

**WAYS AND MEANS
and
CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means and Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **May 4, 2004**.

-

MEMBERS PRESENT:

Legislator Cameron Alden - Chairman

Legislator Andrew Crecca - Vice-Chair

Legislator William Lindsay

Legislator Lynne Nowick

Legislator Peter O'Leary

Legislator Vilorina-Fisher

Legislator Elie Mystal

-

ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature

Jim Spero - Director - Budget Review Office

Charles Gardner - Director of Consumer Affairs

Ilona Julius - Clerk's Office

Ivan Young - County Executive's Office

Bill Faulk - Aide to Presiding Officer

Warren Greene - Aide to Legislator Alden

Ed Hogan - Aide to Legislator Nowick

Frank Tassone - Aide to Legislator Crecca

Pat Zielenski- Real Estate Division

Lynne Bizzarro - County Attorney

Ken Knappe - County Exec's Office

Carl Yellon - Aide to Legislator Crecca.

Kelly Platt

All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:40 A.M. *)

CHAIRMAN ALDEN:

Good morning, and welcome to Consumer Protection and Ways and Means Committee meeting. We're going to have the Pledge, and it will be led by Vivian Vilorio-Fisher.

SALUTATION

CHAIRMAN ALDEN:

And I would just ask for one moment of silence too, because recently we've had quote a few of our service personnel that have either been under attack and some have actually paid the ultimate price for freedom.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. Charlie, I'm going to ask you if you want to come up, because I know you have a busy day today. So is there anything we should be aware of on the agenda?

DIRECTOR GARDNER:

There's several proposals, and I don't know, Mr. Chairman, which one you want to address first. You know, we have some --

CHAIRMAN ALDEN:

If you want to go down the line, you know, like, with the Introductory Resolutions and just

bring that up.

DIRECTOR GARDNER:

1137, to amend the County Consumer Protection Policy for recipients of gift certificates/gift cards. I've been in discussions with Legislator Lindsay, and I believe there's a corrected copy either done or being prepared. And the latest one that I saw, this office would support and would be enforceable and would not have any impact on staffing levels.

CHAIRMAN ALDEN:

That's not eligible to be voted on today, right if you just put a corrected copy in? Did you want to move it?

LEG. LINDSAY:

It's eligible. The changes were made early enough.

CHAIRMAN ALDEN:

Good. Anything else?

DIRECTOR GARDNER:

1277, Legislator Fisher -- again, I've been in discussion with Legislator Fisher and her office and also Long Island Builders Institute. And we are also in the middle of trying to gather as much information as we can from the various town and village building departments. I would request -
- I had a conversation with Legislator Fisher, I think that's going to be tabled.

LEG. VILORIA-FISHER:

Yes. I'll be tabling that in order to continuing the research that we're doing to make it workable.

DIRECTOR GARDNER:

Yes. We're looking into potential numbers, potential impacts on the restitution fund, licensing fees, etcetera, things like that.

CHAIRMAN ALDEN:

Okay.

DIRECTOR GARDNER:

The -- 1328, the policy and procedure for the undercover and covert law enforcement leases.

That would affect us whenever we rent a house for use in a sting operation. But again, my reading of it is fine. We would support that and wouldn't have any problems with complying with the notice of the County Attorney.

CHAIRMAN ALDEN:

Okay.

DIRECTOR GARDNER:

License and regulate dry cleaning establishments, I was speaking with Legislator Cooper yesterday.

LEG. VILORIA-FISHER:

What's the number?

DIRECTOR GARDNER:

I'm sorry, that is 1358. I spoke several times with Legislator Cooper. There are some suggested amendments coming from my office and the County Executive's Office. And he is in support of them, and I believe that he has been in touch or will be in touch with Legislative Counsel concerning those suggested changes to the dry cleaning establishments.

LEG. VILORIA-FISHER:

Mr. Chairman, I have a question about that. Charlie, I recall Maxine Postal had done some work with the dry cleaners and dry cleaning establishments, how is this different?

DIRECTOR GARDNER:

The original law concerned solely the posting of prices. That was passed in 1985. In 1999, we incorporated -- the Legislature incorporated those price posting requirements into a licensing bill in 1999. The proposal now, the amendments, would first of all make the penalties for doing business without a licensing uniform with other sections, mainly Section 345-12 of the County Code so that the -- the current wording is kind of bland. It just says that basically if you do business as a dry cleaner without a license that's it's unlawful. That's all it says. It doesn't address it as specifically. As far as the price posting, there would be -- the office would advise all dry cleaners at the time of licensing and upon renewal of their obligations under the law. And it would also change the penalty structure. Right now the penalty structures calls for a penalty of \$25 for the first offense, and I believe 50 for the second. It would increase those

penalties and also add the language of up to, which this office always recommends, because it's up to the hearing officer to determine those penalties as opposed to having a set penalty for every single -- there are violation and there are violations. There are always extenuating --

LEG. VILORIA-FISHER:

I understand, Charlie.

DIRECTOR GARDNER:

So it would increase the penalties, it would conform the penalty for doing business without a license, and it would require notification to the licensees of their obligations under the law.

CHAIRMAN ALDEN:

So we're getting close to a finished product, but not quite.

DIRECTOR GARDNER:

That's correct. I only spoke to -- the latest I spoke to him was yesterday.

CHAIRMAN ALDEN:

Okay. Thanks. Legislator Nowick.

LEG. NOWICK:

Just a question on Legislator Lindsay's gift certificate legislation, just quickly, what that is exactly?

DIRECTOR GARDNER:

It goes to the heart of those establishments that would -- that do offer gift certificates and/or gift cards that impose terms, conditions, services charges, any diminution of value. If these establishments do have any of those terms and conditions, they would first of all have to post a notice, it would have to be available with the gift certificates so that people who buy them and subsequently use them are aware of the fact that there might be an expiration date, for instance, there might be a service charge, quote, unquote or penalty if you want to use that term for non use. For instance, after six months, it starts losing \$2 a month. Anything like that, any type of terms and conditions would have to be disclosed at the time of purchase.

LEG. NOWICK:

Cosponsor.

DIRECTOR GARDNER:

1401, a local law to amend certain occupational licensing laws to increase maximum allowable fines. Again, I spoke with Legislator Cooper yesterday. There are some suggested amendments going in for that. We are in agreement with a couple of them. It's needs kind of little tweaking here and there, again, making it uniform with other licensing laws.

CHAIRMAN ALDEN:

Good. If you get the chance, I would suggest, you know, just make the suggestion to Legislator Cooper that he should talk to Legislator Lindsay, because Legislator Lindsay just put in -- I guess it was not that long ago, right -- very comprehensive changes to that.

DIRECTOR GARDNER:

I think Legislator cooper knows now that it was just very recently that we made all the penalties uniform. We also increased the penalties. And also, there's a big difference between penalties for licensed contractors as opposed to unlicensed contractors. And we had a discussion with that, where an unlicensed operation is a misdemeanor, a criminal offense as opposed to most of the licensing violations, which are civil offenses. And he understands that. So there are different penalties involved. And on the unlicensed side, as high as the courts will allow. I explained to him that the unlicensed, those are generally handled by the courts, not by our office. That's a criminal offense. So he is researching as far as penalties relating to various classes of misdemeanors and what they can be. And he is working on that now.

CHAIRMAN ALDEN:

Good. Thanks, Charlie.

DIRECTOR GARDNER:

And I believe those are the item on the agenda that affect Office of Consumer Affairs.

LEG. O'LEARY:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Charlie, I'd like to back up just to the dry cleaning establishments. Is the purpose of that proposal to have the establishments adhere to the prices that are listed?

DIRECTOR GARDNER:

Yes, it is. It's a, to adhere to it and b, to make sure that they are in fact posted.

LEG. O'LEARY:

All right. But it has nothing to do with the actual services provider. It's strictly to do with the pricing.

DIRECTOR GARDNER:

Correct.

LEG. O'LEARY:

Okay. Thank you.

CHAIRMAN ALDEN:

Charlie, I just had a couple of questions, and it's off the subject matter. It's a resolution that's before the full Legislative body, and it's tabled right now, that seizure of vehicles from unlicensed contractors. Approximately how many complaints do we get a year for unlicensed contractors?

DIRECTOR GARDNER:

For unlicensed contractors, we get approximately -- these home improvements contractors now, we probably get unlicensed, about between six to 700 per year.

CHAIRMAN ALDEN:

Okay. And I know we run a sting operation, what's the usual yield out of sting operation?

DIRECTOR GARDNER:

We generally try to run a sting operation about every 12 months or so. The last one where we actually rented a house and ran that for six weeks, we arrested 25 people based on that operation. There were several -- we probably issued approximately 50 violations, but there were actually 25 arrests that came out of that operation. These are for unlicensed contractors who knew that we knew they were in business, who knew that they needed a license, who in

almost -- no, I won't even say almost -- who in every case had outstanding consumer complaints and had continued to operate within Suffolk County.

CHAIRMAN ALDEN:

And we run that with the Police Department and the DA's Office, right?

DIRECTOR GARDNER:

Generally, yes. Our latest operation was only two weeks ago. We ran it with the New York State Department of Environmental Conservation. We had several uniformed officers working with our investigators each day. We had five teams of two out each day for five days. We made 308 stops, issued more than 100 violations from our office and 26 violations from the DEC. These were all targeted at landscaping operations in the County.

CHAIRMAN ALDEN:

Anybody have any other questions for Charlie? Thanks a lot. We'll let you get back to work.

DIRECTOR GARDNER:

Thank you.

CHAIRMAN ALDEN:

Thanks for coming over. We have one card for the public portion, Kelly Platt.

MS. PLATT:

My name is Kelly Platt, and I'm here in reference to introductory Resolution 1277. I just want to know what the status is. I know that Legislator Fisher said it's going to be tabled, and I just wanted to know what the status was of that, why it's being tabled if anybody can answer that.

CHAIRMAN ALDEN:

I'm going to fill in for a minute while Legislator Fisher comes back in. But I think you heard a little bit of testimony that they're working on basically making the little a little better. They're trying to make it the best product that they can. So Charlie had a few suggestions, and Legislator Viloría-Fisher was looking at a couple of other options. And I think that's basically incumbent upon us to make it the best product that it can be. And that's why the sponsor of the bill is tabling it.

MS. PLATT:

Because I know with LIBI and Bob Weibolt, Bob Weibolt will be against this bill ten times and

back, because he is for the construction, he is for the destruction of Brookhaven especially, where mostly open space is happening right now. I feel that, you know, he is going to try to stop the bill to all lengths that he could, because he is in support of builders, he is in support of construction. And with all these contractors who build new homes in Brookhaven, especially with this -- the urban sprawl that's happening right now, it's killing our open space. And if these builders are building new homes, and they are not held accountable, this is what I'm looking for is for these new home contractors to be held accountable for their shabby work that they are doing on construction of new homes.

CHAIRMAN ALDEN:

There's a couple of different issues in there too.

LEG. VILORIA-FISHER:

Mr. Chairman, I'm back.

CHAIRMAN ALDEN:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I heard it, I was right outside. Thank you for being here again. And I just want you to know that, of course, you sat here enough to know that our motivation is also the protection of open space, the protection of our citizens. And we certainly don't have somebody from the Builders Institute driving the process. So, please, be at ease that's it's certainly not Mr. Weibolt driving this process. But before we institute something like this that's going to have an affect on our Consumer Affairs Department, we need to know it's manageable. We can't pass a law and then find that we can't implement it, because it's worse than not having a law at all if you can't implement it.

So we want to make sure that we have our ducks in a row, that we know that the all the different towns and their licensing where there is some overlap, there are some people who are home builders and also home improvements companies. If they already have a licenses to do home improvement with the towns, we don't want to duplicate the effort and be at cross purposes with the town. So we have to make sure that we have a clean seamless process, and that's what we are working on. We're not allowing other self interests to drive this process.

MS. PLATT:

Okay.

LEG. VILORIA-FISHER:

Okay. Thank you.

MS. PLATT:

Thank you. That's it.

CHAIRMAN ALDEN:

Thanks a lot. Anybody else want to address the committee during the public portion? We're going to a public hearing. I would ask the Clerk's Office, were the proper notifications and publications done?

MS. JULIUS:

Yes, Mr. Chairman. They were duly filed and are in proper order.

CHAIRMAN ALDEN:

You have document to that?

MS. JULIUS:

Yes, I do.

CHAIRMAN ALDEN:

Thank you.

PUBLIC HEARING

**1387-2004. A Charter Law to amend Section C2-14 of the Suffolk County Charter.
(CRECCA)**

CHAIRMAN ALDEN:

I don't have any cards on it. Would anybody want to address the committee in this public hearing?

LEG. CRECCA:

Motion to close.

CHAIRMAN ALDEN:

Motion to close, seconded by myself. All in favor. Legislator Vioria-Fisher.

LEG. VILORIA-FISHER:

No, it's okay.

CHAIRMAN ALDEN:

Explanation on the bill.

LEG. CRECCA:

I'll defer to Counsel.

CHAIRMAN ALDEN:

So you have no clue what your legislation provides for.

MS. KNAPP:

This is a bill that would amend the Charter to allow local laws to be submitted on the second day after passage by the Legislature. Currently, local laws have to be submitted by noon on the day after a meeting. And as you know, the meeting sometimes, particularly the night meetings, go to very late, and it puts a certain amount of pressure on the Clerk's staff to try to have these things out by noon of the following day. For resolutions, the Charter presently allows them to go on the second day after a meeting, so that this change will allow local laws and resolutions to go at the same time.

LEG. VILORIA-FISHER:

That's to be enacted? That's to enact the local law?

LEG. CRECCA:

No. In other words, once we approve them here, they have to get sent over to the County Executive. This would allow us to send all resolutions, local laws and charters all over in one packet by the second day after the meeting. It does possible delay things a day.

LEG. VILORIA-FISHER:

Right, because it has to be signed before it's enacted, right?

MS. KNAPP:

Yes. It doesn't impact the County Executive's time to act on them, because it's all from the time of the County Executive's receipt. All it does is just --

LEG. VILORIA-FISHER:

I see the language here.

LEG. CRECCA:

I'm just trying to make it more efficient.

CHAIRMAN ALDEN:

So we have a motion to close, we have a second. All those in favor? Opposed? It carries. It's **closed. (VOTE:7-0-0-0)**

Okay. We're out of public hearings, and we're going into the agenda.

Tabled resolutions

1039-2004. Establishing commission to study alternative form of County government. (BINDER)

LEG. CRECCA:

Motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

We have a motion to table, we have a second, all those in favor? Opposed? That motion is **tabled. (VOTE:7-0-0-0).**

1086-2004. Adopting Local Law No -- 2004, a Charter Law to create the Real Estate Acquisition Anti-corruption Reform Act. (BINDER)

LEG. LINDSAY:

Motion to table.

LEG. CRECCA:

Second.

CHAIRMAN ALDEN:

Motion to table by Legislator Lindsay, seconded by Legislator Crecca. All those in favor? Opposed? That legislation stands **tabled. (VOTE:7-0-0-0)**.

1137-04. Adopting Local Law No -- 2004, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates and/or gift cards. (LINDSAY)

LEG. LINDSAY:

Motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Motion to approve by Legislator Lindsay, seconded by Legislator O'Leary All those in favor? Opposed? **Approved. (VOTE:7-0-0-0)**

LEG. CRECCA:

Ask the Clerk to list me as cosponsor.

CHAIRMAN ALDEN:

I would think that all of us would want to be cosponsors. This committee stands for protecting consumers' rights.

1193-04. Establishing a fair and affordable sick leave policy for exempt employees. (BINDER)

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator Nowick. All those in favor? Opposed? 1193 is **tabled. (VOTE:7-0-0-0).**

1222-04. Adopting Local Law No -- 2004, a Charter Law to mitigate County liability by expanding prior notice of defective condition requirements. (COUNTY EXEC).

CHAIRMAN ALDEN:

We have somebody from the County Attorney's Office that wants to address us on this.

LEG. CRECCA:

The public hearing has not been closed yet.

CHAIRMAN ALDEN:

Tabled for the public hearing, motion by Legislator Crecca, second by myself. All those in favor? Opposed? **TABLED. (VOTE:7-0-0-0).**

1223-04. Adopting Local Law No -- 2004, a Charter Law to amend the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner. (MONTANO)

CHAIRMAN ALDEN:

Public hearing hasn't been closed. Motion by myself to table, seconded by Legislator Crecca. All those in favor? Opposed? That's **TABLED** for the public hearing. **(VOTE:7-0-0-0).**

1245-04. Adopting Local Law No -- 2004, a Local Law to authorize County registry for Domestic Partners. (COOPER)

LEG. VILORIA-FISHER:

Motion to approve.

LEG. LINDSAY:

Second.

CHAIRMAN ALDEN:

Motion to approve by Legislator Fisher.

LEG. CRECCA:

Motion to table.

LEG. O'LEARY:

Second on the tabling.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator O'Leary. All those in favor of tabling?

LEG. VILORIA-FISHER:

Opposed.

LEG. MYSTAL:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

okay. Listing as opposed, Legislator Viloría-Fisher, Legislator Lindsay and Legislator Mystal. It stands **TABLED. (VOTE:4-3-0-0) (Opposed; Legis. Viloría-Fisher, Lindsay and Mystal).**

1277-04. Adopting Local Law No -- 2004, a Local Law amending Local Law 2-1999, to expand home improvement contract licensing law to add new home construction. (VILORIA-FISHER)

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Viloría-Fisher, seconded by myself. All those in favor? Opposed? **Tabled. (VOTE:7-0-0-0)**

1328-04. Adopting Local Law No -- 2004, a Local Law establishing policy and procedure for undercover/covert law enforcement leases. (COUNTY EXEC)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed?

Approved (VOTE:7-0-0-0).

**1345-04. A Charter Law creating a County Department of Environment and Energy.
(COUNTY EXEC)**

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Second by Legislator O'Leary. All those in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

CHAIRMAN ALDEN:

We have one opposed. TABLED. **(VOTE:6-1-0-0).**

(Opposed; Legis. Viloría-Fisher).

INTRODUCTORY RESOLUTIONS

1348-04. A Local Law to amend Local Law No. 5-1993, to prohibit County of Suffolk from contracting with corporations that reincorporate overseas. (VILORIA-FISHER)

LEG. VILORIA-FISHER:

Mea, do we still have public hearings on this?

MS. KNAPP:

They've not been held.

CHAIRMAN ALDEN:

We have to table for a public hearing. Motion to table by Legislator Viloría-Fisher, seconded by myself. All those in favor? Opposed? That's **tabled** for a public hearing. **(VOTE:7-0-0-0)**.

1350-2004. Authorizing removal hearing for members of Suffolk County Water Authority. (VILORIA-FISHER)

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by --

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

-- Legislator Crecca, seconded by Legislator Nowick.

LEG. VILORIA-FISHER:

Opposed. Oh, motion to table.

CHAIRMAN ALDEN:

There's a motion to table and a second.

LEG. VILORIA-FISHER:

I was going to make a motion to approve.

CHAIRMAN ALDEN:

Tabling goes first. All those in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

LEG. LINDSAY:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN ALDEN:

Opposed, Legislator Viloría-Fisher, Legislator Lindsay and Legislator Mystal are opposed.

TABLED. (VOTE:4-3-0-0) (Opposed; Legis. Viloría-Fisher, Lindsay, and Mystal)

1353-04. Approving payment to General Code Publishers for Administrative Code pages. (PRESIDING OFFICER)

CHAIRMAN ALDEN:

Motion by myself, seconded by Legislator Nowick. All those in favor?

LEG. LINDSAY:

Could we have an explanation on that one.

CHAIRMAN ALDEN:

Sure. We have to call up somebody --

MS. KNAPP:

There's a part of me that says that I don't have a good explanation for why. However, every bill for General Code Publishers is approved. It has been this way historically. It's presented to the Legislature and there's a vote taken.

CHAIRMAN ALDEN:

Could you give a further explanation what this is for?

MS. KNAPP:

General Code Publishers are the people who do a few different things. Every local law and resolution that we pass, they embody into our Charter or regulatory local laws or our codes.

They maintain this on the internet so that anybody who wishes to -- to view or even search the Suffolk County Laws can do that online, and General Code Publishers does that. I thought you were actually asking why the bill came before the Legislature. I'm sorry.

CHAIRMAN ALDEN:

You are right. Legislator Viloría-Fisher is right in asking, because this is one of the, I guess, it's one of the only times that it's just normal business on a bill that should have just been submitted and paid gets, you know, approved by us. Legislator Mystal.

LEG. MYSTAL:

This is what we paid -- when you get the little things that you put in the code book, they publish them and print them, that's what we pay for. That's a pro forma kind of thing. We pay the publisher to do it.

LEG. LINDSAY:

But I don't ever recall a resolution like this.

CHAIRMAN ALDEN:

it comes up every year.

LEG. LINDSAY:

All right.

CHAIRMAN ALDEN:

It's weird.

MS. KNAPP:

I noticed Henry Barton is not here. When I first came here, I asked the same question. However, I looked back, and you have done this historically.

CHAIRMAN ALDEN:

I think it was January or February of 1998 I asked that question too. Why we have to approve, you know, one payment, which is kind of weird. So motion to approve, there's a second. All those in favor? Opposed? That's **approved. (VOTE:7-0-0-0)**.

1357-2004. Authorizing certain technical corrections to adopted Resolution No. 1140-2003. (CRECCA)

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by myself. On the motion, Legislator Viloría-Fisher wants just an explanation.

LEG. VILORIA-FISHER:

No. I just wanted to second it.

CHAIRMAN ALDEN:

So we have a motion and a second. All those in favor? Opposed? That's **approved. (VOTE:7-0-0-0)**

LEG. CRECCA:

Thank you for drafting that technical correction. I didn't know it was technically incorrect, but now I do.

1358-2004. Adopting Local Law No -- 2004, a Local Law to amend Local Law 22-1999, to license and regulate dry cleaning establishments. (COOPER)

LEG. VILORIA-FISHER:

Motion to table.

