you know, lady, if you're not even registered you shouldn't have a right to weigh in on any of these issues. I didn't say that and I sort of regret that to this day.

But anyway, the recent comments I have heard from Legislators Barraga and Cilmi and Romaine gave me an idea for a new bill that just might be worth for us to consider. And it would prohibit any Legislator from pontificating at length about the omnibus budget if they don't bother to attend a single meeting of the Operating Budget Working Group that worked so hard in a bipartisan fashion to craft this budget. As I recall, every single initiative that Legislators Barraga, Cilmi and Romaine proposed were considered at length and rejected by the bipartisan Working Group based at least partly on advice from the nonpartisan Budget Review Office.

With all due respect, it's very easy to throw bombs, it's a lot tougher to actually work together to make the tough choices. And I would invite Legislators Barraga, Cilmi and Romaine to find the time next year to participate in the omnibus process if they truly like to provide input when it could actually do some good. Thank you.

LEG. BARRAGA:

Mr. Presiding Officer, point of order.

P.O. LINDSAY:

I still have a list.

LEG. BARRAGA:

Well, I'd like -- he made a specific comment which I felt was inappropriate.

P.O. LINDSAY:

Yeah, but I think that you, Legislator Barraga, made specific comments.

LEG. BARRAGA:

Not about him.

P.O. LINDSAY:

No, but I think about the entire Working Group.

LEG. BARRAGA:

Well, my point with reference to the Working Group is that I'd be more than happy to attend the Working Group sessions if they're up here and they're transparent, it's open to the public and open to the press. And not down in the basement closed to everyone.

P.O. LINDSAY:

And you know that isn't practical.

LEG. BARRAGA:

Oh, it's not practical.

P.O. LINDSAY:

I'm not going to debate that with you.

LEG. BARRAGA:

All right. Fine. I just don't like somebody making a comment.

P.O. LINDSAY:

Legislator Gregory. I'll put you on the list if you want to go.

LEG. GREGORY:

Thank you, Mr. Chair. I understand this is an emotional and frustrating process. I want to just start off by congratulating the bipartisan Budget Working Group. I think all of us have shown leadership to make those tough decisions that had to be made, which has been referred to many times as a budget, a recommended budget, that was not only unbalanced, but just not responsible budget -- budget process. We had tough decisions and those that participated in the budget Working Group understand that we had tough decisions. I, too, find it, you know, difficult to believe that those that say well, I'm willing to work with the County Executive elect when they haven't been willing to work with our own Legislative Budget Working Group. I understand schedules are difficult, but, you know, we have met over six weeks. We had many meetings seven, five -- six, seven, eight hour meetings. It has been an opportunity for plenty of input to be made in this process. Consideration was made for many different alternatives and options.

I just want to respect the process that the budget -- and the leadership that the Budget Working Group put together. We understand that it's -- you know, we're treading on new waters. This is difficult times. These are times that we haven't faced in the past and the economists are saying that, you know, we're looking at another three to five years of economic woes. So depleting the Tax Stabilization Reserve Fund in that context is irresponsible when we don't have -- you know, when possibly next year we could be faced with even more challenging times.

I know often the Presiding Officer mentioned in the Working Group that our pension costs for next year is going to go up \$40 million. So -- and if you look at Nassau County as an example, speaking of depleting the Tax Stabilization Reserve Fund, you know, their bond rating is horrible. And one of the main reasons for that, and BRO I'm sure would back me up on this, is they bond for operating expenses. I don't think there's any action that we can make that would precipitate the fall of our bond rating than that action alone. Bonding for operating expenses is taboo and to advocate that would ruin our credit rating, and Legislator Romaine's comments about the bond rating agencies are appropriate. The problem with falling bond rating expenses is it compounds our issues because we have to pay more for what we bond for. So whether we agree with the bond rating agencies or not, if our bond rating falls for any bond issue that we seek to let, we're going to end up paying more for those expenses.

There are many things in this budget that I don't agree with, layoffs, absolutely I don't agree with. I don't think there's anyone -- I don't think there's any person on the Working Group that agrees that one body should be laid off. This is the challenge. We have to -- we came to this decision, it was a responsible decision. We spoke to every single department head and department and which, by coincidence or by chance, the County Executive did not. He just unilaterally laid off people, didn't make any rhyme, reason or any type of sense. He just went through departments and just took bodies out. Consolidating departments was something I spoke vociferously against in the Working Group, but it's a decision that the Working Group as a whole we made. I believe that's the decision that the next County Executive should be left to make. Funding contract agencies to last year's levels, I believe that's something that was important to me. Again, just the funding was just not there. So we had to prioritize, as we do every year, but this year those priorities became more challenging as we face less revenue.

So this budget, there's a lot of pain, but I think there's a lot of time and reasonable thought went through in putting this budget together, and I urge my colleagues to support it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer, and thank you for chairing the Working Group. It was an awful lot of hours. I speak as, I think, the Legislator who traveled the furthest coming from Montauk and so many days driving to Hauppauge to try to make sense out of this budget, and I think you did a terrific job. And, of course, to BRO, who worked many days and nights trying to come up with the right recommendations for us. And also congratulations to everybody who ran for re-election here on their victories.

Several of my colleagues said that they did not support the County Executive's budget and were not going to support the omnibus budget. You can't have it both ways. If you don't support the omni, then you're supporting the County Executive's budget. It's simple as that.

One of my colleagues, Legislator Barraga, said that the County Executive gave us a 12 month budget. He did not; he gave us a four month budget. BRO said that budget runs out in April. We have no money left to operate the County after April. That's a serious problem. And that is with the 700 layoffs. You put the 700 layoffs, because I know you don't want to lay anybody off, now you've got a \$170 million hole. Nobody wants to raise taxes. To close a \$170 million hole you'd have to raise the General Fund property tax three-and-a-half times. Nobody wants tax increases.

They also say shrink the size of government. Well, we have had to make some very, very difficult decisions in this Working Group. We haven't raised the General Fund property tax. We looked at shrinking the size of government, laying off 88 people at the beginning of the year. We couldn't put back all 700 people, so we kept them as interim for six months, with the hope, and I know that AME will come to the table in good faith and negotiate with our new County Executive, and my hope is that we don't have to see anybody laid off in July.

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

We cut contract agencies by millions of dollars. This is at a time when the demand for County services are going through the roof; Legislator Fisher detailed some of those things. Things like homelessness has practically doubled. DSS is now placing 500 families, where just a few years ago they were placing 300 families. Our prison population; we're sending people out because we don't have enough prison beds. Our clinics are jammed, our buses are jammed. The demand for County services is at a record high because it's related to the economy. So as we lose sales tax revenue, we have less money and we have a higher demand for services. And we are trying to make this all work. The only tax increase is the Police District Tax increase and it's in line with inflation. It raises 12 million, it does not raise the 170 million that we need to make the County run.

Somebody said Tax Stabilization, use it all up. Even if you took the other 20 million out, you're still short, you're way short. We have done the best we could in an extremely difficult situation to keep the County running, to keep it going into the next year so we have a new County Executive, which I am sure will be more honest with the real numbers that the County is facing, the true economic situation that we are facing and will work with us much more closely so that we can come with up with responsible solutions. And I have to really applaud the Working Group for doing our best to keep the County running in a compassionate way and a responsible way. Thank you.

D.P.O. VILORIA-FISHER:

Tom?

LEG. BARRAGA:

No, no, forget about it.

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

LEG. KENNEDY:

Thank you, Madam Vice-Chair. And I echo the same sentiments to all my colleagues as far as congratulations for being reelected and say to each and every one of you, be careful for what you ask for in life.

*(*Laughter*)*

Because what we face, in no uncertain terms, is unlike anything that we've experienced, certainly in my time here since 2004. But I think that it's important to kind of point out the climate under which we had to deliberate on, the document that was handed to us by the County Executive, which in my opinion did not fulfill his statutory obligation to submit a balanced budget, because it's not; it never was. And he administratively elected to take 704 people off the budget in less than 40 days from now. Actually, there were 221 people that in six days from now he was prepared to turn out into the street and to close a nursing home that cares for 200 infirmed, ill, elderly and younger individuals, several of which are veterans. As we approach the eleventh hour of the eleventh day of 2011, not a milestone, in my opinion.

Let's talk reality about some of where our County is right now. I encourage each and every one of you to go out, go to 7-Eleven, go to CVS, go someplace else and buy a bottle of Bayer Aspirin. Because God help you if you have a heart attack here in Suffolk County. Don't look for a Suffolk County Police Officer to administer an AED. You know why? Because there's no batteries; the purchase orders to replace the batteries was stopped by the County Executive's Office. So you take your life in your own hands each and every day as we go through Suffolk County.

As I'm talking with you, I'm looking at the Sachem Patch article about a second suspicious vehicle following a female from Hauppauge High School, less than a quarter of a mile away from here. Who do I ask to go ahead and take care of that; ghost busters? No, a Suffolk County Police Officer. Seventeen precincts right next door, collapsed to 14 at eleven o'clock at night. God help us with COPE, it doesn't exist anymore, they backfill cars. Let's stop the lies. Let's talk about what our County has devowed to. We are a mere sham skeleton that's basically struggling to try to keep up.

A new class? I'm supporting a new class. But guess what? There's no guns to give our officers. New class? I'm supporting it. No cars, no other equipment. It is time that each and every one of us confront the cold, harsh reality of what it is here in Suffolk County. This budget is not something that I relish or that I look forward to. But again, remember, we took 704 layoffs down to 88 positions. I take no relish in being part of having to lay anybody off, but Suffolk County can no longer be all things to all people.

There's a lady in the audience today who I want to single out personally to commend. Marcia Spector is here from SNAP, and what she's done as a contract agency is what I encouraged when I screened more than a month ago every contract agency to do. Collaborate, join, stop expecting that we can fund every agency's back office operations. She did it. She does good work. She takes care of teen pregnancies, tries to keep our teen-agers healthy and safe, and collaborated with DOC. Every other agency has to embrace that message because we don't have the money. I will support this budget. I will support this Omni. Not with relish, but with the realization that what I look at next year with a State Comptroller who is driving us to the brink of bankruptcy with our pension benefits, is not here today to lament where we're at with our budget. I'll support it and I'll continue on and try to do better. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Cilmi.

LEG. CILMI:

Yes, thank you. Just a question collectively for I guess Budget Review and for Counsel. Legislator Romaine suggested that he would be interested in looking at an option whereby we would replace the sales tax increase component of this Omnibus amendment with money from -- additional money from the Tax Stabilization Fund. So my question is -- sorry, not sales tax. Did I say sales tax? Police District property tax. What's the process by which we could do that, Rob?

MR. NOLAN:

Just before the Budget Review explains what would be involved in that type of budget amendment, it's my opinion that one of the sponsors of the budget amendment would have to make that motion to amend that -- to make that amendment to their budget amendment. So that from -- and then the budget piece I'll leave to Gail Vizzini.

MR. LIPP:

The budget piece would be you would wind up recognizing the Tax Stabilization Reserve money for the General Fund. But what would happen is if you're reducing or eliminating the Police property tax increase, there's also an \$11 million sales tax reduction as part of the package in -- for the Police sales tax and an increase of an equal amount for the General Fund. So if we eliminate or reduce the Police property tax, we would also be reducing the sales tax in the General Fund just to be a push of air. And at the end of the day, it's about \$11 million loss of sales tax. If you're cobbling the full 12.3 million in property tax, you'd need to bring extra money in.

*(*Laughter*)*

LEG. CILMI:

(Laughter). All right, I'm not quite sure I got that, but I guess -- I mean, to some degree I suppose it may be a moot point, given --

MS. VIZZINI:

The short of it is the Tax Stabilization Reserve Fund is only for the General Fund. The money can't flow directly to the Police District. What would have to happen is the property taxes in the Police District, that revenue, you want to -- not you, but theoretically speaking, you want to replace that from reserve fund that is dedicated to a completely different taxing district; that you cannot do. What you can do is since the Omnibus, in our calculations, took back almost \$11 million in sales tax from the Police District and instead raised taxes in the Police District to address the escalating costs in overtime, salaries and benefits, now you have to make that sales tax revenue go back and replace the property tax revenue. Then you can -- the only thing you can do, because normally, normally -- you with me?

LEG. CILMI:

(Nodded head yes).

MS. VIZZINI:

I'm straight with you, as I always have been.

LEG. CILMI:

I know.

MS. VIZZINI:

The only thing you can -- first of all, normally when you access Tax Stabilization Reserve, it is required by General Municipal Law that it only be the County Executive and there be a 2 1/2% increase in the Property Tax Levy for the General Fund; I didn't see that. You can't even do that, because under the straight, front door approach, the Legislature does not have that authority. The only authority the Legislature would have is to take the money from one reserve and put it into another reserve, specifically the retirement reserve. Those are the mechanics.

LEG. CILMI:

Okay. So, based on those mechanics, is it technically possible to do what I'm asking?

MS. VIZZINI:

It's technically possible.

D.P.O. VILORIA-FISHER:

How?

LEG. CILMI:

Okay. So, how is a good question? I would simply suggest if it is technically possible, we may be able to get unanimous support for this Omnibus amendment; we may.

LEG. SCHNEIDERMAN:

(Inaudible).

LEG. CILMI:

We may; I said "may", Jay.

LEG. SCHNEIDERMAN:

You know, the reason why I bring that up is --

D.P.O. VILORIA-FISHER:

Whoa, whoa, he has the floor.

LEG. SCHNEIDERMAN:

Okay. If I may after and I'll explain my reservations.

LEG. CILMI:

Okay, that's fine.

D.P.O. VILORIA-FISHER:

I'll put you on the list.

LEG. CILMI:

We may not be able to do it anyway. My point is that we may be able to get -- we may, if your concerns are addressed, we may be able to get broader support, if not unanimous support. Certainly, you know, nobody on this body wants to see any layoffs. And I would prefer, as I'm sure everybody here would, that whatever bill we pass contains no layoffs.

So, I mean, I'll let the conversation continue from there, but before I yield, I do want to say one more thing with respect to the Working Group. And that is that I have the utmost respect for the efforts of each and every Legislator on the Budget Working Group, starting with the Presiding Officer on down. Your efforts are to be commended. The length of time and the amount of heart and mind

that has gone into this proposal is tremendous and it's to be commended. My problem is with the process and the process alone, it has nothing to do with any of you individually.

Through the Chair, I would ask Legislators Gregory and/or Cooper, in the context of the fact that I had one of my Aides sit in on almost every Working Group meeting, there are nine members on the Working Group. Would you -- I'm sorry?

LEG. MONTANO:

I think it was eight.

LEG. CILMI:

Eight? Eight with an open spot, my understanding. I think there can be up to nine; am I correct? So would you have the other nine of us just show up at the meeting day after day with the hopes that maybe somebody wasn't going to be there and we could just kind of sit in?

LEG. NOWICK:

Yes.

D.P.O. VILORIA-FISHER:

Yes. That's what I did when I was waiting.

LEG. COOPER:

Yeah, a lot of folks did it.

D.P.O. VILORIA-FISHER:

Yes. Wayne did it.

LEG. HORSLEY:

Yeah, I did it.

LEG. CILMI:

Okay. That answers my question. Thanks.

D.P.O. VILORIA-FISHER:

Legislator Browning.

LEG. BROWNING:

Okay. And to answer that question, yes, I was not -- I was on the Capital Working Group, I was not on the Operating Budget Working Group, but I had attended the Operating Budget Working Group on several occasions so that I could see what was going on and have things explained. And if you weren't on the Working Group, the opportunity was there. Our Budget Office is always open and very willing and very helpful to give us the necessary information we need. So if anyone did not attend the Working Group, I think it would have been in your best interest because I saw press conference about what needs to be done with the budget and how we can fix the budget. And we have a County Executive walking out the door and we talked about how, you know, he ran the County by press conference. Well, I see a budget that some people think it was okay to do a press conference. Participate; that's all we're asking is to participate.

When you're talking about increasing taxes, I will say that this Working Group -- and I did sit in on the Working Group and I saw how painful and how difficult and how heated it became when they were talking about issues. I know that they had some very tough decisions to make. The Budget Review Office were very helpful in advising on some of the ideas that were brought up on that press

conference and why it was a good idea, maybe why it was a bad idea. And when we talk about taxes, I know that my tax bill, my General Fund property tax bill in the past six years since I've been in office has reduced. I have my tax bill right now. I look at my tax bill and I know that we voted a couple of years ago to increase the Police District Tax to get more Police Officers, which we did not get and we certainly need.

And we talk about knocking doors in our communities and talking to our neighbors, and I will tell you over the weekend I hear all of the comments about what's important to people at the doors. Affordable housing; "Well, why is our housing not affordable?" Because our school taxes are out of control. My school district, the William Floyd School District, we just had a 12.5 increase, and I can tell you that's something that I have heard a lot at the doors is the school taxes. And when I talk to them about the County portion of your tax bill and how much it is and they say, "Well, I'm really not concerned about my County portion because it's not that much and I know the services I get." I hear about the lack of Police presence in certain areas and the need to increase Police presence.

And I have talked to people who have said, "You know what? I'm willing to pay \$30 more a year if it gets me more Police Officers on the street." Mastic Beach just formed a village; some people wanted it, some people didn't. And I can tell you that when I knock doors down there, some of them are upset and they're concerned that there's going to be a tax increase, and then there's the other ones who say, "You know what? I'm willing to pay more taxes if it improves my quality of life." So the tax issue, I can hear, it's a very mixed bag in my district. And I represent a very diverse district, working class to lower income and some very high income. So I know what the people in my district are asking for and they are asking for more Police Officers on the street, and I think it's necessary for us to do what we have to do to make sure they get it.

I do want to talk about John J. Foley Nursing Home. Let's not forget and do a little history on -- there was a \$4 million amount of money given back to the DA's Office and exactly one week later the buyer for John J. Foley walked away. And I'm hearing about people who are losing their homes and they -- you know, we don't want to hurt them. Well, you know what? We represent everybody in Suffolk County and we represent the people who live at John J. Foley also, and many of them have nowhere else to go. And as soon as the sale vote went through here at this Legislature, all of a sudden there was individuals getting shipped out of John J. Foley and one of them is still sitting up in Massachusetts. So tell me why; why is he in Massachusetts and why is he not in a nursing home somewhere here on Long Island? If there's private nursing homes we'll take them. No, it's because he's HIV with some problems and nobody wants him and we shipped him to Massachusetts and he's a Suffolk County resident, lived here all his life and that's a shame. That's a real shame.

we talked to George Barnes. George Barnes was here, his son Chris tried five different homes here in Suffolk County and actually as far as Queens to get his son into a nursing home so he can bring him home from England. And his son, the only place that would accept his son was John J. Foley Nursing Home. So I'm going to continue to be an advocate for John J. Foley Nursing Home, the residents and the workers of John J. Foley. Because the people who live there are not a deficit, they're our responsibility.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. You know, Legislator Barraga, Legislator Cilmi, a couple of years ago when I did that cup-of-joe campaign, it was because in order to borrow money from the Tax Stabilization Reserve Fund, you had to raise tax -- taxes by two and a half percent. So -- and I felt that that was the way to go so that we wouldn't have to lay people off. Because our problem in our economy is there are too many people who are unemployed, so why add to the unemployment ranks.

But Gail, just now you answered Legislator Cilmi that technically we can put it in other than the pension fund, or did I misunderstand your response? Because it was a little convoluted, so I just

want to clarify; sorry.

MS. VIZZINI:

Well, you know, the question that I would need to ask is what are we accomplishing by this? We don't -- we would not get any more money. We're not --

D.P.O. VILORIA-FISHER:

No. What Legislator Cilmi was saying was that he wanted to substitute the revenue that's coming in by raising taxes in the Police District by two and a half percent, which is about \$12.2 million? Please, I don't want to put words in your mouth, so make sure you correct me. He would like to remove that source of revenue and to bring in that same amount of money through the Tax Stabilization Reserve Fund.

MS. VIZZINI:

You cannot get there directly legally.

D.P.O. VILORIA-FISHER:

Well, we don't want to rob anybody, so tell us how we can do it legally, indirectly.

MS. VIZZINI:

My response was basically General Municipal Law says Tax Stabilization Reserve is only for the General Fund. We're looking to replace \$12.3 million in property tax revenue and the Police District, which is a separate taxing fund, by --

D.P.O. VILORIA-FISHER:

Okay, but let me just stop you. Could you explain that part? That there's that eleven million that we took out of -- that we put into the General Fund from -- so we can put that \$11 million back into the Police District and put the 12 million into the General Fund. But then what about accessing the Tax Stabilization Reserve Fund. Aren't there statutory regulations, something that has certain criteria? And this is even before I get to my basic question, but I just had to ask this question because of your response to Legislator Cilmi. You didn't understand it any better than I did, I'm assuming.

LEG. CILMI:

(*Laughter*). If I may, Mr. Chair? I think -- Gail, correct me if I'm wrong, but the sales tax to some extent funds the Police District, right? So if we use additional money from the Tax Stabilization Fund, or if we are able to access more money from the Tax Stabilization Fund, couldn't we then use that to supplement and then take more sales tax and put it over to the Police District? Wouldn't that be a way to do what I'm asking you to do?

MR. LIPP:

It can be technically done.

LEG. CILMI:

What we lose, though, is we lose the recurring revenue year after year --

MR. LIPP:

Correct.

LEG. CILMI:

-- that the tax increase gives us.

MS. VIZZINI:

You also lose the availability to use or borrow for a cash basis from the monies in the reserve. And

--

D.P.O. VILORIA-FISHER:

Okay, so I'm going to take back my time because that's my next question. I know that we have had to use that money. If we drain our Tax Stabilization Reserve Fund -- Gail, in the past, I remember borrowing tens of millions of dollars from that. I mean, what are the resources that we have? When our Treasurer tells us, "I don't have enough money to pay my bills, where can she get her hands on money? What cash do we have?"

MS. VIZZINI:

Well, each of you get copies from the Treasurer of the interfund borrowings. We borrow to the maximum for cash from the Assessment Stabilization Reserve, which is the sewers; the Water Quality Reserve, which is the -- it's sales tax but it's 477 money; and be we borrow from Tax Stabilization Reserve. There was a time when Tax Stabilization Reserve was \$120 million; that helped us, our cash situation was not as dire. And I just want to bring to your attention that before you on today's -- for today's vote is authorizing a Revenue Anticipation Note. The authorized amount would be \$80 million so that we have enough cash in the event that our normal sources of revenue do not come in in the next two months.

D.P.O. VILORIA-FISHER:

Gail, why can't we just borrow that from one of our cash sources in an intergovernmental transfer?

MS. VIZZINI:

It's not there.

D.P.O. VILORIA-FISHER:

Thank you.

MS. VIZZINI:

You're welcome.

D.P.O. VILORIA-FISHER:

We don't have the cash there.

MS. VIZZINI:

Correct.

D.P.O. VILORIA-FISHER:

If we drain our Tax Stabilization Reserve Fund, we won't have the cash and we will have to borrow more. You know, I mean, it's more RANS and TANS or whatever they are.

MS. VIZZINI:

We can't borrow more, we are at the maximum for the RAN, for the TAN and for the DTAN.

D.P.O. VILORIA-FISHER:

Okay? This is what I said earlier, we can't drain the Tax Stabilization Reserve Fund because we need to have some cash to meet payroll when we don't have enough money to meet payroll. That's one of our sources of cash. So it's not just about our bond rating and worrying about, you know, Standard & Poors and what mistakes they made, it's not about all that rhetoric, it's about real dollars and cents. Our Treasurer, we've all gotten those statements from her saying, "I need to take money from here." We're borrowing from Peter to pay Paul all the time lately. The next person is Jay.

P.O. LINDSAY:

Jay.

LEG. SCHNEIDERMAN:

Thank you. I wanted to respond, Tom, to some of the things you brought up. And I wanted to thank you a few months back for supporting a bill I had that dealt with sales tax money going to the Police District and making sure that the towns and villages that were not part of that, and there's over a dozen of them, that they got their fair share. Currently they're getting 8% and the fair share probably is around 10%. But if you're going to give them more -- if you're going to take more sales tax money and ultimately put it into the Police District, to me, to follow what we've been doing and to not make that inequity worse, you would have to cut money back to those towns and villages. So if you're going to try to get them the \$12 million, \$12.2 million, you'd have to give them more in the neighborhood of \$13 million so you had a million dollars that could come back to keep the inequity from worsening. So if you're looking for my support on that, I certainly don't want to see that inequity grow and that's really important to me.

But I am concerned that if we go that direction, we lose the reoccurring revenue. So for the one year, maybe you go to Tax Stabilization Fund, but in year two there's not enough money left in Tax Stabilization Fund to go there again. Year three, you know, you start adding up that \$12 million year after year, soon it's \$100 million. So I would have real reservations about it, even if you were able to keep the inequity from growing to a worse situation.

P.O. LINDSAY:

Okay. Sara? Legislator Anker?

LEG. ANKER:

Gail, how much is in the Reserve Fund right now?

MR. LIPP:

The end of 2011 it's scheduled at 48.3 million.

LEG. ANKER:

It was at 125 million, was it 2008?

MR. LIPP:

2008 was the peak, it was 126.6 million.

LEG. ANKER:

I just wanted to comment. Again, Legislator Cilmi, you had created legislation about making the budget transparent and not going through the Budget Working Group, but I would like to ask why you did not participate before you created, you know, legal document legislation to change it? I think the best thing that someone can do is experience the process to fully understand what takes place.

I admire your interest in trying to create a more transparent process with our budget situation, but I would hope that you would participate, like Legislator Cooper had suggested, in understanding the time and energy and patience and agony and frustration and the emotions and the thought that goes through preparing a budget. I went through -- I went to some of the meetings and I was, you know, very impressed as far as what our Legislators to create a balanced budget. And it wasn't hard, being a new Legislator, to understand that our County Executive would not even consider the advice of the department leaders in understanding what the budget's about. To me, that's basically taking a machete and cutting through departments. I don't think that's a proper way and it's just not logical.

The other point I wanted to make -- let's see; public safety. There needs to be -- we have to have revenue for public safety and we need to increase it. Why? Because crime has increased. Suffolk County has increased in population, crime has increased, gang violence, heroin epidemic, people who have lost their jobs. Again, there's some major issues and public safety is our most important part of being Legislators. We have to protect the public. And this is what we decided as Legislators to do, to slightly increase the Police budget so we can provide those officers.

I want to -- let me jump back to the Budget Working Group process. When I attended the process, I wanted to find out what more could be done. And I think we need to focus on revenue-generating services. We need to add revenue -- you know, some type of increase in some of those services so we can provide those services. Public/private partnership. And we did, and Gail included that in some of the work that you did and hopefully we were able to save a handful of jobs with that.

So again, I want to thank Gail and your office and the Budget Working Group for the work that you have done. And again, we need to participate in the process and that's really what I want to see all the Legislators do before criticizing and trying to change it, because unless you fully understand and see the many perspectives of an issue, you're not going to understand the entire thing and you could be missing something. And I think even now, if you had participated, you would have understood fully and you may have been able to make a more potent comment to help us make the budget more acceptable and more doable. But right now we're struggling, we're all struggling here. But again, thank you so much for the work that you guys have done.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I just wanted to put on the record, we in the Budget Working Group started our process with 700 and I believe 10 down. We left that room after weeks and hours and hours of deliberation and many sandwiches and jelly beans, hours and hours of a process, we left that room down 88. Now, that's not the best, but that's -- I mean, I'm sure Robert can do the math, I can't do it, but if you do the math we wouldn't understand it anyway.

D.P.O. VILORIA-FISHER:
Benny did the math.

LEG. NOWICK:
But 88 down as opposed to 710, that's a lot of hard work. And just for the record, I want everybody to know that when we sat in there, and if we saved 20,000 or \$30,000 or \$40,000 or \$5,000, we'd look at each and we'd say, "That's another body we can save, or that's a half of body we could save." And that's how -- that's how intricate this process was, because it's not like the good ole days when there was money. And again I say anybody can make a budget in good times, but you can't make a budget very easily in times when it is now.

And I would be remiss if I didn't say thank you to Gail, Robert, Benny, Greg back there for the hours and hours and the patience and the institutional knowledge and keeping us in order because you surely did, and thank you.

Again, this is really not rocket scientist stuff. This is like budgeting your own home budget. Do you take your entire -- excuse me, guys, one sec. Do you take your entire 401-K this year or do you leave a little for next year? Because I watch Channel 24 and it doesn't look like it's getting better. We're doing the best we can. And to the Budget Working Group, every day, Jon Cooper and Legislator Stern was in and DuWayne Gregory, and Wayne Horsley wasn't even on the committee

and was there all the time, and John Kennedy and Legislator Lindsay and Vivian Fisher and right down the line, Ric Montano and Legislator Schneiderman and Kate Browning came in and Sarah Anker came in; everybody was there listening. So it's not the closed, back door, old fashioned process. We simply say you can't -- ten of you can't vote, but certainly everybody can go and be a part of it. And anybody -- and tell me if I'm wrong. Anybody not on the committee that showed up there had a say and they were listened to and well respected and we worked together. So as difficult as this seems, remember, we were down 710, that's a lot, so we did pretty good.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

That's all right.

P.O. LINDSAY:

No? Okay. Legislator Stern.

LEG. STERN:

Thank you. During one of the recent meet the candidate evenings, I was asked by a participant, "What would you do to try and cool some of the rhetoric that we hear so much these days between sides, between parties, between philosophies." And my answer to her was, "I wish you can come and see, sit in for just a little bit of a session of our Budget Working Group." That as difficult as that process is -- and I did not serve on the Working Group, but I did attend several of the meetings. Although they are not pleasant conversations to have with all the difficult issues that we're dealing with, everybody that attended those meetings had the opportunity to participate, everybody's point of view was considered. A lot of decisions were made that I didn't necessarily agree with, but I did leave those meetings knowing full well that my voice was heard, that the voice of my constituents was heard. And anybody that had the time to come by and sit on those meetings had the opportunity to participate in a meaningful way.

And the choices are tough and the decisions in this budget are extremely tough. You know, we talk about reducing the size of government. This is what it looks like, you know, getting the revenue that we need to provide essential services, particularly when it comes to law enforcement, our Police Department. This is what it looks like. This is what the difficult decisions feel like, this is what the difficult decisions look like. I commend everybody that took the time to participate in the operating budget group process. Thank you to BRO. This is not perfect, an awful lot of difficult decisions. But given the facts, given the circumstances and given how the process went, it is something that I will support.

P.O. LINDSAY:

Okay. What I would like to do is we have to take a vote on 1 and then 2 separately, but just keep in mind either they should both be rejected or both approved, because if you pass one without the other, you have a budget that's out of balance. And immediately after that, and I owe our Comptroller an apology, he's been sitting in the audience dutifully. I asked him to come today to talk about the refinancing part of our budget as well as the RANs, which we're going to vote on. So as soon as we're done with 1 and 2, I'm going to take, I think it's 17 on our agenda, out of order. I asked the Comptroller to come up and make his financial comments about these financial documents. Okay?

So I'll start off with one. I'll make a motion to approve *Budget Amendment No. 1*.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Kennedy. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

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 (Opposed: Legislators Cilmi & Barraga).

P.O. LINDSAY:

Okay. ***Budget Amendment No. 2***; can we do same motion, same second; all right, Legislator Kennedy?

LEG. KENNEDY:

Sure. That's fine.

P.O. LINDSAY:

Roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

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.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Cilmi & Barraga).

P.O. LINDSAY:

Okay. Going to the agenda, I want to make a motion to take number seven, Budget Amendment No. 7 out of order.

MR. NOLAN:

IR 1907.

P.O. LINDSAY:

IR 1907 on the agenda.

D.P.O. VILORIA-FISHER:

I'll second that.

P.O. LINDSAY:

Oh, I'm sorry, I'm looking at the thing. Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 1907 is before us.

1907-11 - Delegating to the County Comptroller the power to authorize the issuance of Revenue Anticipation Notes of the County of Suffolk, New York, in an amount not to

exceed \$80,000,000, in anticipation of the receipt of certain revenues for the fiscal year ending December 31, 2011, to prescribe the terms, form and contents of such notes, and to provide for the sale and credit enhancement thereof (Presiding Officer Lindsay).

Mr. Comptroller, would you please come forward? And Barbara, maybe you could make room.

MS. LOMORIELLO:

Yes.

P.O. LINDSAY:

Why don't you sit down, Joe. I know you have a lot to say. You and Christina, we'll make room at the table for you. I, again, apologize for leaving you sitting in the audience.

Joe, I know we just took 1907 out of order, but I would -- and this is for the RAN, correct? And to my colleagues, just a brief explanation of how dire our fiscal restraints are. I guess last week we almost didn't make payroll and the Executive's Office asked the Legislative office and myself and Legislator Kennedy, as the two -- the Presiding Officer and the Minority Leader, to intervene with the State because we were owed a lot of money and still are owed a lot of money, and we did do that and we did get a check for \$34 million. That and with the cooperation of the PBA, they deferred about a \$6 million payment that their members were supposed to receive for differential pay, and between the two we were able to make payroll, which is a good thing, you know? Nobody wants to get laid off, but nobody wants to work for nothing either. But there was a lot of talk at that time about we can't continue like this. We have to have some kind of short-term way of going to the markets and getting money to pay our debts so that the County doesn't go into default.

In with ongoing discussions with the Comptroller, from now until the end of the year there is a couple of weeks that are very close, if I'm correct, whether we're going to have enough money to pay our bills, and this resolution would give the Comptroller authorization to go to market for short-term notes based on revenue, projected revenue that's owed to us, that we can -- that we don't default. And with that explanation, I hope I got it right, but Joe, if you could explain to us how this will work and answer any questions from my colleagues.

MR. SAWICKI:

Thank you, Legislator Lindsay. First off, congratulations to everyone who will be back on January 1st. I know there were a lot of tight races out there and I kind of know what you were going through over the years of being in government and politics myself. So congratulations and we've enjoyed a great working relationship over the years and I look forward to another two years, at least, of working together. We've got a lot of problems to solve together and collectively and, you know, working together is the best way to accomplish any of these mountains that we have to climb.

This Revenue Anticipation Note, IR 1907, Legislator Lindsay did a great job basically explaining it. It's simply an insurance measure, if you will, an emergency stopgap if needed. And you have my assurances, my commitment that we will not borrow one dime that we don't have to borrow. And I will inform the Budget Review -- your Budget Review Office, I will keep you all informed if and when the cash becomes that tight. We're looking specifically at the December 1st Thursday pay date, it might be really, really tight. And if that's -- and if it's, you know, within ten days or so and we analyze our cash flow, if it's so tight that we fear not being able to make payroll, then obviously we'll pull the trigger and go to the market. We need about a ten-day turnaround time to accomplish going out to bid and getting the most competitive rates, etcetera. Right now we're looking at -- even though this is authorizing \$80 million, that's in a worst, worst, worst case scenario -- when this resolution was drawn up, we prepared for the worst case scenario -- we're probably looking now, if needed at all, around 15 to \$20 million, that's our best guesstimate at this point. We're all waiting on, you know, State aid coming in. And thanks to Legislators Lindsay and Kennedy, they made

some calls to our Albany representatives and to the Governor's Office as well and they freed up a lot of State aid that was due to us back in March?

MS. COPABIANOCO:

From March.

MR. SAWICKI:

From March, and it was like \$32 million worth, so that eased considerably the pain.

For your own historical edification, the last time RANs were done in Suffolk County was back in 1992, we did a 78 million -- \$78.8 million RAN. We did one -- that was in the Spring of '92. We did one in the Spring of '91 for 70 million. In November of '90 we did 17.5 million. So it's about 20 years ago when we had to do RANs, and you remember the fiscal constraints were pretty tough back then as well.

So basically, you know, that's it. You're all aware of -- you all put it pretty succinctly in terms of recognizing the budget shortfall. This is strictly cash shortfall. It really has no bearing on the budget per se, it's strictly having the cash in hand to make payroll. So if anyone has any questions, I'll -- Christina, my Chief Deputy, will --

P.O. LINDSAY:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Joe. And I look forward to working with you. You know, to get the money, though, we have to pay some money, right? So there is a fiscal impact here for short-term borrowing. And it's in the -- in the financial statement it's \$750,000, and I assume that is on the full amount which hopefully you wouldn't have to borrow.

MR. SAWICKI:

Correct, that would be on the 80 million.

LEG. SCHNEIDERMAN:

Where are we getting -- I mean, as the Presiding Officer often says, we don't have any money. So where are we getting that 750,000 from?

MR. SAWICKI:

Well, it won't be -- we don't expect it to be anywhere near 750,000, Legislator Schneiderman, because that 750 is the approximate interest rate which we think will come in under 1%. It will be short-term, eight to ten months we will repay. And if we borrow \$20 million, it will be one-fourth of the 750,000, so that will be, what, roughly two hundred and -- 175,000, 200,000.

LEG. SCHNEIDERMAN:

Still, it's a couple of bodies, as we say. It could be a couple of jobs. It's a fair amount of money.

MR. SAWICKI:

You know, if it comes to the point, though, we'll have no choice because we won't have money to make payroll and pay the County's bills.

LEG. SCHNEIDERMAN:

Yeah, we have to. I understand that. Okay. Thank you.

MR. SAWICKI:

It's not an easy decision. Again, we won't pull the trigger unless it's absolutely necessary.

P.O. LINDSAY:

And the other thing that I'd like to point out to my colleagues is if we don't give our Comptroller this authorization, I would very likely have to call a Special Meeting on Thanksgiving, or that week.

D.P.O. VILORIA-FISHER:

Oh, no.

P.O. LINDSAY:

Which I know how you all love Special Meetings. But we can't --

LEG. SCHNEIDERMAN:

It's always special.

P.O. LINDSAY:

We can't default on our fiscal obligations. Legislator Horsley.

LEG. HORSLEY:

Yeah. Hey, Joe. I just wanted to make sure I understand this. The revenue anticipated is 2012 revenue, or is it back State money. What is the revenue anticipation?

MR. SAWICKI:

It's all '11 monies, Legislator Horsley. The State was the quote/unquote, culprit up until now. They've been pretty good in making due. They still owe us a lot of money, I'm not sure exactly what --

MS. CAPOBIANCO:

One hundred and twenty-nine million.

MR. SAWICKI:

One hundred and twenty-nine million; that's not really out of the ordinary for the State in any given year, but it's typically higher, right?

MS. CAPOBIANCO:

No, it's in line with last year.

MR. SAWICKI:

It is in line with last year, okay. It wasn't up until Legislator Lindsay and Kennedy made the phone calls.

Cash-wise, our tax certioraris are up \$25 million from the year before, so that hit the County this year. Of course, you'll get that back next year when you bill the towns, but the number was 89 or eighty something the year before?

MS. COPABIANCO:

Right.

MR. SAWICKI:

And now it's up over \$100 million, so that's a heavy duty hit on our cash. As you know, the Title 6 cuts from the State, \$20 million, that nailed us \$20 million in cash that we have less. The retirement bill, \$40 million this year that we had to pay, as you know. And to -- that's a little over \$80 million that we were down. On the plus side, there is a good side here, State sales tax is up

cash-wise \$40 million, so that's where we get that \$40 million difference.

LEG. HORSLEY:

That 40 million sounds heart-warming. But the dollars, the anticipation -- the anticipated monies are all '11, not '12.

MR. SAWICKI:

Correct.

LEG. HORSLEY:

So we're not borrowing for the future.

MR. SAWICKI:

No, no.

LEG. HORSLEY:

Okay. That's fine. Thank you.

P.O. LINDSAY:

Does anybody else -- yes, Legislator Anker.

LEG. ANKER:

So basically, because the State's not giving us the \$125 million, we're having to fork up \$275,000 to pay bills?

MR. SAWICKI:

If the State does not come through, Legislator Anker, then we'll be incurring an additional interest expense of \$175,000. But there are other -- you know, since Legislator Lindsay and Kennedy made the phone calls, they've been coming through. So hopefully -- we're keeping our fingers crossed that they will come through. And having this authority sure beats having -- I'm glad Bill pointed that out, it sure beats having a Special Meeting for Thanksgiving to turn this whole thing around with a CN. Because going to market to borrow and to get the bids does take almost two weeks, about ten days.

LEG. ANKER:

Is there any type of State law that will help our State lawmakers, you know, give us the money on time where we're not having to pay for it? It's the taxpayers paying twice for the same money and it's not fair. And is there anything that we can do as Legislators here in the County that would -- other than making phone calls which has worked, that will help us get our money to pay our bills?

MR. SAWICKI:

I think just continued pressure on Albany and Taxation & Finance to release the cash they owe us. You know, if we're short 15 to \$20 million, I don't think out of a 120 something billion dollar budget in Albany that's a lot of money, but my guess is they probably have a lot of other municipalities, you know, screaming as well.

LEG. ANKER:

Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just real quick. Joe, you mentioned a moment ago, it sounded like music to my ears, that sales tax was up by \$40 million?

MR. SAWICKI:

On the cash side.

LEG. SCHNEIDERMAN:

Over what we projected for this year?

MR. SAWICKI:

Now you're going into the budget. Gail? Gail, where are we with the budget numbers?

MR. LIPP:

Now that's --

LEG. SCHNEIDERMAN:

Because that would change our base and --

MR. SAWICKI:

I'm strictly talking cash, Jay, because that's what we deal with.

LEG. SCHNEIDERMAN:

It would change our whole budget if that's the case.

MR. SAWICKI:

You deal with the budget.

MS. VIZZINI:

It's a different language.

MR. SAWICKI:

Yeah, you and Gail deal with the budget, and Robert.

MR. LIPP:

Yeah, the numbers are different for the budget because we accrue back money all the way through February. He's looking at the cash for the calendar year because he needs to make payments. It's a different language.

LEG. SCHNEIDERMAN:

So say --

MR. SAWICKI:

Your budget is balanced because you have the receivable coming from the State, for instance, so we'll get that eventually. But until we get it, I still have to make payroll. I need actual cash.

LEG. SCHNEIDERMAN:

So Robert, that's not optimistic news on sales tax right now?

MR. LIPP:

Correct.

LEG. SCHNEIDERMAN:

Okay. Sorry. False alarm.

*(*Laughter*)*

MR. SAWICKI:

Sorry, I didn't mean to send any false alarms out. We're just happy we'll get an extra 40 million for the year. I mean, you know, every --

D.P.O. VILORIA-FISHER:

Don't say extra, Joe, it confuses us. Don't say that.

P.O. LINDSAY:

Is there anybody else that would like to ask the Comptroller? Joe, would you like to comment, there's two other financial -- the refunding of some old debt is in our packet, right, as well as the TANs, the TANs, which is a big borrowing. We'll -- I'm not going to take them out of order, but while Joe is here, I don't want to keep him here all night long, he could just comment.

MR. SAWICKI:

Yeah. Thank you, Legislator Lindsay. IR 1921, the TAN resolution before you is basically a standard, pro forma resolution that you deal with every year. The difference is the \$400 million is the most we've ever asked for, and it's basically we're at our State limit of what we can borrow for Tax Anticipation Notes, and also the limit for what we can repay in ten months. So when we, like Legislator Fisher was saying before, we are at our -- just about at our borrowing limit at this point. No, we are at our borrowing limit at this point, \$400 million. Last year it was 390 million. The -- and it was only like a number of like three or four years ago we were borrowing the Tax Anticipation Notes the first week of January, now we moved it earlier to December 20th so we have the money to close out the year with. So that's how scarier, more scarier our cash picture is.

The -- IR 1961 is -- even though the resolution states about 17 million for refunding, we have identified about \$10 million worth of bonds, it's from a 2002 issue I believe, that can be refunded to save interest. Basically you're just lowering the interest rate on it, that will save us a million dollars for the 2012 budget, and I believe you have that already calculated in for you on the revenue side for 2012.

P.O. LINDSAY:

I think we had three million.

MR. SAWICKI:

Right, two million is on the -- two million we're in the process of doing now because you gave me authorization years ago to do that.

P.O. LINDSAY:

Okay.

MR. SAWICKI:

The other million is a new bond issue identified that will give you the three million that you need.

P.O. LINDSAY:

Keep looking.

MR. SAWICKI:

We are.

D.P.O. VILORIA-FISHER:

Can I just ask him something?

P.O. LINDSAY:

Yeah. Legislator Viloría-Fisher and then Kennedy.

D.P.O. VILORIA-FISHER:

And it's my understanding that this is what we net after paying whatever costs it takes to do the refunding?

MR. SAWICKI:

Yes, that's correct.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Joe, I basically want to -- I just want to thank you and Christina because you've made yourselves available to all of us in the Working Group and also in the Republican caucus to talk about where we're at with this situation. And my understanding is that you are now actually convening on a weekly basis to determine where we're at with cash flow. I mean, prior to this, that was something that you folks did, what, monthly, bi-monthly?

MR. SAWICKI:

Yeah, basically the Comptroller's Office provides and calculates the projection of cash flow for over a 12-month period, and that's what our rating agencies look at, our County's cash position, for the next 12 months, whenever we do a short-term note sale or a long-term bond sale. The Treasurer's Office does it basically on a daily basis because when a Treasurer has to pay the bills, they have to know there's enough money obviously in your checking account, so to speak, to pay the bills. So working closely with the Treasurer's Office is something that we've been basically doing on a weekly basis now because things are so tight and so borderline. We've had three scares already this year of not making payroll, three real scares. So I don't want to --

LEG. KENNEDY;

Well, those cash flow sheets that you furnished to us, any time you see a red item in there and it's going into paren, that there's no looking at differing ways of interpreting that. That's basically insolvency of an entity, in that we can't do our most basic function which is to pay our people.

MR. SAWICKI:

You know, I'd be remiss if I didn't thank our law enforcement unions for working with us on the -- you know, the PBA and the SOA for working with us for the night differential. It was about \$6 million we would have been short in the last pay period if they didn't allow us to pay that, you know, a couple of weeks later.

LEG. KENNEDY:

Okay. Thank you again.

LEG. ANKER:

Bill? Just one more.

P.O. LINDSAY:

Yes, Legislator Anker.

LEG. ANKER:

What is the figure that we pay in interest because we're waiting for the State's money to come through? Do you have a figure, average 2011, 2010?

MR. SAWICKI:

The only interest we would incur is if we have to borrow to make up for what the State does not -- you know, has not come up with, has not provided us with. So again, if we -- we borrowed last year the 390 million at .58%, and then we the DTAN, that was last December, at .58%, \$390 million was all paid back, so that was about a half of percent. And then this past September we did DTANs of 120 million at .38%.

So the Revenue Anticipation Notes we conservatively estimate at the max will be 1%, we're hoping they come in a lot lower.

LEG. ANKER:

All right. Well, what's the number, what's the figure, the cash amount or the money amount that we're having to spend in order for the State to pay us?

MR. SAWICKI:

Robert wants to jump in.

LEG. ANKER:

Average.

MR. LIPP:

Well --

MR. SAWICKI:

It depends on what we borrow and what the interest rates are.

MR. LIPP:

We borrow for short-term for cash purposes normally for Tax Anticipation Notes, and in 2010 the last actual is 5.6 million in interest.

LEG. ANKER:

Five point six million in interest to borrow. So the County --

MR. LIPP:

But that's not just having to do with State aid, that's our entire cash flow needs. He's talking about something we haven't done since the early 90's, a Revenue Anticipation Note, which we haven't had to borrow directly for. But indirectly it's implicit in that number, too.

LEG. ANKER:

Okay. So since 1990 we haven't been -- we haven't had to borrow to pay our State bill, or for the State to -- to wait for State funds to go through.

MR. SAWICKI:

The Revenue Anticipation Note, Legislator Anker, is something which is really out of the ordinary. We haven't had to do it again in 20 years, only because of our cash needs are so tight right now. So if you figure \$20 million at 1%, that's \$200,000 for a full year, if you do three-quarters of a year, you know, it's roughly 170, \$175,000. So that would be an extraordinary expense for next year's budget.

LEG. ANKER:

Thank you.

P.O. LINDSAY:

Anybody else? All right, seeing none, I will make a motion on 1907 to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I thank Joe and Christina for being patient with us and giving us that information.

MR. SAWICKI:

Thank you very much for having us again and good luck with the rest of the budget.

P.O. LINDSAY:

All right.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

All right, back to the amendments. If we go back to our agenda -- okay, we're up to -- we're up to ***Budget Amendment No. 3***, page nine.

Ms. Vizzini, you want to explain this one to us?

MS. VIZZINI:

Budget Amending Resolution 3 would restore the 19 filled Legislative Aides in the Legislature. The offset is -- well, nine other positions in the Legislature are abolished and three positions in the County Executive's are abolished. This also includes the creation of one interim driver/messenger that was abolished in the recommended budget, that one position is being treated as the other interim positions are treated with funding for six months.

P.O. LINDSAY:

Is there any questions on this? I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. Please list me as a recusal on this.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Question for Budget Review, Mr. Chair. Does this resolution involve any Legislative Aide positions other than the 19 Legislative Aide I positions that were identified in the County Executive's recommended budget?

MR. PERNICE:

Yes. It includes also Legislative Aide II positions, Legislative Secretary II and Legislative Aide III.

LEG. KENNEDY:

All right. Based on that, Mr. Chair, then please list my recusal.

D.P.O. VILORIA-FISHER:

Please list my recusal.

P.O. LINDSAY:

Okay? Anybody else? All right. I made a motion and we've got a second.

D.P.O. VILORIA-FISHER:

Jon Cooper.

P.O. LINDSAY:

Yeah, Jon Cooper seconded. Is there any other questions about this? You want to just do a voice vote? All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Recused: Legislators Romaine, Kennedy & Viloría-Fisher).

P.O. LINDSAY:

And note the three recusals.

D.P.O. VILORIA-FISHER:

Got them.

P.O. LINDSAY:

Okay, ***(Budget Amendment No.) 4.*** "This resolution restores positions in the Board of Elections, the District Attorney, Department of Law, the County Executive, the Department of Health, and increases permanent salary appropriations accordingly which are offset by permanent salary reductions in other departments. This action has no property tax impact." Ms. Vizzini, do you want to comment any further than the description?

MS. VIZZINI:

(Shook head no.)

P.O. LINDSAY:

No?

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Let me get a motion first. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the question, Legislator Montano.

LEG. MONTANO:

Since this mentions the Board of Elections, I think we had discussed this --

MR. NOLAN:

Yes.

LEG. MONTANO:

I have a relative that works there, so am I permitted to vote on this?

MR. NOLAN:

No.

LEG. MONTANO:

No, okay. So then please list my recusal and delete me as a cosponsor of this resolution.

LEG. NOWICK:

Presiding Officer?

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yes, I will also recuse myself as well.

LEG. HORSLEY:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes?

LEG. HORSLEY:

I'd like to recuse myself on this matter as well.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Wait a minute. Question.

D.P.O. VILORIA-FISHER:
Lou D'Amaro has a question.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
This resolution also restores a position in the Department of Law, I believe?

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
Can we identify those positions?

P.O. LINDSAY:
Could -- I think it's two positions in the Department of Law.

MR. PERNICE:
It restores two Assistant County Attorney positions.

LEG. D'AMARO:
Okay. Thank you.

P.O. LINDSAY:
Okay. Any other questions? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Recused: Legislators Montano, Nowick & Horsley).

P.O. LINDSAY:
Okay, IR -- ***Budget Amendment No. 5.*** *"This resolution reduces the debt service in Fund 632, the John J. Foley Skilled Nursing Facility, by a net of fourteen million, five hundred and seventy-six dollars and five hundred eighty-eight -- five hundred seventy-six thousand, five hundred eighty-eight dollars. This reduction is comprised of (1), savings in 2012 from debt refunding of \$336 in principal and 8,252 in interest; and (2), elimination of the recommended sinking fund to pay-off the principal balance of \$14,568,000 which would not be needed because of the continued operation of the nursing facility per this resolution. Serial bond principal in the General Fund is reduced by the 14,824,838 to account for a portion of the debt defeasement associated with the securitization of the remaining 25% of tobacco revenue proceeds. The resulting 14,824,838 in savings to the General Fund is used in the discretionary companion to this resolution to offset the General Fund transfer to Fund 632 and the loss of interfund revenue from Fund 632 to the General Fund associated with the recommended closure of the facility. The combination of these mandated and discretionary resolutions have no property tax impact."* Ms. Vizzini, do you want to comment at all on that delightful explanation?

MS. VIZZINI:
Since Mr. Freas and Dr. Lipp collaborated on that explanation, I will try to clarify.

P.O. LINDSAY:
They really should write a novel together, you know?

(*Laughter*)

MS. VIZZINI:

It takes longer to write a short story. This standalone resolution, when taken together five and six, five is the mandated and six is the discretionary portion, would continue operation of the nursing home. The first six months would be with 221 employees, the second six months we are prepared to downsize the staffing as well as the beds. The beds go from between 175 to 200 patients in the first six months down to 150 patients.

The purpose here is -- the recommended budget provides no appropriations for the Skilled Nursing Facility. In the face of that, there are two Requests For Proposals out there to either sell or lease the asset and the Legislature's RFP, which either -- which allows for responses that include leasing private/public partnering or sale of the asset, and they both include the adjacent property. The short story here is that this would breathe life into the nursing home allowing the County to deliberate on the appropriate policy determination once we have done our due diligence as far as these requests -- these responses to the RFPs. Right now the eval -- there are meetings scheduled for the evaluation committees.

MR. FREAS:

Okay.

MS. VIZZINI:

Neither evaluation committee has met yet. We're following the protocols whereby the evaluation committee meets, they would evaluate all the proposals, typically there would be presentations, you know, and then they would be able to get to the dollars.

In -- the nursing home positions are all created on an interim basis, just like the -- you know, they're part of the 710 dollar number.

This allows the County Executive the flexibility to downsize because there are only sufficient appropriations to fund the numbers of employees that I stated for the months that I stated.

There is a balancing act which is addressed in the mandated. That balancing act is we have maximized revenue to the nursing home from its operation in terms of Medicaid, IGT, third-party payments, etcetera. In our opinion, there would still be on an annual basis the need for a transfer from the General Fund of at least \$4 million, which is included in the resolution.

In addition to that, the way the County Executive's recommended budget is presented, there would be a hole in the General Fund, but the nursing home doesn't remit to the General Fund a gross of \$12 million and a net of 10, because the -- just like last year, the 2012 budget is set up that we're going to sell it, we're going to get \$31 million and the nursing home is going to pay the General Fund \$10 million; none of that has happened yet. So what this resolution does is it uses the proceeds from the securitization of the tobacco as the \$14 million offset.

The tobacco, once we move forward on securitizing the remainder of our tobacco revenue asset, we anticipate getting a total of \$30 million in one-time revenue. Only 20 of that can be used in 2012, we are reserving another 10 to mitigate problems in 2013. All this is off budget. You have all ready approved -- six million? You have already -- in the mandated Omnibus you've already approved the use of six million of the 20 and this is the other 14. Now, interestingly enough, the way the tobacco revenue is being used, it's going to defeas debt. So instead of the General Fund having to pay the nursing home \$14 million, we're using the tobacco revenue to lower debt service in the General Fund. So the debt -- the General Fund doesn't have to pay Peter, it's going to pay Paul.

P.O. LINDSAY:

All right. Let me get a motion on this and then we'll open it to questions.

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. And Legislator Cilmi has a question and then Legislator Gregory.

LEG. GREGORY:

No, I didn't.

P.O. LINDSAY:

No? Okay, Legislator Cilmi, I'm sorry.

LEG. CILMI:

Thank you. To Budget Review, the -- so the way this is constructed, we're funding the operation of the nursing home for -- in its more or less in its present state for six months and then it diminishes after this -- the amount of funding diminishes and the amount of beds diminishes, etcetera, personnel diminishes after those six months; is that correct?

MR. FREAS:

Yes, that's correct.

LEG. CILMI:

That's correct? Is it conceivable that within those first six months that we strike -- that the new County Executive strikes some kind of a deal, you know, in -- with respect to this public/private partnership that we've issued RFQ's on?

MS. VIZZINI:

Yes.

LEG. CILMI:

Yeah? What's the likelihood that something like that would be consummated in six months? Understanding the difficulties here at the Legislature.

MR. FREAS:

You're either going to have a closed building or you don't. The amending resolutions together allow us two courses of action; one, to divest ourselves of the facility, either by -- actually, three; either to divest ourselves completely, to divest ourselves into this public/private partnership that's contemplated, or to downsize the facility.

One of the problems with the recommended budget is that it sells the license at the same time that it closes the facility, in which case we're not even selling a house that's on fire anymore, we're selling a house that's burned down and is no longer useful to us. Where this gives you, like I said, three different courses of action for 2012.

LEG. CILMI:

Does appropriating this money and allowing the operation of the nursing home to continue, does it avail us potentially of additional intergovernmental transfer monies?

MR. FREAS:

Yes. As long as we are -- if we're running it as a public/private partnership or as a Skilled Nursing Facility and we are receiving revenue for Medicaid patients and we're taking care of Medicaid patients as a license holder, we are potentially eligible for intergovernmental transfer.

LEG. CILMI:

Does appropriating this money necessarily mean that this money will be spent? In other words, I mean, if we come to some agreement with an entity in addition to the County -- you know, will the \$14 million necessarily be spent, or if the agreement is reached in the course of those six months, let's say, is it conceivable that some of that money will then just fall to fund balance at the end of the year?

MS. VIZZINI:

The way this resolution is constructed, it's with maximum flexibility to give us the opportunity for the County Executive and the Legislature to deliberate and come to a policy decision. The positions are created on an interim basis based on available appropriations. There could be a budget amending resolution -- let's say January 2nd the County Executive makes a policy decision, you embrace, you're going to go that way, you amend the budget.

LEG. CILMI:

Okay. Well, as I mentioned in my remarks with regard to the Omnibus Budget Amendment, the -- in this case as well, both County Executive candidates articulated the desire to try and make a public partnership work with this facility. And this may surprise some people, but I'm willing to give that a shot and let's see what the new County Executive can come up with along, again, with the Legislature and, you know, we'll take a look at it again if it doesn't seem to be materializing. Thank you.

P.O. LINDSAY:

And before we vote on this, I just wanted to point out just a couple of other things. I agree with you, Legislator Cilmi, that this will give the new Executive some time to put his stamp on what he envisions with this facility.

The second thing is it gives us time to sell the assets. And County Executive Levy's proposal to close it on the 15th, as soon as you close it the State says you have to turn over the bed licenses back to the State. I'm told those bed licenses are worth about \$15,000 a piece and we have 264 of them. So it's a considerable asset. So instead of just closing it on the 15th of November, it makes much more sense to keep it going and to figure if we're going to downsize it or eliminate it, to divest ourselves in a responsible way of the asset.

And the third point that I want to make is something that in the Working Group's mentality that we kicked around, is by mid-year next year our new jail should be opening up, and we are mandated by the State to have a Jail Medical Unit. It's really a mini-hospital, it's bigger than -- it's pretty good sized. And there was consideration, or the County -- current County Executive was taking bids about privatizing that and we kind of rejected that idea. And some of the skill-sets of the people working in the nursing home could fit in to the staffing of that facility. So we're hoping that if we do downsize that we'll be able to position some of our people in that facility at their choice rather than layoff any more people. Okay.

LEG. BARRAGA:

Can I just ask a question?

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

Yeah, I just want to make sure I understand the routing of the tobacco securitization money. Based on your comments, I take it the \$14.8 million is used in serial bond principal in the General Fund to reduce that. And then the actual savings in the General Fund is then used to offset the General Fund transfers to the nursing home.

MR. FREAS:

(Nodded head yes).

LEG. BARRAGA:

Okay, thank you.

MS. VIZZINI:

Precisely.

P.O. LINDSAY:

Okay. Any other questions? And it's the same thing, we have to take two votes on this, mandated and discretionary, and I please ask you to either vote no on both or yes on both, but not no and yes because it would severely unbalance our attempt to balance a budget. So we have a motion and a second. You want a voice vote, you want a roll call?

LEG. D'AMARO:

Voice.

D.P.O. VILORIA-FISHER:

Voice vote is fine.

P.O. LINDSAY:

All in favor? Opposed?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. ROMAINE:

Recuse.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Recused: Legislator Romaine).

P.O. LINDSAY:

And on *Budget Amendment No. 6*, which is the discretionary portion of the same subject, is it all right if we use same motion, same second, Legislator Browning?

LEG. BROWNING:

Yep.

P.O. LINDSAY:

I think it's -- we've had plenty of discussion, so I'll just call the vote. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Recuse.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Recused: Legislator Romaine).

P.O. LINDSAY:

Okay, we're up to **(Budget Amendment) No. 7**. This resolution -- okay. *"This resolution rescinds the gasoline tax with a sunset provision to offset the reduction in revenue from not charging back the towns for out-of-County tuition. The resolution increases the mandated portion of the applicable tax by \$4,963,050 while reducing the out-of-County tuition charge to other governments by \$10,250,000. This action, when combined with its discretionary companion, has no property tax impact."*

LEG. GREGORY:

I'll make a motion, Mr. Presiding Officer.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory. Seconded by Legislator Viloría-Fisher.

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to commit to committee.

P.O. LINDSAY:

Motion to --

MR. NOLAN:

It's a Budget Amendment, we just --

P.O. LINDSAY:

Yeah, we don't --

LEG. KENNEDY:

We can't commit to committee?

P.O. LINDSAY:

No, you need a standalone bill to recommit it.

LEG. MONTANO:

I have a question.

LEG. BROWNING:

Can we get an explanation?

P.O. LINDSAY:

Huh?

LEG. BROWNING:

An explanation?

P.O. LINDSAY:

Yeah. You want Gail to explain it or you want --

LEG. BROWNING:

Well, what's --

MS. VIZZINI:

I'll try and then I'll defer to --

P.O. LINDSAY:

Well, you want me to take it?

MS. VIZZINI:

It's a break-even.

P.O. LINDSAY:

Go ahead. There is a handout I think everybody should have gotten, it's this. See if you have it there.

LEG. MONTANO:

Where would it be?

D.P.O. VILORIA-FISHER:

It was handed out. Do you want to pass these down?

P.O. LINDSAY:

Yeah, you can pass them down to anybody that doesn't have one.

D.P.O. VILORIA-FISHER:

Is there anybody who doesn't have it?

P.O. LINDSAY:

This recognizes a recent survey that we took. We had a hard time finding the information of finding the average gas price in Nassau as opposed to Suffolk. And the reason why that was important is that Suffolk -- Nassau doesn't have a cap on the sales tax on gasoline.

And it starts the month of May, the month before our law went into effect, and it goes through October. And you can see month by month there is no pattern. In May, Nassau's prices was about a penny and a half below ours; in June, Nassau was about a half of cent higher than -- yeah, about a half a cent higher than ours; in July, Suffolk was a little bit higher than Nassau's; in August, Suffolk was a little bit higher than Nassau's; in September, Suffolk again was a little higher than Nassau's; and in October we were a little bit higher, Nassau was a little bit higher than us.

And the reason why -- and I might add that the information that we got comes from an information service that the industry uses, it's Long Island Gas Retailers Association as well as AAA uses. So I think it demonstrates that the savings that was envisioned when we passed this legislation to the consumer isn't there. It does, however, cost the County about \$12 million in revenue. And when the County Executive's budget arrived passing down the out-of-tuition cost to the towns, I got many calls from the towns telling me that it's -- if you guys go forward with this, it's a direct increase on the town tax bill. We have no way of filling that hole. And it varies; it varies town by town of how many of their kids go out-of-County. I listened to the complaints and I told the Supervisors to come

and express that feeling to us, and unfortunately nobody showed up today. But anyway, that's an explanation of what the thing is about. Legislator Gregory, you're the sponsor; do you want to say any more about it?

LEG. MONTANO:

I had a question.

P.O. LINDSAY:

Sure.

LEG. GREGORY:

You adequately stated the intentions of my legislation, so I appreciate that, Mr. Presiding Officer.

This bill comes out of frustration of the budget process, of the recommended budget and frustration of just not having enough revenues to pay for those things that we have paid for in the past. And to use the -- to repeal the Gas Cap Tax was something that certainly I -- I don't believe I supported it, but I appreciate that this is my colleague Tom's very important initiative that he had put forward, I think one of his first important pieces of legislation. So it's difficult for me to even come up with this suggestion, but I feel that there's no other choice.

I was offended, as a Town of Babylon resident, and I think all town residents who pay taxes, have I believe in the history -- well, no, I think in 1993 was the only time that town residents ever had to pay for out-of-County tuition. I think it's a ridiculous State mandate, I'll say that, but it's certainly a mandate that shouldn't be, in my opinion, be passed down to town residents who have no input or town -- towns that have no input or no jurisdiction or any influence or any part of funding community colleges, as we do with our community college. I think it's offensive to pass on those costs to town residents, to towns who are in the process and some of which have already passed their budgets; the Town of Huntington passed their budget. If we were to not -- if we were to pass on this additional cost to the Town of Huntington, the Town of Huntington would actually have to have a revote of their budget.

And this cost disproportionately affects western towns. We've spoken to every township in Suffolk County from, you know, Riverhead, you know, to Huntington, Babylon, Islip, Brookhaven, they gave me an estimate of about -- it would be about a 10% tax increase for their residents, I think Smithtown is about 5%, Babylon I believe is in the neighborhood of 15%. That's a direct tax increase or a direct cut in services to town residents. The gas cap applies to anyone from Montauk to Manhattan, New Jersey or anyone else that comes to Suffolk County and happens to fill up their car. It affects not only County residents, as I said, it affects anyone.

I believe at this time it's not appropriate to pass on any additional strain to town residents. And unfortunately, the only way I see that we can do it is through repealing the gas tax. And I don't enjoy doing that. I respect my colleague, Tom Muratore, for his efforts, but I really don't see any other choice. We debated this in the Budget Working Group and some of my colleagues very vociferously debated against passing this cost on and there was just no other alternative. So here we are at this point.

D.P.O. VILORIA-FISHER:

Legislator Montano.

LEG. MONTANO:

Yes, thank you. Legislator Gregory, we had discussed this, as you said, in the Working committee. Could you give me -- and I think at the time I asked you for the numerical breakdown by town of what the cost would be for the ten million two fifty. Do you have that?

LEG. GREGORY:

No.

MR. LIPP:

I have that if you'd like.

LEG. GREGORY:

Oh, okay.

LEG. MONTANO:

Who has it?

MR. NOLAN:

Robert Lipp.

LEG. MONTANO:

Oh, Robert, you have it. Okay. I'll take it from Robert. Thank you.

MR. LIPP:

Okay. First of all, it is on page 74 of our review. It's an estimate, we don't have exact numbers, but the breakdown would be three million -- round figures; three million in Babylon, 2.1 million in Brookhaven.

LEG. MONTANO:

How much?

MR. LIPP:

Two point one million in Brookhaven; 157,000 in East Hampton; 2.4 million in Huntington; 1.6 million in Islip; 130,000 in Riverhead; 2,000 in Shelter Island; a little more than a half of million in Smithtown; 269,000 in Southampton; and 79,000 in Southold.

LEG. MONTANO:

Okay.

MR. LIPP:

You write faster than I do.

LEG. MONTANO:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Okay?

LEG. MONTANO:

Uh-huh.

D.P.O. VILORIA-FISHER:

Legislator Muratore.

LEG. SCHNEIDERMAN:

Vivian, am I on the list?

D.P.O. VILORIA-FISHER:

No, I don't see you on the list.

LEG. SCHNEIDERMAN:

Please put me on the list.

D.P.O. VILORIA-FISHER:

Sure.

LEG. MURATORE:

So I just have a question to ask. We talked before about raising the Police District Tax, and that's not really a tax increase because it's special district. Now we're taking away a savings that we instituted that was supposed to go into effect in March, but because of an error here at the Leg, it didn't go into effect until June, it cost the taxpayers two million, and now we're taking it away and it's going to cost them another \$12 million a year. So are we not raising taxes? We all ran the other day. Yesterday we all got reelected on saying we're not going to raise taxes. We go back to what we said before. But it's okay, do what you want to do. You all have to live with what you do today. You're going to take something that we gave to our constituents, to the people that elected us, to the 68 to 75, you know, the 50.1% that trusted us and we gave our word to, because I don't think there's a person here that didn't say they weren't going to -- you know, they said, "We're not raising taxes," including the County Executive. So I just wanted to put my piece in and say I think you're doing a mistake here. But it's your call, I'm only one vote.

LEG. COOPER:

Bill?

P.O. LINDSAY:

Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Muratore, I know that you certainly did this with all good intentions. We had looked at this a few years before you came into the Legislature and we decided not to do it because in cases where this kind of relief has been provided at the gas pump, it has not been passed down to the consumer. And I think that the sheet, the information sheet that was provided by -- it was you, Bill, who provided this?

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

That was provided by the Deputy -- by the Presiding Officer is a clear indicator that, sure, the month after we did it, Nassau was a little bit ahead and then the retailers or wholesalers caught on and said, "Hey, we're not going to pass this on," and they didn't. They didn't pass it on. They didn't pass on the savings to the consumers. So actually rescinding this isn't going to cost the consumers anything, because the consumers haven't saved anything because of it.

LEG. MURATORE:

So then a crime is being committed there.

D.P.O. VILORIA-FISHER:

It is.

LEG. MURATORE:

There's a crime. So why aren't we enforcing the law? Why are we not sending out Weights and Measures to check that?

D.P.O. VILORIA-FISHER:

Wait, hold on, I still have the floor. Let me get to my second point. My second point is one of fairness. We feel in Suffolk County that many unfunded mandates come to us from the State, from the Federal government. We resent having to tax our constituents because of unfunded mandates. I don't feel that it's right for us, after towns have already set their budgets, have had their votes, for us to provide an unfunded mandate to the towns by passing on the cost of this out-of-County tuition. And a small town like Babylon to have to add another -- what was the number?

P.O. LINDSAY:

Here it is.

D.P.O. VILORIA-FISHER:

Another three million to their -- on the backs of their taxpayers I think is really unfair, and in my town in the Town of Brookhaven it's \$3.1 million. That's a lot of money for the towns to have to ask their taxpayers when there doesn't seem to be a recognizable and verifiable cost savings. And I don't know if it's criminal because they can charge whatever they want. They're competing, they can charge whatever they want. So the taxpayer is at the pump, he knows what he pays in Nassau County, so they charge a little bit more in Suffolk. It's what the market will bear. So the wholesalers are making more money because we're not collecting it.

So, you know, it's a very good intentioned law, it's very well meaning. It's certainly there to give the taxpayer relief, but it didn't. So I support Legislator Gregory's initiative in this.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. This is one of the things that we talked about in the Working Group and we have looked at under a number of different circumstances. Legislator Vilorio-Fisher referenced one, we had looked at it a couple of years prior. Legislator Muratore brought this forward. There's just a couple of points that I think are very important to look at here.

The whole out-of-County tuition issue is one that was brought to the forefront by Legislator Cilmi with the FIT issue, and it goes back to something that I think most of us struggle each and every day to try to do as elected officials, we try to be fair. And we as a body have committed tremendous amounts of time and resources and all of us pride ourselves on having an outstanding community college where people at all age ranges and all walks of life can go forward, can get a good, solid start on a higher education; I've taken courses there myself, many of my colleagues have as well. And we all know that an education is key to a successful life. So we support capital projects and we support our contribution and we know, particularly in these economic times, that we have to keep those doors open and allow folks to come in for training and retraining and do everything that they need and can afford from there.

But what we don't have to do is fund a select class and a special group, and that's what we're talking about here with the out-of-County tuition. Just like everybody around this horseshoe, you struggle for your own education and you pay for kids to go to school. But what we don't have to do is subsidize a select few, and that's what this is about. It is taking \$10 million from a savings off of gas cap and directing it to something that ultimately benefits a select few. We need to be fair. We should look at the gas cap. As a matter of fact, Legislator Muratore and I have met twice now with

the representatives from Long Island Gasoline Retailers Association, and next we'll be meeting with State Taxation & Finance. We as a body have never stepped away from something that is unimplementable because we didn't know how to do it. We went at it from another way until we achieved equity and fairness, and position at a distributor level or a wholesaler level may be the way to achieve the benefit that our residents need. But repealing this, allowing the same ole to go on that's always been and to then subsidize a select few is not fair.

So I would say to each and every one of you, I don't think that we should repeal the gas cap, subsidize what goes to students in the various towns. My own Supervisor, I saw him last night and wanted to know again what's going to happen with this, why is it going there? But the truth of the matter is it is an inequity and a hardship that's been worked on us by the State and we should not fix what they put down that is not fair. We should take it to them and get remedy there.

P.O. LINDSAY:
Legislator Horsley.

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

LEG. HORSLEY:

Thank you, Presiding Officer. This -- you know, to echo John's comments, Legislator Kennedy's comments, about fairness, this Legislature often, often supports issues that relate to the east end areas of Suffolk County, whether it's land preservation or dredging or -- there's -- it's numerous. And we don't begrudge that, and that's a wonderful thing and we are doing right for Suffolk County, and that's what makes this body so special.

Well, here we have a situation. Here we have a situation. We are like a town of -- like the Town of Babylon is going to have to pay 3.2 odd, odd, odd numbers million dollars a year to pay for out-of-county tuition tax. It is a tax increase. They have put together their budget. They are ready to go, and this is a time where this Legislature should step up and say what is fair for all of Suffolk County. Let us help the west end one time.

I feel, I feel, that this tax is not fair. It is not fair on the grounds that Suffolk would levy it to just a smaller -- just one of the areas of Suffolk County. It's not fair that the State has pushed it down to us. It's not fair that the County Executive has given it to -- has put it on the towns; it is just not fair. I would ask my colleagues to support the west end towns this time, because this is something that is in the best interest of all of Suffolk County.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:

Okay. I'm trying to -- the way I see this there are two separate issues here. One is the out of -- the out-of-county tuition. As Legislator Horsley reminded us, that's unfair. It's an unfunded mandate from the State of New York, it came down to the County, now there's a proposal to push it down to the towns, resulting in a tax increase. We don't want to do that. We don't want to increase taxes in any town or for anybody.

So how do we avoid that. Well, one way we can avoid that is to look for the funding to keep it within the County's responsibility. The funding that Legislator Gregory is suggesting would be repealing the cap on the gas tax charge by Suffolk County. So here's my question, or here's my issue. I originally supported the cap with the understanding that the savings would go to the consumer, and I think that's why everyone who voted for that would have supported it. We

certainly weren't supporting the cap to pass the savings on to a gasoline wholesaler. That's for sure. So if there is a way to enforce the original intent of the gas sales tax cap where the savings could be passed on to consumers, I don't think this would be the right offset to use, because then we would be taking the funding directly out of pockets of taxpayers at the pump, and I don't think we should be doing that.

So, Legislator Muratore, you know that I originally supported this. I still want to support it but -- and you had mentioned why aren't we enforcing it and I think Legislator Kennedy referred to some discussions. But I have to vote today, and I need to know whether or not we can get these savings down to the consumer at the pump. Can that be done? You know, can Suffolk County, do we have the authority to do that or does someone else have the authority that's willing to commit to do that? I don't know the answer to that question, so how do I decide whether or not to take the next step and then vote to avoid the tax increase in the town, and I can do that by taking the money out of the pockets of the gasoline wholesalers as opposed to taxpayers. I just don't know the answer to that sitting here today. If anyone can shed some light on that, I'd appreciate that.

LEG. KENNEDY:

Could I --

P.O. LINDSAY:

I've got a long list, but go ahead. You want to answer it, go ahead.

LEG. KENNEDY:

Well, the things that I would offer to Legislator D'Amaro, and I appreciate the -- the taking the two issues and splitting them so we can examine each, because this is not a linked issue. It really is, one, the equity issue regarding all of the towns, and then secondly, our ability to go ahead and enforce individuals who are engaging in criminal conduct. You know, we had the man in the office, or in the auditorium today, who we can certainly ask to commence a forensic audit or a criminal audit on if, in fact, we had retailers who are withholding or not properly --

P.O. LINDSAY:

John, the answer is quick. You're going out of the turn.

LEG. KENNEDY:

Yes, there's a way for us to go ahead and get an answer on this so that the savings go down to motorists. I'd say yes.

P.O. LINDSAY:

Ledge -- are you done, Legislator D'Amaro?

LEG. D'AMARO:

Just to follow up on that very quickly. I don't know the answer to that, I just don't know.

P.O. LINDSAY:

The answer is you need price controls. Is the State of New York willing to put price controls on gasoline?

LEG. D'AMARO:

That's my point. If we don't have the authority --

P.O. LINDSAY:

If they are that would be a win-win for all of us.

LEG. D'AMARO:

We don't have the authority to do that. So the wholesalers are really free to charge whatever they want to charge. I don't see it as criminal conduct. What I see is just the wholesalers getting the benefit of legislation that was passed to benefit consumers. That's the way I see it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. First, I would agree with all those who said that this mandate is ridiculous, that it's being dumped upon us. Whether it's paid at the County level or the town level, the taxpayers are paying it. I guess the fundamental difference is how it's distributed. At the town level it's based on the number of students per town, at the County you have the benefit in terms of western Suffolk of buffering this through the entire population of the County. So, yes, it is one of those perhaps fairness issues, which I am often fighting in terms of east versus west. This is a west versus east.

In terms of -- I want to say the study that you presented, Mr. Lindsay, where you're comparing Nassau and Suffolk over the course of this year, doesn't really do much for me from a scientific perspective, because I'd have to look at least at 2010 before we had the gas cap and the relationship between Nassau and Suffolk's prices, because Suffolk has always been a little bit higher than Nassau. And it's largely because of what we're zone pricing or what the distributor would say we have to go further with the gasoline. So I don't really know from this table that you've given me whether there really is a benefit to the consumer or not.

I do want to say, though, that, you know, maybe this time, even if there is some benefit to the consumer, I don't know that we can afford to give up this money, that the County is in such a desperate situation that we need every penny. The question is if I had \$12 million would I use it, let's say, to restore those 700 positions in the budget that are going to get axed potentially in July, or would I use it this for this. That is a policy decision that's up to this body. You know, and it's a difficult one. I wish we had better data on it. I supported the gas cap. I'm willing to consider rescinding this gas cap, I'm willing to take the fair approach. But, you know, I would have liked to have more information before making that decision.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Can I -- there was just one quick thing I wanted to add. In terms of if it is on a tax bill, at least the public then would get the benefit of seeing what this State mandate is to doing to them, because right now they don't see it at all because it's kind of buried in the County. Maybe we should figure out how to get a line on the bills in the future where we could see some of these State mandates so that they know it's really not the County that is charging them all this money, but the State that is dumping it on the County and then it's being transferred to the taxpayer.

P.O. LINDSAY:

So do a bill.

LEG. ROMAINE:

I thought you said Gregory has a bill.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

During this discussion I had a little mini-vacation. It reminded me of when I grew up three blocks from Nassau County, where I used to drive my Volkswagon three blocks to save two cents, and I didn't want to pay 27 cents in New York City, you know, for gas.

I agree with Legislator Gregory that this is an unfunded mandate and it shouldn't be passed down, and I agree with Legislator Horsley that it's unfair to pass it down. However, if I've learned a few things in this arena, the word fair usually means support my position, and I'm not totally clear what's fair based on what I'm hearing. But I think Legislator D'Amaro said that we should enforce the intent of the law. And I think Legislator Muratore talked about the Consumer Affairs, they could -- I mean, they could investigate this, they could -- or at least publicize the abuse that you're basically saying, Legislator Lindsay, in your report.

It seems like what we're talking about is going after the people that are most accessible and not going after the people that are really responsible, because I think you find it's the wholesalers that are not passing it on. Well, why do we let them off the hook because the taxpayers are available? I think we've talked about a possible solution, go after the wholesalers. Make some noise. Occupy gas stations, I don't know. But do something.

(Laughter)

So, you know, I just don't want to go after the most available and easy target. I think Legislator D'Amaro said it, we should enforce the intent of the law.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

If you want to prevent a tax increase for your constituents, and I think we all do, you have no choice but to vote for this resolution. If it's not approved, you're in effect voting to increase town taxes to pay for out-of-county tuition expenses; there's no question about that. And as the concrete data from LIGRA clearly demonstrates, and we all have a copy in front of us, there is no tax savings for motorists resulting from the existing cap on gasoline taxes since, as we've said, the money is instead going to line the pockets of the oil wholesalers. And that may be unfair, but unfortunately, it's not criminal conduct, and it's not illegal as far as I can tell.

We had checked into this issue when we were last debating the bill, around the time that the State decided to cap the gasoline tax, and according to Bill Schnell of LIGRA, and I met with him at some length about this, this is not price gouging; it's the free market. It's the American way. The wholesalers are free to charge whatever they want to charge and there's no way to prove whether or not they are passing on "X" amount, a penny or two pennies or three pennies of tax savings, because the prices fluctuate so much on a daily basis.

I asked LIGRA if they can give me an example of what price gouging would be. The best example he could give me was if a hurricane hit Long Island and caused massive flooding and in a ten square mile area 90 of the gas stations were knocked out, it left two gas stations, and those two remaining gas stations raised their prices 50%, that's price gouging. But what the wholesalers are doing right now is completely legal and there's no way -- they don't even see a way that you can draft a law that would address that problem.

The last time we had considered this, and again, it was -- I think it was the exact same time that the State was considering implementing a similar cap, I had my, and some of you may -- were not around the horseshoe at the time, but I had my staff visit about two dozen gas stations throughout

the Township of Huntington, and they started photographing the large signs in front of the gas station that listed the gas prices. We put together a portfolio of the photos of the signs showing clearly the prices starting about two weeks before the State imposed their cap, and then continuing about two weeks after that. And in almost every case, it was interesting, that when the State enacted their cap on the gasoline tax, prices dropped by a couple of cents for a couple of days, and then it very quickly went right back, and after three or four days it was higher than it was beforehand. I made that case at the time, I distributed photos around the horseshoe, and that was convincing enough that the Legislature clearly defeated that proposal. I regret that I didn't bring those photos with me last year when we debated this because we may have had a different outcome.

So, Legislator Muratore, clearly this was well intentioned. I applaud you for what you were trying to accomplish, but unfortunately the folks that are benefiting right now from this cap, it's not the people of Suffolk County, it's not taxpayers, it's not motorists, local motorists, it's the oil wholesalers. And if we don't pass this there's also no doubt that the people that will pay the price ultimately are our constituents, because we're going to force the towns to raise town taxes in order to pay for the out-of-county tuition costs, and that's not fair and that's certainly not a thing that I can support.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
No.

P.O. LINDSAY:
No, you're done?

P.O. LINDSAY:
I already went.

P.O. LINDSAY:
Okay. Legislator Browning.

LEG. BROWNING:
I thought you missed me. Yeah. I think I have listened to every argument and I agree with all of you.

(Laughter)

So everybody's right. You know, John, you talked about a special interest group, a special group that we're catering to, and you are right. However, when I look at if the times that that cost is shifted to them, now there's another special group that's being burdened, and that's the property tax -- property owner through property tax. You know, how many of us have kids still living at home. I don't anymore, I still have my 16-year-old who will at some point within the next year or two will be driving a car. He doesn't pay property taxes, but when someday he has a car he has to pay for gas. Our 20-something year olds who, you know, live at home or rent an apartment or whatever, they're all paying for it. And I think it's kind of created an equal distribution rather than put it on to the property tax owners. So you're right because you have a special group that's kind of maybe getting off easy, but then now you have this other group who are going to be burdened with a property tax.

And I don't know, did we get the numbers, like say -- I mean, I'm in Brookhaven. You're talking \$3 million in the Town of Brookhaven, and what would that be per property tax owner, I mean, on your property tax bill per household?

MR. LIPP:

I'm sorry. You're talking about the out-of-county tuition.

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Right.

MR. LIPP:

Okay. The Brookhaven portion of 2.1 million amounts to 12 and a quarter, \$12.25 per property owner.

LEG. BROWNING:

Say that again?

MR. LIPP:

Twelve dollars and 25 cents per average homeowner in Brookhaven.

LEG. BROWNING:

Okay. So it would be an additional \$12 per household.

MR. LIPP:

For Brookhaven, right.

LEG. BROWNING:

Okay. So this is something that you're sunsetting so you're doing this for one year?

LEG. GREGORY:

I think the talks have been it will be for 24 months.

LEG. BROWNING:

For 24 months. So what do we do -- yeah, what do we do now after -- and as I understand, because all of the towns have, you know, passed their budgets and now they'd have to reopen it if we pass the cost to them. And I get it, we complain about the State mandates, that we have to take care of and that we have to pay, and that's being -- and we're having -- that burden is being shifted to us from the State. I get it. I don't think we want to be shifting a mandate to our local municipalities either, it's not fair to them. But what are we going to be doing 24 months from now when we still have this problem, or are we going to have this problem?

LEG. GREGORY:

Mr. Chair, can I respond to that?

P.O. LINDSAY:

You want to answer that? Go ahead.

LEG. GREGORY:

Yes, I misspoke. The intention was a 12 month sunset. I spoke to Legislator Muratore and Kennedy briefly before the meeting today. They had said, as John had iterated, that they had met with LIGRA

a few times. They believe that there are some ways that they can, you know, get the wholesalers to pass on the cost to the consumers. My hope is that during this twelve-month period that we, and I'll be willing to work with them, that we implement something that can, in fact, you know, realize the intention of this bill is to pass on those costs, those savings, excuse me, to the consumers, so I'll be working with them. Legislator Muratore has my commitment to a sunset provision. And at that time I hope that we'll have it all figured out as to how we're going to fund this, or work with -- work to lobby Albany to eliminate this mandate, which I think is a ridiculous mandate.

LEG. BROWNING:

I agree. I'd like to see us work on eliminating the mandate, which would solve our problem. This is -- this is a tough one.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, thank you. First of all, with respect to eliminating the mandate, I would courage you all to write letters to Assemblywoman Deborah Glick, who is the Assembly Chair of the Higher Education Committee. Her office is in New York City. I've met with her and there are several Senate sponsors and several Assembly sponsors of bills in the New York State Legislature to change this situation with FIT, but they have to get out of that committee. So she committed to reviewing the situation, but certainly some encouragement on the part of all of you to her might help speed the process along just a little bit. So that's one thing with regard to the FIT. As you all know, that's a -- you know, a very significant part of this whole out-of-county tuition cost.

P.O. LINDSAY:

Legislator Cilmi, would you suffer an interruption?

LEG. CILMI:

Absolutely.

P.O. LINDSAY:

By chance is FIT in this woman's --

LEG. CILMI:

District, yes. She represents part of New York City. FIT is a New York City school.

D.P.O. VILORIA-FISHER:

She's not downtown, is she?

LEG. CILMI:

I don't remember exactly where we went. It was downtown, yes, it was downtown. So -- and I might remind you that Carl McCall was recently appointed Chair of SUNY, which governs community colleges, including FIT, and I might also remind you that Carl McCall's wife is the President of FIT. So welcome to New York State politics.

In any event, and be that as it may, the -- you know, I am totally opposed to passing this cost down to the towns. I don't know how we can complain about unfunded mandates on one hand and then, you know, pass them down on the other hand. But, at the same time, I don't agree with tying it to this reduction in gasoline tax. And the last I checked, we live in a free market economy. I don't know what price guidelines or constraints are in effect with regard to gasoline prices. I also don't know the gasoline wholesalers business or the gasoline retailers business. I'm not in that business. I don't know if anybody here around this horseshoe is. But until -- you know, until we walk a mile in

their shoes, let's refrain from criticizing.

We all feel like we pay too much in -- you know, gasoline prices are too high, and that's a much greater issue than we could ever begin to address at this Legislature. But let's not throw the retailers or the wholesalers, let's not start questioning prices because the prices that we're seeing on this list and the prices that exist at our gas stations, as we have all seen, vary quite a bit, even in a town. And you go on the Expressway, for example, and you see the gas stations that operate on the Expressway or Sunrise Highway, the prices can be 20, 30 cents more per gallon than they are in our local communities. So I don't agree with eliminating Legislator Muratore's cap. I also don't agree with passing -- passing the cost on to the towns. We're in one of those situations, you know, two wrongs don't make a right. I don't know how to solve it. You know, we just passed a -- was this addressed in the budget Working Group in terms of, you know, possibly dealing with it in the omnibus bill?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

We talked about it but decided the best way to handle it would be a stand alone.

LEG. CILMI:

Okay. My suggestion is to continue to fight New York State to get rid of what we know is wrong. I mean, well, I don't have an answer.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I think this charge back issue really came about, if I recall correctly, where Nassau County, Mangano made efforts to charge back certain townships for tuition. And I think it's been challenged in the courts. I don't know what the final disposition was. But I do want to bring up one point and it doesn't really solve the problem, but a number of weeks ago I was looking at a chart in terms of where these students live that are going to schools outside the County, and there were a disproportionate number, as far as I was concerned, in the Towns of Babylon and Huntington. Almost like 62% of all the students were coming from those two towns. And I looked -- I just stood back and I said, you know, why is that? I mean, an overwhelming number of them are going to Nassau Community College. I kind of had a few thoughts run through my mind that maybe logistically it's a lot easier to get to Nassau Community College than it is to get to the Brentwood Campus or the all inclusive campus at Ammerman.

I just can't believe that Nassau Community College, with the numbers of students they're receiving out of Babylon and Huntington, is so more prestigious than our own Suffolk County Community College. And if it's easier to get to and they go to Nassau Community and the course work is there, I think that's a drawback from them going to the Western Campus or Ammerman. So maybe we should take a look at that as to really why these people, so many of them from those two towns, are going to Nassau Community College. Why aren't they going to Suffolk Community College? Is it a logistic thing? Is it a travel problem? It's either travel or the curriculum, one or the other, but they really should be coming to Suffolk Community College.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. Just to pick up on what Legislator Barraga had to say. In BRO's review it actually lays it out very specifically for us. And again, to my colleagues from Huntington and Babylon, and Legislator Horsley, I agree with you that we're wrestling with something that's an expense that's going to be driven down to the town. The chart laid it out very well for us. In Smithtown it would be a \$17.21 charge per resident in the household. But we're wrestling with do we relate it to tax relief because we can't enforce to ultimately mitigate a subsidy for 4,178 students throughout the County. Out in Shelter Island it's only 79 cents for the households out there. We're a County from end to end, from Amityville out to Orient, and we are supposed to address issues as best we can where we have hardships. But by doing this, in essence, we're underwriting and promoting the dysfunction.

We should not have to fund convenience to go to Mineola or to Uniondale because a kid thinks it's a little easier to go there than to come to Brentwood or to Selden. We'll talk all day long and forever about trying to fix our budget and we might as well just close shop if we can't bring in and deal with educating our County students at our County facilities. I go back to what I said before. I think it's -- we're facilitating the dysfunction of what the process is.

P.O. LINDSAY:

I just wanted to go and say my piece. I agree with a lot of you that this is two separate issues. There's no two ways about it. I contend now, as I contended when we debated the original bill, that there's no savings for the taxpayer. You can call it a tax break all you want, but that sheet unequivocally proves that nothing was passed down to the consumer. The only way you could do that, you could investigate all you want, unless you have pricing mandated by the State, it's never going to happen. Or unless you get sales tax metered at the pump that the consumer can see the tax being added on, and I'm not sure you're going to get that either.

As far as Legislator Schneiderman said, I'll be happy to get you as much stats as you want. That starts -- that sheet starts a month before our bill went into effect, our law went into effect, and is up until the last month. You want to look at them a month and a year before? I don't know what that's going to prove. Neither one of us had any kind of cap on sales tax. But that website is proprietary. I paid the fee to get this information. I'll get you whatever stats you want.

LEG. SCHNEIDERMAN:

It gives you baseline, the control.

P.O. LINDSAY:

I'll get you whatever you want. You just tell me what you want. As far as Legislator Muratore is saying, the mistake was in the Legislature that it didn't go into effect. I resent that and it's wrong. We are all Legislators making the same salary. When the Counsel writes a bill for any one of us it's given to us, we're to read it and okay it if it's to be filed. If there is a mistake in the bill, and there was a mistake in the bill, it behooves you to have picked it up. So, you know, your robocalls that I'm the cause of high taxes on gasoline or the high cost of gasoline in Suffolk County is wrong, it's wrong. It was wrong when you's did it and you continued to do it and I resent that. Accept the responsibility for your own mistake.

LEG. MURATORE:

I made no robocalls to your district.

P.O. LINDSAY:

Well, somebody did.

LEG. MURATORE:

Well, you know I didn't do it. Why are you accusing me?

P.O. LINDSAY:

Somebody did, somebody did.

LEG. MURATORE:

Well, it wasn't me --

P.O. LINDSAY:

Okay.

LEG. MURATORE:

And you are blaming me. It wasn't me.

P.O. LINDSAY:

Okay. The other thing is I'm disappointed, like many of you's, that the towns aren't here. I mean, if this is such a hardship, and when they called me I told them to come down here and make their plea. They're not here. That's very disappointing to me. You know, so I don't -- I don't really know what to do. I agree that one shouldn't be linked to the other. I think it's clear that the consumer isn't benefitting from this legislation. We should have never passed it, it was a mistake, and I think it's also clear that this unfunded mandate shouldn't be passed down to our towns, but they're not here to complain about it. So, you know, maybe this -- I mean, I'm going to support this bill, but I don't know, maybe we should go a different way. I don't know. So, Legislator Gregory, you have the last word. It's your bill.

LEG. GREGORY:

Just to finish. I, too, called the towns in my office, myself and my Chief of Staff. We had asked them to come forward. My initial, and I think many of you, if not all of you, know that my initial reaction to this passing of this cost to the towns was to place a separate line on the town tax bill identifying us, the County, Suffolk County as passing on this cost, this mandate to town taxpayers so in the event, in most cases when the towns have to raise their taxes, they can illustrate what they're being raised for. Obviously we got, you know, much push back from the towns. They weren't willing to pierce their caps on the local level. They asked us why aren't we funding it. Knowing -- working on the Budget Working Group, knowing that there's no money available, there were only several choices. One, put \$10 million worth of layoffs in the budget, which I individually am not going to do and I don't think anyone would support that, or pierce our cap, which as many people have said today, no one has the appetite to raise taxes. So what options were there? To repeal something that was presented to the Working Group, or came up in Working Group, actually, that the intent of the bill, the savings to consumers, wasn't being realized. So I saw it as an opportunity to fund something that I found offensive that as being a County Legislator passing on a cost to town residents, and as Legislator Kennedy mentioned, you know, the towns have no input, jurisdiction, anything to do with Community College. That's our jurisdiction. We fund their budgets. If we fund them adequately so that they can fund programs and have courses that attract every single student that wants to go to community college in Suffolk County, that's great. Obviously there are people that choose not to do that for whatever reason. But the point being made is the towns have no input in that. So it's irresponsible to pass on those costs to the towns, which would be a direct tax increase to our town residents. And I hate to do this, Tom's a friend, but I think more importantly, this is something that I can't see myself supporting as far as putting costs -- passing costs on to town residents, and this is the only way I see us out of it. So I ask for your support.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk. Roll call.

*(*Roll Called By Mr. Laube, Clerk*)*

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. STERN:

Pass.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. STERN:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. What are we up to, eight?

LEG. GREGORY:

Mr. Chair, at this moment I would like to withdraw Budget Amendment 8.

P.O. LINDSAY:

Okay. I think you're withdrawing the wrong bill.

D.P.O. VILORIA-FISHER:

Doesn't it have to go with seven? It has to go with seven, DuWayne, doesn't it?

LEG. GREGORY:

No, no.

P.O. LINDSAY:

Budget Review, would you please opine on that?

MR. LIPP:

It's a companion resolution. It has to be passed together. I think what you're referring to is I.R. 1915, but you should keep in mind the following with I.R. 1915. If this is vetoed and not overridden, if you pass these two budget amending resolutions, and if they are -- if the vetoes -- if it is vetoed and it's sustained, if you don't pass the other resolution it will not appear on the property tax warrant and then it would be up to the County to try to collect the money from the towns and that could be dicey.

LEG. GREGORY:

All right. I misspoke. I was confused, but I make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Could we use the same motion, same second?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Is there any more debate on this? It's the same issue. Roll call.

*(*Roll Called By Mr. Laube, Clerk*)*

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

MR. LAUBE:

Pass?

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

I had voted yes.

MR. LAUBE:

I thought you said pass and yes to that. I'm sorry, my confusion. Yes or no?

LEG. MONTANO:

I had voted yes.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

He voted yes. It should be 11-7.

MR. LAUBE:

I have 12 on that.

P.O. LINDSAY:

Oh, okay. My miscount.

LEG. MONTANO:

I have 12.

D.P.O. VILORIA-FISHER:

Lynne voted yes.

P.O. LINDSAY:

Okay. Next is nine, Budget Amendment 9. This resolution creates 44 vacant positions in the Department of Social Services on an interim basis for 4.5 months, ten payrolls, in 2012 in Fund 360, which is 100% funded. All 44 positions are Medicaid Compliance Examiners. Benefits for these positions are in the discretionary companion to this resolution, DBA 10 2011. There is no property tax impact for this resolution. Legislator Kennedy.

LEG. KENNEDY:

Yes. I'll make a motion to approve, Mr. Chair.

P.O. LINDSAY:

Okay. I'll second it. On the question. Do you want to explain it, Ms. Vizzini? You want to just vote on it?

LEG. CILMI:

I want an explanation.

P.O. LINDSAY:

You want an explanation.

LEG. CILMI:

Yes.

P.O. LINDSAY:

If you don't, I will.

MS. VIZZINI:

I'll be happy to. This is another example of you -- you need to take the mandated and the discretionary together. At the request of the Commissioner of Social Services, there is undoubtedly a shortage of authorized positions in Social Services. Budget Amending Resolution No. 9 is for the Medicaid Compliance Examiners. Number 10 is simply their non-mandated benefits. The number of 44 is equivalent to the number that we could restore with funding for four and a half months for no net property tax increase. Although their salaries are 100% reimbursed, their benefits -- everything's 100%?

D.P.O. VILORIA-FISHER:

Yeah, because it's Medicaid. It covers everything.

P.O. LINDSAY:

My question is why did we just do it for four-and-a-half months then?

D.P.O. VILORIA-FISHER:

Well, why don't we just do a budget amendment in four months.

MS. VIZZINI:

You know, what happened with this was there was a package of communication from the department, and we broke -- you know, ultimately this evolved. The next one before you has to do with restoring CPS positions and HEAP workers, you know, for which there was also a cost. The other thing is these positions are being created on an interim basis, so they would be treated no differently than the layoffs.

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

Okay. The dilemma here is that because of the layoffs proposed in the budget and our addressing those by mitigating them for six months, it is unlikely, although I do not know for sure, that these positions could even be filled in the first six months because we need to determine whether there's going to be preferred lists. I mean, these are Caseworkers and Senior Caseworkers.

P.O. LINDSAY:

I know. But isn't the point that we had to abolish all vacancies as soon as we started laying people off?

MS. VIZZINI:

That's part of it, yes.

P.O. LINDSAY:

And these positions were abolished because of that --

MS. VIZZINI:

They were our laws, correct.

P.O. LINDSAY:

Yes. Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. As a matter of fact, Commissioner Blass reached out to me. And I want to thank BRO because Ms. Vizzini described what turned out to be a process that evolved over about a day and a half, two days and, you know, with your help we were able to get down to what is, in essence, I guess these three resolutions, critical positions.

The story behind the story is our department is under consent from having been sued by Empire Justice Institute for failure to comply with Federal timeframes for processing of Medicaid applications, commencement of CPS investigations and the other elements that we must do by statute. And the failure to fill what are 100% State-funded positions has put us perilously close to being in violation of what was a voluntarily negotiated consent order. So we are artfully attempting to try to be compliant, go forward and do the bear minimum of what the law states we have to do. Therefore, we're pointing to placeholders that we are hoping that the next County Executive will sign SCINS to fill so we can be legally compliant and not subject to more Federal fines and a possibility of a special master. That's it in a nutshell.

D.P.O. VILORIA-FISHER:

That's right.

P.O. LINDSAY:

Legislator Cilmi, do you have any other questions on this?

LEG. CILMI:

Just -- you had asked a question, I don't know that -- I mean, I didn't hear the answer, which is that if they're a hundred percent funded, why just four and a half months?

D.P.O. VILORIA-FISHER:

We're not sure.

LEG. CILMI:

Oh. We don't know? Do we not know because we don't -- because it's the State hasn't told us, or do we not know because we just don't know?

MS. DONO:

Legislator Cilmi?

LEG. CILMI:

Yes.

MS. DONO:

The entire proposal that we put together to create vacancies in the Department of Social Services was seen as a whole. The Medicaid positions were a part of the whole as well as CPS, Food Stamp and HEAP positions, they were the prioritized positions and everything was intended to be restored for four and a half months. They were just part of the whole.

LEG. CILMI:

When you say the whole, you mean the hole, H-O-L-E, or the whole, W-H-O-L-E?

D.P.O. VILORIA-FISHER:

*(*Laughter*)*

LEG. CILMI:

I'm serious.

D.P.O. VILORIA-FISHER:

W.

LEG. CILMI:

Okay. So do you -- I mean, were these positions removed in the Omnibus?

MS. VIZZINI:

They were removed in the recommended budget.

LEG. CILMI:

They were removed in the recommended budget.

MS. VIZZINI:

So when you abolish one filled Social Services Examiner I, you must abolish all vacancies. We still -- until we amend the 2012 budget mid-year, you still will have layoffs of Social Services Examiner I's. It is very unlikely that these positions will be able to be filled until the layoffs are resolved. There are protocols through Civil Service whereby if your position is being abolished, there's a preferred list. We experienced this when the County Executive recommended the abolished positions in the nursing home which contained Senior Account Clerks; no department was permitted to hire a Senior Account Clerk pending the establishment and use of preferred lists. So why fund it for 12 months?

LEG. CILMI:

Okay. So my question is was any of this dealt with in the Omnibus bill?

MS. VIZZINI:

No, it's a separate, stand alone resolution before you.

LEG. CILMI:

So none of it was dealt with in the --

MS. VIZZINI:

Correct. It's not duplicative, if that's what you're asking.

LEG. CILMI:

Okay. Thank you.

MS. VIZZINI:

You're welcome.

D.P.O. VILORIA-FISHER:

If I may, Mr. Chair?

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

And Tom, this was one of the issues that we said was so difficult about the recommended budget, that when we talked with our department Commissioners, they said there were positions cut out that are 100% funded and we're under consent decrees to up our staffing so that we can meet that and so we had to fill that also. That's why there was kind of a package from the Department of Social Services to meet their mandates and their function.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

On nine. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Tim, I'm here.

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Bill, could I --

P.O. LINDSAY:

Before you do that, let me just finish the companion bill and then I'll recognize you, all right? *Ten* is the companion bill to nine; am I correct?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

We're dealing with the same issue, right?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Budget Review?

MR. LIPP:

Right, yes.

MS. VIZZINI:

Yes.

P.O. LINDSAY:

Okay. Same motion, same second, same vote all right with everybody?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Legislator Browning, I'm going to recognize you for the purpose of a motion.

LEG. BROWNING:

Thank you. I apologize, Mr. Rosenberg is still here from Beechwood. There's a introductory -- CN, 1962, and I'd like make a motion to take it out of order.

D.P.O. VILORIA-FISHER:

Let me find it first.

P.O. LINDSAY:

It would be in the red packet.

LEG. BROWNING:

It's the very last one in the packet.

P.O. LINDSAY:

Okay. *IR 1962-11 - Amending Resolution No. 1201-2010 in connection with the Suffolk County New Drinking Water Protection Program (effective December, 2007) – open space component - authorizing the acquisition for the Beechwood Moriches Building Corp. Property - Forge River watershed addition (Town of Brookhaven).* And you make a motion to take it out of order?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Is there a second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? It is now before us.

MR. LAUBE:

Eighteen.

LEG. BROWNING:

I would like to make a motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning. Is there a second?

D.P.O. VILORIA-FISHER:

Can I have an explanation? I'm confused.

P.O. LINDSAY:

Do you want to explain the bill?

LEG. BROWNING:

Well, actually, it's not mine, it's the County Executive's CN.
Is there anybody from the County Executive's Office?

P.O. LINDSAY:

There's Ms. Green.

LEG. BROWNING:

Oh; thank you, Pam.

MS. GREENE:

Good evening, everyone. Congratulations on all your respective reelections. As Legislator Browning has stated, this is an amendment to a prior resolution that this Legislature has already passed. Resolution 1201 of 2010 authorized the acquisition of land known as Beechwood Moriches Building Corps. That acquisition, in a contract that already has an authorizing resolution and has been executed by all parties, has that acquisition taking place in a 50/50 partnership with the Town of Brookhaven. It is a \$20 million acquisition. That authorizing resolution has already been passed, so that amount can be shared.

The 50/50 split would be \$10 million paid for by Suffolk County, \$10 million paid by the Town of Brookhaven. Two million dollars of the Town of Brookhaven's portion was to come to them from a State grant. Because that State grant has not yet been received by them as of yet, and because this is an acquisition that has gone on for more than two-and-a-half years, it is the County's desire to close this acquisition and to have this technical correction that allows the closing to go forward and change the ownership from 50/50 to 55/45.

P.O. LINDSAY:

So we're picking up the additional \$2 million. What happens if the State grant comes in?

MS. GREENE:

Right. We're not picking up the additional two million. We're maintaining what we had pledged to buy for half of it. The seller, and I'll certainly let them speak for themselves, the seller is willing to close without receiving money that is pending from the State grant. In the interim, our ownership will change to give Suffolk County a higher percentage of ownership. Once the State grant is received, the ownership then and the money goes back to the seller and the ownership reverts back.

P.O. LINDSAY:

Okay. But if the State grant doesn't come through, we're on the hook for another two million.

MS. GREENE:

No, sir.

P.O. LINDSAY:

All right, I misunderstood. Okay. So it's still costing us --

MS. GREENE:

Our half of \$10 million.

P.O. LINDSAY:

Ten million dollars, but now we have a 55% share rather than a 45% share.

MS. GREENE:

Rather than a 50% share.

P.O. LINDSAY:

Rather than a 50% share.

MS. GREENE:

Correct.

P.O. LINDSAY:

All right, Legislator Romaine.

LEG. ROMAINE:

Yes. This is a \$20 million acquisition. The State has a little toe in it, we have a share in it and the Town of Brookhaven. Is this one contiguous parcel?

LEG. COOPER:

Bill?

MS. GREENE:

The acreages are all contiguous. It's made up of several individual lots. It was a fairly complex acquisition involving the purchasing of several out parcels and even -- I'm sorry if I'm not answering your question.

LEG. ROMAINE:

No, no, you are, I just want to stop at that point. So let's understand, the land that we're buying is not all owned by Beechwood; is that correct?

MS. GREENE:

No, the land we're buying is now all owned by Beechwood; correct.

LEG. ROMAINE:

It's now all owned by Beechwood. Because I'm looking at the exhibit and I'm seeing a whole list of Exhibit B, a whole list of other owners of the small checker-board lots in this --

MS. GREENE:

Yes.

LEG. ROMAINE:

Have those all been purchased by Beechwood or is it going to be one closing in which we close with Beechwood and Beechwood is also closing with these guys or what?

MS. GREENE:

Yes, it will be one closing. Those were the amendments that went with the 2010 resolution. So since that time, all those privately owned parcels have either been purchased outright by Beechwood or the Town of Brookhaven has instituted eminent domain proceedings and they now are owned by the Town of Brookhaven.

LEG. ROMAINE:

The town exercised eminent domain on this.

MS. GREENE:

On some of them, correct.

LEG. ROMAINE:

And I see that in Exhibit C, all the owners of a lot of small parcels is the Town of Brookhaven.

MS. GREENE:

Right. If you can --

LEG. ROMAINE:

Are we paying the town for these parcels?

MS. GREENE:

No, we are not paying the town.

LEG. ROMAINE:

Okay.

MS. GREENE:

If you can picture an L-shaped configuration, part of the property to the north is already owned by the Town of Brookhaven.

LEG. ROMAINE:

Okay.

MS. GREENE:

At the end of this acquisition, we will now become co-owners with them on what they now own outright themselves.

LEG. ROMAINE:

And these parcels that the town owned they purchased earlier; is this considered part of their contribution to their half-share of this acquisition?

MS. GREENE:

Yes, they purchased them earlier. No, it's not considered part of their share. They're -- no, they're paying -- they're paying for the second half, if you will, as a new contract.

LEG. ROMAINE:

For Exhibit A and B, but not for Exhibit C.

MS. GREENE:

Correct.

LEG. ROMAINE:

Great. You've done a great job explaining this.

MS. GREENE:

I appreciate that. Thank you very much.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Pam?

MS. GREENE:

Yes, sir?

LEG. MONTANO:

I just looked up the bill, 1201. I realized that I was not present for the vote, and that's the question I was going to ask you, if you have the tally there.

MS. GREENE:

I do. I believe it was introduced by Legislator Browning, seconded by Legislator D'Amaro. The vote was 16 with two abstentions and one absence.

LEG. MONTANO:

Okay. Since I wasn't there for the vote, I obviously didn't hear the discussion. Why is there a need to do this by C of N; what is the urgency?

MS. GREENE:

Again, all parties are ready to close on this acquisition. This is --

LEG. MONTANO:

When are you going to -- are you scheduled to close now?

MS. GREENE:

Well, we would need to have this correct-- this amendment in order to allow us to do so.

LEG. MONTANO:

Well, are you going to close within the next two weeks?

MS. GREENE:

We would like to close as early as possible.

LEG. MONTANO:

Right, but do you have a scheduled date within the next two weeks?

MS. GREENE:

Again, this resolution has to pass before we would schedule that closing.

LEG. MONTANO:

Even schedule the resolution.

MS. GREENE:

Right.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I'm sorry, but I'm a little confused. If we close before the State grant is received, who owns -- who

has the deed?

MS. GREENE:

Suffolk County 55%, and the Town of Brookhaven 45%.

LEG. COOPER:

And then -- and what would -- so if the State grant is never forthcoming, will that -- does that change anything practically?

MS. GREENE:

Not under this amendment, no.

LEG. COOPER:

Okay.

P.O. LINDSAY:

Any other questions? Do we have a motion and a second?

MR. LAUBE:

I have a motion, I don't have a second.

P.O. LINDSAY:

Second by -- did you second it?

LEG. BROWNING:

Sara did. Sara seconds it.

LEG. ANKER:

I'll second it.

MR. LAUBE:

Got it.

P.O. LINDSAY:

Yeah, Legislator Anker seconds it. All right, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

MS. GREENE:

Thank you very much.

P.O. LINDSAY:

All right, let's get back to the budget, we can finish that. I apologize about that diversion.

LEG. ROMAINE:

It's only \$20 million.

*(*Laughter*)*

P.O. LINDSAY:

Yeah, but we already approved the 20.

All right, (*Budget Amendment No.*) 11, this resolution creates seven -- we didn't do 11 yet, right; am I correct?

D.P.O. VILORIA-FISHER:

We didn't do it.

P.O. LINDSAY:

Right. *This resolution creates seven vacant positions in the Department of Social Services on an interim basis for 4.5 months in 2012 which includes three 100% aided HEAP Examiners in Fund 001 and four CPS Caseworkers, Caseworker Trainees, including one Spanish speaking, in Fund 001 which are 39.5% aided. The offset of \$50,673 is realized from reductions in overtime, temporary salaries and supplies elsewhere in the Department of Social Services.*

LEG. KENNEDY:

I'll make the motion, Mr. Chair.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy. Second by Legislator Viloría-Fisher. I know on the bill, is there some kind of State -- are we facing a lawsuit on this as well?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

We are?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

We're not processing it.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

It will get them done faster.

P.O. LINDSAY:

HEAP? Oh, CPS workers.

LEG. KENNEDY:

Yes.

D.P.O. VILORIA-FISHER:

Yes. So can we do it.

P.O. LINDSAY:

Okay. We have a motion and a second. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. *(Budget Amendment No.) 12, Pursuant to Section C4-37 of the Suffolk County Charter, an affirmative vote of 14 members of the Legislature is required to replace the loss of State aid with local dollars. This resolution applies to the Division of Medical Legal Investigations and Forensic Sciences in the Department of Health Services.* I will make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. This has to do with the Medical Examiner's Office. If we don't approve this, then we could lose our Crime Lab and our Forensic Lab. And it needs 14 because it was affected by the State aid cut.

D.P.O. VILORIA-FISHER:

So we need to do a count vote, right?

MR. NOLAN:

No, as long as it's 14.

P.O. LINDSAY:

Okay. We have a motion and a second. Are there any questions about this? All in favor? Opposed? Abstentions?

LEG. CILMI:

Would the Clerk list me as a cosponsor on this, please.

MR. LAUBE:

Yes. Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, *(Budget Amendment No.) 13, Pursuant to Section C4-37 of the Suffolk County Charter, an affirmative vote of 14 members of the Legislature is required to replace the loss of State aid with local dollars. This resolution applies to the Division of Emergency Medical Services in the Department of Health Services.* This action has no property tax impact. I think it's the same issue and this has to do with our trainers for the EMS; am I correct, Craig?

MR. FREAS:

Yes, it has to do with the reductions to trainers in EMS.

P.O. LINDSAY:

Okay. These are the people that train our fire departments, right, and first responders?

MR. FREAS:

Yes.

P.O. LINDSAY:

Okay. We have a --

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any questions? All in favor? Opposed? Abstentions?

LEG. CILMI:

Clerk, cosponsor, please.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Next, *(Budget Amendment No.) 14, this resolution adds \$262,438 to fund the 4-H Youth Development and Family Health & Wellness Programs operated by Cornell Cooperative Extension and abolishes one Chief Deputy County Executive and one County Executive Assistant II in the Office of the County Executive for offsetting savings in permanent salaries and benefits totaling 262,438.*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Is there a second?

LEG. MURATORE:

I'll second.

LEG. KENNEDY:

I'll second it for purposes of discussion, Mr. Chair.

P.O. LINDSAY:

Okay. Well, Legislator Muratore already seconded it, but that's nice.

*(*Laughter*)*

On the question? On the question; anybody want to talk?

D.P.O. VILORIA-FISHER:

You want to discuss?

P.O. LINDSAY:

No. Okay. I would just say that the cuts in contract agencies was exceptionally stressful; anybody in the Working Group could tell that by my blood pressure. And the Cornell cuts were the most

disturbing, certainly to me. But I'm very reluctant to take any more positions out of the County Executive's Office because we already, I think, eliminated, what, Gail, five, six?

LEG. ROMAINE:

Seven.

P.O. LINDSAY:

How many?

D.P.O. VILORIA-FISHER:

Seven.

MS. VIZZINI:

The County Executive had already eliminated four, we added three to that, so they're seven down.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

If I may, just briefly?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Just briefly. This -- you know, I've been in the County a long time, we've always had one Chief Deputy County Executive. Mr. Levy broke that mold by creating two Chief Deputy County Executives. The last time I looked, Chief Deputy County Executive meant one, there's only one Chief. So that's why I chose that as an offset, I think that's a position where we should have one Chief Deputy County Executive, period. We're talking about a program that got very heavily cut. Cornell was hit harder than just about any other contract agency. We'll have no 4-H programs at all in this County, we'll have no health -- Family Health & Wellness programs. This is an effort to try to restore that and to try to provide a little bit of financial justice here.

P.O. LINDSAY:

Yeah. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I thought my name was taken off this bill. I had spoken to Legislator Romaine right after the recommended budget was submitted, I asked him -- I told him I would support his resolution. I support Cornell. I don't think there's anyone else -- well, I won't say anyone else but, you know, I support them, they know that. But I do support the work of the budget -- the Budget Working Group, and unfortunately there was just not enough money for contract agencies. I had a conversation with someone who is affiliated with the County-elect -- County Executive-elect and I was actually with the County Executive-elect yesterday and I kind of reiterated to him that well, you know, we hit your future potential department very well. And spoke to someone earlier today who is in the audience and they were kind of surprised at positions that were laid off in the budget. So I'm remiss to take any more positions from the County Executive that is going to have to have staff to put this -- to make government work next year.

P.O. LINDSAY:

Ms. Vizzini, how many Chief Deputies did we leave in the budget?

MS. VIZZINI:

There are no longer two Chief Deputies, this is the one remaining Chief Deputy. We're not sure when that position was removed or reclassified or earmarked or whatever, we would have to probably take a while to track that down. But there is only one and this would abolish that one.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Question, Mr. Chair.

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher.

LEG. ROMAINE:

I put this in before the election, by the way.

*(*Laughter*)*

Just so everyone understands.

D.P.O. VILORIA-FISHER:

Ed, you know that I've always been a great champion of Cornell Cooperative Extension, I believe in their programs. When we went through the contract agencies, I think I was one of the people who noticed the Presiding Officer's high color and was concerned about his blood pressure and it was very difficult for me. But we set criteria for ourselves and we wound up cutting all of our support for Girl Scouts, Girl Scout programs and Boy Scout programs. We cut almost every agency that wasn't doing direct medical or counseling because we just didn't have the money.

As much as I care about Cornell, I hope that we can find some money after the new year, but we really can't do this. We cut as much as we could from the County Executive's Office, there's just not -- he has to be able to function. And that's why I didn't come on as a cosponsor on this, because we really worked hard. And I care about the people in Cornell, I care about what they do, but we just don't have the money to do this.

LEG. ROMAINE:

I just would ask one technical question of Gail, if I may, Presiding Officer? Gail, how many positions were cut in the Legislature? Not the Budget Review Office, the Legislature problem in our budget?

MS. VIZZINI:

In the -- with the Omnibus restorations?

LEG. ROMAINE:

Yes, right.

MS. VIZZINI:

I think five or six, but --

MR. PERNICE:

I have five filled.

MS. VIZZINI:

Five filled.

LEG. ROMAINE:

Okay, my understanding was that it was seven.

MS. VIZZINI:

It might be two vacancies.

LEG. ROMAINE:

Okay. So there was -- my understanding is that seven positions were cut in the Legislature. And how many were cut in the County Exec's Office?

MS. VIZZINI:

Four by him and three by us, so it's seven/seven.

LEG. ROMAINE:

Okay, so seven. So it's not that we're not conscious that every branch of government has to provide sacrifice. I just would tell you, this is the only 4-H Program we have in the County. If we lose it, if it closes down, it would be very difficult to bring back. We have a Family Health & Wellness Program and I'm sure all of you get the e-mails where there are lectures, there are people who are being counseled. It is a very important component, particularly to the minority communities of our County; this will be lost. Once we lose these things, it doesn't come back. So thank you, Presiding Officer.

D.P.O. VILORIA-FISHER:

Ed, I brought those things up in the Working Group, as you know. And if it had been able to be put in the Working Group, you know, it would have worked, but we just don't have the money set aside.

LEG. ROMAINE:

That's why I did the standalone, I was trying to save them through the Working Group to try to include this.

D.P.O. VILORIA-FISHER:

You should have come to the Working Group meeting.

P.O. LINDSAY:

Mr. Clerk, do we have a motion and a second? Does anybody -- do you want to talk?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Gail, just a quick question. I want to make sure I fully understood your response. Is there only one position now for Chief Deputy County Executive?

MS. VIZZINI:

Correct, and this resolution would abolish that one.

LEG. BARRAGA:

So the new County Executive would not be able to have anyone in that slot with the title of Chief Deputy County Executive. If you only have one and this is going to eliminate it, you're down to zero. He wouldn't have any.

MS. VIZZINI:

That's correct, unless -- the only other -- you know, he'd have to take something --

LEG. ROMAINE:

(Inaudible).

MS. VIZZINI:

We don't know how many vacancies we left in the County Executive's Office, because with abolishing any filled positions, you have to abolish any vacant positions. So if there was a vacancy, there is an avenue whereby with sufficient justification, they could be earmarked. By our own rules, we cannot reclassify a vacancy.

LEG. BARRAGA:

Okay. Mr. Romaine, when you put the bill in, were you under the impression there were two Chief Deputy County Executives?

LEG. ROMAINE:

Yes, I was. And I was not aware of the Working Group's decision, and I think the other Chief Deputy was reclassified in the budget. And I'm asking Gail to correct me if I'm wrong, but I believe now I'm given the understanding that the other Chief Deputy was reclassified to a different title; is that correct?

MS. VIZZINI:

We don't know what happened in --

LEG. ROMAINE:

Well, something happened because we started off with two.

MS. VIZZINI:

Yeah, no, we definitely did, but we would have to go back payroll by payroll by payroll --

LEG. BARRAGA:

But your proposal would go from one to zero.

LEG. ROMAINE:

Well, it wasn't intended to do that.

LEG. BARRAGA:

All right, but it would. Do you want to pursue --

LEG. ROMAINE:

It would, but it also would give the flexibility to the County Executive to amend this budget at any time of year. He has 365 days a year that he can amend it. He also can find the position, because the way the second Chief Deputy was created under the current County Executive is he reclassified an existing position to Chief Deputy, because there was only one Chief Deputy when Steve Levy took over.

LEG. BARRAGA:

Do you want to pursue a vote on this or would --

LEG. ROMAINE:

Yes.

LEG. BARRAGA:

-- you like to maybe withdraw it, or what do you want to do?

LEG. ROMAINE:

A vote.

LEG. BARRAGA:

You want to vote. Okay.

P.O. LINDSAY:

Legislator Schneiderman wants to add something to the discussion.

LEG. SCHNEIDERMAN:

I'm not sure how much it's adding. You know, certainly I support Cornell as well as -- you know, as much as everybody. Last year we underfunded them and during the year we were able to find some money to keep them going. You know, clearly we can't pass this bill and leave the County -- the new incoming County Executive with an enormous job of trying to get the County back on its feet without a Chief Deputy. So I think the sponsor is going to have to look for another way of funding it if we're going to consider it. There's additional time later on, but this is -- this bill in its current form can't be supported, as much as I support Cornell.

LEG. MONTANO:

Okay, let's vote.

P.O. LINDSAY:

Okay. We have a motion and a second. You want a roll call?

LEG. MONTANO:

No.

P.O. LINDSAY:

All right. All in favor? Opposed?

"Opposed" said in unison

MR. LAUBE:

How about all in favor?

P.O. LINDSAY:

All in favor?

*(*Legislators Romaine & Muratore raised hands*)*

*(*Laughter*)*

MR. LAUBE:

Two.

LEG. ROMAINE:

I'll be working to find -- I'll be working with our County Executive, now that he will have a Chief --

*(*Laughter*)*

-- to find the funding for this, for these two very necessary programs. I'll be working with our County Executive to find funding for this.

P.O. LINDSAY:

Okay. Okay, we're up to fifteen.

MS. VIZZINI:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

MS. VIZZINI:

Just for the record, I want to clarify what I said. Legislator Romaine, you're correct, there were two.

LEG. ROMAINE:

Thank you.

MS. VIZZINI:

But when you abolish a filled, you have to abolish a --

P.O. LINDSAY:

Vacant.

MS. VIZZINI:

And the other one was vacant. So this would abolish both of them. Benny apologizes.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Then I have a question, Mr. Chair.

LEG. MONTANO:

No, no, we already voted.

D.P.O. VILORIA-FISHER:

No, but this is an important question.

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

If we don't abolish it, then there would be an opportunity after this to maybe use that vacancy as an offset for this?

P.O. LINDSAY:

No, this is -- is it funded?

MS. VIZZINI:

There's no money. You know, there's no money.

D.P.O. VILORIA-FISHER:

Oh, it's not? Okay.

P.O. LINDSAY:

Okay. We're going on to *(Budget Amendment No.) 15. This resolution adds \$76,403 for the Diabetes Prevention Program operated by the Cornell Cooperative Extension and abolishes one exempt Secretary in the Office of the County Executive for offsetting savings in permanent salaries and benefits totaling \$76,403.* Motion?

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Well, is there a secretary there?

P.O. LINDSAY:

Is there a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second.

LEG. MONTANO:

This is 15, bill?

MR. NOLAN:

Yep.

P.O. LINDSAY:

Yes. Okay -- yeah, 15. Brain trust over there, do we have a filled position? I mean, is this offset legit? How many secretaries are we leaving the County Executive?

*(*Laughter*)*

MR. PERNICE:

One second.

MS. VIZZINI:

Okay. This --

MR. PERNICE:

Do you want to just give me the microphone?

MS. VIZZINI:

I absolutely will. Yes, here you go.

MR. PERNICE:

There are seven slots. One is filled, so you would have to abolish all those to get to that one.

MS. VIZZINI:

Because there's no money in the vacancies; tell them that.

MR. PERNICE:

There's no money in vacancies.

LEG. ROMAINE:

Is it possible on the floor -- through the Chair. Is it possible, Ms. Vizzini, on the floor to take the money but leave the position so that we could amend this resolution? Because the Diabetes Program, as you know, is used by the Health Department to apply for grants far in excess of the money that the Diabetes Program costs. Can we do that? Can we leave the position but take the money from the salary line?

MS. VIZZINI:

Technically you could do that if your colleagues, you know, go along with that. So there would -- you would -- we would reduce the 110 line, it would simply eliminate the abolishing of that actual position thereby restoring the filled position and six, seven unfunded vacancies in that title.

LEG. ROMAINE:

With your permission, Presiding Officer, I'd like to make an amendment to remove the money from the salary line but leave the position as a way of funding this program for the County.

P.O. LINDSAY:

In all due respect, Legislator Romaine, I -- the Budget Review Office said they can do that, but it's like where's the money? You know what I mean? Are we using the same money twice, or -- I just don't --

MS. VIZZINI:

Yeah, you're using the money once, but not going through the exercise of abolishing the position.

P.O. LINDSAY:

So that means twice; you're still paying somebody and then you're taking --

LEG. ROMAINE:

No, no.

MS. VIZZINI:

No, no, you couldn't fill it until --

LEG. ROMAINE:

Until the money was made available, right.

P.O. LINDSAY:

But isn't it filled now?

LEG. ROMAINE:

No. That person left for the Sheriff's office.

MS. VIZZINI:

Yeah, this is Dixie's old slot.

LEG. MONTANO:

Where are we going to get the money?

LEG. SCHNEIDERMAN:

It's vacant funded, it would become a vacant unfunded.

LEG. ROMAINE:

Right. Right.

MR. FREAS:

The turnover sayings would be a hundred percent.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

But wasn't that position the County Executive's secretary, assistant? What are we going to leave him without an assistant?

MR. PERNICE:

This is not Dixie.

MS. VIZZINI:

Oh, this is not Dixie?

MR. PERNICE:

No.

MR. NOLAN:

It's not Dixie.

LEG. KENNEDY:

He can get an intern? What are you talking about?

*(*Laughter*)*

MS. VIZZINI:

Yeah, this is an exempt -- yeah, this is an exempt secretary. I apologize, I think Dixie is in a different one.

LEG. ROMAINE:

This isn't Dixie's position, or is it?

MS. VIZZINI:

No, this is the exempt secretary.

LEG. ROMAINE:

The exempt secretary, okay. So what I would like to do is leave the position. I don't want to leave the County Executive without the position or the ability to fund it at some time during the year, but I'd like to take the money from the salary line to fund the Diabetes Program.

D.P.O. VILORIA-FISHER:

Well, what if he wants to hire somebody?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

But where is the money going to come for?

LEG. ROMAINE:

Budget Review?

MS. VIZZINI:

The salary.

LEG. MONTANO:

We have to take the money from somewhere else, right?

MS. VIZZINI:

Well --

LEG. ROMAINE:

No.

LEG. MONTANO:

No?

MS. VIZZINI:

Well, the suggestion here is simply to take the money --

LEG. MONTANO:

Take the money from the position and use it for the program; am I correct?

MS. VIZZINI:

Yes, but leave the chair at the dining room table empty.

LEG. MONTANO:

Right.

LEG. SCHNEIDERMAN:

If the County Executive hires --

LEG. MONTANO:

But when the time comes to fill the chair, where -- where are we going to get the money from?

LEG. CILMI:

The County Executive would have to find it somewhere.

LEG. MONTANO:

He's going to have to find it.

MS. VIZZINI:

Yeah. The --

LEG. MONTANO:

Because he can't print it, so he's got to find it from somewhere else.

MS. VIZZINI:

Yeah. You would be -- no, it's filled, it's already filled. They would be short by the amount that we're using here. In our opinion, salaries lines would be short by the dollar amount.

LEG. MONTANO:

Okay. All right, I get it. Thank you. Out of balance, out of whack.

P.O. LINDSAY:

Okay. We have a motion and a second.

LEG. MONTANO:

To what, to amend it or to vote on it?

MR. NOLAN:

Well, it would be a motion to vote on it as amended.

LEG. MONTANO:

As amended, okay.

MR. NOLAN:

But I just want to check with Budget Review that they understand the proposed amendment and it would make -- what? Yes? I think we can just make, you know, an amendment. He's the sponsor.

MS. VIZZINI:

Could you restate what we're doing?

LEG. ROMAINE:

We're removing the money from the salary line but leaving the position.

MS. VIZZINI:

Understood.

LEG. ROMAINE:

So we don't have to abolish all the other exempt secretaries.

P.O. LINDSAY:

Is that all right; are you all right with this?

MR. NOLAN:

Let me just check something.

LEG. SCHNEIDERMAN:

It's not going to pass.

P.O. LINDSAY:

You know, before we vote. Legislator Romaine, I would be open to any legitimate offset to fund these programs. I have a question whether this is a legitimate offset.

LEG. ROMAINE:

I understand that. And we were scrambling for offsets at the last minute because --

P.O. LINDSAY:

There is none. They're hard to find.

LEG. ROMAINE:

They're very hard to find. I mean, let's dispose of this with a vote and I'll set to work to find other -- work with Budget Review to find other offsets.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? In favor. All in favor, raise your hands.

*(*Legislators Romaine & Muratore raised their hands*)*

*(*Laughter*)*

All right. It's just easier on the Clerk to count the in favors.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Opposed?

MR. LAUBE:

So I got one. One? One in favor.

P.O. LINDSAY:

Is everybody else opposed? Is everybody else opposed?

MR. LAUBE:

Oh, two; two in favor.

P.O. LINDSAY:

We have two in favor. And these are opposed.

MR. LAUBE:

Gotcha. So the total is two.

P.O. LINDSAY:

Okay. *(Budget Amendment No.) 16. This resolution adds \$37,454 to the Integrated Pest Management Program (477-HSM1) program to bring program funding to the requested level of \$187,272.* Legislator Romaine?

LEG. ROMAINE:

Yes. I don't have to talk about the Integrated Pest Management Program, extremely important for the farmers. This is 477 money. This is not money from the budget per se, it's 477 money from the Quarter Percent. So I think this is a legitimate offset. The work that is done at Integrated Pest Management is something that preserves our water table and that's why there was money left in 477 that could be used, this is for \$37,000; that's it.

P.O. LINDSAY:

So you have a motion. Is there a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. Any comment from Budget Review?

MS. VIZZINI:

No, other than the offset comes from the Water Quality Reserve Fund, not from any other line.

LEG. ROMAINE:

That's right.

P.O. LINDSAY:

Right, and it's a proper use of that money.

MS. VIZZINI:

In our opinion, yes.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed?

"Opposed" said in unison

One, two opposed. Three, four, five, six opposed? Okay. It passed, right.

MR. LAUBE:

Twelve (***ACTUAL VOTE IS 11-7***) (Opposed: Legislators Eddington, Montano, Anker, Kennedy, Horsley, Stern & D'Amaro).

P.O. LINDSAY:

Yeah.

Okay, (***Budget Amendment No.) 17. This resolution provides an additional six month of salaries and related fringe benefits for three positions in the Office of Water Resources, Bureau of Groundwater Investigations. One Deputy Commissioner position in the Department of Public Works is abolished to realize the offsetting savings.***

LEG. ROMAINE:

Before I make a motion, Presiding Officer, can I ask the Budget Office a question? There is one -- I'm aware of one Deputy Commissioner position in Public Works that is vacant; this is Lou Calderone's former position. I'm not looking to wipe out -- I think the other Deputy is a Chief Deputy. This is a legitimate offset?

MR. FREAS:

This is the vacant position, it was funded in the County Executive's budget and the funds are indeed from the offset -- offset by abolishing the vacant position and moving the money around.

LEG. ROMAINE:

And this position has been vacant for at least six, seven months, since Lou retired; is that correct?

MR. FREAS:

Yes.

P.O. LINDSAY:

And we didn't take this position, Benny?

MR. PERNICE:

(Shook head no.)

LEG. SCHNEIDERMAN:

We took other ones, though.

D.P.O. VILORIA-FISHER:

No, but I have a question.

LEG. SCHNEIDERMAN:

We did make cuts in DPW.

MR. PERNICE:

Not this particular one.

LEG. ROMAINE:

But not this.

LEG. SCHNEIDERMAN:

But not this one?

LEG. ROMAINE:

And this -- this is for the Office of Water Resources, the ground bureau -- the Bureau of Groundwater Investigations. These are the ones -- if anyone is concerned about oil spills, about chemical pollution, about underground water pollution; these are the guys that go out and drill the wells, do the tests and tell you what's happening. You know in Bay Shore there's a problem. We know in Tom's district there's a problem. I know in my district, the Navy has a huge problem that's contaminated the Peconic River which we would have never known about and the Navy would have never cleaned up except for the Suffolk County Health Department.

P.O. LINDSAY:

But this isn't Health.

D.P.O. VILORIA-FISHER:

Yes, it is Health Services.

LEG. HORSLEY:

Yes, it is in Health. But didn't we fix this?

P.O. LINDSAY:

I thought this was Public Works.

D.P.O. VILORIA-FISHER:

We put the money as interims already for six months, didn't we?

MS. VIZZINI:

That's correct.

LEG. KENNEDY:

This is to take them (inaudible).

D.P.O. VILORIA-FISHER:

I don't hear what you're saying. So we're already in.

LEG. ROMAINE:

Yeah, they're in. I'm taking this to twelve. I mean, if my colleagues feel that this group should not be taken to twelve months, if they want to go -- let me know. I'll withdraw it, but I thought it was important enough that this unit survive. I'm concerned about its survival because it does excellent work and it protects the citizens of Suffolk County from all the contamination that affects our groundwater.

D.P.O. VILORIA-FISHER:

Mr. Chair, there are so many --

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

There are so many interim positions that we put in there because they're important to the different functions of the County, including all those nurses in the Public Health Nursing Program. You know, we can't start taking everything apart all over again. I really am opposed to supporting this. We put in 709 positions --

LEG. ROMAINE:

Let me --

D.P.O. VILORIA-FISHER:

-- on an interim basis because they're important.

LEG. ROMAINE:

I'm going to withdraw this, just let me ask one question. In the Omnibus, were all the groundwater unit positions restored?

MS. VIZZINI:

All the filled were restored by the vehicle of creating interim positions for a six-month period.

LEG. ROMAINE:

All right. You know, I guess I have to be alert and argue. I'm not going to ask my colleagues to vote on this, I'll withdraw this amendment.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. *(Budget Amendment No.) 18. This resolution restores salary and benefit funding of \$77,021 in 2012 for three filled abolished Deputy Sheriff positions in the Sheriff's Office and abolishes one County Executive Assistant III in the Suffolk -- in the County Executive's Office to realize the offsetting savings.* You want to make a motion, Legislator Romaine?

LEG. ROMAINE:

Again, I want to ask Budget Review because I'll save my colleagues some time. Were these three filled Deputy positions restored as part of the Omnibus for the six month period?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

They were.

MR. PERNICE:

Yes.

LEG. ROMAINE:

All right. I'm going to withdraw it because we'll put them in the package and I'll fight as hard as I can to get them full 12 months, because these are important for law enforcement. Thank you and I'll withdraw this one.

P.O. LINDSAY:

There were no sworns taken.

LEG. ROMAINE:

As long as -- you know, you throw this in because you don't know what's happening at the end of the day.

P.O. LINDSAY:

Yep. No, no, no, understandable.

(Budget Amendment No.) 19. This resolution restores \$55,593 for salaries for two positions in the Emergency Medical Services Division of the Department of Health Services and abolishes one Deputy County Executive for Financial Affairs position in the County Executive's Office -- (laughter)

LEG. ROMAINE:

I did this before the election. I had no idea of the outcome.

*(*Laughter*)*

This is -- you know, it's almost political malpractice. Was this covered in the other -- was this already the other part of the Omnibus that we restored.

MR. PERNICE:

No. This was not abolished by the Executive.

MS. VIZZINI:

He's talking about the restoration.

LEG. ROMAINE:

Oh, this wasn't?

MR. PERNICE:

Oh, I'm sorry, you're talking about the restoration, not the offset.

LEG. ROMAINE:

Right. Did we restore this in the other Omnibus that we just did?

MR. PERNICE:

Yes.

LEG. ROMAINE:

Yeah, we did. I thought we did, because these guys make revenue. In that case, I'll withdraw it. As long as these positions were restored because they make more money than it costs us. All right, thank you. I'll withdraw this.

P.O. LINDSAY:

Okay, thank you.

And *(Budget Amendment No.) 20 is this resolution revises the breakdown of property tax items between the per parcel benefit charge and the property tax levy in the Southwest Sewer District to reflect updated information on the number of parcels and assessed valuations.* And for the purposes of discussion, I'll make a motion. Legislator Horsley, you want to second that?

LEG. HORSLEY:

Sure, second.

P.O. LINDSAY:

Second. And maybe you could explain.

MR. LIPP:

Okay. It's sort of like a technical correction, really. Property taxes in the Southwest Sewer District are broken down between a -- or property tax items are broken down between their per parcel benefit charge, everyone gets a one single fee, and the ad valorem property tax. And the breakdown is wrong because we have more current information than when the recommended budget was put together.

D.P.O. VILORIA-FISHER:

It's just updated.

MR. LIPP:

So we're updating, right.

D.P.O. VILORIA-FISHER:

Okay? So can we vote?

P.O. LINDSAY:

Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Finally.

P.O. LINDSAY:

We're not done. We're not done. If you go back to the agenda, I think we were up to item No. 6, to consider and vote on override veto resolutions in the manilla envelope.

Okay the first veto is **803-11** which was **amending the 2011 Operating Budget and transferring funds to the Department of Public Works to provide rent for the east Hampton Health Clinic.**

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. ROMAINE:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Any discussion?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Pass.

LEG. ANKER:

Yes.

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:

Yep.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MURATORE:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

I'm sorry, colleagues. I was just told I don't have to do a roll call.

All right, the next one is *805-11 - Amending the 2011 Operating Budget and transferring funds to the Suffolk County Assigned Counsel Defender Plan.*

LEG. MONTANO:

Motion to override.

P.O. LINDSAY:

What is this, 18-B?

LEG. ROMAINE:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion by Legislator Montano. Seconded by Legislator Romaine. All right, Kennedy/Romaine. Any discussion?

LEG. MONTANO:

No.

P.O. LINDSAY:

All in favor of overriding? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cilmi).

P.O. LINDSAY:

806-11 - Amending the 2011 Operating Budget and restoring currently filled positions at the John J. Foley Skilled Nursing Facility.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Second by Legislator Browning.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Yeah, how does this jive with what we did earlier today?

LEG. KENNEDY:

Through the Chair?

P.O. LINDSAY:

Go ahead, Legislator Kennedy.

LEG. KENNEDY:

If you recall, Legislator Cilmi, what this resolution did was it created for the balance of the 2011 calendar year the positions for the employees that are there in the facility. We had previously funded them back in the summer, but apparently the County Executive came upon the position that he could terminate them because there were no positions that were specifically delineated in the 2011 Operating Budget. So in order to address that -- it's not really an omission, apparently he characterized it as an omission. We created the positions, this allows the positions to exist. The funding is there to pay them through the end of the year.

LEG. CILMI:

Given what we've done today, what would be the implication of this veto being sustained?

LEG. KENNEDY:

Uh --

P.O. LINDSAY:

You would blow up the rest of the budget as it pertains to it because you'd have to lay off the people, or he would layoff the people because they're not in the budget. The facility would close, we would lose the asset, we wouldn't be able to sell anything.

LEG. KENNEDY:

And again, the irony is it has no fiscal consequence. We're merely talking about creating the place holders of a position through December 31st, 2011 only.

P.O. LINDSAY:

Okay. We have a motion and a second to override. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

D.P.O. VILORIA-FISHER:

Romaine has to recuse. Ed?

LEG. ROMAINE:

Yes, recuse.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Recused: Legislator Romaine).

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

820-11 - Terminating a consultant contract (Degere Physical Therapy Services, PC).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion to override?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Is the motion to override?

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

I'm sorry?

P.O. LINDSAY:

The motion you made is to override?

LEG. KENNEDY:

Yes, Mr. Chair. Absolutely.

P.O. LINDSAY:

Okay. Second by Legislator Browning. Any discussion?

D.P.O. VILORIA-FISHER:

Ed? Ed, recuse.

LEG. ROMAINE:

Recuse.

P.O. LINDSAY:

All right. All in favor of the override? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Recused: Legislator Romaine).

D.P.O. VILORIA-FISHER:

On the other one he did.

LEG. ROMAINE:

You know, Presiding Officer, I did not recuse myself on the original vote because this is for a physical therapy contract, it's not --

D.P.O. VILORIA-FISHER:

I'm sorry.

P.O. LINDSAY:

Okay. So why did you recuse yourself on this one?

D.P.O. VILORIA-FISHER:

Because I yelled recuse.

LEG. ROMAINE:

Because people told me to.

*(*Laughter*)*

P.O. LINDSAY:

I didn't think you were that easy?

*(*Laughter*)*

LEG. SCHNEIDERMAN:

You want him to fix it?

LEG. ROMAINE:

Well, I vented my spleen earlier, now it's all the bad toxins are gone so I'm really -- *(laughter)*. Yeah, add my name to this because I don't think this is a conflict. This is for a physical therapy contract with the County that could be used anywhere. I don't know. If Counsel tells me --

MR. NOLAN:

(Inaudible).

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Okay, that's all the vetoes. So let's see what's next on this interesting agenda.

All right, No. 8 which is to consider and vote on IR 1915-11 - Authorizing a Community College chargeback line on real property tax bills. This would create a separate line for the towns to indicate that they're charging their town residents additional taxes.

LEG. COOPER:

We don't need this anymore.

D.P.O. VILORIA-FISHER:

No, we need that in case the other one gets vetoed and we don't override the veto.

LEG. GREGORY:

Yes, Mr. Chair. As I was adequately advised by my Counselor, Mr. Lipp, Dr. Lipp, he had suggested that earlier that in case the other -- the previous bill is vetoed and there is no override, this would be a backup to that.

P.O. LINDSAY:

Okay. So you make a motion then?

LEG. GREGORY:

Oh, I'm sorry. Yes, I make a motion.

P.O. LINDSAY:

Is there a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro?

LEG. D'AMARO:

No.

P.O. LINDSAY:

Oh, you want to talk. Who was the second?

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

Second by Legislator Nowick. Legislator D'Amaro.

LEG. D'AMARO:

Just a question. I know in the past we had considered adding lines to the tax bill and there was a lot of discussion about whether there's even room to do it. Legislator Gregory, have you looked into that?

LEG. GREGORY:

Yes. It was told to me that they had the ability to shrink the font, that it shouldn't be an issue. And this is -- this only authorizes --

D.P.O. VILORIA-FISHER:

(Inaudible).

LEG. GREGORY:

Yeah. This only authorizes the ability of the towns to do it. It doesn't mandate it. So if they don't decide to do it, it wouldn't be a problem.

LEG. D'AMARO:

Do you know how the wording, what the exact wording would be?

LEG. GREGORY:

It would be -- I think there's -- correct me if I'm wrong.

LEG. D'AMARO:

Like "Suffolk County imposed tax increase" or something like that?

*(*Laughter*)*

LEG. GREGORY:

No, it would have to be -- there is certain language, I believe, that State law prohibits any political type statements on the tax bill. So I believe it would have to be similar to Suffolk County out-of-County college, community college chargeback.

D.P.O. VILORIA-FISHER:

So we're ready for a vote.

P.O. LINDSAY:

Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

No. 9, to consider and vote on IR 1458-11 - Instituting a lag payroll in Fiscal Year 2012 for employees in Bargaining Unit 21 and 30 Management and confidential employees, respectfully and exclusive of the Suffolk County Community College employees of the Board of Elections to address revenue shortfalls and to avoid a reduction in work force. I will make a motion on that. And I want to point out to my colleagues, I believe there is an escape clause in here that if the bargaining units agree -- no?

MR. NOLAN:

No, we decided -- do you want me to put it on the record?

P.O. LINDSAY:

Yeah, please.

MR. NOLAN:

No, we did not put that language in there. If there is an agreement, we should just pass a new resolution rescinding this one. And there was a reason, which I'm trying to remember which I discussed with the Budget Review Office. Do you remember why we did not put that language in, Gail? I don't remember.

MS. VIZZINI:

Only that we -- we didn't want to presuppose that there would be any other type of concession or anything like that. Collectively we felt that this was something that could be addressed once we knew what the union concessions were.

P.O. LINDSAY:

Okay. Well, just -- I mean, I believe I'm the sponsor of this and I'll just make it crystal clear. Legislator Cooper, I'm sorry. Is that I do not -- I mean, because the people are in exempt status which is -- there's three resos here, including our own staff, I do not want them to take a double hit if there is any concessions by the bargaining units, so one would forego the other. So if that ever happens that we do get some concessions, I fully intend to put in a resolution to withdraw this, to abolish it.

LEG. MONTANO:

There's no conflict here; right, George?

MR. NOLAN:

Not for you.

MR. NOLAN:

With the Board of Elections, right?

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

That's it.

LEG. D'AMARO:

Do I need to recuse on this?

P.O. LINDSAY:

In nine?

MR. NOLAN:

Lou doesn't vote on this.

LEG. MONTANO:

It says exclusive.

LEG. D'AMARO:

Right? Yeah, just note my recusal for the record, please.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Thank you.

D.P.O. VILORIA-FISHER:

Tim, recusal.

P.O. LINDSAY:

Okay. We have a motion and a second. Is there any other people who want to comment? All in favor? Opposed? Abstentions?

LEG. MURATORE:

Opposed.

P.O. LINDSAY:

One opposed. And the recusals?

MR. LAUBE:

I have two.

LEG. KENNEDY:

I have to recuse?

P.O. LINDSAY:

Your wife.

D.P.O. VILORIA-FISHER:

Yes.

MR. NOLAN:

Yeah, he should be out.

D.P.O. VILORIA-FISHER:

Three recusals.

LEG. KENNEDY:

Yeah, I will recuse, Mr. Chair.

MR. LAUBE:

Recusal? Thirteen (Opposed: Legislator Muratore - Recused: Legislators Barraga, Kennedy, Viloría-Fisher & D'Amaro).

P.O. LINDSAY:

Okay, so it passed.

No. 10, to consider and vote on IR 1459, Instituting a lag payroll in Fiscal Year 2012 for employees within the Suffolk County Board of Elections in Bargaining Units 21 and 24 to address revenue shortfalls and avoid a reduction in the workforce of County personnel.

How about same motion, same second?

LEG. NOWICK:

Recuse.

P.O. LINDSAY:

Okay. All in favor?

LEG. HORSLEY:

Recuse.

P.O. LINDSAY:

All right. Opposed?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

One opposition. Abstentions?

LEG. MONTANO:

You know who the recusals are, right?

P.O. LINDSAY:

And you got the recusals?

MR. LAUBE:

Raise your hand for the recusals? All right, so we got fourteen is the total (Opposed: Legislator Muratore - Recused: Legislators Montano, Nowick & Horsley).

P.O. LINDSAY:

11, To consider and vote on IR 1460-2011, authorizing a voluntary lag payroll for elected officials in 2012. Same motion, same second.

And you's don't all recuse because it's voluntary.

(*Laughter*)

D.P.O. VILORIA-FISHER:

Should I recuse because I'm not going to be here?

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Now I go to the grants, to consider and vote on IR 1917 -- is that in the CN?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Okay. Go to the CN file. 1917 is it?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Okay, *1917-11 - Accepting and appropriating grant funds received from the United States Department of Justice, Bureau of Justice Assistance.* Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga. Second by?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

Muratore. All in favor?

LEG. MONTANO:

Question.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Is there a need for this to go through as a C of N, or do we have time?

P.O. LINDSAY:

Well, just that you accepted money.

D.P.O. VILORIA-FISHER:

We want to get it as fast as we can.

LEG. MONTANO:

It's 100%.

P.O. LINDSAY:

It's a grant, looks like for over \$200,000.

LEG. MONTANO:

Yeah, I don't know what it is because I haven't had a chance to review it.

P.O. LINDSAY:

I don't care. You want to commit it to committee? I don't care.

LEG. MONTANO:

No, it says here the grant period runs from October 1st, 2011 to September 30th, 2012.

LEG. NOWICK:

I think we need to pass it.

LEG. MONTANO:

What was that?

MS. VIZZINI:

It's a \$148,000 grant for interim salaries in the District Attorney's Intellectual Property Crime Enforcement Program. It could only be used for this specific purpose.

LEG. MONTANO:

Okay.

MS. VIZZINI:

My guess, although I do not know, is to get it into the budget for 2011 as soon as possible.

LEG. MONTANO:

I just don't have time to read these.

P.O. LINDSAY:

So is everybody all right with it now? We made a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And I'll just go through the whole CN packet.

1918-11 - Authorizing certain technical corrections to Adopted Resolution No. 829-2011.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by who?

LEG. ROMAINE:

Me.

P.O. LINDSAY:

Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. What is -- explain this to us, Legislator Romaine.

LEG. ROMAINE:

I believe the County Executive is making some technical corrections to previously adopted resolutions in terms of tax map numbers.

P.O. LINDSAY:

You got something, Jim, on this?

MR. PETERMAN:

Yes.

P.O. LINDSAY:

If You don't mind, Legislator Romaine. Go ahead.

MR. PETERMAN:

There were simply some errors that were on the resolution, the tax map number was wrong and it wasn't clear that the cost of the property was 260,000 and 10,000 was for soft costs; we just corrected that.

P.O. LINDSAY:

Okay. We have --

LEG. MONTANO:

Question.

P.O. LINDSAY:

Question, Legislator Montano.

LEG. MONTANO:

Do you have the vote on the original bill?

MR. PETERMAN:

No, I don't.

LEG. MONTANO:

It was 829 -- hold on. 829 of 2011? It's not coming up. George, do you -- I can't get it up.

*(*Laughter*)*

I just want to --

*(*Laughter*)*

It's late in the day. I was a no, okay. I'll be consistent.

MR. FREAS:

It appears that this passed on 10/12 by 14 votes. Some of you were not in the room, so nobody seems to have voted -- right, Mr. Montano, Mr. Lindsay and Mr. Eddington voted against it.

D.P.O. VILORIA-FISHER:

Shall we vote now?

LEG. MONTANO:

Yeah, I'll be consistent.

P.O. LINDSAY:

All in favor?

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Seventeen (Opposed: Legislator Montano).

LEG. MONTANO:

I voted against the original one.

P.O. LINDSAY:

No, that makes sense.

1919-11 - Accepting a grant in the amount of \$308,637 awarded by the New York State Office of Indigent Legal Services to improve the quality of indigent legal services provided by the county of Suffolk pursuant to Article 18-B of the County Law.

LEG. MONTANO:

I'll make a motion.

P.O. LINDSAY:

Make a motion by Legislator Montano.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Kennedy.

LEG. MONTANO:

Can I ask for a quick explanation, Gail?

MS. VIZZINI:

Yeah, it's 300 --

LEG. MONTANO:

All right, this is from June 1st to May 31st?

MS. VIZZINI:

Yeah, 308,637 for Indigent Legal Services, 18-B.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

There was a -- Legislator Viloría-Fisher just asked a very important question; we can't use this to -- I mean, we put extra money in the budget for 18-B. Can we use this to offset that? Maybe find some money for Legislator Romaine's causes?

D.P.O. VILORIA-FISHER:

Yeah, maybe for Cornell.

MS. VIZZINI:

What period does this cover you said?

LEG. MONTANO:

June 1st, 2011 to May 31st, 2012; that's what I'm reading here.

MS. VIZZINI:

We only added 200,000 to 18-B, they're still 800,000 short. All this does is help mitigate that \$800,000 shortfall.

P.O. LINDSAY:

Okay, thank you. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1920-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to County golf courses - Indian Island (CP 7166).

LEG. ROMAINE:

Motion.

MR. NOLAN:

There's -- we've been advised that there is no Bond for this, so this bill is just going to go directly to committee. It's already been assigned out.

LEG. ROMAINE:

Oh, okay.

P.O. LINDSAY:

Okay. Commit.

D.P.O. VILORIA-FISHER:

I'll make a motion to commit, or not?

MR. NOLAN:

Go ahead, make a motion to commit.

LEG. ROMAINE:

Motion to commit to committee.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Okay. Motion by Legislator Romaine to commit to committee. Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1921-11 - Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed* -- did we do this already?

D.P.O. VILORIA-FISHER:

He explained it earlier.

P.O. LINDSAY:

Oh, he explained it but we didn't do it.

D.P.O. VILORIA-FISHER:

The TAN's.

P.O. LINDSAY:

-- \$400,000 (sic) *Tax Anticipation Notes of the County of Suffolk, New York* --

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Four hundred million, excuse me, *in anticipation of the collection of taxes levied or to be levied for the Fiscal Year commencing January 1, 2012 and to prescribe the terms, form and contents and provide for the sale and credit enhancement of such notes.* Motion by?

D.P.O. VILORIA-FISHER:

Me.

P.O. LINDSAY:

Legislator Viloria-Fisher.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1961-11 - Refunding --

LEG. MONTANO:

That's not a Bond, right?

MR. NOLAN:

You skipped 1867, the Bonds. 1867A. I'll explain.

P.O. LINDSAY:

Okay, *1867A is a Bond Resolution, the County of Suffolk, New York, Authorizing the issuance of \$275,000 Bonds to finance the cost of purchase and acquisition of a portion of certain parcel of real property for municipal purposes located on the south side of Sound*

Shore Road, Town of Riverhead.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. MONTANO:

On the question?

P.O. LINDSAY:

On the question, Legislator Montano.

LEG. MONTANO:

Counsel, we had passed a resolution and this is a Bond that comes in subsequent; is that what --

MR. NOLAN:

That's what happened. You may recall at our last meeting they came in with I believe a CN for the underlying bill, we passed it. We were supposed to get a Bond later in the meeting, it never came. So we brought it over and they issued a CN to have us consider it tonight, the bond.

LEG. MONTANO:

All right. Does anyone have a copy of the vote on that?

MR. LAUBE:

I can dig it up. 1867 would be the IR number which you can access on our on-line system.

LEG. MONTANO:

I voted no, right?

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed?

LEG. MONTANO:

This is on the Bond, right?

P.O. LINDSAY:

On the Bond.

MR. NOLAN:

This is on the Bond, you need a roll call.

P.O. LINDSAY:

Oh, I've got to do a roll call. Okay.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Montano).

P.O. LINDSAY:

Okay. *IR 1961-11 - Refunding Bond Resolution of the County of Suffolk, New York, Adopted November 9, 2011, Authorizing the refunding of certain outstanding serial bonds of said County, stating the plan of refunding, appropriating an amount not to exceed \$17,750,000 for such purpose, authorizing the issuance of not to exceed \$17,750,000 Refunding Bonds to finance said appropriation and not making ceratin other determinations relative thereto.*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Is that it?

MR. NOLAN:

That's it for the CN's.

P.O. LINDSAY:

Okay, that takes care of the CN's.

If you turn to the manilla folder. Okay, all the way in the back of the folder is *Procedural Motion No. 33-2011 - Technical Corrections to Procedural Motion Nos. 11-2011, 15-2011, 16-2011, 25-2011 and 32-2011*. They all have the corrections on CSI's. Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:
Did you call the vote?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. *Procedural Motion No. 34-2011 - Procedural Resolution authorizing funding for Community Support Initiatives (Phase X).*
I'll make a motion.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator Montano. This is the last one of these you're going to see. All in favor?
Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Procedural Motion No. 35-2011 - Authorizing appeal in LIPA litigation.

LEG. MONTANO:
Motion.

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator Montano.

LEG. D'AMARO:
Please note my recusal on the record.

P.O. LINDSAY:
Okay. And from my understanding, this is on a contingency basis we're moving forward?

LEG. HORSLEY:
Right.

MR. NOLAN:
Right. We polled Legislators originally, they didn't want -- the feeling was not to spend money for an appeal. Then Mr. Like proposed that he would go forward on a contingency basis.

P.O. LINDSAY:
Okay. We have a

LEG. MONTANO:
We are paying for the record, though.

MR. NOLAN:

We're paying for the record up to 10,000.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That folder is done.

MR. LITTELL:

Legislator D'Amaro is recused.

MR. LAUBE:

Sorry about that. Good catch, Justin. Seventeen (Recused: Legislator D'Amaro).

P.O. LINDSAY:

I'm sorry, we have -- I missed one, it's IR 1692-11 - To amend the user fee schedule for Suffolk County marinas.

D.P.O. VILORIA-FISHER:

Oh, I thought you said we weren't going to vote on that today.

MR. NOLAN:

It was discharged.

P.O. LINDSAY:

It was discharged.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

So it's before you. Legislator Nowick, would you like to --

LEG. NOWICK:

I did, I made a motion.

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Would you like to explain this, Legislator Nowick?

D.P.O. VILORIA-FISHER:

Yeah, we need the money.

LEG. NOWICK:

No.

P.O. LINDSAY:

No? Okay.

LEG. NOWICK:

No, actually this is something that we already put in the Omnibus budget. These fees have actually been -- I don't want to say approved or agreed, but the boaters do agree that they would rather do this than privatize so they're willing -- and we haven't changed these in a long time, so we're going to pass it.

P.O. LINDSAY:

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fourteen (Opposed: Legislators D'Amaro, Cilmi, Muratore & Barraga).

P.O. LINDSAY:

Late Starters, yellow folder.

MR. NOLAN:

Make a motion to waive the rules.

P.O. LINDSAY:

I'll make a motion to waive the rules and lay on the table the following Late Starters:

*1963 to Budget & Finance and set a public hearing for November 22nd,
2:30 in Hauppauge;*

1964 assigned to Budget & Finance.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll accept a motion to adjourn.

D.P.O. VILORIA-FISHER:

As we walk out the door, run. *(Laughter)*

LEG. SCHNEIDERMAN:

So moved.

P.O. LINDSAY:

Motion by Legislator Barraga.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

*(*The meeting was adjourned at 6:38 PM*)*

{ } - Denotes Spelled Phonetically