

BUDGET AND FINANCE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Budget and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on May 5, 2015.

Members Present:

Legislator Lou D'Amaro - Chairman
Legislator Monica Martinez - Vice-Chair
Legislator Tom Cilmi
Legislator Steven Stern
Legislator Robert Trotta

Also In Attendance:

Presiding Officer DuWayne Gregory - District No. 15
George Nolan - Counsel to the Legislature
Jason Richberg - Chief Deputy Clerk/Suffolk County Legislature
Robert Lipp - Director/Budget Review Office
Connie Corso - Budget Office
Lynne Bizzarro - County Attorney's Office
Debbie Harris - Aide to Legislator Stern
Bill Shilling - Aide to Legislator Calarco
Justin Littell - Aide to Legislator D'Amaro
Greg Moran - Aide to Legislator Trotta
Katie Horst - County Executive's Office
Dr. Jim Hayward - Applied DNA Sciences
Michael Nizich - Applied DNA Sciences
Ted Nieves - Deputy Inspector/SCPD
Colleen Merlo - SCCADV
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Kim Castiglione - Legislative Secretary

*(*The meeting was called to order at 10:07 a.m. *)*

CHAIRMAN D'AMARO:

Please rise and join the committee in the Pledge of Allegiance led by Legislator Martinez.

Salutation

CHAIRMAN D'AMARO:

Thank you. Okay. Looking at the agenda this morning, the committee has not received any correspondence. We'll go right to public comments. I have received two cards this morning. If you'd like to address the committee, please see the Clerk and hand in one of these yellow cards. I'll call the first person is Michael Nizich.

MR. NIZICH:

I have to make an apology. When I first came in this morning they asked me to fill this out. We're on the agenda for something else.

CHAIRMAN D'AMARO:

Okay, so you choose not to address the committee? We're just going to address it under the resolution. This is your opportunity to address the committee.

MR. NIZICH:

Okay.

CHAIRMAN D'AMARO:

Okay. Not to say that you won't be asked to come up and answer questions at that time, but this would be the time to present your point of view. So if you'd state your name for the record, please.

DR. HAYWARD:

Sure. My name is Dr. Jim Hayward. I'm the CEO of a public company here on Long Island called Applied DNA Sciences.

CHAIRMAN D'AMARO:

Okay, welcome, and you'll have three minutes to address the committee. Go ahead, please.

DR. HAYWARD:

Sure. Applied DNA has developed a home asset marketing strategy that has been deployed globally, in particular in Europe. It uses the native DNA sequences of botanical plants as its origin and from there develops a DNA mark that can be applied and stays associated with a valuable that can be marked in a home. And as a consequence of that mark, which is readily screened rapidly on the spot by police, stolen or lost items can be located by law enforcement and returned to the owner. But because of the fact that they are marked with what amounts to forensic evidence, and our evidence has been used so far, for example, in London in nearly 100 cases and in all 100 cases amounted to a conviction. So that evidence points to the fact of the original provenance of the item that has been marked and allows the item to be returned to its original owner.

Of course, the integrity of that supply chain and the valuable in court and to the police makes this also a tremendous deterrent to home invasion and burglaries, and we have seen in the communities throughout Europe in which this has been deployed, a dramatic reduction in burglaries and home invasions. And having had that success and having been a Long Island company, we are very desirous of trying to be of benefit to our local community, and Huntington has been one of the first to listen to the concept and receive it and look for ways of deploying it. And so we're very excited at the prospect of being able to help law enforcement in a way that's not threatening. It doesn't

involve a weapon. It's very simple to deploy, simple to use and inexpensive technology that can really be used to protect the assets of each and every homeowner. And with that, I thank you.

CHAIRMAN D'AMARO:

Thank you very much. Next on the public portion is Colleen Merlo. Good morning.

MS. MERLO:

Good morning. Thank you. My name is Colleen Merlo. I am the Executive Director of the Suffolk County Coalition Against Domestic Violence, and I'm here today to talk about our needs and request the Legislators' assistance to ensure that services which are vital to the safety of victims of domestic violence and their children are restored, and in particular, Resolution No. 1372.

The Suffolk County Coalition Against Domestic Violence has been providing precinct advocacy services for over 26 years. The primary purpose of this project is to ensure that personal contact with an advocate occurs as soon as possible for victims of domestic violence following an incidence of violence. To accomplish this, the coalition places victim's advocates in the Suffolk County Police Department precincts. Advocates work in tandem with law enforcement to provide victims with crisis intervention services, extensive safety assessments, safety planning, and to provide victims with help installing panic alarms in their homes and access our Safe Harbor Shelter, as well as provide court accompaniment.

In addition to providing for immediate services following an incident, the project has ongoing benefits to both survivors and law enforcement. The advocates provide Police Officers with valuable insight into the issues of domestic violence, therefore equipping them with the knowledge and tools required to best respond to domestic incidents and to assist victims to understand the criminal justice process.

The projects serves thousands of survivors each year throughout Suffolk County and provides them with a highly trained and reassuring civilian who understands and can convey the complex nature of domestic violence. Very often, after learning of their rights, options, and with a full explanation of the risk to their safety, victims are more able to make a sound informed decision as to how they are going to achieve safety for themselves and/or their children. In the past, advocates worked three evenings per week in their designated precincts as well as one day per week in Family and District Courts assisting clients with obtaining orders of protection, and one day per week in our office.

While working within the precinct, advocates encounter victims in various ways, including referrals from patrol officers as they respond to calls, individuals that choose to make reports directly to the precincts, and those that were referred from various community resources, as well as the advocates who make contact through outreach to complaints on domestic incidents reports.

In 2014, our County was not successful in a Federal grant award process through the Office of Violence Against Woman. That year, we were able to secure \$200,000 from a private foundation to keep the program going. As we look to keep the program whole for 2015 fiscal year, we were left with a \$200,000 deficit. Knowing that we could not sustain this program without additional revenue, in mid-March we eliminated four positions from our advocacy department.

In order to lessen the negative impact on overall services in the County, we decided to move the loss in funding to take advocates away from our Court Advocacy Program so that we could better keep the precinct advocacy whole. We made this decision because of our long history and expertise working within the Police Department. We are the right agency to provide these services, and we call upon our sister DV agencies to pick up some of the gaps left behind by our diminished presence in court.

(Buzzer sounds)

I'll wrap it up now. With these cuts, we still need to secure \$83,000 to operate this program. We did receive notice this month that we were able to secure an additional \$53,000 through a foundation, but that's not keeping us whole. We still need to raise \$20,000 just to keep the program at the diminished capacity. In order to restore the program to its previous capacity, having full court advocacy presence and precinct presence, we need \$80,000. Thank you.

CHAIRMAN D'AMARO:

Okay. Is there anyone else here who would like to address the committee this morning? For the record, there's no response. We'll turn to -- there are no presentations today so we'll turn to tabled resolutions and I'll call the first.

Tabled Resolutions

The first tabled resolution this morning is Resolution No. ***1042-2015 - Approving 2015 funding for a contract agency (The Sunshine Center, Inc.) (Browning).***

This is the Sunshine Center, Inc. I'll offer a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)***

Next is Resolution ***1105-2015 - Amending the 2015 Operating Budget to provide funds for a study of opioid addiction and abuse related costs in Suffolk County (Calarco).***

At the sponsor's request, I'll offer a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? And the motion carries. ***(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)***

Resolution ***1248-2015 - Adopting Local Law No. -2015, A Charter Law to implement one-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall (Co. Exec.).*** I'm going to ask the Budget Review Office, Dr. Lipp is with us this morning, to give a brief explanation to the committee.

MR. LIPP:

So what this tries to do is it avoids having to pay with cash as opposed to borrowing for items that have been identified in the law, and basically they're items that cost less than 5,000 per item or less than 25,000 for the entire project and have a period of probably usefulness that is less than five years. This would borrow for items that do meet that criteria so that we would be suspended to avoid having to pay cash.

CHAIRMAN D'AMARO:

All right. Now, this resolution is a resolution that would opt into the law; correct?

MR. LIPP:

No, no. It would basically allow us to forgo having to do that.

CHAIRMAN D'AMARO:

All right. So this would opt out of --

MR. LIPP:

Yeah, it would suspend the law for the year.

CHAIRMAN D'AMARO:

Okay. So by implementing a one year rolling debt policy we're opting out of the 5-25-5 parameters.

MR. LIPP:

Correct.

CHAIRMAN D'AMARO:

Okay. My question to you this morning, Dr. Lipp, is for several years, for as long as I think I have been here we've been waiving these requirements, and what I would be interested to know is if you have any handle on the amount of funds that would have fallen within the parameters of this law if it were in effect.

MR. LIPP:

Okay. So we haven't looked at this recently, but we used to look at it pretty closely when we started suspending the law, and so as an approximation, not an actual analysis, I would say probably we could easily spend, if we met the tenants of the law, at least five million dollars. Back several years ago when we were looking at individual projects we said if you wanted to do an aggressive program it would probably be about 20 million a year.

CHAIRMAN D'AMARO:

So depending on how rigorously you impose the requirement, your guesstimate is between five million and 20 million.

MR. LIPP:

Correct.

CHAIRMAN D'AMARO:

That would be -- let's take the lower number, \$5 million, or even the higher number, 20 million, that the County would rather than borrow to purchase, would be paying cash to purchase.

MR. LIPP:

Exactly.

CHAIRMAN D'AMARO:

All right. And -- which is a good thing if you want to avoid continuing to borrow, especially for items that have a short life span, which is the intent of the law.

MR. LIPP:

Right, and it's also in addition to the 5-25-5 it's anything that has recurring costs which would result in a more aggressive program.

CHAIRMAN D'AMARO:

Right. So the problem that we face, though, is that the funds that are available, let's say we had this -- these requirements in place and we were paying cash, we have other areas where we could put that cash rather than into these items. So it's really -- there's not enough money in the pot to go around, so do we want to spend it on these types of items or do we want to help it to reduce the amount of pension amortization that we have to buy into. Is that basically why we've been --

MR. LIPP:

Exactly.

CHAIRMAN D'AMARO:

That is the dilemma. So at this point it's fair to say that we do have other areas, other expenditures that we could put these funds towards and that would be the basis for offering an exemption once again this year.

MR. LIPP:

Right, and I think your mention of the amortization or borrowing for a portion of the pension is probably the biggest single item.

CHAIRMAN D'AMARO:

All right. I'm going to offer a motion to approve. Were there other questions on this?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

So there's a second by Legislator Stern. Legislator Cilmi, go ahead, and then Legislator Trotta.

LEG. CILMI:

Thank you, Mr. Chairman. If I may, through the Chair, direct some questions to Budget Review. So as the Chairman pointed out, we have waived this requirement for a few years now. I have been here for -- this is my sixth year, and I recall doing this repeatedly. How many years all together have we waived this law?

MR. LIPP:

I believe it was only one year we didn't since 2002.

LEG. CILMI:

And when did the law go into effect?

MR. LIPP:

That went into effect in the 1990's. I could look it up, but it's probably the early 1990's.

LEG. CILMI:

And we basically passed this law as a statement of the Legislature's concern that we would be borrowing money for items that, you know, are traditionally considered operating expense items, borrowing money for items that we would be paying for long after those items have extended past their useful use or their -- so -- and we passed this, as you said, in the 1990's and yet we've waived this law since 2002 almost every single year.

MR. LIPP:

Correct.

LEG. CILMI:

You said in your comments that passing this bill today would allow us to basically avoid the requirements of this law. To me, what this does, and I won't be supporting this today. To me what it does is it allows us to avoid the realities of the fiscal problems that we have. And the reality is, and we all know it and, you know, we all recognize, I think, the difficulties that that poses, but we all know we continue to have structural deficits here in this County, and as your office and the County Executive's Budget Office presented to us a couple of committees ago, that reality is that unless we continue borrowing, we will be faced with a three year \$176 million deficit by the end of 2016.

Now, although this would allow us to avoid the fiscal reality that we face today, and in as much as it would also allow us to avoid paying for things that, you know, we need today, it won't allow those

that come after us the opportunity to avoid paying for those things because they will have to pay for those things in debt service. Is that correct?

MR. LIPP:

Yes. And just a point of information. The law was passed in 1994.

LEG. CILMI:

Okay. So while the decisions that we have to make in my view are very, very difficult decisions, they are painful decisions. They are decisions that impact taxpayers, they are decisions that impact employees. They are decisions that impact the many different agencies that we fund to provide services here in Suffolk County, they may even impact our infrastructure here. But the point is that they're decisions that we have to make. We cannot sit here and avoid making those difficult decisions and expect our children to continue to have to pay for what we're avoiding paying for. So I'll be voting no to this and I hope that we as a committee and this County thinks long and hard before continuing to undo the wise work that this Legislature did back in 1994. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Cilmi. Legislator Trotta, please go ahead.

LEG. TROTTA:

So you're saying like service contracts and things like that, like a one or two year service contract would now be able to be paid for through this, by bonding it? Is that what you're saying?

MR. LIPP:

The way the law is written it's not crystal clear on certain items. If your period of probably usefulness is less than five years, that would be yes, so I guess the answer would be yes. There is some subjectivity. It's not a very tightly written law. Probably if we were going to keep the law we probably should modify the legislation to make it a little more crystal clear.

LEG. TROTTA:

So we're bonding things, potentially bonding things that are a service contract that are done, and apparently we've been doing it since 2002. So we're paying for a service contract, hypothetically, that we had in 2002 that it's been expired for 14 years and it's a 20 year bond and we're still paying for it?

MR. LIPP:

That's possible, yeah.

LEG. TROTTA:

Now, if you want to go into, you know, the \$176 million debt and the possibility of five or 600 cops retiring at a cost of \$120 million, my numbers, which I did the appropriate numbers, in a couple of years that really could be about, you know, \$300 million. So is there a point -- at some point do we say -- do we need a Financial Control Board to stop this, because it seems to me like it's spiraling out of control. If we continually do this and we're pushing it down and pushing it down, it seems to me that at some point it's going to collapse.

MR. LIPP:

I think we've made some progress over the last couple of years. Unfortunately, the expenses tend to grow and it's hard to keep up even with some of the good stuff that we've done. Our recurring revenues or decrease in expenditure. So we haven't gotten out from under the structural deficit yet, and I think the dilemma here is if you don't suspend it and you insist on doing, you know, the more prudent thing and paying for these types of recurring items with cash, it's a trade off because as, for instance, Legislator D'Amato brought up, probably the biggest problem in terms of our structural

deficit is the amortization of borrowing from the State pension system.

LEG. TROTTA:

Well, we subsidized that with taking the sewer money, correct?

MR. LIPP:

Okay. I understand what you're saying. So we didn't take the full amount this year that we could have amortized. It would have been about 81 million and we borrowed 59 and change, almost 60 million, instead and one way of looking at that is the difference was approximately equal to what we borrowed from the Assessment Stabilization Reserve Fund.

LEG. TROTTA:

So we borrowed, you know, another 87 or \$89 million, and now we're going to borrow -- you know, my grandchildren, my unborn grandchildren are going to be paying for service contracts or something that lasts one or two years, and at this point it's ridiculous and I will not be supporting it.

CHAIRMAN D'AMARO:

Thank you, Legislator Trotta. I just want to follow up on that Legislator with respect to what we can borrow for or not borrow for, and I want to ask our Counsel, Mr. Nolan, if he would just let us know are there limitations on what the County as an entity can bond.

MR. NOLAN:

Right. The State Local Finance Law enumerates the things that a County can float bonds to pay for. And typically, you know, they -- almost all of them have a useful life of at least five years, the items that can be borrowed for. So we, you know, we just can't, you know, bond operating expenses. We can only bond for those things that we're permitted to bond for under State law.

CHAIRMAN D'AMARO:

Okay. All right. Just I have the Presiding Officer had a point -- okay, that's fine. Go right ahead.

LEG. TROTTA:

You said we can't bond operating expenses. Is salaries operating expenses?

MR. NOLAN:

That would typically be an operating expense, yes.

LEG. TROTTA:

So aren't we bonding the pension portion? I mean, what are we going to do in a few years when these guys retire and we need \$100 million.

MR. NOLAN:

The State's letting us do that. We had State authority to do that.

LEG. TROTTA:

So would we need State authority to bond -- let's use the Corrections Officers. Do we need State authority to bond that?

MR. NOLAN:

If it's an arbitration award we're allowed to bond that under State law.

LEG. TROTTA:

So what would -- so it wouldn't be an arbitration award because the last contract wasn't arbitrated,

and we deferred -- we're deferring a large portion of the pay increases until when they retire. Where does that fit in? Will we be allowed to bond that or do we have to go to the State to get permission?

MR. NOLAN:

If it's not an arbitrated judgment then we can't bond it. I can't speak to the rest of your question because I'm not familiar with the details of what you're speaking about.

LEG. TROTТА:

Well, a lot of the raises, they're deferring them until when they retire. And I think, you know, I'm pretty good at the math --

MR. NOLAN:

I don't think you could bond that, no. At the point when you'd be paying them, when they retired, that would be paid out of operating.

LEG. TROTТА:

So to Mr. Lipp there, Dr. Lipp.

MR. LIPP:

I think what you're talking about with the Correction Officers, which we bond, was not the current operating expenses but the retroactive pay.

LEG. TROTТА:

No, I'm talking about let's say 500 cops retire in two years and the payout is \$100 million. What are we going to do?

MR. LIPP:

I'm not aware of any analysis that we've looked at that would say that there would be hardly any cops retiring -- not retiring in the next couple of years and then it would jump to such a large number. There will be an increase, we have actually done some projections in-house that I'm not prepared exactly to talk about right now, but I could at a later date, as to when we think those payments will come due. There is a structural deficit. Those expenses would definitely make it more difficult to get out from under, though.

LEG. TROTТА:

So hypothetically if it was \$100 million, you know, in 2017, next year, the end of 2016, we'd be in trouble.

MR. LIPP:

I guess that's one way of looking at it, yes.

CHAIRMAN D'AMARO:

Presiding Officer Gregory.

P.O. GREGORY:

Thank you, Mr. Chair. You know, you've been here longer than I and certainly we've waived this rule as long as I have been here as well. I think in concept it's well-intended, but even during better times we've found, I don't want to say wisdom, but we've found that it was proper or in our best interest to waive this rule. It was certainly in a, you know, we're working our way out of the deficit that we found ourselves, a \$500 million deficit several years ago. It's whittled down to \$176 million, which is nothing to sneeze at, but certainly an improvement.

I certainly hesitate to make pronouncements any type of mention of Financial Control Boards. You know, we're doing what we have to do. It's going to take us time to get out of it and, quite honestly, I don't see what the Financial Control Board has done in Nassau County. It's been politicized, it hasn't really, to my estimation, hasn't really done much for their benefit so throughout that term is not adding to the debate or the discussion at all I think.

Do we have future concerns that we should be aware of? Absolutely. We had a bunch of our law enforcement people retire. We should keep that awareness of that on that horizon. But like I said, you know, we're improving our financial conditions. You know, this is just a matter of really cash flow, making decisions within the budget. Do we want to pay for these smaller items or do we want to, you know, make really tough decisions and say we're not going to afford to do, you know, some of the things that we have to do that fall under the framework of the 5-25-5 law. I mean, it's, you know, it's just that simple.

You know, years ago I think when I came in we had maybe \$2 million in pay-go monies and that was a lot less than years prior. Now I don't think we have any, maybe a half of a million dollars, if that. So, I mean, you know, that's what it is. It's either we put the money towards pay-go to address the five, the \$20 million that you referenced to earlier, Robert, or we waive this rule and, you know, try to address it this way. But, you know, I adamantly object to any mention of a control board. I'd rather see every member of this panel come up with a solution. That's not a solution. I mean real solutions about, you know, rolling your sleeves up and saying this is what we need to do. We need to make cuts because that's what it's going to be, making cuts, and not coming up with solutions about control boards that won't benefit us or the taxpayers at all.

CHAIRMAN D'AMARO:

Okay. Mr. Presiding Officer, thank you, and I want to follow up with that. I think you are hitting it right on the head. So let's -- we raise the specter of a Financial Control Board. That's a bad thing. What that in effect says is that those who are elected to these positions here in the Legislature and the County Executive are not capable of making the decisions necessary in order to manage our own budget. And I would say that every member of this committee would be included in that analysis.

So what tough decisions are they going to make that we're not going to make or that we're not willing to make. I think that we've come a long way in making many of those decisions. I certainly don't see the need for yet another layer of government put over this Legislature.

But I want to explore with the Budget Review Office also the -- I really want to explore if we don't pass this bill today. I want to look at the practical aspect of now saying to the County, and when we manage our budget, that for the next -- there's \$20 million or let's split it, \$10 million worth of expenditures coming up that we now need to pay cash for. So that would be the position taken if we choose not to pass this legislation today. So we're going to have between five and 20 million, let's say \$10 million worth of expenditures. In order for us to make those cash payments, what do we need to do? How -- where do we get the funds to make the ten million dollars in cash payments.

MR. LIPP:

Well, I'm thinking if we don't pass this that -- Connie Corso is here, the Budget Director, she could correct me if I'm wrong. I would say that you could probably get away with a five million at most in terms of items that say need to be under this law. That being said, I'll approximate and say maybe half of that is we'll just forego for now and, you know, we will make due with lesser items because we can't afford it. So if that would be the case, but this is not a real analysis, it's just thinking off the top of my head, we'd be restricted to about two and a half million, which is something that's workable short-term, but not long-term.

CHAIRMAN D'AMARO:

So where would the funding come from?

MR. LIPP:

In part from just forgoing --

CHAIRMAN D'AMARO:

Rob, I just hand you a \$10 million cash expenditure and I say -- you're managing our budget, you're helping us manage our budget, and I say, *you see this ten million? You wanted to bond that this year*, all right, and of course there is no line item in the budget with \$10 million set aside, which is cash laying there for pay-go, right? So I'm going to hand you this voucher anyway and I'm going to say to you, *you need to come up with \$10 million cash*. I want to know where are you getting that money from, because if I don't pass this bill, I'm going to hand you that voucher.

MR. LIPP:

I'm saying that the voucher probably would be much smaller than that because a lot of the items here you can make a case for a lesser amount, maybe five million --

CHAIRMAN D'AMARO:

Okay.

DR. LIPP:

And that I think what the County would decide to do, the Executive's Office in conjunction with the Comptroller, is simply forgo spending on certain items, and therefore it would be a loss perhaps I guess you'd say in terms of service provision.

CHAIRMAN D'AMARO:

Okay. So let's use five million, all right. Now I hand you a five million dollar bill that needs to be paid in cash, okay. And you say we have to probably forgo in spending in some other areas, okay. What are those areas? Well, who makes that decision?

MR. LIPP:

Who makes the decision? It's the Executives's Budget Office in conjunction with consultation with the Executive. It's not the Legislature that makes the decision on --

CHAIRMAN D'AMARO:

To manage the budget.

MR. LIPP:

Correct.

CHAIRMAN D'AMARO:

Right. So once the County Executive decides to manage the budget and says I have to pay cash instead of bonding for these items, all right, does that impact, for example, the amount that we'd have to borrow to pay our pension bill?

MR. LIPP:

Sure, it could. So, for instance, if we develop let's say a deficit this year because of paying for these things, then we'd have to make it up in next year's budget and possibilities there are to --

CHAIRMAN D'AMARO:

So let's go back. The County Executive's managing the budget and is now forced by our failure to waive this requirement to make those cuts, correct? Well, I would suggest then if we're going to not

pass this bill, that we need to tell the County Executive where we believe the cuts need to be made. I mean, it's very easy to sit here and say *oh, we should be paying cash, we can't be bonding this. I don't want to bond. The County's debt is out of control. We have \$176 million deficit. It's not my fault, it's everybody else's fault.* But if we're going to go ahead and pass this bill, I think it would be responsible to indicate where those cuts are going to come from, and I don't hear that. Has anyone asked you for recommendations where these cuts would come from?

MR. LIPP:

Not this particular time, although I have had some conversations with the Presiding Officer and we'll continue those conversations.

CHAIRMAN D'AMARO:

Okay. Legislator Cilmi, go ahead, please.

LEG. CILMI:

Well, Mr. Chairman, there's a bill before the Human Services Committee, I believe it's today, to direct our Commissioner of the Department of Social Services to find 10% savings in his department. That department's budget is in excess of \$600 million. Ten percent savings would be \$60 million plus. If he came back to us and said you know, we can't find 10%, we can only find 5%, that's \$30 million.

Now, I recognize that much of what we do in our Department of Social Services is mandated and I recognize that much of what we pay for in our Department of Social Services is money that comes from other levels of government. But the point is we have to find some big ticket items to save some money to really improve our structural situation here in Suffolk County, and while it's convenient to be able to waive rules that sort of handcuff us in terms of where we can borrow money, the fact is, is that at some point in time it's got to stop. There's got to be something that tells us we've gone too far and, you know, we were surprised in this Legislature, at least I was, to learn in 2012 that we had a \$400 million deficit, and then shortly thereafter it was a \$530 million deficit, and shortly thereafter it was a \$560 million deficit.

We were told a couple of years ago that there would be \$17 million a year in savings coming from prescription drug coverage. We don't know that that's going to happen. We've been borrowing to pay for pension costs for the last several years, to the tune of in excess of I think \$240 or so million we've borrowed. These are bills that at some point are going to come due and our expenses in Suffolk County aren't going to subside. They're going to continue to increase over time, and I don't see any significant increase in tax revenue coming to Suffolk County, and I certainly don't see any ability on the part of New York State Government or ability on the part of the Federal Government to increase funding to Suffolk County. So if the level of revenue in this County is not expected to increase substantially, and if we recognize that our expenses will continue to increase, albeit because of some decisions that we and the County Executive have made, maybe they won't increase as much as they have increased in the past, but they will increase, continuing to borrow money is only going to increase this County's burden. And all we're doing is pushing the tough decisions off to other folks now.

Yes, making difficult decisions today in terms of what we can afford to pay for today is difficult, but we have to make those decisions and this law provides us with at least a foundation, a base level of decision making capability that in my view is wise. I'm not sure where the disconnect is. I mean, yes, there are things that we need, yes, there are things that we want. The County Executive yesterday announced the hiring of another \$170,000 a year employee. Meanwhile, we're touting the saving that's supposed to happen as a result of the merger between the Comptroller's and the Treasurer's Office. Peter Scully is an immensely qualified individual, no doubt, but, I mean, you can't come to us and say a budget is balanced and then come to us a month later and say we're

freezing 10% of salaries because we're in a fiscal emergency. And then come to us and say we have a \$400 million deficit. Who knows. Next year they may come to us and say we have a \$400 million deficit again. At some point the County Executive may not get reelected and the new County Executive may come to say to us and say, you know, we're balanced or we have another four or \$500 million deficit. I just -- we cannot continue to spend more money than we have, plain and simple. And I'm willing to talk with you, Mr. Chairman, and with the County Executive's Budget Office and with our Budget Review Office about where we can find savings.

The other thing is that the more we pretend that we're getting through this, the less impetus there is on the part of other levels of government to recognize that we actually have a problem here in Suffolk County and that we may actually need mandate relief here in Suffolk County. If we continue to pass a so-called balanced budget every year balanced on the backs of our future, then what incentive does Governor Cuomo or Shelly Silver or Carl Heastie or Dean Skelos or whoever else comes after them have to actually say you know what, Suffolk County has a big problem, and maybe it's partly caused by the fact that we have all these mandates that practically no other state in the country has. I don't know. I'd like to make a motion to table subject to call on this resolution.

CHAIRMAN D'AMARO:

Is there a second on the motion?

LEG. TROTTA:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Trotta. Legislator Cilmi, I agree with just about everything you said --

LEG. CILMI:

It's frustrating.

CHAIRMAN D'AMARO:

-- and I share your exasperation. We've been dealing with it for a long time. A lot of what's happened here in Suffolk and around the nation is as a result of things we just simply don't control. So as I always like to say, we don't cause the problem but we have to deal with the fallout.

The problem I have today, to get back to the bill that's before this committee, is that we have a choice where we can spend two and a half million or \$10 million in case or we can bond it, right. The problem that we're having is that if you want to spend the cash, we need to identify where it's coming from, and frankly, you're very good at defining the problem. I agree with you. I share your frustration, but we're past the speeches about defining the problem and what we're trying to do is come up with the solution.

So I would be more than happy to get back to paying cash for items that fall within the parameters of this law if someone would just simply tell me where is the money coming from. Now, I appreciate the fact that you put a bill in to direct the Commissioner to explore saving 30 million or \$60 million, 10% of the Human Services Committee. That's a positive thing, but I don't know if that would result in any savings. But if I pass this law today, I need to know where the funds are coming from. That's what I need to know. And again, I've done it myself where I, you know, sat in a public forum and talked about our budget and how difficult it is to deal with. I think we are moving it in the right direction.

You know, you want to keep bringing up the pension amortization. We didn't create that problem. We didn't create that problem. You have a State pension plan that has to be funded. We have no choice but to pay that bill when it's handed to us, and if you can show me where you're going to get

the money to avoid that borrowing, I'm all ears. I'm ready to go. Show me where you're going to get that money. Show me the money as they say.

LEG. CILMI:

Okay. But, Mr. Chairman, if I may.

CHAIRMAN D'AMARO:

Of course.

LEG. CILMI:

I think the final point I made is not one that I made lightly in that the more we avoid the reality of the structural deficit that we have, and we do so by bills like this, the less incentive there is on the part of those who have forced this pension problem upon us and those who force other problems upon us, those who force us to pay more money than we need to for contracted services in Suffolk County, as an example, the more we relieve the pressure on them to actually relieve some pressure on us.

CHAIRMAN D'AMARO:

I don't agree with respect to this particular bill.

LEG. CILMI:

Okay.

CHAIRMAN D'AMARO:

I don't think by tabling this resolution today subject to call we are going to avoid or even get anyone to consider us avoiding the pension bill.

LEG. CILMI:

Do you agree that, and I very much appreciate the opportunity to have this discussion. Do you agree that there was tremendous, tremendous pressure on State Government not to, and there continues to be tremendous pressure on State Government, to walk away from this two percent tax cap concept.

CHAIRMAN D'AMARO:

I don't quite follow.

LEG. CILMI:

Well, when the Governor talked about a two percent tax cap, implementing a two percent tax cap.

CHAIRMAN D'AMARO:

Right.

LEG. CILMI:

Naturally there were many folks who would be impacted by that two percent -- negatively impacted by that two percent tax cap who don't want the two percent tax cap.

CHAIRMAN D'AMARO:

Sure.

LEG. CILMI:

But what we've found is that the results of that, although there are some results that are negative, the results of that are that guess what? We have been forced to live within that means and I

couldn't tell you where they're -- I mean, I know some of the places that they're finding those savings, but this bill, the 5-25-5 bill or law that we have here in Suffolk County in my view forces us to live within certain means, and by waiving this law it's almost like you're waiving that two percent tax cap. You know, let's just -- we really can't afford to have that two percent tax cap this year because it would be too painful to live within in it, so let's just waive it this year.

CHAIRMAN D'AMARO:

And then we'll move on, but I do want to respond that I agree with you. However, my point is that when the two percent tax cap was imposed, and let's look at school districts, for example, and they're forced to live within that two percent. They came up with the cuts or whatever they needed to do, or raise revenue, whatever they did, okay. You want me to support this tabling, show me the cuts.

LEG. CILMI:

But it was the Governor's position at that time that he was going to implement the tax cap and that the cuts would then be forced. So I'm saying let's maintain our 5-25-5 law. Let's not waive that law and let's force us, the County collectively, to make those difficult decisions. Let's force us to find ways to make our -- let's just force us to find ways to make, you know, planning --

CHAIRMAN D'AMARO:

Tom, you're living this budget year and after year. I mean, where are the cuts? I need to force you to do this? I know what you mean by that, I understand what you're saying and I don't make light of it, but with all due respect and in total frankness, you know, this bill is pending. You're going to say I'm going to waive -- I'm not going to waive this bill. I think you should be here today telling me where the cuts are coming from.

LEG. CILMI:

Well, I have given you one example, and I could up with other examples and meeting after meeting I've sat here and asked about --

CHAIRMAN D'AMARO:

You want to talk about layoffs?

LEG. CILMI:

No, I don't. In fact, you know what? In some cases, as we've discussed in meetings --

CHAIRMAN D'AMARO:

Because we've done that.

LEG. CILMI:

In some cases as we've discussed in meetings, it would be less expensive for us to hire somebody than it would be to pay, you know, other people for contracted services. Such as designing, you know, million dollar, you know, snack huts at beaches. I mean, the Commissioner all but sat here and said it would be much less expensive to hire somebody full-time to work on projects full-time like this, but he can't do it for whatever reason. It would be less expensive to do that than to pay somebody, you know, three or \$400,000, whatever it is we're paying somebody for that particular project. So why don't we do it?

CHAIRMAN D'AMARO:

Well, I think we had a debate about that and, again, I just feel that if we're going to have -- this bill in effect would force us to spend cash that we don't have. So I would just like to know where that cash is coming from. Legislator Trotta.

LEG. TROTTA:

I'm going to tell you where it's coming from.

CHAIRMAN D'AMARO:

I had a feeling you might.

LEG. TROTTA:

Last week at our General Meeting we voted for a \$700,000 Command Center when our previous one had 18,000 miles. It was approved sixteen to two. We approved \$300,000 --

CHAIRMAN D'AMARO:

So that's not available then.

LEG. TROTTA:

-- to design -- you two want to know where it comes from? It's poor decision making on this body's part. Don't blame anybody else; it's this body who spends money like crazy. We spent \$300,000 to design a beach hut. You could hire an architect, and I'm certain he could do it in a very short amount of time for a lot less than \$300,000. So don't put the blame off. The blame lies here.

I continually sit here and I argue that this is crazy, it's nuts. We've paid \$700,000 to dig out three tanks. I checked with the Town Supervisor. Nissequoge had one, got a price for \$180,000 to dig a tank out. The town went to the municipality of Nissequoge and dug it out for \$18,000. Ten cents on the dollar. So the money, the five or ten or 20 million dollars can be saved liked that, but we choose not to do it. It's easier to contract something out or to design \$300,000 for a beach hut or to rent \$400,000 trailers than to make the tough decisions and tell the County Executive to get this done for \$700,000 than to hire an architect. The blame lies here.

CHAIRMAN D'AMARO:

Okay, fair enough. That was all discussed by the full Legislature and it was a policy debate and it went one way or the other, you don't agree in some, that's fine. But what I'm saying to you today is if I'm going to have to come up with cash by passing this bill, where am I going to get the money?

LEG. TROTTA:

You're going to rescind these things and we're going to take it back and we are going to get the money back. Just like, you know, they talk about the \$500 million. That \$500 million didn't go away, that debt, we borrowed it. We sold the Dennison Building. We borrowed 87 million one year, 64 million the year before.

CHAIRMAN D'AMARO:

And at the time that we sold the Dennison Building what was the alternative.

LEG. TROTTA:

We're pretending that this is getting better and it's not getting better.

CHAIRMAN D'AMARO:

Right, but what's -- give me the alternatives.

LEG. TROTTA:

The alternative is to pass this, and when something comes here say *we can't afford it, we can't do it*. Or do it inhouse.

CHAIRMAN D'AMARO:

We don't have the luxury of saying we can't afford it, we can't do it. We have to say this is the program or this is the project that is not going to get done in order to pay for this.

LEG. TROTTA:

I beg to differ.

CHAIRMAN D'AMARO:

I want to know what your suggestions are.

LEG. TROTTA:

We do have the luxury of doing that. They elect us to say *hey, we can't afford this*, because people are fleeing this Island and the decisions that are made at this table are making them leave.

CHAIRMAN D'AMARO:

Right, but again, if someone would give me some specifics as to what --

LEG. TROTTA:

How much more specific can I get you? The three votes last week that we voted on that cost this County over two million --

CHAIRMAN D'AMARO:

But that's last week. I'm talking about going forward. All right. In any event, thank you, Legislator Trotta. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Like you, I'm looking to make a decision on this bill based on the specifics of this bill. Obviously there are larger policy issues that continue to need to be discussed in all seriousness, but I've always looked at this decision on this bill in years past as a policy that is budgetary, that allows us flexibility throughout the year, because when cash flow is coming in, when cash flow is a challenge, then in our Budget Offices we need to have the flexibility to be able to plan and to react.

So I guess my question goes to Dr. Lipp and maybe I saw Connie is here as well, two people with great institutional knowledge. My question is if we pass this bill again this year, how does that interact with our preferred policy of pay-go, and does one automatically defeat the other? What is the relationship between the idea of pay-go, which I know we all agree with as an underlying policy, but yet have the flexibility to be able to do other things throughout the year.

CHAIRMAN D'AMARO:

Hi, Connie.

MS. CORSO:

Hi, how are you? Thank you for letting me speak this morning. I just wanted to let you in many of the years that we've waived this, we also did pay-go, so it really does just give you that added flexibility. I also want to add that when we do do a purchase through pay-go, you do get that second bite at the apple. So once we pass this, the resolutions will come forth with the items, detailing the items that we are trying to buy this way. So you do get that second bite at the apple. You get to approve the purchases that the departments are making, bonding, versus pay-go. So you do get to approve every item, which doesn't include service contracts.

LEG. STERN:

And those would be decisions that we have the opportunity to make based on the facts and circumstances at the time.

MS. CORSO:

That's right.

LEG. STERN:

So this allows us the flexibility to be able to make more informed decisions in a timely way rather than just a blanket policy without taking into account what may happen throughout the year.

MS. CORSO:

Right. And those, the items that we are looking to do in pay-go are already included in the Capital Budget. So they've already been in the Capital Budget, they're in there as bonds. So in -- when you adopted the 2015 Capital Program those items were there.

LEG. STERN:

Thank you.

CHAIRMAN D'AMARO:

Connie, I have a question for you. Looking at the budget and if we pass this bill, what items, if any, are there slated to pay cash that we'll now bond? Do you have any sense of that?

MS. CORSO:

Off the top of my head there are just two items that we are thinking about this year to date, and that would be the soft body armor for the police and the other would be computer hardware, basically PC's and maybe mobile data terminals, any larger computer items up to -- we have \$1 million in the budget, and that was adopted as part of the budget mitigation resolutions in the past where we've stepped forth that policy until, you know, nobody really likes to do it, but until we can, it does free up a million dollars for us to do other things that are necessary.

CHAIRMAN D'AMARO:

Okay. All right. Are there any other comments? There is a motion pending before the committee on 1248 of 2015. There is both a motion to table that's received a second, and there is a motion to approve that has received a second. The tabling motion will be -- tabling subject to call. The tabling motion will be called first. All in favor? Opposed? (Opposed: Legislators D'Amaro, Martinez and Gregory). The resolution fails. The bill is not tabled subject to call.

There is now pending before the committee a motion to approve. I'll call the vote. All in favor? Four. And opposed? Two. The resolution passes and is approved. ***(Vote: 4-2-0-0 - Opposed: Legislators Cilmi and Trotta. Presiding Officer Gregory is included in the vote)***

Next is Resolution No. ***1265-2015 - Approving County funding for a contract agency (Gerald Ryan Outreach) (Pres. Off.)***. This is approving County funding for a contract agency, the Gerald Ryan Outreach Center. The Presiding Officer is offering a motion to table. I'll second. All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)***

Next section in the agenda are Introductory Resolutions.

Introductory Resolutions

1280-2015 - Amending The 2015 Operating Budget to transfer \$25,000 from Parents For Megan's Law Crime Victims Center to Parents For Megan's Law (Hahn). This bill moves \$25,000 from the Megan's Law law budget to another line within the organization. I'll offer a motion to approve. Second by Legislator Cilmi. All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)***

Resolution **1281-2015 - Amending the 2015 Operating Budget to provide funding for the Nesconset Chamber of Commerce (Trotta)**. This bill transfers \$5,000 in Hotel/Motel Tax funds from the Smithtown Arts Council to the Nesconset Chamber of Commerce, just moving the funding to another line. Legislator Trotta --

LEG. TROTTA:

Motion to approve.

CHAIRMAN D'AMARO:

-- offers a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1285-2015 - Amending the 2015 Operating Budget to provide funding for Family Service League - East Hampton (Schneiderman)**. This transfers \$17,501 from Juvenile Aid budget line to the Family Service League East Hampton budget line for increased mental health services on the South Fork. I'll offer a motion to approve. Second by Legislator Martinez. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1286-2015 - Amending the 2015 Operating Budget to provide funding for the Star Playhouse at the Suffolk Y JCC (Stern)**.

LEG. STERN:

Motion.

CHAIRMAN D'AMARO:

Legislator Stern offers a motion to approve. I'll second. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1296-2015 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 1005-2015) (Co. Exec.)**. I'll offer a motion to approve and place this bill on the Consent Calendar.

LEG. CILMI:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1314-2015 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 1006-2015) (Co. Exec.)**. I'll offer the same motion, same second, and without objection, the same vote. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1315-2015 - Amending the 2015 Adopted Operating Budget to re-allocate 100% County funding from Federation Employment and Guidance Services, Inc. (FEGS) to the Jewish Board of Family and Children's Services, Inc. (JBFCS) to provide mental health clinic services to adults and children in Suffolk County (Co Exec.)**. This is reallocating \$252,028 between the two organizations. Did the County Executive's Office want to add anything in support of this bill?

MS. HORST:

We have Ann Marie here from the Health Department if you guys have any question on it.

LEG. TROTТА:

Yeah. What exactly is it?

CHAIRMAN D'AMARO:

Okay. AnnMarie?

MS. CSORNY:

Forgive me. I have an allergy, so.

CHAIRMAN D'AMARO:

You're forgiven.

MS. CSORNY:

I may be coughing and whatever.

CHAIRMAN D'AMARO:

That's okay.

MS. CSORNY:

Basically what's happening is FECS is an agency that has been in bankruptcy at this point, and they provide a large number of mental health services in Suffolk County. They needed to cease operations rather quickly. The State Office of Mental Health stepped in and identified an agency, which is Jewish Board Agency, that would come in and take over temporarily. So the funding is going to go to Jewish Board so that they can continue to operate the mental health services for Suffolk County until such time as we can do the RFP's and have local providers pick up the contracts.

CHAIRMAN D'AMARO:

Are you familiar with these services?

MS. CSORNY:

Yes.

CHAIRMAN D'AMARO:

You are.

MS. CSORNY:

I'm not sure which services exactly --

CHAIRMAN D'AMARO:

Well, the services that are funded by this budget line. We're moving \$252,000 to the Jewish Board of Family and Children Services, Inc., to do the same thing that the prior organization was doing. Is that correct?

MS. CSORNY:

Yes. That's for clinic services.

CHAIRMAN D'AMARO:

What's your position in the Health Department?

MS. CSORNY:

I'm the Deputy Director for the Division of Community and Mental Hygiene Services.

CHAIRMAN D'AMARO:

Okay. And are these type of services offered on a recurring annual basis by the County, or partially funded by the County rather?

MS. CSORNY:

The County does fund or support some clinic services for the various mental health clinics.

CHAIRMAN D'AMARO:

Right. Is this funding from the State? Is this pass-through funding from the State or is this County discretionary funding?

MS. CSORNY:

It is pass-through money from the State.

CHAIRMAN D'AMARO:

Okay. And the Health Department is in support of moving the funding over to this alternate organization.

MS. CSORNY:

Yes.

CHAIRMAN D'AMARO:

Okay. Does anyone have any questions?

LEG. CILMI:

Mr. Chairman, and maybe I missed it, but it's my understanding that FECS no longer will be providing these mental health services and that's why the transfer. Is that correct?

MS. CSORNY:

Correct.

LEG. CILMI:

Right. Okay. Thanks.

CHAIRMAN D'AMARO:

Thank you, Legislator Cilmi. Is there a motion pending, to the Clerk, on this bill?

MR. RICHBERG:

No motion.

CHAIRMAN D'AMARO:

No motion yet.

LEG. CILMI:

I'll make a motion to approve.

CHAIRMAN D'AMARO:

Okay. I'll second. Legislator Trotta, go ahead, please.

LEG. TROTTA:

What happened to the old one? The first one.

MS. CSORNY:

I'm sorry?

LEG. TROTТА:

What happened to the Jewish Community Service of Long Island that they are no longer in business.

CHAIRMAN D'AMARO:

No, it's the Federation Employment and Guidance Services, FECS.

MS. CSORNY:

FECS was the one -- is the agency that is going bankrupt.

LEG. TROTТА:

People were talking to me -- say that again?

MS. CSORNY:

FECS is the agency that is going bankrupt, that has gone into bankruptcy proceedings.

LEG. TROTТА:

What do they do there?

MS. CSORNY:

At FECS?

LEG. TROTТА:

Yeah.

MS. CSORNY:

FECS offers -- has a number of different types of human service programs. They provide services for persons with developmental disabilities, mental health issues and substance abuse disorders. They're a large --

LEG. TROTТА:

Where are they located?

MS. CSORNY:

They have offices in New York City, Nassau County and Suffolk County. For Suffolk County, they have offices in Copiague and Central Islip.

LEG. TROTТА:

And they went out of business.

MS. CSORNY:

They're in the process of going out of business, yes.

LEG. TROTТА:

And we're moving the money to who?

MS. CSORNY:

To Jewish Board.

LEG. TROTТА:

And where are they located?

MS. CSORNY:

They are located in Manhattan in New York City. I don't have their address.

LEG. TROTТА:

What do they have in Suffolk County?

MS. CSORNY:

Currently they don't have anything in Suffolk County.

LEG. TROTТА:

So we're moving \$250,000 to a company in Manhattan that has nothing in Suffolk County?

MS. CSORNY:

This is a temporary measure. What happens is that Jewish Board has the same -- FECS is a large human service provider. They have union staff. When the State looked at -- learned of the financial crisis that FECS was under they had to make a determination rather quickly to find a replacement agency to come in and manage all of their programs. I think they are \$250 million agency. And so they have a vast amount of different programs throughout the Long Island/New York City region. And so they wanted to find one provider, because this had to happen in an extremely quick time frame.

Jewish Board has the same union as FECS does, so the goal was to keep employment stability while the counties figured out a way in which to also then come back and get local providers an opportunity to bid on this same process. So we will -- the Division will be seeking to distribute requests for providers within the next few months, by the end of this year.

LEG. TROTТА:

So I don't know why we're transferring money to a company in Manhattan with no --

MS. CSORNY:

Because somebody has to provide the services between when they close up shop in June or the end of this month and June one.

LEG. TROTТА:

How are they going to provide services?

MS. CSORNY:

Jewish Board has been meeting with the FECS staff and will pick up FECS employees. They'll negotiate contracts for their offices and be there and so they're going to have the same employees provide the same services, just under a different operator.

LEG. TROTТА:

At the same locations?

MS. CSORNY:

Yes.

LEG. TROTТА:

So right now they don't have something in Suffolk, but they will.

MS. CSORNY:

They will.

LEG. TROTТА:

You hope they will. We hope they will.

MS. CSORNY:

They are in the process of negotiating those contracts.

LEG. TROTТА:

And what exactly do they do again? Like specifically who walks in that door.

MS. CSORNY:

At either FECS or Jewish Board? So at the Central Islip location they operate a mental health clinic, so persons with mental health issues might go in there to receive clinic services. They also have case management services out of that office. Case managers go out into the community and work with persons with mental health issues or substance abuse issues to help them get linked or stay connected to services.

LEG. TROTТА:

How many people do they serve?

MS. CSORNY:

FECS or Jewish Board? Off the top of my head I don't know, but it's rather significant. They're a very large agency.

LEG. TROTТА:

Can you get me the numbers on how many people they serve?

MS. CSORNY:

Sure.

LEGISLATOR STERN:

I was next on the list to ask questions based on the dialogue that you had had with Legislator Trotta, but I want to thank you for being here. That was my understanding as well, and so I think you did a good job of taking us through it and the explanation. And I think the bottom line here is when it was discovered, when it was announced that FECS was having tremendous difficulty and they were in a real situation and we were in a bind, that they had to come up with an agency of similar size, similar capabilities, and a lot of these moving parts that had to be worked out in a very, very short period of time. And so I think everybody agrees that perhaps what we're looking at here now, thankfully, is something that will have a continuity of services most importantly, but that it is transitional, and that this is something that we will be examining as time goes on, but most importantly, even though this is transitional working with this agency, again, most importantly that services hopefully will not go uninterrupted. So I will be supporting it.

CHAIRMAN D'AMARO:

Okay. Legislator Trotta, were you finished with your questioning? You were. Okay. Legislator Cilmi.

LEG. CILMI:

So you're secure that JBFC is capable of handling these requirements for the remainder of the year?

MS. CSORNY:

Yes.

LEG. CILMI:

Are there any other agencies that are capable of handling what FECS was doing in this regard that are here in Suffolk County that maybe we're already funding?

MS. CSORNY:

To do it in this time frame, no.

LEG. CILMI:

Okay.

MS. CSORNY:

There is not another agency that has the same union or to take over the amount of services they were providing at once and just hold it, you know, continue the stability.

LEG. CILMI:

Right. Okay. So what you're saying basically is that while there may be other agencies that if given the time could ramp up their staff and what have you to offer these services, at this point JBFCS already has that in place and they'll be able to sort of hit the ground running and sort of have a seamless takeover from FECS.

MS. CSORNY:

Correct. Our intention is to bid out the contracts as soon as -- you know, we're in the process of working with RFP's. They would not go whole, so what will happen is some of the services will go to one agency who bids on them and can successfully manage those contracts. And so it will just be spread as opposed to one agency managing such a large chunk of the services. It will be portioned out among local providers.

LEG. CILMI:

Right. Okay. Thanks very much.

CHAIRMAN D'AMARO:

Thank you, Legislator Cilmi. Any other questions? There is a motion pending to approve. It has received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1316-2015 - Amending the 2015 Adopted Operating Budget to re-allocate 100% State Aid from Federation Employment and Guidance Service, Inc. (FECS) to the Jewish Board of Family and Children's Services, Inc. (JBFCS) to provide mental health services to adults and children in Suffolk County (Co. Exec.).** Similar to the prior bill, this is allocating to the alternate organization. I'll offer a motion to approve. It's for 1.285 million.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern. Any questions? All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1325-2015 - To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer By: County Legislature (Control No. 427)(Co.**

Exec.) I'll offer a motion to approve and place on the Consent Calendar. Second by Legislator Cilmi. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1330-2015 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 1007-2015) (Co. Exec.)**. Same motion, same second, and same vote. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1331-2015 - To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer By: County Legislature (Control No. 428) (Co. Exec.)**. Same motion, same second, and same vote. **(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)**

Resolution **1343-2015 - Establishing a pilot program to reduce property crimes in Huntington Station (Spencer)**. This bill is transferring \$25,000 from one of County Exec's fees for services line for a pilot program in line with the testimony that we've heard this morning during the Public Portion. I'm going to offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern. On the motion, Legislator Trotta was it and then Legislator Cilmi. Please go ahead.

LEG. TROTTA:

I have some questions for the DNA guy.

DR. HAYWARD:

Hello.

LEG. TROTTA:

All right. So you're going to put some kind of invisible DNA on everyone's property in the Huntington Station are, correct?

DR. HAYWARD:

Not on everyone's property.

LEG. TROTTA:

Or a lot of people.

DR. HAYWARD:

Five hundred homes, and it would be a small dime-sized liquid application of a botanical DNA that contains a covert florescent mark that can be visualized by the police.

LEG. TROTTA:

Does it wash off?

MR. NIZICH:

No, it's quite persistent and has been formulated specifically to stay on a wide variety of materials from clothing --

LEG. TROTTA:

Is that a yes or a no? Can it wash off?

DR. HAYWARD:

It does not wash off.

LEG. TROTTA:

At all.

DR. HAYWARD:

At all.

LEG. TROTTA:

So if you put it on the back of a metal laptop, I can't wash that off.

DR. HAYWARD:

It's extraordinarily difficult to wash off.

LEG. TROTTA:

So it's possible.

DR. HAYWARD:

Criminals -- no, we haven't seen it wash off.

LEG. TROTTA:

Or you wouldn't know if it washed off.

DR. HAYWARD:

No, I think I'm trying to be a good scientist and give you a reasonable answer.

LEG. TROTTA:

And what type of materials, you know, do you think this would be applicable to, what could you put it on?

DR. HAYWARD:

Well, the notion is to mark high valuables. We've marked a variety of jewelry, laptops, electronics. Our company is retained by the Department of Defense to mark electronics that go through the supply chain for DOD. It's been tested extensively there for its capacity --

LEG. TROTTA:

How are you picking the 500 houses?

DR. HAYWARD:

I couldn't hear you.

LEG. TROTTA:

How are you picking the 500 houses? Five-hundred houses did you say?

DR. HAYWARD:

I am not picking the 500 houses, but that is being done in association with the police.

LEG. TROTTA:

Do you know what criteria they're using?

DR. HAYWARD:

No, I don't.

LEG. TROTTA:

How does this differ from an engraver?

DR. HAYWARD:

I'm an engraver. Our mark is forensic so it's accepted in court. We already have done similar trials in Sweden in Copenhagen and in London. We've demonstrated a very strong crime deterrence with the statistics measured not by us, but by the police. For example, in the last trial in Stockholm there was over a 90% deterrence of burglaries and home invasions in the district in which we practiced our DNA marking.

LEG. TROTTA:

So in wherever you did it -- Denmark did you say it was?

MR. NIZICH:

That was in Stockholm.

LEG. TROTTA:

So how many people have you caught, like, you know, a burglary occurred and the cops went to this pawn shop or wherever -- where do they go, pawn shop I'm assuming?

DR. HAYWARD:

Well, I can tell you that in protecting ATM's the same way, we use the same technology to protect ATM's across Europe, right now we're working on our 100th case with the prosecutor, and all 100 of those cases have resulted in guilty convictions.

LEG. TROTTA:

How many burglaries have you solved using this technology?

DR. HAYWARD:

You know, I'm not certain I have that statistic ready.

LEG. TROTTA:

Have you solved any?

DR. HAYWARD:

Yes.

LEG. TROTTA:

More than five.

DR. HAYWARD:

I couldn't tell you.

LEG. TROTTA:

So I'm having trouble, you know, distinguishing like writing your initials or most laptops have serial numbers and recording it. You know, if a person records, you know, their serial number and it goes to a pawn shop and we run it through the system, the number is there.

DR. HAYWARD:

Yes, and that has not necessarily delivered the expected performance in terms of crime deterrence that one might have hoped for. But this technology, which is made aware of to the criminals themselves, criminals also watch CSI, and they understand the notion that DNA is a very strong criminal deterrent, and as a consequence, it behaves just that way.

LEG. TROTTA:

So you're thinking the benefit is probably more a deterrent effect than actually a practical effect?

MR. NIZICH:

No, I think it has multiple benefits. Number one is it allows the stolen item to be returned from the police to the rightful owner so it shows provenance.

LEG. TROTTA:

But you just said that you only can think of one, not more than five, burglaries. So very little --

MR. NIZICH:

Well, no, I did also say that we have 100 similar crimes in ATM's --

LEG. TROTTA:

That's ATM's. That's something different.

DR. HAYWARD:

It's the same technology and it's --

LEG. TROTTA:

No, it's something different than what we're doing here.

DR. HAYWARD:

Well, it's a very related event. The cash was able to be returned to the bank from which it was stolen. It's a matter of proving provenance. It's not so unrelated.

LEG. TROTTA:

It sort of is unrelated because it's two different --

DR. HAYWARD:

It's two different devices I admit. One's a home, one's an ATM, but they have both been stolen and both returned.

LEG. TROTTA:

But in terms of if I were to engrave my laptop and it got stolen and the cops went in and they saw it was engraved or the serial number, I recorded it and it went into the computer. That would be -- actually it would be a better benefit because this enables the pawn shops to put the serial number into their system and then the police could identify what the computer was.

MR. NIZICH:

I'm sorry. The issue is the size of items. Most valuables are very small, rings and jewelry. Marking 100 items with one container of our, you know, fluid allows you to uniquely register that signature DNA mark with you or your home. You can't engrave a diamond ring. You can't engrave, you know, a small bracelet. With one mark of our items, my particular watch is marked where the police, if it ever gets stolen, they will see it in a case. They will see it in a pawn shop case. That's registered to my home so I'll get that back.

So, yes, it's a deterrent, level one. Number two, if you mark all the items in your home, those items will be identified as yours. It's a 100% match. It can't be counterfeited, it can't be duplicated. And number three, the police, if they identify that property in the location of one of the suspects of the crime, they can link that criminal to that crime location. That's one of the things they can't do right now. So it's a three tier protection system for a very inexpensive cost.

LEG. TROTTA:

And you have a UV light?

MR. NIZICH:

Yes.

LEG. TROTTA:

And it shines a different color than normal?

MR. NIZICH:

You want to see it?

LEG. TROTTA:

Yeah.

CHAIRMAN D'AMARO:

All right. Guys, we need to be on the record, so if you could step back to the podium. It's not your fault. No need to apologize at all, but we do need you on the record.

LEG. TROTTA:

Okay. So you're thinking about going to pawn shops with this, with the guys with the lights.

MR. NIZICH:

Well, the police under this proposal --

CHAIRMAN D'AMARO:

You need to speak into the mic, please.

MR. NIZICH:

In this proposal it's 500 homes, okay, but it's a bigger proposal than that. It's 30 street signs in a certain area that the police are going to determine that. It's training for the Suffolk County Police Department. It's preparation of the swab kits for them. It's preparation of the training of the facilities. It's preparation of the lights. So the proposal for the pilot project is actually bigger than just 500 kits. It's a whole system being implemented for Suffolk County to introduce the program as a crime deterrent. They are also going to do a crime analysis before and after the pilot project goes in.

CHAIRMAN D'AMARO:

Thank you, Legislator Trotta.

LEG. TROTTA:

I have one more question.

CHAIRMAN D'AMARO:

Oh, I'm sorry.

LEG. TROTTA:

Does any other company do this or are you the only guys who do this?

MR. NIZICH:

Not with DNA. The industry is called Tagents, but it's --

CHAIRMAN D'AMARO:

Please speak into the microphone.

MR. NIZICH:

I'm sorry.

CHAIRMAN D'AMARO:

That's okay.

MR. NIZICH:

The industry is called Tagents, but it's not even close to what we do with DNA. DNA is a unique signature for each and every person on the earth if we needed to.

LEG. TROTTA:

And what does the other company do?

MR. NIZICH:

They just do sprays. What we saw with the glow, that's all they do.

LEG. TROTTA:

It's not unique.

MR. NIZICH:

They can't tell you that -- who it belongs to.

LEG. TROTTA:

Okay.

CHAIRMAN D'AMARO:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. I have a slightly different line of questioning for the two folks from --

CHAIRMAN D'AMARO:

Yeah, if you guys would, please.

LEG. CILMI:

Sorry. So you said that the cost of this or the scope of this pilot project is -- involves not only applying the DNA in 500 homes, but some other things as well. What portion of the total cost is the application in the homes versus the other components of the program.

MR. NIZICH:

The program has been put forth at a total cost to us, was I think \$43,000. It's being offered at \$25,000 for the pilot program to make the system functional for you.

LEG. CILMI:

But in terms of the overall cost, how much of the cost associated with what we're spending here is attributable to the 500 applications versus the other stuff.

MR. NIZICH:

I'd probably say about maybe \$16,000 of it. I'd have to go back and check the exact proposal.

LEG. CILMI:

So you're not sure. Here's my concern. I'm sure you would agree that a burglar alarm system would be a deterrent to crime, as an example, and yet we don't go around funding people's individual burglar alarm systems. Police respond to burglar alarm systems. I think you're required to actually register somehow or at least businesses are required to register burglar alarm systems with the County Police Department. So they're part of the solution there, but yet we don't fund, we don't pay for private citizens or homeowners or business owners to have burglar alarm systems in their properties. But Legislator Spencer here is asking us to pay your company \$25,000 to basically provide some security to 500 beyond and above, you know, above and beyond what the County does in terms of police enforcement, but provide some security to individual property owners. How do you justify that?

DR. HAYWARD:

I agree completely with your analogy with burglar alarms, but this is nowhere near the equivalent. Our system has -- is a disruptive technology. It has the opportunity to change whole industries. It's been adopted by NASA, by the Jet Propulsion Labs, by the Office of the Secretary of Defense, by the Defence Logistics Agency, all as a means of tracking and tracing product.

LEG. CILMI:

Right, but in all fairness, when a company offers a product for individual sale to a potential consumer, sometimes, not all the times, but sometimes those products come with a variety of different certifications, if you will, and certainly some come with many different or lots of history in terms of how useful those products or services have been.

So, again, why wouldn't you just go to 500 homeowners and say look, you know, why wouldn't you record a TV commercial and say, you know, here's a way that we can ensure the return of your property if a suspect is arrested and property is recovered. Here is a way that we can reconnect you with that property. Why wouldn't you just sell that to consumers as opposed to asking Suffolk County Government to fund, in a very limited way, the application of this product in 500 homes?

DR. HAYWARD:

We live and work in the communities in which we're working right now, and in which we're proposing to implement this program. We've seen this program deliver the benefits. It has the history you referred to globally, and we'd like very much for this community to benefit by the same approach. We've lowered our cost to the point where we make no money on this program with Huntington. We believe it can have a serious impact to the benefit of our communities here in Suffolk, and we'd like to see Suffolk County lead the nation in what is really a culturally changing and crime preventing platform.

LEG. CILMI:

Let me suggest to you that this may be a tremendous marketing opportunity for your company, probably worth well more than \$25,000, and I would suggest that maybe you embark on this campaign without remuneration from Suffolk County. And I'll use an example for you. We recently, this was an idea that was I believe the County Executive's idea, and to me it was a wonderful idea, to enlist the support of a variety of manufacturers of advanced septic systems. And, you know, we have a tremendous problem with our water quality here, and so the idea was how can we get folks

to improve their septic systems, to replace their septic systems with newer, more advanced models. How can we, at the same time, sort of test drive these systems in an effort to determine which are more effective than others and which the County is going to ultimately either, maybe recommend is the wrong choice of words, but certify as appropriate for Suffolk County.

And so the County held a lottery where homeowners could actually apply to get one of these systems, and I believe there were 13 different systems that were, maybe more than that, 19 different systems that were awarded. But the companies that were installing these systems did so gratis and said to those who won that lottery, we will install this very expensive technology at no cost to you. We will maintain it for five years at no cost to you, and then thereafter you'd be responsible for any maintenance costs. I suspect that that program will be wildly successful and I suspect that it will be wildly successful not only from the County's point of view, but for the companies that partnered with the County in doing so.

So my suggestion to you is that I don't believe the County should be paying to apply your product, which sounds to me to be a decent product. I don't know the science, I'm not going to question you on the science. It seems to me the County shouldn't be paying you to apply that technology in individual residences, despite the fact that it may be helpful and despite the fact that it may be something that folks countywide, statewide, countrywide, maybe should be using. I think it's a personal -- and certainly as part of this process, you're not going to force homeowners to apply this product in their homes.

DR. HAYWARD:

Of course not.

LEG. CILMI:

It's going to be a voluntary acceptance. So my suggestion to you is that you offer your product on the, you know, to consumers, either on the arm to the County as a pilot product or to consumers directly and hope for the best. I don't think the County should be paying money for you to do this. That's just my opinion. Thanks.

DR. HAYWARD:

Well, I understand your position and in appreciation of it we have eliminated any profit we would make in initiating this program. And what we're attempting to do is to start with people who have shown leadership, who want their community to have the benefit of the product, to be able to prove that it has an impact on crime and the decrease in crime, and I think it's been the perfect model of government/industry collaboration.

LEG. CILMI:

Well, I don't know that I would support it in this instance, but, you know, I think if County taxpayers are going to be funding a \$25,000 pilot program, then that pilot program should be used throughout Suffolk County and not just in the Town of Huntington.

DR. HAYWARD:

I do agree that it's relevant throughout Suffolk County, but you have to start somewhere.

LEG. CILMI:

Okay.

CHAIRMAN D'AMARO:

Thank you, Legislator. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. I mean, I'm intrigued by the idea of a public/private partnership in fighting crime, but I do have some questions. I do know that the Suffolk County Police Department is supportive of this initiative. Do I read this correctly that this is intended to be a six month pilot program, that's what it says in the resolution. Is that your understanding as well?

DR. HAYWARD:

That's correct. And also the Suffolk County Attorney General was very supportive as well -- District Attorney.

LEG. STERN:

Six months to me sounds like it's not an awful lot of time. So my question to you would be at the end of six months, how -- what kind of analysis is done at that point and how do you quantify success at the conclusion of the initial six month period.

MR. NIZICH:

As part of the pilot program proposal, it was proposed to do initial crime analysis in collaboration with Suffolk County PD for certain areas and then again in six months. This is a modelling situation where this isn't brand new. This is what we've done already historically very successfully. So we're going to just really kind of not reinvent the wheel and do that again. This will be driven and directed by the Suffolk County PD. They know best what, you know, what they want to do.

The only thing I want to add into this based on the comment before, too, is that if we spread out a 500 home pilot, you're not really going to deter crime the same way you're going to do it in a local area. So we do want to be clear on that. There's a reasoning and a logic behind doing a pilot in a concentrated area.

LEG. STERN:

Understood. And I understand that it's going to be quantified by Suffolk County Police Department, there's going to be an analysis, and I appreciate that.

So going back, then, to other similar pilot programs. Earlier you had pointed out a few of them and pointed to those as successful. What made those successful, and if I can ask how long a period of time were those pilot programs?

DR. HAYWARD:

In Stockholm the time frame was quite similar. In the particular district in which we were tested there were 12 serious crimes in the period immediately before we implemented DNA marking. In the period immediately at the end there was only one serious crime, so we deterred 11. In terms of the total cost, the cost is, in fact, the return on investment comes very often through the deterrence of crime and the ease with which a crime is prosecuted, so that the ROI was really substantial at the end of even a six month program.

LEG. STERN:

During the course of that pilot program, how did you define serious crime?

DR. HAYWARD:

They were break-ins. Break-ins often take place when the homeowners are present in the house and at risk. They were robberies at the home and items were stolen. And those definitions were made by the police, not by us.

LEG. STERN:

Have those -- the analysis that was done after those pilot programs, have the results and the

analysis been published?

DR. HAYWARD:

Not as yet.

LEG. STERN:

So right now, anyway, we're going on your representation, but there is no -- there's no documentable evidence of the results of those pilot programs.

DR. HAYWARD:

It hasn't been published in a white paper as yet, which we're waiting for, but it has been published on CNN.

LEG. STERN:

First of all, the discussion before was about initialing or serial numbers and what's the differences and what's the benefit to utilizing this type of system. Do I have it correct that the DNA material that you use to mark the goods, the products, whatever it might be, personal property, it doesn't come off, correct? Is that one of the main advantages, that it can't be whittled away, you can't file it away, that once it's applied it's there for quite some period of time, so it's a lot more difficult, if not impossible, to remove. Do I have it right?

DR. HAYWARD:

That's right. It's extraordinarily adherent. We were actually subject to a red team challenge by the National Laboratories throughout the US in an effort to tamper with our marks. And after one year of working we're able to detect 100% of our samples in all the ones that the National Lab worked with.

LEG. STERN:

And so once an item of personal property is recovered, take me through then what happens. There's a test that's done, there's an analysis that needs to be done to match the item of personal property with the person's DNA who appears on it. Who runs that process, who does the testing, and of course there must be a cost to that process as well. Who's responsible for that cost?

DR. HAYWARD:

Sure. The testing is done using traditional forensic methods, so you mentioned a person's DNA. Of course there is no human DNA involved in this. This is a botanical DNA mark that is detected much as you see on CSI with a swab. The swab is shipped to us under chain of custody rules. It's analyzed by people who are members of the American Academy of Forensic Examiners. We prepare a CODA, a certification of the DNA mark analysis, and then that's associated with an expert witness document that can be used in court, and that is done as part of this program.

LEG. STERN:

That -- all of those services that you just mentioned, from beginning to end, are going to be provided within the cost of --

DR. HAYWARD:

Correct.

LEG. STERN:

Outside of this pilot program, then, two years from now, how does that process work and who is responsible for those costs then going forward?

MR. NIZICH:

The way the program works is that unless something is involved in a crime or for some sort of investigation, it's not being tested. There's no, you know, let me just try this out type of thing. So it's all inclusive under this program. The concept here was that the Town of Huntington would start with 500 homes and obviously it would probably grow, but under this elongated process the maintenance is really the fact that as you discover -- as Suffolk County PD discovers property in pawn shops as part of a criminal investigation, it's included under the program itself.

LEG. STERN:

As of now.

MR. NIZICH:

No, we're going to include that as part of the whole project. So even if X amount of people still sign up, as property is discovered, we're including that for Suffolk County PD. Their agreement will not change going forward.

LEG. STERN:

So how does that agreement then look two years from now. I understand right now it is a pilot program. There is a cost share, for lack of a better term. There's an investment here on the part of Suffolk County, part of the cost you are assuming as well. Two years from now if the program is successful and there is a quantifiable drop in these types of crimes and there's an outstanding relationship that is meaningful going forward, how does that look? And what are the costs associated with it. When you say that these kinds of services are provided within the terms of the agreement, what agreement is there?

MR. NIZICH:

If the program works, okay, and Suffolk County becomes a DNA marked community, essentially, you know, different communities start coming on. We want Suffolk County to be prepared and to not have any kind of planning issues to test marks and solve crimes. That's what we want, so we're not planning on doing any of that for them to incur any cost on their end. We want the individual homes are going to wind up, you know, purchasing kits. We're just doing a simple 500 home pilot right now, but as Tom Cilmi had just said before, this is really a consumer based product.

LEG. STERN:

That's my question. So two years from now you have these kits that are available. It has a cost. Any homeowner that wants to be a part of it, wants to have that type of protection --

MR. NIZICH:

That's correct.

LEG. STERN:

-- they're going to contract with you. They're going to pay you the fee and they get the kit.

MR. NIZICH:

That's true, yes.

LEG. STERN:

So now they've applied the botanical. Do they do that on their own?

MR. NIZICH:

Yes. There are videos to teach them.

LEG. STERN:

Okay. So now it's marked, it has the DNA marking. There's a piece of personal property that shows up in a pawn shop. It's recovered by the police. They have determined as part of an investigation it's a stolen item. What happens then? It gets sent to your laboratory, your professionals run the analysis.

MR. NIZICH:

They are supplied with these kits. They take a kit off their shelf or they take a kit out of the mobile Evans vehicle. They test it, send it to us or we can courier it because it's Suffolk County, and then we'll return the result to them.

LEG. STERN:

Is there any additional cost for the owner of property --

MR. NIZICH:

No.

LEG. STERN:

Or because they've enrolled in the program originally, they've incurred the cost upfront, they don't have to pay for that service on the back end.

MR. NIZICH:

The part that's incurred during this is well taken care of if the program succeeds.

LEG. STERN:

Very good. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Stern. Legislator Trotta.

LEG. TROTТА:

How much does that cost if you were to pay for it, the analysis.

MR. NIZICH:

The analysis is \$500 -- \$499 list price.

LEG. TROTТА:

Similar to what it costs for human DNA. How much is that?

DR. HAYWARD:

Same neighborhood.

LEG. TROTТА:

Okay. What about cross contamination?

DR. HAYWARD:

There is no cross contamination so none of the DNA's in the environment will match the DNA that we have done the marking with, and our assay system looks only for the DNA that we have produced.

LEG. TROTТА:

So you're producing a certain DNA that's unique, that can't be cross contaminated? I'm just playing devil's advocate. If someone said *oh, I own a pawnshop and I'm going to mimic what you have and cross* -- you're saying it's impossible to cross contaminate?

DR. HAYWARD:

Yes. We have done that ourselves as well as done it in association with all of the American National Laboratories and they were not able to disrupt our capacity to detect that DNA.

LEG. TROTTA:

That's where my argument ends. I have no idea.

CHAIRMAN D'AMARO:

All right. So this is -- I view this as a crime fighting tool, another tool in the arsenal. We're asking the Suffolk County Police Department to kind of take this out for a test drive. You gentlemen are in the business of developing this product and offering it now on a consumer level. It's something that if it were implemented by residents in Suffolk County it would be required that the County PD interact with your company and with the process and with the product. So we need to know as a County and as a Police Department whether we believe this is effective so we can kind of have a hands-on experience. That's why you need the pilot program. Once we get the pilot program, I think all County residents will be benefitting because our Police Department will be in a much better position to determine whether or not we should encourage and move forward with this type of crime weapon, if you will, or crime tool, whether or not how effective it is and at least the County PD will be able to give us an idea of that.

I think that \$25,000 to cover some of the cost is reasonable. I think this is new technology. I want to compliment you on taking something out of the lab and bringing it into crime fighting use. I think Huntington Station is a good place to start as an individual who represents a portion of that area. I think that many people are aware that Huntington Station can certainly use all the crime fighting tools that it can get, so I appreciate that. I think we do need the pilot program. I think we need to get our Police Department involved in this to determine whether or not it's actually as effective as you say it is, and I hope that it is. So I certainly will be supporting the bill. Are there any other comments?

MR. NIEVES:

Excuse me, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, sir.

MR. NIEVES:

Gentlemen, I'm Deputy Inspector Ted Nieves, Commanding Officer of the Precinct Detective Bureau.

CHAIRMAN D'AMARO:

Okay.

MR. NIEVES:

With your permission I just wanted to clarify the Police Department stance on this program.

CHAIRMAN D'AMARO:

Okay. Is everyone interested in hearing what the Detective has to say?

MR. NIEVES:

Very briefly, I believe Legislator Stern stated that the Police Department is in support of this program.

CHAIRMAN D'AMARO:

Right.

MR. NIEVES:

The department neither supports or opposes any program of this nature. Of course we will utilize any tool provided to us that will assist us in furtherance of our mission, but the actual determination of whether the program is viable is, of course, left to the elected officials.

CHAIRMAN D'AMARO:

Well, that's why we're doing a pilot program. And so you were sent here today to present the position of the Police Department?

MR. NIEVES:

And to answer any questions you might have in reference to police involvement.

CHAIRMAN D'AMARO:

I don't disagree. I think that kind of goes with what I just said, that in order for you as a Police Officer you need to be able to determine whether or not this would be effective or not effective and to what degree and how efficient is it, and does it help you solve crime or does it have a deterrent effect, so I don't disagree with that. But would you support the concept of at least doing a pilot program to find out?

MR. NIEVES:

Once again, we will go forward with any task upon the Legislature's determination.

CHAIRMAN D'AMARO:

But that's not what I'm asking you.

MR. NIEVES:

Well, if you determine that --

CHAIRMAN D'AMARO:

I'm asking if the Police Department would support a pilot program in order to find out whether this is an effective crime fighting tool.

MR. NIEVES:

The department is prepared to follow that avenue if that's the decision.

CHAIRMAN D'AMARO:

Well, can we get someone up here from the department that has the authority to answer that question then?

MR. NIEVES:

Yes, we will be able to implement the program.

CHAIRMAN D'AMARO:

That's not what I asked you. Would you support doing a pilot program to find out whether or not it would add to your ability to fight crime.

MR. NIEVES:

Yes, we would support trying to determine whether or not this tool is viable.

CHAIRMAN D'AMARO:

All right. Thank you. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. Thank you for being here. So I wonder if as a, and maybe this is a joint -- a question for both of you. If -- could the County -- if I as a homeowner chose to apply this DNA in my home, let's say there was no pilot program, it would cost me X amount of money. I would do it, I would say to you as a Police Detective when you came to my house *you know, I paid these guys 50 bucks to spray all of my jewelry with this DNA*. I suspect you guys give the consumer some sort of a certificate that indicates what it is that you did and whatnot.

MR. NIZICH:

Everything they get is in the kit.

LEG. CILMI:

Everything's in the kits, okay. So we would then -- the consumer would then give that kit or part of what's in that kit to the Police Department and say *here, I paid for this service --*

MR. NIZICH:

Under a scenario where there's one person and no police involvement, they would have to notify the police that this is what it's all about. That'd have to almost educate the police. In this case we're training the police to make sure that they're aware that when they find a mark that they'll know exactly what to do and that they're prepared with all the equipment. So in the pilot program we're pre-preparing the police under a training program to make sure that if somebody does come up with one of these questions, like you said, sir, that they're ready to do exactly what they need to do.

LEG. CILMI:

Okay, but -- so are we paying for training or are we paying for the application of -- you said before that you hazarded a guess, and I don't know how accurate that was, but I suspect it would be fairly costly to give out 500 kits and go to 500 homes and go through that whole ordeal of selecting, you know, residents who wish to utilize this technology. I would imagine the training component of the whole thing is a relatively simple process because it's probably already built in, the ease of use is probably already built in to your product. So my point is is that, again, why not just market your product to the populus at large and make the Police Department aware that you're marketing this product to the populus at large. I'm sure the Police Department would be very interested in learning about, you know, the technology that you're using and utilizing it to its fullest capabilities, you know, outside of any pilot project that you were doing.

MR. NIZICH:

If I can answer that. If you look at any new technology, any innovative technology, they all started with pilot programs. In this case there's a lot of involvement. There's legislative support, there's town support, there's consumer support and there's police support. We need to tie that all together somehow. This was a wonderful way that Legislator Spencer looked at this to say, you know, this is a chance to make a difference in Huntington and Huntington Station in this area.

You know, from our point of view, there's three million burglaries a year, okay, in home break-ins. There's a million people home and present during those burglaries.

LEG. CILMI:

How many in Suffolk County?

MR. NIZICH:

I don't know how many in Suffolk County, but nationally out of those burglaries, 260,000 people get hurt. There's violent crimes that emerge from those. As a company, yes, we are a for-profit company, but we really do want to make a difference. I live in Oakdale, okay. I want to make this difference. So, you know, we've pleaded our case and we want to make sure that we're, you know,

answering all the questions.

LEG. CILMI:

Yeah, so, I don't know if the -- if you, sir, can -- and what was your title again? I apologize.

MR. NIEVES:

Deputy Inspector.

LEG. CILMI:

Deputy Inspector. If as a homeowner I chose to purchase the service from this company and apply it, I'm sure that you would agree that if I presented you with this kit that had some evidence of or could potentially lead to reconnecting me with my stolen property and/or convicting a criminal, that you would utilize that evidence, correct?

MR. NIEVES:

Yes, sir. As I stated, the department will utilize any tool that could possibly help us out in trying to achieve what we're attempting to do.

LEG. CILMI:

So -- I'm not sure that you're able to answer this question, but I'll ask it anyway. If all of a sudden 500 homes in Huntington Station or anywhere in Suffolk County, I mean, each of us in the Legislature has parts of our districts that, you know, that crime is significant and certainly to the one person who gets burglarized or robbed that crime is incredibly significant. If folks throughout Suffolk County were aware of this technology and utilized this technology, privately purchased the technology, it doesn't really look to be all that expensive, the Police Department would use this as a tool in apprehending criminals and returning stolen merchandise to its rightful owners, correct?

MR. NIEVES:

That's correct, sir.

LEG. CILMI:

So to the extent that you support this pilot project, I guess you would just be supportive of 500 homes installing this technology and you're really not commenting on who should pay for that, is that correct? Is that a fair statement?

MR. NIEVES:

That's correct, sir. We have no stance on that. As I said, we'll utilize any tool provided to us.

LEG. CILMI:

Sure. All right. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Cilmi. We are --

LEG. CILMI:

Motion to table.

CHAIRMAN D'AMARO:

There's a motion to table by Legislator Cilmi. Is there a second?

LEG. TROTТА:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Trotta. We're a half hour into the next committee, so I would ask Legislators to just keep it a little shorter if we could. We have more of the agenda. Legislator Trotta.

LEG. TROTТА:

I know a little bit about this. I am going to ask the questions I know the answer to. How many of these things are you going to give out to the Detectives in Property? You are going to give them to the Property Section guys I'm assuming.

MR. NIEVES:

It's probably -- it's going to be handled by the plan -- the general plan right now it's being handled by the Precinct Detective in conjunction with the Property Recovery Section.

LEG. TROTТА:

How many of these lights are we -- and these lights, you can buy them anywhere, it's a standard light or is it a special light?

MR. NIZICH:

They are. We are going to issue a certain amount. They're going to tell us what the need is. We don't know what that is. But under the agreement we're going to issue as many of these kits as they need and as many lights as they see fit for the process.

LEG. TROTТА:

So let's say a guy steals a watch, goes to a pawn shop, puts it in the safe in the pawn shop or puts it in the pawn shop. One of these detectives comes in and the guys says *you're not shining that light on my stuff*, it's over.

MR. NIEVES:

Well, part of the police process, I believe, I'm not going to speak on the police process, is to do some of these investigations at the pawn shops and it would just be an additional activity.

LEG. TROTТА:

The pawn shop is under no obligation to let them search, to come in, to shine it, you know, on a light. All they do is they look at the books and they leave and they're required to put it into, unless there's some criteria that he's going to be given a pawn -- that the guy in the pawn shop's going to be given a light and he's going to shine it on it and then he's got to report to the police that *hey, listen, I have something shine*, which would be a more effective way because, an additionally effective way, because the cop walks into the pawn shop with the light, the guy says *you're not pointing that on anything*.

MR. NIEVES:

Well, it wouldn't be indiscriminate. Obviously if we saw material, and that holds through til today, if we see items in the pawn shop that match the description of stolen items, we have the right to photograph them and to display them to the crime victims to see if they can identify them. So this would be similar. Instead of photographing it, we would use this device, I'm assuming, to see if it has the DNA marker on it.

LEG. TROTТА:

Yeah, but they're not -- they can say to you *you're not looking in my safe. You're not looking in anything*.

MR. NIEVES:

They are under obligation in certain instances where there may be a crime suspected of cooperating

with us.

LEG. TROTTA:

Yeah, but you have to have -- you just can't go in to the pawn shop and say *open that back safe* or *let me see that watch*. I mean, there's got to be -- I mean, I've been involved in that where they've said *no, sorry, you can't look at that, you can't come back there*. And I checked with the County Attorney and the District Attorney and there's no right to search it. So my concern is that, you know, what are you going to do? You might have it, it might be in a pawn shop, and it might be a computer with the obliterated serial number and sorry, you can't touch it, you know, you aren't allowed back there.

MR. NIZICH:

Again, I'm not going to comment on the police process as that's not, you know, what I do. But if we look at this fact from the levels of deterrence, having it, having the home stickers, you know, each kit comes with the front and back door, it has like an alarm sign, having an area marked --

LEG. TROTTA:

I agree. You are not going to get an argument with me. I agree with you 100%. It's a great deterrent.

MR. NIZICH:

We're not saying it's going to stop everything, we're saying it's one more level, one more tool for the police, one more level for the homeowner to say let's start making a change.

LEG. TROTTA:

I -- you know, the more I think about it, you know, \$25,000 in promoting your company, while I want to promote local companies, you know, I just, you know, your net worth of your company is \$52 million, to just have an initial public offering, \$25,000 to get some free publicity might not be a bad thing and it might take off. But I have a problem, you know, we talked about spending money and here we go again.

DR. HAYWARD:

It's not free publicity. We're providing at cost 500 products, which would cost us much more. So to cast it as free publicity is I think twisting the words.

LEG. TROTTA:

Well, clearly, you know, it's going to be promoted that we're using your company, and if it works, which I think as a deterrent effect it probably would have some effect initially, but then it sort of -- it's funny that you mentioned the stickers. I was going to bring that up before. The greatest deterrent to any burglar is an alarm sticker in the window. All right. It's getting late.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Trotta. To the Clerk, what motions are pending, please?

MR. RICHBERG:

We have a motion to approve and a motion to table. Both have seconds.

CHAIRMAN D'AMARO:

Both have a second. Thank you. The motion to table comes first. I'll call the vote. All in favor of tabling please so indicate. Those opposed to tabling? Steve, are you voting? The resolution fails. The tabling resolution fails. I'm going to call the vote on the motion to approve. All in favor? Any opposed? Okay. One opposed and one abstention. The resolution carries. The motion is approved. Good luck with the pilot program. **(Vote: 4-1-1-0 - Opposed: Legislator Cilmi; Abstention:**

Legislator Trotta; Presiding Officer Gregory is included in the vote)

1347-2015 - Amending the 2015 Operating Budget to provide funding for membership in the Interstate Chemicals Clearinghouse (Hahn). This is transferring a \$5,000 budget line to the Health Department to pay for a one year membership in this association, which promotes the development and use of safer chemicals. I'll offer a motion to approve.

P.O. GREGORY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes, Mr. Presiding Officer, of course.

P.O. GREGORY:

Through the Chair and to Robert. What's the offset for this?

MR. LIPP:

There's a problem with the offset. The offset is gasoline and motor oil expenses, but last week the Executive's Budget Office froze or embargoed a significant amount of money, 729,000 and change, of this they froze. So we were telling the sponsor that there was some excess money in there, but once they did that it evaporated.

CHAIRMAN D'AMARO:

Dr. Lipp, I have information that was not subject to that embargo, if you will, that line. Is there someone from the County Executive's Office that can clarify the County Executive's position with respect to that particular line? Hi.

MS. HORST:

I was told that there was seven million in the account earlier this morning. I know we don't like the offset, but I'm told that there was seven million in the account to support the intent of the resolution but not the offset.

CHAIRMAN D'AMARO:

That's not subject to the freeze.

MS. HORST:

That's my understanding, yes.

CHAIRMAN D'AMARO:

Dr. Lipp, what's your understanding?

MR. LIPP:

I received an e-mail last week saying that they froze what amounts to 729,000 and change of this line item.

CHAIRMAN D'AMARO:

Is there an additional seven million in the account?

MR. LIPP:

Well, I think what's being referred to is there's over seven million overall in the account. We had projected that there would be some savings because of the decrease in gasoline prices. We could no longer stand by the decrease in excessive of the amount that was frozen.

CHAIRMAN D'AMARO:

I mean, if there's seven million there we're going to spend a good portion of that. So you're saying coupled with 10% hold back that you feel that the -- it's not a viable offset.

MR. LIPP:

This a new freeze or embargo by the County Executive's Office. They didn't -- if you look at like, for instance, the beginning of April, they didn't have this frozen. This is a new initiative on their part.

CHAIRMAN D'AMARO:

Is Connie Corso still here?

MS. HORST:

No, she's not.

CHAIRMAN D'AMARO:

She's not.

MS. HORST:

Would you like us to get her back?

CHAIRMAN D'AMARO:

Only if she's close, because we're way over time.

MS. HORST:

I think she's across the street.

CHAIRMAN D'AMARO:

Oh no, forget that. Okay. Legislator Cilmi, go ahead.

LEG. CILMI:

Katie, you indicated your support of the intent of this resolution?

MS. HORST:

Yes.

LEG. CILMI:

Why?

MS. HORST:

This is to help with Legislator Hahn's toxic toy bill. This is a way for us to set -- to learn standards on what is acceptable limits for toxins in toys.

LEG. CILMI:

So we have to pay \$5,000 to learn what is acceptable standards?

MS. HORST:

To join.

LEG. CILMI:

To join this association to learn what the acceptable standards for toxic toys are.

MS. HORST:

Yes.

LEG. CILMI:

Okay. We'll come back to this at another time, this discussion at another time, Katie.

MS. HORST:

Okay.

CHAIRMAN D'AMARO:

Is there a motion pending on this bill?

MR. RICHBERG:

We only have a motion to approve with no second.

CHAIRMAN D'AMARO:

Okay. So I'll withdraw -- was that me?

MR. RICHBERG:

Yes.

CHAIRMAN D'AMARO:

I'll withdraw my motion to approve. Is there a motion to table?

LEG. STERN:

Motion to table.

CHAIRMAN D'AMARO:

Legislator Stern offers a motion to table. Legislator Martinez offers a second. And because it will be tabled we'll have an opportunity to discuss it again. We're just running way over time. All in favor? Opposed? Abstentions? Motion carries. The resolution is tabled. ***(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)***

1365-2015 - Amending the 2015 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.). This is appropriating \$110,000 to settle a negligence action against the County and it has previously been approved by the Way and Means Committee in Executive Session. I'll offer a motion to approve. Second by Legislator Stern. Legislator Trotta.

LEG. TROTTA:

Which one was this?

CHAIRMAN D'AMARO:

Lynne Bizzarro is here from the County Attorney's Office. She probably could answer that question for you.

LEG. TROTTA:

Is it one of the ones I voted no on?

MS. BIZZARRO:

Actually it was Susan Flynn who made the presentation in Executive Session. I'm not sure how you voted at the Ways and Means. I don't think this was -- this was not the last meeting, it was the meeting before.

LEG. TROTTA:

I think I voted for that one.

MS. BIZZARRO:

Yeah. It was \$110,000. It was not a significant amount. I believe it was the last meeting you may have stated no.

LEG. CILMI:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Cilmi.

LEG. CILMI:

If I may. To the extent, Lynne, that you could describe to us exactly what this is for, please do.

MS. BIZZARRO:

It's was a malicious prosecution and false arrest case, and there was an ultimate trial on it, a small verdict. We had a question regarding an imposition of attorney's fees ultimately. We ultimately settled it because there was debate about whether or not we wanted to appeal it and that's pretty much the general.

LEG. TROTTA:

I voted no on this one, too.

LEG. CILMI:

Okay. Thank you.

CHAIRMAN D'AMARO:

Is there a motion pending?

MR. RICHBERG:

We have a motion and a second.

CHAIRMAN D'AMARO:

Okay. Very good. I'll call the vote. All in favor? Opposed?

LEG. TROTTA:

Opposed.

CHAIRMAN D'AMARO:

One in opposition. Abstentions? Resolution carries. I'm sorry, were you opposed? You didn't call the vote, right? Yes, sir.

LEG. CILMI:

Mr. Chairman, why is it that these cases are discussed in Way and Means and then the bonding for it comes to this committee for approval?

CHAIRMAN D'AMARO:

Oh, the bonding?

LEG. CILMI:

I mean, it's hard to know --

CHAIRMAN D'AMARO:

What committee would you like it to go to?

LEG. CILMI:

Well, if the case itself is discussed in Executive Session in Way and Means, why --

CHAIRMAN D'AMARO:

This committee has the jurisdiction to authorize the bonding, but I'll let Counsel answer your question.

MR. NOLAN:

Under the, you know, our Charter the settlements are approved by the Way and Means Committee and that's in our Charter, so that has to go to Ways and Means in terms of the settlement, giving the County Attorney the authority to settle cases, but this is a budget item.

CHAIRMAN D'AMARO:

Tom, I always looked at it as an independent review by a different committee than the committee that necessarily would hold the purse strings.

LEG. CILMI:

But not having the information that the Ways and Means Committee members had as a result of the Executive Session, and now having -- it's not improper for me if I was not -- it's not improper for me to know the information that was discussed in Executive Session, correct, as a Legislator? Counsel?

MR. NOLAN:

No, you could get that information.

LEG. CILMI:

Right. Okay.

MR. NOLAN:

But it's two -- you know, it's two separate questions. One, are we --

LEG. CILMI:

I understand.

MR. NOLAN:

Do we want to want to settle a case --

LEG. CILMI:

Without belaboring the point any longer, please mark be as an opposed on this resolution. I don't want to get into the details, but.

MS. BIZZARRO:

Well, if I could. You always have the option you could now go into Executive Session to discuss the matter. I know we're short on time but I'm ready if you are.

LEG. CILMI:

I mean, I would have to simply explore the information that I was just given. I don't think there's a need --

CHAIRMAN D'AMARO:

Is there any consequence to tabling for one cycle so Legislator Cilmi can get the information he

needs?

LEG. TROTTA:

It was in Newsday.

MS. BIZZARRO:

I am concerned, let's say, with delaying this anymore.

LEG. CILMI:

Let me ask this question, and it's just a question, and you can choose to answer or not answer. The settlement's for \$110,000. Where does that money go?

MS. BIZZARRO:

It gets --

LEG. CILMI:

The settlement is for \$110,000 that we're bonding. Where does it go?

MS. BIZZARRO:

It will be split between the plaintiff and the plaintiff's counsel.

LEG. CILMI:

Proportionally how?

MS. BIZZARRO:

I would rather not discuss that on the record.

LEG. CILMI:

Okay. I mean, I assume --

CHAIRMAN D'AMARO:

It's going to the defendant, but the defendant has to pay their legal bill -- the plaintiff rather. Their plaintiff needs to pay their legal bill. I mean, we don't necessarily concern ourselves with how that's --

MS. BIZZARRO:

No, right. Settlement is a package.

CHAIRMAN D'AMARO:

We don't care how much they're paying their lawyer. We value the case and make a decision.

LEG. CILMI:

For this one just mark me as an opposed for the time being.

CHAIRMAN D'AMARO:

Okay. So two opposed. The resolution carries. *(Vote: 4-2-0-0 - Opposed: Legislators Cilmi and Trotta; Presiding Officer Gregory is included in the vote)*

1372-2015 - Amending the 2015 Operating Budget to provide funding for the Suffolk County Coalition Against Domestic Violence (Hahn).

This is transferring \$70,000, again, from the gas and motor oil budget line to the Coalition to cover the outreach program that we heard testimony about during the public portion.

LEG. CILMI:

Mr. Chairman, I have some questions of the agency. If Connie could --

CHAIRMAN D'AMARO:

Yeah, and also, Dr. Lipp, is this the same offset as the previous bill we tabled?

MR. LIPP:

Yes.

CHAIRMAN D'AMARO:

Do you want to defer?

LEG. CILMI:

Well, if we're going to table to get more information on whether or not the offset is an appropriate offset, then I'll yield and I'll save my questions for either a private conversation or for our next committee meeting. It's up to you, Mr. Chairman.

CHAIRMAN D'AMARO:

I would appreciate that. The hour is late. I will offer a motion to table. Second by Presiding Officer Legislator Gregory. All in favor? Opposed? Abstentions? The resolution carries. The bill is tabled.
(Vote: 6-0-0-0 - Presiding Officer Gregory is included in the vote)

There is no further business before the committee. We stand adjourned. Ladies and gentlemen, thank you for your patience this morning.

(*The meeting was adjourned at 12:15 p.m. *)