

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 Wednesday January 31, 2007.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Ricardo Montano - Vice-Chairman
Legislator Tom Barraga
Legislator Kate Browning
Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Rich Baker - Deputy Clerk of the Legislature
Ben Zwirn - County Executive's Office
Pat Zielenski - Real Estate Division
Jacqueline Caputi - County Attorney
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:50 A.M.*)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the first meeting of the year of the reconstituted Ways and Means Committee of the Suffolk County Legislature. And I'd like to ask you all of you to please rise and join one of our newest members, Legislator Barraga, in leading us in the Pledge of Allegiance.

SALUTATION

CHAIRMAN D'AMARO:

We also have some other new members on the committee for 2007, and that would be Legislator Kate Browning, who I am told will be here shortly in two or three minutes. I would like to welcome both Legislator Barraga and Legislator Browning to the committee.

We will start with the public portion this morning, and we have one card, one request to address the committee, and I'd like to go to that at this time. And that would be Cheryl A. Felice, President of AME. Ms. Felice, good morning and welcome.

MS. FELICE:

Good morning to you. And Happy New Year to you and the Legislature. I look forward to a very spirited year. On behalf AME, I am here to speak consistent with our presentation of our analysis of the County Budget in support of Resolution 2442, the Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Service to the Department of Audit and Control. We are consistent with our resolve in supporting that change, and we hope you go along with that resolution.

CHAIRMAN D'AMARO:

Okay. Thank you very much.

MS. FELICE:

Thank you very much.

CHAIRMAN D'AMARO:

I don't have any other cards filled out this morning. Also, I just was remiss in mentioning in my opening remarks the committee also has a new vice-Chair, and that is Legislator Montano seated to my left. I welcome Legislator Montano in that role. Is there anyone else here who would like to address the Ways and Means Committee this morning? Anyone else at all? Okay. If not, we're going to -- we don't have any presentations scheduled for this morning, and the agenda would call for us going into the next session -- next section of the agenda, which would be tabled resolution. But I'm going to just give Legislator Browning, who called in and is actually on Vets Highway, another two or three minute to arrive, and then we will proceed. So thank you for your patience.

CHAIRMAN D'AMARO:

All right. Ladies and gentlemen, again, thank you very much for your patience. Again, I would like to welcome Legislator Kate Browning to the Ways and Means Committee.

LEG. BROWNING:

Thank you.

CHAIRMAN D'AMARO:

You're welcome. And I'd like to immediately turn to our agenda. We have already concluded the public portion. And first on the agenda to be considered this morning will be tabled resolution.

I'd like to start with the first, which is **2188-2006, Authorizing conveyance of parcel bearing**

Suffolk County Tax Map Number 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-h of the General Municipal Law.

MR. ZWIRN:

Mr. Chair, if I might.

CHAIRMAN D'AMARO:

Yes. Mr. Zwirn, welcome.

MR. ZWIRN:

This was a bill that was in response to a bill and an issue that Legislator Romaine had brought to the attention of the Legislature and the County Exec. It's about these roads that were out in the Town of Southold where the tax deeds were taken by the County and the roads were -- should be in the town's hands.

I believe we have reached a framework for an agreement on this. Not paying the entire amount, the County -- the County Executive met with some of the residents from the community, and he's met with the Town Supervisor. And I think the agreement will be more along the lines as Legislator Barraga had suggested at the very first meeting, where it would be a split between the residents, the town and the county. And we appreciate Legislator Romaine, you know, working on behalf of his constituents in getting this issue before the County, because there was a real inequity here. And I think that we will close -- and I'm not sure what the final agreement will be, but we have talked about the County putting up a third, the Town of Southold putting up a third and a half of a third, and the residents, the 25 families, have signed on to this agreement, and they will put up the balance.

CHAIRMAN D'AMARO:

I know we were discussing this toward the end of last year. We are further along today than we were, I believe, at the close of 2006.

MR. ZWIRN:

Yes.

CHAIRMAN D'AMARO:

Is that what you are saying to us here?

MR. ZWIRN:

Yes. I believe that -- I spoke with Miriam Bissau, who was one of the residents on the road that had spoke before the Legislature last year, and she said that the families had all signed on. There's one -- there's one family there that may have -- have a little problem trying to raise the money to pay for this. But maybe there are things that we can do to try help that, but they seem generally very happy with the agreement. And I know it's not the entire amount of money that Legislator Romaine had proposed in the beginning, but at least I think this is -- this bottom line is I think it's going to get done in the framework that will make everybody happy. And these people finally get their roads down after 20 years.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

Well, sometimes you ask for a full loaf, but you're very happy to accept a half a loaf. I have to say that the County Executive did step up to the plate, did negotiate with the individuals. I've talked with all of them about this proposed solution. An article did appear in the Suffolk Times recently, I think it was two weeks ago, that talked about the proposed settlement, which I am in favor of. I want to commend the County Executive for working on this issue.

I think -- you know, my goal was to get these roads repaired one way or the other. I put forward a proposal, like we do as Legislators. Sometimes by doing that we compel the issue to be examined. The Executive did step up to the plate, and I appreciate his leadership on this issue.

MR. ZWIRN:

So I would ask that this bill be tabled until we get this entirely finalized.

CHAIRMAN D'AMARO:

All right. And we appreciate the efforts, of course, on the committee, both by Legislator Romaine of bringing this to our attention and also the County Executive in working with committee. And especially Legislator Romaine in trying to bring this to a conclusion that benefits the residents. And that's what it's really all about. So with that, I'll offer a motion to table. Is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Montano. All in favor? Opposed? Abstentions? Resolution carries, and it's **TABLED (VOTE:5-0-0-0)**.

2217-2006. Naming the Supreme Court Building in Riverhead the "Alan D. Oshrin Supreme Court Building."

LEG. ROMAINE:

Motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine to tabled, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries, resolution is **TABLED (VOTE:5-0-0-0)**.

2238-2006. Sale of County-owned real estate pursuant to Local Law 13-1976 John D. Lightsey (SCTM No. 0200-973.90-03.00-017.000).

This resolution was being discussed through several committee meetings last year, I believe. And we were questioning -- and at the time, Legislator Kennedy was also on this committee -- questioning the size of the lot and the value that was proposed or the amount that was being proposed in order to convey this property. Mr. Zwirn, do you have any further update if anything has been done looking into that?

MR. ZWIRN:

No, I don't.

CHAIRMAN D'AMARO:

What I'm also going to do is make a motion to table for purposes of discussion, seconded by Legislator Montano. I think the discussion at that time was really that the neighbor was the successful bidder -- or the adjoining parcel -- to acquire this lot, and we were looking into the value or the enhancement in value of the neighbor or the adjoining owner, the successful bidder's lot, and then questioning, in turn, if we're going to enhance the value of the neighboring lot, say by \$100,000, why are we selling this parcel for \$5000. And I think at that point, if I remember correctly, we were asking about the appraised value as well. Do you have any further information for us.

MS. LONGO:

Well, all the direct sales are to an adjoining owner, you know, that's what they are. And the theory is that when the adjoining owner buys that property, it cannot be then subdivided again. It's not a separate buildable lot. All it's doing is adding to his overall lot size. So it can never be subdivided and built on, so it really wouldn't add \$100,000 to his property. It's just on the acreage amount value. I haven't seen this appraisal, so I can't answer the question, you know, regarding the value.

CHAIRMAN D'AMARO:

Right. And I think we also had requested, and I think Ms. Zielenski was here at the last meeting and said that the parcel would be reappraised in light of the fact of the value to the successful bidder. Has that been done?

MS. LONGO:

Then I'm sure that's being done. It will be in the process then.

CHAIRMAN D'AMARO:

Okay. Legislator Montano.

LEG. MONTANO:

Good morning. Just one question. The lot is 50 by 100. Do you know whether or not there are any parcels in that area where a home sits on a 50 by 100 lot?

MS. LONGO:

I'm sure they -- no, I'm not sure they do. They may. But the Town of Brookhaven is not --

LEG. MONTANO:

Let me rephrase that.

MS. LONGO:

-- allowing building on a 50 by 100 foot lot.

LEG. MONTANO:

Right. Let me rephrase that. What I'm really looking at is whether or not there are adjacent properties where you have two adjacent homes on lots of 50 by 100? If you know, and you may not know.

MS. LONGO:

I don't know offhand.

LEG. MONTANO:

Okay. Thanks.

CHAIRMAN D'AMARO:

It's hard to say. I'm looking at a copy of the tax map. It seems like it's not really a substandard lot area or a 50 by 100 area if that is substandard under the code of the town. And that's, of course, always a consideration. I believe the neighbor to the north is on 125 foot street frontage, at least that's what my notes from some of the other hearings are indicating.

So again, it's not necessarily a bad thing to combining the two lots and make the larger parcel, especially if that complies -- you know, comports with the character of the existing neighborhood. But we were only questioning the value for the proposed purchase price through the appraisal process. So we'll tabled this today and wait for more. I'll offer a motion to table the resolution, seconded -- we did that already. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

2242-2006. Adopting Local Law No. 2006, A Local Law to enact a Campaign Finance

Reform Act to limit campaign contributions from County Contractors.

I'll offer a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Montano. Anyone on the motion? I'll call the vote. All in favor? Opposed? Abstentions? Motion carries, resolution is **TABLED (VOTE:5-0-0-0)**.

2285-2006. Adopting Local Law No. 2006, A Charter Law transferring certain selected functions of the Department of Human Resources, Personnel and Civil Service, Division of Human Resources, to the Department of Law.

I'll offer motion to table.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0)**.

2349-2006. Adopting Local Law No. 2006, A Local Law amending the Domestic Partner Registry Law.

LEG. MONTANO:

I'll make a motion to table at the request of the sponsor.

CHAIRMAN D'AMARO:

Okay. Very good. Thank you. I'll second. All in favor? Opposed? Abstentions? Motion carries, resolution is **TABLED (VOTE:5-0-0-0)**.

2354-2006. Sale of County-owned real estate pursuant to Local Law 13-1976 Bienvenida Javier (SCTM No. 0200-853.00-04.00-002.000).

MS. LONGO:

That was also a direct sale.

CHAIRMAN D'AMARO:

Right. And this was fronting, I believe, on a paper street, and the adjacent lot was vacant. I'll offer a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0)**.

2413-2006. Adopting Local Law No. 2006, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest.

LEG. BROWNING:

Motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Browning to table, seconded by Legislator Montano. Just very briefly on the motion, I am a sponsor -- a cosponsor rather of this bill, but we are continuing to look at it and trying to perhaps even amend it with some other changes. So with that said, if there's no other discussion on this -- Legislator Barraga.

LEG. BARRAGA:

I guess my concern with this particular bill is the methodology being used to raise these fees. You know, as I read the bill, it looks to me like we're charging these contractors these fees predicated on the volume of business they're doing with the County --

CHAIRMAN D'AMARO:

Right.

LEG. BARRAGA:

-- based on a premise that says, you know, they're getting certain benefits that are costly to the County from an administrative perspective, and as a result, we have this right to charge them this fee. It would seem to me that if you're going to charge a fee because you're incurring extra administrative costs, that fee should be used in to reduce those costs. Instead, someone has come up with this idea of publically financing campaigns through the fee.

You know, we've had a history here in the County where when you've had a tax write-off, the people in general have not participated in it. And you kind of wonder whether or not they're really saying, look, we don't want to have to foot this bill with all the taxes we're currently paying and have to pay your campaign, just go out and raise your own money. But the reality here with this bill, it looks to me like you're keying in on a particular group because they have to do business with the County. And it's like legal extortion. Now you're going to have to pay for public financing of campaigns. You don't have any choice. You want to do business with the County, this is the fee schedule predicated on the contract that you have with the County. This is something ethically that's not correct with this bill.

CHAIRMAN D'AMARO:

All right. Legislator Montano.

LEG. MONTANO:

Just a concern or a question. But if we're charging the contractors a fee for doing business with the County and the County is awarding the contract, what's to prevent the contractor from writing in to the contract the cost of this fee? Do you follow what I'm saying, Ben? I mean, have there been -- and I haven't looked it that well, but that's a concern that popped in. You know, I know New York City has campaign financing, it's publically financed. This appears to be contractor finance, but in reality if it's going back -- if the contractor is writing the fee into the contract some soft way, we're paying the contract, we're really doing public financing in a round-about way. That's what I'm thinking, and I just want to get your comments on that.

MR. ZWIRN:

I think the County Exec and the sponsors are looking for a way, a vehicle to do public campaign financing. And it's difficult -- it's a difficult process to try to -- either you borrow the money or you could -- you could -- you know, borrow it and put the money up front and then let the taxpayers pay it. I think the thought here was that contractors in the County who do business with the County are making campaign contributions to everybody any way. I mean, as a practical matter, you see -- if you look at the campaign reports, you'll see all the major vendors for the County are contributing

somewhere.

LEG. MONTANO:

I don't think you'll find those on my report.

MR. ZWIRN:

Well, I'm just saying in general.

LEG. MONTANO:

If you go on elections.state, you can find the report for every Legislator.

MR. ZWIRN:

With the exception of the members of this committee, you might find some of those contractors making contributions to political parties and to candidates in other committees. But I think the County Executive though that they would not be the kind of objection by the contractors, because they would be able to pay a lot less than some of them are doing now, because there's a perception that you have to pay to play. That perception has been out there for a long time. And I think the County Exec would welcome, you know, suggestions on other ways on how to do this.

But we were talking earlier today before the meeting began about the 7th Senatorial Race in Nassau County and the amount money, the millions and millions of dollars that are being spent in one Senatorial race, which will really have no impact on the State Senate make-up. I mean, one vote is not going to change -- is not going to change the majority or the minority. But the kind of money that's being spent is almost obscene. And I think that the -- we're trying to find a way where we can level the playing field at some point so that people who are not, you know, Mayor Bloomberg or, you know, have that kind of resources to go out and fund their own campaigns can do it in a more equitable manner.

And I think that Legislator Barraga has hit it on the head. I think the way you finance this is going to be -- is going to be the major issue and how we resolve it. I think the County Executive put forth one plan. Legislator Barraga's comments are well taken. I mean, I think that, you know, I wouldn't -- you can't dismiss them, but I think if somebody can come up with a form that we could all live with, I think there would be a lot of -- a lot of support for it.

LEG. MONTANO:

Just one thing. I'm sure there's a list somewhere of the contractors that have contracts with the County who would fall under this bill. And if you cross reference those with the contributions of the Legislators and the County Executive in a two year cycle, you can find out exactly how much contractors are giving to political people to buttress the argument that it's a wash.

MR. ZWIRN:

Is that an assignment for me?

LEG. MONTANO:

No. No. If you are going to make statement, then there is way of verifying the numbers, because it becomes a math -- you know, a math issue. It's just a question of who has the time and the resources to do the analysis.

CHAIRMAN D'AMARO:

Also, if I can just add to that very briefly, and then I'll recognize Legislator Romaine, of course. What we have to do when we discuss campaign finance is we have to start with what is the objective, as Mr. Zwirn is pointing out. You know, we need to restore fairness, we need to restore competitiveness into these races in any race for elected office. These are important concepts. And what's happening especially with the rate of reelection, the power of the incumbency and the ability to raise money is creating such an unfair advantage.

And these are all goals that not necessarily the folks who are already elected are striving to achieve, but in the long run and in the big picture, these are the goals that we have to achieve if we're going to have elected officials representing people as opposed to special interests. I agree with Legislator Barraga that we have to look very carefully at how we go from A to B. We have the goals, we never seem to be able to get to the implementation to reach those goals.

I'm not sure, although I am a cosponsor of this bill, that the contractor funding is the solution, but the flip side of that coin is when you talk about real public financing, there is also tremendous opposition to that as well. So it's a double-edged sword. We cannot have it both ways. You know, County contractors, just to kind of play devil's advocate, are benefitting from the County. They are doing business with the County. It is not an unreasonable fee to impose. And, in fact, it's been said -- I've hear it be said -- that contractors would wind up paying less into reelections campaigns through this system by the one-time fee as opposed to having to make donations throughout several other races.

I'm not saying it's the ultimate solution. I also agree with the members of this committee that we need to really carefully examine the funding mechanism for campaign finance, but I do also, you know, express the caution that there's really, you know, short of public financing, true public financing, it has to come from somewhere. And I would just ask the members of the committee, let's have this debate this year, let's keep an open mind about that and let's see if we can really solve that problem effectively.

And the other part of the bill that I've been also examining, and I'm sure Legislator Barraga and Romaine are aware of this as well as well as my other colleagues, the prohibitions on certain organizations or unions, the prohibitions against making campaign contributions, Legislator Barraga speaks of something that just don't feel right when it comes to how we fund it. And I speak of something that doesn't feel right with people's ability to have their voice heard in this process.

Not, I'm not saying -- you know, there's a line. There's a line where you have your say and you have your ability to make a contribution, I think you have a right to do that, but there's a line that can be crossed when that's too much coming in from one particular source. So that's another generalization, I think, that this committee this year with especially the folks that we have on the committee this year, I think we can take this issue on and really come up with some valid and agreeable campaign finance reform. Legislator Romaine.

LEG. ROMAINE:

Yes. I'm just reading a Newsday Editorial that says, "Fix Campaign Financing, Because The System Is Broken." Even if you have publically financed campaigns, there's no guarantee that anyone is going to participate. I'm reading how Hillary Clinton has publically announced as she's started her campaign that she is going to opt out of any public financing, because she can raise more money without it. So whatever system we would impose would be voluntary at best.

And when you talk about public financing, I think if you took a poll, and the County Executive is very sensitive to that, to public opinion, that most people don't want to pay to fund a politician's campaign. And as far as creating an even playing field, you do that by setting up your political districts in which you run in to be fair-fight districts. That's why I'm going to probably be joining the County Executive in supporting redistricting legislation. You do that by term limits so that no can stay in for a long period of time.

But if you're talking about campaign financing, I think the best thing that you can do, and that's why I've supported Jay Schneiderman's bill and am a cosponsor, is limit the amount of funding that people who can benefit from County Government, and in this case, contractors, can give. Now some people say, well, why don't you expand to the union? Because the unions don't have a financial benefit direct as contractors do. They do have -- they are a public force that lobbies on a whole host of issues that affect their membership in County Government, the Municipal Unions. But I'd be open to that if that's the tie-breaker.

The bottom line is we can't limit the amount that can be spent on a campaign. We have in this County limited the amount that someone can contribute to a candidate. In my particular district, because it varies from district to district, not by much, I think it's \$2700 is the absolutely limit that someone can give, okay? You may want to look at what the Federal Government does. They ban corporations from contributing. They ban corporations from contributing. You may want to look at that. You may want to look at all aspects.

In the legislation that Legislator Schneiderman and myself put forward, we are limiting County contracts, people who do \$10,000 in business with the County or more, which is a significant amount of money, to say you cannot give more than \$500 for a candidate. Not unlike any piece of legislation, it's out there, certainly open to compromise, to change, but the concept was if you're doing serious business with the County you really should not be giving serious money to County candidates. And any more than -- we're not saying don't contribute, but after \$500, should be a limit.

I think that's a better way to start on campaign finance reform, because it doesn't involve any public dollars, but it does involve an issue of pay to play. I'm sure we are going to have dialog in that throughout the year. I am certainly willing to work with the County Executive, members of this committee, to craft a bill that serves the people better. But whatever bill we craft, particularly if it's public financing, will be voluntary. Like, Senator Clinton, who has just started her campaign, opted out of it, people can opt out. It's something to consider.

CHAIRMAN D'AMARO:

One other generalization, and I agree with you, legislator Romaine, that we have to put all ideas on the table this year if we're going to move this issue forward. One of the problems we have, though, with -- let's take, for example, limiting the amount a contractor can contribute, just for example. And I agree with you, a contractor is a threshold of 10,000 or more in that particular bill. It seems to me that whenever you impose one condition with campaign finance reform, you open up two other loopholes and other ways around it. And it is a very difficult thing to legislate something that is air tight. So at the end of the day when the campaign finance system is in place, you're actually achieving those goals that I spoke of earlier.

So we're not going to solve that problem here and now today, but I am looking forward to this committee taking on that issue this year if we can some kind of consensus or agreement at least to try something, to try to do something in working along with the County Executive, hopefully, on this as well. Any other comments on the motion? There is a motion pending to table this resolution. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries, the resolution is **TABLED (VOTE:5-0-0-0)**.

2442-2006. Adopting Local Law No. 2006, A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Services, Division of Human Resources, to the Department of Audit and Control.

I will offer a motion to table, is there a second? Legislator Browning. On the motion?

LEG. ROMAINE:

On the motion. This Local Law that the Presiding Officer introduced is in keeping with what we adopted in the budget unanimously, and that is to transferred the Division of Risk Management from Civil Service over to the Department of Audit and Control. It is something we unanimously adopted in the budget. If we do not adopt this resolution, then we are not putting into place what our budget has called for in 2007. So unless there's some compelling reason not to do this that has changed since we unanimously adopted out budget, I'd like to -- like to know about it.

CHAIRMAN D'AMARO:

Mr. Zwirn, did you have anything you wanted to add?

MR. ZWIRN:

The only thing I think the County Exec -- I'm not exactly what his plans were, but he would -- we're going to put a bill in to try to keep it in Civil Service and bring that back before the committee and the full Legislature. I think there were some plans that they had where they thought that they could make this more cost effective. And I think that's one of the reasons we have -- I think he's prevailed upon the Chair of the Committee to see if he could table this one cycle so that we could put -- he has a chance to explain and make a presentation on what he has in mind, which he thinks could save the taxpayers some money with respect to keeping this either in Civil Service or at least not moving it to Audit and Control.

CHAIRMAN D'AMARO:

Legislator Romaine is absolutely right, the budget did provide the funding for this in the department, but as he also knows, this doesn't actually create the movement of the department. And so the funding is there. I'm not saying ultimately that I will not support the movement of this Risk Management Division into Audit Control, I mean, that's something that we were clearly, clearly leaning toward. But what I would like to do is just see what those proposed savings may be, or I'd like to have all the alternatives on the table before the committee actually moves forward. And I wouldn't have a problem today holding this for one more cycle to give you that opportunity.

MR. ZWIRN:

If you could give us one cycle for an opportunity to do that, then that -- we would be appreciative.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

I'm sorry, I stepped out of the room. My understanding is that the sponsor also requested that we table this until you're able to present -- all right. I'll yield to Legislator Romaine.

CHAIRMAN D'AMARO:

All right. Thank you. Legislator Romaine.

LEG. ROMAINE:

Yes. I'd be willing, if there's a desire to table this, to go along with that under one proviso. I spoke briefly with the Comptroller who has expressed an interest in maintaining Audit and Control as the budget has create it under his department where it used to be many years ago. And I understand the County Executive wants this tabled to put forward a cost savings measure if it's taken back to Civil Service. I have no problem doing that for one cycle with the proviso that the County Executive speak to the Comptroller so he has an opportunity to appear in front of this committee or his representative and make his proposal as to why he feels as he spoke to us back in November and recently spoke to me that Audit and Control should have control of Risk Management and to what his cost expenditures would be, because we may find out it's equal distance in terms of the money and then we have a decision to make in the toss of a coin. But I'd like the Comptroller to be involved.

MR. ZWIRN:

That certainly makes sense.

CHAIRMAN D'AMARO:

I had also reached out to our Comptroller on this issue as well, and he indicated to me same as he indicated to Legislator Romaine, that he's ready, willing and able to proceed. And historically, there is a precedent there where this department been with the Comptroller, but again, if there -- you know, we have come this far, the funding is provided in the budget. If we're talking about holding for one cycle just to make sure that we're dotting i's and crossing t's and doing this the absolutely right way, I don't have an issue with that.

LEG. BROWNING:

At this time --

CHAIRMAN D'AMARO:

Legislator Browning.

LEG. BROWNING:

-- I would like to withdraw my second to table and pass over it and maybe come back to it later. Is the sponsor, Bill, coming back? No. He's not going to be here.

LEG. BROWNING:

Okay. I'd like to withdraw my motion on the second to table and maybe pass over it. Let's come back to it. I'd be willing to do that.

CHAIRMAN D'AMARO:

All right. Well, I have made a motion to table. Is there anyone else who would like to support -- you know what? We'll pass over it. We will pass over that.

2490-2006. Authorizing the conveyance of parcel bearing (S.C.T.M. No. 0500-002.00-01.00-002.001) to the State of New York pursuant to Section 850 of the County Law.

I'll offer a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

I offered a motion to approve, seconded by Legislator Montano. I'll call the vote. All in favor? Opposed? Abstentions? Oh, I'm sorry. Legislator Romaine, go ahead, please.

LEG. ROMAINE:

This resolution simple conveys to the state the land in which the State Office Building sits on; is that correct? Thank you.

CHAIRMAN D'AMARO:

All in favor? Opposed? Any abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

All right. Ladies and gentlemen, the committee is going to recess for two to three minutes, and we will reconvene then. Thank you.

(*A RECESS WAS HELD*)

CHAIRMAN D'AMARO:

We are back. I'd like to call the committee back to order. And we had just concluded voting on 2490. I'd like to know go back to a resolution we had passed over immediately -- the resolution immediately before 2490, which is 2442.

2442-2006. Adopting Local Law No. 2006, A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Services, Division of Human Resources, to the Department of Audit and Control.

Once again, I had made a motion to table the resolution based on the comments that we already put on the record. Legislator Browning seconds the motion. I'll call the vote. All in favor? Any opposed?

LEG. ROMAINE:

Opposed.

LEG. BARRAGA:

Opposed.

CHAIRMAN D'AMARO:

Please note two opposed, Legislator Barraga, Legislator Romaine. And the motion carries, resolution is **TABLED (VOTE:3-2-0-0 - Opposed - Legis. Barraga and Romaine)**.

2515-2006. Authorizing the Department of Information Technology to develop a web page for the tracking of Brownfields properties.

As noted on the agenda, this was reassigned recently to this committee. I'll offer a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. Anyone on the motion? If not, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:5-0-0-0).

M060-2006. Memorializing resolution in support of the inclusion of a secure, transparent and economical voting system for New York State.

Without rehashing all of the background and history that's occurred and the new developments with our voting machines, I'll offer a motion to table this resolution.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Montano. **TABLED (VOTE:5-0-0-0).**

All right, next on the agenda are Introductory Resolutions.

2554-2006. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-211.00-03.00-001.000).

LEG. BROWNING:

I'll make a motion.

LEG. MONTANO:

I'll second.

CHAIRMAN D'AMARO:

Motion by Legislator Browning, seconded by Legislator Montano to approve the resolution. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

2559-2006. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard E. Albrecht (SCTM No. 0500-346.00-03.00-066.000).

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Montano, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

2560-2006. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mildred Lentini (SCTM No. 0200-978.80-05.00-030.000).

I'll offer a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

2563-2006. Authorizing an increase in rent for space located at 1121 and 1117 Deer Park Avenue, Deer Park, New York, for use by the Health Services Department Aviation Division.

I'll offer a motion to approve.

LEG. MONTANO:

I'll second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Legislator Romaine.

LEG. ROMAINE:

Yes. I'm just curious. I didn't know the Health Department had an Aviation Division. Do they?

MR. LIPP:

That's a typo.

LEG. ROMAINE:

Oh, it's not an Aviation Division?

CHAIRMAN D'AMARO:

Is that a typo on there? What should it read? That gives me some comfort, because I was shocked when I read that myself.

MR. LIPP:

That should be stricken, the aviation.

CHAIRMAN D'AMARO:

Okay. Although maybe we need an Aviation Department in the Health Department. There's a motion pending to approve. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

2592. Authorizing certain technical correction to Adopted Resolution No. 1344-2006.

Mr. Zwirn, the technical correction here, maybe if Counsel can just put that on the record.

MR. ZWIRN:

I don't have in front of me.

LEG. ROMAINE:

I believe it's a budget line correction.

CHAIRMAN D'AMARO:

Right. All right. I'll offer a motion to approve.

MR. LIPP:

Just a point of information. The appropriation number listed as an offset was -- or listed as the unit was 7100, which just doesn't exist, that appropriation. Instead it would be changed to 7510, which is the appropriate one, Parks Historic Services.

CHAIRMAN D'AMARO:

Truly a technical correction. I'll offer a motion to approve, seconded by Legislator Montano. All in favor? Opposed? Abstentions? And also the motion to include on the Consent Calendar.

APPROVED and placed on the **CONSENT CALENDER (VOTE:5-0-0-0)**

2593-2006. Naming the new Supreme Court Building in Riverhead the "Distinguished Military Veterans Supreme Court Building."

This is a new naming proposal. I do not believe that the, what I call the Name Committee has passed on this yet. So I'll offer a motion to table pending that outcome, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries, resolution is **TABLED (VOTE:5-0-0-0)**.

2599-2006. Adopting Local Law No. 2007, A Charter Law to ensure a non-partisan, fair and objective process by which Legislative Districts are reapportioned.

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to table.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. Once again, on this motion -- on this resolution I am also a cosponsor. Similar to the campaign finance it's really in a state of flux. We are examining maybe some changes to this legislation as well, working along with the County Executive. So I will support the motion to table. Any other comments? Legislator Romaine.

LEG. ROMAINE:

Yes. I'm examining this resolution carefully myself with an eye toward supporting it. Some other changes are made. The County Executive did make an amended copy. And I am very interested in moving this forward this year. I have suggested a change to Mr. Zwirn, which would be a recommendation to whatever Commission would be eventually appointed, that seek not to divide communities as defined by postal districts, only as an advisory, because every community I represent in Brookhaven, every -- there's seven communities I represent -- eight -- seven of the eight communities I represent in Brookhaven are divided, included Shoreham, Ridge, East Yaphank, Moriches, which I have a part of, Center Moriches, East Moriches, Eastport, every one of them is divided. And it really doesn't make for good representation. And that's just an advisory that if added to this legislation makes it far more palatable to me in terms of support.

CHAIRMAN D'AMARO:

And I agree that there's a concern and should be a concern when we look at any resolution that's addressing the redistricting process, because the areas that I represent are also divided, North Babylon and Deer Park in the Babylon section of district, Deer Park Avenue runs down the middle, and that's the dividing line, which to me makes absolutely no sense.

This is something that we should consider when we're considering this type of resolution. Also, you know, we are looking at other procedures, how it's done in other jurisdictions, and we're also looking at the nature of any committee that would be set up, whether it should be binding, advisory or somewhere in between. And as I said, I share Legislator Romaine's desire for this committee this year to take on this issue, once again, to reach some goals that I think are long overdue. Legislator Montano, did you want to add?

LEG. MONTANO:

Just, you know, for the record in terms of historical context for some of the Legislators that were not here in the past redistricting, which takes place every ten years. As a result of a lawsuit, you know, what happened here was that the County existing law provided for redistricting within six months after the census is certified.

The County Legislature delayed for approximately two years. There was a lawsuit brought by -- actually, my daughter was the lead plaintiff -- and we forced the Legislature to redistrict. Now, as a result of that, when I got elected, we passed a redistricting reform aspect, which ensures today that the Legislature, if it -- any Legislature in Suffolk County, every time there's redistricting, if we delay beyond six months, then the County Attorney would be required to file the petition in Federal Court for appointment to put the redistricting under the jurisdiction of the Federal Courts for the appointment of a Special Master.

I don't have any problem with committees that would assist the Legislature in redistricting or any type of additional redistricting reform, but I would say very clearly, it would be severe mistake for any bill that we pass to allow the process to go beyond the six month period, because that works against emerging communities, that's essentially, in my opinion, a violation of the Voting Rights Act. When we brought our suit, we had to wait for two years before we were able to force the County to redistrict.

I want to make sure that any bill we have on the table does not take away the right of people to have a redistricting process completed within the six months as is the existing law. And I believe that this bill extends the time, and I'm opposed to that, and I think that all my colleagues should be opposed to that aspect of it. Committees to assist is fine, depending on who is in the committee, etcetera.

We had a standing issues in that case. The Federal Judge issued a 45 page decision giving minority plaintiffs in the Town of Islip and the Town of Babylon the right to litigate because of the failure of the prior Legislature to do its job. When you consider this, Mr. Romaine, and anyone else who's considering it, please don't extend the time in which the County must redistrict. That takes away rights that we have fought for and we have established.

LEG. ROMAINE:

Thanks for making me aware of that. I'm not looking to take the time away --

LEG. MONTANO:

No, but this bill --

LEG. ROMAINE:

-- I'm looking to ensure fairness in the process.

LEG. MONTANO:

As you discuss your involvement with this bill, please be aware of the concerns that many communities have with the process. We don't want to delay the process anymore than what's already in the statute, which is a six month. And redistricting today can be done very quickly. It's computerized. Let's do the right think on that. That's the only thing I ask you Legislator Romaine and Legislator Barraga.

LEG. ROMAINE:

I agree 100%. But this isn't my bill, this is the County Exec's bill, just to clarify.

LEG. MONTANO:

I understand that, but if you're going to cosponsor it, then make sure that you sponsor a bill that doesn't dilute what we have.

LEG. ROMAINE:

I don't think I said I was going to cosponsor it, I'm moving towards supporting it if certain changes are made.

MR. ZWIRN:

For the purposes of argument today, let's make it Legislator Romaine's bill.

LEG. ROMAINE:

No. Then it would lose and everyone would beat it up.

LEG. BARRAGA:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes. Legislator Barraga, please go ahead.

LEG. BARRAGA:

The only reservation I have about this particular bill is the so-called make up of the various -- of this committee that's going to advise and take a look at reapportionment. I have concerns about, you know, the make-up of the committee in terms of who you put on the committee and what groups have representatives. I think there's a tendency to say, you know, look, let's put someone from this civic group and someone from this non-profit, you know, but a lot of these groups have their own agendas.

I would like to see the committee made up of people who really no longer have a personal agenda. I mean, I would like to see this committee made of up predominantly retired judges, you know, people who have expertise and knowledge, but they have no personal agenda. They are retired. I think when you reach out to a certain group, no matter how good it is, they usually have their only political agenda, and I'd hate to see a situation where within a couple of years somebody comes out of that particular group now running for the County Legislature or whatever.

When you have this body made up of people who could be very objective who have had their political careers, their civil careers and are now retired, I can think of no other more valued group than a group of retired judges who could sit down and objectively take a look at the whole question of reapportionment and come up with some reasonable, fair lines, in this case, for County Legislators. And I think their recommendations would be more easily adopted by a Legislature, because of their background. Just a suggestion.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Barraga. I just want to add to that, I'm also very concerned about the make-up of any committee. You know, right now, I believe the committee that would first

address or in the first instance would be a Legislative committee. And I don't know that -- I'm not convinced that we can achieve a quote, nonpartisan committee. Even retired judges, my late uncle, who was a judge, eventually did retire, but was certainly remained to his last breath opinionated as to the world of politics. So I'm not sure -- I think it's a goal that, you know, if we could achieve it, I would support it. I'm not sure that we ever really can. I mean, after all, we're only human.

And what I might want to throw on the table, we can work towards a nonpartisan committee, I'm willing to keep an open mind on that. But maybe what we need is something more in the nature of bringing all the interests to table, something similar to what I have done with my school commission working with Legislator -- Minority Leader Losquadro, saying, you know, we're not going to solve problems unless we get all the interests to the table, everyone gets heard, and, you know, we form a consensus.

That may be a much more difficult process, but I think it's more practical than trying to convince folks that, you know, we have this magical committee out there that will never have an agenda. I don't know that we can achieve it. So that's -- again, I'm looking forward to this committee through this year discussing this issue, discussing the legislation that comes across the table and see if we can move this along in 2007. Was there a motion on this? To table. Okay. I'll call the vote. All in favor? Opposed? Abstentions? And the motion carries and the resolution is **TABLED (VOTE:5-0-0-0)**.

2603-2006. Approving payment to General Code Publishers for Administrative Code pages.

I'll offer a motion to approve. Is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Montano. And put on the Consent Calender as well. I'll call the vote. All in favor? Opposed? Abstentions? And the motion carries. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5-0-0-0)**.

