

Astorino's budget cuts prompt Democrats to hire outside lawyer

By Gerald McKinstry • gmckinst@lohud.com • June 9, 2010

WHITE PLAINS — The Westchester County Board of Legislators is poised to sue County Executive Rob Astorino over millions in mid-year budget cuts.

Board Democrats led by Chairman Ken Jenkins of Yonkers say the Republican county executive has "overstepped his bounds" by cutting day care and bus routes after they had approved those programs and services in the 2010 budget.

Astorino said this action is the latest in a series of "senseless, anti-taxpayer measures." He said he's doing precisely what voters have asked him to do — reduce costs and shrink the size of government.

"We're not going to roll over and play dead, that's never going to happen," Jenkins said Tuesday. "Our job is not to be a rubber stamp. Our job is to ask questions of proposals coming from the county executive."

The board, in a 9-6 vote late Monday that included two dissenting Democrats, authorized legal action against the administration and hiring outside counsel Robert Goodstein for \$35,000. (Legislator Martin Rogowsky, D-Harrison, was absent).

Any midyear changes from Astorino must be agreed to by the county board because of its checks- and-balances role — it's part of the board's constitutional responsibility, Jenkins and other Democrats said.

The dispute between the branches — a Republican executive and a Democratic majority on a 16-member board — began after Astorino asked commissioners to come up with immediate cuts to address a looming \$166 million budget deficit in 2011.

While the bus route matter, particularly the Manhattan express route, was temporarily solved this year with a compromise of higher fares and fewer runs, day care remains a point of disagreement.

In all, commissioners put forth \$16 million in savings, including \$5.8 million from social services. Of that, \$1.5 million is from lower day-care expenses and increasing parent contributions from 15 percent to 20 percent.

According to the U.S. census figures, the majority of eligible recipients live in southern Westchester — in the cities of Yonkers, Mount Vernon and New Rochelle — though most legislators say it is a countywide concern and that people from all parts of Westchester need, and use, these services.

Astorino said the board's action, which they dubbed as historic, was a "historic waste of money." He said board members' action defied logic and was likely a precursor of battles to come.

"This is going to be one of a thousand fights this fall," Astorino said. "It is imperative that we start reducing costs. They're not being responsible to the taxpayers, some are being tone deaf. ... Spending is way out of line. We have to bring costs in line."

Astorino said the county is still committed to day care by spending \$32 million. The average per-child cost of \$13,000 is too high, he said.

With the board seeking outside counsel, County Attorney Robert Meehan, an Astorino appointee, won't represent either branch in this matter. Astorino will likely have to retain counsel, too.

Republican board members said the board is trying to hamper progress by turning a policy dispute into a legal one.

"The goal here is to checkmate the critically important cost-saving initiatives of the county executive," said Legislator Gordon Burrows, R-Yonkers. "They failed to make their case on these issues by force of argument, now they want to waste taxpayer money in a legal challenge."

Legislator John Nonna, D-Pleasantville, voted with the Republican minority. While he does not support the day-care cuts, he said suing the executive is the wrong move.

"I believe we haven't exhausted all of our options," Nonna said of negotiations. "I'm not prepared to throw down the gauntlet at this particular time."

Legislator Peter Harckham, D-Katonah, said the dispute wasn't about the need to cut county spending — they agree that needs to be done, he said — but about doing so "on the backs of the working poor" who need such subsidies to go to work and stay off other social services like welfare or public assistance.

"It is far more cost-effective to taxpayers to have these parents working and contributing to our economy than on public assistance," he said.