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

Motion to table, right? So we have a motion to table and a second. All those in favor? Opposed? That's **tabled (VOTE:7-0-0-0)**.

1365-04. Sale of County owned real estate pursuant to Local Law 13-1976, Ronald D. Padilla and Patricia Treschle, his wife. (COUNTY EXEC)

CHAIRMAN ALDEN:

Is this -- oh, here we go. Good morning.

MS. ZIELENSKI:

Good morning. This is a direct sale to an adjoining owner. The appraised value was \$7500 dollars and the bid was 8500.

LEG. LINDSAY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Nowick. All those in favor? Opposed? That's **approved (VOTE:7-0-0-0)**.

1366. Sale of County owned real estate pursuant to Local Law 13-1976, Michelle Anne Clark. (COUNTY EXEC)

MS. ZIELENSKI:

Again, this is a direct sale to an adjoining owner. The appraised value was 7500, the winning bid was 10,100.

CHAIRMAN ALDEN:

Nice job. Motion by Legislator Nowick, seconded by Legislator Lindsay. All those in favor? Opposed? That's **approved (VOTE:7-0-0-0)**.

1367-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Patrick Aubry. (COUNTY EXEC)

MS. ZIELENSKI:

This is as of right redemption.

CHAIRMAN ALDEN:

Motion by Legislator Vilorio-Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? That's **APPROVED. (VOTE:7-0-0-0)**.

1368-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Saverio D'Urso and Concetta

D'Urso. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

As of right. Motion by Legislator Mystal, seconded by Legislator Crecca. All those in favor? Opposed? That's **approved. (VOTE:7-0-0-0).**

1369-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Saverio D'Urso and Concetta D'Urso. (COUNTY EXEC).

CHAIRMAN ALDEN:

This is same purchaser. It's a different parcel.

MS. ZIELENSKI:

It's an as of right redemption.

CHAIRMAN ALDEN:

As of right. Same motion, same second, same vote. That's **APPROVED (VOTE:7-0-0-0).**

1370-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Stanley Gielarowski and Maria Gielarowski, as joint tenants. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

As of right. Motion by Legislator Crecca, seconded by Legislator Nowick. All those in favor? Opposed? That's **approved (VOTE:7-0-0-0).**

1371-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, The May Flowers Properties Equities Corporation. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

As of right. Motion by Legislator Viloría-Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? That's **approved. (VOTE:7-0-0-0)**.

1372-04. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Jose Alvarez and Maria Alvarez. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

As of right. Motion by Legislator O'Leary, seconded by Legislator Lindsay. All those in favor? Opposed? That's **approved. (VOTE:7-0-0-0)**.

1376-04. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southold, Suffolk county Tax Map No. 1000-102.00-02.00-012.002 pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

CHAIRMAN ALDEN:

Can you give us an explanation of what that is?

MS. ZIELENSKI:

Yes. It's an abandonment of a tax deed taken. Apparently there was a misapplication of the taxes. They were attributed to the wrong year, and it caused a tax deed to be taken in error. So we are petitioning to abandon the tax deed.

LEG. MYSTAL:

We stole their property and gave it back.

CHAIRMAN ALDEN:

Motion by Legislator Mystal, seconded by Legislator Nowick. All those in favor? Opposed?
That's **approved (VOTE:7-0-0-0)**.

1385-04. Adopting Local Law No -- 2004, A local Law to authorize the implementation of subscription service fee schedule for the Suffolk County Clerk's online records system. (PRESIDING OFFICER)

CHAIRMAN ALDEN:

Motion to table by myself, seconded by Legislator Crecca for a public hearing. All those in favor? Opposed? **TABLED (VOTE:7-0-0-0)**

MS. BIZZARRO:

I just would like the committee to be aware of two legal issues with this bill that make it problematic. The first issue is that the section of the resolution that requires the deposit of the 25% of revenues generated into the County Clerk Capital Reserve Fund is impermissible since maintenance, enhancement, technical support and upgrade of the internet application is not a capital improvement. General Municipal Law Article 2 specifically governs and defines the term capital improvement. The maintenance described in the resolution is not covered by the definition of state law. Number two, the fees are required by the Suffolk County Charter to be paid into the County's General Fund, not into the County Clerk Capital Fund. Section C23-5 specifically spells out that all sums received by any department are to be paid to the County Treasurer without deduction. I just wanted to committee to be aware of that.

CHAIRMAN ALDEN:

So we have a motion to table for a public hearing, we have a second. All those in favor? Opposed? That's tabled for a public hearing.

1387-04. Adopting Local Law No -- 2004, A Charter Law to amend Section C2-14 of the Suffolk County Charter. (CRECCA).

CHAIRMAN ALDEN:

This is Legislator Crecca again.

LEG. MYSTAL:

Explanation.

LEG. CRECCA:

This was the bill that we did the public hearing on before where we're going to send all the bills over to the County Executive on the second day instead of on the first day. Right now we send resolutions over by noon of the second day following a Legislative meeting. This would make it so we send all laws over at the same time, instead of by noon the day after the meeting.

CHAIRMAN ALDEN:

We have a clarification from Legislative Counsel.

MS. KNAPP:

Presently, local laws go by noon of the day following the meeting, so that if a meeting extends very late at night, the Clerk Staff still has to go in early in the morning, get all of the paper work done on something may have only occurred six hours earlier, then get it over to the County Executive's Office. There's a such a rush that the concern is sometimes we don't want to make any mistakes. Resolution on the other hand, presently go on the second day following. This change in the Charter would allow local laws to go at the same time resolutions go, which is on the second day following. And it does not impact the County Executive's time to either act on the local laws or hold his public hearings or, you know, his time to sign or veto is not impacted. It simply makes the Clerk's Office function a little bit more comfortably.

CHAIRMAN ALDEN:

Legislator o'Leary.

LEG. O'LEARY:

With respect to the language the existing local law, if it's noon of the following day, the current meeting is adjourned after midnight, why would not -- why would that not be as per the language, noon of the following day which is some more than 24 hours later?

MS. KNAPP:

It's the day following the meeting at which it's approved, I believe is the way the language reads.

LEG. O'LEARY:

I thought you said if it was adjourned after midnight.

MS. KNAPP:

To the extent if a meeting, which one did, went until five o'clock in morning, they would be in a position where within seven hours they would have to have it over there.

LEG. O'LEARY:

So it's not technically noon of the day following when the meeting is adjourned, it's noon of the day of the scheduled meeting.

CHAIRMAN ALDEN:

Right.

LEG. O'LEARY:

All right.

LEG. MYSTAL:

Mr. Chairman.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I don't see anybody except for Ilona from the Clerk's Office. Is the Clerk's Office having problems meeting the regular deadline or they're being overworked, overloaded?

MS. KNAPP:

This was a change that --

LEG. MYSTAL:

Understaffed, underpaid?

LEG. NOWICK:

All of the above.

MS. KNAPP:

It was a change that was requested by the Clerk. It does allow them to send one package to the County Executive all together as opposed to two different packages.

CHAIRMAN ALDEN:

I think it establishes uniformity.

LEG. MYSTAL:

I just really hoped it wasn't anything crecca proposed, that's all.

CHAIRMAN ALDEN:

And you really should, you have to keep him on his toes.

LEG. MYSTAL:

I know.

LEG. CRECCA:

My understanding from speaking with the County Executive's Office is that there's no opposition to this.

CHAIRMAN ALDEN:

All right. So we have a motion to approve and a second. All those in favor? Opposed? 1387 is **approved. (VOTE:7-0-0-0).**

CHAIRMAN ALDEN:

I'm going to jump back to 1385 for a second. I'm sorry. I do see the Clerk here, Ed Romaine. Can you come up. Did you want to make a comment on that. It's tabled for a public hearing, but we'll just take testimony now.

MR. ROMAINE:

I'll make a very brief comment on this. We obviously are going to check the section of the Charter referenced by the representative of the County Attorney's Office to take sure this resolution is copesthetic with that. In talking about a reserve fund, we had checked with the Budget Review Office for the proper language for this resolution. This subscription service is estimated to produce approximately half a million dollars in the first year. We would be entering into a commercial enterprise. We do not want to enter into a commercial enterprise

and have a help desk that is not available at least 12 hours a day, maybe six days a week. That's going to cost money.

We do not want to enter into a commercial enterprise where software or hardware upgrades are needed in the future, and this Administration would cash starve and prevent this commercial operation from succeeding and would fail and deny the County the needed revenue that it would. When you enter into any type of commercial operation, you are going to need the funding to make sure that you can make the software and hardware upgrades, such as additional service and that funding needs to be in place. All this would do is set up at a fund for that. And that fund and the appropriations for that fund would have to be voted on by this Legislature and approved by the Executive. But it would set enough money aside to ensure that there would be enough funding to make this commercial operation successful, not only in the beginning, but long after I'm County Clerk, because as many of you know, I'm term limited, but after I leave that there is sufficient funding to do the necessary upgrades to ensure the commercial viability for the long term of this. That's what we're looking to accomplish. Now, I'd be happy to meet with the County Attorney's Office and the Budget Review Office if other language is required, and I just want to put that on the record. Thank you very much.

CHAIRMAN ALDEN:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Ed, while you're there, I had a completely different kind of question, which is last year as you recall Penny LaValle was here with a subscription online service. Is this similar to that?

MR. ROMAINE:

Our records are records. Penny's records are her records.

LEG. VILORIA-FISHER:

I'm just asking if it's a similar type of --

MR. ROMAINE:

No. We do -- we're going to do liens and judgments, something Penny doesn't do. We're going to do deeds and mortgages, something Penny doesn't do. We're going to do court minutes, both County Court minutes and --

LEG. VILORIA-FISHER:

Okay. That's the substance of what you're going to do. But what I'm asking is do you have the scale for -- I'm trying to remember from memory how Penny had a scale of I think \$5000 for --

MR. ROMAINE:

It's in the resolution, \$6000 for subscription services for the year. And then it's broken down by various components. If you only want liens or you only want judgments, it's less. And then we break it down if you only want to subscribe for a day. You can go on for \$30 for day.

LEG. VILORIA-FISHER:

So in the framework, it's similar to what she had, although the substance of the information -- the data is different, the framework is the same.

MR. ROMAINE:

Right. It's different data.

LEG. VILORIA-FISHER:

Thank you, Ed.

CHAIRMAN ALDEN:

We're going to go to Legislator Mystal. Actually, I'm glad to see him up and walking.

LEG. MYSTAL:

Mr. Clerk, this is an esoteric question, this is kind of a background. I've been here as an aide for the past 16 years, you've been around this horseshoe and now County Clerk. I'm trying to get to something. I don't know if we're going to get an answer to it. For the past 16 years, if I had to combine all of the legislation that the County Clerk requested, combine all of them, for the past 16 years, and come up to this year, I would find less in the past 16 years than I would find today. What is going on in the Clerk's Office where for some reason this year, for some reason this year, the Clerk's Office on a regular basis has a whole bunch of resolutions that has to do with some kind of thing between you and the County Executive. Again, for the past 15 years, I haven't heard anything from your office, except when you come in and swear people in and we send you some money. All of a sudden, now it's every week we have something that has to do with the Clerk's Office, what's going on?

MR. ROMAINE:

I'm glad you asked that question. First of all, it has to do with our County Executive, it has to do with the fact that the --

LEG. MYSTAL:

I'm just saying your office for some reason is having a slew of laws and resolutions coming out of it when it's been dormant for the past 12 or 15 years.

MR. ROMAINE:

No. Very similar resolutions have gone through the Legislature in the past with the cooperation of the County Executive, and it's lacked any controversy. I think one of the reasons that we have a few more pieces of legislation this year is that the office is undergoing that investment that the Legislature had made that has finally come to fruition. We are putting records each and every day online. Any attorney can tell you, any one of the title companies can tell you, anyone in the real estate business can tell you that this subscription service is probably going to be one the biggest things to hit the County of Suffolk, because it means all of our records in real time will go online and will be available for people to review, to download, to do all of those things so that all of the investments over the years have finally come to a conclusion, I wish it had come to a conclusion last year, it would have been more propitious. But it's come to a conclusion this year where now for the first time we will truly have a virtual Clerk's Office where everything can be viewed in real time online that is filed with my office.

And there is only one other component to complete making the County Clerk's Office a total virtual office, and unfortunately, that requires state legislation, and that is the electronic recording of deeds, mortgages and other documents, require state legislation to accomplish this. I'm trying to lobby. Unfortunately, I was not permitted to go to my state association this year, of which I'm a leader, but I have tried to lobby to allow electronic recording.

Suffolk County will be a leader of the 612 counties in the State of New York in terms of electronic records, at least making them viewable. And eventually, and I hope before the end of my term, that we will be permitted to record and to file records electronically. Beginning in June of this year, all 60,000 District Court, because of an agreement with the Office of Court Administration, records will be filed by District Court electronically, there will be no paper. So we're getting to the point where we'll not only display things electronically, but everything will

be recorded. So it's a transformation that has finally come to a conclusion, and we're working to see that through. And that's why this year may be a little bit more busier than last year.

LEG. MYSTAL:

I'm not doubting the effectiveness or the result of what you're trying to do, I'm just trying to say that for some reason it seems that there's a contentious attitude between the Clerk's Office and the County Executive's Office. If you said that in the past 12, 15 years those resolutions had been pro forma, no problem. All of a sudden now every time -- you know. Thank you anyway, Ed.

MR. ROMAINE:

Well, there's certainly no contention between myself and the County Exec's Office. I mean, we're just going to go about our business. We do not make policy, we're purely an administrative office. We have no known conflicts with the County Executive, and it is our intention to cooperate to execute the policies of this County.

LEG. MYSTAL:

I'm going to leave it at that.

MR. ROMAINE:

Okay.

CHAIRMAN ALDEN:

Any other questions for Ed? Thanks, Ed.

MR. ROMAINE:

Thank you.

CHAIRMAN ALDEN:

Okay. And again, 1385 was tabled for a public hearing.

1401-04. Adopting Local Law No -- 2004, A local Law to amend certain occupational license laws to increase maximum allowable fines. (COOPER)

CHAIRMAN ALDEN:

I'm going to make a motion to table, seconded by Legislator Lindsay. All those in favor?
Opposed? **Tabled. (VOTE:7-0-0-0)**

1425-04. Authorizing the transfer of certain properties to Suffolk County Department of Public Works. (COUNTY EXEC)

LEG. O'LEARY:

Explanation, please.

CHAIRMAN ALDEN:

Quick explanation please. And just so we can talk about this, I'll make a motion to approve, seconded by Legislator Nowick. Now we'll get an explanation.

LEG. MYSTAL:

Mr. Chair, yeah, please, because certain properties -- it's vague if we'll be selling this building.

CHAIRMAN ALDEN:

Hopefully they are.

MS. KNAPP:

It appears to be -- in the resolution, it's a parcel located in Medford -- Ivan may know more about it. Just north of the Long Island Expressway. And looking at the backup, DPW said they wanted to provide a safer intersection geometry.

CHAIRMAN ALDEN:

Hi, Ivan.

MR. YOUNG:

Good morning, Legislator Alden. How are you doing?

CHAIRMAN ALDEN:

Good. How about you?

MR. YOUNG:

It's a perfect square. Basically, this is a parcel that is currently in the Suffolk County inventory, and we have to transfer this from the inventory of Suffolk County to DPW so they can do

engineering improvement work at the intersection of Horseblock Road corridor and North Ocean Avenue.

CHAIRMAN ALDEN:

Ivan, I've been convinced all along, but I think Legislator Mystal is a little bit leery of this one.

LEG. MYSTAL:

I am with certain properties.

MR. YOUNG:

We do this all the time. Just like at the last Legislative meeting, we transferred a certain property in the Town of Babylon to DPW for improvement work on Little East Neck Road in your district.

LEG. MYSTAL:

Mr. Young, this is my only problem, I hate when people say, we do this all the time.

MR. YOUNG:

We do this all the time. We have to do this. Thank you.

LEG. O'LEARY:

Question, Ivan. Are these properties currently owned by the County?

MR. YOUNG:

Yes, it is.

LEG. O'LEARY:

And it's for purposes of a roadway improvement, to expand the particular area, the width or the -
-

MR. YOUNG:

To align the intersection, yes.

LEG. O'LEARY:

Horseblock Road.

LEG. MYSTAL:

It's a new substation for you, Mr. O'Leary.

LEG. O'LEARY:

Excuse me.

LEG. MYSTAL:

New substation.

LEG. O'LEARY:

It's not a substation, it's a field office.

CHAIRMAN ALDEN:

Motion and a second to approve. All those in favor? Opposed? **Approved. (VOTE:7-0-0-0)**

Sense Resolutions

31-04. Memorializing resolution requesting the state of New York to amend certain Racing and Wagering Laws impacting the ability of Regional Off-Track-Betting Corporations to provide necessary funds to County and local governments for real property tax relief. (LINDSAY)

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Motion to approve.

CHAIRMAN ALDEN:

Second by myself. All those in favor? Opposed?

Approved. (VOTE:7-0-0-0).

LEG. VILORIA-FISHER:

Who is the sponsor of the first one?

LEG. LINDSAY:

Me.

CHAIRMAN ALDEN:

Legislator Lindsay.

32-04. Memorializing resolution requesting State of New York mandate the operation of Video Lottery franchises by Regional Off-Track-Betting Corporations. (LINDSAY)

CHAIRMAN ALDEN:

Motion to approve by Legislator Lindsay, seconded by Legislator Viloría-Fisher. All those in favor? Opposed?

LEG. MYSTAL:

I'm opposed.

CHAIRMAN ALDEN:

Mark Legislator Mystal as opposed. That's approved.

LEG. VILORIA-FISHER:

I just want to ask Counsel a question. Once we have approved the Sense Resolution, it doesn't prohibit us from looking at those proportions again as to where the money will be allotted educationally, etcetera, from the video terminals?

MS. KNAPP:

In terms of how the monies is going to be allotted, I believe that that is going to be a function of state law. It has been in the past. And there are certain constitutional requirements in terms of allotting money, because if these video lottery terminals are eventually approved, the only way they're going to be constitutionally acceptable is if they're part of the existing lottery system.

LEG. VILORIA-FISHER:

Okay. So basically -- well, obviously it's a Sense Resolution, so this doesn't create any concrete allotment of how money is going to be spent or accepted, etcetera, so it has to be by state statute then.

MS. KNAPP:

Yes. The existing video lottery terminals that are allowed in some of the harness tracks were created by state statute in October of 2001, right following September 11th.

LEG. VILORIA-FISHER:

Mea, is there any local discretion at all as to how the money would be used?

MS. KNAPP:

No.

LEG. VILORIA-FISHER:

Even the portion that's allotted to the counties?

LEG. LINDSAY:

Can I just jump in?

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

The genesis of this bill is that there's been legislation floating around Albany to create -- to give Suffolk County the ability to have video lottery terminals in Suffolk County. What this says is that OTB will be the vendor, will operate the facility. And what that does is keep money locally. There was another version floating around Albany that would set up franchises that would go to for-profit organizations like Park Place or Trump or one of them to operate this. And in that case, it would cut out a lot of revenue to the local government that comes back to local government through OTB. So this is really to ask them to protect our local rights here, to keep some of the money here if, in fact, the Governor does adopt this system, that's all this is about.

LEG. MYSTAL:

Mr. Chairman.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

My basic opposition to this -- if we are going to have them in this County, I do want OTB to offer it then so we can get the revenue for it. My basic opposition to it I am opposed to video lottery because it's one of the detriments to my district when the people who are low income people and spend most of their money trying to cash in on the big jackpot, which they never win and wind up losing more than they can ever earn from this kind of thing. But if we are going to have them in Suffolk County, I do want OTB to operate them and we get the revenue. I just don't want them at all in Suffolk County.

CHAIRMAN ALDEN:

And I think you just summed up the position on one side of the licensing of casinos really in New York State and bringing gambling to Suffolk County. Legislative Counsel.

MS. KNAPP:

Just to clarify my response to Legislator Viloría-Fisher. When I said that it is only state legislation, this does contain a resolve clause that asks that the proceeds be determined to go 10% to the Division of Lottery, 61% to go directly to education, 29% to the OTB for its expenses, and the remaining 29 to Suffolk County to be used for educational purposes. So this does ask that it be broken up in a particular way. Ultimately, it will be state legislation that decides it.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN ALDEN:

Okay. So we have a motion and a second. We do have one opposed, right.

LEG. MYSTAL:

No.

CHAIRMAN ALDEN:

So all in favor? Opposed? Unanimous. **APPROVED (VOTE:7-0-0-0)**

CHAIRMAN ALDEN:

Okay. I'm going to make a motion to place on the Consent Calender -- if everyone could follow along with me and just yells yea or nea. On the Consent Calender would be **1353, 1357, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1376**, 13 -- and **1425**. Everybody okay with that? Second by Legislator Viloría-Fisher. All those in favor? Opposed? Those will be on the **Consent Calender. (VOTE:7-0-0-0)**.

Anybody else have any business to bring before this committee? Okay. Then we stand adjourned. Thank you very much.

CHAIRMAN ALDEN:

We'll go back on the record. I'm going to make a motion to go into Executive Session, seconded by Legislator Viloría-Fisher. And we're going to allow people from the County Attorney's Office, any Legislators, anyone from the County Executive's Office that appropriate to be in there and anybody from Budget Review or our Clerk's Office. And we're going to go into the -- and Legislative Counsel. We're going into the conference room.

(AN EXECUTIVE SESSION WAS HELD FROM 10:35 A.M. UNTIL 10:55 A.M.)

CHAIRMAN ALDEN:

All right. It's 10:55, and we're back from Executive Session. The Executive Session consisted of consideration of litigation. There were two cases that the Chairman of this Committee was directed by the committee to sign off on unanimously. So we're back. Having to further business, there's a motion by Legislator Lindsay, seconded by myself to adjourn the meeting. All in favor? Opposed? Unanimously carried. We're adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 10:55 A.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY