

**WAYS AND MEANS**

**COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Ways and Means 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 Monday, **March 21, 2005**.

**MEMBERS PRESENT:**

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chairman

Legislator Daniel Losquadro

Legislator Ricardo Montano

**MEMBER NOT PRESENT:**

Legislator Elie Mystal

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature

Jim Spero • Director, Budget Review Office

Charles Gardner • Director of Consumer Affairs

Sandy Sullivan • Clerk's Office

Ben Zwirn • 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 Majority Leader O'Leary

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney

Maria Ammirati • Aide to Chairman O'Leary

Cheryl Felice • President AME

Jeanine Dillon • County Exec's Office

Rick Brand • Newsday

Janet Goltz

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 9:48 A.M. \*)**

**CHAIRMAN O'LEARY:**

I'll call the meeting to order. Please rise for the Salute to the Flag led by Legislator Montano.

**SALUTATION**

**CHAIRMAN O'LEARY:**

Good morning, everyone. I have no cards, which is good sign. And we have three public hearings scheduled this morning. Sandy, are all the affidavits of publication in order?

**MS. SULLIVAN:**

Affidavits of publication are all in order.

**CHAIRMAN O'LEARY:**

Okay. First public hearing on **IR 1225, a Charter Law to establish ethics reform for campaign finance in Suffolk County (CARACCIOLO)**. Is there anyone here wishing to speak on resolution 1225? Hearing no one, I will entertain a motion to close the hearing by Legislator Kennedy, seconded by myself. On the question of the motion to close 1225? Hearing none, all those in favor? Opposed? Abstentions? 1225 is **closed. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1283•05, a Local Law amending Article II of the Suffolk County Administrative Code to provide for a two year term of the Presiding Officer (ALDEN)**. Is there anyone here to wishing to speak on 1283, which will provide a two year term for the Presiding Officer? Hearing no one, I'll make a motion to close, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Closed. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1326•05, a Local Law amending Local Law 47•2004 to exempt certain press organizations from subscription fee schedule for the County Clerk's Online Records System (SCHNEIDERMAN)**. Is there anyone wishing to speak on this resolution, which would exempt certain press organization from a subscription fee schedule. No one is coming forward? I'll entertain a motion to close 1326 by Legislator Kennedy, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1326 is **closed. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**.

**Tabled resolutions**

**CHAIRMAN O'LEARY:**

We will go to the agenda. We have previously tabled resolutions. I just wanted to make a comment before I go to the agenda with respect to the resolutions that deal with the real estate transactions. Ben, would you want to come up, please. Good morning, Ben.

**MR. ZWIRN:**

Good morning.

**CHAIRMAN O'LEARY:**

As you know, there are several resolutions before us today that have been tabled and that will be introduced very shortly that in the majority opinion is technically incorrect in that they refer to a division within a department that has not been created so to speak. And we have asked in the past for the administration to consider amending those resolution to take out language within those resolutions that refer to titles and departments that are nonexistent until such time as a Charter Law is passed. Can you see to it that this is done? Because frankly, I don't want to continue these resolutions, I want to move these. And I had indicated earlier at earlier committee meetings that I would be happy to sponsor these resolutions in my name to move them, taking out the appropriate language that we refer to.

**MR. ZWIRN:**

I'll make that representation. I understand that there was •• there were a couple of technical corrections that the Legislature would like to see, and we will make those. There should be no

problem with this. And I'll make the representation before the committee today that we'll have that straightened out before the General Meeting on April 5th.

**CHAIRMAN O'LEARY:**

Okay. So to be exact, there are some 27 resolutions before us today that would be •• that would be referenced with respect to this particular situation.

**MR. ZWIRN:**

We'll take out those two words and management, I think that was the ••

**CHAIRMAN O'LEARY:**

Yeah, the title and management. Right. So if that can be done before the General Meeting, maybe we will get a discharge from this committee on these resolutions to address before the full body if the amendment is made.

**MR. ZWIRN:**

Yes.

**CHAIRMAN O'LEARY:**

Okay. Director Zielenski.

**MS. ZIELENSKI:**

We have several here where I think the corrections have been made.

**CHAIRMAN O'LEARY:**

Are you referring to the tabled resolutions?

**MS. ZIELENSKI:**

I'm referring to 1053, 1054.

**CHAIRMAN O'LEARY:**

Yes. There's no mention of the Department of Environment and Energy, however, I think your title is in •• is referenced in the resolution, which is an incorrect title for the Director of Real Estate.

**MS. ZIELENSKI:**

Okay.

**MR. ZWIRN:**

Since they can't be voted on by the full Legislature until April 5th, we'll make sure they are all in order. We'll go over them to check and make sure that everything is fine before the meeting.

**CHAIRMAN O'LEARY:**

Okay. So just so you know, we are of the mindset to table these resolutions until such time as this is addressed.

**MR. ZWIRN:**

My understanding is that they'll be discharged without recommendation and get to the floor, and then we'll have •• but with corrected copies.

**CHAIRMAN O'LEARY:**

No. We're going to table them.

**MR. ZWIRN:**

We're going to table them, then we'll ask for the committee to discharge them before the General Meeting so they can be voted on at the April meeting.

**CHAIRMAN O'LEARY:**

If the amendment is made, yes.

**MR. ZWIRN:**

Okay. Thank you.

**CHAIRMAN O'LEARY:**

Pat, do you know what we're talking of? All the resolutions are going to be tabled and the reference •• perhaps we'll speak afterwards so we can get this clear.

**MS. ZIELENSKI:**

I understand about the tabled resolutions. We also have •• the bulk of them are introductory •• the majority of them being under the Introductory Resolution list. I assume they'll be tabled as well?

**CHAIRMAN O'LEARY:**

Yes. There are some 21 of them that make •• that make reference to your title, which is technically incorrect. That has to be changed.

**MS. ZIELENSKI:**

Okay.

**CHAIRMAN O'LEARY:**

Okay then. So we will move along on the agenda.

**2085 • 04. Adopting Local Law No • • 2004, a Charter Law to transfer the print shop from County Department of Human resources, Civil Service and Personnel to County Department of Public Works. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I make a motion to continue tabling, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2085 is **tabled. (VOTE:4 • 0 • 0 • 1) (Not present: Legis. Mystal)**

Just a point, Legislator Mystal is excused from today's meeting and Legislator Losquadro is not. He's just late.

**2222 • 04. Adopting Local Law No • • 2004, a Local Law to authorize conveyance of development rights to Starlight Properties. (O'LEARY)**

**CHAIRMAN O'LEARY:**

I'll make a motion to table, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2222 is **tabled. (VOTE:4 • 0**

**•0•1) (Not present: Legis. Mystal).**

**2328•04. Creating a Geographical Information Systems Committee. (KENNEDY)**

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chairman, there are some minor changes that still have to be made with this bill, however, that notwithstanding, I'm going to make a motion for discharge without recommendation so we can move the bill along, make the changes and hopefully have it voted on.

**CHAIRMAN O'LEARY:**

There's a motion to discharge without recommendation by Legislator Kennedy, seconded by Legislator Losquadro. On the question of the motion?

**LEG. MONTANO:**

Any comments from the County Executive? I understand there's a similar proposal by the County Executive and you were working together to see if you can resolve the differences or at least •• my question is whether or not there were any comments from the County Executive's Office, because I was aware that there was a similar bill that had been proposed and the County Exec's Office and Legislator Kennedy were working on coming up with a common bill, is that

accurate?

**LEG. KENNEDY:**

Yes, that's correct.

**LEG. MONTANO:**

Are there any comments from the County Exec's Office on this in terms of where the negotiations, for lack of a better word, stand?

**LEG. KENNEDY:**

As recently as Friday, as a matter of fact, I met with the County Executive and Mr. Sabatino, and they had some minor requests associated with the composition of the committee and some of the obligations of the committee regarding reporting cycles. But beyond that, we had an agreement in principle, agreement as far as the Chair goes and some of the other things. Also, I did get a request for some clarification from the County Attorney's Office as well late Friday afternoon, which I should be able to accomplish over the next couple of days.

**LEG. MONTANO:**

So by the time we vote on it, those issues will be resolved is what you're saying?

**LEG. KENNEDY:**

Absolutely.

**CHAIRMAN O'LEARY:**

The Chair recognizes the County Executive representative, Benjamin Zwirn.

**MR. ZWIRN:**

That's correct.

**CHAIRMAN O'LEARY:**

That's your name?

**MR. ZWIRN:**

That's my name, and Legislator Kennedy made a very fair representation as to meetings that I understand were held on Friday.

**CHAIRMAN O'LEARY:**

Okay. Then we are going to move the motion to discharge without recommendation. That's a motion by Legislator Kennedy, seconded by Legislator Losquadro. On that question, anymore question on the motion to discharge without recommendation? Hearing none, all those in favor? Opposed? Abstentions? 2328 is **discharged without recommendation. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1004•05. Amending the 2005 Operating Budget to centralize building security within the Suffolk County Department of Public works in conformity with the new Title Examiner Policy at the County Clerk's Office. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I'll make a motion to table, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1004 is **tabled**.

**1005•05. Requesting legislative approval of a contract award for Unemployment Insurance Administrative Services for the Department of Civil Service/Human Resources. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I have 1005 on my agenda. Hasn't that been passed already? 1005 has been addressed by the full body and passed.

**1040•05. Adopting Local Law No. •2005, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner. (MONTANO).**

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

I would like to see if we could move this bill. I know that we had some prior discussions with respect to addressing the issue of reapportionment. There were some changes to the original bill I submitted which incorporated the committee system. And my understanding is that may be a reason why we can't move forward now, but just so that we can address the issue •• are there any questions with respect to the committee as proposed in the bill from any of my colleagues that I might be able to address now, and see if we can get this bill, you know, out of committee? It was •• the original version was introduced last year, it died for lack of action, it was reintroduced this year, and there have been some changes made. There's a •• not a competing, but there's another bill that is on the agenda that was proposed by the County Executive, which is a similar concept, but different •• different approach to how we would resolve this. Any particular questions with respect to the committee recommendation that is incorporated in the new version of the bill?

**CHAIRMAN O'LEARY:**

I have a question. And I am trying to look up the bill as we speak.

**LEG. MONTANO:**

I'll give you a copy.

**CHAIRMAN O'LEARY:**

Thank you. That will be a lot easier. Your original proposal did not have a committee in it, and I'm just curious as to why your amending the proposal to include a committee.

**LEG. MONTANO:**

The original proposal, as you said, did not have a committee, but in reality the way the reapportionment was handled last year and the way it's projected to happen in the future, there would always be a committee, whether that committee was composed of members of the Legislature exclusively or members of the public is another issue. And the last reapportionment cycle, there was a committee that was formed by the Presiding Officer, and I believe it was eight people, some of which were Legislators, some of which were outside people.

The main impetus for the inclusion of the committee is that, number one, we would get to that point anyway once we decide to tackle reapportionment in the future. But it was also one of the issues that was addressed by the National Interest Research Group. They indicated very clearly that anything we attempted to do that did not have at least some participation citizen groups would probably be suspect. Now, this committee that's proposed simply gives a voice to some members; it would require that we appoint one retired judge, it would require that we appoint someone from the Hispanic, someone from the Black community, and I believe •• I don't have the bill in front of me •• but I believe someone from a known voting rights group.

Those •• those appointments would come from the Legislature. The committee would be composed of eight people. We could have Legislators on that, but four of the appointments would come from the Majority Leaders and four would come from the Minority Leader. The committee is advisory in nature only. And the bill specifically says that the committee could come up with one or more recommendations for proposed redistricting. It does not take any power away from any of the Legislators with respect to their ability to introduce their own with respect to reapportionment. But the committee system as it stands really is the impetus from the outside groups that came and spoke on the •• at the public hearings. And their impression

and their statements clearly were that we need to have •• we can't do this exclusively. We need to have some outside input, and that's why the committee came up.

**CHAIRMAN O'LEARY:**

Okay. Because the sponsor has included a committee in the amended version of this proposal, some Legislators have requested time for purposes of analyzing the full impact of this. So I'm going to make a motion to table 1040, seconded by Legislator Losquadro.

**LEG. MONTANO:**

I'll go along with that.

**CHAIRMAN O'LEARY:**

We have had discussion, and I speak of the sponsor and myself, have had discussion with respect to this proposal, but the recent amendment of a committee has raised a lot of questions on that.

**LEG. MONTANO:**

I understand that. And if there are any particular questions in terms of the structure of the committee or the motivation or any recommendations to •• with respect to the committee or any type of committee, I'd be more than happy to take a look at that.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to table. Any question on the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1040 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1052•05. Sale of County•owned real estate pursuant to Local law 13•1976 Danielle Banks. (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

1052 is one of the resolutions that are in question. I'll continue a motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table 1052? Hearing none, all those in favor? Opposed? Abstentions? 1052 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1053•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Fen E. Hall as administratrix of the estate of Howard Squires, surviving tenant by the entirety. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Losquadro, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1053 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1054•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property**

**acquired under Section 46 of the Suffolk County Tax Act, Skidmore Samuel and his wife, Melinda Samuel. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **TABLED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1055•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Angelo Presti and Dorothy, his wife. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **TABLED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1056•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Susan Meyer. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **TABLED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1067•05. Adopting Local Law No •• 2005, a Charter Law to ensure a nonpartisan, fair and objective process by which Legislative Districts are reapportioned. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Is there a motion? Hearing none, 1067 is defeated. **FAILS FOR LACK OF A MOTION.**

**1104•05. Requiring annual reporting for contract agencies finances. (CARACCIOLO)**

**CHAIRMAN O'LEARY:**

1104 has a threshold of \$25,000 for auditing purposes. There's a sense the some that \$25,000 threshold is much too low. I'll be speaking with the sponsor of resolution to consider raising the threshold from 25,000 to perhaps 100,000. Motion to table by myself on 1004, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1104 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1108•05. Adopting Local law No •• 2005, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute. (CARACCIOLO)**

**CHAIRMAN O'LEARY:**

Motion to table by myself, seconded by Legislator Losquadro. On the question of the motion?

Hearing none, all those in favor? Opposed? Abstentions? 1108 is **tabled. (VOTE:4•0•0•1)**  
**(Not present: Legis. Mystal).**

**1137•05. Establishing a Yaphank County Center Development Review Committee.**  
**(O'LEARY)**

**CHAIRMAN O'LEARY:**

I'm the sponsor of the resolution. I want to just make a note that I've had some conversations with the Executive's Office, and the Executive has issued an Executive Order, and we have blended the two into this resolution. And I believe both sides are in agreement that we'll move forward with this review committee for the purposes of looking at the feasibility of the land use in the Yaphank area currently owned by Suffolk County. So I'll make a motion to approve, seconded by Legislator Kennedy. On the question of the motion? 1137•05 is **approved. (VOTE:4•0•0•1)** **(Not present: Legis. Mystal).**

**1173•05. Sale of County•owned real estate pursuant to Local Law 13•1976 Janice Gribbin. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Motion to table for reasons cited before by myself, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? 1173 is **tabled. (VOTE:4•0•0•1)** **(Not present: Legis. Mystal).**

## **INTRODUCTORY RESOLUTIONS**

**1184•05. Adopting Local Law No. • 2005, a Charter Law creating Article XLII County Department of Environment and Energy. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I believe this was •• no it wasn't. There has to be a public hearing scheduled on this. So I'll entertain a motion to table by Legislator Losquadro, seconded by Legislator Montano. 1184 is **tabled for public hearing. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1196•05. Authorizing transfer of surplus medical equipment and supplies to Muriel Gordon Foundation. (MONTANO)**

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

I make a motion to approve. These are surplus materials. I checked with the Department of Health, they're available. It's going to go to a non•for•profit organization. And I believe that the supplies will be used, and I think there are going to Nigeria. It's the Muriel Gordon Foundation, which is located in my district.

**CHAIRMAN O'LEARY:**

All right. I was under the impression that the supplies were going to a foundation in Central Islip.

**LEG. MONTANO:**

They are going to a foundation in Central Islip, but they are going to be used for purposes of alleviating some of the pain and suffering in Nigeria.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to approve by Legislator Montano, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1196 is **approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**LEG. MONTANO:**

Thank you.

**1197•05. Sale of County•owned real estate pursuant to Local Law 13•1976 Giovanni Aliperti and Teresa Aliperti, his wife. (COUNTY EXEC)**

**1198•05. Sale of County•owned real estate pursuant to Local Law 13•1976 Vincent F. Coletta and Susan D. Coletta, his wife.**

**(COUNTY EXEC)**

**1199•05. Sale of County•owned real estate pursuant to Local Law 13•1976 Santos Lovos. (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

1197, 1198 and 1199 are motions •• resolution involving the discussion we had before starting the agenda. And I'll make a motion to table 1197, 1198 and 1199, seconded by Legislator Losquadro. On the question of tabling these resolutions? Hearing none, all those in favor? Opposed? Abstentions? 1197, 1198 and 1199 are **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1205•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act House of Hope Resource Center, Inc. (COUNTY EXEC)**

**1206•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Howard Taylor (COUNTY EXEC)**

**1207•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles Funderburke. (COUNTY EXEC)**

**1208•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1209•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property**

**acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1210•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1211•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1212•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1213•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Keswick Realty Real Estate, LLC. (COUNTY EXEC)**

**1214•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Roy L. Brister and Karen B. Trachtman, as Trustees of Trust, under Article Fourth B of the Will of Esther B. Brister, deceased. (COUNTY EXEC)**

**1215•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Darlene Murch, administratrix of the estate of James h. Schlosser. (COUNTY EXEC)**

**1216•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Meyer and Emmanuel Termini. (COUNTY EXEC)**

**1217•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Salvatore P. Orlando, surviving tenant by the entirety. (COUNTY EXEC)**

**1218•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Judith C. Holiday and Raymond Holiday. (COUNTY EXEC)**

**1219•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Rosanne Nacinovich. (COUNTY EXEC)**

**1220•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ann E. Boss, as surviving tenant by the entirety. (COUNTY EXEC)**

**1221•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Mannino a/k/a Giovanni Mannino and Caterina Mannino, his wife. (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Additionally, we have consecutive resolutions again, which was the point the discussion before we started the agenda with the County Executive's Office and Real Estate, and hopefully this matter will be resolved certainly before the General Meeting on the 5th. Resolutions 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, and 1221. Motion to table those resolutions, seconded by Legislator Kennedy. On the question of the motion to table successive resolutions 1205 through 1221? Hearing none, all those in favor? Opposed? Abstentions? Those resolutions are **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1224•05. Authorizing the County Clerk to file an application for additional State Mortgage Tax Reimbursement. (PRESIDING OFFICER)**

**CHAIRMAN O'LEARY:**

Can I have an explanation on this, please?

**MS. KNAPP:**

These are resolution that we've done in the past. The County Clerk under State Law is entitled to a portion of the mortgage tax that he collects, and the portion is •• must be tied very closely to the expenses he incurs. And in this particular instance, he's looking for 1,748,000. And it goes to a list of items that's included in there; some space rental, service, maintenance of equipment, postage, general office supplies and data processing.

**CHAIRMAN O'LEARY:**

Any questions on 1224? I'll make a motion to approve, seconded by Legislator Kennedy. On the question on the motion to approve 1224? Hearing none, all those in favor? Opposed? Abstentions? 1224 is **approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1225•05. Adopting Local Law No •• 2005, a Charter Law to establish Ethics Reform for Campaign Financing in Suffolk County. (CARACCIOLO)**

**CHAIRMAN O'LEARY:**

The public hearing has been closed on 1225 this date. We had a public hearing earlier, and there was nobody who spoke on this. I understand the County Attorney's Office wishes to make a statement.

**MS. CAPUTI:**

Thank you, Legislator O'Leary. The Law Department has looked at this resolution, and our initial research indicates that it would be preempted under the New York State Election Law. So we wanted to bring that to the •• we are still looking at it, but that's my strong feeling at this point.

**CHAIRMAN O'LEARY:**

Any questions? Is there a motion?

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Losquadro, is there a second on the motion to table? Hearing none, 1225 is defeated. **FAILS FOR LACK OF A SECOND.**

**1258•05. Authorizing certain technical correction to Adopted Resolution No. 861  
•2004. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I'll make a motion to approve and place on the Consent Calender by myself, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1258 is **approved** and placed on the **CONSENT CALENDER. (VOTE:4 •0•0•1)**

**(Not present: Legis. Mystal)**

**1259•05. Authorizing certain technical corrections to Adopted Resolution Nos. 862 •2004 and 863•2004. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second. **APPROVED** and placed on the **CONSENT CALENDER. (VOTE:4 •0•0•1) (Not present: Legis. Mystal).**

**1283•05. Adopting Local Law No. • 2005, a Local Law amending Article II of the Suffolk County Administrative Code to provide for a two year term of the Presiding Officer. (ALDEN)**

**CHAIRMAN O'LEARY:**

There was a public hearing this morning on this, that has been closed. I'm going to make a motion to table this. There's an issue that has come up with respect to some of the language

within this particular proposal that I need to discuss with the sponsor. I make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table 1283? Hearing none, all those in favor? Opposed? Abstentions? 1283 is tabled.

**1287•05. Authorizing certain technical corrections to Adopted Resolution No. 650  
•2004. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I make a motion to approve, seconded by Legislator Losquadro to be placed on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1287 is **approved** and placed on the **CONSENT CALENDER. (VOTE:4•0•0  
•1) (Not present: Legis. Mystal)**

**1292•05. Authorizing waiver of interest and penalties for property tax for Randy Kromol. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I understand this is a whopping total of \$413 that we're looking to exempt and waive; is that correct, Counsel.

**MS. KNAPP:**

Yes, \$413.81. And we have a certificate from the town saying that they used an erroneous mailing address.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to approve by myself on 1292, seconded by Legislator Montano.

**LEG. MONTANO:**

Yes.

**CHAIRMAN O'LEARY:**

I just wanted to get on the record here that you're involved in the whole process. There's a motion to approve 1292. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1292 is **approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1303•05. Authorizing the Director of Real Property Acquisition and Management to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, pursuant to Section 40•D of the Suffolk County Tax Act. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Again, this is •• even though it's a certificate of abandonment, there is a problem with the language within this resolution referring to the title of the director of the division, and therefore, this is one that has to be included, Pat, on the •• for the 5th. Okay. I make a motion to tabled

1303, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1303 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1307•05. Approving the appointment of Michael E. Diffley to Detective Lieutenant in the Suffolk County Police Department. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I'm going to make a motion to approve, seconded by Legislator Losquadro. However, before we move on this motion, I just wanted to point out that under the Nepotism Law within the PD, there is the effect if someone is being considered for a promotion has a relative that's defined in the law with the rank of Sergeant and above, they would have to go through this approval process through the Legislature. I'm going to, in the very near future, look to amend that Nepotism Law to include only those relatives who are of the rank of Deputy Inspector and above.

It seems to me to be a little bit ludicrous to •• here's an individual who is •• who is looking to be promote to a Detective Lieutenant and he has a brother, I believe, who is a sergeant. Frankly, having some experience within the Police Department, I know that Sergeant and Lieutenants for the most part or all parts do not really take part in the selection process and the promotional process. The policy makers within the Police Department are Deputy Inspectors and above. I think there's good justification and reason to perhaps amend that Nepotism Law in the future for something like this. If a relative has the rank of Deputy Inspector and above, perhaps it should come before this body for approval •• for review and approval. So any other questions on that?

**LEG. MONTANO:**

Yeah, i just had one question.

**CHAIRMAN O'LEARY:**

Yes.

**LEG. MONTANO:**

With respect to the position of Detective Lieutenant, how is that selection made, is that discretionary by the Commissioner or is that a Civil Services exam? I'm just not clear.

**CHAIRMAN O'LEARY:**

No. That's discretionary, that's not a Civil Service title, it's an appointment. It's made by Commissioner, and it's done at a higher level with the Inspectors and the Deputy Inspectors, Bureau Chiefs and the Chiefs themselves. Just for edification purposes, Deputy Inspector and above are not Civil Service titles either. Those are appointments, designees, if you will, that are made by Commissioner as well. Any other question on 1307? All right. There's a motion to approve 1307. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1307 is **approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1308•05. Approving the appointment of James P. Murphy to the Detective Sergeant in the Suffolk County Police Department. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second. On the question of the motion? Hearing

none ••

**LEG. MONTANO:**

Same question. Detective Sergeant also is not Civil Service.

**CHAIRMAN O'LEARY:**

That's correct. That's correct. The Detectives, Detective Sergeants, Detective Lieutenants, Deputy Inspectors, Inspectors, Assistant Chiefs, Deputy Chiefs and Chiefs are non Civil Service. Any other question on 1308? Hearing none, all those in favor? Opposed? Abstentions? 1308 is **approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1326•05. Adopting Local Law No •• 2005, a Local law amending the Local Law 47 •2004 to exempt certain press organizations from the subscription fee schedule for the County Clerk's Online Records System. (SCHNEIDERMAN)**

**CHAIRMAN O'LEARY:**

There was a public hearing this morning 1326 that was closed. Does anyone wish to discuss this? Legislator Kennedy.

**LEG. KENNEDY:**

I'm going to ask Counsel for an explanation on the bill.

**MS. KNAPP:**

We recently adopted the subscription fee schedule for access to certain records, and Legislator Schneiderman felt that the public interest would be best served if press organizations, and they are defined, I believe, as those who more than 50% of their content is generated from Suffolk County, if press organizations were able to fact check and do background without incurring the cost of the subscription fee schedule.

**LEG. MONTANO:**

I have a question.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

Do we any idea •• first of all, do we any idea how much the fee is?

**MS. KNAPP:**

The most complete access, I believe is \$6000.

**CHAIRMAN O'LEARY:**

So let me get this straight. The intent of the sponsor is to exempt press organization, but to continue •• the public would have to pay the fees? So the public pays, but the press doesn't? Is that what the intent of this resolution is?

**MS. KNAPP:**

I believe that in the Legislative intent he talks about informing the widest range of the public.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Having, you know, recently just some from the County Clerk's Office and knowing the subscription service or knowing the online service pretty well, I'm I have questions about the mechanics and the ability to go ahead and actually implement something like this. I'm not •• personally I'm not certain as to how it would actually be able to be achieved so that it could provide the access for media organizations, but yet, you know, remain standing alone. I'm also curious as to what the Clerk's Office might have to say about it. So I guess at this point, I'll make to table.

**LEG. MONTANO:**

I would second that.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to table by Legislator Kennedy, seconded by Legislator Montano. Legislator Losquadro.

**LEG. LOSQUADRO:**

On that motion, I also see no potential financial impact here for the County. Do we know how many news outlets might take advantage of this? What would this cut into our subscription service fees? And how would that affect the County Clerk's Office from a monetary standpoint as well?

**CHAIRMAN O'LEARY:**

Well, I would think that if they're exempt from paying the fees, they would all take advantage of it. Why would they not take advantage of this?

**LEG. LOSQUADRO:**

Well, there seems to be a certain criteria as to at least 50% the content is generated by events occurring within the County of Suffolk. I read •• there were some stipulations that may preclude some of the larger media outlets that •• say a parent company, if they do business elsewhere, but I don't know how many news agencies right now take advantage of this service. I see that's it's not contained anywhere herein, so I'd be interested to see that as well.

**CHAIRMAN O'LEARY:**

Yeah. Is there mention •• because I haven't even read the resolution, I just became aware of it this morning, but is there any mention in there of specific organizations that would be exempt if this is passed?

**LEG. LOSQUADRO:**

No. No.

**CHAIRMAN O'LEARY:**

Just the 50% threshold?

**LEG. LOSQUADRO:**

Yes. There are thresholds, but there is no one named •• no corporation or particular news agency named specifically.

**CHAIRMAN O'LEARY:**

So if they do 50% of their business within Suffolk County, they would qualify for this exemption, is that the intent?

**LEG. LOSQUADRO:**

It's slightly more involved than that, but that's the gist of it.

**CHAIRMAN O'LEARY:**

So them Newsday would be excluded from this.

**LEG. LOSQUADRO:**

I don't know.

**CHAIRMAN O'LEARY:**

They would have to be, because New York City •• they cover New York City and Nassau as well, you know. All right. There's a motion to table.

**LEG. KENNEDY:**

One other point that I would just add, Mr. Chairman. The online service for land records right now is essentially accessible to everybody through use of a view of anything that's been recorded out in County Clerk's Office since December of 2000 can be brought up with connection to the internet on any PC for the purposes of review for the purposes of seeing the instrument. So as to where that piece would blend with or join with the subscription service, I think, would be some point of discussion too. All folks would have the opportunity, I believe, going forward to continue to have that access as far as land records go.

**CHAIRMAN O'LEARY:**

Okay. Any other statements on this 1326? I just have one in closing before we do table this. I even think the press organization that would be exempt from these fees we'd be concerned about them being •• having an exclusive, if you will, and the public not being included in that consideration. I don't understand the basic intent of this other than the obvious. So we're going to move the motion to table 1326. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1326 is **tabled. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1329•05. Authorizing certain technical corrections to Resolution No. 1020•2004.  
(CARACAPPA)**

**CHAIRMAN O'LEARY:**

Motion to approve, seconded by myself and to be placed on the Consent Calender. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1329 is **approved** and placed on the **CONSENT CALENDER. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**CHAIRMAN O'LEARY:**

Yes. Legislator Losquadro.

**LEG. LOSQUADRO:**

I know I showed up here a little bit late. I saw here •• was this memorandum from the Labor Department distributed to all members? About the labor fleet benefit •• cost benefit analysis?

**CHAIRMAN O'LEARY:**

Yes, I do really seeing that.

**LEG. LOSQUADRO:**

If I can just bring one thing to the committee's attention. In the third paragraph in conclusions and recommendations, one of the main drawbacks of the employee using his own vehicle is that if an employee has an accident with their personal vehicle on County business, the County does not provide any liability insurance. This is what I had brought up in that committee meeting.

Unfortunately, being in the insurance industry, I already knew the answer to this question, but I wanted to see it reported. And, in fact, it is worse than that, because there are provisions in most policies that allow companies to deny coverage entirely on a private policy if the vehicle is being used for business purposes, because it is not a corporate policy, it's a private policy. This is a very serious problem that has to be addressed. We have employees out there right now on the street using their own cars. It's very politically expedient to say we're cutting cars and taking them out of the fleet, but we have people out there who are now subject to personal liability exposure, because they could be denied coverage under their automotive policy. This is a very bad situation, and one that needs to be addressed. I hope this committee will take this up.

**CHAIRMAN O'LEARY:**

Are you aware of the extent of the use of personal vehicles during on-duty hours, if you will?

**LEG. LOSQUADRO:**

I have not gotten that information yet. This is the first confirmation that I have gotten that vehicles are being used for personal •• for business purposes on County time. This does confirm that. And I am looking into what the scope and extent of that is right now for County employees, because this is a very delicate situation and one that needs to be addressed quickly.

This is something that cannot be compensated for. The reason for insurance in American society is that you can go about your day-to-day life without fear of financial ruin. And we are asking people to accept that burden of financial ruin because they could possibly be denied insurance coverage if they are out on the street on County time. This is something that I'm going to be taking up, but I wanted to bring this report to committee's attention, so that it is in people's minds. And I will be bringing forward more information on this.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

I happen to agree with Legislator Losquadro. As a matter of fact, if an employee is on County

time doing County business in their vehicle and they're injured in accident, wouldn't they be covered by Worker's Compensation?

**LEG. LOSQUADRO:**

Yes, I believe so, but that then raises the question of property damage, damage to other party's vehicles.

**LEG. MONTANO:**

That's exactly where I was going.

**LEG. LOSQUADRO:**

There are a number of others concerns. Their own personal coverage for, say, health insurance or traumatic injury, but there are a whole host of other concerns that are covered under your personal policy that would not be addressed by the coverage afforded by the County simply by being an employee on business time.

**LEG. MONTANO:**

Right. I tend to agree with you based on what I know. And I was under the impression that any County employee that was on County business in a vehicle would be covered by the County in terms of liability. And the other question I have is, is that not a fact that we •• the County would be liable for one of our employees running over someone in the course of an assignment?

**CHAIRMAN O'LEARY:**

With their own personal car?

**LEG. MONTANO:**

With their personal car, but on our business?

**LEG. LOSQUADRO:**

I do not •• this memorandum and their legal opinion says that, no, we do not provide coverage to those in their personal cars on County time, whether it is a function of their job or not.

**LEG. MONTANO:**

Can we obligate an employee to take their personal vehicle on a County assignment? I mean, if I were the employee, I would say I'll go, I'll use my car, but if I have an accident, you are going to have to be responsible for anything other than my gross negligence.

**LEG. LOSQUADRO:**

Legislator Montano, you're an attorney, you know that an insurance policy is a legally binding contract, and without such a contract in place, there is no way to bind any organization including the County of Suffolk other than having a specific policy in place that would grant our people •• grant our employees that right. So as this document states, we are not providing that coverage, and I believe it's an unfair burden to put onto an employee to ask them to shoulder that type of

liability exposure.

**LEG. MONTANO:**

I agree with you.

**CHAIRMAN O'LEARY:**

For the committee's edification from my previous life, I know that this was an issue in negotiations on several occasions in the past. The concern being, of course •• and I speak only know of police officers, because that's my background •• when a police officer reports to his primary reporting station, he is on duty. And there have been times where he was directed to go else where within the department for another assignment using his own car. And we have had several questions regarding liability and the status of that individual if he gets involved in an accident while in route to that second assignment.

I would think the same would apply for all County employees, if they come into work and it's their initial •• initial reporting station is what's covered •• is what's not covered, there should be an effort on the part of the County, I believe, to cover the employees if they're directed to move from that initial reporting station elsewhere. They have to be directed, they have to be told to do so, and if they do so in their own personal vehicle, what coverage is afforded to them if per chance there was an accident did occur? Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chairman, I guess what I would ask is •• I just have a question. I believe that we are selfinsured in a number of areas. However, I'm curious, and perhaps maybe even the County Attorney's Office can tell us when it comes to issues of property damage, general liability acts

that might occur from an employee within the course of their normal day-to-day activities, you know, accidental, where •• how does the County of Suffolk wind up making citizens whole as far as, you know, property damage or personal injury or things such as that?

**MS. CAPUTI:**

I'd like a chance to check with Risk Management on that.

**CHAIRMAN O'LEARY:**

The Chair recognizes the County Attorney's Office to come up and respond to a question of Legislator Kennedy.

**LEG. KENNEDY:**

Hi, Jackie, how are you?

**MS. CAPUTI:**

Hi. Good. How are you. I'd need to check with Insurance and Risk Management on that, because I really don't know the answer. I don't want to represent something that might be inaccurate.

**LEG. KENNEDY:**

It's an issue here for us as we're talking about the Labor Department and a planned strategy to go ahead and engage in reduction plans as far as vehicles go. But of course, I would imagine that that same policy must be in place across the board with any County Department at this

point where we have employees that are compelled to have to go out and do, you know, case management visits, perhaps, DSS, Health, wherever it is. Just a base level pure informational question, what is the extent of coverage that's in place for that individual employee?

**LEG. LOSQUADRO:**

Well, Legislator Kennedy, if I may. Here we have a department head who makes very clear in a memorandum that any liability incurred will be borne by the employee's auto insurance. That seems to be the policy that's in place. And what I am bringing to people's attention is personal auto insurance contain a provision that can deny coverage for business use. This is a very important fact that needs to be brought to the attention of those setting this policy, because it sets a very dangerous situation for our employees to be in.

**LEG. MONTANO:**

In addition to that, Legislator, isn't it accurate that if you are •• if you have a policy and you are using your vehicle for work purposes, that that would increase your premiums?

**LEG. LOSQUADRO:**

Absolutely.

**LEG. MONTANO:**

So I'm sure that the majority of the people that, you know, are driving may not even be aware that they're prohibited from using their personal vehicle for work, because they're really not covered.

**LEG. LOSQUADRO:**

Absolutely.

**MS. CAPUTI:**

Clearly, anybody who is going to sue the County even if there may or may not be coverage, the County may or may not be liable. Anyone that's injured by a County •• someone doing County business is going to sue the County.

**CHAIRMAN O'LEARY:**

I think the issue •• excuse me. The issue is not reporting to and leaving from work, the issue is while you are working. While you're working, if you are directed to move from one station to another, and you are directed to do so with your own personal vehicle, what is the liability?

**MS. CAPUTI:**

I will certainly look into it.

**LEG. MONTANO:**

This also •• if I may. This also goes beyond just the liability and that's basic, but you're talking about property damage collision coverage, what about the no•fault benefits that would •• you know, personal injury protection that would be afforded under your policy, what if that's denied to the driver or a passenger in the vehicle? These are issues that Legislator Losquadro ••

**LEG. LOSQUADRO:**

As I said, there are a whole host of issues. If I may, as Legislator O'Leary put it, in my former life, when I worked for State Farm Insurance, we were specifically precluded, I mean, it would practically be grounds for termination if you used your personal vehicle on company time for company business. The ramifications of that were understood in the insurance industry, and you were specifically precluded from doing so. You had to take a pool car, it was not open for debate.

**CHAIRMAN O'LEARY:**

And we are of the opinion there are plenty of pool cars available now.

**MS. CAPUTI:**

Yeah. I'll certainly look into this further.

**LEG. LOSQUADRO:**

I'll be bring more information to the committee's attention. Thank you for indulging me.

**CHAIRMAN O'LEARY:**

Could you, Jackie, bring this back to the next committee meeting on what the •• with respect to the questions that we just raised on employees during their time of employment from when they

report to work and when they leave, if they're using their own personal vehicles, what are the concerns that the employee should have with respect to their insurance coverage, their private insurance and the County with respect to liability etcetera. And it all involves, of course, if they're involved in an accident, what is the end result there?

**MS. CAPUTI:**

Okay. Sure.

**CHAIRMAN O'LEARY:**

Good point, Legislator Losquadro. I'm sure we're going to be discussing further. All right. Is there any other business to discuss to adjourn no reason to have Executive Session today. Very good. Motion to adjourn by Legislator Losquadro, seconded by Legislator Kennedy. Ways and Means stands adjourned.

**(\* THE MEETING WAS ADJOURNED AT 10:45 A.M. \*)**

\\_ \\_ **Denotes BEING SPELLED PHONETICALLY**