1004. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Alfred A. Smith, executor of the estate of Marie Smith a/k/a Marie Smith Divine (SCTM No. 0200-980.50-03.00-017.000).

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano, I'll second -- second by Legislator Barraga. All in favor? Opposed? Abstentions? And the motion carries. **APPROVED (VOTE:5-0-0-0)**.

1005. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas Cont a/k/a Thomas Conte and Mary Conte, his wife (SCTM No. 0800-078.00-04.00-027.001).

I'll offer a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions? **APPROVED**

(VOTE:5-0-0-0).

1009. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Laura Keenan as administratrix of the estate of Anne C. Grimila) (SCTM No. 0500-163.00-01.00-009.000).

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

1011. Approving the appointment of a relative of a County Judge in the Suffolk County Legislature.

LEG. MONTANO:

Motion to approve.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Motion by Vice-Chair Montano, second by Legislator Barraga. I'll call the vote -- Legislator Montano, go ahead.

LEG. MONTANO:

Just for the record, can you just put on who the appointment is?

MR. BARRY:

This would be for Lori Murphy, the wife of County Judge Glenn Murphy.

LEG. MONTANO:

Thank you.

CHAIRMAN D'AMARO:

All in favor? Opposed? Abstentions? Motion carried. **APPROVED (VOTE:5-0-0-0).**

1016. Directing the County Attorney to file an Amicus Curiae Brief on behalf of Suffolk County Medicare beneficiaries.

CHAIRMAN D'AMARO:

Is there a motion?

LEG. ROMAINE:

Motion to approve.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine to approve, seconded by Legislator Barraga. Legislator Montano.

LEG. MONTANO:

Yes. I certainly have no problems with County Attorneys filing briefs. But I understand this brief is

with respect an outside, because it's Amicus, an outside case where -- it's a class action case where we have -- or the plaintiffs have outside counsel?

LEG. ROMAINE:

Yes, they do.

LEG. MONTANO:

Generally, it's my understanding -- correct me if I'm wrong, someone -- it's my understanding that to file the Amicus Brief you need to ask permission of the Court, okay, and we haven't done that yet. And this bill -- what this bill would require them to seek permission to file the brief? Through the Chair, maybe the County Attorney can just enlighten me as that what --

CHAIRMAN D'AMARO:

Ms. Bizzarro, if you'd like to step up.

MS. BIZZARRO:

Yes. Thank you, Chairman D'Amaro, Legislator Montano -- Vice-Chair. Yes. In the event that this resolution gets approved, we will make the application to intervene with the court. We have to seek permission to do that in order to file the Amicus Brief. So it is a two-step process, yes.

LEG. MONTANO:

Is there a -- before you get a directive to file an Amicus Brief, have you had an opportunity to discuss it in-house as to whether or not -- you know, what the legal issues and what novel -- what's the point of your brief and what will it cover, or is this a directive for you to just go and file the brief -- you know, as permission and then file the brief? Have any attorneys in your office reviewed -- I'm just curious as to the process?

MS. BIZZARRO:

We have looked at it, yes. And I think we -- and I have to say, unfortunately, I haven't looked at it, but I know the attorney in our office looked at it, Dennis Brown. We are familiar with plaintiff's counsel. We think that he's a very good attorney, probably has some good arguments there. I don't know if we pointedly looked at every singly argument to see how, you know, strong the arguments are. But we will doing that as I said along, you know, in the process.

LEG. MONTANO:

And you're on board where you have the resources?

MS. BIZZARRO:

Absolutely.

LEG. MONTANO:

You have the resources and you're willing to have your people sit down, and this will not impact any present litigation in terms of your allocation of resources or staff?

MS. BIZZARRO:

No, not at all. And we've gotten a copy of some of the legal papers, we just haven't delved into it that much. But once we get the go ahead and then we know that we're going to be moving forward, we certainly will.

CHAIRMAN D'AMARO:

Ms. Bizzarro, that's fine. I'm glad to hear that the County Attorney's Office has the resources to do this. What is the -- if the lawsuit were to be successful, what is benefit to Suffolk County? If you are familiar with the action at this time and know what the allegations are, of the plaintiffs were successful, I just want to make sure that when we are submitting briefs on behalf of the County that we actually have an interest when we're spending the taxpayers' money in order to come up with

those briefs.

MS. BIZZARRO:

Well, my understanding, the class action is made up of seniors, which is a large part of the population. And the lawsuit alleges that the seniors are caused to pay more than the New York City seniors. So this means that Suffolk seniors have less money on hand, spend less, this results in less money in Suffolk County economy, less sales tax collected by Suffolk and an impact on the County's budget. So if we prevailed on this, there would be a definite benefit.

CHAIRMAN D'AMARO:

All right. So there is some public benefit to success in the litigation. And County Attorney's Office is comfortable on that basis in submitting a supporting brief?

MS. BIZZARRO:

Absolutely.

CHAIRMAN D'AMARO:

Okay. All right. Then I thank you for addressing the committee. Was there a motion on this? Yes. I'll call the vote. There's a motion pending to approve. All in favor? Opposed? Abstentions? The motion carries, and the resolution is **APPROVED (VOTE:5-0-0-0)**.

If there is no further business before the committee today, we are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 11:05 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY