

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 Thursday, August 17, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Robert Lipp • Budget Review Office

Jill Moss • Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Christine Malafi • County Attorney

Gail Lolis • County Attorney's Office

Melissa Sellers • Aide to Chairman D'Amaro

Ron Cohen • Aide to Chairman D'Amaro

Deborah Harris • Aide to Legislator Stern

Sandy Sullivan • Legislative Director of AME

Mary Dewar • Long island Council of Churches

Jim McAsey • Jobs With Justice

Donald J. Fiore • IBEW Local 25

Joseph Shanahan • IBEW Local 25

Jim Castellane • Local 12 Insulators

Clark Berge • Society of Saint Francis

Frank Pellegrino • Plumbers Local 200

Dr. Luis Valenzuela • Long Island Immigrant Alliance

Amy Sugimori • National Employment Law Project

Gouri Sadhwani • LaFuente

Shirley Aldebol • SEIU Local 32BJ

Matthew Chartrand • Iron Workers Local 361

Patrick Young • CARECEW

Robert W. Dow, Jr. • Commissioner of S.C. Department of Labor.

Michele Lynch

Blanca E. Calderone

Joseph R. Cantwell

Elaine Gross • ERASE Racism

Mario Mattera • Plumbers Local 200

Donald Cusick • Iron Workers Local 361

Zabby

All other interested parties

MINUTES TAKEN BY:

Lucia Braaten • Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 10:22 A.M.]

CHAIRMAN D'AMARO:

Okay. Good morning, Ladies and Gentlemen. Thank you for your patience.

I'd like to call to order the committee at this time, the Committee on Ways and Means. And welcome, everyone, this morning. And we'll start, of course, with the Pledge of Allegiance, led by our Vice Chair, Legislator Mystal.

(Salutation)

Okay. Before we start with our agenda of tabled and new Introductory Resolutions, we're first going to the public portion of our hearing. That gives any member of the public the opportunity to address the committee. However, you will be subjected to a three•minute time limit. So I ask that you gather your thoughts, think about what you'd like to say and keep within the three•minute time limit. When the bell rings, as they say, I will be asking you to sum up and conclude your remarks. So, with that said, I'd like to call the first speaker this morning and that is Mary Dewar.

MS. DEWAR:

Good morning. I am Mary Dewar, Chair of the Public Issues Committee of the Long Island Council of Churches. The Council serves over 400 local churches and the main line Protestant denominations. The Council carries out services in their behalf the churches individually might find hard to do, for example, the emergency food centers in Freeport and Riverhead. It is our calling to serve the poor, the needy, the fringe and marginalized people of our society, and that would include immigrants, either documented or undocumented.

Jesus called us to do •• to treat anyone and everyone, and he ignored the law on the day when a human in need presented himself to him, and he met

that need and healed that person or fed him. He did this repeatedly during his ministry and he calls us to do the same. "Even if you do it unto the least of these, you do it to me." See the 25th Chapter of Matthew.

In addition, our National Immigration Services are so antediluvian that people seeking legal means to enter the country have a 20 •• a 12 to 20 year wait while machinery cranks along slowly. Desperate people who have no knowledge of the system have no access and no way to get here legally. If we want to do something about undocumented people, let us start with our government and its Immigration Services, rather than criminalizing honest, hard•working family people who desire only to raise a family and care for them as well as possible, and who are willing to work at unpleasant jobs in order to do that.

So in June, the Public Issues Committee drafted a statement and it was passed by the Board of Governors of the Long Island Council of Churches at its June 2006 meeting, and is for the moment the official position of the Council. It reads, "The Long Island Council of Churches Board of Governor raises its voice to join others who decry unjust treatment for immigrants and an abuse of our national character."

As people of faith in Jesus Christ, we cannot ignore what seems to us an affront to the better angels of our nature, compassion, liberty, and justice for all. We join ours with other religious voices and the many people of good will who are calling for a better way to go that consists of the best of in our religious and national heritage.

We support a temporary worker program for persons contributing to the U.S. economy, rather than a draconian deportation program, protection of human

and worker rights, rather than displaced blame and harassment, an appropriate path to citizenship and family unity, rather than treating human beings like pawns at our behest, a responsible role for law in national security, rather than the added burden of criminalizing persons trying to make a living and raise families, the humane practices of providing education and human resources, rather than requiring caring and compassionate persons to withhold the gifts of God for the people of God. Therefore, we would like to see this motion tabled to subject to call. Thank you.

(Applause)

CHAIRMAN D'AMARO:

All right. Thank you, Miss Dewar. The next speaker this morning is Jin McAsey, is it? Jim, I'm sorry.

MR. MCASEY:

Jim McAsey.

CHAIRMAN D'AMARO:

Yes. Good morning.

MR. MCASEY:

Esteemed Legislators, it's so nice to see so many friends in one place, friends that love us, friends that are more or less indifferent to us, and friends that

hate us. I'm just kidding, there's really no hate in this room, I strongly believe that. Again, my name is Jim McAsey and I'm here today to urge you to table subject to call I.R. 2025.

We're not here today because we want workers to work off the books. We're not here today because we want to drive down standards for our union brothers and sisters. We're not here today because we want to just open the borders. And we're not extremists, but we do want justice extremely.

The County Executive has done good things for labor. All right? Let's not make a mistake about that. But let's be honest, some bad things also, which brings me to the development job in Patchogue. I see it as a disgrace to this County, that we let that job go non•union. I felt it was shameful and it was a slap in the face to labor. My point here is that I don't think it's a coincidence that this bill followed that insult to labor. I don't think it's a coincidence at all.

To my union brothers and sisters in the back, we understand where you are coming from. Your members need work. They need the standards in and their industries protected. They need to feed their families and pay their bills. We stand with you in that fight, in your common fight for your members and for all workers. If we want to push laws to ensure the rights of workers, I propose that we work together to find a better way than this. Thank you very much. Please subject •• please table subject to call I.R. 2025. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you, sir. Thank you for your comments. The next speaker this morning is Donald J. Fiore, of course, of IBEW Local 25.

Mr. Fiore, good morning.

MR. FIORE:

Good morning. Good morning to the distinguished members of the Ways and Means Committee. My name is Donald J. Fiore. I'm the Business Manager with the International Brotherhood of Electrical Workers Local Union 25, and I reside at 31 Jenny Lane in Holtsville, and I've lived there since 1967.

I am the son of immigrant parents, one who entered this country legally and one who entered this country illegally. My father came in legally with his mother, met their •• met my grandfather, who had already been in the country. And my mother, who is an orphan, jumped ship, got into the country illegally. Together, the total education between the two of them was the 8th grade. My father had the 8th grade education. My mother, who was an orphan, had no education at all and was self•taught. But both my parents worked hard all their lives and they never took from anybody and always gave. My father was a truck driver and a member of the Teamsters Union, my mother was a domestic and she cleaned houses, and they were part of what made this country the greatest country in the world. They were immigrants who gave into the circle and did not take out. My father paid his taxes. My mother became a citizen in 1964 while I was in the military, and a proud citizen she was. And her first order of business after she received her citizenship was to get her social security card and pay her just due.

I stand before you today to rise in support of Suffolk County Legislator ••

Suffolk County Executive Steve Levy's legislation. This will create a level playing field for contractors who want to bid work to the County, no matter what the contract is.

Our Local requires all our members fill out I•9's, and those I•9's are a testament that all employers are responsible to make sure that his or her employees are, in fact, eligible to work for them, and this would be randomly checked by the Department of Immigration and Naturalization. And this began in the early '90's, and we were monitored, along with our contractors, that we would follow the letter of the law. And since then, it seemed to have been •• seems to have relaxed.

So, in order to create a level playing field, I will speak for Local 25 and all contractors who are following the law. What we don't need is what has taken place on Long Island and that is an underground economy. Legitimate business cannot compete, and what we don't need again is the County being part of it. Local 24 •• Local 25 supports this legislation and I support the legislation and I ask you to support this also. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Fiore. All right. The next individual is Joseph Shanahan, also IBEW Local 25. Good morning, sir.

MR. SHANAHAN:

Good morning, Ladies and Gentlemen of the Legislature. As we know, every problem has a solution. Sometimes you have to work to find it. However, we also have found out through life that every solution comes with problems. You don't have to work to find those, they find you. Illegal immigration has a tremendous amount of problems and there are some solutions, but we're hard-pressed to find them. We're here today because the Federal Government has become paralyzed by this. They decided that it's easy to do nothing, so they in •• they have chosen to do nothing about it. It comes down to the County to finally make a stand and do the right thing. To do the right thing you have to start at the beginning with the word "illegal". I don't think there's anybody that is opposed to immigration. What we are opposed to is the word "illegal", and the solution to "illegal" is to uphold the law, and the law is that people become regular citizens through the channels.

Now I have been for years a literacy volunteer, and, quite often, the people that I've had in my groups are not illiterate, they're very well educated, but they're from other countries, and they're here to learn English, so that they can take the naturalization test. They know they have to wait the five years. They have their green card and they're doing the right thing. They are employed by employers who are paying their taxes, they're having the taxes deducted and they're paying them. But as a union electrician out in the field, often I run across people from other countries who are here illegally. They're not only paying the taxes to the employer, but the employer is pocketing them, so he is getting over on this.

There's a lot of problems with this illegal immigration, but we have to start at the beginning. And I applaud the County Legislature and the County Executive for trying to make a stand to do something about it, and I urge that you support Steve Levy in this. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay, sir, thank you. Okay. The next individual is Jim Castellane, is it? With Local 12 Insulators.

MR. CASTELLANE:

Good morning.

CHAIRMAN D'AMARO:

Good morning.

MR. CASTELLANE:

Thank you for this opportunity to be able to speak before you on this issue. I just •• I just want to get off a little bit about what I said yesterday and what I'd like to say here again today, and that is our contractors that have lived on Long Island for many years that employ the people of Local 12 and the people in the other building trades, they work on a level playing field. They pay medical benefits, they pay pension benefits, they pay taxes, and they keep an area standard, a wage that we have built for a hundred years. This • • you know, our construction workers make a decent salary. You people all know what it costs to live on Long Island. They need to pay the taxes on their homes, which are very high. We •• you know, I want to try to articulate this to you the best that I can. If you were one of my contractors that was paying a decent wage and paying these benefits and someone else popped up and he was paying less than three•quarters of the hourly wage that my contractor has to pay, and most of the other building contractors have to pay, and he was paying and this contractor that popped up was paying less than

three-quarters of that hourly wage because he's not paying medical benefits, he's not giving them a pension, he's not giving them an annuity, his workers are not trained. The County and everybody else looks at the bottom line, the dollar, where it says most responsible bidder and it always goes to the lowest bidder. This is not political. This isn't •• this shouldn't be as confusing as it is. That number's going to be substantially lower, which means my men and the other building trades people sit home. That's a tough thing to have to sit home when you know that the wages that are being paid to do the job that you've been trained to do is being sold down the river.

This is a very simple issue. I commend Steve Levy and Congressman King for taking the stand that they did on it. All we're asking for is a level playing field.

I am an organizer for my Local 2. Many of times I've hit these job sites and went on these job sites and I've offered them a better standard of living. I offered them hospital, medical, a good wage, but they're exploited to the extent that they're scared, and they will not come into my union, they'll run away from me. That's how bad it's gotten. You would think if you were one of these exploited individuals and I approached you and said, "How would you like to make this wage with benefits instead of this wage that this contractor's giving you," you would think they would jump all over it, right? It's not true no more, it's not true.

We have a problem. The law is already on the books since 1986 and myself and my brothers and sisters from the building trades, all we're asking for is to enforce it. We will police it. We will go out and try to find these jobs, but we would appreciate this law being enforced. So, therefore, I applaud again Steve Levy and Congressman King. And I hope you guys understand how I try to articulate it to you. It's that simple. Ten dollars an hour, \$8 an hour or ••

CHAIRMAN D'AMARO:

All right, sir.

MR. CASTELLANE:

Okay?

CHAIRMAN D'AMARO:

You need to wrap up, please.

MR. CASTELLANE:

I wrapped up. I hope you understand me, and that's all I have to say.
Thank you.

(Applause)

CHAIRMAN D'AMARO:

Thank you for your work. Next person, Clark Berge. Good morning.

MR. BERGE:

Hi. Good morning. I'm Clark Berge with the Society of Saint Francis, and I'm here to speak, hoping to urge you to table this bill subject to call.

I'm well known to the workers, the migrant workers. They needed our house. And the thing that basically •• I'm here also to speak sort of for them on their behalf that •• and as a Christian, I believe that Jesus calls us to stand in solidarity with the last, the lost, the least. And that these men are here because they cannot make a living in their home country, and so they are seeking to support their families. And so, in solidarity, with them to help them find a better way, that's why I'm standing here this morning.

It's a •• it's a very difficult situation that we're facing here on Long Island. It's a challenge for all of us to try and figure out what to do with this situation and •• but I think that what we need to do is to table this bill and to get together, both sides, and to work at coming up with a new and a better solution. And I'd like to see us take some of the energy and the power here in this room and work to enforce the laws on a Federal level, because that's where I think the situation needs to be addressed. So thank you very much.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you. Just a procedural note for those who are here today, that the committee is required by our laws and our rules to table this bill today for the purposes of a public hearing at the Tuesday session of the Legislature. So, for those speakers who are urging table subject to call, that is not •• it is something that the Legislature has the authority to do, but certainly not today. The bill must be tabled under our rules today in order to proceed to a

public hearing on Tuesday. Next speaker is Frank Pellegrino, Plumbers Local Union 200.

MR. PELLEGRINO:

Good morning. Thank you. My name is Frank Pellegrino. I'm the Business Manager of Plumbers Local 200. I reside at 165 Lawrence Avenue here in Hauppauge and I've been here for 25 years.

Many of you or many people will tell you that this immigrant workforce performs jobs that no one on the Island wants to do. I would invite you to visit any large housing job on Long Island that's currently under construction. You'll find this workforce doing carpentry, plumbing, electrical work, roofing. Any trade that needs to be done, they are capable of doing. They're a very skilled workforce, they're very capable. I wish I could organize them. Unfortunately, it's illegal for me to do that, because my contractors can't hire them by law.

The construction market on Long Island generates billions of dollars. It employs tens of thousands of workers. It has increasingly gone black market. I don't think we as a society can afford to have this large of a market go that way.

My contractors are legitimate law-abiding men and women. They provide wages and benefits. They pay a heavy tax burden. My largest contractor pays \$27,000 a month in workmen's comp, unemployment insurance. These workers are not criminals. We don't view them as criminals. My parents were immigrants, and many of you, your grandparents were immigrants. No one was looking to throw them out of the country. I don't think anybody's

looking to throw •• or people shouldn't be looking to throw these people out. But a contractor that exploits them has a huge unfair advantage when it comes to bidding, not only public work, any project. Think what would happen if this huge economic engine that we have in the construction worker was to go that route, to go black market where the taxes aren't paid. The Social Services that these people need and my people need cannot be provided, because there is no tax structure any longer.

This is not a racial issue. Anyone who makes it a racial issue is really taking advantage of an unfortunate situation. It's social and it's economic. Personally, I wish this law would be extended to include all contractors, not only people who do business with the County, but all contractors. Again, we don't look at them as criminals. We do see that the contractors that employ them are engaged in criminal activity. They don't pay taxes, they don't pay benefits, they don't pay a living wage. As many of you said, this is a very serious problem that we're not going to fix here today. The State looks the other way, the Federal Government looks the other way.

I applaud your effort in this. We don't mind paying our fair share. We can't pay their share as well. Their contractors, their employers need to pay the way our contractors pay. I would urge you to support this legislation and I thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you. Next is Dr. Luis Valenzuela, representing the Long Island Immigrant Alliance.

DR. VALENZUELA:

Good morning. Thank you for the opportunity to speak to you. I'm

Dr. Luis Valenzuela, Executive Director of the Long Island Immigrant Alliance, and President of National Association of Puerto Rican Hispanic Social Workers.

I just want to start off by saying that we are demanding that the bill be killed, and that is I.R. 2025. The bill is duplicative. We already have Federal laws that cover employer verification. The bill has nothing to do with undocumented workers. Obviously, it has to do with unscrupulous employers. However, the underlying message is clearly anti-immigrant and underlying anti-immigrant is anti-Latino. And just so that you have an idea of the contributions that two groups that this week are being targeted on Suffolk County, Latinos and Asians. The Latino population in the United States contributes six •• more than 600 billion dollars to the economy. Asians contribute more than 300 billion dollars to the economy.

Social security, there's 200 billion dollars in the {suspense} fund and a majority of that money, two-thirds come from workers without documents. Don't tell me that workers without documents don't want to pay taxes, they do pay those taxes. They pay not only social security taxes, sales taxes and taxes all over.

The provision I.R. 2025, has just been amended. There is a little blurb about anti-discrimination. We still suggest and request that the bill be killed. If you look at the Federal Law, the Federal Law has an enforcement provision and it creates an independent body to monitor and report back on the affect

of that bill. In fact, the Federal Government had already been prewarned that the bill would result in discrimination, and so they added those provisions.

Now how are we going to suggest that we in Suffolk County can make a better bill to do the job of the Federal Government, especially when it lacks all of those protective provisions? And as we testified last week, the national bill •• the national law, actually, resulted in more discrimination. If you remember, the GAO looked at a study, a universe of 4.6 million employers and found active 10% discrimination in that universe. So 400,000 •• 461,000 employers admitted to discrimination. This bill has no provisions for protecting workers against unfair discrimination.

I also want to mention that the introduction of this bill and the climate of hate that we live in Suffolk County does nothing more than to divide our communities. If we can have a Suffolk County that is a model for the nation, all we need do is to be more inclusive, pass legislation that is inclusive, that looks at the rights of all residents of Suffolk County. If you really want to protect workers, pass legislation that protects workers, allows unionization, organization, that protects workers irrespective of status, whether they're native born or foreign born. If you had laws to protect workers and you included a whistle•blower provision, unscrupulous employers would pack up. They would pack up, because the moment that they said to a worker, "You're going to be reported for complaining," that worker would go to you guys for protection.

The last thing I want to say in closing is ERASE Racism has introduced a housing bill and we urge you to support that bill. The counter bill that's introduced by the County Executive has no enforcement provisions for the anti•discrimination clause. I know it's not in your committee, or it is, but we urge you ••

CHAIRMAN D'AMARO:

No.

DR. VALENZUELA:

•• to look at those provisions, enforcement. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Doctor, we appreciate your comments.

(Applause)

All right. Next is Amy Sugimori, if I have that correctly.

MS. SUGIMORI:

Yes. Thank you.

CHAIRMAN D'AMARO:

National Employment Law Project. Good morning.

MS. SUGIMORI:

Good morning. And thank you for giving me the opportunity to provide some testimony this morning. As you said, my name is Amy Sugimori. I'm an attorney with the National Employment Law Project.

Since 1969, the National Employment Law Project is a nonprofit organization that has worked with all workers, employed and unemployed, organizing to try to improve wages, working conditions, and safety net benefits for those who aren't able to work.

In summary, I just want to say that we are here to urge you not to go forward with the approach that's been taken in the proposed I.R. 2025. We have serious concerns about following the extremely misguided model of employer sanctions in immigration at the Federal level, a policy which has really led to increased discrimination and abuse against workers, and a proliferation of the very underground economy that we're really concerned about. We share the concerns of many about the abuse of workplace rights of undocumented immigrant workers and we do think that's a serious problem that needs to be addressed, but we feel like we need to get to the heart of that problem. We need to target the abuses.

I want to just give a little bit of examples of the experience with the Federal Law, as had been mentioned by Dr. Valenzuela. After the passage of the 1986 immigration law, which included a provision prohibiting employment, knowing employment of people based on immigration status, and also included detailed anti-discrimination protections against people protecting

against citizenship discrimination, national origin discrimination, and abuse of the documentation process, the general accounting office found that in spite of this, there developed a widespread pattern of discrimination, particularly against Asian and Latino immigrants in employment, people who were authorized to work, but yet were facing barriers to employment, and were also facing retaliation and discrimination in the workplace. In addition to this, the United States Commission on Civil Rights also stated in a report that they found clear and disturbing indications that the Immigration Reform and Control Acts Employer Sanctions had caused a pattern of discrimination.

Now I wanted to address another •• a newer version of employment verification that's come up, the electronic verification systems, because I know that many have thought that having a data base of electronic verification would be a way to get away from some of the discrimination. People sort of trust if you can check on a computer, you check in a data base, that might be a better way. But the law that created the program that exists now, which is called the Basic Pilot Program, also required an independent evaluation of the experience with that program. And once again, the independent evaluators determined that the current Basic Pilot Program System jeopardizes employee rights as defined by fair information standards, and does not solve the discrimination problem widely believed to have been created by employer sanctions. And the independent evaluators went on to suggest that they did not believe that an expansion of the program was a good idea, because there were too many concerns about employer abuse and discrimination against workers.

In 2003, Immigration, the Department of Homeland security, which implements the Basic Pilot Program, was required to report to Congress on the experience with it, and even they had to admit that there were extremely high rates of error in the data bases. So what we're talking about, for example, is that over half of foreign born noncitizens, work•authorized foreign born noncitizens were still coming up with a nonverification at the initial level, and that one out of every ten U.S. citizens who were foreign born

also were coming up with a nonverification. So even using these supposedly foolproof systems, you have huge numbers of people who are coming up nonverified, and, you know, employers relying on this are still engaging in discriminatory practices.

Just a final point, too. All of the studies that have looked at this have raised the concern that the employer sanction scheme has actually contributed to an underground economy. Instead of rooting out the abuses of undocumented workers by unscrupulous employers who are trying to cut corners by employing them and evading labor standards or evading other legal requirements, in fact, what's happened is you've created a workforce that is so concerned about being turned into Immigration and so concerned about the power the employer plays in turning them in that they don't speak up about violations in the workplace. An ironic example of the turnaround of employer ••

CHAIRMAN D'AMARO:

Miss Sugimori, I'm going to have to ask, please sum up.

MS. SUGIMORI:

I will sum up.

CHAIRMAN D'AMARO:

Your time has expired.

MS. SUGIMORI:

I just want to give one example, a striking one, that employer sanctions were supposed to go after employers. Recently we had an experience where a worker was injured on the job severely, would be eligible for workers compensation. His employer at that point paid attention to immigration status, turned him into Immigration, and made the argument that based on employer sanctions, he should not be covered by workers compensation benefits. This is the reality of the scheme, and so we strongly urge you to reconsider. Think about policies and relationships to develop with immigrant communities to go after the abuses. Thank you.

CHAIRMAN D'AMARO:

Very good. Thank you very much for your comments.

(Applause)

All right. The next speaker is Gouri Sadhwani, representing LaFuente.

MS. SADHWANI:

Good morning. My name is Gouri Sadhwani and I'm the Executive Director of a nonprofit organization called La Fuente, and La Fuente is a nonprofit that brings together labor unions and community organizations in the Tri•State area to promote and protect immigrant and worker rights. I am here to testify on behalf of La Fuente and to express our strong opposition to 2025, a bill proposed by County Executive Levy.

The bill, 2025, in addition to being anti-immigrant and racist, is simply bad policy. We agree, it is important that employers and workers abide by the law. Employers should not gain an unfair advantage by exploiting undocumented workers who may be willing to work in unsafe conditions or for lower wages, but the adoption of this bill, which seems to be yet another attempt by County Executive Levy to enforce local immigration law, will weaken workers rights and be detrimental to all workers on Long Island.

If the County is concerned with going after unscrupulous employers and protecting workers' rights, then we should be working to enforce workers' rights to organize. Creating anti-immigrant laws at the local level is harmful to the immigrant community, the labor movement and businesses on Long Island. If the County is concerned with immigration, then our efforts must be constructive in advocating for comprehensive Federal Immigration Reform.

Communities on Long Island and across the nation are looking for a solution to fix our country's broken immigration system, that is no doubt, but this bill would jeopardize workers' rights and push hard-working immigrants further underground. Long Island and you all would help lead the nation in setting a horrible precedent of local enforcement of immigration law. Immigration law and its enforcement are clearly our federal government's responsibility, and employment of immigrant workers is also regulated already by the Federal Government. We should be working with communities on positive solutions.

We call on the County Legislature and you to work with our communities in calling for the Federal Government to pass comprehensive immigration reform, and a bill that includes a path to citizenship for the 11 million undocumented people already in the U.S., for the reunification of families, for workplace protections for all workers, and for protection of civil liberties and

rights.

La Fuente has helped coordinate a statement opposing this bill, which has been signed jointly by the {Mason Tenders} District Council of Greater New York and Long Island, SEIU Local 32BJ, SEIU Local 1199, the Laborers Local 78, the Laborers Local 79, and {Unite HERE} Laundry and Dry cleaning Allied Workers Joint Board. This statement, which opposes 2025 firmly, will be printed in Newsday on Monday. I've also brought copies here for you.

I urge you to vote against this bill, vote it, kill it. This is the time for your leadership, not just in representing the most powerful on Long Island, but, as elected officials, you're here to represent also those that live and work on Long Island who are the most vulnerable. I'm wrapping up. This is the opportunity and this is the time for your leadership in protecting those amongst us that are the most vulnerable, and we hope that you will side with the right side on this issue and vote against this bill. Thank you for the opportunity to testify today.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you. Okay. Next is Shirley Aldebol, representing SEIU Local 32BJ.

MS. ALDEBOL:

Good morning, everyone, and thank you for this opportunity to speak today. I •• my name is Shirley Aldebol, and I am the District Supervisor for Local 32BJ SEIU here on Long Island, with more than 85,000 members, including twelve hundred in Nassau and Suffolk Counties on Long Island.

Local 32BJ is the largest property services union in the country. We represent window cleaners, door attendants, maintenance workers, cleaners, porters and security officers in New York, New Jersey, Connecticut, Pennsylvania, Maryland, Virginia and Washington D.C. Here on Long Island, Local 32BJ members are employed in commercial office buildings, residential buildings, universities, colleges, and different types of facilities here on Long Island. We represent workers in locations such as Newsday, Reckson Plaza and Lake Success Office Park.

I.R. 2025, introduced by County Executive Steve Levy, is bad for Long Island, because it's costly for business and taxpayers, and because it's discriminatory in that it unfairly penalizes immigrant workers, many of whom are being exploited by irresponsible employers, regardless of their document status. We need real immigration reform, and we all agree that the immigration laws and the immigration process in this country is flawed, and we have to work together and we have to work hard to try to fix it. This bill does not ensure that irresponsible employers will pay prevailing wages, as I've heard over and over again from my brothers in the building trades. And that is true for the industry that we represent. They do not •• employers will not pay prevailing wages if they're not forced to. It has nothing to do with whether workers are documented or not. We organize a large number •• a large number of the workers that we represent and organize are immigrant workers, new immigrants from all over the world. And we can tell you that, again, from personal experience, that it doesn't matter whether they are documented or not. Employers who want to exploit workers will exploit workers. Employers who do not want to pay prevailing wages will not pay prevailing wages. And workers are afraid to organize, because, quite frankly, the labor laws in this country are not in favor of workers. So, you know, local law should not try to

enforce Federal legislation, but, really, should look at enforcing prevailing wage, ensuring that workers who work under contract for the County get paid decent fair wages and get benefits. We believe that enforcement of Federal Law is best left to the Federal Government, not a county with modest resources, which the Labor Department is already stretched with.

And what is important again is that, you know, that workers are treated with dignity and with fairness. And it doesn't matter to us in the union movement what their immigration status is. So we call on Suffolk County Legislature to reject this anti-immigrant and anti-worker bill, and instead focus on working with our communities, and call on the Federal Government to pass a comprehensive immigration bill that creates a path to citizenship for hard-working immigrants, reunifies families, strengthens workplace protections, and protects the civil liberties and rights of all working people. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you.

(Applause)

Next is Matthew Chartrand, Iron Workers 361.

MR. CHARTRAND:

Yes. How are you doing? My name is Matt Chartrand. I reside in Suffolk County for 37 years. I'm representing several hundred iron workers as I

Speak here today, speak to the Legislature.

I have a couple of issues that we support this bill on. One is the health care system on the Island is going down the tubes. The prices are going up every year, 12 to 13% in health care. Some of this is due to the illegal immigrants that come in here and work on jobs and then get hurt, or whatever, and wind up in hospitals and hospitals have to take care of them. The money that some of the hospitals allocate is millions of dollars a year, such as in Suffolk Central Hospital was in a Newsday article several months ago. You can look into that.

Some of the other issues we have is that people make this out to be a color issue. Yeah, it is about color. You know what the color is? Green, cash, greedy workers, greedy contractors hiring these illegals to go to work, therefore, in turn, putting the union members out of work, and that's one of the other issues.

Finally, I have to disagree with the gentleman before who stated that these people are paying their taxes. They're not paying their taxes. I go on job sites. These people are paid cash at the end of the day. That's not paying their fair of the taxes. Thank you very much, and I urge you to pass this. Thank you.

(Applause)

CHAIRMAN D'AMARO:

All right, sir, thank you. Next speaker this morning is Patrick Young. Mr. Young, I can't make out the organization you represent.

MR. YOUNG:

Central American Refugee Center. We're located in Brentwood.

CHAIRMAN D'AMARO:

Okay. Thank you, sir.

MR. YOUNG:

And I have a report on the bill that I wrote up that contains documentation to the federal study and other studies on discrimination. I just wanted to begin just by saying I'm an attorney at CARECEW and I'm also a Special Professor of Immigration Law at Hofstra University. And I'm not going to address all the same issues that other folks have addressed, but I just want to let folks know on the Legislature that the issue that my organization's primarily concerned with is the issue of discrimination against documented immigrants. We have 4,000 clients in Suffolk County and those clients are all documented, and they're very concerned about this bill.

But before I say that, I just want to address what Mr. Pellegrino had said earlier, his concern, because he wants to organize many of the undocumented who are working on construction job sites, and he identified the principle obstacle to organizing them being employer sanctions. You

don't organize workers by making them illegal or by driving them further underground, and that's why Ted Kennedy, who's been a big supporter of labor throughout his career, is urging a legalization program for hard-working immigrants in the United States.

But what I really want to address is the issue of discrimination against the documented. You know, as Professor Valenzuela had said earlier, one in ten employers began discriminating against legal Latinos and Asians after the passage of the immigration law based on document discrimination. Another 9% did it based on national origin discrimination. And these were people who admitted in a survey that they began this type of discrimination. It's extensively documented in the report.

I'd urge you, I'm sure you all have since you're so concerned about this issue, to read the Federal Government's report, immigration reform, employer sanctions and the question of discrimination. It's available online. Very easy for you to get it. If you haven't read it and you vote on this issue without reading it, I think you're really doing the citizens of Suffolk County a gross disservice.

There's a bunch of issues that are raised by the bill, even as it's been revised. I note that there was an insertion of an anti-discrimination provision within the bill, which is in Section 3(B)2. The problem with that is it just restates essentially what New York State law is. It doesn't make it illegal to discriminate on the basis of documents. You're giving Suffolk County a requirement within County government and with contractors to enforce the Federal Law. Most of the discrimination that occurred as a result of the passage of the law was not, "I won't hire Latinos," it was, "I want a specific document," immigration issues, work authorization on dozens of different types of documents, which could be as simple as a stamp in a passport, or it could be an announcement in the Federal Register. Okay? If an employer

discriminates based on wanting one type of documentation over another, your bill doesn't make that illegal.

Again, why does the bill only incorporate part of the Employer Sanctions Law, 1324(A), but not the anti-discrimination provisions, the education provisions, the creation of an Office of Special Counsel, etcetera? If you really want to address discrimination in the bill, you need to go the whole way, not to pretend that you're addressing discrimination. I want to bring up, because other people have dealt ••

CHAIRMAN D'AMARO:

Okay. Mr. Young, I need to ask you to please sum up.

MR. YOUNG:

Okay.

CHAIRMAN D'AMARO:

Your time has expired.

MR. YOUNG:

I think if you take a look at the paper that I gave you, you'll see that there are a number of legal issues that are raised by the bill. The most important issue is going to be the enforcement of a Federal Law by a County agency, whether it interferes with guarantees made to the workers under the Privacy

Act. You're going to also need to take a look at issues involving the enforcement, because you're looking at a bill in which three paperwork violations, not retaining records for six years, which aren't required under Federal Law, this is a new requirement for these contractors, under which a person can permanently be disqualified from ever contracting with the County again. This is a very severe penalty and it's likely to be a penalty that creates a tremendous incentive for discrimination against legal immigrants, Latinos born in the United States and Asian-Americans born in this country. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you, sir. All right. The next speaker is Robert W. Dow, Jr., who is our Commissioner here in Suffolk County of the Suffolk County Department of Labor. Commission Dow, good morning and welcome.

COMMISSIONER DOW:

Honorable Legislators of the Ways and Means Committee and Mr. Chairman, good morning. My name is Robert W. Dow, Jr. I'm the Suffolk County Department of Labor Commissioner, and I am here in support of I.R. 2025. To round it out, and many people have spoken on this issue, it levels the playing field for employers with contracts from the County. It helps prevent exploitation of workers. It's a step in the right direction towards fair immigration policy.

There appears to be today, hearing some of the comments in the public

portion, of different unions with different beliefs in how they feel about the immigration policy, and again, this bill addresses just one portion of it. But I would like to remind that, you know, the definition of a union is for mutual benefit. And I like to also quote some articles that were written by, for one, the AFL/CIO and that's on their policy on immigration, and it supports employer sanctions and criminalizing employers who recruit undocumented workers for economic gains. This bill does that.

The SEIU, their parent, under a comprehensive immigration reform, rules that restore law and enhance security. They want to support enforcement measures, including smart inspections and screening practices and strategies that crack down on criminal smugglers, and getting tough on law-breaking employers, and reduce illegal immigration. This is the SEIU and that's their policy nationally.

SEIU 32BJ, April '06, Mike Fishman, who's the President of the SEIU 32BJ. As working people, we know that taking advantage of some workers hurts all workers. When employers can underpay immigrants and ignore labor rights, all of us are pushed back. Exploiting immigrant workers eats away at standards we fought for decades to establish.

So this law answers some of those questions. It does not answer all of the questions of the immigration policy of this country. However, it is a fresh start.

And I also want to commend the 14 Legislators that said that they would approve and vote for this, and to say that the Suffolk County Department of Labor is ready, willing and able to monitor and enforce this law if it is passed. Thank you.

(Applause)

LEG. MONTANO:

Can I ask a question?

CHAIRMAN D'AMARO:

All right. Commissioner, if you'd just remain for one moment, Legislator Montano did have a question for you.

MR. DOW:

Sure.

CHAIRMAN D'AMARO:

Thank you.

LEG. MONTANO:

More like a comment. You said you want to commend the 14 that said they would vote for it. What does that say for the other four?

MR. DOW:

I'm not sure what the other four, if they're going to vote for it or not. Maybe after due consideration, hearing the public hearings, that they may change their mind.

LEG. MONTANO:

Well, maybe they will, but I won't. But I don't think I appreciate the comment that you made and I think it's inappropriate for a Commissioner ••

MR. DOW:

Well, there's no ••

LEG. MONTANO:

•• to come here.

MR. DOW:

No disrespect to you.

LEG. MONTANO:

I think it's inappropriate for a Commissioner to come here and make that kind of statement.

(Applause)

MR. DOW:

Again, let me just go on the record, no disrespect to you, Legislator Montano, no disrespect. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Commissioner. All right. The next speaker this morning is Michele Lynch. Michele, it's •• Michele, representing 1199 SEIU.

MS. LYNCH:

Good morning. Thank you for this opportunity to speak before the Legislature here in the Ways and Means Committee. 1199, I had some concerns about the bill. This bill is redundant, but your bill lacks certain language that is very important. You put a discrimination language in it. Missing from that component, which must be added, is the document discrimination, which is in the federal bill. Also, we're looking for language on prevailing and living wage, which is an important component that should be included in this bill. If there are contractors that have language for prevailing wage, we need to ensure that that is actually being followed. If they're supposed to be following the living wage laws, we need to make sure that that is also in there. OSHA regulations, another important component that should be in this bill. Everyone though you can say that there's already a Federal Law, well, so is a Federal Law concerning the bill that you're your proposing. So these are important things.

We would also like to see whistle•blower protection for employees, which will allow an employee to report without reprisal an employer who is not paying proper wages or not following safety regulations. This is an important thing, that employees should not feel afraid and be in danger of losing their jobs because of reporting an employer who's doing unscrupulous things. All of these must be added to the bill. Thank you for your time.

(Applause)

CHAIRMAN D'AMARO:

Thank you, Miss Lynch. Okay. The next speaker is Blanca E. Calderone. Good morning.

MS. CALDERONE:

Good morning, everybody. My name is Blanca Calderone, and I'm a prime example of discrimination in this country.

I came originally from El Salvador when I was a teen•ager. I was forced to leave the country due to the war in 1980's. I did not ask to be forced out. My parents sent me out of the country once my brother got killed, and I came here and I lived here illegally for many years. And for many years I did pay my taxes, and who knows who collected those taxes. Probably still sitting by the IRS, because I could never claim those taxes back like I do now. And maybe at the time, when I became a legal person, someone else had an advocate for the permit, you know, like the work permit that was issued, like in the '80's, too, so I was granted a stay here legally. But over the years, living in this country, I have watched discrimination over discrimination.

Just as an example, I observe how the power in the United States is divided, and I can see how the people living in the country is not well represented. If you see the faces, most of them are white. In many times, I'm puzzled, when I say, "What happened to the black people? They're able to speak the language fluently. Why are not they in power positions?" So one day working in a company here in Long Island, not too long ago, probably about three years ago, I was able to give myself that answer. I work in a place where they're discriminated. They refused to hire a black person in that company. Never in that company a black person has worked, so those people do not have the opportunity to work in there.

I got thrown jokes, like because I am Spanish, so something to do with •• they thought that I was an illegal alien. Okay? So they got jokes, or made it that if you complain, we call the immigration, and all like that, but I got used to it, so those •• I don't even flinch. My own mother•in•law now is a person that discriminates against Latinos. She refused to come to the wedding because I was Spanish. One time I came to her house and I told her, "Do you know that they say by the Year 2020 Spanish is going to be the largest majority in this country?" And she told me, "Well, that's when you take the shotgun and start shooting them." That was her answer. She's from the old school, back in the old days. But, you know, those comments don't do nothing for me anymore. I am far gone. But when I saw this Levy bill introduced, I just remember all the abuses that I have endured in this place.

Another instance, I went to Canada with my boyfriend, who's tall, blond and blue eyes. When we came back, they checked all my documents, okay, my passport, okay, U.S. citizen, blah, blah, blah, blah. You know what they told him? "Welcome, Mr. Williams." They didn't even bother to ask him for an I.D. He was tall and blond, so he didn't have to prove anything. So what happens here? Many people are here illegally and they are tall and blond also. Nobody ever flinched at them, but we are the scapegoats because we

look the way I look.

(Applause)

That's the problem. So when these bills get introduced, it's really just to weed us, the Hispanics. That's the way I see it, because I have lived in that fashion since I arrived here 1980, not because I wanted to, it's because my family got killed in that war and I was forced out. My mother developed mental disorder from back•tracing the killing of my brother, and I witnessed many killings before I left that country. I was a child when I left that country, I didn't ask to leave. And now we have many thousand people like me, that did not ask to be taken out of their countries and their families. That's why I'm here today, against this bill that only divides people.

We should bring people together, not to try to split them apart. Okay? So, if you could come up with a solution, it would be very good. But the way the things are divided in Long Island, Brentwood, the community that I live in is viewed outside the Brentwood •• the community like this is a bad neighborhood, it's no good, a bunch of criminals and all that, and it's not really true. I lived there for over 15 years. I'm yet to see a crime myself. You know, maybe it does happen, but I haven't seen it. But outside, people will not go and eat in my community. If you live in Holbrook and you live in Sachem, you will not dare to stop at Brentwood. It's just a bad rap that the community has, but you can do something to change this type of atmosphere that has been created instead of dividing it. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you, ma'am.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Romaine.

LEG. ROMAINE:

Just a quick comment. Both Mr. Levy and myself were elected to the Legislature for the first time in 1985. Prior to our election in 1983, I think it was, this Legislature went on record ordering all of its department heads not to report illegal aliens who sought services from the County. At that time, this Legislature was concerned about protecting people who were seeking services who were refugees.

CHAIRMAN D'AMARO:

Legislator Romaine ••

LEG. ROMAINE:

Right.

CHAIRMAN D'AMARO:

We're still in the public portion here. I'd appreciate if we can continue with that at this time. Thank you.

(Applause)

All right. The next speaker we have this morning is Joseph R. Cantwell. Mr. Cantwell is here to speak on voting machines.

MR. CANTWELL:

Voting machines, yes.

CHAIRMAN D'AMARO:

Welcome, sir.

MR. CANTWELL:

Thank you very much. My name is Joe Cantwell. I'm a resident of Suffolk County. I have to use •• is that better? Thank you very much.

The reason I'm here this morning is Marge Acosta, who some of you know, is

concerned about the voting machines, she'd be •• she prepared a statement that I'm going to read to you. She'd be doing it here herself, except that she's at home recovering from surgery, and she regrets that she can't be here, so I'm going to read her statement and I'll leave a copy for you. And the statement is this:

"In support of Optical Scan Voting Systems. Dear Legislators, staff and fellow residents, I'm sorry I'm not able to attend this hearing to personally express my gratitude to the Ways and Means Committee for the wonderful voting systems demonstration and hearing that you sponsored last month. In doing so, you set a remarkable example of democracy in action that citizens of other counties are already hoping to follow. I would especially like to thank Legislator D'Amaro and his staff for the many hours of preparation and electrical ingenuity that afforded us the opportunity to test the new machines and, more importantly, to speak to our Commissioners.

If a democracy is for and by the people, then it only works if the government listens to its people and their votes really count.

Over 500 people attended the voting systems demonstration event last month. More than 60 people spoke before the committee. They ranged from labor representatives, computer experts, voting activists, members of disability organizations, and community leaders and local residents. The testimony was overwhelmingly in favor of Optical Scan Systems. Not one person testified in support of the DRE's, that is the Direct Recording Electronic voting machines. The price range vendors gave for their machines concur with prices used in previous cost analysis we presented. The initial purchase of the DRE's would cost at least two, if not three, times as much as Optical Scan Systems. Anything above 15 million dollars of HAVA funds will be paid for by our taxes. Whatever system is chosen will be with us for many years and we'll be paying the cost of it for many years to come.

I believe that our Legislators want the most accurate, reliable and cost effective system for Suffolk County. I also believe that you are committed to a democratic society.

Certainly the people of Suffolk County have spoken. We know that you do not have the power to choose the voting machines for Suffolk. If so, we would be asking you to sign a bill. But when a matter is of the utmost importance, when it involves the very security of our democracy, when it is as urgent as Dubai taking over our ports, or Broadwater taking over our Sound, then you do have the means to speak up for our constitutional rights. That is what we are asking you to do, asking you, our elected officials, to do, to speak out in our behalf to protect the integrity of our vote. After all, isn't that what the resolutions are all about? Thank you."

CHAIRMAN D'AMARO:

Sir, thank you very much. And please pass on our hopes, that Ms. Acosta •• to a speedy recovery. Okay? Wish her well. Thank you.

All right. That's all the cards the committee has this morning for the public portion. Is there anyone else here who would like to address the committee at this time by show of hands? If I could just get a show of hands first.

MS. GROSS:

You should have a card for me. I filled it out at 9:15.

CHAIRMAN D'AMARO:

You know, I have to tell you, I did see your card and, for some reason, I didn't see it again, and I apologize for that. So please come up now.

MS. GROSS:

Thank you.

CHAIRMAN D'AMARO:

Thank you.

MS. GROSS:

Good morning. My name is Elaine Gross. I'm president of ERASE Racism, as well as a resident of Suffolk County, and I'm here today to speak out in opposition of I.R. 2025.

ERASE Racism does not support the employment of undocumented workers. However, we cannot support I.R. 2025. The bill purports to mirror the employer sanctioned provisions of the 1986 Immigration Reform and Control Act, but, in fact, it omits the anti-discrimination provisions Congress enacted. And I will not go into other speakers have talked about, the General Accounting Office report and I will not repeat that for you. I know you've had a long morning. There is no reason to believe that the enactment of this bill in Suffolk County would somehow avoid a similar discriminatory impact.

Individuals with brown skin, people with foreign sounding names, and individuals with accents are at risk of not being hired, because an employer will want to err on the side of caution. This law also provides employers who want an all white workforce to use the law as a pretext for not hiring lawful residents and citizens of color.

ERASE Racism and many others have documented the continuing existence of racial discrimination in Suffolk County, which results in highly racialized •• racially segregated neighborhoods and schools. And furthermore, the New York State Division of Human Rights reports that the majority of complaints it receives are regarding employment discrimination. The proposed bill will exacerbate this problem, even if amended. It will have a chilling effect.

ERASE Racism encourages you to seriously consider the ramifications of this bill for the legal residents and citizens of Suffolk County who are like to be unlawfully discriminated against if this bill passes into law.

Furthermore, ERASE Racism contends that issues dealing with foreign nations, foreign nationals and United States citizenships are rightly solely within the jurisdiction of the Federal Government, namely the President and CONGRESS. Respectfully submitted, Elaine Gross. Thank you very much.

(Applause)

CHAIRMAN D'AMARO:

Okay. Ms. Gross, thank you very much again. I apologize for misplacing your card. Okay. Sir, come on up, please. Thank you.

MR. MATTERA:

Good morning, everybody. I just appreciate the time over here to get time to speak. My name is Mario Mattera. I'm the Business Agent with Plumbers Local 200. And, actually, I wasn't going to get up and speak today, but I've been listening to a lot of the opposition on this law that we need to be passed desperately.

One of the biggest things, as I go around and actually •• we organize the unorganized. I don't care what color anybody is, okay, if they're purple, if they work hard, they could be part of my local union. They go to work every day and they pay their taxes. The problem I have is that our contractors cannot get a lot of these jobs, because there's not being a fair work wage being paid. They're not paying taxes, no Workmans Comp. That is a big issue here in Suffolk County, and in Long Island and New York. Workmans Comps is not being paid.

Now we just had a woman that just got up and actually she spoke about, in other words, that one of her •• one of the workers got hurt. If he had Workmans Comp and he had insurance, he could go to the doctor and show his card, like we do with our union members. They go right to the hospital with their card, right into emergency. They don't have to worry about saying, "Hey, I just got here." The problem we have is these contractors are putting them maybe on Workmans Comp •• I'm sorry I'm getting excited, but Workmans Comp actually that day, or they're not putting them at all, and then what they're doing is they're saying, "Guess what, now you're illegal. Go ahead, go handle it yourself." That' not the American way. We need to make sure that these immigrants, when they come to this country, they

need •• like Ellis Island, like my grandparents. They came here, they signed up, they got a social security card, they started paying taxes right away. What seems to be the problem with this? I don't understand why no one understands this.

There is no discrimination here at all today, absolutely not. Guess what? The Spanish the Latinos, I'm going to tell you, they're very hard working people. I'll organize them any day of the week. They want to come here, they want to work hard, they want to be taxpayers. Please, come see me, Plumbers Local 200, 2123 Fifth Avenue.

These contractors, what they're doing is they're filling their pockets. The problem we have is, with prevailing wage, we do 98% of prevailing wage work on Long Island right now. The other two percent we're going to have very soon, because we just had someone convicted with the D.A.'s Office. I commend Tom Spota for what he's doing with this office; okay? Tom Spota goes out. We tell him this is our problem, he listens. He goes out with his investigators and we nail these guys. A lot of people get their money finally back, what they were supposed to be getting paid for prevailing wage problems. Okay? Twenty•five convicted felonies in the last five years, because this •• these contractors. This is what this bill is about, contractors exploiting these workers. We need to handle this today.

All I'd like to just say is this, is I'd like to commend Executive Steve Levy for finally making a stand on this with Congressman King, and Legislator Eddington also. I commend you very much, because this has nothing to do with white, black, and this has something to do with green, money, greed. That's all I have to say, and thank you.

(Applause)

CHAIRMAN D'AMARO:

All right, sir. Thank you. Okay. Is there anyone else who would like to address the committee this morning? Sir?

MR. CUSICK:

My name is Donald Cusick. I'm a retired president of Iron Workers Local 361. I appreciate this opportunity to speak to this Legislature.

Everything I was going to say people already said. But the point I just want to make is this Legislature comes out with common sense legislation. This 2025 is nothing but a mechanism, a means for Suffolk County to enforce the Immigration Reform and Control Act, that's it. It's a mechanism for Suffolk County to enforce the law. The Federal Government, for whatever reason, does not choose to enforce its own law. I appreciate this time. I urge you to support it. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, sir. Okay. Last call. Anyone else who cares to address the Ways and Means Committee this morning? Okay. That should do it.

LEG. MYSTAL:

I make a motion that we take 2025 out of order. As presently said by the

Chairman, this resolution has to be tabled for a public hearing on Tuesday, so I'll make a motion to take it out of order.

CHAIRMAN D'AMARO:

All right.

LEG. MYSTAL:

And I make a motion to table it until Tuesday.

CHAIRMAN D'AMARO:

Okay. Let's first address the motion to take 2025 out of order. For the other Legislators on the committee, it's on the second to last page of our agenda this morning. I'll second that motion. All in favor? Any opposed? Abstentions? **(Vote: 6•0•0•0)** okay. The motion carries and the bill is now before the committee.

2025 (A Local Law to require companies doing business with the County to certify compliance with Federal Law with respect to lawful hiring of employees). Legislator Mystal, would you like to offer a motion?

LEG. MYSTAL:

Yeah. Motion to table due to the fact that the bill requires a public hearing on Tuesday.

CHAIRMAN D'AMARO:

Okay. As I mentioned earlier, that is the procedure and the rules of the Legislature, require this bill be tabled today to proceed to public hearing before the full Legislature on Tuesday. I will second that motion. Any discussion on the motion? Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. Just one item I guess that I'd like to raise at this point. I am one of the Legislators who has not given an issue or a commitment associated with how I'll vote on this. I note that we got an amendment today that moves to include some of the discrimination provisions, but I've had concerns, not only with the legal premise and whether or not we're dealing with the preemption issue associated with this, but also as to the terms that are associated with this. I've had extensive dialogue with BRO, and, in my opinion, it is unclear as to the category, the broad category of contractors that would be impacted with this.

Finally, I'll say I believe it's a legal fiction that there is something associated with 100% County funding. We are a portal, and, as a matter of fact, we move Federal and State funds. And so there again, I think there's serious and significant legal issues associated with defining this bill that have to be addressed.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Kennedy. And when the bill comes back to this committee, I'm sure there will be other ample opportunities to discuss

the merits of the bill. Legislator Romaine, go ahead.

LEG. ROMAINE:

Yes. I realize that we have to table this for public hearing. I want to commend particularly Plumbers Union 200, because they said it as the concerns are. We're all concerned about the welfare of all men and women. We're concerned about their working conditions. We're concerned that they're not exploited. We should be crafting a bill, a workers' bill of rights to deal with this. I understand that that doesn't get the same type of publicity that an immigration issue gets, but that's what we really should be working at.

I also want to direct my question to Budget Review, that we will be able to discuss the financial impact of this bill. Who's going to police it? How much money is it going to take to police this bill, to enforce the provisions of this? So far, I haven't seen any data on that, and I'd like to see some data before we eventually get to a final vote, which will be next month.

CHAIRMAN D'AMARO:

Right. Legislator Romaine, as you know, the committee would be required to have the Financial Impact Statement before any vote.

LEG. ROMAINE:

I want it to be as comprehensive as possible. I also would like that Financial Impact Statement to deal with the cost to the contractors that are bidding on County work. I'd like to know what that does to their cost analysis, what

they have to factor in, and whether that •• those costs will be passed along to the taxpayers. So those are questions that I have an interest in. I have supported this bill in concept, but I have many concerns about this bill and I just would like to see some of those addressed.

And again, I know I've spoken to some members of this committee, and we're going to certainly take a look at a workers' bill of rights, which I think would be helpful for all. And I think, as I said, Local 200 was right on the money. Thank you again.

(Applause)

CHAIRMAN D'AMARO:

All right. There is a tabling motion for purposes of a public hearing before the committee on 2025. I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries. The bill is ***tabled*** and will proceed to public hearing on Tuesday. ***(Vote: 6•0•0•0)***

LEG. MONTANO:

That meeting starts at 4 o'clock, right?

CHAIRMAN D'AMARO:

Yes, that meeting on Tuesday begins at 4 o'clock here in this auditorium. We're going to take a short two to three minute recess before we proceed with our agenda. Thank you.

[THE MEETING WAS RECESSED AT 11:37 A.M. AND RESUMED AT 11:45 A.M.]

Okay. Ladies and Gentlemen, I'd like to call back to order the Ways and Means Committee, if everyone would kindly take a seat. Okay. I'd like to proceed now with the agenda. We'll go now to the section entitled Tabled Resolutions, starting with Resolution Number 1392.

TABLED RESOLUTIONS

(1392 • Instituting a six • month moratorium on Local Law 13 Sales)

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

All right. Motion by Vice Chair Mystal to table, seconded by Legislator Stern. On the motion?

LEG. MONTANO:

Which one?

LEG. MYSTAL:

1392. I made a motion to table.

LEG. MONTANO:

Oh, a motion •• sorry.

CHAIRMAN D'AMARO:

I'll call the ••

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Call the vote?

LEG. MONTANO:

Oh, wait. No, no, no, no, no. This is the one we're going to pass?

LEG. MYSTAL:

No.

CHAIRMAN D'AMARO:

No.

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

We have another motion to table. All right. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. The resolution is **tabled (Vote: 6•0•0•0)**.

Next on the agenda is **1395. That is adopting a Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law.**

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to table. Is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Montano. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. Bill is ***tabled. (Vote: 6•0•0•0)***

1397 • Adopting a Local Law amending the composition of the Suffolk County Space Management Steering Committee.

LEG. KENNEDY:

I will make a motion to table one more cycle, Mr. Chair. I've got to take it up with the Majority Leader.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Motion to table, seconded by Legislator Stern. All in favor? Any Opposed? Abstentions? Resolution is ***tabled***

(Vote: 6•0•0•0).

1410 is next on the agenda. ***A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors.***

LEG. ROMAINE:

I will make a motion to table. The sponsor is taking under consideration the comments of Mr. Zwirn to amend the bill to include even more groups that the limitation can be applied to.

CHAIRMAN D'AMARO:

Okay. In the spirit of a more comprehensive approach, I will second that motion to table. All in favor? Any opposed? Abstentions? The motion carries and the bill is ***tabled (Vote: 6•0•0•0).***

1749. 1749 • A Local Law amending the procedure for disposition of property acquired through the Suffolk County Tax Act.

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

I believe we have to go to public hearing on this.

MR. COHEN:

No, no, it's closed.

CHAIRMAN D'AMARO:

It's been closed.

LEG. KENNEDY:

I'll second the motion to approve for purposes of discussion, and I'm going to ask Counsel to go ahead and give us just a brief explanation on the bill again.

CHAIRMAN D'AMARO:

Okay.

LEG. KENNEDY:

It's been awhile since we've looked at it.

MR. NOLAN:

This is going to amend the Administrative Code section that governs Local Law 13 sales, those sales to adjacent owners of County properties that were taken for taxes. Presently, the Department of Environment and Energy and Division of Real Estate is authorized to make a direct sale if a parcel is valued at under \$20,000. This law would amend that section, it's Section 42•4H of the Suffolk County Administrative Code, and further limit Local Law 13 sales to parcels that are not buildable under applicable municipal zoning requirements.

LEG. KENNEDY:

Thank you, Mr. Chair. I guess a question to the sponsor, then. To what extent can we anticipate that there would be an attempt to determine buildability? Again, the question goes to, you know, the single and separate or seeking of, you know, relief for nonconformance, yet issuance of permit.

LEG. MONTANO:

You mean the attempts by the Department of Real Estate reaching out? The intent here, obviously, it's an administrative matter, but the •• and, Counsel, if you want to jump in. The intent here is to ensure that before we dispose of any parcel, that we've gone through a comprehensive, complete process of ensuring that municipalities have an opportunity to build on a plot and make sure that all efforts have been made, but that's not written into the bill. Is that your question?

LEG. KENNEDY:

The suggestion that I guess I'm going to make to the sponsor is you know that I am in support of this, as I have discussed, as you have for many, many cycles with the committee now. And while I fully appreciate that

departments seek to implement what we enact, I have little faith that it actually ever occurs. And so absent black letter language, I'm concerned that what we're seeking to achieve will not come to fruition.

LEG. MONTANO:

I would be willing to ask to have this come out of committee. And I don't think we have sufficient time to make an amendment before the next meeting; is that right, Counsel?

MR. NOLAN:

That is correct.

LEG. MONTANO:

But I would ask that you put it out of committee. Why don't you discuss with me some of the language, because I also feel that, you know, if the intent by itself is not something that could be carried out, then maybe we need to put some stronger language, and I would be willing to table it at the next meeting to look at what recommendations, because I think ultimately we want to go to the same point.

LEG. KENNEDY:

Excellent. Okay.

LEG. MONTANO:

And I would ask that you let it out of committee today.

LEG. KENNEDY:

My second to approve will stand.

LEG. MYSTAL:

On the motion.

CHAIRMAN D'AMARO:

Yes, go ahead.

LEG. MYSTAL:

Ms. Zielenski, can I see you at the table? Good morning.

MS. ZIELENSKI:

Good morning.

LEG. MYSTAL:

I know you come here reluctantly. Simple question. How does this bill affect you?

MS. ZIELENSKI:

It doesn't affect me at all.

LEG. MYSTAL:

That's the only question I had.

MS. ZIELENSKI:

Everything that's mentioned in the bill has been done and is being done and has always been done. And so, from our point of view, the bill is redundant.

LEG. MYSTAL:

That's ••

LEG. MONTANO:

So if we •• if I may. You say that the bill doesn't do anything. Then maybe we should rewrite parts of the bill so that it gives you something to do. We'll take a look at that. If you have any •• you know, if you have any comments towards that, why don't you share them with us?

LEG. MYSTAL:

You can do something.

CHAIRMAN D'AMARO:

Could I jump in there and ask a question? The bill would prohibit any buildable as a matter of right lots from going through the adjoining owner auction process, is that •• is that the way this is written?

MS. ZIELENSKI:

Well, I think the issue here has been pretty much always the same, that there is difficulty in the word "buildable", because though in some areas a 40-foot lot is buildable, in some areas it is not, some areas a 60-foot lot isn't buildable. And the issues have been all along what's buildable. And when we have a town saying they're not taking any of these lots for affordable housing because they consider them under standard, and then we have Legislators who feel that they should be buildable, it becomes a moot point.

CHAIRMAN D'AMARO:

I don't •• I don't ••

MS. ZIELENSKI:

That stuff winds up in limbo.

CHAIRMAN D'AMARO:

Yeah. But the legislation, and Counsel can correct me if I'm incorrect, but I believe the legislation would apply the local or the town zoning ordinance to the lot. And either it's buildable as a matter of right under that town zoning ordinance or it's not, it's one or the other. If you go into any town, any of the ten towns here in Suffolk County and have a lot that you'd like to build on, you would go to a building department within your town and that town would apply the zoning code to that lot and say, "Yes, as long as you submit your plan, here's your building permit," or, "No," you would get bounced over for relief from the code, because it's not buildable as a matter of right. So it's pretty clear whether a lot is buildable or not buildable under municipal zoning ordinances. And what this bill would say is that if it's buildable as a matter of right, it would not require any relief from the local or town building ordinance. This parcel could not become part of the adjoining owner process.

MS. ZIELENSKI:

Okay.

CHAIRMAN D'AMARO:

So it would remove a tool that you have to dispose of properties, where even though they're buildable as a matter of right, may not be built for a variety of reasons, and remain off the tax rolls, or undeveloped, or not taken care of and become blighted within a neighborhood. So I find it confusing that you don't think that this bill affects your department in any way.

MS. ZIELENSKI:

Well, it doesn't affect our process as we're currently doing our process. The adjoining owner of properties are limited to properties valued at less than \$20,000. So we're not putting properties that are buildable in and of their own as-of-right. First of all, they wouldn't appraise for less than \$20,000 if they were buildable, and they wouldn't •• we wouldn't have them in the direct sale program, because they would have already been offered to affordable housing or towns for municipal purposes. The whole point of the direct sale program has to do with irregular properties that are not buildable as separate entities. That's why all ••

CHAIRMAN D'AMARO:

I'm just confused if you ••

MS. ZIELENSKI:

That's why all the deeds put them into a position where they have to be combined with the adjacent property and they cannot be individually subdivided or used for separate construction.

CHAIRMAN D'AMARO:

Yeah, but follow an example. You have a buildable lot as a matter of right, okay?

MS. ZIELENSKI:

Okay.

CHAIRMAN D'AMARO:

But it's vacant.

MS. ZIELENSKI:

Okay.

CHAIRMAN D'AMARO:

And that lot goes to auction and no one purchases it. What do we do with it?

MS. ZIELENSKI:

Goes to auction again next time.

CHAIRMAN D'AMARO:

So it does take away one option that you have currently, as long as it appraises for under the \$20,000.

MS. ZIELENSKI:

I don't think you can find a lot in Suffolk County that's buildable, as•of•right buildable, that would be worth less than \$20,000.

LEG. KENNEDY:

Can I ask a question here as far as the discussion goes? And I don't want to go ahead and beat this dead horse again, because we have done it so many times so well, but the term "buildable as•of•right", I guess, and I'm going to defer to the Chair's experience here, would that encompass a substandard parcel that would be deemed eligible through single and separate?

CHAIRMAN D'AMARO:

If you meet the single and separate requirements, you're entitled to that dispensation as a matter of right, and the answer would be yes.

LEG. KENNEDY:

So it's reasonable to ••

CHAIRMAN D'AMARO:

Just let me •• let me just tell you, single and separate usually goes only to street frontage and lot area. So, normally, you would talk about, if 80 by 100 is required, but you establish single and separate for a 60 by 100, and you can establish that to the satisfaction of, let's say, the local Town Attorneys' Office, yes, as a matter of right, your building permit should issue.

LEG. KENNEDY:

So it is reasonable to expect that the department is presently conducting that investigatory work for these lots before they are put out for adjoining auction; is that true?

MS. ZIELENSKI:

Yes, but not in •• not necessarily putting it up against the Board to say, "Are you going to give us a building permit on that?" We obviously can't go through that process. But as these properties are offered to the towns and the town says, "No, we don't want it for affordable housing, we don't consider it buildable for affordable housing," then it goes •• runs over into this program if it meets the financial criteria.

CHAIRMAN D'AMARO:

Okay. But, as a practical matter, these lots, any lot that's buildable as a matter of right would not meet the dollar threshold anyway.

MS. ZIELENSKI:

Absolutely.

CHAIRMAN D'AMARO:

And often, when you're auctioning to adjoining owners, they really are much,

much smaller or substandard lots with a much lower value.

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Okay.

LEG. MYSTAL:

Call the bill?

LEG. KENNEDY:

What do you want to do?

LEG. MYSTAL:

I think we ••

LEG. MONTANO:

I don't want to spend all day on it.

LEG. MYSTAL:

We're not going to spend all day on it. You know, we just •• we made a motion to approve.

MR. MONTANO:

Take a look at it on Tuesday.

LEG. MYSTAL:

And Ms. Zielenski says it doesn't affect her anyway, you know, it would just be, you know •• we'll make Legislator Montano feel good, we'll approve his bill.

CHAIRMAN D'AMARO:

Was the motion to discharge without recommendation?

LEG. MONTANO:

No, it was motion to approve.

CHAIRMAN D'AMARO:

Motion to approve? Okay. I'll call the vote. All in favor? Any opposed?

Abstentions? Motion carries and the resolution is ***approved (Vote: 6•0•0•0•0)***.

All right next is ***1792, and that is a Charter Law to ensure a nonpartisan, fair and objective process by which Legislative Districts are reapportioned.***

LEG. MONTANO:

Motion to table. I think the public hearing is still open on this?

CHAIRMAN D'AMARO:

Yes.

LEG. MONTANO:

So we would have to ••

CHAIRMAN D'AMARO:

Correct. Motion by Legislator Montano to table, I'll second. All in favor? Any opposed? Abstentions? Motion carries ***(Vote: Tabled 6•0•0•0•0)***.

LEG. MONTANO:

Because it's still open for public hearing, we could not •• we could not table

this subject to call ••

LEG. MYSTAL:

No, you can't.

MR. MONTANO:

•• as we discussed in the other bill.

LEG. MYSTAL:

Yeah.

LEG. MONTANO:

Okay.

CHAIRMAN D'AMARO:

All right. Next is ***1793 • A Local Law prohibiting the impermissible use of copyrighted materials on County owned or operated facilities.*** This bill, I'll offer a motion to table. Is there a second? Is there a representative from the County Executive? Mr. Zwirn?

MR. ZWIRN:

Yeah.

CHAIRMAN D'AMARO:

Okay.

MR. ZWIRN:

We would ask that this be tabled as well. We're still working on this, on this bill.

CHAIRMAN D'AMARO:

All right. So I'll offer a motion to table. Is there a second?

MR. MONTANO:

I'll second it. But I have one ••

CHAIRMAN D'AMARO:

Sure. Seconded by Legislator Montano. On the motion, go ahead, please.

LEG. MONTANO:

Yeah, no. Just looking at the title, we're prohibiting the impermissible use? If it's impermissible, isn't it prohibited?

MR. ZWIRN:

We're working on this. This is a bill in progress.

LEG. MONTANO:

I'm not being •• I'm just •• you know, I'm reading the ••

LEG. MYSTAL:

You are being facetious.

MR. ZWIRN:

I wasn't even going to get past the title, but ••

MR. MONTANO:

All right.

MR. ZWIRN:

•• this is a very novel thing that has come before the County, and we'll make sure we get this ••

MR. MONTANO:

Right.

MR. ZWIRN:

Working on this very carefully to make sure we get it right.

LEG. MONTANO:

All right. Thank you.

CHAIRMAN D'AMARO:

Thank you, Mr. Zwirn. Next is ***1797 • Repealing in part Resolution No. 1010•1972 and lifting the ban imposed thereby on all assignments of real property tax liens by the County of Suffolk to third parties so as to permit assignments to third parties of those tax liens acquired by the County of Suffolk on properties commonly referred to as brownfield properties.*** I'll offer a motion to approve.

LEG. STERN:

Second.

LEG. MONTANO:

On the motion.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. On the motion, Legislator Montano.

MR. MONTANO:

Yes. On the motion. I had asked this to be tabled at the last meeting. I want to put on the record that there are two resolutions that were passed in 2005, I.R. 1353, implementing Brownfield Policy for Liberty Plating property in Brentwood, and also I.R. 1659, authorizing preliminary site investigation for Mackenzie Chemical work site in Central Islip. These are two properties that would fall under this resolution that's before us now. And these properties are •• pursuant to the resolutions, we're working at the local level to develop these properties. I won't go into the exact plans, but we're working to develop these properties. And in no way, shape, or form would I vote on a bill that would include the two properties that are covered by these two bills.

And I spoke with Kevin Law on this. And, Ben, you're authorized to speak for the County Executive on this issue. I've gotten a letter here from Mr. •• from Michael Deering, which essentially says •• you know, paraphrases the conversation I had with Mr. Kennedy, and it says the department has agreed to postpone any auction of tax liens when this bill becomes law. And mind you that this is not a legal document the way the law is. But I am relying on the good faith of the administration, that we will be able to, and I'll read ••

continue with the letter, that "the properties known as Liberty Plating" •• "Liberty Industrial and Mackenzie Chemical, in order to give your office adequate time to bring your vision for the properties to fruition," etcetera, etcetera. And, you know, I'm putting this on the record. I'd like a copy of these comments from the record delivered to my office, so that •• and, you know, we haven't outlined how much time we're talking about, but, you know, we're working in good faith and we want to see that these projects move forward. And, ultimately, we will make a decision, because the two resolutions that I referred to specifically state that we have to come back to the Legislature, I think, for the final •• so, you know, I just want to put that on the record.

I'm going to vote for this bill. And, you know, I want to thank you for the letter, and, you know, the County Exec's Office, we'd like to work together on this, and we'd like to •• you know, I spoke with the County Attorney earlier, and also •• you know, and I'd also like to hear from the Department of Real Estate very quickly on what the status of this •• you know, the implementation of these two resolutions are, if there is any movement on it. So with that, I think we can take a vote, Mr. Chairman. But I would like to hear from Real Estate, if there's any update on the status of these two bills.

CHAIRMAN D'AMARO:

All right. And those ••

MS. ZIELENSKI:

No.

MR. MONTANO:

No?

CHAIRMAN D'AMARO:

Those are the two bills dealing with the two properties referred to in the letter.

LEG. MONTANO:

Mackenzie Chemical Plant and ••

MR. ZWIRN:

And Liberty Plant.

MR. MONTANO:

•• Liberty Plating property, and they're both in my district. These are district specific items.

LEG. STERN:

Mr. Chair.

LEG. KENNEDY:

Mr. Chair, I ••

CHAIRMAN D'AMARO:

Yeah. All right. Legislator Stern, and then Legislator Kennedy.

LEG. STERN:

Thank you, Mr. Chair. I appreciate Legislator Montano's comments and requests. I just would want to hear from Counsel, you know, what the affect would be of us approving this measure or having it go forward, and then, you know, being able to legally exempt those two properties, because I think, in essence, that's what you're asking for.

LEG. MONTANO:

Well, I can give you my opinion, and my opinion is that the letter •• the letter itself does not exempt, that's why this is a good faith. I mean, we can do it two ways. One is that we can table this and write in the bill, identifying the properties, but I'm very clear that this letter does not exempt, you know, a tax lien from the bill, and that's why I say it's a good faith attempt. I am not as comfortable as I would like to be when we write legislation that deals with an issue so important as this, and I'm glad you bring that up. Counsel?

MR. NOLAN:

Well, I think you have to keep in mind that any transfer of a tax lien would have to come •• any transfer of a tax lien would have to come back to this Legislature.

LEG. MONTANO:

Prior to the transfer or subsequent?

MR. NOLAN:

Prior. We couldn't transfer the tax lien without the prior approval of the County Legislature.

LEG. MONTANO:

Would we sell the tax lien first and then come back to the Legislature? I know we've done that with auctions where the auction has been conducted and then the approval comes to the Legislature subsequent to the successful bidder. Would it work that way in reference to the tax lien?

MR. NOLAN:

Well, the language is that any assignment of any tax lien to any third party be first approved by the Suffolk County Legislature.

LEG. MONTANO:

Okay.

MR. NOLAN:

So I think it's a prior approval.

CHAIRMAN D'AMARO:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have had conversations directly with

Mr. Deering, and I've had conversations with the County Attorney's Office. I continue to be •• I do not agree that there is a need to go ahead and have to assign these tax liens. But more importantly I guess, as I read this, I'm going to go ahead and just try to characterize two things that I think are •• they're ambiguous, in my opinion, and kind of minimize the impact of the resolution in that I don't know that we have a precise definition of what a brownfield site is. I know the EPA goes ahead and characterizes properties where, in fact, there have been spills of a toxic or hazardous nature and there is remediation that has to occur, such as like with Lawrence Aviation, gas stations, things such as that. But I don't know that we have an actual legal definition of what a brownfield is. If County Attorney's Office can tell me that, I guess that would help.

And the other issue that I'd say is ambiguous at all is to include a term that there is a reluctance on the part of the County to go ahead and take a tax deed. Now maybe that's just •• we don't want to put in print that we don't want to take title to something that's going to cost more to remedy than what the value of the underlying property is. Nevertheless, both of those

terms are somewhat ambiguous, at least in my opinion, and therefore means that we're contemplating something that's less than precise.

CHAIRMAN D'AMARO:

All right. Ms. Lolis is here from the County Attorney's Office, Department of Law. Would you like to address Legislator Kennedy's comments? How about it, can we define brownfields? Are you comfortable with the definition in this bill? And why not just take the tax deed?

MS. LOLIS:

Okay. Gail Lolis, Deputy County Attorney. I believe, and I don't have •• I don't have the law in front of me, but I believe what is a brownfield site is defined in the law. And I'm not referring necessarily to the bill. There is law that defines it.

Also, the bill itself in the first "resolved" states that the Department of Real Estate is going to define what those sites are. The bill is not requiring, and just so it's clear, the bill is not requiring that all properties that the County deems are brownfield sites, that they be •• that they •• the tax lien be auctioned on an annual basis. This is only carving out an exception to the moratorium where the County does take the tax lien that they now can go on on a property, you know, by property basis to assign that, because that right had been taken away by I think it was Resolution 1010 of 1972. But the longstanding policy, as far as the County taking the deeds, that's continuing. I mean, not the deeds, the tax liens, that's continuing.

CHAIRMAN D'AMARO:

So it's not a mandatory sale of these brownfield properties by tax liens, it's really just an option. It makes the option available again.

MS. LOLIS:

Absolutely.

LEG. MYSTAL:

It's just an option.

LEG. KENNEDY:

But the question, Mr. Chair, I guess, goes to ••

CHAIRMAN D'AMARO:

Yes.

LEG. KENNEDY:

•• why is it then that •• and we had this conversation before and •• I do not want to get hung up on the term, but I'll disagree that the only way that the County can achieve or effect this desire is through assignment. Under the Tax Act, by not exercising our right of first refusal in the first instance, in my opinion, it would allow the lien to then be able to be marketed in the private world, if you will. It would be able to go out, just as had been done prior to

'72, when this preemption was put in place, this blanket preemption.

MS. LOLIS:

You're getting, though, into policy issues versus legal issues. There's a resolution that the County takes all of the tax liens. This is only stating that the tax liens, of the tax liens that the County takes, there will be an exception to the moratorium on the County assigning that. It's not a broader resolution referring to the annual tax lien sales. The policy of the County is still existing, that the County is taking that, is the only bidder at those tax •• at those tax lien sales.

LEG. KENNEDY:

I understand. But then, if you can assure me that at least the broad category of what may or may not come into this is defined someplace besides a determination from one of the departments here. If you're saying to me Encon law defines what "brownfield" is, and that from a policy perspective, Division of Real Estate or Energy and the Environment is going to cull a subset of that, then at least I have some idea as to what it is we're going to set out to achieve. Based on a whole variety of ambiguities at this point, though, I'm not convinced where I sit that I have an idea as to what any of these may or may not be. And then the third factor that you look to weave in is reluctance. Well, we're reluctant to do a lot of things, apparently, but I guess I want to know what that reluctance is predicated on.

MS. ZIELENSKI:

Money.

LEG. KENNEDY:

Money meaning ••

MS. ZIELENSKI:

Cost to the County.

LEG. KENNEDY:

•• that the amount of the lien or remedy exceeds the value of the property; is that it?

MS. ZIELENSKI:

Oh, it more than exceeds. It becomes a liability to the County to become part of the chain of title. A good example is the Circuitron property that has been in tax arrears for many, many years. It's an EBA superfund site. It has been 90% remediated. We're planning to deal with this soon. But we've had to go through great legal stipulation to allow us to be held harmless in the transfer of this property to a private owner, because the remediation has already exceeded many millions of dollars, many, many millions that the government, that both the federal and the state government have put up millions of dollars to clean up this property. And our concern all along has been that the County wouldn't be held responsible for it.

LEG. KENNEDY:

But we have Supreme Court case law, I think, that's comes on that exempts

us, as it does secured interests, where you have spills at this point.

MS. ZIELENSKI:

Well, these ••

LEG. KENNEDY:

Nevertheless, I don't want to debate all of those legal issues associated. I wanted to just raise from my personal perspective, I guess, that's why I agreed with the tabling the last time. If that term is defined, if you're telling me "brownfield" is defined in Encon law or in Federal Law, fine. My concern is just that we're contemplating something that is a specific set of properties, rather than something where we're endorsing what may be a policy that's a somewhat broad and amorphous policy that may or may not be implemented, dependent upon a variety of things. That's all.

MR. MONTANO:

Mr. Chairman.

CHAIRMAN D'AMARO:

Okay. Legislator Romaine.

LEG. ROMAINE:

Yes. I'm looking at the first "resolved" clause, and it says, "Resolved, that

the Department of Planning, Department of Environment and Energy, the Department of Health Services, and the Suffolk County Treasurer, so I guess I mean four entities, shall identify the properties •• which properties are brownfield sites to which the County has been reluctant to take a tax deed. So it wouldn't mean that we'd be reluctant for all brownfield sites, just the ones that have been identified that we're reluctant to take possession to.

MS. ZIELENSKI:

Which are?

LEG. ROMAINE:

And as I read this, it's a very short resolution, I found no description in this resolution of what a brownfield site is. And I'm sure somewhere in other laws, state laws, those definitions are carefully crafted, but we don't refer to that as defined by this State Law or this Federal Law, or whatever. So could the Planning, Environment and Energy, Health Services and the Treasurer get together and say, "Maybe we shouldn't take possession of that property, because we have some suspicions"? It hasn't been identified by federal or State Law as a brownfield, but you know what, let's be •• work on the side of caution and not take possession of that. That's why this law is too loosely crafted the way it is. The other concern I have is ••

MR. ZWIRN:

But that's a good thing.

LEG. ROMAINE:

Are ••

CHAIRMAN D'AMARO:

Yeah. Wouldn't you want to do that?

LEG. ROMAINE:

Some of the policies of this committee, and I'm certainly going to bring up some resolutions to correct this, we've taken possession to all types of things. We own sumps we haven't maintained for 20 years. We own roads, such as the roads I'm trying to correspond with in Orient, that we own for 26 years, and people live on those roads and we haven't provided one ounce of maintenance and have extended our liability. We have no clear policy. What we would be best to do is say, "Look, we're not going to take sumps, we're not going to take parks, we're not going to take playgrounds, we're not going to take roads," and have a list of things that we're not going to take for back •taxes, and we'd be better off following Legislator Kennedy's advice, which would be to sell the tax liens, except for residential property, and just sell them and not try to manage them, because it's a money•losing proposition in terms of all the administrative costs in the end, and we'd be able to get our money up front. We wouldn't have to manage these properties for years, have staff time to do it, have extended liability. I think John Kennedy is absolutely on the money.

And this issue, if you're so concerned about brownfields, there's examples of liabilities existing all over with all types of descriptions of properties, not only brownfields, that should be brought into discussion. This policy that you've laid out is poorly written, not carefully defined, and certainly, by any means, lacking comprehension.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Romaine.

MR. ZWIRN:

It's a nice speech, but I'm sure somebody followed it better than I did. But are you saying we should take •• you're saying we should take possession of all the paper roads and we should take responsibility?

LEG. ROMAINE:

No. I'm saying we should •• that's exactly what we've done and then we haven't maintained them. That's exactly what we've done, we've taken possession of ••

LEG. MONTANO:

Let's get back to this bill.

MR. ZWIRN:

You want us to pave those roads, is that •• to spend more money on paving roads?

LEG. ROMAINE:

No. I need to get those roads out of the County system.

CHAIRMAN D'AMARO:

All right.

MR. ZWIRN:

You want us to pave them and maintain them?

CHAIRMAN D'AMARO:

Let's keep the debate here to brownfields ••

MR. ZWIRN:

At what cost to the County?

CHAIRMAN D'AMARO:

•• however they're defined.

MR. ZWIRN:

Is this another one of the spending plans that you have without ••

CHAIRMAN D'AMARO:

Okay, Mr. Zwirn.

MR. ZWIRN:

- having a way to pay for it?

CHAIRMAN D'AMARO:

Okay, okay. And, Legislator Romaine, I want to keep on issue here.

MR. ZWIRN:

Now we have to count all the paper roads.

CHAIRMAN D'AMARO:

Okay. Thank you.

LEG. ROMAINE:

We could keep on issue, but we have someone that keeps on taking that pencil and keeps on jabbing it into my eye, because I talk about a policy and

then he tries to connect it back to spending.

MR. ZWIRN:

Well, excuse me.

LEG. ROMAINE:

He also tries to connect other things to contributions ••

CHAIRMAN D'AMARO:

All right. Let's ••

LEG. ROMAINE:

•• which I'm absolutely prepared to talk about Mr. Levy's 1 1/2 million dollars of contributions that are sitting there at any time, any place ••

CHAIRMAN D'AMARO:

All right. Let's stay on topic here. I'm going to have to insist ••

LEG. ROMAINE:

And connected to legislation ••

CHAIRMAN D'AMARO:

- that we stay on topic, Legislator Romaine.

LEG. ROMAINE:

- and actions that have been taking place by the Executive.

CHAIRMAN D'AMARO:

I would very much appreciate if we could stay on topic, both Mr. Zwirn and all the Legislators.

LEG. MYSTAL:

Yes.

CHAIRMAN D'AMARO:

I'd appreciate that. We're running very late. This bill is dealing with assigning a certain class of tax liens, and there's been some discussion here this morning about further clarifying or identifying how we would •• what properties would be designated as brownfields, whether they're defined, or whether some branch in the Executive would be charged with the responsibility of making those identifications. Legislator Montano, you were next ••

MR. MONTANO:

Thank you.

CHAIRMAN D'AMARO:

•• to address.

LEG. MONTANO:

With respect to the bill, do we not have a listing of properties already that are brownfields?

MS. ZIELENSKI:

Yes.

MR. MONTANO:

Do you anticipate that there are other properties that are not on that list that also qualify under brownfields and would be added to the list you have now? Or do we have a definitive list of properties that •• if I said to you, "All right, give me the list of properties that fall under this bill," do you have that available?"

MS. ZIELENSKI:

I can't say that it's a definitive list. There's an •• EPA has a list, Encon has a list. There are lists where there are specific spills involved, where it's considered superfund sites, are a list of specific sites, but is it all inclusive? I don't think anyone knows.

LEG. MONTANO:

Well, is a superfund a brownfield? Is it the same property or is that ••

MS. ZIELENSKI:

Yes.

MR. MONTANO:

•• a different definition?

MS. ZIELENSKI:

Superfund site is a specific list that the EPA maintains of brownfields ••

MR. MONTANO:

Okay. And let me ask you this.

MS. ZIELENSKI:

- that reach that level.

MR. MONTANO:

All right. So do you have any idea how many properties we're talking about?

MS. ZIELENSKI:

No.

LEG. MONTANO:

All right. Now, if you decided that •• because, philosophically, I am against the sale of tax liens, but this is a unique situation, as it was explained to me, because this deals with brownfields, and these are properties that we don't want to pick up, because when we assume title to the property, we're assuming liability for the contamination; am I correct in that?

MS. ZIELENSKI:

That's correct.

LEG. MONTANO:

Now, what is the process for your department, or whomever in the County decides that they want to sell a tax lien; how does that get done? And I don't need a long explanation, I just need a quick one. What's the process? Because I assume that we're not taking title and we're not auctioning; is that correct?

MS. ZIELENSKI:

It's prohibited at this time.

LEG. MONTANO:

It's prohibited to take a brownfields property?

MS. ZIELENSKI:

To take •• to sell a tax lien.

CHAIRMAN D'AMARO:

Any tax lien.

MR. MONTANO:

Yeah, that I understand. But doesn't this get around that and say that we can sell a tax lien on brownfields properties; is that how •• that's how I

understand the bill; am I correct, Counsel?

MS. ZIELENSKI:

Well, that would be the intent, yes.

LEG. MONTANO:

So, when you decide to implement it, if this resolution gets out of committee and you decide to implement it, what is your process?

MS. ZIELENSKI:

The process •• I think there's current meetings being held now to establish a protocol for handling it.

MR. MONTANO:

Well, that's what I'm asking. What's the protocol? How are you going to do it?

MS. ZIELENSKI:

I don't think the protocol has been completely established at this time, because we're not •• we don't know whether we're going to be able to deal with it or not.

LEG. MONTANO:

Well, you must have a game plan in terms of, if it passes, this is what you're going to do.

MS. ZIELENSKI:

Well, I'm sure there are those who do. I'm not ••

MR. MONTANO:

Well, who are those that do?

MS. ZIELENSKI:

I'm not privy to it.

LEG. MONTANO:

You're not privy to it. You're the Director ••

LEG. ROMAINE:

Director of Real Estate.

MS. ZIELENSKI:

The Commissioner. Well ••

LEG. ROMAINE:

Move to table.

MS. ZIELENSKI:

The Commissioner has been •• has been working on that.

CHAIRMAN D'AMARO:

Well, are you saying ••

LEG. MONTANO:

Who's the Commissioner?

MS. ZIELENSKI:

Mr. Deering.

CHAIRMAN D'AMARO:

Right. So for these identified properties, what we're asking, I guess, is what would •• how would you dispose of the tax liens? Would they be •• would they be publicly noticed. Would there be requests? Would there •• you know, is there a procedure?

MS. ZIELENSKI:

There are a variety of ways that it could be done, and I think we need to investigate further, if we're going to be able to sell tax liens, the most efficient way to deal with that.

CHAIRMAN D'AMARO:

This resolution just lists the moratorium.

MS. ZIELENSKI:

It just lists the moratorium that allows the potential of selling a tax lien.

CHAIRMAN D'AMARO:

Right. Okay.

LEG. MONTANO:

But we must have done ••

MS. ZIELENSKI:

But which we can't do without coming back to the Legislature.

LEG. MONTANO:

But when we •• if I may, Mr. Chairman. When we impose the moratorium, you said it was in 1972?

MS. ZIELENSKI:

Yes.

LEG. MONTANO:

That was a long time. I was still in school. There must have been a procedure that we followed prior to the implementation of the moratorium.

MS. ZIELENSKI:

The tax liens in those days were sold publicly.

LEG. MONTANO:

Yeah. How would the •• I know it's a long time before your time and mine in the Legislature, but do you have any idea of how that was done?

MS. ZIELENSKI:

Yes. They were sold publicly.

MR. NOLAN:

At auction.

LEG. MONTANO:

At auction.

MR. NOLAN:

I think it was an auction.

MS. ZIELENSKI:

It wasn't •• well, it wasn't actually auction.

LEG. MONTANO:

All right.

MS. ZIELENSKI:

It was "I'll take this one and I'll take that one."

LEG. MONTANO:

Lou, you want to table this?

CHAIRMAN D'AMARO:

Well, there's a motion pending to approve the legislation. I'm going to the bill.

LEG. MYSTAL,

Make a motion to table, then.

LEG. MONTANO:

Yeah let's •• do you want to table?

LEG. ROMAINE:

Yes.

LEG. MONTANO:

I'll table it.

LEG. MYSTAL:

I'll table it with you. Make the motion to table, then.

CHAIRMAN D'AMARO:

All right.

LEG. MONTANO:

Motion ••

LEG. ROMAINE:

Motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

All right. Motion by Legislator Romaine to table, seconded by Legislator ••

LEG. KENNEDY:

I'll second it.

CHAIRMAN D'AMARO:

•• Kennedy. I'll call the vote. All in favor to table?

LEG. MONTANO:

In favor?

CHAIRMAN D'AMARO:

Any opposed? I oppose. One in opposition. Any abstentions?

LEG. MONTANO:

If I may ••

CHAIRMAN D'AMARO:

All right. Let me •• the motion carries. The bill is ***tabled (Vote: 5•1•0•0)***

. We'll move on to the next one.

LEG. MONTANO:

Okay.

LEG. MYSTAL:

Thank you.

CHAIRMAN D'AMARO:

1856 • Authorizing certain technical corrections to Adopted Resolution 523 • 2006, which amended the 2006 Operating Budget to transfer funding for the Suffolk Community Council Transportation Advocacy Program.

LEG. MYSTAL:

Motion to approve.

MR. ZWIRN:

Mr. Chairman, we would ask that this bill be tabled. The County Executive vetoed this legislation and the veto was sustained.

LEG. MYSTAL:

That's true. Has to be in the •• it has to be a new bill.

MR. ZWIRN:

That's correct.

LEG. MONTANO:

Right. So why don't we just strike it?

LEG. MYSTAL:

It keeps coming up.

LEG. MONTANO:

Well, why don't we table this subject to call and let a new bill come in?

CHAIRMAN D'AMARO:

Would you like to make the motion?

LEG. MONTANO:

Motion to table subject to call, because the bill cannot be voted on.

MR. ZWIRN:

That's correct.

CHAIRMAN D'AMARO:

All right.

LEG. MONTANO:

For no other reason, yes.

CHAIRMAN D'AMARO:

I'll second. Legislator Romaine.

LEG. ROMAINE:

Yes. As part of the discussion, could you kindly explain the County Executive's motives in vetoing the original bill that simply moved ••

LEG. MYSTAL:

No, you don't have to.

MR. ZWIRN:

You got the •• did you read ••

LEG. MONTANO:

That would be •• that would be in the veto message.

MR. ZWIRN:

Did you read the veto message that was provided to all the Legislators?

LEG. ROMAINE:

I don't have it with •• I don't have ••

MR. ZWIRN:

Did you read it at the time of the veto?

LEG. ROMAINE:

I may have, but I read a lot of veto messages and a lot of resolutions, so ••

MR. ZWIRN:

I didn't •• I didn't bring it with me today.

LEG. MONTANO:

I don't have it.

LEG. ROMAINE:

So you don't have that?

CHAIRMAN D'AMARO:

All right. I think that's outside the scope of the table subject to call motion, so I'm going to call the vote.

MR. ZWIRN:

But what difference would it make?

CHAIRMAN D'AMARO:

All in favor? Any Opposed? Abstentions? And that motion carries. The bill is ***tabled subject to call (Vote: 6•0•0•0)*** .

INTRODUCTORY RESOLUTIONS

Moving on to the next section, which is Introductory Resolutions.

1896 is the first bill listed, ***Authorizing a certain technical correction to Adopted Resolution No. 695•2005.*** I will offer a motion to approve and place on the Consent Calendar. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Any opposed? Abstentions?
Motion carries ***(Vote: Approved 6•0•0•0).***

18 •• I'm sorry. 1909 • Authorizing certain technical corrections to Adopted Resolution 437•2006. Same motion, same second, same vote ***(Vote: Approve 6•0•0•0).***

1912 • Sale of County•owned real estate pursuant to Section 72•h of the General Muniapi Law, it's the Town of Brookhaven.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve, I'll second. On the motion, any discussion?

LEG. MYSTAL:

Let it go.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? Motion carries (***Vote: Approved 6•0•0•0***). Consent? No.

LEG. MYSTAL:

We can't put 72•h on there.

CHAIRMAN D'AMARO:

All right. ***1914 • Sale of County•owned real estate pursuant to Local Law 13•1976 Arlindo Gomes.***

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve and place on the Consent Calendar, I'll second. All in favor? Any opposed? Abstentions? Motion carries **(Vote: Approve 6•0•0•0)**.

LEG. MYSTAL:

Okay. Let's go through them.

1917 • Sale of County•owned real estate pursuant to Local Law 13 •1976 Luis A. Leon and Gloria Leon, his wife.

LEG. MYSTAL:

Same motion, same second, same vote.

CHAIRMAN D'AMARO:

This is a 13 now, this is a matter of right.

LEG. MYSTAL:

Yeah, you can put that, same motion, same ••

MR. NOLAN:

You can.

CHAIRMAN D'AMARO:

We can.

LEG. MYSTAL:

Yeah, you can.

CHAIRMAN D'AMARO:

All right. Without objections, same motion, same second, same vote **(Vote: Approved 6•0•0•0)**.

***1916 • Sale of County•owned real estate pursuant to Local Law 13
•1976 James P. Phelan.***

LEG. MYSTAL:

Same thing.

CHAIRMAN D'AMARO:

Same motion, same second. No?

LEG. KENNEDY:

This one I've got questions on the motion, Mr. Chair.

CHAIRMAN D'AMARO:

Okay. I'll offer a motion to approve for purposes of discussion. Is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice Chair Mystal. Legislator Kennedy, go ahead, please.

LEG. KENNEDY:

Thank you. This one I took a look at, and the configuration associated with this I'm somewhat unsure of, so I'm going to ask Division of Real Estate if they can explain. I'm looking at the Tax Map, Page 139, and the bidder I think is the owner of Tax Map Lot 4; is that correct? And they're acquiring the •• Lot 7 and 8, contiguous and behind from them.

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

Okay. My question is, is 4 an improved or vacant lot?

MS. ZIELENSKI:

Four is an improved lot.

LEG. KENNEDY:

It is an improved. So they're just merely acquiring these two strips that are vacant land, not going to have any ability to go ahead and then go for a lot line change, or do anything that's going to convert the buildability?

MS. ZIELENSKI:

That's correct, and the deed language prohibits them.

LEG. KENNEDY:

So, in other words, they're going to go ahead and restrict them as far as development goes?

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

All right. Do the CNR's bar the ability, though, to seek a tax map merger so that the owner would be able to then convert 4, 7 and 8 to one new lot?

MS. ZIELENSKI:

Yes, they can merge the property, but then not further subdivide it.

LEG. KENNEDY:

Okay, fine. Thank you. All right.

CHAIRMAN D'AMARO:

Okay. There is a motion to approve pending. I'll call the vote. All in favor?

Any opposed? Abstentions? And on the Consent Calendar as well. Yes, that's the motion and the motion carries **(Vote: Approved 6•0•0•0)**.

1917 is sale of County•owned real estate pursuant to Local Law 13 •1976 Windwood Homes, Incorporated.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve and place on the Consent Calendar, I'll second. On the motion. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries **(Vote: Approved 6•0•0•0)**.

1918 • Sale of County•owned real estate pursuant to Local Law 13 •1976 Jon DeVere and Cheryl DeVere (his wife). Same motion, same second, same vote. Without objection, motion carries **(Vote: Approved 6•0•0•0)**.

1919 • Sale of County•owned real estate pursuant to Local Law 13 •1976 Joseph Waters and Eleanor Waters, his wife.

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Without objection, same motion, same second, same vote. **(Vote: Approved 6•0•0•0)**

**1920 • Sale of County•owned real estate pursuant to Local Law 13
•1976 Barbara A. Long.**

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

**1921 Sale of County•owned real estate pursuant to Local Law 13
•1976 Carver Federal Savings Bank.** No objection, same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

**1922 • Sale of County•owned real estate pursuant to Local Law 13
•1976 Brian V. Romanoff.** Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1923 • Sale of County-owned real estate pursuant to Local Law 13 • 1976 Felix Alvis and Joanne Abruzzo, as joint tenants with rights of survivorship.

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second, same vote (**Vote: Approved 6•0•0•0**); for the consent Calendars.

1924 • Sale of County-owned real estate pursuant to Local Law 13 • 1976 George Sebastian Hartig and Vincenza Hartig, tenants in common. Same motion, same second, same vote (Vote: Approved 6•0•0•0).

1925 • Sale of County-owned real estate pursuant to Local Law 13 • 1976 Joseph Villareale and Sandra L. Villareale his wife. Same motion, same second, same vote (Vote: Approved 6•0•0•0).

1926 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Margaret Louise Gayne and Dorothy McNeely.

LEG. MYSTAL:

Motion to approve. A question.

CHAIRMAN D'AMARO:

Motion to ••

LEG. MYSTAL:

Is that as of right?

MR. NOLAN:

As of right.

LEG. MYSTAL:

As of right, okay.

CHAIRMAN D'AMARO:

Motion to approve by Vice Chair Mystal, I'll second. Any discussion? Okay. All in •• I'll call the vote. All in favor? Any opposed? Abstentions? That motion carries **(Vote: Approved 6•0•0•0)**. 1927.

LEG. MYSTAL:

Consent Calendar.

CHAIRMAN D'AMARO:

That's also on the Consent Calendar. **1927 • Authorizing certain technical correction to Adopted Resolution No. 285 • 2005.** I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries **(Vote: Approved 6•0•0•0).**

1928 • Authorizing certain technical correction to Adopted Resolution No. 716 • 2006. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1934 • Sale of County•owned real estate pursuant to Local Law 13 • 1976 John Makria and Rene Makria, his wife. This is a 13. We can do same motion, same second, same vote **(Vote: Approved 6•0•0•0).** On the Consent Calendar as well.

1935 • Sale of County•owned real estate pursuant to Local Law 13 • 1976 Timothy A. Gage and Laurie Gage, his wife. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1936 • Sale of County•owned real estate pursuant to Local Law 13

• 1976 Michael DeMasi and Hilary DeMasi (his wife). Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1937 • Sale of County•owned real estate pursuant to Local Law 13
• 1976 John Warnock. Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1938 • Sale of County•owned real estate pursuant to Local Law 13
• 1976 Sintaxi Realty Corp. Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

Next is Resolution **1939 Sale of County•owned real estate pursuant to Local Law 13•1976 Nicolia Brothers Corp.** Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1940 • Sale of County•owned real estate pursuant to Local Law 13
• 1976 John H. Schindler, Jr. And Tamara Schindler, his wife. Same motion, same second, same vote.

Resolution Number **1942 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Eloise W. Thomas as surviving tenant by the entirety.** Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1943 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Puca Realty Limited Partnership. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1944 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Puca, Jr. and Louis Puca, as Co•Trustees of the Joseph Puca Testamentary Trust. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1945 • Authorizing the sale, pursuant to Local Law 16, 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Puca Realty Limited Partnership. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1946 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Puca, Jr. and Louis Puca, as Co•Trustees of the Joseph Puca Testamentary Trust. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

1947 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Puca Realty Limited Partnership. Same motion, same second, same vote **(Vote: Approved 6•0•0•0).**

Resolution Number 1948 • Authorizing the sale, pursuant to Local Law 16, 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael C. Krauss and Constance A. Krauss (his wife). Same motion, same second, same vote (Vote: Approved 6•0•0•0).

1949 • To amend Chapter 674 of the Suffolk County Code to include policy and procedures for the naming of County facilities, parks, and roadways.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve, seconded by Legislator Stern. On the motion? I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. Resolution is **approved (Vote: 6•0•0•0)**.

1954 • Authorizing certain technical corrections to Adopted Resolution No. 545•2006. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries **(Vote: Approved 6•0•0•0)**.

1955 • Authorizing certain technical corrections to Adopted Resolution No. 1037•2005 to provide funding for the Pediatric Dental

Fund of the Hamptons. Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1956 • Authorizing certain technical corrections to adopted Resolution No. 506•2004. Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1960 • Authorizing certain technical corrections to Adopted Resolution No. 745•2006 (CP 3161). Same motion, same second, same vote (**Vote: Approved 6•0•0•0**).

1997 • Transfer of County•owned real estate pursuant to Section 72•h of the General Municipal Law.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

This is the Town of Babylon. There's a motion by Legislator Mystal to approve, I'll second. All in favor? Any opposed? Abstentions? Motion carries. The resolution is **approved (Vote: 6•0•0•0)**.

Resolution 2017 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk

County Tax Act Barrett B. Eskell and Stephanie Brown a/k/a Stephanie E. Brown a/k/a/ Stephanie N. Brown a/k/a Stephanie Eskell, as joint tenants with rights of survivorship. I'll offer a motion to approve and place on the Consent Calendar. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Any opposed? Abstentions? Motion carries **(Vote: Approved 6•0•0•0)**.

Resolution 2018 • Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lynn M. Alverson, as executrix of the estate of Marjory J. Alverson, as surviving tenant by the entirety. Same motion, same second and same vote **(Vote: Approved 6•0•0•0)**.

Resolution 2019 • Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gloria Smith, as surviving tenant by the entirety. Same motion, same second, same vote **(Vote: Approved 6•0•0•0)**.

Resolution Number 2025 ••

LEG. MYSTAL:

We did that already.

CHAIRMAN D'AMARO:

•• was already tabled, subject to public hearing.

Resolution Number 2032 • To amend Resolution Number 2 • 2006, the Rules of the Suffolk County Legislature. Is there a motion?

LEG. MYSTAL:

Motion, but an explanation, please.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve, I'll second. And Counsel?

MR. NOLAN:

This has to do with the rule that was passed at the beginning of the year which required that if a substantive change was made to a Local or Charter Law after the public hearing was closed, the bill would have to be withdrawn

and refiled. Subsequent to that rule change, we amended the Charter to require that if a substantial change was made to a Local or Charter Law, there would have to be a new public hearing. In other words, you wouldn't have to withdraw the bill and refile, but there would be a requirement for a new public hearing. Since our rules are inconsistent with what's in the Charter and the Charter governs, this resolution would amend the rule from the beginning of the year and that's what would govern.

LEG. STERN:

Question.

CHAIRMAN D'AMARO:

Okay. Question, Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Thank you.

LEG. STERN:

A question for Counsel. George, then what would be the process, the

determination as to whether or not a substantive change is left to the discretion with the •• discretion of the Presiding Officer; what is that procedure?

MR. NOLAN:

Well, we haven't done it yet, so the procedure's a little unclear, but it would be a ruling of the Presiding Officer if a substantial •• it's not substantive anymore, it's a substantial change, so it would have to be something more than minor or technical that would require a new public hearing. Ultimately, whether a change is substantial would be •• if the body disagreed, it would be subject to a challenge by the entire body. If somebody said, "No, no, that's a substantial change and should be a public hearing," they could ask for a vote to challenge the ruling of the Chair. I think that's the way it would work.

LEG. STERN:

And that would just be a majority of the Legislature?

MR. NOLAN:

Yes.

LEG. STERN:

Thank you.

LEG. MONTANO:

I had a quick question.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

So, with the rules that we passed in January, if we wanted to amend any rule, the process is to submit a resolution and get ten votes?

MR. NOLAN:

If you want to change a rule?

LEG. MONTANO:

Rule of the body ••

MR. NOLAN:

Yes.

LEG. MONTANO:

•• that was passed in January.

MR. NOLAN:

Right.

LEG. MONTANO:

So we can actually change our rules ••

MR. NOLAN:

By resolution.

LEG. MONTANO:

•• by resolution on an ongoing ••

LEG. MYSTAL:

We have.

MR. NOLAN:

Yes.

LEG. MONTANO:

Okay. Thank you.

MR. NOLAN:

And that's in our rules, I believe.

LEG. MONTANO:

Yeah. I haven't read them in awhile.

CHAIRMAN D'AMARO:

Could we amend the rule that allows us to amend our rules?

LEG. MYSTAL:

Call the vote.

CHAIRMAN D'AMARO:

Okay. There is a motion pending to approve. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. Resolution is approved (**Vote: 6 •0•0•0**).

MEMORIALIZING RESOLUTIONS

Last item on the agenda are under Memorializing Resolutions is **M060 • Memorializing resolution in support of the inclusion of a secure, transparent and economical voting system for New York State**. It's back.

LEG. MYSTAL:

I'll make a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

There is a motion to table the resolution by Legislator Mystal, seconded by Legislator Kennedy. I'll call the vote. Let me think about this.

LEG. MYSTAL:

Go ahead and think about it all you want.

LEG. MONTANO:

We need a public demonstration on this.

CHAIRMAN D'AMARO:

Not wanting to encourage any discussion, I just want to state on the record that this is a decision again that's going to be made under present law by our local County Elections Commissioners, and I'm going to leave it to them to make that decision. So I'm going to support the motion to table.

LEG. STERN:

If I may, let me ••

CHAIRMAN D'AMARO:

Yes, Legislator Stern.

LEG. STERN:

Let me also say, due to the efforts of the Chairman and the Vice Chairman and all the members of this committee, held an outstanding public event in inviting, you know, so many people from the community to come in and take a look at the available technology and to be a part of that process. And so to

that extent, we've certainly done a job there.

CHAIRMAN D'AMARO:

Thank you. All right. Thank you, Legislator Stern. I will call the vote on the motion to table. All in favor? Any opposed? Abstentions? And that motion carries. The Memorializing Resolution is ***tabled (Vote: 6•0•0•0)***.

That concludes the agenda for today. Thank you, everyone, for your patience.

LEG. MYSTAL:

Motion to adjourn.

CHAIRMAN D'AMARO:

And the committee is adjourned. Thank you.

[THE MEETING WAS ADJOURNED AT 12:40 P.M.]

{ } Indicates Spelled Phonetically