

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 30th, 2008.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Brian Beedenbender - Vice-Chairman
Legislator Lynne Nowick
Legislator Vivian Vilorio-Fisher

MEMBER NOT PRESENT:

Legislator Cameron Alden - 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 - Deputy County Executive
Gail Lolis - County Attorney
Debra Alloncius - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:41 A.M.*)

CHAIRMAN D'AMARO:

Good morning, everyone. Welcome to the first Ways and Means Committee Meeting of 2008. Please rise and join us for the Pledge of Allegiance.

SALUTATION

CHAIRMAN D'AMARO:

Okay. Once again, welcome. And I'd like to start off the meeting by welcoming all of the new members to the Ways Weans Committee; our new Vice-Chair Legislature Beedenbinder -- Beedenbender, sorry.

LEG. VILORIA-FISHER:

You don't want to say Legislator Binder.

CHAIRMAN D'AMARO:

No, I don't want to say that. And also Legislator Viloria-Fisher has now joined the committee along with Legislator Nowick and Legislator Cameron Alden. Legislator Alden is going to be a little late to the committee. If he doesn't arrive, he does have an excused absence. He's dealing with a family personal matter.

Also, I'd like to announce right after the regular agenda we'll be going into Executive Session. So with that said, turning to the agenda, which is not too extensive this morning, we will go to new resolutions. I'll call the first. The first is resolution number -- was there any cards? Was there anyone here who wishes to address the committee? Just to make sure. Okay.

1002-2008. Authorizing preliminary work to be performed by County Departments, Division and Agency, to confirm a 1954 Resolution of Declaration of Highway Surplus by the County Board of Supervisors and for the further purpose of authorizing two additional small parcels as surplus adjacent thereto, all on CR 79 Bridgehampton-Sag Harbor Turnpike Right-of-Way, in the Town of Southampton, Suffolk County, New York (SCHNEIDERMAN).

CHAIRMAN D'AMARO:

I took a look at this. This is reconfirming a transfer that it looks like it took back in the 1950s. Mr. Zwirn, is there anything you could to add to that?

MR. ZWIRN:

Thank you, Mr. Chairman. Public Works, I think, is okay with this, but the County Attorney's Office just had some questions. It's not a controversial bill, so if -- discharge it to the floor so it can be voted on if everything is all cleared up on -- by Tuesday.

I think there was just some -- I don't know if it was the description of the property. There might have been some minor glitch, but I don't think there was anything that is nefarious here. So if it was discharged to the floor without recommendation, perhaps by Tuesday -- I don't see anybody from the County Attorney's Office here right now, so.

CHAIRMAN D'AMARO:

Right. Were we expecting anyone from the County Attorney's Office? Maybe we could just put this off and give them five more minutes to get here.

MR. ZWIRN:

I'm not sure. With Executive Session, I expect somebody would probably be coming over. But even so, I don't -- if it got to the floor, so that that way it could be acted on in the event that everything

gets worked out, we don't have any objection to it.

CHAIRMAN D'AMARO:

Okay. Then on that basis, I'll offer a motion to discharge without recommendation.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Beedenbender. All in favor? Opposed? Abstentions? So moved.

DISCHARGED WITHOUT RECOMMENDATION.

(VOTE: 4-0-0-1 - Not Present - Legis. Alden)

Next is **1006-2008. Adopting a Local Law, a Charter Law to streamline the process by which resolutions and Local Laws are introduced (ALDEN).**

That requires a public hearing. I'll offer a motion to table for a public hearing.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries.

TABLED (VOTE: 4-0-0-1 - Not Present - Legis. Alden).

Next is Resolution **1013-2008. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John A. French a/k/a John French and Kimberly C. French a/k/a Kimberly French, his wife (COUNTY EXEC).**

This is a 16. It is a conveyance as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden).**

Next is Resolution **1014-2008. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Deloris Smiley, a married woman (COUNTY EXEC).**

I'll offer a motion -- this is a 16. I'll offer a motion to approve and place on the Consent Calendar.

LEG. BEEDENBENDER:

Second.

LEG. VILORIA-FISHER:

May I ask a question. Why does it say, "a married women"?

CHAIRMAN D'AMARO:

I just read what they put in front of me.

LEG. VILORIA-FISHER:

I didn't say what did you say. I was asking why --

CHAIRMAN D'AMARO:

It's on my agenda that way, which -- Mr. Kent, help me out here.

MR. KENT:

Title was originally taken by husband and wife, but the husband has not been located, and we don't have proof that he's -- that he's deceased. So we're -- you know, we're working with the title company on trying to describe it -- to entitle the deed the way they want it to be titled. And that's the best we can come up with right now.

LEG. VILORIA-FISHER:

So if the wife had not been located it would have been, "Mr. Smiley, a married man?"

MR. KENT:

The wife is here. The wife is around.

LEG. VILORIA-FISHER:

No. I'm saying is it were the reverse situation it would have say, "a married man?"

MR. KENT:

Probably, yes. The title company is -- how we're coming up with the way we are doing the title on this. Okay? We're working with them on it. The problem is we haven't located the husband, and he has interest in the house. And she's selling the house, this is a simultaneous closing. So this is what's called an advanced resolution where the monies that are going to be received under this resolution are going to be taken at the closing at the time that it's sold to a third party. She's going into a nursing home. There's a lot going on in this transaction.

CHAIRMAN D'AMARO:

Okay. So the -- "a married woman" is put there because -- because it's just a technical way of making it clearer, I guess, when they go through the research of the title or how title would be taken and what the legal affect of being married as opposed to not married would be.

MR. KENT:

What they're trying to do in this title is extinguish his rights without him being located. Nobody can locate him. We've been working on it for a few months. This has been going on for years. She's been in the house, we've been trying to get her out of the house. She's paying license fees, she has a guardian ad litem in a case before -- in a landlord-tenant case. This is a very -- this is a law school transaction where you testing you on many facets of the law in one -- - in one -- in one transaction.

CHAIRMAN D'AMARO:

All right. Once again, I'll offer a motion to approve and place on the Consent Calendar.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? Motion carries. Resolution is approved. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

Next is Resolution **1017-2008. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Beckham and Schaune Beckham (COUNTY EXEC)**.

This, once again, is a Local Law 16, as a matter of right. I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

1018-2008. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bruce MacDonald a/k/a Bruce L. MacDonald (COUNTY EXEC).

I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

1019-2008. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Motel on the Bay Owners Corp. (COUNTY EXEC).

Another 16. I'll offer a motion to approve.

LEG. BEEDENBENDER:
Second.

CHAIRMAN D'AMARO:
Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? And the motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

1024-2008. Authorizing certain technical corrections to Adopted Resolution No. 1105-2007 (COUNTY EXEC).

A technical correction deleting plus and minus signs on the prior resolution. I'll offer a motion to approve and place on the Consent Calendar.

LEG. BEEDENBENDER:
Second.

CHAIRMAN D'AMARO:
Seconded by our Vice-Chair Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

1030-2008. Authorizing certain technical corrections to Adopted Resolution No. 1000-2007 (COUNTY EXEC).

Same explanation as the previous. Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

1031-2008. Authorizing certain technical corrections to Adopted Resolution No. 1129-2007 (COUNTY EXEC).

Same explanation. 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. Alden)**.

LEG. VILORIA-FISHER:
I'm just curious. I'm sorry.

CHAIRMAN D'AMARO:

Sure.

LEG. VILORIA-FISHER:

All right. Were these amounts that had been approximate and now they're certain? Is that what happened with this?

MR. KENT:

These are transactions where in the contract we approved to pay a certain amount per acre based on a final survey. The survey verified that the amount of acreage that we had in the original resolution was accurate.

LEG. VILORIA-FISHER:

Okay. So it was precisely that you had had an approximated number and now it's a definite number.

MR. KENT:

That's correct.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRMAN D'AMARO:

Yeah. And we see this type of resolution throughout the year.

LEG. VILORIA-FISHER:

I haven't been on Ways and Means for a few years. Thank you.

CHAIRMAN D'AMARO:

Next is **1032-2008. Adopting a Local Law in relation to disposition of auction properties (BROWNING).**

Requires a public hearing. I'll offer a motion to table for public hearing.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by our Vice-Chair Legislator Beedenbender. All in favor? Opposed? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 - Not Present - Legis. Alden).**

1033-2008. Adopting a Local Law to establish a prompt contracting policy for not-for-profit organizations (MONTANO).

Also requires a public hearing. I'll offer the same motion, same second, same vote. **TABLED (VOTE: 4-0-0-1 - Not Present - Legis. Alden).**

1035-2008. Adopting a Local Law to establish a notification requirement for consultant contracts (MONTANO).

Requires a public hearing. I'll offer the same motion, same second, same vote. **TABLED (VOTE: 4-0-0-1 - Not Present - Legis. Alden).**

1036-2008. Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to the Estate of Ronald Deconza by Patricia Murphy as Administrator (ROMAINE).

So this is a section 215. The time to redeem has expired, and this is based on an explanation from the applicant. Is there anyone here to address this resolution today? Anyone -- the Administrator or anyone in support of the resolution? Mr. Kent, are you aware of the facts and circumstances supporting the resolution?

MR. KENT:

Well, to a limited extent. This was an estate -- quite frequently, we have notice problems when we try to contact estates or there was not actual notice received by the parties of interest. So they go -- but once it goes beyond the 216, and we feel we've given them the opportunity to have had notice, we don't have to send them out another Mennonite Notice. But there are reasons that they did not redeem within the six month period. They go to their Legislator. We don't have any opposition to this. We have collected the arrears, and we are just waiting for Legislative approval to collect the '07-'08 taxes and let the property be reconveyed back to the prior owner, which is in this case is an Administrator for an estate.

CHAIRMAN D'AMARO:

Right. On my review of the file there's an application for recovery of real property acquired by Suffolk County included in the backup to the bill. And Section 4 of that application gives a description of extenuating circumstance, which would justify passing the resolution based on the applicant's assertions. And it says, "Last private owner of record died on October 14 of '03, 2003. After his death, court proceedings were commenced to name an Administrator of his estate."

And I looked at the backup further, and it took about two years to get the Administrator appointed. During that period, the application goes on, "taxes for the property were not paid. The estate has been the subject of strong and combative litigation amongst family members." So it sounds to me like the owner had passed away and it took several years for the administration of the estate to really come forward, especially with the litigation. And during that time period, the taxes were not paid. So I can support the resolution. I'll offer a motion to approve.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Nowick. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries and the resolution is **APPROVED (VOTE: 4-0-0-1 - Not Present - Legis. Alden)**.

That concludes our agenda for today. We're going to now adjourn into Executive Session. We will be right back. Thank you.

(*AN EXECUTIVE SESSION WAS HELD FROM 9:56 A.M. UNTIL 10:11 A.M.*)

CHAIRMAN D'AMARO:

We're back. Motion to adjourn.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by our Vice-Chair Legislator Beedenbender. All in favor? Opposed? Motion carries. We're adjourned.

(*THE MEETING WAS ADJOURNED AT 10:12 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY