

Special Meeting 11/7/12

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

THIRTEENTH DAY

November 7, 2012

***A SPECIAL MEETING WAS HELD AT THE
WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK***

***Verbatim Transcript Taken By
Lucia Braaten and Alison Mahoney, Court Reporters***

*(*The Following was Taken and Transcribed by
Lucia Braaten-Court Reporter*)*

P.O. LINDSAY:

Okay. I apologize for the delay. Mr. Clerk? Madam Clerk? Mr. Clerk, who's going to read the roll?

MR. LAUBE:

I'll do it.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

(Not Present)

LEG. MURATORE:

(Not Present)

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

(Not Present)

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

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Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Thirteen. (Not Present at Roll Call: Legs. Schneiderman, Browning, Muratore, Montano and Kennedy)

P.O. LINDSAY:

Would everybody rise for a salute to the flag, led by Legislator Horsley?

*(*Salutation*)*

If everyone could remain standing, we have visiting Clergy with us this morning, and Legislator Horsley is going to introduce the visiting Clergy.

D.P.O. HORSLEY:

Good morning, everybody, I'd like to introduce, and I'm proud to introduce, Monsignor Joseph DeGrocco, native of Carle Place, New York, is a Priest of the Diocese of Rockville Centre, and is currently Pastor at Our Lady of Perpetual Help Church in Lindenhurst.

Formerly, he was a Professor of Liturgy and Director of Liturgical Formation at the Seminary of the Immaculate Conception in Huntington, New York. He also has taught as summer visiting Professor at Catholic University of America in Washington D.C. He earned a Masters of Arts in Theology, Liturgical Studies, from the University of Notre Dame, and a Doctor of Ministry Degree from the Seminary of the Immaculate Conception.

Monsignor DeGrocco is the author of five books on the topic of Liturgical Theology and Pastoral Liturgy, and writes regular columns on the topic of liturgy for the Long Island Catholic Liturgy -- rather, for the Long Island Newspaper, and for the Pastoral Liturgy and National Journal.

Monsignor DeGrocco can be seen weekly on television networks throughout the country as the host of the award-winning show Divine Intervention, produced by Telecare and Television Station of the Diocese of Rockville Centre.

And let me also add in introducing Monsignor Joseph DeGrocco, is that he is the Head of Perpetual Help in Lindenhurst, who, of course, has had a terrible time within the last -- since the storm. And I was at the church yesterday, and with Father John, and they have put together a relief operation in Lindenhurst called Lindenhurst Relief that is second to none. Literally hundreds, hundreds of people are coming like a beehive in and out of the church that is massively put together to help those residents who are stricken by the storm.

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And it's because of Monsignor Joe's leadership that I can say today and introduce him with so much admiration, because we've gone through such a difficult time, I know as many of the Districts have. And I got to thank -- Sarah of Rocky Point was there yesterday, and Bill Lindsay, the Sayville Fire Department, and all across Suffolk County that has come to the aid of people in my district, and I bless them for that. I thank you because they are truly -- those folks of Suffolk County are real citizens, and they're real people who care about their neighbors.

And with that, I'd like to introduce Monsignor Joseph DeGrocco.

MONSIGNOR DE GROCCO:

If I could just add my own thanks as well to all who have assisted. We're doing the best that we can in the Lindenhurst area to assist everyone, not just parishioners, but anyone who comes to us in the Lindenhurst community. So we thank you for all who have assisted in that.

With a firm reliance upon the protection of Divine Providence, let us pray.

Almighty God and Father, we thank you for showering your blessings upon this, our beloved nation. We thank you first and foremost for the gift of life. Grant us the courage to defend it, life, without which no other rights are secure. We ask your benediction on those waiting to be born, that they may be welcomed and protected. Strengthen our sick and our elders waiting to see your holy face at life's end, that they may be accompanied by true compassion and cherished with the dignity due those who are infirm and fragile.

In particular, Lord, we ask your continued divine protection upon all our sisters and brothers who have suffered because of Hurricane Sandy; to those who have lost everything, to those who have been impacted in any way, to those who continue to endure distress because of that storm, and to those who will endure distress because of the new storm that is coming upon us today. Help them to know of your love and your closeness to them. Help us to continue to reach out to them in charity and in solidarity. May they never feel alone or abandoned.

God of power and might, wisdom and justice, you have revealed your glory to all nations. Through you, authority is rightly administered, laws are enacted and judgment is decreed. We beseech your divine blessing and providence this day in a special way, oh, God, upon the Suffolk County Legislature. We pray for all the members of this Legislature, and all who are involved in its works, and all others who are entrusted to guard our political welfare, and who lead us in the work of County and local government. May they be enabled by your powerful protection to discharge their duties with honesty, faithfulness and integrity.

We likewise commend to your unbounded mercy, oh, Lord, all citizens of the United States of America, that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in our union and in that peace which the world cannot give. And after enjoying the blessings of this life, may we be admitted to those blessings which are eternal, for we are indeed one nation under God, and in God we trust. So, dear God, bless Suffolk County, bless Long Island, bless New York State, and bless America, for you, God, live and reign forever and ever. Amen.

(*Amen Said in Unison*)

P.O. LINDSAY:

Thank you, Monsignor. If everyone could remain standing for a moment of silence for Assemblyman James Conte from Huntington Station, who passed away recently after a battle with cancer. Assemblyman Conte represented the 10th District since 1988.

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For Bob DiBona, President of the Mastic Property Owners Association, passed away recently. He was instrumental as a member of the Downtown Revitalization Committee, and will be remembered for his tireless work to protect the environment in Mastic Beach.

For Nassau County Officer Arthur Lopez, who was shot to death by a man he and his partner had been pursuing along the Cross Island Parkway days shy of turning 30 on November 1st. Officer Lopez was an eight-year veteran of the Force, and was a resident of Babylon.

Nassau County Officer Joseph Olivieri was killed responding to a predawn wreck, caused by an alleged drunken driver at Exit 35 on the Long Island Expressway. Officer Olivieri was a president of -- was a resident of Ronkonkoma.

And this past week has been a very difficult week for our County with Hurricane Sandy and all of the grief, and the outages, and the gas shortages, and everything that has prevailed on our community. We lost five Suffolk County residents with -- related to the storm.

And I want to take a moment and have Legislator Schneiderman talk about one of his constituents who lost her life as a result of Hurricane Sandy.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. And, as we all know, Hurricane Sandy caused tremendous damage to property, and we're all trying to put the pieces back together. But there were, as you said, five individuals who lost their lives and we can never get them back. One in Montauk really hit the Montauk community very hard, a young woman by the name of Edith Wright, known by Dee, who worked up at the Montauk School, who also worked at The Doc Restaurant, and has worked at other restaurants.

And it feels like everybody in Montauk knew her, because we've all been coming together at fundraisers to raise money for her two kids, who lost their father a few years ago. And now with their mom gone, we're going to try to all come together just to help them out. And it's really quite sad. So I'd like to end in this Moment of Silence to include her in your prayers and her kids. And just a very, very sad moment. And thank you for including here.

P.O. LINDSAY:

Thank you, Legislator Schneiderman. Let us also remember, as we do at all of our meetings, the men and women who put themselves in harm's way every day to protect our country. And with that, everybody could be seated.

Welcome to this Special Meeting, which is an annual event to review our budget, and to, hopefully, pass a budget.

And yesterday was Election Day, and it was very gratifying to see so many of our citizens exercise their rights, and went to the polls and to cast their ballot. And it kind of saddens me that in a way it's good for him, but it isn't good for us, that Legislator Romaine was successful yesterday in running for Supervisor of Brookhaven.

*(*Applause*)*

P.O. LINDSAY:

We congratulate you, Ed. We wish you all the best of luck, and your voice is going to be missed around here.

LEG. ROMAINE:

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Presiding Officer, I'm going to miss your leadership. You have been a true leader over the last seven years, and although we're in different parties, I have always had the deepest and greatest respect for you and the way you've treated us around this horseshoe fairly and equitably, and I'm going to miss serving here.

I appreciate all my colleagues. As I sit around this horseshoe, I look at each one of my colleagues, and I see a different form of wisdom and intelligence, and it's been my privilege to listen to their debate, and sometimes my privilege that they've put up with me when I've debated my points in my District. But I've appreciated this body when I've debated my points for my District.

But I've appreciated this body. I think I'm the only Legislator that served in the '80's and then came back and served 20 years later. But it's been an experience and I've learned a great deal each time I've served in the Legislature, and it's a wonderful body that does the people's work. Thank you so much.

P.O. LINDSAY:

I just want to comment about I always enjoyed your debates and your points of interest in the course of those debates, especially when in the middle of the debate you were so convincing you changed your own mind.

*(*Laughter*)*

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. I'd like to also congratulate Ed on his victory, and also say for the record how much I will miss having Ed by my side. We, between the two of us, represent the North and South Fork of the Island as two Legislators out of the 18. And often challenging, but I can't think of a better partner to have had. His institutional knowledge and his endless, endless energy to protect that area and make sure he delivers for his constituents, and I will miss his voice.

And, you know, I've known Ed for quite a number of years, he was my Seventh Grade Social Studies teacher; you may not know that.

*(*Laughter*)*

But I consider Ed a friend and I will continue to, but I'm happy to see him as the Supervisor of Brookhaven. But I will miss you as my sidekick here at the Legislature. You've done a tremendous job.

LEG. ROMAINE:

Maybe you'll be joining me.

*(*Laughter*)*

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I'd like to also offer my congratulations. And for those of us who are Legislators in Brookhaven, we will continue to have that privilege of working for you. And the one thing that I say, I think I know -- I shouldn't say I think I know, I know that Ed and I will both be working very hard together. He represented my District as a Legislator many years ago, and now he is representing them again.

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And we know the issues in my District, and I know we are going to be a good team, and we will help the tri-hamlet.

LEG. ROMAINE:

Big challenges ahead --

LEG. BROWNING:

Big time.

LEG. ROMAINE:

-- in light of the storm, big challenges.

LEG. BROWNING:

Yes, yes. So I'm looking forward to working with you. Thank you.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

I just wanted to also join in and echo. Congratulations, Ed. Well deserved. You're a great guy and we're going to sorely miss you.

But looking back at your history with us, certainly, no one could not comment about the fact that you brought us and enlightened us to what chemtrails are.

*(*Laughter*)*

And we will never forget the issue. Thank you very much. Congratulations.

P.O. LINDSAY:

Okay. And just the opposite of congratulating Ed, I just want to recognize very sadly that Legislator Montano was not successful in his attempt to become a State Senator. But the good side of it for us is that we'll have you around here --

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

-- and your wisdom that you bring to every debate.

*(*Applause*)*

P.O. LINDSAY:

Okay. With that, we'll open the Special Meeting, and the first part of the agenda is the public portion. I have several cards. The first up is Kevin Beyer.

MR. BEYER:

Good morning.

P.O. LINDSAY:

Good morning, Kevin.

MS. ORTIZ:

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Press the button.

MR. BEYER:

I got it. You want my name first? Kevin Beyer, President of Long Island Gasoline Retailers Association.

I'm just here to ask you to please support Legislator Cilmi's Amendment No. 7, because we're not looking for any more fee increases to the gas stations, the underground storage tanks that came up recently.

I dealt with an issue last year, which the County got 300% increase after negotiating back and forth for at least eight months. I worked real hard on that. We came to that agreement, and now, all of a sudden, this gets thrown into the budget. We can't afford this. We're in the middle of a crisis. We're dealing with stations that have no power, stations that have no fuel. We have residents that don't have fuel. We have stations that have been closed since the storm. So, to add this to the burden of everything else, it's just -- it's insane.

P.O. LINDSAY:

Okay. I'm going to recognize Legislator Cilmi for personal privilege, a very short personal privilege.

LEG. CILMI:

Thank you, Mr. Presiding Officer. I just -- I know that Mr. Beyer has to get back to his station, I'm sure he's got a line backed up across Vets Highway, and he may not be available to -- if he has to go back, he may not be available to us to question when the amendment comes up. So just if anyone -- I'd like to offer -- if you would offer, if anyone has any questions for Mr. Beyer in advance.

P.O. LINDSAY:

We can't do that.

LEG. CILMI:

Okay, that's fine. Thank you.

P.O. LINDSAY:

It's against the rules. But, Kevin, you are open and you have gas?

MR. BEYER:

I am open right now, I do have gasoline.

P.O. LINDSAY:

You want to tell us where your station is? You'll probably see half the audience leave.

*(*Laughter*)*

MR. BEYER:

Sure. 377 Veterans Highway, Performance Fuels. It will run out tonight, most likely.

P.O. LINDSAY:

Okay. Thank you, Kevin.

MR. BEYER:

Okay. Thank you.

P.O. LINDSAY:

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Nancy Dallaire.

MS. DALLAIRE:

Thank you. I hope all is well after -- as we recover from our second major storm in a little over a year. But I cannot help but question the plans for the next storm.

The County Executive pursues the sale of the John J. Foley Skilled Nursing Facility, as this County facility serves once again as a vital evacuation center for the displaced citizens of our devastated community. And although I'm always encouraged and grateful to those who rise to the challenge when crisis strikes, what will happen when the next storm hits Long Island and we no longer have John J. Foley to utilize? Where are the victims to go? We must be prepared. I do not believe that it is a risk that we want to take. And if Mr. Bellone has a Plan B, the time is ripe to reveal it before we lose this valuable asset forever.

I listened as Mr. Bellone spoke from the 106th Air Wing Rescue Unit at Gabreski Airport, a unit in need of rescue itself. Mr. Bellone called it an historic unit, yet he refuses to recognize John J. Foley, our historic health care facility, responsible for rescuing hundreds of neighbors in need. Mr. Bellone spoke of public safety being a concern, yet his actions speak louder than his words.

Through this storm I hear to be patient, the damage is extensive, the repairs will take time for us to recover. Funny, that is exactly what John J. Foley needed, but that was not given the opportunity. Now we will lose this County asset and we will never really use this vital asset. What a loss to every Suffolk County taxpayer.

I've heard through the storm that there's an unprecedented cooperation between Federal and State governments, the towns and villages are pulling together. Why does it take a catastrophe to get this spirit of the cooperation? John J. Foley still waits for reimbursements due for the services rendered throughout Hurricane Irene over a year ago. I wonder how long it will take for John J. Foley to seek compensation for these services provided throughout Sandy. Retrieving these crucial compensations should be a priority for our County, yet I hear that they are at Town Zoning Board meetings speaking on behalf of the private operators.

The County should be concerned with investigating these delays and repairing the faulty system that cost us our vital County Center. Instead, they're representing the Shermans when their responsibility is to the suffering Suffolk County taxpayer?

This Administration refuses to acknowledge the good work being accomplished at John J. Foley, but does not have a problem asking for 100 million dollars more for Phase II of that jail. The County Executive will abolish John J. Foley and these essential services, but will budget for the homeless sex offenders, and I should not be offended?

The County claims that they will engage the public when the time is ripe. The issue of those trailers is so old and rotten, the time will never be ripe. At a time when we should focus on strengthening our services, reinforcing our resource, and securing public safety, our County chooses to build jails and secure the quality of life for the inmates as mine diminishes? My grandchildren will still be paying for that jail, but they will not have vital public services? And I must continue to pay for a guaranteed police contract as I'm losing my job. And I will pay for that out-of-county tuition tax? If these decisions continue, me and my family will be forced out of the County.

*(*Applause*)*

P.O. LINDSAY:

Dan Farrell.

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MR. FARRELL:

Good morning, Legislators. My name is Dan Farrell and I'm the President of the Suffolk County Association of Municipal Employees.

At this time, I would like to thank the County workforce for the excellent job it has done over the last week in dealing with the Hurricane Sandy disaster and recovery. They went to work, some of them 'round the clock, and were at work instead of being with their families where they would rather have been. Many of the tasks that were completed over the last week were completed by AME members, and my hat goes off to them, and I thank them for all their hard work.

We at AME clearly understand the financial difficulties that the County is facing, but by working together, we could accomplish many great things. This Administration doesn't choose the path of communication. I'm not only very disappointed, I'm astonished that in this budget there is no General Fund tax increase.

As all of you know, I have come here for several years saying that, "Why don't we increase the General Fund tax?" It's never been -- it hasn't been done in, I believe, eight to ten years. It's been capped at 2%, I understand that, but you know what, in this budget there's not even a 1% or 1 1/2% increase to this, and I just don't understand how you can keep going on trying to run your government when you don't have the revenue for all your expenses.

And I'll caution you on the one-shots on this budget, because some of them are not materializing, and some of them being the John J. Foley issue that's still up in the air.

This year we've lost over 300 AME members due to layoff. This year the County has proposed laying off another 189 AME members by closing John J. Foley.

The County is currently before the Brookhaven Town Zoning Board trying to gain approval for a zone change and a special use permit for the Infirmary sale. What if this is not approved? Does this deal close? If not, then what? We sell the facility below market value when the County is in such bad financial condition? The Administration continued to not fill beds, and to make sure that the County is losing money on this is totally wrong, and it's been going on for too long.

These questions remain unanswered because there's no communication. Of course, our union was left with no other choice but to file a lawsuit on the sale, because this deal was flawed and illegal. Now we hear talk of privatizing the County health centers, privatizing custodial, DPW services, DPW Sanitation to the Suffolk County Water Authority? This is all ridiculous. The County continues to lose each round and spend thousands of dollars in litigation over these issues, as well as the security guard issues, which are continuing as we speak.

We continue to work without a contract at Suffolk Community College when the funds have been set aside for this deal by the College. So you tell me, why isn't this getting done? Lack of cooperation? I think there's more to it than that. Of course, our contract is up at the end of December. Enough is enough, this has to stop. These moves are wrong. Trying to balance the County's budget on the backs of my members is wrong. Our Union, my Board and my members stand ready to work with the County --

D.P.O. HORSLEY:

Would you please start to wrap it up? Thank you.

MR. FARRELL:

I will. To come with the real financial solutions to help resolve the County's problems, not quick

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fixes.

Yesterday my office sent each of you a complex financial review of the proposed budget. I'm sorry it came as late as yesterday, but due to the hurricane, I couldn't get it out sooner. And AME stands ready to work with this Legislature to find real solutions to our problems, and ask each and every one of you to stand up and be counted and oppose any more moves that involve the laying off of any more County workforce. Thank you.

D.P.O. HORSLEY:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Meghan Ashford-Grooms.

MS. ASHFORD-GROOMS:

Hello. Good morning. My name is Meghan Ashford-Grooms. I'm here representing the Health and Welfare Council of Long Island. I just started doing some public policy research for them, but it's only my third day on the job. So, if you have any questions about what I'm about to say, I probably won't be able to answer them, but I'm happy to get answers if you need them.

I'm here to share with you that in its role as a Coordinator of Long Island VOAD, the Council has helped put together, with many other Social Service agencies, a one-stop relief-to-recovery center to offer services and information to people who have been affected by Hurricane Sandy. There will be at this center, the one stop center, there'll be information for people, FEMA information, financial information, mental health services information, legal information, food and water. It's going to be open this week, every day through Saturday, 11 a.m. to 4 p.m., at Roosevelt Hall at Farmingdale State College.

And I have with me fliers here for you guys, if you want to help let your constituents know about the existence of the center, and I have more if anybody else wants a copy.

We also want to say thank you to Legislators Gregory and Horsley for their support and for spreading the word about the kickoff day for the one-stop center in Farmingdale. Thank you.

P.O. LINDSAY:

Vito Dagnello.

MR. DAGNELLO:

Good morning. My name is Vito Dagnello. I'm President of the Suffolk County Correction Officers Association. You're here today for the meeting and you're going to be voting on a budget, and you're going to ask the taxpayers of Suffolk County to pay a little more. Well, all County employees, including the Suffolk County Correction Officers, pay taxes.

September 19th, the Correction Officers was issued arbitration award for the years 2008, 2009, 2010. We haven't had any communications with the County to discuss when that's going to be implemented in their salaries. Not asking for the retro, we know that's in the budget here, but the salary charts, they've been done since October 24th and have not been passed on to I.T. to start implementing that in their salaries.

Right now, their salaries are as of '07 salaries. And with the hurricane, the cost of gasoline, food, everything going up, they deserve to be -- get that in their salaries, or at least know what it's going

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to be, because they haven't released it so I can tell them what their new salaries are going to be.

I just wanted to come here and put it on record that if you's can do anything and help, because I'm about to put litigation in and go into court. And you're going to have another bill because they're going to have to hire outside counsel, and it's going to cost the taxpayers to pay them. It's a simple solution. Release the salary charts and put it in their salaries. Thank you.

P.O. LINDSAY:

Thank you, Vito. Paul Caplan.

*(*Applause*)*

MR. CAPLAN:

Good morning. My name is Paul Caplan. I first want to congratulate Mr. Romaine, although, as we've said, it will be an absence we didn't really want to have here at the Legislature, but I wish you the very best.

The County is abdicating its care, custody and control of the health services it has provided the uninsured and the most needy for over 50 years. It is removing County employees, who are residents and taxpayers, from employment. This is an act of cowardice and uncaring for the lower paid employees, while, at the same time, enriching highest paid employees. This is morally and financially wrong.

During this Presidential election, the term "inequality" has been used by Americans from coast to coast. It is keenly apparent here in Suffolk County that inequality exists between the powerful unions and the less powerful unions. When it was revealed that problems existed in the Police Department, the proper remedies were implemented without the closures of precincts or layoffs of officers. Why then are the rules different for the health centers?

The estimated savings of three million dollars for four health centers in a 2.7 billion dollar budget is paltry compared to the other remedies this Administration can take. Is this really the savings the Administration is looking for? Why not allow the innovative Performance Management Team to continue its evaluations and recommendations for better savings before privatizing the health centers?

Before disposing of the recently purchased 1.6 million dollar EMR system, why not utilize this software with proper training and realize the profitability it can bring the County. Acceptance of additional health insurance plans would allow more patients to be seen and more options for increased revenue.

There is great uncertainty with how the Federal Government will continue funding for HQ -- FOHCs. The primary source of funding for HRH is at the Federal level, and should that revenue stream diminish, what would be the consequence to Suffolk County? In the short term, it looks like a quick fix. However, long-term, this turnover could cost the County not only dollars, but loss of health care to its residents.

In his 2013 proposed budget, the County Executive has announced no new layoffs. If HRH takes control and dismisses County employees, how can that not be considered a layoff? The decimation of the County workforce during the brief tenure of this new Administration does not --

P.O. LINDSAY:

Could you wrap up, Mr Caplan? You're out of time.

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MR. CAPLAN:

Yes, I will, Mr. Lindsay. Does not show long-term vision. The population will continue to require the services they pay taxes for. Hundreds of real people with real families, who have dedicated their adult lives to working for Suffolk County, are being used as pawns in an attempt to balance a budget that needs a systematic change. The recommendation is to build on the model this County built and not run from it.

There is a powerful brain trust installed in this Administration and Legislature, using innovation and determination, capitalize on the experience and the strength of the workforce.

Mr. Lindsay, if I can just indulge you for one more moment.

P.O. LINDSAY:

Quickly. Mr. Caplan, you were out of time quite a ways ago.

MR. CAPLAN:

Thank you. Thank you. I just wanted to reiterate that in the February Health Committee meeting, Dr. Spencer asked a question to Anne Nolan. The question -- the issue he brought up -- the question is, as he asked a follow-up, is there a model that there's a plan -- excuse me, I'm sorry. Let me get my bearings. "The other question, a follow-up....is that is there a model that -- there's a plan....in terms of your funding? And if for some reason you move forward with that model, when you see that it's not sustainable, or that there's not -- I don't like to use the word probability, but in the terms of that you're unable to meet the cost needs, then what are the provisions to make adjustments? You know, I'm really -- my primary concern is protecting the residents that are served by that center as we make this partnership." Thank you, Dr. Spencer.

P.O. LINDSAY:

Thank you, Mr. Caplan.

MR. CAPLAN:

Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Robert Mitchell.

MR. MITCHELL:

Good morning, Mr. Chairman, Members of the Legislature. Congratulations to Ed Romaine on his victory.

I'm here in regards to Omnibus DOA 19, Page No. 3. We're requesting \$220,000 to pay for our medical. We've received an increase in medical and our people now pay 20% towards it, and the exempts, that's the D.A.'s and the County Attorney, don't pay anything towards their medical and we're paying 20. So we appreciate if they would -- it's in the omnibus and we'd appreciate if it would be passed.

The next item is on Mr. Cilmi's stand-alone on Page 4. We had a meeting with Judge Freundlich, the Presiding Officer of the Family Court, along with Mr. Cohen, the County Attorney, and myself. And at that time, it was determined that if we were given, "we" meaning the Legal Aid Society, was given an additional quarter of a million dollars for the Family Court, we'd be able to reduce, hopefully reduce, the budget, the County -- the County's budget for 18B in the future. Thank you very much.

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P.O. LINDSAY:

Thank you, Mr. Mitchell. Next up is Michael Watt. I think I saw him walk out of the room. Oh, no, you're still here, Michael. I thought you left with the rest of them.

MR. WATT:

I'm hard to notice sometimes.

P.O. LINDSAY:

I know that's -- you hide easy.

MR. WATT:

Good morning. My name is Michael Watt, and I'm here to speak on behalf of the 600-plus members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County, regarding Budget Amendment No. 7. This amendment, proposed by Legislator Tom Cilmi, reduces revenue for pollution control fees associated with gas and fuel storage in the Department of Health Services by \$200,000 in 2013, and offsets that reduced revenue with an increase in revenue from the Traffic Violation Bureau's ticket fines.

The men and women who operate service station and convenience stores that sell petroleum products face unparalleled changes, not only in this economy, but also in the aftermath of Superstorm Sandy. Many of our station owners are thinking long and hard about whether they can continue to operate. And Suffolk County's plans to increase yet another registration fee is just one more reason to decide to get out of the business. A fee increase such as the one proposed by the Suffolk County Health Department may not seem onerous on its own, but when combined with the increases in so many other phases of the service station operation, the affect can be demoralizing. Here's why this is important in Suffolk County.

Independently owned and operated stations, like the one that Mr. Beyer runs, keep the corporate-owned chains honest when it comes to competitive pricing. If two stations on one corner are owned by two different entities, for instance, their desire to steal customers from each other will result in more favorable pricing for the consumer. If the independently owned service station operators are removed from the landscape and the vast majority of stations in Suffolk County end up in the hands of but a handful of operators, the competition will be less fierce, and you can be sure prices will go even higher.

Fee increases, such as the one proposed by Suffolk County Health Department, are more easily absorbed by the corporations who operate multiple stations in a region, and, therefore, give them a competitive edge over the independently owned and operated gas stations, many of whom have suffered greatly because they were not able to operate during and after Superstorm Sandy. These independent business owners are also looking at significant increases in the health care insurance -- health insurance costs in 2013, costs that are more easily absorbed by their corporate competitors.

LIGRA supports Budget Amendment No. 7 because we need to ensure the independent business owners in Suffolk County -- we need to ensure that they could remain competitive. If you don't want to see the independent service station go the way of the hardware store and your local pharmacist, we strongly urge you to support this as well. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Watt. Kathleen Reeves. Kathleen?

MS. REEVES:

Mr. Lindsay, Ladies and Gentlemen of the Legislature, my name is Kathleen Reeves, and I'm a nurse

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at John J. Foley.

I'm sure there'd be more of us here, except that we are taking care of evacuees out there. And we did have volunteers come in from Upstate. They were disaster nurses and -- but they had to go back Monday, and so now we're getting volunteers from Stony Brook. But we had originally had 38. We also had FEMA there to set up tents for these nurses, and as I said, there would probably be more of us here.

And according to an article that was in Newsday yesterday, there's also a shortage of hospital and nursing home beds. A. Holly Patterson took in 50 patients, including some elderly people whose homes were destroyed, and who have no family and no way to get their medication or meals. At John J. Foley we've had 157 people, evacuees come through our doors, people from many of your Legislative districts, Babylon, Lindenhurst, Huntington, Port Jefferson, Riverhead, Centereach, Mount Sinai, Amityville, Copiague, Dix Hills and Sag Harbor. We've had people on vents, people with service dogs, and an entire family, and people who have lost everything. This is a part of what we do at John J. Foley.

As I said, we've had FEMA setting up the tents, the disaster nurses. We've had volunteer doctors to take care of the evacuees' medical needs, yet John J. Foley was never mentioned on Channel 12 or in Newsday.

We are a County facility, an evacuation center, yet John J. Foley was not even mentioned on the County website. I have a press release here that we got over our e-mails and John J. Foley isn't even mentioned.

These people are your constituents, they're people who helped get every single one of you elected, who put you in office. These are people you should be protecting. I'm quite sure that John J. Foley not being mentioned was a political maneuver, just as the sale of John J. Foley is a political maneuver.

If you've watched the news, read the paper, you are aware that no private facilities are accepting evacuees. If John J. Foley is sold, it will no longer be able to act as an evacuation center for people with special needs in Suffolk County. Putting politics before the welfare of people makes for lousy, even rotten, government. I would like to see a proposal to amend the 2013 budget to include John J. Foley as a County skilled nursing home and evacuation center for the people of Suffolk County, because what you passed at whatever Legislature meeting it was, was illegal; it totally violated the Mary Hibberd Law from the get-go. Thank you.

*(*Applause*)*

P.O. LINDSAY:

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

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

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P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- no, 15.

P.O. LINDSAY:

Public portion's closed. We will go to the only business before us today and that's the budget.

First of all, Gail, do you want to go through an explanation of the budget amendments, the way it's laid out?

MS. VIZZINI:

Thank you, Mr. Presiding Officer. Before you is an index of the line items in the Mandated and the Discretionary Omnibus pursuant to our own laws. When we amend the budget, we do so from the mandated portion and the discretionary portion. The two omnibuses are intended to be taken together, and, as a result, there is no net change in the property -- in property taxes.

The mandated portion consists primarily of expenditure changes recommended to the Working Group by the Budget Review Office, having to do with certain areas of mandated expense, Social Services programs and/or serial bond indebtedness, wherein 2012 we found that at the time the budget was prepared, those expenses appeared to be overstated. In certain other cases, there are slight adjustments to the 2013.

The discretionary omnibus, referred to as Budget Amending Resolution 2, has, of course, more line items in it. Generally speaking, if taken together, the omnibus does the following:

Based on certain expenditure reductions and enhanced revenue, primarily from the Traffic Violations Bureau, the omnibus provides five million dollars in dedicated funds to storm mitigation. This will serve to address any of the shortfalls in the 2012 expenses for the current storm, and whatever monies are -- remain in the -- when we have future storms, there will be a dedicated fund for storm mitigation.

The omnibus restores five positions in Public Health Nursing. This includes four nurse and one home health aide. We also provide funding for revenue-generating positions in the County Clerk's Office, as well as real property tax services, where currently in Real Property Tax Services there is a backlog in terms of land transfer documents, and we need to get the revenue associated with this processing on a timely basis.

Our contracted health clinics are restored to the 2012 adopted level of funding, that's 2.3 million dollars. Certain high-risk youth programs are also restored to 2012, that's 404,321. Legal Aid is enhanced by \$220,000. Red Light Camera administrative fees are increased by 2.8 million dollars based on our experience, and the addition of 50 locations, and the moving of 35 less-productive locations. We create one Special Transportation Coordinator in Public Works for the Paratransit Services, and one Special Education Coordinator in the Health Department. These two positions ensure that the Federal and State requirements for these functions are met. The I.T. positions in the Department of Probation are the -- will stay in Probation. The other recommended transfers of I.T. positions to Central I.T. will move forward. Two Veteran Service Officers are created and funded.

And the Budget Review Office had recommended a more optimistic outlook for hotel/motel revenue. These additional \$525,000, as well as lump sum cultural and historic monies, are presented in a transparent line item fashion.

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And that summarizes what is done in the omnibus.

P.O. LINDSAY:

Thank you, Ms. Vizzini. Do any of my colleagues have any questions of Budget Review about the budget? Seeing none, I'll make a motion to approve Budget Amendment No. 1.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Presiding Officer. I, for the past couple of years, have voted against these omnibus amendments because of process. Inasmuch as this year's amendment is quite limited in scope, and particularly because the amendment allocates five million dollars of storm mitigation, which I think is going to be critically important to our County, and to our residents, in as much as it also allocates funding for revenue-generating positions, and for five positions for Public Health Nurses, as well as I think the two additional Veterans Services Officers positions, I will be voting in favor of this year's omnibus amendments.

As I always have, I commend the Budget Working Group on their efforts. I continue to be opposed to the process by which this takes place, but that doesn't take away from the hard work of the Budget Working Group. And, as I said in -- as a result of the limited focus of this year's amendment, in particular, I'm happy to support the amendment. Thank you.

P.O. LINDSAY:

Okay. Legislator Browning.

LEG. BROWNING:

Okay. As a member of the Budget Working Group, I have to say it was definitely not an easy process at all. And to do -- you know, we will be doing a police district tax increase, which is something that I've seen for myself in Mastic Beach. We had the National Guard, the State Troopers, the Sheriff's Department and the Suffolk County Police Department patrolling in Mastic Beach because of looters.

We need more police officers, there is no doubt about it. And, you know, the public safety in my community was very much needed. And it's a shame that we had to pull in so many other law enforcement, plus military, to do what they had to do. But we have to realize, too, that hiring more police officers, we are going to bring them in at a lesser price, and will, hopefully, help offset some of our overtime costs.

But there's something that nobody ever talks about and why we have such a big problem. And you've all heard me talk about unfunded mandates. And the increase in our unfunded mandates, for example, Safety Net. You have heard me talk about that, and, Robert, you could probably give us the numbers. I know in 2007 it was about 34 million dollars, the cost.

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And I love how I hear the State Representatives talk about how they passed a balanced budget on time. Well, they passed their balanced budget on time by shifting the burden to us. They reduced Safety Net funding from 50% to 79. So we're talking about our problems and our financial problems. The unfunded mandates alone is over 700 million dollars. Now, if the State of New York was to give us mandate relief, maybe we wouldn't be sitting here with the budget hole that we have.

And I'm going to continue to beat the drum on the unfunded mandates and the increased cost to the County on Safety Net until they finally get it, because we wouldn't be sitting here with the budget holes that we have. And I want each and every one of you to join me to push on this issue; we have to.

So we're increasing the Police District tax, which is something we need, and maybe we wouldn't have to do that if we didn't have these unfunded mandates. There's way too many of them. And, you know, we talk about -- I know the lady came up and talked about the jail. We have no choice. We have to build the jail because the State said we have to, yet they're not giving us any money, and that's not fair.

So there is so many inequities and so much that's unfair in what the State is doing to us, that that's why we have the budget hole and the financial problems we have. And until they realize that they have to stop shifting the burden on us and they need to fix the unfunded mandates -- that was a promise two years ago and it has not been kept. So we have to continue to push the issue on unfunded mandates.

And I know, Bill, you've talked about our pension costs and how they're skyrocketing, and that's another issue. There's absolutely no reason why they should be taking so much money from us on pension costs. So let's keep pushing the unfunded mandate issue. Let's get the mandate relief.

I believe Safety Net, Robert, do you have a number on what our increased costs would be in Safety Net over the next couple of years?

MS. VIZZINI:

Safety Net is recommended at 65 million dollars. We do actually -- that's one of the areas we do reduce in the omnibus. It would be 63-5 if the omnibus is adopted.

LEG. BROWNING:

Right. And 79% of that is our cost, because the State has decided they're only going to give us 21 instead of 50. Thank you.

P.O. LINDSAY:

Thank you, Legislator Browning. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer, and thank you, again, for allowing me to serve on the Budget Working Group, it's my honor. And thank you for your leadership. I know you're still recovering, and it was great to see you there and work with you, and it's hard, tedious work.

Also, Wayne Horsley who -- Legislator Horsley, who also helped chair that, did a great job. Budget Review, always tremendous work. It's quite an undertaking to analyze the County Executive's budget and then prepare your recommendations.

I also want to thank the County Executive, who actually gave us a good budget to work with for the first time in a long time. It made our job that much easier. And what we are putting forward today,

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as the Working Group, is really minor in a sense in terms of changes to the County Executive's budget. But we did have the benefit of some more data that Budget Review was able to look at in terms of various projections and different revenue lines and expenditure lines.

And I'm proud of this budget. I'm so glad that we don't have to lay anybody else off. I think that's really important. We've been through a very difficult time. We've had to make very hard decisions over the last few years. And the good news is not that we are out of the woods, but we're about two-thirds of the way out, we're getting there, and, you know, things are improving. And, you know, I'm going to support this budget. I think it does some very good things. It's -- I think it's good for the whole County. And I just wanted to thank everybody who worked on that, on the Working Group for putting this together and coming up with a budget that I think will have the support of the majority of the Legislature.

P.O. LINDSAY:

Legislator Hahn.

LEG. HAHN:

Yeah. I don't want to take up too much time here, but Jay kind of beat me to it. I wanted to thank Budget Review Office staff, Gail, Robert, Roz, and everyone else who, if I start, you know, checking off the names, will miss it, but you guys, you know, really put in the time in some very tough times recently. This has been an extraordinarily difficult budget. And as I first -- you know, first-year Legislator, it was a very, very difficult process. And I appreciate the leadership of Bill and Wayne, and everyone on the committee.

And I agree with what Kate said -- I'll add my snare to your bass drum -- on the mandate relief. And I do think we've made some tough decisions here, but it's important. I don't agree with everything, but that's how this works. And so thank you to everybody who worked hard on this. Lynne, sitting there, as part of the group, thank you for being there. Thank you.

LEG. MONTANO:

I had a question.

P.O. LINDSAY:

Okay. Legislator Horsley.

D.P.O. HORSLEY:

Yeah. I just wanted to echo some of the comments that have already been made, and thank BRO for the wonderful job, and not always painting the rosy picture that I'd like to sometimes do, to provide us. But I want to thank those members who were -- who suffered through the hours of sitting in the basement trying to put together a budget. This is a very sober budget. It's sober in that it's realistic. The County Executive gave us a plan. We enhanced the plan, I believe, and we are -- we are working together as a unit, this government, to pull ourselves out of the debt issues that were -- confronted us because of the recession. And I think that we have made realistic approaches. We've added things like storm mitigation, we've added things like help for charitable soup kitchens, and different security Safety Net issues that I think are just critical in these times of need.

And I just wanted to again thank all of you for the fine work you did. And we are moving this County forward together and still holding the Safety Net of Suffolk County together, as this government should do. We're doing what's right with government, and we are respectful of the taxpayers of Suffolk County, because we know the difficulties in which they are facing day in, day out. And I just wanted to echo everyone's thank you comments.

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P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. Gail, I just had a question. We're only -- and I was out of the room and I was listening to what you were saying, but I missed part of it. We're only dealing with Budget Amendment 1 here, correct?

MR. NOLAN:

And two.

LEG. MONTANO:

Oh, we're dealing with 1 and 2 together?

MR. NOLAN:

One's mandated, the other is discretionary.

MS. VIZZINI:

Well, we usually vote on 1 first.

LEG. MONTANO:

That's what I mean, we're only voting on 1 now.

MS. VIZZINI:

Correct.

P.O. LINDSAY:

We only made a motion on 1.

LEG. MONTANO:

Okay. Are there any particular programs affected by this amendment, either increasing agencies or decreasing agencies? I don't see any in the description, but are there fiscal --

MS. VIZZINI:

Based on the recommendation of the Budget Review Office, there are several DSS programs that we believe will not spend as much money in 2012 as indicated in the budget. DSS has been doing a wonderful job of keeping the kids with family members. Therefore, in our opinion, institutional foster care and foster care -- institutional foster care and probation and adoption subsidies are overstated. Those programs are large numbers in the aggregate. This also includes Safety Net. In the aggregate, we were able to pull about three million dollars from the 2012 overstated expenditures.

LEG. MONTANO:

And when you say overstated, in what sense are they overstated in?

MS. VIZZINI:

The estimates that were included for 2012 show that they were going to spend more money than, in our opinion, they would be able to spend in 2012. So, if you reduce those expenditures, you have cut expenditures and you have something to work with.

LEG. MONTANO:

But on what basis do you feel that these expenditures are not going to be met? In other words, what happens if, in fact, these expenditures are spent or are -- you know, are needed, aren't we

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cutting it short there?

MS. VIZZINI:

Our estimates are based on the fact that we have at least two, if not two-and-a-half to three, months more data when the department does its best estimates in June, when they prepare their request, and the Budget Office has in August when we prepare the budget. We have August, September and the beginning of October.

LEG. MONTANO:

All right. Let me ask you this, then: Did you -- did you discuss this with County Exec's Budget people, and are you in agreement on this?

MS. VIZZINI:

These are findings --

LEG. MONTANO:

Or is there -- go ahead.

MS. VIZZINI:

These findings are in our report. We did not discuss this to come to any kind of consensus with the Budget Office.

LEG. MONTANO:

All right. Well, then let me -- is there someone from the County Exec's Office that I could ask what their position is on this?

MS. VIZZINI:

In terms of your --

LEG. MONTANO:

I'm not asking you because you're not there. Go ahead.

MS. VIZZINI:

All right. In terms of your question, at the outside chance that we are not accurate, and these expenses do go over, they would be brought before you in a housekeeping resolution.

P.O. LINDSAY:

And, Ben, do you want to answer this?

LEG. MONTANO:

Yeah, Ben, do you have a position on this?

MS. VIZZINI:

Ben's with the College.

*(*Laughter*)*

LEG. MONTANO:

Score, Ben. What are you doing here, Ben? Is there anyone from the County Exec's Office? Is that you, Tom?

MR. VAUGHN:

Thomas Vaughn.

LEG. MONTANO:

Yeah, I said Tom. Hi, Tom.

MR. VAUGHN:

Hi. Good morning, Legislator Montano. How are you?

LEG. MONTANO:

I'm well. Did you hear my question?

MR. VAUGHN:

No, sir, I did not.

LEG. MONTANO:

All right. In the -- in Budget Amendment 1, we are reducing certain expenditures that are outlined in the document, and the reduction is based on, as I understand it, BRO's analysis that we're going to spend less next year in these categories than you had recommended; is that accurate description, Gail?

MS. VIZZINI:

Yes.

LEG. MONTANO:

All right. Do you agree with that, is what I'm saying, or do you stick to your original projections that these expenditures will, in fact, be needed for next year? Did you get that, Tom?

MR. VAUGHN:

Yes, and I'm going to go with the Door No. 3 option and get Fred Pollert on the phone and get him to give you an answer on that.

*(*Laughter*)*

LEG. MONTANO:

Then you better get him over here.

MR. VAUGHN:

Yup. We're going to --

LEG. MONTANO:

How much time do you need to open that door?

MR. VAUGHN:

Fred is actually available on speed dial right now, so we're going to give him a call and we'll get an answer on that for you.

LEG. MONTANO:

Is that all right, Mr. Speaker, to --

P.O. LINDSAY:

I have three more people, and so if he could do that --

LEG. MONTANO:

Okay. I'll yield, and then I'd like to get an answer. If you're okay with it, let me know.

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P.O. LINDSAY:

Okay. Legislator Nowick.

LEG. NOWICK:

I also would like to thank Gail. And, Robert, thank you for confusing us at every chance you got. And, of course, the entire staff at Budget Review, your institutional knowledge, you are absolutely incredible with what you do and with your patience in it. And I just want you to know it does not go unnoticed. Thank you.

Also, I just wanted to say, as the bipartisan Republican on the Working Group, I want to thank my colleagues as the Working Group, my colleagues on the Working Group, for respecting my wishes, and for certainly making me part of the group, and respecting anything I wanted to do, and I did, and was able to do for my community and for Suffolk County. Thank you, all. We certainly worked together in a bipartisan fashion.

Wayne, you stepped in when it was very difficult. You did let me push you around a little, I appreciate that.

D.P.O. HORSLEY:

A little bit.

LEG. NOWICK:

Thankfully, Bill came back, and I'm going to tell you, he reined us all in, and he took the hammer and he clobbered us a few times, and thank you, Bill. And we can't do it without you, you know that.

I just wanted to also take an opportunity. The very -- the system we use, I must -- I do support it and I do defend it, because I must tell you, it is a very, very difficult thing crafting a budget. And I say this every year. Anybody can craft a budget during good times; this was a challenge.

And although my colleague, John Kennedy, was not on the Working Group, John, who was there every day, and who was part of it in every way, I commend you for that. Sarah Anker, who same, wasn't part of it, but came also, and a few of my colleagues, maybe not on the Working Group, but certainly there and certainly vocal for their community, and that's what makes all of us, 18, and makes us a Legislature. We didn't always agree, we don't always agree, we still don't always agree, but we're taking what I think is the best we can do, and I want to thank all of you for letting me be part of it.

P.O. LINDSAY:

Thank you, Legislator Nowick. And thank you for your help in crafting this budget. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. I, too, wanted to thank the members of the Working Group Committee. It's not an easy task. It's a big commitment that is entailed with the -- you know, being on the Budget Working Group. But I strongly believe that this budget is putting us in the right direction. We made some tough decisions, but right decisions. It doesn't eliminate the tough choices that we'll have to make in the future, but it certainly, in my opinion, makes those tough decisions less adverse to some of the more, you know, difficult choices we've made earlier in the year.

So I'm glad to support this budget. I hope that all my colleagues support it, and let's keep moving

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Suffolk County forward. Thank you.

P.O. LINDSAY:
Legislator Anker.

LEG. ANKER:

Again, I appreciate everyone's comments and all the thanks. And I also want to extend my thanks to both the BRO and the Legislature.

I just wanted to say that it's going to be hard for anyone to give right now, for our communities to give any type of financial support. And I have to admit, I am a financial conservative. I don't like seeing people giving money, any money, but, unfortunately, due to the crisis, we all have to give back to some extent.

I've watched this Budget Working Group cut back and cut back as much as they possibly can, and what I'm seeing is a response to crisis. We are in financial crisis, there's no doubt about that.

Gail, what is our debt right now? What have we overcome just for this year; can you give me some numbers, the deficit?

MS. VIZZINI:

When we were preparing the Operating Budget, the deficit was on or about 200 million dollars.

LEG. ANKER:

And where are we now?

MS. VIZZINI:

Well, the Operating Budget is balanced, but it is predicated on policies that we are doing that we have not done before, borrowing for collective bargaining awards, and we've got the 70 million dollar sale lease-back. For moving forward to 2014, we could be facing another 150 million dollar shortfall.

LEG. ANKER:

So we're taking measures, but we still haven't gotten there.

MS. VIZZINI:

Correct.

LEG. ANKER:

And that is the really scary part. This storm has been scary; we have a storm on us now. And I think this is a heartening, and heartening in both strength, hope and courage.

I just wanted to mention as far as what is happening with Sandy. I recently toured Suffolk Community College Brentwood Campus. They have a staging facility there. They're staging about 1500 people. I met EMS workers from all over the country, Ohio, Michigan, California, Arizona. It was unfortunate, but they weren't able to vote, and that's something I am personally working on during this crisis. Everyone should be able to vote.

I also visited LIPA, National Grid staging area. About a thousand people at this one particular location are there from all over the country. We're seeing what America is like. We're seeing how we're rebuilding.

Getting back to this financial situation we're in, we all need to contribute. And, again, it is wonderful to see the contribution. I hope our residents understand how much we are doing to tighten the

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budget, to pull the reins back for government. We are all working hard to do that, but sometimes we have to give a little. And I think our Budget Review and the Operating Budget Committee has done everything they can. So, again, thank you, everybody. And we, as a Legislature, I'll speak for the entire Legislature, will continue to do everything we can to rope in government expenses, but also provide the services that are needed. Thanks.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. Thank you. Thank you, Mr. Chair. And first, if I can, point of personal privilege. Let me echo the congratulations you offered when you started to my friend Ed Romaine. I've had the great honor and privilege of working for him and now serving with him for the last 15 years. And I can think of no man better suited to take the helm as an Executive for Suffolk County's largest town, and needing the kind of steady attention and consistent vigilance that he'll bring. I will miss him dearly here, but I know we'll all be well served with him there in Brookhaven.

About the budget, where to begin? I did sit in with the Working Group, and having been a part of it in years past, I commend all my colleagues who take the additional time from their Legislative duties to go ahead and do the full vetting and the vigilance that our budget requires. It is the most fundamental and basic thing that we do. It's, in essence, our guide post so that there's some logic and order to how we function. It was a much different budget than what I've experienced in my prior seven years under the former County Executive. But it also made certain basic decisions in which I'm fundamentally opposed to, and I will vote in opposition to this budget, not the least of which is the fact that there is essentially nothing that is put into 2013 for the support of our County Nursing Home, which actually today is housing displaced residents from all 18 of our districts, from the ravages in Lindenhurst, and up in my area here in Nesconset and the Smithtown area, all the way out to Sag Harbor.

And everybody around this horseshoe knows what my position has been. You'll see a budget amendment from me to go ahead and fund operations there for at least a portion of next year. And, quite frankly, I personally just find it an absolute abysmal circumstance that we would defund something that's so critical to public support.

I also disagree with the fact that the County Executive elected to reduce the sales tax contribution to this Operating Budget. And, again, I think that there are alternatives that we might have been able to bring to bear. In some respects, the weather conspired against us. We had limited time to make the changes that we need to make. But, as they say, it is what it is, and so here we are today. Thank you.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Just one or two comments with reference to what's before us. If I recall correctly, the original Executive recommended budget was about 1.4 million dollars below the cap. With the adjustments being made by the Working Group, which I think makes his budget even better, we still stay below the cap. And, certainly, there's no tax increase in the General Fund; is that correct?

MS. VIZZINI:

Correct.

LEG. BARRAGA:

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All right. The one other element, and I'll make reference to it -- and I strongly support Legislator Browning's comments with reference to mandates from the State, especially the unfortunate circumstance surrounding mandates.

If one recalls a couple of years ago, about a year-and-a-half ago, when they established the cap at 2%, the Governor of the State of New York indicated he was going to put some sort of a Task Force together to give mandate relief to localities. And, in essence, we haven't heard a thing from that Task Force, and probably we never will. What you will hear is the old political scenario done by all Assembly persons and Senators, and anybody running for office, indicating that they are dead set against unfunded mandates until they see one, and then unanimously they support it.

The classic example is a number of years ago where a mandate at the end of the Legislative Session which involved putting defibrillators in every school building in the State of New York at a cost to local school districts of 25 million dollars. Well, that's an unfunded mandate. Would any of you, in essence, want to vote against that? It went through 150 to zip, and that's the way it always is. They're all against the word "mandate" until they see one.

The strategy here should be no additional mandates, stay away from them. But to really presuppose that somehow a Task Force is going to come forward and somehow curtail or eliminate existing mandates like defibrillators, or whatever, it's just not going to happen, it is just not going to happen, but you will hear it time and time again. Two years ago, 15 years ago, 20 years ago, they're all against mandates, yet they continue to grow, because when they see one, they just can't resist saying no. They just don't want to take the political heat by saying no.

So I'll be supporting what's before me today. I think most Executives, whether they be County Executives or Governors, they get about 98% or so of what their recommended budget is anyway. I think in this particular case, County Executive Bellone is getting about 99.99% of what he wanted, with appropriate adjustments being made by the Working Group making it a little better.

Bottom line for my people, there's no tax increase here. There's no tax increase in the General Fund, and that's a strong achievable goal which has -- you know, my constituency would be pretty happy with that, when I take a look at other levels of government, I take a look at other entities and what they've had to do to either stay with the cap or exceed the cap. For Suffolk County to start seven or eight months ago with shortfalls of 530 million dollars and a deficit for 2011 of 60 million, went from 30 to 60 million, and after that period of time, to come up with a balanced budget with no increases in taxes in the General Fund, I think that's a pretty decent job. Thank you.

P.O. LINDSAY:

Okay. Tom, do you have Legislator Montano's answer?

MR. VAUGHN:

I don't have Legislator Montano's answer, but I can tell you that Fred was actually getting into a car as I was speaking to him, so he should be over here shortly, just a moment or two.

LEG. MONTANO:

If I may, does Fred have an answer?

MR. VAUGHN:

Yes, he does.

LEG. MONTANO:

So he's delivering it personally?

MR. VAUGHN:

Yes, he is.

LEG. MONTANO:

Okay.

MR. LIPP:

I could add something to that, if you'd like. I think --

LEG. MONTANO:

No. I'd like to hear it from the County Executive.

MR. LIPP:

No, no, no.

LEG. MONTANO:

You can say anything you want.

MR. LIPP:

Right. No, and I think you're right, you should hear from them, no doubt. And the point to be made here is we don't always agree with the County Executive staffs, and they're entitled to give their view. And we're more than interested in hearing their review and we could reply to that, but --

LEG. MONTANO:

What was that?

MR. LIPP:

I said we're more than interested in hearing their review and we would reply to that. Just for a perspective, just wanted to let you know that Budget Review Office does things independently, and, of course, we --

LEG. MONTANO:

Robert, I'm having difficulty hearing you. Could you speak a little slower.

MR. LIPP:

Okay, sure. The Budget Review Office independently does our analysis. We do not always agree with the County Executive, they're entitled to their view, too. So, regardless --

LEG. MONTANO:

If I may.

MR. LIPP:

-- we stand by our estimates.

LEG. MONTANO:

If I may, I was Chairman of the Budget and Finance Committee, I know that. The reason I ask that -- I don't mean to be disrespectful, but the reason I ask the question is to understand what their position is fiscally. I know that you don't agree with it, because you made a contrary recommendation, but I just -- before I vote, I want to be in a position to hear from them on these issues that are important to me as to whether or not they agree with -- if they agree with your analysis, then I have no problems supporting this. But before I vote intelligently, I'd like to know

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whether or not they've agreed. And what I asked earlier was whether or not you had been in consultation -- you, meaning your office, had been in consultation with them, and the answer was no, you had not been in consultation; am I correct in that? On this issue, not in other stuff.

MS. VIZZINI:

You know, we have our estimates that we come up with independent -- well, we work with -- we get information from the Department, we talk with the Budget Office, but when it comes to our report, we are the Legislative Budget Review Office, so our data is somewhat independent and more updated than the estimates that the Budget Office includes when they do the budget. They are well aware of the differences in our estimates. I know they've -- the Budget Office has spoken to the Department and they may have some concerns.

LEG. MONTANO:

What did the Department say? Because the Department is part of the County Executive's Office, is it not?

MS. VIZZINI:

Right.

LEG. MONTANO:

So is the Department in agreement with your estimates?

MS. VIZZINI:

The Department would probably stand by their estimates.

LEG. MONTANO:

Well, that's my point.

MS. VIZZINI:

But I believe Mr. Blass made a statement at the committee meeting where he would hope that we would exercise restraint in terms of going with Budget Review's full estimates, which the Working Group did do. We had made projections to reduce Safety Net more significantly than it is reduced in the omnibus.

LEG. MONTANO:

All right. But even though review -- and I guess we're just killing time waiting for Mr. Fred to get here. So since he's not here yet, in your process, there are occasions where sometimes you do consult with the Executive Department and come to an agreement on the numbers, or at least come to an agreement as to how far apart you are in both of your estimates; am I correct?

MS. VIZZINI:

Certainly, when we do the budget model, or, certainly, when we --

LEG. MONTANO:

Did you do that in this instance in terms of either agree to disagree, or reach some kind of consensus on where you were or what range you were with respect to these two -- these two numbers?

MS. VIZZINI:

Not specifically on this.

LEG. MONTANO:

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Okay. Does anyone -- Bill, do you --

P.O. LINDSAY:

Well, here's -- our dilemma is I can't go on to the next discretionary portion until we do the mandated portion, so --

LEG. MONTANO:

You know, I agree and I'm sorry. I'm disappointed that the County Executive's Office isn't here, and I'm disappointed they didn't have an answer --

P.O. LINDSAY:

Okay, okay.

LEG. MONTANO:

-- to a relatively straight-forward question.

P.O. LINDSAY:

But, hopefully, Fred isn't stopping to get gas, so he should --

LEG. MONTANO:

Hopefully, he doesn't run out of gas and have to walk here.

*(*Laughter*)*

P.O. LINDSAY:

So, you know, he should be here in a few minutes.

LEG. MONTANO:

Do you mind waiting?

P.O. LINDSAY:

No. I mean, we could either tell jokes or I could --

*(*Laughter*)*

LEG. MONTANO:

How about a short recess?

P.O. LINDSAY:

No. How about if we go through some of the other agenda items that don't affect the budget? Yes, Tom.

MR. VAUGHN:

I have an e-mail from Mr. Pollert regarding DSS and Commissioner Blass, and they stand by their original estimates. Now if that answer suffices to Legislator Montano, that's --

LEG. MONTANO:

That answers my question. What you're saying is, if I may paraphrase you or interrupt, and excuse me, just to cut to the chase, what you're saying is that your office, irrespective of what BRO says, that they had more recent data and more relevant data to make their estimate, your office feels that your numbers are correct and you stand by them, and I would assume, then, that you would be opposed to Budget Amendment 1?

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MR. VAUGHN:

My -- I would reiterate that Commissioner Blass stands by his number. I'm not saying that we are fundamentally opposed to either Budget Amendment 2 -- 1 or 2 in their entirety, but if the specific question is about Commissioner Blass and about his numbers --

LEG. MONTANO:

Well, the question was a general -- and I don't want to get into this all day, we've had a long year, but the question was specifically what programs were affected by Budget Amendment 1, and the answer was that these categories were categories that were reduced in funding based on new projections that was more dated than the information that your office had when you initially released a report. And I asked whether or not that is -- you know, that is accurate in your viewpoint, and Fred's not here, but you're reading me an e-mail -- there is Fred. Hey, Fred to the rescue.

So, you know, we'll turn it over to Fred. But the answer is, what I'm getting is, that you stand by your estimates. Therefore, if you stand by yours, you're not in agreement with BRO. I mean, you can't have it both ways.

P.O. LINDSAY:

Why don't we have Fred step up to the mic. Fred, you didn't get gas, right?

MR. POLLERT:

Did I get gas? No (Laughter).

P.O. LINDSAY:

You didn't get gas on the way over. Okay, good. Go ahead. Legislator Montano, you want to repeat your question.

LEG. MONTANO:

Yeah. Fred --

P.O. LINDSAY:

Just for a sense of accuracy.

LEG. MONTANO:

I would imagine that you came all this way to give me a one-sentence answer, and I apologize for that. But the question that was posed was with respect to Budget Amendment 1. Are you familiar with it?

MR. POLLERT:

Yes, I was in yesterday to review it.

LEG. MONTANO:

Okay. And the question that I asked was what programs, if any, were affected by Budget Amendment 1. And the answer that I received was that in certain categories DSS recommended funding was decreased because BRO's more recent data indicated that the County would not reach the level of funding that you had -- you know, that the County Exec's Office had provided for or proposed in its budget. And, therefore, this is basically surplus money that we can use and divert to another category. And I'm asking whether or not you simply agree or disagree, or choose not to answer, you know, the question? What is your position?

MR. POLLERT:

The County Executive's Budget Office has re-reviewed all the numbers. We had a meeting with the Department of Social Services. We believe that our budget estimates included in the budget are

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correct. We believe that the budgeted forecast done by Budget Review Office is overly optimistic.

We had a meeting with the Commissioner of Social Services and his finance staff. He indicated that he was very uneasy with the Budget Review Office recommendation and that he could not support it. He testified before the Legislature that if the funding was reduced, it would have a negative impact on his operations. These are mandated costs; the County will have to cover them.

With accruals, in all probability, what will happen is we won't even know by the time the housekeeping resolution is done whether or not we're going well above budget. It will be some time in January or in February by the time we actually have what the numbers are. But according to the Department of Social Services, they feel that the numbers are very optimistic, that they will not --

LEG. MONTANO:

Fred, if I may.

MR. POLLERT:

Yes.

LEG. MONTANO:

And I really want to put this to bed. You very subtly shifted the opposition from your office to the Commissioner of Social Services. So let me be direct. Does the County Executive support the numbers that are projected in Budget Amendment 1 or does he not? I'm not interested in the Commissioner's opinion. I'm interested in your opinion, speaking on behalf of the County Executive.

MR. POLLERT:

We believe that our numbers are correct.

LEG. MONTANO:

So you are -- can I interpret that as in opposition to BA1?

MR. POLLERT:

We are opposed to the offset, that's correct.

LEG. MONTANO:

Thank you.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

Just a quick question. Fred, I hate to put you on the spot, but that's why, I guess, you made the trip over here. Very quickly, if I take meaning from your statement that you just made, you would prefer to see the County Exec's budget adopted as opposed to the budget that was put forward by the Working Group, is that correct, Budget Amendment 1?

MR. POLLERT:

With respect to the use of the offset, that is correct.

LEG. ROMAINE:

Okay. So you would recommend a no vote? Or maybe I should --

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MR. POLLERT:

Well, I --

LEG. ROMAINE:

I won't put you in that spot. Thank you, Fred. I got it. Thank you.

P.O. LINDSAY:

Okay. Does anybody have any other questions for Fred before he leaves?

LEG. MONTANO:

No, don't leave.

P.O. LINDSAY:

Don't leave.

LEG. MONTANO:

Don't leave, Fred.

P.O. LINDSAY:

Well, you know, just -- maybe I could just ask you something, Fred, if you could come back up. I'm sorry.

If we follow the Executive's recommendation -- first of all, I've yet to see a County Executive put forward a budget that he didn't want passed. I mean, they all want their budgets passed. We're not -- we don't usually do what the Executive recommends. I mean, I've never seen us pass a budget as is.

LEG. MONTANO:

Do you want me to give you an answer to that?

P.O. LINDSAY:

No, I'm talking to him.

LEG. MONTANO:

Oh, okay.

P.O. LINDSAY:

Let me ask --

LEG. MONTANO:

Well, you're looking at me, but talking to him.

P.O. LINDSAY:

Well, yeah, I'm just moving, you know what I mean.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

I just got to move a little bit, you know?

(*Laughter*)

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

P.O. LINDSAY:

So what would be the net effect, Fred, I mean, if we passed our own version?

MR. POLLERT:

What the net effect would be is that because these --

P.O. LINDSAY:

There could be a hole somewhere else in the budget as we get to the end of the year.

MR. POLLERT:

Well, what would happen is we will have to cover the shortfall in the Department of Social Services. So the expenses would be whatever the expenses are. If there's a shortfall, we're going to have to, you know, constrain the budget to try to make up the shortfall.

P.O. LINDSAY:

Okay. Do you think that will be the only hole in this budget?

MR. POLLERT:

Absolutely not.

P.O. LINDSAY:

That's my point. That's my point. Go ahead.

LEG. MONTANO:

Fred, what you're saying, as I understand, and I just want to be clear, is that we're creating a deficit in this category going into next year; am I correct on that? Unless we take money somewhere else in the middle of the year to plug this shortfall, which I call a deficit. It's a built-in deficit, is what you're saying; am I correct in that?

MR. POLLERT:

That is correct.

LEG. MONTANO:

Okay.

MR. POLLERT:

It's a zero sum game. To the extent that you're going to be exceeding the budget, we're going to have to backfill from somewhere else. And it's a very --

LEG. MONTANO:

And because this is a mandated cost, we have no way of getting out from the expenditure; am I correct?

MR. POLLERT:

That is correct.

LEG. MONTANO:

Okay. That's all I needed to know.

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P.O. LINDSAY:

Okay. Anybody else? No? I don't see anybody else.

All right. We have a motion and a second to approve Budget Amendment No. 1. I'm going to have a roll call, Mr. Clerk.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. ROMAINE:

No.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. It passed.

Next is *Budget Amendment No. 2 (Adopting the 2013 Operating Budget, a fiscally responsible plan to sustain essential County services and transition Suffolk County through the challenges of Fiscal Year 2013 (discretionary))*. I'll make a motion to approve.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. On the question, anybody have any questions about Budget Amendment No. 2 that we haven't covered in Budget Amendment No. 1.

LEG. KENNEDY:

Mr. Chair, I do.

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

If I can ask BRO. The creation of the storm mitigation appropriation, I'm reading the grid and I see that that is being added to Public Works. Can you speak a little bit to that, Gail?

MS. VIZZINI:

Yeah, sure. It's \$5 million. It was the result of increased revenue in the Traffic Violations Bureau specifically related to the red light camera administrative fee and other expenditure reductions adopted by the Working Group. The determination was that the group wanted a new appropriation, which we created with the approval of Audit & Control for storm mitigation, so it's equipment and supplies specific for storm mitigation. In the event, as I indicated earlier, should we run into the red in 2012 with these expenses, this will give us some cushion in 2013 as well as be there for any additional storms that we may have in 2013.

LEG. KENNEDY:

And I think that it's prudent to do something like this, specifically as we look out the window and see what we're experiencing today. My only question is procedurally, and the key words that you said were it is being added to equipment and supplies. If -- how would that be moved to some type of

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other application, like salary or like other things, if there was a desire to do so? I have a comfort level with equipment and supplies that drops off exponentially if this money gets treated as fungible.

MS. VIZZINI:

Well, it depends on the area in which we need the money. Certainly there may be a need for overtime in FRES, there may be a need for responses other than in the equipment or the supply area. But these were kind of based on -- the Budget Office was very cooperative, they gave me the Hurricane Irene spreadsheet. So we had an idea, you know, where we incurred about \$4.2 million for Irene and would probably go over that with this storm.

LEG. KENNEDY:

But did --

MS. VIZZINI:

In terms of your specific question, if the monies have to be moved, the County Executive only has certain discretion to move 10% of that appropriation. The budget would have to be amended by resolution.

LEG. KENNEDY:

Okay. And Mr. Chair, can I ask, if I may, that I'll direct that same question to Mr. Pollert again to speak to that? That it would be the Exec's intention to keep this appropriation for storm-related expense only?

P.O. LINDSAY:

Well, you could ask Mr. Pollert that, I don't object to that, but just keep in mind that this appropriation was put in by the Working Group. This wasn't recommended by the Administration.

LEG. KENNEDY:

I do understand that and I respect, but with the assumption that the -- that we already know that the Budget Amendment 1 was approved, I would think that it's a strong likelihood that this Budget Amendment will be approved as well. So nevertheless, I think I would like to ask if the --

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

-- Budget Office would respect that intention that's coming out of the body here.

P.O. LINDSAY:

Fred, would you like to answer that?

LEG. KENNEDY:

Hello, Fred. How are you?

MR. POLLERT:

Good, thanks.

LEG. KENNEDY:

Good.

MR. POLLERT:

So what was created was a new appropriation. The funding will be in the appropriation. The County has the ability to embargo a portion of those funds.

LEG. KENNEDY:

Yes.

MR. POLLERT:

Beyond that, a transfer within the department would be permissible. A transfer between departments would require a Legislative authorization.

LEG. KENNEDY:

Okay. So let's stay on those two things so that I understand, and that's actually why I wanted you here and I appreciate it. The 10% embargo I understand, absolutely positively. If that needs to be done, that gets done across the departments and that's a standard sweep.

The transfer within department. This appropriation is being created within the Department of Public Works. So as Gail explained, if it needed to be applied towards snow plow operators overtime or something like that, that can be done unilaterally with the Executive's Office directive only.

MR. POLLERT:

That's correct, because it would be storm-related. If the Department of Public Works requested a transfer from that appropriation to somewhere else, let's say, water ways, something of that sort, that would be a budget transfer that could be approved by the County Executive's Office as well. So it has to stay within the department. We would clearly understand what the legislative intent was. And, you know, the -- but to the extent that the funds are included in the budget, they are fungible. So if there's a shortfall somewhere else, the department could request a budget transfer, it's approved by the Budget Office, by the Comptroller's Office, and then the transfer would take place. We could not transfer out of the department.

LEG. KENNEDY:

All right. I'm going to try one more time, just so that I -- and I apologize to my colleagues. This five million can only be expended in Public Works for next year.

MR. POLLERT:

That's correct.

LEG. KENNEDY:

Okay. Our intention is that it is expended in context of storm, whether it's hurricanes or ice storms or what have you. But if Public Works determines that they need additional personnel to cut grass, you can go ahead and direct the funds to that?

MR. POLLERT:

In all probability, we wouldn't approve something like that. But, for instance, if there was a problem with waterways or if there was a problem with the highway fund, we would attempt to accommodate it. I'm not so sure that we could do a transfer to the highway fund for snow plowing, something of that sort, but we would attempt to respect what the legislative intent was which was to keep it for storm mitigation measures. In all probability, based upon our experience with the storm to date, there will be carry-over expenses into next year.

LEG. KENNEDY:

Which is fine. And I understand that, as you had explained to us with the working committee, unfortunately it is taking FEMA an inordinate amount of time to do reimbursement for us, and we are spending astronomical amounts of money with Sandy right now. So it's possible that just because of the mechanics of the Federal bureaucracy, we may not see this reimbursement until 2014?

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MR. POLLERT:

That's -- it could definitely take an extended period of time. We've not yet been reimbursed for expenses associated with Irene, so we had to roll over a Budget Anticipation Note.

So just to recap. If the funds are included in the budget and if this budget amendment is adopted, we will attempt to respect the legislative intent, just like we did with the County nursing home during 2012 with continuing to operate it. If there is a shortfall elsewhere in the department, I cannot give you a guarantee that if the department requests a transfer due to some other unforeseen event, not because of normal type of budget operations, that we would not accommodate that request if this was considered to be a surplus.

LEG. KENNEDY:

And I appreciate that. Let me take one more stab at it. You're not going to intentionally attempt to move five million out of Public Works to someplace else so that we then have a shortfall here which allows you to go against this five million.

MR. POLLERT:

That's correct.

LEG. KENNEDY:

Good. Thank you.

LEG. MONTANO:

Quick question, Bill.

LEG. LINDSAY:

Legislator Cilmi and then Montano.

LEG. CILMI:

Thank you. Gail, this is the part of the -- well, neither of these amendments that we're talking about, and I guess this is probably as appropriate a time as any to address the issue in the budget with respect to the transfer of -- I just drew a blank. To the attorneys, to the County Attorney's Office.

LEG. CALARCO:

Risk Management.

LEG. CILMI:

What's that?

LEG. CALARCO:

Risk Management.

LEG. CILMI:

Risk Management, thank you, to the County Attorney's Office. Legislator Hahn had some concerns about that transfer. I have some significant concerns as well. We never did have an opportunity to fully vet that proposal prior to today's meeting for obvious reasons, but I believe that that needs to be done.

So my question -- and this may be to Counsel, is although none of the budget amendments, I believe, today that we're addressing change that proposal in the budget, do we get another bite at the apple, George? Do we have to pass a policy resolution that would allow for that transfer to happen?

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MR. NOLAN:

Yeah, I believe we have to do a Local Law to transfer that division into the Department of Law. I think it may have already been filed, in fact, by the County Executive. But yeah, any of these type of structural type of changes to the County government, there's a budget piece, but then there's also a change to the Charter or Administrative Code to effectuate it.

LEG. CILMI:

And then if, at that time, we decide to oppose as a body that policy decision, the County Executive would then have to, I suppose, amend the budget; correct?

MR. NOLAN:

The budget should be amended. If we are unable to pass the Local Law to make the structural change, then, you know, they'll stay where they are, they should, and then the budget should be amended to reflect that.

LEG. CILMI:

Very good. Thank you very much.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Gail, just very quickly. The relationship between Budget Amendment 1 and 2; one is the, you said, discretionary or mandated component? Just hit me with that again?

MS. VIZZINI:

As you know, when we amend the Operating Budget, because of our laws, we have mandated expenditures and discretionary expenditures. So the Omnibus is an example where it's intended for the two to be taken together. You have some examples of standalone that also have a mandated component and a discretionary component.

LEG. MONTANO:

All right. So they really are supposed to go in conjunction.

MS. VIZZINI:

Yes, they are.

LEG. MONTANO:

And what happens if one goes and the other doesn't?

MS. VIZZINI:

They're a little out of whack.

LEG. MONTANO:

What?

MS. VIZZINI:

You're at an imbalance.

LEG. MONTANO:

Out of whack; is that what you said?

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MS. VIZZINI:

Yeah.

LEG. MONTANO:

Okay.

In number two, in BA 2 -- wait a minute, let me see if I find my spot. Is this the resolution that eliminates the 18-B or decreases -- no, that's actually three, right; the 18-B funding?

MS. VIZZINI:

The reduction in 18-B is in standalone No. 3.

LEG. MONTANO:

Okay, so that's at the end of two. All right. And does Budget Amendment 2 add any money to any particular programs; not-for-profit agencies?

MS. VIZZINI:

Yes, it does.

LEG. MONTANO:

Which ones?

MS. VIZZINI:

There's a detailed listing, I'll give you the page, you can look.

LEG. MONTANO:

Page on what?

MS. VIZZINI:

It adds \$2.2 million to the health clinics, contracted health clinics to bring them up to the 2012 adopted level, and it disperses about a million dollars to contract agencies that usually, you know --

LEG. MONTANO:

Where is that list?

MS. VIZZINI:

What page is that, Roz? I'll get it for you. It's --

LEG. MONTANO:

The big one.

MS. VIZZINI:

Yeah, it's the big one, it's DL-42, so it's towards the end of that one. It's about -- it starts on page seven, so you have a detailed list, line item, you know, on your schedule A. It's about nine --

LEG. MONTANO:

Okay. All right, I won't ask you to go through it.

Okay, you've answered my question with reference to 1 and 2. Thanks.

MS. VIZZINI:

Okay.

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P.O. LINDSAY:
Legislator Hahn.

LEG. HAHN:

Yes, I just want to clarify, Legislator Cilmi mentioned my position on Workers' Comp/Risk Management. My concerns are chiefly in how they're being operated currently. I support the microscope on their activities. I believe we need possibly a full investigation into their operations, a probable audit of claims, et cetera. I am very supportive of the move and look forward to all of our discussions that are going to happen in Government Ops Committee and all that the County Executive is doing to look into how we're handing Risk Management and Workers' Comp.

P.O. LINDSAY:

Okay. Anybody else? Okay. I just would want to comment before we vote, just to thank my colleagues that worked on the Working Group, especially Legislator Horsley. You know, it's no secret that it's been kind of a tough year for me, and when we started the budget talks, I wasn't up to speed as far as my health to chair the committee like I normally do, and Legislator Horsley did a yeoman's job in filling in for me and I appreciate that tremendously.

I want to thank Budget Review and their entire staff for again another terrific job in putting together what turned out to be probably one of our easier budgets over the last few years that we've had to address.

And I want to thank the County Executive. It was a pleasure to have a budget that was, let me just say more workable for the Legislature and we appreciated their cooperation in the process. So thanks to all and I hope you's will approve it. And with that, I'll call the vote.

*(*Lights temporarily went out in auditorium*)*

I guess we're talking too long. So Mr. Clerk, get it going.

MR. LAUBE:

I will expedite.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. Thank you very much.

All right, let us go to ***Budget Amendment No. 3***, let me get to three.

LEG. CILMI:

Page four.

P.O. LINDSAY:

It's on page four. Three is a stand alone, ***it reduces the 2013 funding by \$500,000 for 18-B Bar Association, indigent defenders and uses \$250,000 of the decrease to reduce the recommended \$70 million sale lease back (see companion stand alone Budget Amendment No. 4 for the discretionary portion.*** Legislator Cilmi, would you like to make a motion?

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LEG. CILMI:

Please; motion to approve.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Okay, seconded by Legislator Barraga. Gail, did you want to comment on this?

MS. VIZZINI:

No, only that three and four, as the note indicates, are related. Four will give Legal Aid an additional \$250,000 on top of 220,000 that was included in Omnibus. The offset for that is in three where 18-B is reduced, and the difference, the \$250,000 difference is used to reduce the value of the sale lease back.

LEG. CILMI:

Mr. Presiding Officer, if I may?

P.O. LINDSAY:

Go ahead.

LEG. CILMI:

I just wanted to share that a couple of weeks ago, as Bob Mitchel pointed out in his comments, I had the opportunity to sit down with him as well as with Judge Freundlich and with Dennis Cohen to discuss this whole process and we all agreed that additional support from Legal Aid would translate into reduced costs on the 18-B side. And we all also agreed that it's more than just a funding and number of lawyers game, that there's other things that have to happen, and Judge Freulich is committed to doing that.

We all agreed at the time as well that it was reasonable to assume that with an additional \$250,000 of funding over and above what was presented in the Omnibus budget, that it was reasonable to assume a \$500,000 reduction in 18-B costs. So I just wanted to share that, that we had that meeting and that we were all in agreement.

LEG. MONTANO:

Am I on the list?

P.O. LINDSAY:

Yeah. Legislator Hahn.

LEG. HAHN:

Okay. I'm sorry that I don't know as much as you do about this issue. So 18-B --

LEG. CILMI:

Don't be so sure.

*(*Laughter*)*

LEG. HAHN:

I'm under the impression that the 18-B costs are very much out of our control, and if they're sent to those cases, we have to cover this.

So the only way for us not to have to is have more attorneys, so it is a numbers game. My

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understanding of this is -- and it is limited, I recognize that -- but please explain to me how it's not about them increasing their numbers of attorneys in order to decrease 18-B expenditures

LEG. CILMI:

Through the Chair, if I could clarify.

P.O. LINDSAY:

Go ahead.

LEG. CILMI:

No, it absolutely is a numbers game in terms of numbers of attorneys, but it's more than just a numbers game in terms of funding. So judges assign cases based on -- you know, based on a number of criteria and they avoid Legal Aid based on a variety of situations, when there are conflicts presented, if there is -- if there are more than one defendants that re involved in the same case, Legal Aid can't represent both defendants, for example. But -- so there are other factors is my point.

The primary factor, though, we all agreed, was that there are not enough Legal Aid attorneys to cover the parts. And I may not know much more than you do, Legislator Hahn, but there are not enough Legal Aid attorneys to cover all the parts. And according to Judge Freundlich, and I believe Dennis Cohen agreed at the time, that in many cases, in most cases, the cases are assigned by the judges as a matter of convenience. So if there's no Legal Aid attorney there in the part at the time, the judge, in order to move their calendar along because they're so burdened with cases, they'll just assign to 18-B. And if I'm misspeaking at all, I know we still have representatives from Legal Aid here, you know, maybe they could clarify.

LEG. HAHN:

So I guess my bottom line is how many new Legal Aid attorneys will \$250,000 get us?

P.O. LINDSAY:

If I could just jump in here.

LEG. HAHN:

But that's my -- I think where you're going on this.

P.O. LINDSAY:

But the assumption is that the money that we allocate is going towards new attorneys. Once you allocate the money in the budget --

LEG. HAHN:

That's my point.

P.O. LINDSAY:

-- you don't have any control over it.

LEG. HAHN:

That's my point.

P.O. LINDSAY:

All right? It's up to Legal Aid on how they spend that money.

LEG. HAHN:

Okay. So that is my point, is that, you know, we've been told, you know, they want to raise

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salaries, they want to do X, Y and Z. If the only way we're going to get -- that's like a phantom revenue there, that \$500,000, if they're not hiring new attorneys to reduce the 18-B costs. Right?

LEG. CILMI:

I agree.

LEG. HAHN:

Okay.

LEG. CILMI:

So they're here, maybe Mr. Mitchell can speak to it.

MR. MITCHELL:

Yes, we would be hiring new attorneys.

LEG. CILMI:

You have to use the microphone, Bob.

MR. MITCHELL:

Yes, there would be an increase in the attorneys. The plan would be to open -- to put the attorneys in the referee parts, put two or three attorneys, at least two, possibly three attorneys in the referee parts and all the assignments would come down through Judge Freundlich to the referees and we would handle the matters.

P.O. LINDSAY:

Okay. Legislator Montano?

LEG. MONTANO:

Hey, Bob. How are you?

MR. MITCHELL:

Okay, fine.

LEG. MONTANO:

Bob -- and Legislator Cilmi, with all due respect, I think that you're wrong on your assumptions here, and I'll tell you why I believe that. Number one, I believe that Legal Aid does need more money for more attorneys; we've had this conversation many times before the Ways & Means Committee. But I do not believe that reducing the 18-B appropriation and shifting that money to Legal Aid is the solution. You and I both know that there is -- 18-B is a mandated cost. The reason that we have 18-B is that, in many cases, Legal Aid cannot pick up the conflict cases that are out there. I don't care what the Judge says, you can't assign -- you know, you can't assign Legal Aid to two cases where you have two co-defendants; am I correct, Bob?

MR. MITCHELL:

That's correct.

LEG. MONTANO:

Okay, so you still need an 18-B lawyer. Now, we've been down this road with the Ways & Means Committee many times, I'm not sure why the meeting that you spoke about -- you know, you can meet with whomever you want, Legislator Cilmi, but that's something that has been taken up by Ways & Means, which has jurisdiction of this, and has discussed it at length. Last year -- I think it was last year that we had to put in, what was it, a half of million, 750,000 to offset the lack of

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funding in 18-B; am I correct in that, Bob?

MR. MITCHELL:

I think you are correct, but I don't think they used all those funds either.

LEG. MONTANO:

Okay. I'm not -- I don't know if they used it or not. The problem is that the 18-B fund, like what we discussed in Budget Amendment 1, is a mandated cost. We don't have discretion. So if you eliminate the funding that's there and you wind up with another -- you know, what Mr. Pollert called a -- I think he called it a shortage, it's really a deficit. So we have to make that up. This is -- if you take that money out of here -- and Legislator Hahn, I think you're absolutely correct; if you deplete these funds, without Legal Aid having the jurisdiction to handle those conflict cases, which I know you're looking to do --

MR. MITCHELL:

Oh, no, we're not looking to handle conflict cases.

LEG. MONTANO:

Well, but either way, either way, Bob. And again, I agree that you need more money, don't get me wrong. I've always supported Legal Aid's efforts, I agree that you need to come up to parity. We've had this discussion many times, but this resolution does not do it. This resolution really creates an unnecessary back and forth between your office and Legal Aid, and Judge Freundlich, with all due respect, is not in a position to change the way 18-B attorneys are assigned or how he has to assign an 18-B if you have an indigent defendant before the court; am I correct?

MR. MITCHELL:

Well, you know politics better than I do.

LEG. MONTANO:

No, I'm not talking politics. I'm talking courtroom law now.

MR. MITCHELL:

Well, this is -- this comes down to politics. I mean, the judges --

LEG. MONTANO:

No, no. When you're in the courtroom --

MR. MITCHELL:

Judges have the discretion to appoint whomever they want.

LEG. MONTANO:

Right. But when you're in the courtroom and you have a case before you and there's a conflict, you have to appoint an 18-B attorney; that's not politics.

MR. MITCHELL:

Correct, but I'm not talking about a situation --

LEG. MONTANO:

Well, what are you talking about then?

MR. MITCHELL:

I'm talking about a situation that Judge Freundlich brought up where a judge just appoints an 18-B attorney because we are not or we are not in the room.

LEG. MONTANO:

That I understand. I don't have a problem with that.

MR. MITCHELL:

That's what he is trying to --

LEG. MONTANO:

And I don't have a problem with that. He can wait to get a Legal Aid attorney, and I agree that you need Legal Aid attorneys there.

MR. MITCHELL:

But it's not him, there are several judges there. He's saying that the judge don't want to wait; if we had an attorney in the room, we would get the work. Now --

LEG. MONTANO:

I understand that.

MR. MITCHELL:

Well, let me tell you, this is not my doing, by the way. I'm not looking to taking anything away from anybody.

LEG. MONTANO:

Right. Bob. Bob. Bob, I'm not looking to argue with you on this and I don't want to take up the Legislators' time on what we do in the courtroom. But the fact remains that this depletion of the 18-B account, which is a mandated expenses, which whose guidelines are set by the courts, all right, and by cases, is not going to solve your problem because it's going to give us another deficit that we can add on to all the other deficits we're building into the budget.

MR. MITCHELL:

Let me just explain something, fellas. It wasn't my idea to do this, all right?

LEG. MONTANO:

Believe me, Bob, I agree with you.

MR. MITCHELL:

This is Judge --

LEG. MONTANO:

I agree with you. You and I are on the same side.

MR. MITCHELL:

Right. Judge Freundlich wants to do this, all right? Who am I to say no.

LEG. MONTANO:

Well --

MR. MITCHELL:

Okay? But the thing is they're saying --

LEG. MONTANO:

Well, when he gets elected he can do it. But the bottom line is that for purposes of budget, do you agree with me that this creates a problem, you know, with your experience in the courtroom, for

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18-B not having sufficient funds? And you can't pick up the slack.

MR. MITCHELL:

Depending if Freundlich can deliver the cases. If he delivers the cases, then we reduce the budget; if he doesn't, then you've got a hole.

LEG. MONTANO:

I'm sorry, you're not -- trust me, I've been doing this for a long time, it's not going to happen. We need to find a way of getting you money in another way, not taking the 18-B money.

MR. MITCHELL:

That's your call. I mean, it's not my --

LEG. MONTANO:

No, I know it's our call. I don't know what the other people are going to do. But the bottom line is that I -- what I'm pointing out is that this is an irresponsible way to solve the problem that Legal Aid has presented. And I agree with you that we need to solve that problem, but I don't agree that this is the solution to the problem that you presented.

MR. MITCHELL:

Well, that's fine.

*(*Laughter*)*

P.O. LINDSAY:

All right, Legislator Cilmi.

LEG. CILMI:

Just a quick retort in that everybody I've spoken to -- and Bob, correct me if I'm wrong -- says that Legal Aid can more efficiently and effectively handle cases than 18-B attorneys. And if that's the case, then it seems to me -- and it's less costly. And it may -- and it seems to me that if we're looking at ways of reducing our budgetary challenges, which we all agree we are, then this is one way to do it. Hire more Legal Aid staff and -- most parties would agree that that would, in turn, reduce in a greater proportion the cost of 18-B. Not only that, but Legal Aid is a predictable cost, whereas 18-B is an unpredictable cost. So it makes sense to pass this resolution today. It makes sense to give Legal Aid more staff so that they can cover more parts so that judges can more easily assign cases to Legal Aid; not the conflict cases, but the cases in the instances where they're before the courts and they're not presently there. That's as simple as that.

MR. MITCHELL:

That's true.

LEG. MONTANO:

Legislator Cilmi, I don't think -- I'll just retort that --

P.O. LINDSAY:

You want to respond?

LEG. MONTANO:

-- you're mixing the apple with the orange in that the 18-B is a separate kind -- and the statement that Legal Aid can do a better job than 18-B is simply inaccurate. They do a different job, and probably as good a job in some cases, but there are conflicts that they simply cannot handle. Now, I know that New York recently came down with a decision that essentially is going to limit 18-B in the

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city, and I think that's the model that everybody is looking towards; am I correct, Bob?

MR. MITCHELL:

That's correct.

LEG. MONTANO:

And you know which case I'm talking about.

MR. MITCHELL:

Yeah.

LEG. MONTANO:

But we're not here yet on that; am I correct?

MR. MITCHELL:

That's correct.

LEG. MONTANO:

So this is for the future. And if that's worked out, we can find a way of reducing the cost of 18-B and then, you know, enhancing the ability of Legal Aid to provide services; am I correct in that?

MR. MITCHELL:

You're correct, but --

LEG. MONTANO:

All right. Well, then let me -- while I'm correct, let me keep going. So if that's in the works and we're not there yet, Bob, then this resolution to me -- and I don't want to debate this all day, but this resolution doesn't solve the problem that you're looking to, you know, address. They're separate concepts.

MR. MITCHELL:

If you speak to Judge Freundlich --

LEG. MONTANO:

Two lawyers in the room; who's going to get the last word, you or me, Bob?

*(*Laughter*)*

LEG. KENNEDY:

I'm on the list.

LEG. MONTANO:

All right, we'll give it to John (*laughter*).

MR. MITCHELL:

You've got 50,000 cases going through the Family Court every year in Suffolk County. They're overburdened, they're losing Judges, all right? They're going -- if you ever went over to Freundlich's part, just spend 20 minutes there some morning.

LEG. MONTANO:

I've been there. I've been there.

MR. MITCHELL:

Okay, it's a zoo. Okay? The attorneys --

LEG. MONTANO:

I know it's a zoo, that's why I don't go there anymore.

MR. MITCHELL:

He's telling me they need more attorneys.

LEG. MONTANO:

Wait, hold on. Hold on, Bob. They need more attorneys from you or they need more attorneys period?

MR. MITCHELL:

They need more attorneys from me because by hiring me, they reduce the County's budget. That's the whole theory, is that we can do it cheaper. Now, if the cases are there and we get the cases and we can do it cheaper, then that's fine; if we can't, that's enough.

LEG. MONTANO:

Yeah, I don't have a problem with you having more attorneys. That's what I'm saying, that's not mixed -- you know, let's be clear here. Let's not mix the two. One is you need more attorneys; I don't have a problem with that. If you can cover more parts with more attorneys, you're saying that the judge will assign Legal Aid where there's no conflict and then they don't have to pay 18-B and we'll save a couple of dollars; correct?

MR. MITCHELL:

Correct.

LEG. MONTANO:

Okay. Where there is a conflict, I don't care if you're there or not, you can't take the case.

MR. MITCHELL:

Correct.

LEG. MONTANO:

You can't save anything because we haven't resolved the issue of whether or not Legal Aid can actually take conflict cases the way they're doing it in New York; am I correct?

MR. MITCHELL:

Correct.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

All right. Legislator Kennedy.

LEG. KENNEDY:

I was going to try to add something to this, but actually we have three guys that are right. So --

P.O. LINDSAY:

That's wonderful.

LEG. KENNEDY:

Right. So I'm just -- I support Legislator Cilmi's budget amendment.

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P.O. LINDSAY:

Very good.

LEG. KENNEDY:

But that is not going to change what a particular judge on a bench does when it comes to assignment of counsel.

P.O. LINDSAY:

You know, over the years --

LEG. KENNEDY:

And we've got three right guys here.

P.O. LINDSAY:

But, John, over the years, and you've been in budget working groups, we've played with this issue --

LEG. KENNEDY:

Many times.

P.O. LINDSAY:

-- where we move money from Legal Aid to 18-B and back and forth. And we run out of money in 18-B, we have to come up with the money; it's as simple as that.

LEG. KENNEDY:

And we've gone so far, as Legislator Montano said, met with Chief Judge {Hendricks} to try to detail an alternative way, with instruction from Judge Fitzgibbons, to the District Court Judges as well regarding assignment. Actually, adding Judge Freundlich on the Family Court part is something that's relatively new based on what the State Legislature did with authorizing assigned counsel for the Family Court parts. So we have a responsibility, a constitutional responsibility that's being expanded, a la my colleague, Legislator Barraga here, another mandate that falls on the part of the County to fulfill by a well-meaning State Legislature.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

We've got to spend the money.

P.O. LINDSAY:

Okay. Let's call the issue. Mr. Clerk, would you call the roll, please.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. ROMAINE:

Yes.

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LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Pass.

LEG. MONTANO:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CALARCO:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay, it fails.

What are we up to, four. *(Budget Amendment No. 4), provides an additional \$250,000 in 2013 for legal services for indigents. The offset for this action can be found in companion and standalone Budget Amendment 3-B for the mandated portion.* There's no funding there, so is it -- Counsel, is it moot going forward with this?

MR. NOLAN:

I think the offset was in No. 3 which has failed. I think this needs to be withdrawn at this point.

LEG. CILMI:

Okay. *I'll withdraw.*

P.O. LINDSAY:

Okay. Thank you very much.

Five *(Budget Amendment No. 5), provides an additional 86,964 for permanent salaries in 2013 to fill vacant positions in the County Clerk's Office which is offset by an increase of 52,178 in the County Clerk's fees revenues, and 34,786 in TVB, ticket fines revenue.*

LEG. CILMI:

Mr. Presiding Officer, I think this is moot as a result of the Omnibus passing, so *I'll withdraw.*

P.O. LINDSAY:

Okay. I'm not going to argue with you. Thank you very much.

Okay, six is moot; is that correct?

MS. VIZZINI:

Six is in conflict with Omnibus.

P.O. LINDSAY:

Okay. So --

MS. VIZZINI:

We'll skip over that. Legislator Romaine, that's the Public Health Nurses.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes what?

LEG. ROMAINE:

The nurses are -- if I may ask -- Presiding Officer, if I may ask our Budget Review Office? This resolution has been dealt with in the Omnibus?

MS. VIZZINI:

That's absolutely correct, yes.

LEG. ROMAINE:

In which case *I'll withdraw it*, as long as it's been dealt with and we're taking care of our Public Health Nurses. Thank you.

P.O. LINDSAY:

Yes. Okay. Thank you very much.

Seven (*Budget Amendment No. 7*), *reduces revenue for pollution control fees associated with gas and fuel storage in the Department of Health Services by \$200,000 in 2013 which is offset by an increase in revenue from TVB ticket fines.*

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cilmi to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. SCHNEIDERMAN:

Can we get an explanation?

P.O. LINDSAY:

Explanation asked for by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. Legislator Cilmi, I just am not understanding operationally why these fees would be reduced. Are we eliminating a requirement or the Health Department is waiving fees, or what is going on it?

LEG. CILMI:

As part of the County Executive's proposed budget, he increased these fees significantly. So this resolution eliminates that increase, and the offset I would let Budget Review speak to. But basically, if I'm correct, I think this more than doubles what the existing fee is. And this is on the heels of fees that were increased earlier in the year in other respects for the gas station owners.

LEG. SCHNEIDERMAN:

I don't -- as a member of the Working Group, I don't recall Budget Review telling us that the fees in this area were overstated. So if I could get some additional information.

LEG. CILMI:

They weren't overstated, Legislator Schneiderman, they were increased.

MS. VIZZINI:

Yes. In our report on page 186, there's a list of some of the fee increases that the Health Department instituted and are implicit in the budget. In this case, the operating permit and fuel storage gas fee, it's a sliding scale fee based on the volume of storage. Right now the typical gasoline station pays \$113; this would double it to 226, on average.

LEG. SCHNEIDERMAN:

So the fee would actually be going up.

MS. VIZZINI:

Yes. And it --

LEG. SCHNEIDERMAN:

So then passing this, we would then freeze the prior fee in place?

MS. VIZZINI:

Well, there's \$200,000 in new revenue associated with this. So what this resolution does is it reduces the revenue component.

LEG. SCHNEIDERMAN:

Does this body have to set that fee legislatively?

MS. VIZZINI:

I believe that this would have been under the jurisdiction of the Health Commissioner.

LEG. SCHNEIDERMAN:

So he has the unilateral ability to set those fees. And so the Administration is anticipating those fees going up?

MS. VIZZINI:

Yes.

LEG. SCHNEIDERMAN:

If we approve this and they continue to raise those fees, then it would create a hole in the budget, right?

MS. VIZZINI:

Yes. Mr. Pollert is here, of course, to confirm.

LEG. SCHNEIDERMAN:

Could I hear from the Administration on this?

MR. POLLERT:

So the way I understand the question, the question is --

LEG. SCHNEIDERMAN:

In the proposed budget, the County Executive's proposed budget, you have anticipated additional revenue based on a higher fee in this area.

MR. POLLERT:

Yes.

LEG. SCHNEIDERMAN:

So you are intending to increase the fees in this area.

MR. POLLERT:

That's what we have included in the budget. Yes, we had anticipated increasing the fees.

LEG. SCHNEIDERMAN:

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All right. And the Health Commissioner is on board with raising these fees?

MR. POLLERT:

It was his recommendation.

LEG. SCHNEIDERMAN:

Okay. And it doesn't require Legislative approval to raise these fees?

MR. POLLERT:

That is my understanding, that is correct.

LEG. SCHNEIDERMAN:

All right. Thank you.

P.O. LINDSAY:

Legislator Cilmi wants to talk, but I want to say something before he talks. I think I've got a problem with this. I've got a problem with it because I just talked to Legislator Horsley, we really didn't have any discussions about this in the Working Group at all. And I understand why now, because it was done by mandate from the Health Department, from the way I understand it.

I've got a problem with, number one, the Health Commissioner unilaterally making changes to fee structures to make it more expensive to do business in this County. And number two, I really feel that -- I mean, nobody has a great deal of sympathy with gas station distribution, whether it be at the wholesale front or the retail front right now. But by the same token, fair being fair, we've raised an awful lot of fees in this area. I mean, we just -- we just raised their pump fees, if I'm not --

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

-- incorrect, Gail, recently, within the last year or so. So I think I would be opposed to this increase for those two reasons.

LEG. SCHNEIDERMAN:

(Inaudible).

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

I wanted to ask Mr. Pollert if he could share with us the extent of the increases that the gas stations in our County endured as a result of the measure that was passed earlier this year.

And further than that, Mr. Presiding Officer, if I may, to comment on your statement with regard to your opposition to the Health Commissioner imposing fees unilaterally, I do have a bill that's been stuck in committee for some time which would require the Legislature to approve all fee changes at the County level. So hopefully at some point in the near future we can get that bill passed out of committee and passed by this Legislature. But until then, Fred, could you talk to us about the tremendous increases in fees that the gas stations have already endured.

MR. POLLERT:

Frankly, I can't because I'm not prepared to do that at this point in time. But just with respect to the specific fee, it brings us in line with Nassau County. It's also my understanding that the health

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Commissioner doesn't have the unilateral authority to increase the fees. It goes before the Board of Health that actually --

LEG. CILMI:

So this gives new meaning to race to the top. I guess we're trying to get even with Nassau County no matter how high Nassau County -- and Nassau County isn't exactly the best example of a --

D.P.O. HORSLEY:

Here here.

MR. POLLERT:

Based upon the discussions with the Health Department, this brings us in line with Nassau County and does not completely recover the costs of doing the monitoring on the tanks.

LEG. CILMI:

So how are we going to -- how are we going to justify this increase in revenue when our gas stations go out of business and can't afford to pay the money that you're trying to get them to pay?

MR. POLLERT:

The cost is approximately, I believe, about a thousand dollars per station over the entire year.

LEG. CILMI:

So are you offering to subsidize that?

MR. POLLERT:

From the average volume, it is really very diminimous with --

LEG. CILMI:

Really?

MR. POLLERT:

That's correct.

LEG. CILMI:

I'm sorry to interrupt, but are you a gas station owner? Are you a small business owner?

MR. POLLERT:

No, but we have --

LEG. CILMI:

A thousand dollars is not diminimous, in any -- by any stretch; for a business owner, for a resident, for anybody.

MR. POLLERT:

When it's spread over the total gallonages that they pump, clearly it's a Legislative prerogative to reduce this fee if you want to. The cost that it is costing us to do the monitoring underneath the requirements imposed by the Legislature do not cover the costs of doing the monitoring that we are currently doing. The recommendation came from the Health Commissioner and was also forwarded on to the Budget Review Office.

LEG. CILMI:

Do gas station owners pay taxes?

MR. POLLERT:

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They do.

LEG. CILMI:

Do our residents pay taxes?

MR. POLLERT:

They do.

LEG. CILMI:

Our residents use our roads to drive on the roads.

MR. POLLERT:

They do.

LEG. CILMI:

Do we put tolls on every road because there's a cost for us to maintain every road in Suffolk County?

MR. POLLERT:

No, we do not.

LEG. CILMI:

Thank you.

P.O. LINDSAY:

Fred, when you own a gas station, let me know, I'll come and get gas from you. Okay?

*(*Laughter*)*

D.P.O. HORSLEY:

It better be open, though.

P.O. LINDSAY:

Okay. Legislator Calarco, I'm sorry.

LEG. CALARCO:

I just have a quick question, it's more on the other end of things regarding the offset. For Budget Review, Gail, I hate to think there's a number of these standalones that are looking to TVB as the offset. Could you tell me what the total amount is for all of those different -- if we approved all of these standalones?

MS. VIZZINI:

Yeah. This is a category of fine revenue that was not included in the recommended budget, vis-à-vis the fund for the Traffic Violations Bureau. It has to do with certain sections of the Traffic Violations Law, 1809 and 1809 A. If we approved all the standalones, it would result in about a million dollars. However, that includes Romaine's \$442,000 for the nurses which is redundant with Omnibus, so now we're down to about 600,000.

LEG. CALARCO:

And the last standalone there that addresses Foley, that money is --

MS. VIZZINI:

Oh, yeah, that's right. Yeah, that is also Traffic Violations revenue, it's a composite of two million

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for these ticket fines, and the same 2.85 million for the red light camera administrative fees. It's not a conflict because you could be optimistic and assume that that revenue could come in.

LEG. CALARCO:

So I know we've had quite a lot of conversation, both with the Administration and I think also with your office regarding how much we are expecting to come in through TVB, various revenues through the TVB and red light cameras, and I think we all kind of agree that we're going to be lucky to break even. Are you of the opinion that we have this extra three million in revenue that's going to come to the TVB?

I mean, is this a reasonable expectation for us.

MS. VIZZINI:

The 2.85 million for the red light camera administrative fees, using the historical number of red light camera infractions that we have had, it would indicate that we would be on target for the additional 2.8 million. The traffic violations component is new, and it is my understanding that this component piece was not included, although the expenditure, the State's portion of it was included. So I think we could reasonably expect maybe another million, optimistically maybe another two million; I'm not sure that I would go any higher than that.

LEG. CALARCO:

And none of those revenues were built into the budget as do the Omnibus that the Working Group came up with.

MS. VIZZINI:

The revenues are not in the recommended, 2.85 million were already approved for the red light camera administrative fees for the Discretionary Omnibus.

LEG. CALARCO:

So if I'm following you right, you're saying we may have an extra million in there that the budget doesn't include right now.

MS. VIZZINI:

Yeah. We may have another extra million to two million that the budget does not include right now, because we used the 2.85 in Omnibus.

LEG. CALARCO:

If everything works out and we get TVB up and running on time.

MS. VIZZINI:

That is always a precursor, yes.

LEG. CALARCO:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Yeah, roll call.

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*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Pass.

LEG. MONTANO:

Pass.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Absolutely.

MR. LAUBE:

Fifteen.

*(*Laughter*)*

P.O. LINDSAY:

Okay, it passed.

Okay, Budget Amendment No. 8 is conflicted, right?

MS. VIZZINI:

Correct.

LEG. CILMI:

I'll withdraw. Thank you.

P.O. LINDSAY:

Okay. And Budget Amendment 9 is conflicted. Legislator Cilmi?

LEG. CILMI:

I will, likewise, withdraw.

P.O. LINDSAY:

Okay. And *(Budget Amendment No.) 10 is add 194,254 in 2013 for five Cornell Cooperative Extension Programs as followed; HSF-1, \$30,000, another one, HSE-1, 5,000; another 55,000, 64,000, which is offset by an increase in revenue from the TVB ticket fines.* Do we have a motion?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Motion by Legislator Romaine to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. On the question, any questions?

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LEG. SCHNEIDERMAN:

Just quick for BRO. With these allocations, Gail, does it bring them back to former levels? Is this above where they were?

MS. VIZZINI:

Yeah, the Omni because gave Cornell an additional \$20,000. This would bring them more in line with the request of the agency; Mr. Minei came before the committees. It pertains to a -- it's a \$55,000 increase for the administrative expenses; 5,000 for the, marine program; 30,000 for agricultural and horticulture; 39,262 for 4-H; and 64,992 for Family Health & Wellness.

P.O. LINDSAY:

Okay. Any other questions on this? Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I just want to point out that I just want to point out that this was extensively reviewed and discussed in the Working Group. And although we would like to be able to throw money at every organization, we can't do that. And when we adopted the Omni, we were aware of the funding that was going to Cornell Cooperative Extension, and this just adds to that and it was specifically rejected by the Working Group. So I'm not going to support it.

P.O. LINDSAY:

Anybody else? No? Okay. Roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Pass.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not present).

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

MR. LAUBE:

Yes or pass?

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

LEG. ANKER:

Yes.

MR. LAUBE:

Eleven (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, it passed. That's your parting gift, Ed.

*(*Laughter*)*

LEG. ROMAINE:

I'll let Cornell know. They're getting a new tenant, I'm leaving.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

I would wait to see if the County Executive supports it or not.
Eleven is not veto-proof.

P.O. LINDSAY:

Okay. *(Budget Amendment No.) 11, Add \$51,300 in 2013 for Victims Information Bureau in the Department of Health Services to provide services to victims of rape and sexual assault which is offset by an increase in revenue from TVB.*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. CILMI:

Yes, second.

P.O. LINDSAY:

Second.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. KENNEDY:

I -- we talked about this in the Budget Working Group.

D.P.O. HORSLEY:

Yes, we did.

LEG. KENNEDY:

And didn't this get put back in?

D.P.O. HORSLEY:

We put in money, but --

LEG. KENNEDY:

So to BRO, isn't this conflicted with one, with Omni 1?

MS. VIZZINI:

You can -- I don't think this particular problem -- Roz is checking the line items. We did give VIBS some more money. They have more than one contract. You can always go in the same direction.

LEG. KENNEDY:

I recall we spoke specifically about this, because this is the one that Pam Johnson came to all of us about. This represents the Health Department counseling contract that they've had in place for 20 plus years.

LEG. ROMAINE:

That's right.

LEG. KENNEDY:

I know that this was addressed in the Budget Working Group.

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LEG. ROMAINE:

The reason I put this in is because Mrs. Johnson came to me and talked about this. And I thought, of all the things we do -- I'll speak on this even though I'm leaving. But of all the things we do, I mean, counseling services for victims of rape and sexual assault, which she had indicated had increased dramatically in the last few years, was something that I thought was important enough for 51,000 to include. If it was conflicted I'll withdraw it, but only if it's conflicted because I do want to vote on this.

MS. VIZZINI:

It's not conflicted.

LEG. KENNEDY:

Didn't we put this in? This went in.

MS. VIZZINI:

The Omnibus gave the DSS domestic violence program an additional -- 18,000? Right. This is a Health -- this is in the Patient Care, this is in Health Services, this was not funded in 2012, so this is --

LEG. KENNEDY:

It didn't make it in? It didn't make it in timely?

MS. VIZZINI:

We gave VIBS an additional 18,000 for their DSS program in the Omnibus.

LEG. ROMAINE:

Not for their rape counseling or their sexual assault counseling programs?

MS. VIZZINI:

This program was not -- the program and your standalone wasn't funded in '12.

LEG. ROMAINE:

But it had been funded in previous years.

MS. VIZZINI:

It had been funded in '11, yeah.

LEG. ROMAINE:

Right.

MS. VIZZINI:

So it's not conflicted.

LEG. ROMAINE:

Okay. Well, then we'll move on it then.

LEG. KENNEDY:

Yeah.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

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LEG. D'AMARO:

Thank you. You know, just once again, we reduced fees 200,000, we just voted another 200,000 in, here comes another 50. This was considered by the Working Group. We did the best we could to be fair and equitable with all the contract agencies and this would be patently unfair. And it's a great cause, but there are many great causes in this County.

I mean, you know, what are we going to start doing, printing money? How much are we going to spend before we say stop? The Working Group worked very hard to avoid exactly this problem and tried to be fair and equitable. I cannot support this for that reason.

P.O. LINDSAY:

Okay. Anybody else? Legislator Nowick.

LEG. NOWICK:

You know, I think that Legislator D'Amaro has a point there. As good as this program is, we sat downstairs for well over a month. It would have -- it was plenty of time for someone to come to us and say, "This is very important." I mean, I didn't realize it at the time, unfortunately. In the future, if you just come to the Working Group and bring it up, it's really the right way to go about it.

P.O. LINDSAY:

Anybody else? Legislator Anker?

LEG. ANKER:

Did you hear what Lynne said? You were talking. You know, again, there's a reason why there's these budget working groups, it's so we don't have to make these heart-wrenching decisions of, you know, helping women that are in crisis. You know, we gave them money, you know, and now we have to vote and it really puts -- Ed? I'm over here.

LEG. ROMAINE:

I'm listening.

LEG. ANKER:

But you're not looking at me. If you could just look at me. Look at my eyes. Just look at me and just realize how hard it is to make these decisions. We're trying to make a County whole again. It's going to be years, just like with Sandy, we're trying to make Long Island whole again. This is really hard.

Let me just ask you one question. Why did you not present this to the Working Group?

LEG. ROMAINE:

I think I sent all of these resolutions over to Budget Review, and my staff did that so that they could discuss it with the Budget Working Group. I'm not on the Budget Working Group. I don't agree with the methodology that is used, I've said that before, I don't want to go into that. But suffice it to say, in this budget, essentially I put three little changes in there that would add and that's all I've done as a Legislator, because I've been very careful about things that we should add to expenses. One was for Cornell, obviously that had support, it passed. One is for VIBS for services to victims of rape and sexual assault, because I thought that was important. And one is to keep the IT position, I think it's essentially revenue neutral or close to revenue neutral, keep the IT positions in the Department of Probation as opposed to transferring them over to the Department of Information Technology. Those were the three changes that I put forward. They're not massive changes in this budget and I put them forth because I thought they were worthy. I've been very careful about not adding to this budget. I understand the problems and, you know, you have an opinion and I understand, we'll cast a vote and so be it.

P.O. LINDSAY:

Okay. Anybody else; no?

LEG. KENNEDY:

Bill? Right here.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I just want to -- I want to say for the purpose of process, having sat there with the Working Group and not having been a voting member, but having been very vocal, I know that we talked about this, I know the contract restoration process. Legislator D'Amaro is right, it was a long, grueling process of choices in, choices out. But there was an original tenant that was adopted that basically said those programs not funded in 2012 were not going to be visited. I'm sorry, not funded in 2011. We did the drop-off categorically --

MS. VIZZINI:

2012.

LEG. KENNEDY:

-- for a variety of programs. This program I think was something that none of us realized in the Budget Working Group that occurred last year when I was a voting member. And it's not a fault of the agency. I think it may have been something that was even something not necessarily brought forward to us by the department. And I think it's a function of each and every one of us, as Legislators, that we have the ability to bring forward critical and dire items that need to be addressed by us collectively, regardless of what the criteria is or the process is. That's why we get the ability to do budget amendments. It's an important program. It's something that affects every one of us in all 18 districts and it's something that's been in place for twenty plus years. So I think there's a value to us doing it today. And it's not to go ahead and, you know, opportunistically present something that's more compelling than that. It's just the process, that's why we have this piece.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you. I have a question for BRO. Gail? I vaguely remember this, but I -- my recollection is that there was some type of grant that expired and we had to really make a choice between putting County funds towards the grant, or is there another agency?

LEG. KENNEDY:

That was something different.

LEG. GREGORY:

Was it something different?

LEG. KENNEDY:

Yeah, that was something different. DuWayne, this was something that's been basic counseling through the Health Department and it got dropped out by the prior administration in the 2011 -- yeah, the 2011 recommended when it was before us in 2010, unbeknownst to Pam, supported by the Health Department and adopted by us. They then became aware of it, I think, mid-year. She

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did the adjustments that she needed to do across the agency to continue to remain afloat. And she took the opportunity, she sat with a number of us personally and said of all the reductions she was sustaining, she prioritized this program amongst all of them because it was one of the most -- it was the longest program we had funded over the last 20 plus years and had the greatest latitude for her as an agency dealing directly with victims in a variety of different places when they came forward to the agency.

So she prioritized that to us.

LEG. GREGORY:

But correct me if I'm wrong, BRO; my recollection is VIBS has several programs, they receive over probably \$600,000 in funding. So you're telling me 50,000 of that is only dedicated towards counseling?

LEG. KENNEDY:

No, I -- please, that's -- they do many different things and many different categories. I think probably, if we were to sum up our County funding to them, it's probably 220, 230 in total. They have the batterers program, they have the same nurses that go ahead and do the victim examination outside of hospital emergency rooms. They do a lot of -- they do a range of functions necessary in this area. But this program in particular she specifically said gives the agency the greatest latitude to work with victims in a variety of different settings. So she did what she was supposed to do coming to us. This program got caught up in the process that adopted an initial tenant that said, "Those programs dropped out last year by operation. Don't enter into the decision-making process this time." That's what happened.

LEG. GREGORY:

No, and I'm very familiar with VIBS and what they do. They do extraordinary work. I'm very supportive of all our domestic violence agencies. My understanding was that it was either their funding was lost because of some grant or they had a 10% reduction as a part of last year's budget that we decided not to fund this year.

LEG. D'AMARO:

(Inaudible).

LEG. GREGORY:

Is it?

MS. VIZZINI:

The only thing I can tell you from the files is that this particular program was not funded in the 2012 adopted.

LEG. KENNEDY:

Right. See?

MS. VIZZINI:

And that, you know, that was part of our criteria in terms of what contract agencies we did augment.

LEG. GREGORY:

But is this part of the SCOPE grant or was that another agency? Oh, right, that was the coalition. Right, right.

MS. VIZZINI:

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Yeah. This is funded in Health. It's in the same -- it's in Patient care, the same appropriation where the clinics are, et cetera, et cetera.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Okay. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay, Legislator Anker.

LEG. ANKER:

Gail, do we have money for this?

MS. VIZZINI:

The offset is the same as the other standalones, it's the enhanced revenue from the ticket fines.

LEG. ANKER:

And what's the total of that?

MS. VIZZINI:

Well, this is 51,300 which would give this program the same level of funding that it had in 2011.

LEG. ANKER:

What's the total enhanced funding available? Phantom funding available.

MS. VIZZINI:

Probably somewhere between two to \$2.9 million. You know, we're using -- if we pooled all these standalones, we'd probably use about \$600,000 of that.

P.O. LINDSAY:

All right. I am supportive of VIBS and this program. I'm not going to vote for this standalone simply because of the offset. I would like to see if TVB actually gets up and becomes operational before we start spending the revenue from it. And I would be very happy to look at a mid-year correction in the funding here, whether we go back to the same offset or we find a different offset. But at this time, I'm not prepared to go forward with this budget amendment.

LEG. KENNEDY:

Mr. Chair, let me ask this, if I can, with the indulgence of the sponsor. Is there a different offset that BRO could identify that would allow this program to go forward?

P.O. LINDSAY:

For my purposes?

LEG. KENNEDY:

Sure.

P.O. LINDSAY:

Yeah. Yeah, I could probably review some other offsets that would be more appealing.

LEG. KENNEDY:

Okay. Well, through the Chair, then, and with the consent of the sponsor, could we pass this over

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and let BRO find a more suitable offset so we could consider this today.

LEG. ROMAINE:
(Nodded head yes).

P.O. LINDSAY:
I don't have an objection of taking a look at it.

LEG. D'AMARO:
Bill?

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, I --

LEG. KENNEDY:
Well, I'm trying to catch the eye of BRO.

LEG. D'AMARO:
Sure.

MS. VIZZINI:
We can look. But our concern is that a lot of the more legitimate offsets, in our opinion, were based on, again, our projection for 2012 expenditures being a little bit, more or less, usually less, than in the estimate; and with that, of course Mr. Pollert would disagree. There are other areas of the budget where we anticipated shortfalls, so --

LEG. KENNEDY:
I have a suggestion, though, through the Chair, if I can. How about in employee Social Security, since all the John J. Foley employees just got their next layoff notice? You're going to reduce by another 200.

MS. VIZZINI:
Well, that was addressed.

LEG. KENNEDY:
It's only 50,000.

MS. VIZZINI:
Yeah, it would conflict with Omnibus because, in our opinion, Social Security was overstated in '12 but understated in '13 by \$1.9 million. So we reduce 12 and we added the 1.9 to '13, so Omnibus brought Social Security up. So you would be -- you know, you'd be cutting it.

You know, if the sponsor or you want to identify -- I mean, we will certainly look, but one of the reasons I put forth the Traffic Violations Bureau revenue for all the standalones was there was some comfort level that that revenue could materialize; and secondly, that it was equitable that everybody had that as an offset.

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LEG. KENNEDY:

Okay. Why don't we do this? Look, there is foul weather outside. I will talk with you and I'll talk with the agency and I'll attempt to put forward a budget amendment in our first cycle in the beginning of next year.

P.O. LINDSAY:

Okay. Legislator D'Amaro, you --

LEG. D'AMARO:

Yeah, just very quickly. I just want to ask BRO, what -- the total funding to this organization in this year was about 540,000; is that correct? After the passage of the Omni before this standalone, what's the funding now?

MS. VIZZINI:

The Omnibus gave them an additional 18,000.

LEG. D'AMARO:

So we added to the organization an additional 18,000 when we passed the Omni.

MS. VIZZINI:

Correct.

LEG. D'AMARO:

Well, you see, that makes my point. Just like we're dealing with limited resources and trying to allocate the dollars, that's what VIBS needs to do. This was not funded last year, I suspect, because it went through the Working Group process and for whatever reason that tough decision had to be made, it was made. And, frankly, VIBS adopted to that decision. Now, would we want to give the money if it was available? Yes, we would. But I would object to finding another offset. I mean, I agree with the Presiding Officer that using this parking violations money before it even materializes is risky at best. But if you find another offset, you're still left with the same problem that you're taking one organization that's already gone through the entire process, had been fully vetted by the Working Group. The Working Group decided and the Omni passed to give this organization an additional \$18,000 over funding last year, which was an increase, which some organizations did not get. And at some point, you just have to draw that line.

I would not support it with another offset. I think that not supporting this particular standalone is not indicative of you not supporting VIBS or the great work that they do. We're giving them 558 -- \$558,000 this year, which is an increase over last year. They're just going to have to allocate and use their resources properly, just like we're doing right here. I mean, if we do it for VIBS, what about all the -- what about Parents for Megan's Law? What about all the other organizations?

LEG. KENNEDY:

Well, through the Chair. Look, Legislator D'Amaro, I agree with you that this is a tough process. We are -- I said it before, what's happening is all the fat is gone, we're starting to cut the bone. But I also rely upon the fact that agency executive directors do make the tough decisions that they make and this Executive Director took the time to come to see me specifically and she spoke about the flexibility, if you will, I guess, that her agency was able to employ in meeting its primary mission through the continuing funding of this program. Perhaps maybe there's some other area that she would agree to a reduction in; I doubt it. I also think that of that 550,000, a significant amount of that is pass-through funding. That's not all first instance County funding.

Nevertheless, you know, based on the fact that who knows what time it is because that clock's not right, I will take it upon myself to go back to the agency director, ask her to take a look at,

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substantiate and justify what her ask is. Also identify that 500,000 and to separate out what is pass-through and what is first instance County funding, and then if there's a valid reason to bring forward a budget amendment in January of 2013, I'll do so.

P.O. LINDSAY:

Okay. So --

MR. NOLAN:

It's Romaine's bill.

LEG. KENNEDY:

Withdraw it, I guess.

P.O. LINDSAY:

So we're going to let this one -- we're not going to skip over, we're going to vote on it.

LEG. KENNEDY:

Yeah, let it go.

P.O. LINDSAY:

Okay. All right, we have a motion and a second to Budget Amendment No. 11; am I right? Yeah. Roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes. Please list me as cosponsor.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not present).

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

I have to say yes.

LEG. GREGORY:

Not at this time, no.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay, so it fails. All right.

And *(Budget Amendment No.) 12* is conflicted; am I right?

MS. VIZZINI:

Correct.

P.O. LINDSAY:

Okay. Will you withdraw 12?

LEG. ROMAINE:

Yes. If it's conflicted, absolutely, Presiding Officer.

P.O. LINDSAY:

Yeah, okay.

LEG. ROMAINE:

So now I've only introduced two, not ten.

P.O. LINDSAY:

Okay. Very good.

LEG. ROMAINE:

As other Legislators have.

P.O. LINDSAY:

Very good, just to correct the record.

(Budget Amendment No.) 13.

LEG. BARRAGA:

Already taken care of in Omni 2, so it's conflicted and I'll withdraw it.

P.O. LINDSAY:

Thank you very much, Legislator Barraga.

And *(Budget Amendment No.) 14 adds \$30,000 in 2013 for the Long Island Gay and Lesbian Youth which is offset by increased revenue from TVB ticket fines.*

MR. NOLAN:

You need a motion.

LEG. GREGORY:

I' make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a second?

LEG. HAHN:

Second.

P.O. LINDSAY:

Second by Legislator Hahn. Anybody want to talk on the issue? Legislator Gregory.

LEG. GREGORY:

If I may. I know this organization, we went through discussions in the Working Group. The Executive Director of this agency did approach, I believe, all of us. They've reached out to me personally. This organization is the only organization of its kind that addresses this issue as it relates to gay and lesbian youth. There was a suicide recently just in Jay's district of a teen-ager. They go into the schools, they talk about bullying. You know, so that's why I'm putting the budget amendment forward, because it is one of a kind agency that addresses those issues, addressing this particular community.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

I certainly think that Legislator Gregory acted out of noble purposes. The offset is the same offset that I just got criticized for using. I guess it wasn't good for me, but it's okay for other things? I'm trying to understand the standard that people use in making their decisions.

LEG. D'AMARO:

Bill? Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to point out that when we gave Cornell an extra almost \$200,000, that was the same offset that we used there as well.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

So, you know, it's --

P.O. LINDSAY:

What's fair is fair.

LEG. D'AMARO:

I guess you're just balancing whether or not -- you know, how much you believe in your own personal belief, it's a worthy cause with some revenue that we haven't even realized yet.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

I think the offset at this point is becoming irrelevant because we already spent over \$200,000 of it anyway.

P.O. LINDSAY:

Okay. Anybody else? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, first of all, on the last one we did. Look, I'm sure in the year we could find more money for VIBS, that seems like a very important program and I'll certainly work to try to do that. This one I'm going to have to support. This group has been doing really good work in my district in the wake of that suicide, which seemed to directly relate to bullying. You know, as a matter of conscience, I'm going to support the work they're doing by supporting some additional funding for LIGLY.

P.O. LINDSAY:

Okay. And just to put it on the record, I'll be voting against this like I voted against the other two previous add-ons for contract agencies. I'd like to be consistent with this. Okay, roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. GREGORY:

Yes.

LEG. HAHN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not present).

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay, it fails.

Next *(Budget Amendment No. 15)*, adds \$10,000 to the Police Department's 2'13 for a program that addresses at-risk residents in the Wyandanch area which is offset by a like reduction for contract agency Wyandanch Youth Services, Inc. So it's --

LEG. GREGORY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Yeah. Motion by Legislator Gregory. And it -- Gail, this just takes it from one appropriation to the other, right?

MS. VIZZINI:

Yeah, the sponsor identified this as an offset.

P.O. LINDSAY:

Yes. I second that.

LEG. GREGORY:

Just so my colleagues know, Deputy Commissioner Risco-Lewis, she reached out to me. She's working in the Wyandanch community to address anti-gang efforts. She asked for much more money than this, I told her I wouldn't be able to do that. We found an offset in the Wyandanch Youth Services Organization which is in my district, so it's going to be going to serve the same communities. And I believe in the Deputy Commissioner's efforts to reduce recidivism, to reduce gang violence. She's actually having a call for gang members, I believe coming in the next week or two, which will be that -- the attention of that is to, you know, provide alternatives for gang life or you're going to get arrested. So she's been successful in programs in Nassau, she's bringing a lot of those efforts here to Suffolk and she's asking for monies to help in her efforts and this is what this -- the intention of this amendment is for.

P.O. LINDSAY:

Okay. Any other comments, questions? Roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not present).

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, it passes.

Next, *(Budget Amendment No.) 16, adds \$20,000 in 2'13 in the Police Department for supplies for auxiliary police officers. This expense is offset with a revenue increase of \$20,000 from the Traffic Violations Bureau ticket fines. While the volunteer police, auxiliary police officers receive all necessary clothing and accessories from the County and specialized equipment; holster, gun, new uniform, et cetera, is an out-of-pocket expense for the volunteer. The Police Department will be responsible for the fair and equitable distribution of these additional funds for existing and new auxiliary police officers use only.*

I didn't realize that we gave auxiliary police officers guns.

LEG. KENNEDY:

We don't.

LEG. GREGORY:

We do.

P.O. LINDSAY:

We do? Okay.

LEG. KENNEDY:

What do you mean we do?

LEG. GREGORY:

They carry --

LEG. KENNEDY:

Their own personal gun. We don't issue nothing.

LEG. GREGORY:

Right.

P.O. LINDSAY:

Oh. That's what this resolution's about.

LEG. GREGORY:

I'll make a motion for purposes of discussion.

P.O. LINDSAY:

You'll make a motion to approve.

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Is there a second?

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning for purposes of discussion. I'll let you go first, Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. We have 120 auxiliary police officers throughout the Police District. They're required to, at a minimum, volunteer 120 hours during the year. Some have their own personal weapons. They have to be certified through the Police Department to carry them. They have to pay for the bullets. All auxiliary police officers have to be suited with a vest which runs between 300 and \$600 that they pay for out of their pockets. If they are -- for instance, for a rain coat, any equipment they have to pay for other than the uniforms, which are uniforms that are donated to them from retiring or leaving personnel. And it's really just offensive that these personnel, they go out and they help us, for one, they help save overtime costs because they man our -- for instance, our parades, and it's a fact that it reduces overtime. I had an auxiliary police officer in my district, while on patrol, stopped a robbery. So they do patrols in our community. Actually, just two weeks

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ago on patrol, an auxiliary police officer found a marijuana field and reported it, it was actually in the news.

So they do tremendous work. They're volunteers. They actually needed probably in the neighborhood of 60,000, but 20,000, I think, is a good way, a good effort forward now to get them the supplies that they need. They do have a budget of \$5,000, which 80% of that is absorbed because the auxiliary police officers have to do finger prints, and that costs about three to \$4,000 a year. So you really have a budget of \$2,000 at max, at this point, that goes to them. They actually fall under the Office of Emergency Management. They're not with the precinct, even though they're stationed out of the precincts. So I ask my colleagues to support it. They can really use this money.

P.O. LINDSAY:

The only regrets I have is that we didn't -- at least I wasn't there if we did discuss this in the Working Group and -- because I would have liked to discuss this, because I think that if somebody volunteers their time, I think it's wrong that we ask them to go in their pocket to buy equipment that could certainly make the cases really vital to the safety of these people. And why I say that is we're raising the Police District tax. This is something that should be funded out of the Police District funding.

LEG. GREGORY:

But they actually fall under Joe FRES, they all under the Office of Emergency Management, which I don't understand.

P.O. LINDSAY:

Yeah, I know that. But, I mean, where they fall under as far as jurisdiction is one thing, but I'm sure we could have figured out a way of funding them through the police line, because I think that's where it really belongs.

LEG. GREGORY:

I just happen to have -- they invited me to one of their meetings at the end of the budget process. I told them that I would look at -- talk to Budget Review to see if there's monies available, that's why it wasn't brought sooner. But, you know, they're in desperate need of some assistance.

LEG. KENNEDY:

Can I talk for a second?

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

To the sponsor. Look, I couldn't agree with you more. The volunteers right here out of the 4th Precinct have been out working the gas lines, along with all of our law enforcement personnel. I would be happy to support, except I would ask you if you could amend -- I'll ask the indulgence of the Chair again. I'm concerned with funding that we would put in this that would support a weapons -- either weapons purchases or ammunition or things like that. Uniforms, testing, any of that kind of stuff, I'm a hundred percent in agreement with you on. And I do know, as a matter of fact, they have to go so far as to actually purchase the insignias and {epilets} for the various precincts, which they must wear when they're out on our behalf; that is unconscionable. But I do not support funding them purchasing ammunition for personal weapons.

LEG. GREGORY:

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No, that wasn't my intent. I actually just stated some of the costs that they have to incur as a volunteer. My intention is the department, with these monies, set up a voucher program so that when they -- they can go to the quartermaster, get uniforms and the supplies that they need, like a vest; instead of paying \$600, they can go to the quartermaster and get it or get uniforms or a raincoat. Certainly not weapons or bullets.

LEG. KENNEDY:

Okay. Fine.

P.O. LINDSAY:

Anybody else on this issue? No? Okay, roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. GREGORY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not present)

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

I think it should be taken out of the Police budget, but I'll vote yes. They shouldn't pay for it.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

(Budget Amendment No.) 17, reduces the recommended \$70 million sale lease-back by \$760,000. The offset for this action can be found in companion discretionary standalone Budget Amendment 18 which includes additional revenue of \$760,000 associated with \$10 visitation fees at the Suffolk County Correctional Facility.

Okay. Legislator Cilmi, do you want to --

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Is there a second?

LEG. BROWNING:

Can I get an explanation.

P.O. LINDSAY:

You want an explanation?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Legislator Browning would like an explanation, Legislator Cilmi.

LEG. CILMI:

This would simply charge a \$10 fee to visitors of prisoners in our jails. We had, in 2011, roughly 76,000 visitors come to our jail system. And, you know, it's quite costly, obviously, to maintain those facilities, and this was sort of a creative way to recoup some of that money, that's all.

**(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY
LUCIA BRAATEN - COURT REPORTER*)**

LEG. BROWNING:

Can I ask the question? So now some child -- and I hate to say it. I mean, some child is wanting to go visit their father or mother and we're going to charge them now to go visit their parent? I mean, granted, it's the -- the parent is the bad person, not the child. I'm a little concerned about that.

P.O. LINDSAY:

We still don't have a second. Is anybody going to put --

LEG. MURATORE:

I'll second it for discussion.

P.O. LINDSAY:

All right. Legislator Muratore is seconding it. Any other comments, questions? Legislator -- Sarah.

LEG. ANKER:

I think it's very creative, but, again, you're talking about a very emotional circumstance where, whether it's a child, or a mother, or a father, or whoever, a relative, a boyfriend, girlfriend, and that person in jail is probably desperate for some type of communication. And it just provides a more difficult situation. You know, it almost gives another reason why, you know, the person may not be able to visit. And I know it's only \$10, but say 10 visits, that's \$100, you know. And, unfortunately, I think a lot of these folks in jail, you know, there's some fiscal issues there.

So I admire your ability to go in the creative realm, but I just don't think this is appropriate.

P.O. LINDSAY:

I just have a question of Legislator Cilmi about what is this money going to be used for?

LEG. CILMI:

It reduces -- the offset reduces the 70 million dollar sale leaseback amount.

P.O. LINDSAY:

Oh, okay. So it isn't 70 million now, it's 69 and change?

LEG. CILMI:

Correct.

P.O. LINDSAY:

Okay. Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I was just curious. This is to the sponsor. One is do we know of other areas that are charging people to visit prisoners. Two is, were there any studies showing how this would affect recidivism rates? And three, where is the Sheriff on this? Is the Sheriff in favor or opposed to this type of a thing?

LEG. CILMI:

No, no, and Chief Sharkey's here, but I haven't had any conversations with him relative to this bill.

LEG. SCHNEIDERMAN:

Yeah. So you don't know of anywhere else -- you came up with this idea on your own. It --

LEG. CILMI:

Well, actually it's not my idea, to be perfectly frank with you. This came out of the public hearings that I had that allowed our employees to come forward with suggestions. I thought it was an

interesting --

LEG. SCHNEIDERMAN:

It's just --

LEG. CILMI:

I thought it was an interesting suggestion, so I put it in.

LEG. SCHNEIDERMAN:

No, it is interesting. It just seems to me, ethically, that, you know, the courts impose a penalty on these individuals for whatever crime they've committed. Now we're creating a barrier, in addition to that penalty, for their loved ones to see them, which in many cases could be a real hardship. That seems to me an additional penalty that we're imposing, and it just seems to me that judges ought to impose the penalties, not us.

P.O. LINDSAY:

Okay. Legislator Browning. Oh, I'm sorry, Legislator Romaine was before you.

LEG. ROMAINE:

I'm not a particularly religious person, but I do believe reading in the New Testament, "I was in prison and you visited me."

LEG. CILMI:

Ten bucks.

*(*Laughter*)*

It doesn't speak to the fee, though.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

No, that's okay.

LEG. ROMAINE:

I said it.

LEG. BROWNING:

He said it all.

P.O. LINDSAY:

Yeah, it's hard to top that, yup. Anybody else? Okay. Roll call.

(Roll Called by Mr. Laube, Clerk of the Legislature)

LEG. CILMI:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

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No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. MONTANO:

(Not Present)

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

I don't think this is compassionate conservatism. No.

P.O. LINDSAY:

No.

MR. LAUBE:

Two. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. But, you know, we probably should have -- we actually voted on 17.

LEG. CILMI:

Right.

P.O. LINDSAY:

That wasn't 18. That didn't have anything to do with the visitation.

LEG. CILMI:

So 18 is withdrawn because there's no offset.

P.O. LINDSAY:

Okay. Thank you very much. 19 is conflicted, so will you withdraw that, 19 and 20?

LEG. CILMI:

Yeah, I'll withdraw 19 and 20, but let me -- in so doing, let me just thank our Budget Review Office. In crafting a number of these resolutions, they worked very hard with me, and we went back and forth a number of times. I know how hard they worked on the omnibus and all of our requests, so I just wanted to express my appreciation.

P.O. LINDSAY:

Well, I think some of that work is not for naught, because the fingerprinting fees and stuff like that is something that I think in '13 we're going to have to take up. Because if the Administration is serious about creating an effective Taxi/Limousine Commission, fingerprinting is a big part of that and fingerprinting the drivers. And that was one of the stumbling blocks of why we didn't do it before is it's a lot of work. But, anyway -- so 19 and 20 were both withdrawn.

21 adds \$6,000 in 2013 to The Retreat, Incorporated, which is offset with \$6,000 in General Fund revenue from fines for failure to remove double poles, as authorized by Resolution 810-2012. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion. Is there a second?

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. SCHNEIDERMAN:

And on the motion. So in the Working Group, domestic violence prevention was one of our -- you know, one of our target areas for helping, and generally did reach 2012 levels. This is one group that didn't, it fell a little bit short in one of the three lines.

And I'm sure you'll be happy I used a different offset other than TVB. You know, we did pass a bill on double poles, \$1,000 per pole per month. So this would amount to basically six poles for one month. I think it's certainly reasonable. Hopefully, we'll see significantly more revenue come in from this bill. And I would love to see some of it dedicated for domestic violence prevention. And this group does tremendous work. Their caseloads have gone through the roof with the recession, and I'd love to see the support to give them \$6,000 additional.

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P.O. LINDSAY:

Okay. Anybody else on the issue? Nope? Seeing none, roll call on 20.

(Roll Called by Mr. Laube, Clerk of the Legislature)

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

21, excuse me.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Out of an overabundance of caution, I'm just going to recuse.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not Present)

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

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No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven. (Not Present: Leg. Montano)

P.O. LINDSAY:

And then we have one, two, three, four, five amendments by Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Mr. Presiding Officer.

P.O. LINDSAY:

Actually, seven.

LEG. D'AMARO:

If I may, Budget Amendments Numbers 22 through 31 inclusive I'd like to withdraw, they're redundant.

P.O. LINDSAY:

Thank you very much. You're the hero of the morning.

32 is by me, which revises the breakdown of property tax items between the per parcel benefit charge and property tax levy in the Southwest Sewer District to reflect updated information on the number of parcels and assessed valuations. Somebody had --

MR. NOLAN:

Budget Review.

P.O. LINDSAY:

Yes.

MR. LIPP:

Right. That was a good resolution that you sponsored here.

P.O. LINDSAY:

Oh, thank you.

MR. LIPP:

Oh, okay. So, basically, all it is it redistributes the revenue in terms of the user fee for per-benefit charge and the property tax based upon updated numbers. The recommended budget didn't have those data when it came out, so it's a pro forma resolution just to correct it.

P.O. LINDSAY:

Okay. So I'll make a motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Everybody all right with it? I'm not going to call a roll on that one, all right? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

And 33 increases Red Light Camera administrative fee revenue by 2.85 million and the TVB ticket fine revenue by two million in 2013 to provide 4.85 million in appropriations to personnel and supply lines in Fund 632, the John J. Foley Skilled Nursing Facility.

LEG. KENNEDY:

I'm going to make a motion to approve on this, Mr. Chair.

LEG. BROWNING:

I'll second.

LEG. KENNEDY:

And on the motion, I will put this forward simply because, as I pointed out, and as was discussed in the Budget Working Group, the amount of funding that's included in 2013 Operating for John J. Foley, even if it was to be wound down in accord with the State requirements, is nowhere near sufficient to fund personnel, buy meals, buy medications, or to do anything with what had been this patient population of about 195 residents. We're now in excess of about 205, and we have about 80 refugees that are there at this point, people displaced out of homes from every district.

So I put it forward just as a reasonable and responsible measure associated with keeping our facility open. Our operation of our TVB is unknown at this point, but I do believe that it will be very successful. Our County Executive is working hard and to put in place the operations for it, and I think it's a responsible offset.

D.P.O. HORSLEY:

Okay. Is there a second on that motion?

LEG. BROWNING:

I did.

D.P.O. HORSLEY:

You already did? Okay, Kate seconded. Lynne, would you like to speak on this?

LEG. NOWICK:

Yeah. No. I've just had some questions that are haunting me about this, and I think it's more questions for the County Executive's Office. Did they jump ship? There you go. I have been asking this question a few times, and this is as good a time as any, and this would influence my vote. From what I understand, we sold the nursing home, but there's a possibility we don't sell the nursing home because there's a lawsuit. Did I also understand that layoff notices did go out, or is that not --

MS. CORSO:

Yes, they did.

LEG. NOWICK:

How many?

LEG. BROWNING:

Lynne, yes, they did.

LEG. NOWICK:

Thank you.

MS. CORSO:

Yeah. I don't know the number.

LEG. NOWICK:

How many?

MS. CORSO:

I don't have the number with me.

LEG. NOWICK:

Do you have the answer?

LEG. BROWNING:

Yeah. One day last week, and I believe they're continuing to receive them.

LEG. NOWICK:

Okay. Connie, here's my question: It's November -- I've lost track -- 7th? Yeah, okay. Layoff notices have gone out. We don't know if the Nursing Home is closing or not closing, or is closing, from what I'm understanding. But are the patients all placed by now, or in the process, or is it the intention of the County Executive and staff to -- by December 31st to have that building empty and every patient placed in a different facility? Is that where we're going?

MS. CORSO:

I'm going to hand this to Fred.

MR. POLLERT:

What the expectation is, is that we will continue with the sale option, because that keeps the patients in their beds, and it also provides revenues to the County. We are hopeful that we're going to be moving in that direction. A contingency plan, if that does not go forward would be to consider closing of the Nursing Home. But, at this point in time, we have an agreement with the Nursing Home individual that was willing to purchase the Nursing Home, so it's our hope to move ahead with that.

LEG. NOWICK:

But, Fred, budgetarily and realistically, because there is, and it's no secret, a lawsuit, can you go ahead with the sale without determining whether the lawsuit has been approved or disapproved, or whatever the -- what I want to know is, is it -- is it for real, I mean, or can -- or if it has to continue running in January, then, in fact, we need this money, so -- and you're saying we're assuming that it will go forward with the sale, but in my eyes, if there's a lawsuit, are you precluded? Is there a stop order, or whatever it is, that -- an injunction, or whatever the wording is? The attorneys would know.

MR. POLLERT:

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You know, clearly one of my concerns is talking about things with pending litigation, so I don't know if this needs to be done in Executive Session or not.

LEG. NOWICK:

No, I don't want to talk about the litigation --

MR. POLLERT:

You shouldn't, right.

LEG. NOWICK:

-- because that's been in Newsday, actually probably before I knew about it, but we all know there's litigation. My question is, and I'm sure it's not Executive Session, it would probably be Law 101, if there is -- if there is a litigation, does the sale then stop? Does anybody know that answer? That --

D.P.O. HORSLEY:

Ms. Nowick, maybe we can have Counsel address that.

LEG. NOWICK:

Yeah, anybody that would know this.

D.P.O. HORSLEY:

Okay. Counsel?

MR. NOLAN:

My understanding is the lawsuit has been initiated. There's no injunctive relief or restraining order stopping anybody from doing anything. However, from a practical point of view, the fact that there is litigation outstanding, it may present -- may -- an obstacle to finalizing the deal. But there's no legal impediment to stop the County from moving forward, but, you know, the buyer may be unwilling to move forward until it's resolved or -- but I'm just speculating, but that's where it is right now as far as I understand.

LEG. NOWICK:

Well, would a Judge not say stop everything until we determine the answers for this, until we determine the case? I mean, I don't know. You're the attorney.

MR. NOLAN:

A Judge might. There's a test that a Judge would apply in terms of the likelihood that the plaintiff is going to succeed ultimately on the merits, whether there's irreparable damage to the plaintiffs if the sale goes through before the case is decided, but that would be up to a Judge. I don't know that anybody's asked for that, for relief yet. Certainly, it has not been granted at this point.

LEG. NOWICK:

So it is rather iffy. And here's my problem with this, then: We don't know. That Nursing Home might be open come January through March, we don't know. So would it not be prudent to put money away just in case, because that's -- that's what I'm thinking, we don't know the answer.

MR. NOLAN:

That one I can't answer for you.

LEG. NOWICK:

Yeah. Okay. Thank you.

D.P.O. HORSLEY:
Legislator Calarco.

LEG. CALARCO:

Yeah. And I kind of want to piggyback on what Legislator Nowick was talking about. Would this proposed sale, even if the lawsuit wasn't in existence and a potential issue, I mean, where are we in this process? Has the purchaser gone to the State Health Department to get his -- to apply for his Certificate of Need, I believe is what it's called, to be able to operate the home? I mean, is it realistic for us to even expect that the sale will close before the end of this year, or are we going to have to look at keeping it open for a couple of months in order to effectuate that process? Is there anybody here from the Administration or anyone who could answer that? I think this was something BRO did mention in their report. Nobody? Fred?

LEG. SPENCER:

Could I -- this was a question, Rob, that I also had. My understanding was that, or the information that I received, and I guess Fred could probably address it better because I was addressing it with him, was that for every month that we go into the new year, it's about a million dollars a month.

The nature of the Nursing Home, and I have to support this from the standpoint that as a physician, and again, this -- I understand the budget implications, but we have a responsibility to make sure that we plan ahead to protect the patients and to -- it's already November 7th, and to not have a plan of reasonable funding for next year I think would be irresponsible, and especially in this particular type of case, because we're dealing with health. So I think it's extremely important to support this.

D.P.O. HORSLEY:

Okay. Thank you, Doc. Were you finished, Legislator Calarco?

LEG. CALARCO:

Well, I guess I'm not going to get an answer to the question, but I think that's the relevant point here. I mean, it doesn't seem like we're going to be in a position to close the sale before the end of this year. And, I mean, just closing the facility doesn't seem to be the intelligent option either, because it kills the whole point, you know, the whole point of the sale, you lose that certificate. So I think we've got to find some money to keep it running for a couple of months here.

D.P.O. HORSLEY:

Hang on one sec. Gail, did you want to speak to this? Possibly that there were monies in the budget itself for the continuation through -- that you anticipated that there would be a time period; is that true?

LEG. KENNEDY:

No, absolutely not.

D.P.O. HORSLEY:

Hang on a second.

LEG. CALARCO:

Gail, wasn't -- her report said no, that's the problem.

LEG. KENNEDY:

They underfunded everything.

D.P.O. HORSLEY:

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Shh.

MS. VIZZINI:

Talking about the 12 million dollars in the General Fund?

D.P.O. HORSLEY:

Yes, that's what I was talking about.

MS. VIZZINI:

The way the budget is constructed is it anticipates the sale, it anticipates the proceeds. And if it were to go through, then the General Fund is balanced from a transfer from the Nursing Home. The Nursing Home is paying back the General Fund 12 million dollars.

If the sale is delayed, it is very likely that that 12 million dollars, which is -- you know, would be drawn down upon, let's say we had to run the Nursing Home another month, but there would be a shortfall in the General Fund. But say it costs two million dollars to run it for a month, then the Nursing Home would only be able to transfer 10 million to the General Fund. So the General Fund will take the hit until the issue is resolved.

D.P.O. HORSLEY:

So, in other words, there will be monies, then, to keep it open until the sale is finalized?

MS. VIZZINI:

The first order of business, from a budgetary perspective, and we have touched upon this with the Budget Office, would be to reduce that transfer to the General Fund. You create a hole in the General Fund.

D.P.O. HORSLEY:

Okay.

LEG. CALARCO:

So every month that we have to continue to operate the Foley Center moving forward under the current budget will be a deficit for us?

D.P.O. HORSLEY:

A loss of revenue, yes.

MS. VIZZINI:

Yeah.

LEG. CALARCO:

Because it's going to eat into the 12 million dollar revenue that we're supposed to be bringing in. So it's going to end up being a -- continuing to create a deficit for us if we don't find money in our budget for next year in contingency in case we have to continue to operate the facility beyond the end of this year.

MS. VIZZINI:

It will create a deficit, yes.

LEG. CALARCO:

Okay.

D.P.O. HORSLEY:

Okay?

LEG. CALARCO:

Well, then I guess we got to find the money.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. And the other thing, Gail, that we need to acknowledge here is, is that by continuing to have the facility open, does --

P.O. LINDSAY:

John. John, I'm just going to interrupt you. I don't know whether it's appropriate that you should address this issue with your standing in this court procedure. I for one object to it. I think it's -- I don't think it's proper.

LEG. KENNEDY:

I'm a Plaintiff, Mr. Chair, but I was only speaking to the fiscal perspective, which is there are revenues that are generated that would go to 632 that are not identified in the budget. So to characterize it as a loss only is not accurate.

LEG. D'AMARO:

This is -- this is --

P.O. LINDSAY:

He should not be talking.

D.P.O. HORSLEY:

Okay.

P.O. LINDSAY:

He should not be talking.

D.P.O. HORSLEY:

Counsel's advising us that you should not be speaking --

LEG. KENNEDY:

Okay.

D.P.O. HORSLEY:

-- on this issue.

LEG. D'AMARO:

I mean, this is applying pressure in the context of litigation. A budgetary matter is certainly -- John, I just have to tell you, I don't think it's appropriate, you know.

D.P.O. HORSLEY:

Counsel agrees with you, Legislator D'Amaro.

P.O. LINDSAY:

This whole thing is uncomfortable for us all, anyway.

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D.P.O. HORSLEY:

Okay. Is there any further comment from the Administration on this issue? No? Legislator D'Amaro.

LEG. D'AMARO:

I just want to say that, you know, we've been discussing Foley at length for as long as I've been here, but it's -- there is an issue out there of whether or not the Nursing Home is going to actually close by December 31st. I know the Administration is trying to meet that goal. There is litigation in place which creates more uncertainty. But I would say we have a balanced budget. This is an issue that if the courts are forcing us or the litigation is forcing us to go into the new year, then we're going to have to work cooperatively with the County Executive to find this funding. But I just don't think this is the time to do it, especially in light of the fact that there's litigation pending. I mean, we're sitting here having this debate about what-ifs.

D.P.O. HORSLEY:

Funding what-ifs, that's right.

LEG. D'AMARO:

Funding what-ifs, it's all unknowns. And in the context of litigation, I think at a minimum we should be in Executive Session if we're going to discuss this further.

D.P.O. HORSLEY:

I think you've got a valid point. Counsel, what do you feel about this?

MR. NOLAN:

In terms of the -- of the two --

D.P.O. HORSLEY:

Should we be discussing this, one? Should this -- secondly, should we be in executive decision -- Executive Session if that was the case?

MR. NOLAN:

I don't think we have to go into Executive Session. I think we're talking about funding the Nursing Home for a couple of months next year.

I think it would be best if the Legislators who are Plaintiffs in the lawsuit didn't speak on the record, but they really don't have a conflict of interest in my opinion, per se. They personally are not benefitting from anything. They're taking a position in favor of continued funding for the Nursing Home. I think they can introduce that type of resolution, I think they can vote on it, but I think they need to exercise discretion as well, and maybe low-profile it in terms of the debate.

D.P.O. HORSLEY:

Okay.

MR. NOLAN:

But I think they can go forward. I don't think it's a conflict of interest for them to vote on this.

D.P.O. HORSLEY:

Okay. Thank you very much, Counsel. Is there anything from the Administration they would like to say on this matter? Mr. Schneider, I see you walked in. Are you prepared to speak on this?

LEG. SCHNEIDERMAN:

No.

D.P.O. HORSLEY:

No?

P.O. LINDSAY:

No.

D.P.O. HORSLEY:

Okay.

P.O. LINDSAY:

I want to say something.

D.P.O. HORSLEY:

Sure.

P.O. LINDSAY:

I'm not going to be supportive of this, and I'll tell you the reason why, is I don't want to give any false hope to the people that work there or who live there.

This amendment could be construed that we're supporting the Nursing Home staying open again. And, you know, guys, we've been debating this for years, and this back and forth is, if nothing else, it's cruel and unusual punishment for the people that work there and live there, you know, on where their lives are going to be.

And, you know, this body, right, wrong, or indifferent, voted to sell the place, not because we wanted to sell the place, but because of the fiscal times that we live in, and that we determined this way back as last year that we could not afford to continue funding it, and this year was the dead end, and we stuck to what we said last year. So I am opposed to funding it any further or to passing this, because I don't want to give a false impression to the people that rely on the Nursing Home.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

And, Mr. Presiding Officer, thank you very much for that statement, and I agree, and that's on a very compassionate level that you say that. But it's also that if -- the reality is if we're in litigation and we have to face funding this lawsuit, there will be other options available to us; that I don't think that we should be debating here and now in the context of passing this budget for next year. This will be part of the -- one of the issues that we'll be facing in the new year, but it's not a part of this budget today.

I mean, we're sitting here and debating whether or not to pass an amendment and spend money that we don't have yet in anticipation of what a court may or may not do. I don't think that's appropriate to be doing it in the context of passing a budget right now, I think we'll face that after the new year.

D.P.O. HORSLEY:

Thank you. Thank you very much. Legislator Spencer.

LEG. SPENCER:

I, obviously, agree with my Presiding Officer and Lou, I understand those points. My concern is,

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regardless of the fiscal implications and the lawsuits and things that are going on, it is November 7th and we are talking about people's lives. We're talking in six weeks, and I just feel that we have to be responsible to know -- it may be false hope. We know what we have to do. We know that it's closing, we know that we've defunded, it was gut-wrenching, but for us to not plan for six weeks from now to know that there is funding to supply patients' basic needs, I have a real concern with that and I have to support it.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Calarco, and then Legislator Gregory.

LEG. CALARCO:

Yeah. I mean, I don't think we're talking about an issue of whether or not somebody is supportive of the sale or not supportive of the sale on this issue, it's a matter of an orderly transition period. I have -- at this point, I don't have any faith that the sale is going to go through irrespective of the lawsuit by the end of this year. I just don't think that the timing is right in terms of getting all of the things that need to be done with the State in order to effectuate that. And if that's the case, then we need to have an alternative to keep the facility up and open and operating in the meantime. I mean, Legislator Spencer is correct, this is just for the safety and the well-being of those patients.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Gregory.

LEG. GREGORY:

I will not be supportive of this. I, for one, think it's premature. The court case hasn't even been heard yet. I just spoke with Legislator Kennedy, who said the hearing is scheduled for November 14th. I think once the court hears the initial arguments, then maybe after -- certainly, after that point, it should -- we should make some determination about, or consideration about funding it for the next year. But there's too many variables up at this point to adjust our budget for a possibility of next year without the -- without even having the initial input from the court hearings. So I will not be supporting this amendment.

D.P.O. HORSLEY:

Thank you, Legislator. And, again, we can amend the budget come January. Legislator Hahn, and then Fred.

LEG. HAHN:

Yeah. I kind of -- I agree with DuWayne, and then it just kind of feels like these are -- you know, we're just kind of increasing revenues in the -- to the sky just to -- in the case. Like, if you were putting in some real revenue here, I just don't know that this is real stuff, budget -- I mean, it just feels kind of like, "Well, let's just increase another revenue line based on nothing and say it's for Foley." I don't feel good about that.

LEG. KENNEDY:

Mr. Chair.

D.P.O. HORSLEY:

Okay. Legislator Schneiderman is next, and then I got Fred.

LEG. SCHNEIDERMAN:

Well, thank you, Legislator Hahn. I mean, the TVB money, it's speculative. We don't know that it exists or is going to exist, we haven't even set up the Bureau yet; it might. We also don't know what the courts are going to do. They may support the County's position, they may not. If they don't and the money exists, I suppose we could offset it at that time.

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But, as the Presiding Officer mentioned, he didn't want to give a false impression to the workers. Well, I also don't want to give a false impressions to the courts. You know, somebody is going to be looking at this and saying, "Well, they voted to close it, but they also voted to fund it." I think that confuses it, I really do.

And I understand a couple of Legislators here are Plaintiffs and puts them in an awkward situation. It puts all of us, in a sense, in an awkward situation, but they're doing what they believe is the right thing for the County. But we did make a decision here, a hard one, to close it, and if it gets reversed in the courts, we'll figure out how to fund it. I think that's the proper way to approach this, not to jump the gun, so to speak, and indicate that we don't believe our position is supportable in the courts. I think it's a real mistake.

D.P.O. HORSLEY:

Thank you very much, Legislator. On advice of Counsel --

LEG. KENNEDY:

Do I get --

D.P.O. HORSLEY:

You know, it's up to you, John, if you want to do -- you want to speak, then I will have Fred.

LEG. KENNEDY:

I have a great deal of things to say on this, but I will limit my comments only to I filed the resolution for the purposes of identifying a realistic budgetary source for operating into the new year.

As Dr. Spencer has filed and Legislator Calarco, it is a physical impossibility, even if there was no lawsuit, to consummate this transaction. The Certificate of Operating Use has not even been operated by the Town of Brookhaven yet, and a hearing has been held over to November 13th, and the likelihood that that's going to issue is highly questionable.

That being said, today there's \$280 of reimbursement that issues for every bed that's filled in that facility, and with almost 100 displaced people, the FEMA reimbursement will be significant as well. So there's revenue that comes in following provision of service, but you have to indicate a responsible expenditure code to go against to buy the four-by-fours, and the oatmeal, and the chucks, and everything else it takes to run a nursing home. That's the reason I put it forward. It's got nothing to do with trying to game up a lawsuit or to go ahead and revisit some message to a court. The lawsuit's based on law, that's it.

D.P.O. HORSLEY:

Thank you very much, Mr. Kennedy. Mr. Pollert would like to -- Fred, would you hang on one sec? I just wanted to take Legislators first. Legislator D'Amaro.

LEG. D'AMARO:

Legislator Kennedy, I have to say that because in your mind you're doing this for the right reason and not in the context of litigation does not negate the fact that there's a conflict here. It's irrelevant whether or not to your inquiry of whether or not you're conflicted out from participating in this debate, whether or not this facility will close, be sold by the end of the year, it's irrelevant. The fact is you're a plaintiff in litigation that seeks to keep the facility open, and that's exactly what this funding would do. And I really think, with all due respect, and, you know, I just think you should watch the conflict here.

D.P.O. HORSLEY:

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Okay. We're all on the record. Mr. Pollert, would you like to come up now? See, I won't even cut you off, no matter what.

MR. POLLERT:

Yes. Just to assure the Legislature, that there are appropriations in Fund 632 for 2013. They included funds for the run-out of Legacy costs. There will be continuity of care for all of the residents in the Nursing Home. There will be no displacements. Whatever is done will be done in an orderly fashion. We will use those appropriations to continue continuity of care. There should be no fear on the part of the Legislature that anything precipitous is going to be happening on January 1st with respect to the care of the residents in the Nursing Home.

D.P.O. HORSLEY:

Thank you very much, Mr. Pollert. Okay. I think that we've pretty well talked this out. Why don't we have a vote on this?

LEG. SPENCER:

I'm --

D.P.O. HORSLEY:

Okay. I'm sorry, I didn't see you.

LEG. SPENCER:

My whole reason to support it was to just make it very clear that on December 31st, I don't want there to be any chance that there would be any sort of disruption to any treatment, any care, any food. So what you're telling me, Fred, that these patients --

D.P.O. HORSLEY:

Come back up, Fred, and answer this question for Dr. Spencer.

LEG. SPENCER:

That the Nursing Home, under no circumstance, will we have a situation because of lack of appropriation of funds, that any patient will suffer in any way whatsoever, that there will be no disruption of service, that they will be funded if I don't support this?

MR. POLLERT:

That is correct. The budget will continue to fund the operations that are required for the residents.

LEG. SPENCER:

Under all circumstances, period.

MR. POLLERT:

Under all circumstances, period.

D.P.O. HORSLEY:

Okay?

LEG. SPENCER:

Okay.

D.P.O. HORSLEY:

All right.

LEG. CALARCO:

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Fred.

D.P.O. HORSLEY:

Fred, we still have one more question here from Legislator Calarco.

LEG. CALARCO:

Fred, if you could, under what budget line are we going to take the money for that? Because I'm looking at Budget Review's report, and I've read this a few times, and they say we have no money in there for fees for services, we have no money in there for food, no money for laundry services. We could cover -- there is a provision for us to cover the employee expenses, but there's no provision for us to cover all of the other expenses that come with running the facility. So what line is that money coming from that you're claiming you're going to have?

MR. POLLERT:

The appropriations were included within the 2013 Operating Budget. The Department Head puts in a budget request to transfer the money from the various line items into the food line item, so on and so forth, and expenditures are then made. So, with the acquiescence of the Health Department, the funding can be moved around.

LEG. CALARCO:

So they're going to have to pull that money out of other lines within the Health Department, is that what you're saying?

MR. POLLERT:

No, within the Nursing Home. We included several million dollars worth of appropriations.

LEG. CALARCO:

Mr. Lipp, do agree with that? Is that accurate, because that's not what I'm reading in your report.

MR. LIPP:

Okay. Well, there are a couple of things. Number one, it's possible some of the funding could be moved around from other areas, that being -- and assuming that's not the case, you have over a 12 million dollar transfer in closure, which would assume that that would take place at the end of this year. If it didn't take place, you'd need about two million a month. So two million of the 12 million each month, that would buy us a half a year. Beyond a half -- so what we're talking about is a 12 million dollar deficit in theory at a half a year.

LEG. CALARCO:

But where is that -- where is that two million a month coming from?

MR. LIPP:

There are appropriations that would allow -- instead of the Nursing Home transferring as an expenditure the 12 million and change to the General Fund as a revenue, which is the case in the adopted budget, it would have to not transfer that money, and we would have a shortfall of over 12 million.

LEG. CALARCO:

But that 12 million in revenue is not coming until the sale is consummated, correct?

MR. LIPP:

That would be a shortfall in the General Fund budget of over 12 million, correct, and that would be just for a half a year, assuming that it would take a half a year to litigate.

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LEG. CALARCO:

So we're just playing budget gimmicks in order to come up with that two million a month to run the facility.

MR. LIPP:

I wouldn't say -- no, it's not a -- I wouldn't call it a budget gimmick. I understand what you're --

LEG. CALARCO:

Well, we're spending money we don't have.

MR. LIPP:

Well, we have the appropriations, is the point.

LEG. CALARCO:

Okay.

MR. LIPP:

We could spend up to that amount.

LEG. CALARCO:

All right. Thank you.

D.P.O. HORSLEY:

Okay? Very good. All right. Are we all set? Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature)

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

He's recusing.

MS. ORTIZ:

Schneiderman?

LEG. SCHNEIDERMAN:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

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LEG. CALARCO:

Yes.

LEG. MONTANO:

(Not Present)

LEG. SCHNEIDERMAN:

Rick, are you voting on --

P.O. LINDSAY:

He just walked in the room.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Romaine is recusing?

P.O. LINDSAY:

Yeah, I'm pretty sure.

MS. ORTIZ:

Montano?

P.O. LINDSAY:

Do you want to vote, Rick?

LEG. MONTANO:

No.

LEG. SCHNEIDERMAN:

You abstain?

LEG. MONTANO:

They need ten votes. I'm not abstaining, I'm not here.

LEG. SCHNEIDERMAN:

Oh, he's not here.

LEG. MONTANO:

I'm not in the Legislature, I'm in the back.

P.O. LINDSAY:

He's not in the Legislature?

D.P.O. HORSLEY:

He's busy.

MR. NOLAN:

Not present.

MS. ORTIZ:

Six.

D.P.O. HORSLEY:

Okay. It fails. All right.

P.O. LINDSAY:

The next up, we have a vote on *I.R. 2046 - Delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$410,000,000 in Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of collection of taxes levied for the Fiscal Year Commencing January 1, 2013, and to prescribe the terms, form and contents, and to provide for the sale and credit enhancement of such notes.* I'll make the motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. On the question? Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Next, *I.R. 2011 - Amending the 2012 Capital Budget and Program, and appropriating funds in connection with the construction of the traffic and Parking Violations Bureau (CP 6409).* And I'll make that motion.

D.P.O. HORSLEY:

Second.

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P.O. LINDSAY:

Second by Legislator Horsley. On the question? Seeing none, all in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. And 2011A, the accompanying bond resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk of the Legislature)

P.O. LINDSAY:

Yes

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Pass.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. MONTANO:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, passed. Next, *Procedural Resolution 16 of 2012 - Apportioning Mortgage Tax by: The County Treasurer.*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. On the question? Seeing none, all in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. CALARCO:

Cosponsor.

LEG. SCHNEIDERMAN:

Yeah, I'm cosponsoring it, too.

P.O. LINDSAY:

Okay.

MR. NOLAN:

We got one CN.

P.O. LINDSAY:

We got one CN. Where is it, in here?

MR. NOLAN:

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Yeah, 2063.

P.O. LINDSAY:

We have one *CN, 2063 - Authorizing emergency barrier island repair agreements between the County of Suffolk and New York State Department of Environmental Conservation.*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Everybody got the reso? Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. I'm going to make a motion to set the following public hearings for November 20th, 2012, at 2:30 P.M., in Hauppauge:

2016, I.R. 2020, I.R. 2023, I.R. 2026, I.R. 2027, I.R. 2041, I.R. 2061, and I.R. 2062, and 2064.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Motion to waive the rules and lay on the table the following late-starters: I.R. 2062 will be assigned to Health. 2064, right?

MR. NOLAN:

Right.

P.O. LINDSAY:

Will be sent to Government Operations, Personnel. And 2065 will be assigned to Ways and Means, and 2066 to EPA.

MR. NOLAN:

Seconded?

D.P.O. HORSLEY:

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Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. I'll accept a motion to adjourn.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, second by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion to drive carefully.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? We stand adjourned.

*(*THE MEETING WAS ADJOURNED AT 2:36 P.M. *)*