

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 April 18, 2007.

MEMBERS PRESENT:

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

MEMBER NOT PRESENT:

Legislator Elie Mystal - Vice-Chairman - Excused Absence

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - County Executive's Office
Gail Lolis - County Attorney
Debra Alloncius - AME
Christine Costigan
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:44 A.M.*)

CHAIRMAN D'AMARO:

Good morning, Ladies and Gentlemen. Thank you for your patience. Welcome to the Ways and Means Committee. I will ask that everyone please rise and join the committee in the Pledge of Allegiance led by Legislator Barraga.

SALUTATION

CHAIRMAN D'AMARO:

Just a note to the committee members, there will be an Executive Session immediately following the public portion of the Committee Meeting today. Turning to the agenda, the first item is the public portion. We have one card. Okay. I'd like to call the first speaker Christine Costigan. Good morning.

MS. COSTIGAN:

Good morning, Mr. Chairman, Members of the Committee. Thank you for permitting me to speak today. I am here to address Number 1260, which is your first Introductory Resolution authorizing the issuance of a Certificate of Abandonment for certain properties in North Bellport.

This is peculiar, peculiar case. Some of you may recall that once upon a time I was the Director of Real Estate for Suffolk County, and I have to say that in my stint, I didn't see anything quite this peculiar. But having said that, I think there's justice here and there's justice to be done. Ethel Grace owned this property back in 1975. She died in Florida. Her estate was considerably confused at that time. Her Executor was her great-nephew, which was then a Merchant Marine.

Nobody knows quite how, but somehow the taxes didn't get paid, and there's no debate about it, after she died. And ultimately, the County took title in 1975. Some of you may know that the properties in North Bellport were put on a suspension for almost 20 years, I think, while the County was trying to reconfigure what they were going to do with those properties. Suffice to say, Mr. Glass, who was the Executor of her estate, never get notice of the fact that the County had taken the property.

A letter was sent to Ms. Grace, the decedent, but she was dead at the time, and the letter was returned to the County. The County has that envelope marked "returned." So why is this all before you today? What happened was in 2006, when the County Division of Real Estate was going through its inventory, it came across this property and realized that it been taken without true notice having been given to the owner. So the division sent a registered letter to Mr. Glass, the Executor, and invited him to file for a redemption. He did so immediately, he paid the 50 -- almost 50,000 in back taxes, and he filed for redemption.

This was before Ways and Means in February of last year, I have the minutes from that meeting, and it was tabled for further consideration. In essence, this applications has been caught up about four times in the confusions of Surrogate Courts, decedents' time, the freeze on Bellport. It's just a sort of an orphan that has been kicked around. But here it is in front of you today to finally straighten this out. Ms. Glass lost her property without notice -- Ms. Grace, excuse me. Her Executor has paid the \$50,000 in taxes and fees. It is sitting there in the County waiting to be turned over to the County.

In the meantime, the properties, which are ten little lots in North Bellport just south of Sunrise Highway, the properties sit Never-Never Land. If you don't grant this abandonment, the properties have a blot on the title because of the lack of notice. They can't be sold, they're going to be stuck on the County roles forever. The Division of Real Estate has -- that's why they sent out the applications for redemption in the first place.

So if you grant this, the taxes get paid and the property gets put back on the tax roles. It is, by the way, a perfect candidate for affordable housing, and that's very likely what would happen to it. If you don't grant it, it goes back into the County inventory, and it will stay there forever. It has a blot on title, it can't be insured. The title companies have already spoken on this kind of lack of notice. So that's what you have before you. I admit it's peculiar, I admit it's bizarre, but that don't mean we shouldn't straighten it out.

CHAIRMAN D'AMARO:

Thank you very much.

MS. COSTIGAN:

I should add that at the time the estate -- you know, a good question is why didn't anybody know that she owned this.

CHAIRMAN D'AMARO:

Right. Okay. But the three minutes is up.

MS. COSTIGAN:

Thanks. It.

CHAIRMAN D'AMARO:

Thank you. I appreciate it. Is there anyone else who wishes to address the committee this morning during the public portion? Okay. Then we'll turn to the next area on the agenda, which is the Tabled Resolutions. I'll call the first.

2188-06. Authorizing the 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:

Good morning, Mr. Chairman.

CHAIRMAN D'AMARO:

Part 12.

MR. ZWIRN:

There's nothing new to report. I have spoken with members of the community. Everything seems to be proceeding to their -- they're pleased with the way the town is moving forward on getting these roads back, but I don't think we're ready to move on this as yet. Maybe Legislator Romaine has more information, but I just ask for it to be tabled at this time.

CHAIRMAN D'AMARO:

I'll offer a 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, the resolution is **TABLED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

The next resolution is 2413-06, **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.**

I think perhaps the best way to start on this would be if Legislative Counsel would like to give the

committee once again just a brief overview of the goal of this type of legislation.

MR. NOLAN:

Well, it's hard to give a brief overview of this law. It's very involved, but I'll try to summarize. Right now, the County has a Public Campaign Finance Law which is in Article 41 of the Suffolk County charter, which was approved by the voters back in the late '90s that has proven to be unworkable. So this law would repeal that and create a new scheme to finance -- no editorial comment using that word, that's a legal phrase -- but anyway, to finance campaigns for County Executive and County Legislature.

The law would create a fund, Suffolk County Campaign Finance Fund, which would be used to finance these campaigns or partially finance them. The fund would be -- the monies would come from two sources which would be voluntary contributions to the fund, and what is called in the law a contract service fee, which would be paid by the people who do business with the County. When they enter into a contract, there would be accessed a fee, it's on a sliding-scale basis. So for contracts under \$50,000, the fee would be \$100. And on the high end for contracts in excess of a million dollars, the fee would be \$5000.

The fund is going to be administered by a board consisting of five members. The County Executive makes two appointments to the board out right, there's a the third appointment that is made by the Presiding Officer -- forgive me -- the Presiding Officer makes an appointment, then there's a third -- a fourth appointment, County Executive with the concurrence of the Presiding Officer and then a fifth appointment by the Minority Leader of the County Legislature. The board that is created can employ staff including an executive director and a counsel and make necessary expenditures subject to appropriation. The board will issue rules and regulations, provide forms necessary for the administration law.

To be eligible -- it's a voluntary participation system for candidates. So a candidate, obviously, does not have to participate in the public financing. To be eligible for public financing, candidates for County Executive and County Legislature have to meet a series of requirements. First of all, they have to meet all the legal requirements necessary to get their name on the ballot. They have to be a candidate of one of the two major political parties. They have to agree via a written certification to participate in the public funding provisions of the law and comply with all the provisions of the law.

If they're a candidate for the County Legislature, they have to agree not to accept any contribution or contributions from any person or entity, which in the aggregate exceeds \$2000. For a County Executive candidate, they would have to agree not to accept any contributions from any entity that exceeds \$35,000. Candidates also have to reach certain fund raising thresholds on their own in order to be eligible to receive funds or monies from the fund. For a member of the County Legislature, that would be \$10,000, which would have to be made up of at least 50 contributions ranging from ten to \$500 from natural person residents of the County.

I should note that if a person makes a contribution in excess of \$500, it's only the first \$500 that counts towards the threshold. For a County Executive candidate, the threshold is \$180,000. The law says there has to be at least 300 contributions ranging from ten to \$500, but I did the math and because of that cap at \$500, it would actually have to be more contributions than 300 to reach the \$180,000 threshold amount that would make a candidate eligible for funding.

Also, if a person or a candidate wanted to participate and get public funding, they would have to agree, again, via written certification not to accept donations from political action committees created by or related to an entity doing business or proposing to do business with the County of Suffolk, from lobbyists doing business or proposing to do business with the County, firms doing business or proposing to do business -- well, I already said that -- or certified or recognized employees organizations representing employees of the County of Suffolk. So if a person wanted to participate in this program, they couldn't take money from the public employee unions that represent County workers.

The maximum amount that candidates can receive from the fund, for a Legislative candidate, it's \$2000, which is basically twice the 10,000 threshold amount. And for a County Executive candidate, the most he could receive or she could receive from the fund would be \$360,000. The law also states that no portion of a contribution in excess of \$500 may be the basis for a matching payment from the fund. Further, candidates participating in the program, if they're a Legislative candidate, would agree not to spend more than \$50,000 total on their campaign, and that includes the public funds that they receive. For a County Executive candidate, they would agree to a 900,000 cap on total expenditures. However, this cap does not apply if an opposing candidate is not participating in the public funding system.

Further, eligible candidates must agree that they will not make payments from their campaign accounts for items that are, quote, personal in nature, closed quote, to the candidate or family. Additionally, participating candidates may not use public funds provided under this law for payments to the candidate or the spouse or other family members, for gifts, for cash payments, for transfers to other candidates or for petition challenges. Candidates who are unopposed in a general election shall not be eligible to receive funds.

Additionally, the law states that if there are insufficient funds available in any given year to cover all campaigns for County Executive and County Legislature, the funds will be allocated first to fully fund to the maximum extent possible the election of the Office of County Executive and then to the offices of County Legislator on a prorated basis. However, there is a provision in the law that also states that of the board that's administering this program determines that there is -- are not going to be sufficient funds to fund all the candidates in a coming election, then they may adjust the contract service fee.

A candidate who receives public financing and who has submitted a written certification pursuant to the requirements of this law and fails to file a statement of record required by the law and rules and regulations of the board or it violates any provisions of the law will be subject to a civil penalty. I'm almost done. The section of the law establishing the payment of a contract service fee will apply to any contract executed after January 1 of '08. The law will apply to all contributions made on or after January 1st, 2008. And then the funding of campaigns will begin after January 1, 2010. The law is made subject to a mandatory referendum.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Nolan, for that brief overview. But, you know, it a complex and comprehensive law laying out a new plan of campaign finance or a means to at least limit the cost of campaigns here in Suffolk County. And I think that given -- although the law itself is complex, it's an important issue. I know from personal experience, as do my colleagues, that the cost of campaigns is growing geometrically every year that they take place. And I think that limits how much the public or -- actually, how much candidates are spending are long overdue. And I think it's something that we should seriously consider.

The other portion of this bill which I think there is a great public outcry for is the limitation on contributions of packs or entities or companies that have a direct interest in doing business with the County of Suffolk. I think that's an area that's been overlooked for many years, and I think that Suffolk could actually lead the way in setting the tone and listening to the public outcry and saying we're not going to engage in any more acceptance of contributions from entities that are actually seeking to benefit from the County or to turn a profit from the County. I did have a quick question for Counsel. What happens if a candidate decides to opt into this system and the opponent does not? What's the ramification of that?

MR. NOLAN:

I think the only ramification from this law would be that the limit that's imposed on expenditures for a participating candidate would be lifted if the opposing candidate is not participating in the public funding plan, so that a Legislative candidate who is participating and running against a candidate

who is not, would not be limited to \$50,000 in expenditures. I suppose the idea being that somebody who is not participating can spend unlimited amount of money on their campaign and would create an unfair disadvantage to the candidate who is participating.

CHAIRMAN D'AMARO:

So that would create an incentive, in effect, for both to participate where one is participating, otherwise the candidate that is participating would get the benefit and the funds, and then have no limit on how much can be spent or raised at the same time.

MR. NOLAN:

Correct.

CHAIRMAN D'AMARO:

Right. Okay.

LEG. BARRAGA:

I have a question.

CHAIRMAN D'AMARO:

All right. Legislator Barraga.

LEG. BARRAGA:

On the resolution, you know, certainly I think any elected official who has been in office for a number of years would like to see some sort of public financing of campaigns, because each of us know how difficult it is to raise dollars every couple of years we're running. But the reality is that in Suffolk County you already have an existing law on the books. I'm sure at the time that this particular piece of legislation was put in place there was great debate among the members of the horseshoe. This law is in existence.

The trouble is the public isn't participating. They're not doing a tax check-off. So what kind of message is being sent by the general public? Maybe they just don't want to take their tax dollars and publicly finance campaigns. Now, obviously, they are people who disagree, who say, "You know, there's a law on the books and it's not working, but we still want public finance of campaigning anyway." So let's come up with this particular scheme or methodology. What we're saying is that, you know, contractors do business with the County, so let's charge them a few. And the reason we're charging them a fee is that we incur large administrative expenses associated with processing their particular contracts.

But instead of taking those dollars and reducing the cost associated with the processing of the contracts, we're going to take those monies, depending upon the volume of business they do with the County, and use it as the back-door method to publicly finance campaigns. All because we don't like what's happening with existing law, that the public has come forward and said, "Look, we're not going to do this." That doesn't deter these people from putting in this legislation. Certainly I'd like to see the original law work. It hasn't. I think the voters have made a decision with reference to publicly financing campaigns, they are not interested. This is a scheme to do it through a back-door methodology, which I think is destined to fail.

CHAIRMAN D'AMARO:

Legislator Browning.

LEG. BROWNING:

I don't know if I want to say anything after him. However, George, you mentioned about you have to be a member of one of the two major parties. As you know, I'm Working Families Party. I'm always going to have to need that major party to run. Say, ten years from now, I could possibly run as a Working Families Party member only, so I'm eliminated from this campaign finances, because I'm not a Republican, and I'm not a Democrat. So if a Conservative, an Independent, Working

Families Party member wants to run, they're excluded from this. And my concern is this is not very democratic.

CHAIRMAN D'AMARO:

Okay. Legislator Romaine.

LEG. ROMAINE:

I've spoken on this many times before, so let me start out of by saying something nice about our County Executive. First of all, I do believe that he is sincere in efforts for campaign finance. Witness the fact that the failed law that we're operating on is the law that he sponsored and has failed miserably. And in listening to George's description of this, this seems as a very convoluted complex law that would assess contractors doing business with the County to do, as my colleague, Mr. Barraga had stated, back-door public financing.

I'm willing to work with the County Executive, and I've said this on many occasions, to achieve a law that does some type of campaign finance reform. I think it's needed. Earlier last year, myself and my colleague, Jay Schneiderman, sponsored a law that we thought would be the start of a campaign finance effort, and that was to impose spending limits on those candidates where the contractors do \$10,000 of business or more.

What we said was if you do business with the County of Suffolk, if you do \$10,000 worth of business with the County of Suffolk or more, you would be limited to contributing to County candidates \$500. I thought that that was a good start. Did it cover everything? Was it comprehensive? Absolutely not. But it was a step in the right direction of eliminating the perception of quid pro quo. The one part of the County Executive's bill that I like is that he is prepared to submit this to public referendum. That is encouraging. I think the public should have a voice. I support that effort.

But as George described it, it seems very complex. And I don't know if it would work. And I'm fearful of our last -- Steve's last attempt to do what he believed was the right thing, and I want to give him credit, he wants to do campaign finance reform, but that failed miserably. Because you're right, Tom, people didn't want to send in extra money. They don't want to have their tax money spent on politicians' campaigns. And that's a difficult thing to overcome.

Nevertheless, I stand ready to work with members of this committee, as I've expressed to this Chairman, and the County Executive to see if we can sit down behind closed doors and hammer out some type of campaign finance reform. I just don't thin the current bill is going to be that successful. However, there are a number of points you made, Mr. Chairman, that are worth considering. And I'm happy to work on a comprehensive campaign finance reform. I'm happy to even take a look at the very limited reform that Jay Schneiderman and I wanted to do; if you do \$10,000 worth of business -- and I don't know why this was tabled so it eventually isn't on this agenda anymore, it was tabled to death -- if you do \$10,000 worth of business with this County, you should be limited in how much you contribute to County candidates. We put a \$500 limit so we would not bridge freedom of speech, but we would indicate that there was not the perception of a quid pro quo. Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Thank you. I'm prepared to offer a motion on this.

MR. ZWIRN:

If I might, Mr. Chair, on behalf of the County Exec. If I might just respond just very briefly?

CHAIRMAN D'AMARO:

Sure. Go ahead.

MR. ZWIRN:

And I think everybody is interested to have some sort of campaign finance reform, because the

public -- it's the perception when there are large contributions made and votes come up affecting those particular organizations or unions or with contracts, if people look, it's what you gave and what did you get for it. People don't give, you know, a lot of money sometimes for no reason whatsoever. And it may be as little as to think they have access, maybe they like a position that a particular Legislator has or the County Executive has.

But more often than not, at some point, you're going to be called on to vote on something that's going to have a direct impact on a particular industry or whatever. And the perception is that is your vote for sale. And I don't mean -- I'm not speaking about specifically here. I've been a public official, I've raised the issue. We tried to do major campaign finance reform in my town when I was a Town Supervisor. We did some things, I think, that were pretty dramatic.

With respect to Legislator Barraga, the County Executive's thought process in this was going to the vendors. And just so I can explain it, whether you like it or not, was that they're giving money anyway, and they're making large contributions, people who are doing business with the County, whether they're in the contracting business, or they're doing Public Works projects, they're consultants, money is flowing in to the County candidates coffers at all levels. He saying that it would probably be -- they would probably be supportive if they knew that they had a cap on what they would have to give, and therefore -- and the vote would then not -- there would not be the perception that a vote might or might not be for sale.

And I think that's -- that's the part that we're trying to get away from, as you are elected officials, the County Exec and the Legislature, to try to give the public more confidence in their votes saying, "We didn't vote this way because I got a contribution from a particular individual, I voted this way because I thought it was the right thing to do." And this tries to do that as best it can. It has been bandied about. And I think everybody is ready for campaign finance. There is nothing that is more unseemly than having to go out and ask for money to run for public office. I hated it, I know you hate it, because it is just -- you want to do Legislative work, you want to create things, you want to do good for your constituents and the people who live here. You don't want to be on the phone raising money to get your message out.

This was an effort to do that. I think, you know we tried -- the County Executive when he was in the Legislature tried a different way. The public, you know, has some contempt for public officials and don't want to see their tax -- anymore tax dollars going -- than necessary going toward any government entity. So that didn't seem to work out. We thought this was a good effort at it. But I think all your comments are taken to heart. And the County Executive would look forward -- with respect to Legislator Romaine and Schneiderman's bill, I think there were -- there were flaws in that bill as well, and that's why the County Executive didn't support it, the unions were excluded. I'm just saying, it was an effort to make -- you know, to try to make the system better, but we thought that it was flawed. This one may well be as well and maybe we have to work together to try to come up with a bill that everybody can support and that the public will embrace as well. But just in response to some of the comments that were made. I just wanted to get that on the record.

CHAIRMAN D'AMARO:

I also -- just one moment. I also want to chime in on that. You know, to hear the comments about the past efforts at campaign finance reform, you know, in my mind, it's better to have tried and failed than never try at all. This is a very important and serious topic. It affects everyone, at least on the County level with this bill, running for office. You know, that's why we're here. If a system was implemented, if a bill was enacted and it didn't work, it's important for us to take a look at why it did not work, try and fix that.

And I think Legislator Barraga is right on, I don't think people necessarily are enamored with the concept of checking off or sending in or whatever the mechanism was to help fund campaigns for public office in Suffolk County. This is not doing that. This is looking at a flawed system, at a broken method, and saying, let's change that, let's try something else. And what we're doing is we're going to the people who are actually making a profit from Suffolk County. And we're saying,

"You know what? If you want to benefit from the taxpayers of Suffolk County, then at least you can contribute into the system that -- that we actually use to keep the County viable and running. And I don't think that's unreasonable. I think that's where it should be placed.

And on top of that, I agree with you, Mr. Zwirn, the fact of the matter is that these contractors that are being asked to contribute to a system from which they are profiting from are going to wind up actually contributing less into these County campaigns than what they do now. In addition to that, this bill also limits the contributions coming in. This is campaign finance reform. This is the reform that we're looking for. I'm looking at the top of the bill, it has cosponsors; Legislator Cooper, Vilorio-Fisher, myself, Legislator Stern, Legislator Mystal, Legislator Eddington.

This version of campaign finance reform does have support here for those reasons. There's a broken system out there, that system needs to be changed. Legislator Barraga is right on when he says the reason why the prior did not work was because of the public financing portion of it. This changes that. It only goes to individuals and companies that are making a profit from this County. And the least they could do is help to fund the process since they are directly benefiting. And that's why I'm sporting this bill. And I think it should be debated further. I think it's too important an issue not to debate further. But I am prepared today to make a motion to discharge this without recommendation and bring it to the full Legislature so it can go heard. Legislator Romaine.

LEG. ROMAINE:

Well, I was actually going to suggest that -- I don't know if the votes are here to discharge it, but I don't know how my colleagues across from you feel about this measure. But if the votes aren't there, I would certainly suggest that the Executive and our Counsel and his Counsel and whatever members of the Legislature, the Majority and Minority Leaders see fit to assign, sit with the Executive to see if there can be some bill that has broad acceptance to be brought forward and put on the ballot. Because even if this bill could be discharged by the majority, and there's opposition by the minority and it's signed into law and it's put on the ballot, it will become a spirited campaign, and that will not benefit if it fails on a public referendum.

The best thing to do, I believe, is to build a broad consensus for this. There are -- Legislator Browning pointed out just one of the flaws in the mechanism that it ignores the fact that some of our minor parties at some point may be a major party or may be contending to be a major party, and they have a point of view that they want to -- they have candidates that they run for office.

The Supervisor of Shelter Island is not a member -- did not win on any major party line. He won in the Independence and the Conservative line, defeated the Republican and an Independent candidate. The Democrats ran no one for Supervisor in that town, and yet he won the minor party lines. So minor party lines do play major roles. And that's just one flaw in the bill that needs to really be addressed. The bill is kicked around a long time, and it hasn't been changed one iota. I think it would behoove us to sit down and see if there's a potential, just try to see if there's potential for a broad consensus in changing the bill as it's currently constructed. After a brief discussion with my colleagues, I move to table this for one more cycle.

CHAIRMAN D'AMARO:

Okay. I'll second the motion. All in favor? Opposed? Abstentions? Motion carries, resolution is **TABLED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

2593-06. Naming the new Supreme Court Building in Riverhead the "Distinguished Military Veterans Supreme Court Building".

As a member of the Sighting and Naming Committee -- and I know it has a much longer and more formal name, but that's what I think of it as -- that did come before -- this recommendation did come before that committee, and it was actually defeated, I believe. On that basis, I'll offer a motion to table this resolution.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

CHAIRMAN D'AMARO:

Legislator Barraga is opposed. Motion carries, resolution is **TABLED (VOTE:3-1-0-1 - opposed: Legis. Barraga - not present: Legis. Mystal).**

2599-06. Adopting Local Law No. 2007, A Charter Law to ensure a non-partisan, fair and objective process by which Legislative Districts are reapportioned.

LEG. BROWNING:

I make a motion to table.

CHAIRMAN D'AMARO:

There is a motion to table by Legislator Browning. Is there a second? No? I'll offer motion to approve is there's no second on the tabling motion.

LEG. ROMAINE:

I'll second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. And, Legislator Barraga, on the motion.

LEG. BARRAGA:

I like the legislation. The only question I have, again, is that I'm pleased to see that we're talking about of the eight member Reapportionment Commission, we have now four judges. Maybe some clarification, though. It's my impression that most judges retire at the age of 70. And it looks to me like this provision on page four, subsection 3-A, individuals who currently serve or have served the immediately preceding ten years in any elected federal, state or local partisan office.

The way I interpret that, if a judge retires at 70, he'd have to be retired ten years. So he would be at a minimum age of 80 years of age in order to be eligible to be appointed to this particular commission. I'm just wondering if this provision should apply to judges. Are we better out of waiving this provision with reference to the judges and just getting a commitment from the judge that for a period of five years, that judge will not run for the County Legislature. Individuals who currently serve or have served the immediately preceding ten years in any elected federal, state or local partisan office. So if I'm a judge and I retire at 70, I'd have to wait ten years to be eligible to be appointed to this particular group. And, I don't know, when you get to the whole concept of reapportionment, it's a very detailed complicated issue. There are few people even in the State that know a great deal about it. I just think that this has to be looked at again. I'm not so sure this particular limitation should apply to judges.

MR. ZWIRN:

Well, you know, today's 80 is like 50. Today's 50 is like 25.

LEG. BARRAGA:

I know, Ben. It's still major challenge an individual has to face. I'm not going to get into the question of age. It's just that, you know, a judge at 80 years of age or anyone at 80 years of age taking on this particular challenge is difficult. I'm not so sure they should have to wait a period of

ten years.

MR. ZWIRN:

Well, there are a lot of judges who don't get out -- get out before they're 70. I mean, they just -- I don't think it's just judges that are -- there will be judges out there that they'll be able to find. There will be -- I think there will be a good pool.

LEG. BARRAGA:

But do you think the concept is correct that you should have a ten year waiting period?

MR. ZWIRN:

I think trying very hard to try take the politics -- because even judges get elected on political lines generally, they're not always cross-endorsed. So they're trying to take that element of their political careers are done. They're not -- they're trying to be very, you know, civic-minded without any -- without the appearance of any politics at all.

LEG. BARRAGA:

What about the concept of saying, look, you know, rather than wait ten years, you just agree as the judge not to run for County Legislature for a period of ten years after?

MR. ZWIRN:

Then what happens after five years they change -- they change their mind? What do you do? You go back -- you can't --

LEG. BARRAGA:

There would have to be something in writing at the time they become a member of the commission.

MR. ZWIRN:

But how could you enforce that?

LEG. BARRAGA:

Well, be realistic. They're honorable people. They're men and women of integrity. I mean, I'm sure that if they agree to this --

MR. ZWIRN:

Oh, I'm saying at the time they signed they truly believed it, but there may -- some issue may come up that think is so moving that they want to throw their hat in the ring.

LEG. BARRAGA:

The ten year waiting period, I don't know, for some reason for judges, it doesn't seem to make a lot of sense.

LEG. ROMAINE:

Possibly the County Executive could consider that and do a corrected copy or a CN. But I think that we should get out and let the Legislators decide. You make a good point, Tom.

MR. ZWIRN:

I will certainly bring that back. I don't -- I don't think that would be something that would be a deal-breaker as with respect to get the support of more members of the Legislature. I think there probably on that particular issue could be a --

LEG. BARRAGA:

I don't regard it as a deal-breaker.

MR. ZWIRN:

No, I agree.

LEG. BARRAGA:

It's just something that doesn't make a lot of sense from my perspective.

CHAIRMAN D'AMARO:

Legislator Browning.

LEG. BROWNING:

Again, third parties. It's always about the major parties. And, you know, it can change. You know, five, ten years from now, Republicans and Democrats may not necessarily be the major parties. And, again, I think you are excluding third parties who do have a right to have a say also. There are many people registered, again, Working Families, Conservative, Independent, whatever. We're not including third parties. I have another question. If the Legislature votes against the reapportionment from that commission, what happens?

LEG. ROMAINE:

You two bites of the apple, and then it goes to --

MR. NOLAN:

What happens is the commission, like various Legislators have said, have two bites at the apple. If the Legislature doesn't approve it on the second go, then would go a special master to create the map.

LEG. BARRAGA:

George, the Legislature has no role in that. Whatever they decide, that's it?

LEG. BROWNING:

You have no say.

LEG. ROMAINE:

But that's after two shots.

LEG. BARRAGA:

Right.

MR. NOLAN:

Right. But the Legislature has to act on the -- what's presented to them by commission. And if they fail to adopt what's presented to them by the commission, then it goes to the special master.

LEG. ROMAINE:

After two attempts.

MR. NOLAN:

Right.

LEG. ROMAINE:

And there's other provisions in the law like not dividing communities. I represent eight communities in Brookhaven, seven of them are divided between one or two other Legislators, which I certainly don't appreciate and those communities don't appreciate. I think the integrity of communities are provided for in this law, and I think that's a good thing.

CHAIRMAN D'AMARO:

Okay. Any other discussion? There is a motion pending, I believe, to approve. Correct? Yes. It's been seconded. I'll call the vote. All in favor? Opposed?

LEG. BROWNING:

Opposed.

CHAIRMAN D'AMARO:

One opposed, Legislator Browning. And the motion carries. **APPROVED (VOTE:3-1-0-1 - opposed: Legis. Browning - not present: Legis. Mystal)**

MR. ZWIRN:

And for the record I will bring -- Legislator Barraga, I will bring your comments back. And between now and Legislative Meeting on Tuesday, maybe we can chat and we can discuss an amendment to it.

CHAIRMAN D'AMARO:

Okay. Next Resolution is **1192, Authorizing certain technical corrections to the 2007 Adopted Operating Budget for certain contract agencies.**

MR. ZWIRN:

For the record, Mr. Chair, one of our objections -- we needed a corrected copy to be done, and it has been filed. So the County Executive's Office has -- we're not asking for this to be tabled, because Legislator Mystal -- they have made the corrections.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Zwirn. Gail, if you could just give us a brief synopsis of what the correction itself is, I'd appreciate it.

MS. VIZZINI:

Actually, this resolution changes the department for the NACEC. Instead of the Youth Bureau administering the contract, it will be administered in Economic Development. The other change is instead of having the work administered through the Youth Bureau, it's a repair, Mr. Kovesdy advised me, to a boiler. And perhaps he could better address what work is being done here. It will be administered by Public Works.

MR. KOVESDY:

The \$11,000 represent repair of a boiler in a County-owned building. So what we're doing is we're taking the \$11,000 out, putting it in DPW to put in a new boiler and providing the rest of the money for the program.

CHAIRMAN D'AMARO:

Well, unfortunately, this is legislation that was introduced by Legislator Mystal. I believe it affects his district and only his district. He is noted on the record today with an excused absence, he's ill, couldn't be here today. My inclination would be just to table until he --

MR. ZWIRN:

Just for the record, we have discussed this with Legislator Mystal.

CHAIRMAN D'AMARO:

You have?

MR. ZWIRN:

And he is in accord with us on it. We did this really together at his request.

CHAIRMAN D'AMARO:

Okay. Because I think he had moved to table it last time.

MR. ZWIRN:

That's because we needed a corrected copy, because DPW is going to make the repairs as opposed

to the agency that was getting the funds, because it's the County -- it's a County-owned building. So once that was all -- everything is going to get done the way he wanted it to get done, only we're going to do it instead of the agency spending the money to do it.

CHAIRMAN D'AMARO:

All right. Very good. Then on that basis I'll offer a motion to approve. Is there a second?

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1201. Authorizing certain technical corrections to the 2007 Adopted Operating Budget (Hope for Youth, Inc.).

This is another resolution that was making a technical correction, but tabled, again, I believe by Legislator Mystal. Go ahead.

MR. KOVESDY:

I can explain that. During the budget process, the County Executive inadvertently put funds in the wrong place. The Hope for Youth has 12 beds. We have a contract with them for the 12 beds. There was additional money put in the Hope for Youth for overflow, in other words, if we needed a 13th or 14th or 15th bed. They can't provide that bed, so we're taking out the overflow money, putting it in a general account. And if needed for it, we will pick an agency to do it. It was a mistake that we made -- more of an oversight we made when we did the budget. The money should have split out then. We've already contracted with Hope for Youth, they have their money. This is just that if there's extra beds that are needed, we're providing the funds for it. They cannot spend this money, they only have 12 beds.

CHAIRMAN D'AMARO:

They don't have the capacity to provide more than what the contract calls for.

MR. KOVESDY:

Right. They have 12 beds, this pays for 12 beds. Any additional will be based on the area that they need the beds.

CHAIRMAN D'AMARO:

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

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1244. Amending Adopted Resolution No. 377-2005.

LEG. BROWNING:

Motion to approve.

CHAIRMAN D'AMARO:

Legislator Browning offers a motion to approve, I'll second the motion. And I'll ask Counsel to give

us brief explanation, please.

MR. NOLAN:

This is correcting an earlier resolution. It's an 72-H transfer to the Town of Brookhaven with the intentions that the town would ultimately transfer it to the Mastic Fire District. The original resolution said department as opposed to district, so we made that change. Additionally, the original resolution limited the district's use to an expansion of the garage, and the district has requested that be taken out. So it's now just for general purposes of the fire district.

CHAIRMAN D'AMARO:

Okay. Thank you, Counsel. There's a to approve pending, it's been seconded. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

Next portion of the agenda is Introductory Resolutions.

The first being **1260-2007, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven (SCTM No. 0200-928.00-04.00-027.000; 0200-958.00-09.00-001.000; 0200-958.00-09.00-002.000; 0200-958.00-09.00-003.000; 0200-958.00-09.00-004.000; 0200-958.00-09.00-005.00; 0200-958.00-09.00-006.000; 0200-958.00-09.00-007.000; 0200-958.00-09.00-008.000; and 0200-958.00-08.00-043.000) pursuant to Section 40-D of the Suffolk County Tax Act.**

CHAIRMAN D'AMARO:

Mr. Brown, good morning and welcome.

MR. BROWN:

Thank you.

CHAIRMAN D'AMARO:

Would you like to address this committee on this resolution?

MR. BROWN:

Yes. Thank you. We've spoken -- for the Department of Law, Dennis Brown for the record. We've spoken to Legislator Alden yesterday evening. So we would ask that it be tabled for one cycle so we can address one of his questions.

LEG. BARRAGA:

What?

CHAIRMAN D'AMARO:

Legislator Barraga, please.

LEG. BARRAGA:

One of whose questions?

MR. BROWN:

Legislator Alden's.

LEG. BARRAGA:

What was his question?

MR. BROWN:

Whether the fact that the -- even though there is the contention that there might some clout on the title, whether, in fact, they can be conveyed without that cloud or even if they are conveyed with

that cloud, does that make the title unmarketable, which is different than uninsurable.

LEG. BARRAGA:

Now, if that question is answered -- how did you feel about this particular proposal before he posed that question to you?

MR. BROWN:

There's a three year statute of limitations. So, you know, we take a -- the position that that three year statute of limitations, that if there are defects with respect to notice of something affecting the giving of the deed from the -- from the delinquent taxpayer to the -- to the County, if that objection is not raised within the three year period of time, which is the statute of limitations, then those objections become moot. And after that three year period of time, the deed becomes conclusive and titled is vested with the County.

LEG. BARRAGA:

Well, what happens in the particular case where a person is just completely unaware of any notice?

MR. BROWN:

That is absorbed in that -- that objection is taken care within that three year statute of limitations, period. We've taken that position in other cases as well.

LEG. BARRAGA:

So if I've never been notified, I have three years to do something about it?

MR. BROWN:

That's correct. There's a three year statute of limitations.

LEG. BARRAGA:

But if I've never been notified, how do I know what to do? How do I even know there's a problem.

LEG. ROMAINE:

Particularly if you're dead.

LEG. BARRAGA:

I mean, as I understand, the notification went to a lady who had passed on.

MR. BROWN:

Well, that's not necessarily the case.

LEG. BARRAGA:

And was returned to the County Attorney's Office.

MR. BROWN:

That's not necessarily the case. And I'm sure that there are other people here from the Real Estate Department that could talk to you about procedure in general. But when -- when notice is given to a delinquent taxpayer, it's not -- there's not -- one letter is not given and then there's no -- there's never another attempt to give notice. The question is have the efforts that have been used by -- been used by the County adequately meet the notice requirements.

LEG. BARRAGA:

Has the Executor ever received notification?

MR. BROWN:

I can tell you -- I can tell you that notification was sent to a letter -- I'm sorry -- to an attorney whose name appeared on the will of the delinquent taxpayer.

LEG. BARRAGA:

But not the Executor?

MR. BROWN:

I can't say that, not at this moment. What I can tell you is that we also looked at the file. Personally the Chief Deputy County Attorney looked at the file, and she is satisfied that notice was properly given.

LEG. BARRAGA:

But never to the Executor.

MR. BROWN:

I can't speak to that. I can only -- I can tell you information that I know. But whether notice is given to the Executor or not, that's not a determinant factor. It's not whether the notice has been given to the Executor, it's whether or not the County has met its obligation with respect to notice.

LEG. BARRAGA:

Okay. One final question. So the notice goes out. As I understand, in this particular case, it was sent back to you. The lady had passed on, all right? So the notice goes out and it's sent back to you.

MR. BROWN:

Okay.

LEG. BARRAGA:

Are you saying that's sufficient as far as notifications is concerned, that now somebody has three years to do something about this, or was there other notifications that went out to other people?

MR. BROWN:

Well, those two questions -- if I may, with respect to the first question, I don't know if you're asking me that as a hypothetical question. Is notice -- you know, is notice to an Executor only sufficient?

LEG. BARRAGA:

In this particular instance, it's my understanding that the notice went out in the name of the person who unfortunately had expired, and the notice went back to the County. It was not deliverable.

MR. BROWN:

That was one letter only.

LEG. BARRAGA:

Are there other --

MR. BROWN:

Other efforts were made, yes.

LEG. BARRAGA:

Other letters or you say other efforts?

MR. BROWN:

Yes. Other efforts were made to provide notice to the delinquent taxpayer. And one of those efforts, a notice was given to an attorney in Bay Shore whose name appeared on the will. The fact that -- the fact that a letter in 2006 was sent by the Real Estate Department to a relative of the deceased delinquent taxpayer does not revive the claim after 25 years. There is a three year statute of limitations period.

LEG. BARRAGA:

I guess the other question I have is that where there any discussions between the Real Estate people or our office and the person who now comes forward and has paid \$50,000 in past delinquent property taxes that are paying the 50,000 and still are basically not getting the property back?

MR. BROWN:

I can tell you that -- I can tell you that Ms. Costigan was put on notice of that last year, yes.

LEG. BARRAGA:

That even though -- let's say using myself as an example, I paid you 50,000 to clear this thing away, no one told me I'm still not getting the property back, why would I pay the 50,000?

MR. BROWN:

That question I can't answer. I don't -- I do not know what happened between the who I think is the nephew of the deceased taxpayer and the Real Estate Department and the transfer of the \$50,000 and those discussions. I don't have that information.

LEG. BARRAGA:

It just seems logically that I would spent five cents much less 50,000 I would get a commitment from somebody in the County Government that if you've got this money, we clear this up and I get the property, otherwise, why would I give you anything?

MR. BROWN:

I can tell you what the position from a legal perspective, and that's that there's a three year statute -- there's a three year statute of limitations period and that after that expiration of that period of time, the ability to raise -- to raise objections to the deed are conclusively ended.

LEG. BARRAGA:

Thank you.

CHAIRMAN D'AMARO:

Okay. Is there any -- would you like to come up and just give us a little more insight?

MS. COSTIGAN:

Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes.

MS. COSTIGAN:

Couple of things going on here. You're absolutely right, the letter was sent to the dead lady, it was returned undeliverable, she's dead. There was no further notification. I mean, I have first-party knowledge. This gentleman has, you know, other knowledge. There was no further notification sent to anyone; not the attorney for the estate who was in Florida, not the Executor, nobody. So you have it exactly; how do you know what to do when there's nobody who's told you there's a problem?

Moreover, I was the Director of Real Estate. They redeem properties for more than three years all the time. This three year statute of limitations, if it exists is newly resurrected, shall we say, in this instance. It simply has not been the guiding light or the policy of the County.

CHAIRMAN D'AMARO:

If you had anything new. We heard that during the public portion. Thank you. Is there anyone here from Real Estate who would like to address the committee or is available to address the committee on this?

MR. THOMPSON:

Good morning.

CHAIRMAN D'AMARO:

Good morning, sir.

MR. THOMPSON:

Wayne Thompson with -- it used to be the Division of Real Estate, I guess, when you sent out notice. This property came to my attention as -- one of my jobs is the auction supervisor. In order to get property to sell you have to make sure that notice was given, not only legally, but in a business manner, meaning will they get titled insurance for it. If the title company won't insure it, I can't sell it, I can't offer it to affordable housing and wind up stinging someone down the line who can't get title insurance.

With that premise of, which I'm working out -- we're working out with the County Attorney, to make sure notices are more property and timely checked, that they are sent out at least during the first six months that we own it, if not prior to it. So with that in mind of a correction of how we send out notice and what is considered good notice, which I'm working out with the County Executive and the County Attorney, that puts a different light on how we perceive this situation, which we did put forward originally as a redemption, which I think that died here in committee because of the 25 year period which the County Attorney was excessive, and I don't disagree with that.

But realizing that my job at the time was to make sure that we can sell this property to get it back on the tax rolls to anybody who would take it. But having sold many properties in the past where a title makes an objection as to the signature on the certified letter or it came back deceased, which is even more questionable as to any notice, that's why that was -- this redemption was started. We still hold their monies. And it's a matter of how it's decided if they get their money through redemption or abandonment or do we hold it until we can make arrangements with a title company that will insure.

CHAIRMAN D'AMARO:

I'm a little -- I have a few questions about that. You see your function as insuring. If we're going to auction a property, we're going to deliver insurable title.

MR. THOMPSON:

True.

CHAIRMAN D'AMARO:

So what do you do? You take a look at the file and the history of the property with respect to the County, and you make a unilateral determination whether or not sufficient notice was given?

MR. THOMPSON:

Yeah, primarily taking the position of the title company who is going to -- - I mean, really that's not our position in government.

CHAIRMAN D'AMARO:

Is that part of your function to determine whether or not official notice or proper notice was given?

MR. THOMPSON:

That's one of the things I look at.

CHAIRMAN D'AMARO:

How many times a year do you find that proper notice was not given?

MR. THOMPSON:

Well, it's been a couple of years since we've had an auction, so I haven't been looking at that. And the procedures have changed where I get title reports within a month of our taking the tax deed.

And at that point, I start to look at them to see if we've given good notice. We're starting to do -- if we have to give more notice, we try to do it in the first couple of months.

CHAIRMAN D'AMARO:

What standards do you apply in determining whether or not sufficient notice was given?

MR. THOMPSON:

Basic -- my history and knowledge of dealing with title companies, knowing I have to get it insured in order to make the sale complete.

CHAIRMAN D'AMARO:

But isn't there a statutory requirement as to what constitutes proper notice for the County?

MR. THOMPSON:

The notice is supposed to be given prior to the taking of the tax deed -- actually, before we even take the tax deed. And like I said, that's something we're working out with the Treasurer right now. We may have to eventually do title searches, complete, title searches, prior to the tax deed.

CHAIRMAN D'AMARO:

All right. So -- just bear with me one minute.

MR. THOMPSON:

And the County Attorney is determining what is legally -- what we're responsible for.

CHAIRMAN D'AMARO:

Okay. But you're looking at the perspective of the title insurance company, which may say, "Look, even if you can establish to me that legally the procedure was followed, not going to deliver insurable title."

MR. THOMPSON:

That's true.

CHAIRMAN D'AMARO:

Okay. So your sending of any subsequent notice or doing whatever actions you feel you need to do really are not a commentary on whether or not legal notice was properly given, it's really a commentary on what is a title company willing to insure, what procedure are they willing to insure.

MR. THOMPSON:

It's more along the lines of business rather than legal, yes.

CHAIRMAN D'AMARO:

Does that vary from company to company?

MR. THOMPSON:

Yes. Some are hard cold.

CHAIRMAN D'AMARO:

Can it ever happen where you have determined it's not something a title company is willing to ensure or a particular title company is willing to insure, but yet the legal requirement has been met?

MR. THOMPSON:

I've approached that, but it still doesn't get me title insurance. What we have included --

CHAIRMAN D'AMARO:

No. No. That's not my question.

MR. THOMPSON:

Oh, I'm sorry.

CHAIRMAN D'AMARO:

My question is can it occur where a title company may say to you, "We will not insure that, but yet legal procedures were properly adhered to in giving notice"?

MR. THOMPSON:

Yeah, that's happened. Sure.

CHAIRMAN D'AMARO:

Did that happen in this case?

MR. THOMPSON:

Well, the County Attorney got involved after the fact of my saying it wasn't good title notifications.

CHAIRMAN D'AMARO:

You are not saying that. A title company is -- a particular title company is telling you they are not willing to insure.

MR. THOMPSON:

Oh, no. Not in this case, no. No title company told me that in this case.

CHAIRMAN D'AMARO:

Oh, you made the determination. So how do we know --

MR. THOMPSON:

Right. Because the letter came back, "deceased."

CHAIRMAN D'AMARO:

Okay.

MR. THOMPSON:

I knew from past history that that was not going to fly.

CHAIRMAN D'AMARO:

Okay. I take that as a given, but was the notice that was given sufficient from a legal perspective?

MR. THOMPSON:

Not recently. From what I understand of court, there's a recent decision, Flowers versus Jones, which says if a letter comes back "deceased," that's not good notice.

CHAIRMAN D'AMARO:

So even though there's a three year statute of limitations on challenging whether or not notice was legally sufficient, you believe that 25 years later, if you decide that no title company is going to insure, you can give another opportunity for someone to be notified of the fact of the taking of taking of the property.

MR. THOMPSON:

Yes. Although, as of a month ago, I've stopped any further movement along those that line until the Treasurer, the County Exec and the County Attorney are satisfied with the method that's done and when it's done.

CHAIRMAN D'AMARO:

But my question is, aren't then in effect -- so you are saying that if you send that notice based on

what's insurable, that you have the authority to supercede the statute of limitations period and the challenge period, you can reopen someone's opportunity?

MR. THOMPSON:

Yes. That's basically what I've done.

CHAIRMAN D'AMARO:

So you're -- even though the New York State Legislature passed a law that said you three years to challenge this, by your authority of sending a letter, you can overcome that time limitation?

MR. THOMPSON:

Good question, but it was the only way out that I could see to get rid of it.

CHAIRMAN D'AMARO:

Based on what you think a titled insurance company may do without ever asking the question.

MR. THOMPSON:

Right. My object was to clear the inventory of property.

CHAIRMAN D'AMARO:

Legislator Barraga.

LEG. BARRAGA:

I think he's answered every question. If it goes to court, I guess you will be a witness for the defense.

LEG. ROMAINE:

I'll put it out. Motion to approve.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

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

LEG. BROWNING:

I guess I'll second it. Don't want it to die.

CHAIRMAN D'AMARO:

Okay. There is a motion and a second to approve. There's a motion and a second to table. The motion to table would take precedence. I'll call the vote. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

LEG. BARRAGA:

Opposed.

CHAIRMAN D'AMARO:

All right. So the motion does not carry. There is a motion to approve pending, it's been seconded by Legislator Barraga. I'll call the vote. Any in favor? Any opposed?

CHAIRMAN D'AMARO:

I'm opposed.

LEG. ROMAINE:

I'll amend motion to approve without recommendation, that way it can be discussed on the floor.

CHAIRMAN D'AMARO:

Is there a second?

LEG. BARRAGA:

I'll second that.

CHAIRMAN D'AMARO:

There's a motion to discharge without recommendation by Legislator Romaine, it's been seconded by Legislator Barraga. I'll call the vote. All in favor? Opposed?

CHAIRMAN D'AMARO:

I'm opposed. Any abstentions? Motion carries. **DISCHARGED WITHOUT RECOMMENDATION (VOTE:3-1-0-1 - Opposed, Legis. D'Amaro - Not present, Legis. Mystal).**

All right. So that motion carried. The resolution is now discharged to the full Legislature on Tuesday to be considered by the full Legislature. And if you have any interest in being heard that day, we welcome you to come down and participate. Thank you.

1273. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Franklyn A. Farris as Public Administrator of the Estate of John Ondris (SCTM No. 0103-021.00-03.00-051.000).

LEG. ROMAINE:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine, I'll second and place on the Consent Calendar. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1274. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Veronic Botts (SCTM No. 0200-952.00-03.00-010.000).

Once again, this is a 16. Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1275. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 130 Suffolk Avenue Corporation (SCTM No. 0500-119.00-01.00-082.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1276. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Lehmann a/k/a John E. Lehmann (SCTM No. 0900-279.00-03.00-009.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1286. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Daniel Ayrovainen and Stacie Ayrovainen, husband and wife (SCTM No 0200-277.00-01.00-021.002).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1287. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Andre J. Sznicar and Maria Sznicar, his wife, as tenants by the entirety with rights of survivorship (SCTM No. 0200-586.00-03.00-041.000).

Once again, this is a 16. I'll offer the same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1288. Authorizing certain technical corrections to Adopted Resolution No. 134-2007.

I'll ask Legislative Counsel just for a very brief explanation, if you would.

MR. NOLAN:

This is a very minor technical. It corrects the name of a group to receive funding from Human Resources of the Hamptons Heart of the Hamptons, Limited, \$2000.

CHAIRMAN D'AMARO:

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

LEG. ROMAINE:

Second. Second by Legislator Romaine and to place on the Consent Calendar. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1289. Authorizing certain technical corrections to Adopted Resolution No. 1153-2006.

Mr. Nolan.

MR. NOLAN:

Very similar to the previous resolution, changing the name of a group that's to receive funding from St. Patrick Parish Ministry Outreach to St. Patrick's Family Outreach, \$6000.

CHAIRMAN D'AMARO:

I'll motion to approve and to place on the Consent Calendar, seconded by Legislator Barraga. All in favor? Opposed? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1290. To amend Resolution No. 683-2006.

MR. ZWIRN:

Mr. Chairman, if I might. This was with respect to the Regional Solid Waste Commission that Legislator Schneiderman authored. We had made the changes, I think it was with who was going to take the minutes and everything else, and the County Executive had worked this. We thought this was going to be withdrawn because it had already been accomplished. If it hasn't been -- and I ask Legislative Counsel if he knows if it hasn't.

MR. NOLAN:

It hasn't been withdrawn.

MR. ZWIRN:

Then I wouldn't stand in its way of approval, we'll just ask the sponsor to withdraw it before -- before the full Leg., that all. He can still withdraw it before the meeting. I don't it will change

anything, but it's something that we've already -- already done at his request.

CHAIRMAN D'AMARO:

Okay.

LEG. ROMAINE:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine to approve, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1294. Amending Resolution No. 2-2007, Rules of the Suffolk County Legislature.

I'll offer a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes, on the motion. I would prefer to defeat this as opposed to table. This is a motion that would limit our authority as Legislators. This is a piece of legislation that would not allow us discharge resolutions on the floor, we would have to file a discharge motion two days prior to the General Meeting. Oftentimes, at the General Meeting a consensus formed, and we have the ability to transact business on resolutions that may have tabled, and we may be able to get them discharged.

I'm always opposed to the diminution of Legislative power, I'm always opposed to limiting my colleagues to act as they see fit at that time. This would do that. I'd like to table -- I'd like to move to defeat this as opposed to table it.

CHAIRMAN D'AMARO:

I think a concern of the sponsor was also that it brings up the scenario where a bill can come before the full Legislature without it being on the agenda, and thereby, really no public notification that it was coming before the Legislature. But I think that's a valid concern, but I think when the vote comes up at the time of the Legislative meeting, that is one thing we do take account. And, you know, I think putting in this legislation is saying that we ignore that consideration, but I don't think that's the case. I think we're very mindful of that, and that is why this is not used excessively.

LEG. ROMAINE:

Right. And Legislators can always move to lay on table as opposed to approve, allowing it to come to a vote at the next full Legislative meeting if they don't feel that there's a consensus. But discharge motions have been made very infrequently over the last 15 months that I've been here. I think this is a resolution in search of a solution to a problem that doesn't exist. And it limits the power of the Legislature. So -- and I know that Legislator Barraga shares my concerns on this. He can certainly speak for himself.

CHAIRMAN D'AMARO:

Legislator Barraga.

LEG. BARRAGA:

Having part of the Minority at different levels of government for 30 years, I don't think this -- certainly any effort to take something away that the Minority can use, I have a problem with. I mean, minorities change. I mean, obviously both of these mechanisms have been in place for many

year. I just think from many different perspectives it should continue just the way it is.

CHAIRMAN D'AMARO:

I will withdraw my motion to table. Legislator Romaine, would you like to offer a motion?

LEG. ROMAINE:

Motion to approve for the purpose of defeating it.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. I'll call the vote. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRMAN D'AMARO:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. BROWNING:

Opposed.

CHAIRMAN D'AMARO:

The motion does not carry. **FAILED (VOTE:0-4-0-1 - Not Present, Legis. Mystal).**

1306. Adopting Local Law No. 2997, A Local Law to integrate Real Property Tax Service Agency and County Clerk Subscription Service Fee Program.

This is a local law requiring a public hearing, and on that basis I'll offer a motion to table.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present: Legis. Mystal).**

1315. Authorizing certain technical correction to Adopted Resolution No. 93-2007.

Mr. Nolan, if you would.

MR. NOLAN:

Yes. This is a correcting an earlier resolution that involves a grant to the Sheriff's Office. It's a minor technical correction. It doesn't affect the amounts.

CHAIRMAN D'AMARO:

I'll offer motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning and place on the Consent Calendar. All in favor? Opposed? Abstention? **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1319. Authorizing certain technical correction to Adopted Resolution No. 31-2007.

LEG. BROWNING:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Browning, I'll second, and place on the Consent Calendar. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

1320. Authorizing certain technical correction to Adopted Resolution No. 30-2007.

I'll offer motion to approve, seconded by Legislator Browning and to place Consent Calendar. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE:4-0-0-1 - not present: Legis. Mystal)**.

We're going to continue now in Executive Session, then when we're finished with that, we'll come back out to adjourn the meeting. Thank you.

(*AN EXECUTIVE SESSION WAS HELD FROM 11:01 A.M. UNTIL 11:36 A.M.*)

CHAIRMAN D'AMARO:

Motion to adjourn.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded. All those in favor? Opposed? We're adjourned.

(*THE MEETING WAS ADJOURNED AT 11:36 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY