

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, 725 Veterans Memorial Highway, Smithtown, New York on April 22, 2009.

MEMBERS PRESENT:

Legislator Lou D'Amaro, Chairperson
Legislator Brian Beedenbender, Vice Chair
Legislator Cameron Alden
Legislator Lynne C. Nowick
Legislator Vivian Vilorio-Fisher

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Gail Vizzini, Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Kevin Duffy, Budget Review Office
Debra Alloncius, Legislative rep for AME
Paul Perillie, Aide to Majority Leader
Thomas Ryan, Aide to Leg. Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Kara Hahn, Director of Communications
Greg Moran, Aide to Leg. Nowick
Rick Brand, Newsday
Pamela Greene, Assistant Director of Real Property & Management
Gary Quinn, Commissioner of Department of Information Technology
Pat Connelly, DOIT
Doug Miller, DOIT
Debbie Seminario, DOIT
Leslie Baffa, Civil Service/Risk Management
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 10:11 AM

CHAIRMAN D'AMARO:

Good morning ladies and gentlemen. Welcome to the Ways and Means Committee of Suffolk County Legislature. Please join us in the Pledge of Allegiance led by Legislator Lynne Nowick. Thank you.

SALUTATION

Okay, once again, good morning. There will be an executive session immediately following the regular agenda today. To the Clerk, have we received any cards for the public portion of our meeting?

MS. ORTIZ:

No, sir.

CHAIRMAN D'AMARO:

Is there anyone present who would like to address the Committee this morning? For the record, there's no response. All right.

PRESENTATION

The next item on the agenda for this morning is a presentation by Gary Quinn. Mr. Quinn, welcome. Please come on up. Mr Quinn is the Commissioner of Information Technology for Suffolk County and he's going to update us today on the County's Project Sunlight Implementation Plan.

COMMISSIONER QUINN:

Thank you very much, Mr. Chairman. And good morning to the rest of the Committee.

We were asked to provide to this Committee as per resolution number 964-2008 to conduct a feasibility study regarding the opportunity for Suffolk County to produce a website that would be similar to what the New York State Attorney General has provided to the constituents of New York regarding information for a more transparent government.

So with that being said, I provided to each of you an electronic version of the presentation as well as some supporting documentation. We'll follow along with the PowerPoint, but the details are in a scope and description of the project document that should be in your hand-out that's coming out now or something that you have online.

Okay. So, with that being said, we went out and met with the New York State Attorney General's Office. Actually didn't meet with them, first; we did it by conference call; reviewed their site in detail and looked to put together a proposal for building a similar site with information from Suffolk County.

So with that, the idea was to make available on the website campaign finance information, member grant items, legislation that was being conducted by Suffolk County, lobbying activity, County contracts, mission statements for all the agencies within the County and then links to all of the Suffolk County elected officials.

So on the first slide here, this is just a summarization of the cost associated with doing this, but before I actually get to that, in the draft description itself, a lot of the work that needs to take place here is a gathering of data from individual agencies. At this point in time, those agencies are the

contract systems, the Board of Election information, as well as some information from the Legislature here.

As part of the resolution, the question was could we get that information, do we anticipate any problems obtaining the information? And in working through those three organizations, we do not believe that there is any impediments to obtaining the information on a regular basis, ensuring that it could be published through the website. And the only thing that we would ask of those individual groups would be to, let's say, scrub the data for validity. And what I mean by that is that we are not going to provide any validation of the information that comes from the agencies. So if the agency itself provides us incorrect information, we're going to wind up publishing incorrect information. So we'll have to work closely with them.

The New York State Attorney General found the same situation. They do not scrub the data also. As errors are found in the information, they go back to those individual agencies and then they basically have it corrected.

I would say, and I have with me Doug Miller, who is the Director of IT for DOIT as well as to my right Debbie Seminario, who is in charge of applications in the databases for the County as well as the Project Manager Pat Connolly. Our meetings with all of the agencies were very receptive. We had no issues with them. And I know that was of a concern to some folks.

As I mentioned, labor is a big component to this because the only thing that we're really looking to purchase is a little bit of hardware and the primary cost of that other component is a search engine, which New York State used on the AG site. We figured we would use the same technology, it's been proven, it works. But the cost itself really revolves around using a number of programming people from -- with the existing DOIT staff, all right. We are not looking to retain in this proposal any outside consulting.

But with that being said, some of the demands that are being placed upon the DOIT staff with many of their reductions that are going on, we currently have four website specialists today that would be part of doing the work for this website. We are potentially losing two of them through the current activities that are going on with potentially losing some staff there.

In addition to that, we will need approximately two full-time programming people -- four full-time programming people for about half a year. What happens is during the startup mode, there's a lot of work that needs to be done of gathering the information, getting it onto the website, working through issues. Subsequently, we think we can do that with four people part-time or two people full-time. In the follow-on years of year two and onward, it's really not that much work. It's about ten hours a month of maintaining the information, updating it and taking requests. All right.

So in looking at the numbers here, like I said, we use numbers that were all based upon using County labor and using County contracts for acquiring the technology as far as hardware goes and the software that the AG, Attorney General used in New York State.

Another component after we would build a website and publish the data is to provide as part of the New York State Attorney General's rollout of their website, is they provided some training videos on the site. And the purpose of doing that was, is that we have to remember that most people at home are not very computer literate. The purpose of the site is to make it easy to navigate, to be able to find information by using some simple queries of putting in somebody's name, using a few letters from their name, a company name or organization's name.

So with that, I'll just share a little bit here, we would like to do the same thing that the Attorney General had done so that people can actually get to the information. All the information in most part is public information and could be obtained, but it's kind of difficult to get. So if you know where to look you can find it. If you FOIL it, you can find it. But here the purpose, I understood it, was to make it very easy for someone to find information. And so therefore that's why we do need the

search engine to actually perform that. Yeah, go ahead, sure.

LEG. BEEDENBENDER:

No, no, I couldn't tell if you were done.

COMMISSIONER QUINN:

I'm kind of -- this is the first time being here so I just thought -- I didn't know if you're going to ask me some question along the way, do you want me to kind of go through it? It's not -- I guess it's not that complicated so I just put a couple of backup slides to it. And I think it is very doable. I mean, I think the idea was to come through and present a number of documents to support whether it could be done or not, and how much would it cost to be done? And I guess what I'm saying is, yes, it can. And it would just be a matter of, you know, how to proceed from here.

CHAIRMAN D'AMARO:

Okay. Well, that's fine. We appreciate your presentation. It was thorough and it's the information that we're looking for. But we're kind of like bottom-line folks here.

COMMISSIONER QUINN:

Okay.

CHAIRMAN D'AMARO:

So, you know, we'll certainly have questions for you today looking -- especially having gone through the Budget Committee Meeting yesterday where we're having all kinds of issues with revenue, you know, we are concerned about cost. We are concerned that if we go ahead, that it's being done most efficiently. We are concerned about how successful it would be and really how easy it will be to use because this is something that's intended not specifically for us in government but for people, taxpayers out there, who want access to this information without having to be trained in search on the internet.

So those are some of the areas that -- it looks like you've made great progress though. It's very broken down in your report here as to what the expenses would be and maybe you could start off by going through that.

COMMISSIONER QUINN:

Okay.

CHAIRMAN D'AMARO:

Doing it in-house. I think you also had a breakdown with respect to doing it somewhat through consulting. You know, tell us your preferences, tell us what the bottom line is and which way you would recommend.

COMMISSIONER QUINN:

Okay. So if I come back to the first slide, basically as I mentioned, it's primarily a labor project at the end of the day. And we estimated approximately 3000 hours of labor. I actually would prefer to do the project in-house. It depends on how quickly you would like the site up and available. But if we do it in-house, we're a little bit more in control of our own destiny.

CHAIRMAN D'AMARO:

What is the 3000 hours? I mean, a normal -- well, I know for an attorney normal time would be roughly 2000, 1800 to 2000 hours. You're going to 3000 hours of time. I mean, you buy the hardware, you obtain the software or do you have to actually design the software, is that where the labor is going in?

COMMISSIONER QUINN:

Right. Basically what you do is you would buy hardware servers, okay. Then we would purchase the search engine software. That would come from a company. And then we'd have to custom build

the website.

CHAIRMAN D'AMARO:

Okay.

COMMISSIONER QUINN:

And it's not like there's a packaged website. The Attorney General has not offered to give us their, say, website, in a template format. And then we could just populate it with our own information. So we have to build the website from scratch. And that's --

CHAIRMAN D'AMARO:

So you have to obtain all the data that goes into the website. Is that --

COMMISSIONER QUINN:

Well, the data today is available from the three agencies that we met with to satisfy this requirement. It's in a format today of different -- it could be in an access database, some could be in a spreadsheet, some can be in a flat file.

That data then needs to be pulled into a database behind the website so the server has -- the hardware server has the hardware itself; then there's a database that sits on that hardware. That's where all the data gets populated into. And then there's a website application on the front end, that is what the user sees, that they would then go onto and actually put in information for the search. And then it would pull it back and present it to the screen, to the individual end user.

So you have to build it from scratch. So what we're estimating is 3000 hours is approximately between number of people, four full-time staff for half-a-year and some other supporting folks that come from building the server, building the database, backing it up, making it readily available that are non-application specific.

CHAIRMAN D'AMARO:

And the bottom line cost of doing that in-house is up on the screen right now.

COMMISSIONER QUINN:

So just to be clear on this, where the asterisk is, is that labor exists today in the County.

CHAIRMAN D'AMARO:

Right.

COMMISSIONER QUINN:

Okay, so that's not an incremental cost. I was just giving you a full picture of what it does cost. The incremental cost to the County is \$101,000, in the first year to buy the hardware, to buy -- and that's primarily to buy the hardware.

On this next page here, to buy the intelligence search software, which is a bulk of that \$78,000. And then ongoing cost is about \$14,000 a year, which is really the maintenance to the vendor for the search software. The labor exists today in the County.

CHAIRMAN D'AMARO:

So the ongoing cost for the software is 14,000 roughly.

COMMISSIONER QUINN:

(Indicating yes)

CHAIRMAN D'AMARO:

Annually. And then the manpower and the time spent to keep the data up-to-date; Right?

COMMISSIONER QUINN:

Correct.

CHAIRMAN D'AMARO:

Okay, okay. Yes? Just before you go, Legislator Nowick, is there anything else you want to present before we go more into questions?

COMMISSIONER QUINN:

No. I just wanted to make sure that you understand that we are following the same look and feel as the Attorney General's website. Because I think you had a presentation on that and I believe that it is a friendly site. We've used it a bunch amongst ourselves. I even tried -- let some people at home try it. It is a nice site. So we would do something similar to them in context. You'd have the same search capability.

What it does not allow you to do is to tie out information across -- same thing as the AG website, which is that you have contracts, you have member grants, and then you have basically campaign contributions. You cannot tie out across the three sources, but you can search within each of the sources.

CHAIRMAN D'AMARO:

Okay. I think the site provided by the Attorney General cross references that information. Doesn't it?

COMMISSIONER QUINN:

No. It actually goes into each individual data source.

CHAIRMAN D'AMARO:

It does.

COMMISSIONER QUINN:

You go by category of type of information.

CHAIRMAN D'AMARO:

And at the beginning of your presentation, you stated the areas that -- of disclosure. Just give those to me again. What were those areas?

COMMISSIONER QUINN:

Those will be -- they'll be the campaign finance contribution information coming from the Board of Elections. It'll be member item grants that come from the Legislature. And in addition to that, it'll also be the County contracts that come today from the County Exec's contract database.

CHAIRMAN D'AMARO:

And you said -- did you say something about lobbying?

COMMISSIONER QUINN:

There is a some stuff about lobbying activity. It's inconsistent in that we can produce that information, but it only -- it depends upon the lobbyist registering with the County. So I guess you're not required to register as a lobbyist that does business in the County. And if you did, then we could also produce that. But it'll only be as -- it'll be a partial view because of the fact that people are not required to register.

LEG. BEEDENBENDER:

They are required to register, just not very many of them do.

CHAIRMAN D'AMARO:

Right. Okay. All right, Mr. Quinn, thank you. We do have some questions. We'll start with Legislator Nowick, then Viloría-Fisher and then Legislator Beedenbender.

LEG. NOWICK:

Mr. Quinn --

CHAIRMAN D'AMARO:

And good morning, Mr. Presiding Officer.

LEG. NOWICK:

Good morning.

P.O. LINDSAY:

Good morning.

LEG. NOWICK:

I'm not very computer savvy, but I just wanted to ask two questions. Using the manpower that you discussed and you said there is in-house manpower, but would we then be short for using that manpower for other things? Would we then have a problem and be looking to hire somebody else? If they're going to be using 3000 hours is it -- 3708 hours, I wonder if in the long-run that still will cost more money because those employees would have been doing something else. That's what I'm wondering. 3708 hours, were they sitting -- they weren't sitting there not doing anything those hours so somewhere along the line, I would hope, somewhere we have to make up those hours. That would be an issue, I think.

And the other thing I wanted to ask was that the Attorney General has this particular software. Do they have this software, the Attorney General's Office?

COMMISSIONER QUINN:

That's correct. They have a Project Sunlight website today for New York State and they have this application already. They built it just like we're going to build it from scratch and then they also bought the search software to search the site.

LEG. NOWICK:

And I don't know much about computers, but if they built it already -- built the software already, there's no way that we could take it already built and integrate it into our system without using all 3700 man-hours?

COMMISSIONER QUINN:

If the -- this is something that we talked about, if the -- there's a couple of options here that we have not explored. If the Attorney General was willing to give the application to entities like the County or others, that would be very helpful. It would certainly significantly cut down on the amount of manpower required to get the site up and running. You could almost say move to a maintenance mode, you know, second year mode because of the fact that we have now the application; we just have to populate it with the specific County --

LEG. NOWICK:

Because that might be worth looking into and that would -- the question then about the 3700 hours would be a moot question or possibly some of it would be.

COMMISSIONER QUINN:

Yeah, it would be significantly reduced. We'd be in a year two of say maintenance, you know.

LEG. NOWICK:

Yeah, so maybe we can save --

COMMISSIONER QUINN:

A couple of hundred hours a year versus --

LEG. NOWICK:

-- money that way if that was looked into.

COMMISSIONER QUINN:

Correct.

LEG. NOWICK:

Thank you.

CHAIRMAN D'AMARO:

Is that commercial software or is it proprietary to the Attorney General's Office? Do we know that?

COMMISSIONER QUINN:

It's the Attorney General's intellectual property. It's similar just like if we built it here, we could license it to somebody else and we could even potentially license it if we wanted to for free because it's the benefit of other governments. We talked about it. We haven't gotten a definitive response as to whether that would be -- because see once the Attorney General got into that, if we had problems with the application, they would have to then support us and maintain it for us. We could also maybe have them give it to us and then to say, kind of, as is, and then we wouldn't ask them for any assistance in the future.

CHAIRMAN D'AMARO:

And that could be worked out in a license agreement and also we could train someone in the County to service the software if the need arose.

COMMISSIONER QUINN:

Correct.

CHAIRMAN D'AMARO:

So there are options. Okay. Legislator Nowick, is that it?

LEG. NOWICK:

Yes.

CHAIRMAN D'AMARO:

Legislator Viloría-Fisher, please go ahead.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. And Legislator Nowick asked the most logical question, which is the question that I also had, if we had people committing over 3000 hours, then what happens to the jobs that they're currently doing? And then that becomes exacerbated by the threat of layoffs if you're going to be -- if there are two people on that list, then your department would be pretty much eviscerated regarding stretching the hours of all of your staff to do all of the various functions.

What would the impact of losing those two people have on this project? Would you be able to go forward with it? Because I think you said you'd be losing two -- not two programmers, right?

COMMISSIONER QUINN:

We're losing two of our web specialists and we also are losing a programmer.

LEG. VILORIA-FISHER:

Web specialists.

COMMISSIONER QUINN:

To answer your question, the current staff that we have today and the current workload that we have today, we couldn't start the project now. We have to start it later on in the calendar year preferably at the beginning of 2010, considering the amount of work that we have to do to support the applications of the County.

Some things that are happening at the moment is that we do have some website people, we have four of them today that work on the County's website as well as a number of other websites that people provide services to the community for. We're doing some work right now for the Film Commission folks. We're redoing the purchasing website to make it easier for people to get information for RFP's. Also for people to inquire upon where contracts are and where documents are.

So we are doing a lot of work across the County now because many people were doing that with outside consultants. They have been removed from the County and so that workload's been placed upon us. So we're building up a back load -- a backlog on website application development.

In addition to that there's underlying programming that gets done with some programming folks. And we've also been asked over the last few months to go out and assess the application portfolios of a number of departments across the County and to take on the work of maintaining and modifying those applications for those departments with existing staff, with no increases to our existing staff.

So we are a little taxed right now. To answer your question pointed, I can't start this until -- unless you tell me, if you told me I need you to start in June, I would rearrange our schedules of work and start this up as a priority and go forward. I really would prefer not to do that until sometime in beginning of 2010. We would deliver the application by the middle of the year till the fall. And then after that would be ongoing kind of maintenance, which I don't think would be a big burden for us. But if we continue to get more work from outside departments of the DOIT Organization, we're going to need some help. We're pretty stretched right now, to answer your question.

And if we lose those people, I'm not sure when I can start that, okay, at this time. And that's why I did provide some -- a kind of a poor man's version of the website, which would be, we'll build a website that's not as, say -- it'll be nice looking, but it won't be functionally as -- it won't be as functional as the NY Attorney General, New York State Attorney General's, but it'll have links to the data in their current kind of say, ugly format. And it won't have search capability. So that's like kind of a poor man's version of it.

I met with Legislator Beedenbender and I really would prefer not to do it that way just because I don't think that that's the presence that we want to bring to the constituents. I think we should do it in a way that says that we are trying to get the information to them and we are trying to make it easy for them because they're not, you know, IT specialists.

CHAIRPERSON VILORIA-FISHER:

If we're going to do it, do it right.

COMMISSIONER QUINN:

Correct.

CHAIRPERSON VILORIA-FISHER:

And my second question again, was already presented, which was what would preclude the AG's Office sharing with us; it would certainly seem during these difficult economic times that we should be trying to save money with the help of the state. And you answered that.

My third question was, what are the three agencies that you referred to? Maybe I missed that in your presentation. You said you were working with three agencies.

COMMISSIONER QUINN:

It's the Board of -- the Board of Election.

LEG. VILORIA-FISHER:

Okay.

COMMISSIONER QUINN:

The Legislature itself and the County Executive's Office.

CHAIRPERSON VILORIA-FISHER:

Oh, okay, okay. So it's agencies within the County that you were talking about.

COMMISSIONER QUINN:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you very much.

CHAIRMAN D'AMARO:

Okay. Just one point of clarification, when you're talking about having the staffing available and the man hours available to do this type of project, are you saying that you would -- if this project was a go, it would go into the loop, it would be scheduled probably to begin next year because the tasks you're working on now have a finite timeline to them? Or is it what you're doing now is always ongoing and so it'd be more difficult to start it in the new year?

COMMISSIONER QUINN:

The --

CHAIRMAN D'AMARO:

I mean not knowing what else might be put onto you during that time period for the rest of 2009, but I'm just trying to get -- in other words, your resources, your department is being utilized more and more in-house to do these various things that you were just speaking to. But what I want to know is that ongoing? Or is that something that, okay, you know what, this is a project, has a beginning, a middle and an end, and it ends. And three projects will end by the end of the year so we could fit this one in?

COMMISSIONER QUINN:

So to answer your question, what we have is we have Project Work and then we have ongoing maintenance. So Project Work would be in the case of the Purchasing Department requiring a new purchasing website as well as the underlying application to that. We would go meet with them, understand their requirements just like we've done with Project Sunlight, put together a project plan, scope out the manpower and then indicate when we can start working on that project.

And then to your point, it starts, there's a middle, it ends, it's delivered. And then what happens is then you have ongoing maintenance to that, so the users will ask for, you know, could we get this feature, could you move this screen over here, as well as there could be bugs in the code itself as the people are using it and report that too. The ongoing maintenance is significantly less. It does build up as your portfolio builds up, but it's the big -- it's the projects initially starting them and completing them that take time anywhere from six to twelve months.

CHAIRMAN D'AMARO:

Right. So given that, without any additional workload being -- projects being placed on you other than this, and assuming no layoffs in your department, could this project be done with present staffing beginning in 2010?

COMMISSIONER QUINN:

Yes.

CHAIRMAN D'AMARO:

Okay. That's what I want to know. All right. Thank you. Legislator Beedenbender.

LEG. BEEDENBENDER:

I'll defer to --

LEG. NOWICK:

Go ahead.

LEG. BEEDENBENDER:

All right. First of all, thank you, Gary, for -- and all your staff, Doug, Pat, everybody and Debbie, right? Yeah, thank you for all the work. I know we met several times.

We had talked about, you know, on the first slide and the one that's still on the screen that says that you need four full-time staff for 26 weeks and I'm -- and we also discussed many things we just talked about now, the burden that's being placed on your department or the responsibility, I should say, that's being placed on your department as things get tighter in the budget.

So one of the things we had discussed is, first off, we couldn't have them start tomorrow even if we wanted to because they don't have \$101,000 to go buy something. So that will be our responsibility as a Legislature to either address it in the 2010 Budget. Or if it's possible, I guess, some of this would probably qualify under Capital. But it's just probably more appropriately addressed in the budget rather than to bond out the equipment for this. So what I would envision, you know, since the legislation to direct this study came from me, at least how I would like to move forward is I think 2010 makes the most sense. And while you said four full-time staff for 26 weeks, I understand that, you know, this is fluid so I'd rather you have the time to do it right and not rush and have the time to address all the other needs.

So I would be hopeful that -- you know, I don't know how the numbers are going to look once we get to 2010 because I don't know what it is, but if we can address it in the 2010 Budget and this way in November you would know, *okay, we have funding available to go ahead and purchase whatever equipment we need for 2010*, I think that allows you a better opportunity to schedule it for whether it's six months, eight months, the whole year of 2010 to get this done. But I do think it's important. I know we have -- the funny thing about government is we have 4 million priorities and they're all number one. But I do think this is a priority. And I think it's important and it's a good tool for the public to be able to see how we spend their money because it's theirs not ours.

So I just wanted to say thank you for the -- this is -- like I said to you the other day at the meeting, we get a lot of presentations and we get a lot of reports. It's my personal opinion that many of them are not thorough and give us a complete picture, but I think this one is thorough and does give us a pretty complete picture of what we're looking at and what we would need to do to implement this. So I just wanted to say thank you for that.

COMMISSIONER QUINN:

Thank you.

CHAIRMAN D'AMARO:

All right. Mr. Presiding Officer, did you have a question?

P.O. LINDSAY:

It really isn't about this subject, but I haven't had an opportunity to have a discussion with Mr. Quinn since he's joined the County. And it's kind of generic in -- I really don't understand totally

what your department does. I know, you know, that you coordinate all the computers services for the County. Are you the keeper of all the records of the County, too? I mean, do you have access to all sorts of information?

COMMISSIONER QUINN:

Not all. We have some. The DOIT Department, I think there was some intention along the way to -- a couple of years back to do some type of centralization of technology and technology services throughout the County. At the moment the DOIT Department is providing some common services around, networking, data and voice connectivity throughout all the different locations that the employees reside in, setting some standards around, the types of equipment people will purchase. The way that those environments would be secure, but in the case of security it's more of an advisement versus an enactment or you must do it this way.

The information that we hold for people centrally is the IFMIS system, which is say the accounting system, the general ledger of the payables, the recordkeeping there. We also hold the payroll system for processing payroll for the County and for all the different bargaining units.

But almost every department inside of Suffolk County is a microcosm of kind of what the DOIT Department does. There's different levels of that, you know, some might just be providing their site support to organizations and others may be providing almost the same level of support that the DOIT Organization, it's almost a replication of our department to another department in a large department.

So to answer your question, do we hold all the data and all the records for the County? And the answer to that is no.

P.O. LINDSAY:

Okay. If a citizen wanted information and filed a FOIL request, would that come to your department or would it come to the individual departments that you're holding the records for?

COMMISSIONER QUINN:

It should go to the department that is holding that data, that information. That information could reside with us. And if somebody said to that individual department, we don't hold our data here, we hold it somewhere else, then I guess they would forward that request to that particular department.

P.O. LINDSAY:

Okay. Do you have a FOIL Officer?

COMMISSIONER QUINN:

I just found out that we do have one recently.

P.O. LINDSAY:

Okay. You didn't know he existed before?

COMMISSIONER QUINN:

No, I did not.

P.O. LINDSAY:

Okay.

CHAIRMAN D'AMARO:

Was he coming to work everyday?

(LAUGHTER)

Legislator Vilorio-Fisher, please go ahead.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. In your answer to the Presiding Officer you reminded me of an issue that we had brought up and discussed before you were on board, which was centralization of information -- centralizing information and remote access. We see a great many problems in the Department of Social Services where there might be information about a client in one database and a client -- a person working with a client would have to reenter the information on that client because it's in a slightly different database, you know, food stamps as opposed to Medicare as opposed to TANF grants. Have you been working with the Department of Social Services to help to centralize their information or to at least integrate their databases? Or is that something you are looking to do in the future?

COMMISSIONER QUINN:

I'd have to say, am I working on getting that? I think we talked about that even when I went through the appointment process. I think that is something that should be done for the County so that a citizen can move around throughout the County and not have to continually reenter their information.

The most logical one at the moment is, you know, as we move down the path of electron medical records, if somebody goes into a health center in Coram and a day later goes to a health center in Selden, why do they have to fill out something on a clipboard? And we don't have all their records and we don't have their information so they could basically move from center to center and get services and maybe even beyond those centers.

The same thing in the case of Social Services, we should be looking to do the same type of a project. I know in working with the County Clerk, they were putting forth, and I believe it might have come forward, I don't know if it did or not yet, the idea of an enterprise data model for the public.

There's also a need for that same model internally for the employees of Suffolk County. Because today your information resides in multiple systems and it is not easily -- there is not an easy way to get it and you're constantly reentering it.

So, but from -- staying on a public side, I believe the Clerk was putting forward a resolution to see if we could fund the building of an enterprise data model. And what that would do is basically identify the information for a constituent. And as they move through agencies within the County, they would not have to continually reenter their information. Typical information would be, you know, name, address, telephone number and you may say, *well gee, some of those are not valid everywhere*. Well, some -- between an address, a home or cell phone number and a social security number, most -- some people don't have those, you could basically key on those fields. And when they walk into your office you would put in that information and it would pop-up everything we know about that particular resident as they moved around the County. Now some of it could be suppressed. Some of it could be private, especially in the cases of health or in the case of a child, something that happened. But it should be done.

Today we have many, many disparate sources of information. And there really is no collective effort to -- across the County to do that. Everybody kind of acts independently, as I was mentioning to the Presiding Officer, they are all independent. And we provide some common services to them and recommendations, but we don't have the ability to enforce that.

LEG. VILORIA-FISHER:

So are you saying that this enterprise data model would be, you say, you're working with the Clerk's Office, so that that would be -- that would follow the resident from, let's say, the Clerk's Office to Real Property or that kind of following?

COMMISSIONER QUINN:

Certainly from the Clerk's perspective of capturing information about what they do there regarding

people, I guess, paying their taxes and registering their land, you could extend that more because if somebody owns a piece of property or lives at a piece of property, you now have their address.

There's also a tie-in to this with the GIS system, which is looking for all the known addresses, which the towns set for individual properties and residences. And once you start to comingle that information, and then you share that out as this is the common -- and it's validated also. So when you put in information, you know, it's not Mister with, you know an M - R with no period. Or it's, you know, my name is, you know, Bob, Robert, Bobby, you know, all the -- you start to put in some validation of the fields. And what ultimately happens is you start to capture the correct information and then you can serve people better.

So they -- I don't know if they brought forward this resolution yet. I know that they've been talking about it where I am supportive of it. They are looking to fund it to get it going so it -- I can certainly follow up with them and find out what they did with it.

LEG. VILORIA-FISHER:

But there's a possibility that we could apply this enterprise data model to a Social Services?

COMMISSIONER QUINN:

Yes.

LEG. VILORIA-FISHER:

Okay.

COMMISSIONER QUINN:

Yes.

LEG. VILORIA-FISHER:

All right.

COMMISSIONER QUINN:

The work upfront in defining the information that should be in the model is critical. And once you do that -- what you don't have to do is you don't have to migrate all your applications, all right. You take the existing way the data comes into the system, you then pull it out of those applications just like we're doing with Project Sunlight, and then you present it on the other side in the way that is most usable for all the people who are looking to access it.

LEG. VILORIA-FISHER:

Thank you, thank you.

CHAIRMAN D'AMARO:

Okay. Yes, of course, that goes a little beyond the topic of today, but it's important. There's a lot of issues in there, privacy issues, access issues, piracy, you know; there's a lot of issues to think about. I think one of the reasons why you see it fragmented throughout Suffolk County is each department head probably takes a position that *I'm responsible for the data in my department, and I need to know who has access to it and how it's being used*. So there's a lot of issues there and it's certainly beyond the scope of today, but that's a good opening dialogue. And perhaps, Mr. Quinn, I'd invite you back as we move forward on that type of initiative if a bill does come up or if we can talk about that at another time as well.

COMMISSIONER QUINN:

Sure.

CHAIRMAN D'AMARO:

All right. Is there anything else you'd like to add this morning?

COMMISSIONER QUINN:

The only thing I'd like to say is, yeah, I would like to thank the people who are here, Pat Connolly and Debbie Seminario and Doug Miller. Without them -- most of the legwork was done by them in creating also the materials in a format that you're comfortable with and you've seen before. You know, I may have presented it in a way when I first started, that was not the way that you're used to seeing things.

CHAIRMAN D'AMARO:

No, it's fine.

COMMISSIONER QUINN:

So I appreciate all their efforts. And I think you should realize that these folks are invaluable to you folks at Suffolk County.

CHAIRMAN D'AMARO:

Well, thank you. And the Committee thanks all of you as well for coming this morning and for all your help in Suffolk County. And we'll pick it up from there. We'll take a look at the report and we'll see how we're going to move forward. Thank you.

COMMISSIONER QUINN:

Thank you very much.

CHAIRMAN D'AMARO:

All right. The next section of the agenda are tabled resolutions.

TABLED RESOLUTIONS

And I'll call the first. First is **1976 of 2008, Adopting Local Law No. -2008, A Charter Law to reform and reconstitute a professional independent Suffolk County Ethics Commission. (Montano)** I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? **TABLED (VOTE: 5-0)**

Resolution number 1007-2009, Requiring legislative approval to consider the sale of the John J. Foley Skilled Nursing Facility. (Kennedy) I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

Resolution 1018-2009, Establishing legislative oversight of County funds expended for advertising and marketing. (Kennedy) Motion to table, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

Resolution 1121-2009, Adopting Local Law No. -2009, A Charter Law to increase Legislative oversight of RFP process. (Romaine) Requires further public hearing. I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

INTRODUCTORY RESOLUTIONS

Next section of the agenda, introductory resolutions.

Resolution number 1210-2009, Authorizing certain technical correction to Adopted Resolution No. 1200-2008. (Co. Exec.) Deleting a few words plus accrued interest. I'll offer a motion to table -- motion to approve and place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carried. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

Next is resolution **1217-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Yolanda Penalver (SCTM No. 0500-037.00-03.00-009.000) (Co. Exec.)** This is a redemption as a matter of right under Local Law 16. I'll offer a motion to approve place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

Resolution 1218-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Martin Mangels and Louise J. Mangels, his wife (SCTM No. 1000-069.00-04.00-001.001). (Co. Exec.) Same motion, same second, without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

Resolution 1219-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard W. McGowin, surviving tenant by the entirety (SCTM No. 0300-028.00-03.00-038.000). (Co. Exec.) Once again, same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

Resolution 1220-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Francis P. Smith and Mary Smith, his wife (SCTM No. 0100-190.00-05.00-053.000). (Co. Exec.) Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

Resolution number 1224-2009, Requiring the posting of all County legal notices on-line. (Lindsay)

LEG. BEEDENBENDER:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to approve, seconded by Legislator Viloría-Fisher.

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

Is there some kind of central reporting requirement for the legal notices in the first place?

CHAIRMAN D'AMARO:

No, I think the intent here is for the Clerk of the Legislature to post the notices on our existing Legislative website simply by having the legal notices when they're sent out for publication in addition to be sent to the Clerk for publication. It's just an alternate means of publishing. What was your question?

LEG. ALDEN:

Okay. Because right now doesn't it go through the County Attorney's Office, a legal notice?

CHAIRMAN D'AMARO:

I don't believe so. And the Clerk would just be responsible for the publication, not the content. So I would assume that whatever departments are submitting legal notices, there's a procedure in place now to get them published. And this would add just another step to get them published on the website.

LEG. ALDEN:

Okay. That was just -- my question is, okay, so a department needs a legal notice, they don't coordinate through the County Attorney's Office, they just go out and publish --

MS. ORTIZ:

It's just required that it be published in -- depending on what the hearing is for, it's required to be published either in the two -- one of -- in the two County papers or at least one local paper local to the community that the hearing is affecting or the law is affecting.

LEG. ALDEN:

Who has the accounting oversight over that to make sure that the legal notice is actually required and that we're not duplicating services or just wasting the taxpayers' money?

MS. ORTIZ:

We have to keep record of all --

LEG. ALDEN:

But you don't generate the, you know, I'm not talking about you, I'm talking about the departments that actually generate these. So, they could be generating five or ten of the same notice because they made a mistake or they included a word that should have been included, left off a word that wasn't included. Legal notices are very, very tight as far as the requirements for them.

MS. ORTIZ:

We have a standard format that the notices are printed -- are given to the paper, it's formatted and it's standard format for all public hearings and notices.

LEG. ALDEN:

I just -- I find that a little bit loose though; not on our part. I find it a little bit loose if we just -- every department is able to just go and generate a legal notice at whim almost.

MS. ORTIZ:

It has to go through us.

LEG. ALDEN:

But you say you have the right to approve it or throw it back to them. And you request the legal reason for them to put the notice in?

MS. ORTIZ:

Only notices that -- it's only laws that are being laid on the table through the Legislature; laws or public hearings. If it's a local law, it requires a notice. And if it's a public hearing it requires a notice. So it's only those that come through the Legislature that we're responsible for.

LEG. ALDEN:

Okay. So what departments does this -- does this they affect? How many departments do you have giving you legal notices?

MS. ORTIZ:

It's not departments, it's just pending on the legislation or the public hearing that comes through the Legislature only.

CHAIRMAN D'AMARO:

Right. But I believe, Legislator Alden, I think what you're saying is that this bill covers all County departments. Where we would be facilitating a publication on the internet or on a website.

LEG. ALDEN:

Well, maybe it doesn't; maybe it's not the intent to cover all of them.

MS. ORTIZ:

No. It's only the intent to cover that which comes through the Legislature.

CHAIRMAN D'AMARO:

No, it covers how all departments -- in other words, we're trying to -- we're going to continue with the publication as required by law in the newspapers. But in addition, the Legislature is going to provide a method for publication of all County notices on our website as well. Now you're --

MS. ORTIZ:

Right. But currently --

CHAIRMAN D'AMARO:

Currently we do not. Your point is not exactly on point to this bill, you're more concerned about the departments when they generate the legal notice, whether it gets published in a newspaper or whether it gets published on the website, you know, the oversight and procedures being used there. I would assume that there's a budget for the publication of legal notices and department heads are responsible for making sure that that job gets done correctly. But it wouldn't be the Clerk of the Legislature that would have that responsibility. The Clerk is merely facilitating publication.

LEG. ALDEN:

If this was strictly for laws, I have no problem with it because we'll control it or your department will control it as they do right now. But if it covers every County department and it covers every County legal notice that's generated, then what control do we have over it to make sure that it's run in an efficient manner and done where we actually have some kind of accounting that we can produce?

LEG. BEEDENBENDER:

If I could, Mr. Chairman, Legislator Alden, just because, you know, in my previous life, one of the my duties was to do this. Maybe I could shed some light on how it actually happens.

Whenever the Legislature passes a local law, we have our public hearing. Before it's signed or vetoed by the County Executive, he has to have one as well. In the way it worked in that office

when I performed that job is we'd get the bill, we had a standard legal notice that would be prepared by a County Attorney and given to us. It was usually just -- it was the description of the law, you've seen these things before. And we would -- our office would send it to the paper, they'd send us a signed statement saying they got it and showed us what they got so we knew it was exactly what we sent them. And then they would publish it. So I don't know -- I don't think that will, you know, assuage your concerns that it might not be efficient, but that's how at least in the practical application, how it happened.

LEG. ALDEN:

Well, Legislator, maybe you know the other answers, too. They're not all just legal notices on laws.

LEG. BEEDENBENDER:

No.

LEG. ALDEN:

They're actually legal notices on bids.

LEG. BEEDENBENDER:

Right.

LEG. ALDEN:

There's legal notices on eminent domain, which is a law but it's a taking by us. So there's a number of different aspects to legal notices that are coming out or being generated by the County.

LEG. BEEDENBENDER:

Absolutely.

LEG. ALDEN:

And last time I looked, there was quite substantial amount of money that was being spent on it.

LEG. BEEDENBENDER:

Absolutely. Quite a substantial amount of money.

MS. ORTIZ:

This is also to be a cost saver as well.

CHAIRMAN D'AMARO:

We'll before we get into that, I mean, all this bill does is say whatever legal notices are generated now, a copy has to be transmitted electronically to the Clerk of the Legislature who will then post it, without reviewing content, post it on a website so it's more accessible.

MS. ORTIZ:

More transparency, yes.

CHAIRMAN D'AMARO:

And, Legislator Alden, those are important questions, but not really the topic of this bill.

LEG. ALDEN:

No, but it's great because this gives the potential for us to actually be able to see if we're operating in an efficient manner. Or if different departments are sending in legal notices where they have to change the content every five minutes and costing the taxpayers, as I said before, a substantial amount of money.

So if we're going to go electronic, I would imagine there's more than one reason. And the sponsor, I don't want to speak for the sponsor, and he's right here, so. But I do see a huge potential if we're going to convert it all to electronic data, we can monitor it.

CHAIRMAN D'AMARO:

Yes. That's a point well taken. In one of the my prior lives I worked in a department that required legal notices. They've become pretty pro forma after a while. But, you know, whether or not it can be run more efficiently or if mistakes are being made, those are all legitimate oversight questions.

But this bill is really about shedding some sunlight on our legal notices to keep the topic of the day going. And we're going to do that by simply having electronic format provided -- electronic copy of the notice provided to the County, to the Suffolk County Clerk -- to the Legislative Clerk rather, who can then publish it on the County website.

My questions on this go a little bit more to the Clerk's Office just to make sure that similar to the questions we just asked of IT, do you have the staffing, is it burdensome, is it budgeted, you know, that kind of thing?

MS. ORTIZ:

No, it's fine. We have the staffing. It's already being done. It's just including in the postings that we already make there's -- it's already been discussed with IT. They understand they're just adding an additional tab to our homepage to be able to advertise.

CHAIRMAN D'AMARO:

It would have to be organized somehow by department or however you choose to do it. I mean, how many notices are you talking about? Do you know what this bill entails? You know, you're talking about Countywide. Every agency, department --

MS. ORTIZ:

Well, similar to how we set up the committees, and if you go to our homepage and you go to committees and how we have every committee meeting and agendas and -- it would be similarly setup by department. You go into the department and it'll have the dated notices and it'll all be tabbed.

CHAIRMAN D'AMARO:

Okay.

MS. ORTIZ:

And it's -- I can't tell you the exact amount. Tim didn't tell me if they estimated how many total it would be, but it's easily organized.

CHAIRMAN D'AMARO:

Right. But once you receive it in electronic format, you view it as pretty easy to just post it onto whatever tab it needs to go --

MS. ORTIZ:

Yes, scanned and posted just like we do with our agendas and our --

CHAIRMAN D'AMARO:

Right. But, of course, if that runs into hundreds of postings, that could take up some more time in your office.

MS. ORTIZ:

It's pretty simple with technology. It's pretty simply done.

P.O. LINDSAY:

Could I comment?

CHAIRMAN D'AMARO:

Yes, Legislator Lindsay.

P.O. LINDSAY:

The reason for the bill is that not to replace the local newspaper advertisements because we don't have the ability to do that without state permission, but we're doing everything else electronically. Just to have all these notices centralized on one web page, I thought, would be the way to go. You know, you might not have access to the Ronkonkoma Review. It might not be, you know -- especially if you live in Southampton. It's just -- I just think it's a more logical way to advertise our business. And it'll be a duplication of everything that we advertise in newsprint. So it isn't, you know -- if the state would ever be enlightened and allow us to do this as a formal way of advertising, we could probably save a considerable amount of money on advertising in the print media. But that is not what this bill is about. This is just to centralize it all in one place that if somebody's interested in bidding on a contract or a public hearing or something like that, they can access it on our web page.

LEG. ALDEN:

In response, I support the bill and I support it when I read it in my office. But I was also questioning whether we were going to use it for some kind of oversight, which I think it lends itself to a -- very, very readily using it as an oversight and possibly even a tool to get rid of waste.

P.O. LINDSAY:

It could be a first step towards that.

CHAIRMAN D'AMARO:

Okay. And it can be done at relatively low cost. And you have sufficient staffing now to do this within the Clerk's Office.

MS. ORTIZ:

Yes, and it'll just roll right into the process of what's already being done on the website.

CHAIRMAN D'AMARO:

Okay. Well, more information more widely disseminated is always a positive step; so with that said, I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed?

LEG. VILORIA-FISHER:

We already had a motion and a second.

CHAIRMAN D'AMARO:

Oh, did we?

LEG. VILORIA-FISHER:

Yeah.

CHAIRMAN D'AMARO:

Okay. That's fine. No, I don't think it was. Go back to the original motion, I apologize. And, you know, Legislator Viloría-Fisher, did you have a comment on that? I apologize.

LEG. VILORIA-FISHER:

I just wanted -- the Presiding Officer basically said what I said that it's not replacing the print

posting. And I think a very important whereas clause here is that it could also serve as a useful demonstration project for a cost savings in the future, you know, to just have it posted electronically. So those are just my comments.

CHAIRMAN D'AMARO:

All right. Well, thank you for those comments and I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)**

Next resolution is **1228-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Santiago Taveras (SCTM No. 0100-178.00-03.00-001.000). (Co. Exec. Levy)** I'll offer a motion to approve and place on the consent calendar. This is redemption as a matter of right.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

Resolution 1247-2009, To amend Rule 4 of the 2009 Rules of the Legislature. (Pres. Off.)
I'm going to offer on a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Beedenbender and ask Counsel to briefly explain.

MR. NOLAN:

This rule change is necessary in reaction to a resolution we passed at our last meeting whereby the Legislature is suspending its newsletters beginning in July. Currently our rules state that every Legislator is entitled to do districtwide newsletters per year. So that rule has to be repealed to be consistent with the policy that we established at our last meeting.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

I didn't agree with that policy when it got passed and I don't agree with this and I'll tell you why. Over the years we've actually taken this concept of communicating with our constituents and we've refined it to the point where every Legislator was given a fair shot and then -- more an equal shot or an ability to communicate with their constituents. I think this removes a big piece of what we do as a Legislator. And that's we're doing things for our constituents and this is removing that ability to actually communicate with them in an effective manner.

So I didn't approve of it when we did it as a Legislative body. And I think we suspended it at that point and this would actually remove it permanently. So I think we're just taking something that the constituents actually used to find out what was going on in the Legislature.

CHAIRMAN D'AMARO:

Yeah, that's the underlying policy. I agree with your analysis there. I think it's important that we have some tool to communicate effectively with every constituent on a level playing field. However, it was trumped in my mind by the budget problems we're having right now and that's why it's a suspension as opposed to revoking the policy. But this bill just conforms the rules to the policy that we already passed, so.

LEG. ALDEN:

And to pick up on just what you said, I have a number of other ideas of what we could have been doing all along. And you and I seem to be voting pretty much inline now on some of the things. And I think that if we showed some fiscal constraint earlier on, we might have lessened the burden on our budget and I'm going to go into that a little bit more when we have general session. But we ran up the debt and then we actually had to sell off a whole bunch of our income to pay off the debt that we ran up. So I think that we created some of the problem ourselves.

But, again I agree with your comments but also I'm a little bit concerned with the taking away the ability for a Legislator to communicate with his or her constituents.

CHAIRMAN D'AMARO:

Okay. Thank you. Anyone else on the motion? Is there a motion pending on this bill?

MS. ORTIZ:

Yes.

CHAIRMAN D'AMARO:

All right, I'll call the vote. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

I'm opposed.

CHAIRMAN D'AMARO:

One opposed, Legislator Alden. Motion carries. Resolution is **APPROVED. (VOTE: 4-1-0-0 Opposed: Leg. Alden)** I'm going to just skip the next bill and go to the last.

1267-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Toscano and Karen Toscano (SCTM No. 0200-962.00-01.00-003.004). (Co. Exec.) This is a redemption as a matter of right. I'll offer a motion to approve and place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED and place on the CONSENT CALENDAR (VOTE: 5-0)** And going back to the previous resolution on the agenda.

1248-2009, Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Gotfrids Liepins (SCTM No. 0500-441.00-01.00-006.000). (Barraga) This is a 215 reconveyance where the redemption period has expired. It requires specific criteria to be met in order for the County to be able to reconvey the property back to the prior owner -- private owner for the payment of back taxes, interest and penalties.

And there is an indication in the record from the applicant as to the reasons why the taxes were not paid. And, I guess the issue before this Committee, what we need to decide is whether or not those reasons given by the applicant fit within the criteria required by the County law.

I took a look at it. I looked at the affidavits submitted by the applicant as well as the applicant's Counsel. I took a look at the letter from our own Legislative Counsel that's in the file that details the criteria we need to apply. And I am not convinced that the particular reasons given by the applicant actually fit the criteria that we are required to apply. But I'm also going to ask Counsel to opine on

that and, of course, if anyone has any other comments I'd appreciate that.

MR. NOLAN:

Well, as I believe the Legislators know the 215 applications go through Real Estate and also come through my office for review to see if they fit within the statutory requirements that are set forth in Chapter 27 of the Suffolk County Code. And essentially my policy has always been if it on its face the application meets the requirements, then I will suggest that we give the resolution to the Legislature to consider and then the Legislature has to determine if in its opinion the hardship requirements are met.

In my opinion, I believed this particular application went on for quite a while. There's quite a bit of back and forth with the applicant. And at a certain point I believed it met the statutory requirement at least facially sufficient enough to bring it before this Committee and the full body if the Committee decides to vote it out of Committee.

CHAIRMAN D'AMARO:

George, I'm sorry, did you conclude that on its face it did meet the criteria?

MR. NOLAN:

I believe at one point it was rejected. But let me just --

CHAIRMAN D'AMARO:

Okay, thank you. Just for the record I'm now looking at a letter -- a subsequent letter from Counsel, subsequent to the letter I referred to in my comments. The first letter is dated January 14th, 2008. The second letter is dated March 13th, 2008 where Counsel's advising the sponsoring Legislator that there is now a letter in the file from a psychologist, Bruce Levine and concluding that this would help to meet the statutory criteria.

MR. NOLAN:

Right. Eventually we did get a letter. As I suggested this application was pending for quite a while in my office. And ultimately got a letter indicating this is a very elderly gentlemen who I believe had some, you know, mental disability, which in the opinion of this particular psychologist rendered him unable to pay his taxes timely. And based on that, at least on its face, I believe that satisfied the statute and was worthy to come before this Committee for consideration.

CHAIRMAN D'AMARO:

Right. Well, on its face I agree with you. It doesn't, you know -- I guess it's at the committee level where we decide what weight, if any, to give to that representation. But the default in taxes took place sometime ago. I haven't seen the letter submitted from the psychologist, but does it cover the time period of when the default occurred?

MR. NOLAN:

I believe he opined in the letter that the disability this applicant was suffering from was probably affecting him at the time the taxes were not paid. I will also state that I believe that letter from the psychologist did not get into the original packet; was submitted to Legislators later. I don't know if all the members of the Committee had the opportunity to review that letter before today. Maybe I'll leave it up to the Committee, they would like time to review it.

CHAIRMAN D'AMARO:

Right.

MR. NOLAN:

And make a judgement.

CHAIRMAN D'AMARO:

Right. I'd like an opportunity to review that. Because the applicant's own affidavit in paragraph six

says, the reason the taxes were not paid was because I did not have enough money to pay the taxes and I believed my former partner would pay the taxes. So it's really just a misunderstanding and error in judgement and not having sufficient funds, which really on its face, as you stated do not meet the statutory criteria.

So I'd like an opportunity just to take a second look at that and perhaps table this for a cycle. It's coming up again in two weeks for further review. Does anyone have any other comments on this?

LEG. ALDEN:

I'd like to hear what the Department of Real Estate said. But is there any imminent danger here on the property, something else happening? Or and maybe Ms. Greene could shed some light on that.

MS. GREENE:

Good morning, Mr. Chairman, and members of the Committee. Pamela Greene, G-r-e-e-n-e, Division of Real Estate.

Mr. Chairman, I appreciate your concerns and I don't know how much information you all do have in your packet, but I have voraciously adopted this gentleman's cause right now and I would urge you to please refrain from tabling as has been mentioned.

At the time of his application he was 87 years of age. That was two years ago. We have what is really an unfortunate tale of events that has had the Department of Real Estate going through death certificates from Latvia in order to make this application for you, quitclaim deeds from the Surrogate's Office from his former partner who passed away. It really is a very unfortunate tale and I would just try to address any of your questions so that it could be moved forward to the full Legislature.

LEG. VILORIA-FISHER:

Mr. Chair?

CHAIRMAN D'AMARO:

Okay, why don't we -- Legislator Alden just very quickly and then Legislator Viloría-Fisher.

LEG. ALDEN:

Pam, you know the restrictions, right? And they're pretty tightly drawn and it came from a lawsuit that former Comptroller Caputo brought against us. Do you feel this falls into that category where we have the discussion to grant?

MS. GREENE:

That again would be a decision of the Legislature.

LEG. ALDEN:

Right, but --

MS. GREENE:

Having it had been presented by his Legislator, your colleague Legislator Barraga, and drafted by Counsel, I believe Counsel would really speak to the fact that it has met those criteria. We on the Division are presenting the background for you, which we certainly shared with Counsel in order to allow that resolution to be drafted for your consideration today.

LEG. ALDEN:

Thank you.

LEG. VILORIA-FISHER:

I would hope -- I'm sorry. I'm so taken by the story of this particular individual that it's hard for me to separate what I feel about his position as an 89 year old man with a very small source of income

from this, but you asked us not to table it. Can you tell us specifically what would happen in the two weeks? Would there be a problem with his being able to continue to --

MS. GREENE:

I can't speak to his state of health only that the division staff has been working so laboriously for many, many years to get it to this point. And to now not have it be able to be heard by the full Legislature in a timely fashion, we're again looking at this just being one of the next steps that has to happen. Passage by the full Legislature has to happen and then he still needs to come back in to get through all the paperwork in the division in order for the property be vested back into his name for him to then try to find a buyer.

LEG. VILORIA-FISHER:

Okay.

CHAIRMAN D'AMARO:

Here's the problem, you know, at the risk of appearing unsympathetic, I guess someone has to state the issue at least how I perceive it. And the issue is not this gentleman's health or the length of time that's transpired. The issue is whether or not we're protecting taxpayers in Suffolk County and redeeming a property when we should not be redeeming a property. That's not fair to everyone else who's come before this Committee and been denied. Or who has chosen not to make an application even though they were elderly and perhaps frail and had a limited source of income. So, you know, I don't want to be the heavy here, but, you know, that's an important issue.

The second issue I have is, you know, this has been quite a lengthy process, but I don't see that two weeks is going to make or break this process. It's not an immediately income generating property.

And thirdly, I haven't seen the full record. I haven't seen the correspondence from the psychologist, which flies in the face, by the way, of the affidavit submitted by the applicant himself and his Counsel. Because nowhere in either of those affidavits is it stated that this gentleman was suffering from any mental impairment. Okay.

So, if we're going to have a real policy review, I think we need the full record, number one. And I think we need to make a decision based on the proper criteria. So that's where I'm coming from. Go ahead.

LEG. NOWICK:

No, Lou, I absolutely understand what you're saying. We have to do what's legal where the precedent is set. I'll bet you any amount of money though, there have been in the past pieces of property or forgiveness, if I might call it that, in the past over many, many years. I understand we have to do what legally is correct. Yes, I understand that, when I said I wish that this gentleman could -- we couldn't reconvey the property back to this gentleman. I see us as government and sometimes it reminds me of years and years ago when I used to watch cartoons where the person that didn't pay their taxes was on this conveyor belt and they are going to -- I feel like government, we're doing the wrong thing as government, and there has to be times when we can find, I don't want to call it loopholes, but if we can find reason to do the right thing. Unfortunately, I do know where you're going with that.

CHAIRMAN D'AMARO:

Yes, and I don't disagree with that. However it has to be done legally, lawfully and without giving a specific preference or gift to one particular individual, because that's inappropriate also, so.

LEG. NOWICK:

The bigger question here is --

MR. NOLAN:

Can I just put something on the record?

LEG. NOWICK:

I just think the bigger question here is, the system itself. And this has always been a thing of mine having sat in the Tax Receiver's Office and watched many an elderly woman or gentleman come into the office and when I see 80 something coming in in tears because they didn't get something or they just didn't have the money or whatever it was, our system, I have to tell you, our Suffolk County Tax Act -- our system is broken.

CHAIRMAN D'AMARO:

Right. And again I can agree with that, but tell you that this gentleman said back in 1994, *I thought someone else was paying the taxes*. And that's not meeting statutory criteria, so.

LEG. NOWICK:

That's your legal mind, I know that.

CHAIRMAN D'AMARO:

That's not part of the broken system. That's part of --

LEG. NOWICK:

Of course.

CHAIRMAN D'AMARO:

-- you know, an error in judgement made by a private landowner.

LEG. NOWICK:

I just needed a soap box for the system again.

CHAIRMAN D'AMARO:

Okay. Counsel wanted to make a point. George?

MR. NOLAN:

Yeah, I just wanted to -- a couple of things. First of all, the Caputo lawsuit that we've been talking about really applies to something else, which is we at one time passed a law saying we could waive late payment of taxes, the penalties and interest and that's not authorized by the Tax Act. This is really something different. This is a parcel where, taken for late taxes -- and the Legislature used to do these when I was a Legislator back in the '80's we really had no criteria for 215 redemptions. It was just, you know, a generalized hardship. And then sometime subsequent to that we enacted a law that made it more stringent; delineated categories of certain types of hardships that would qualify for a 215 redemption.

There's been a lot of process on this particular application at the Department -- Division of Real Estate. And as you can see at one time my office in reviewing that told the applicant what they had submitted did not fit the statute, did not satisfy the statute.

I think now we have an application that I indicated on its face is sufficient, but there's a lot of record here for the Legislature to consider. It's not a slam dunk, I don't think for either way. And the Legislature just has to consider the record that's before it.

CHAIRMAN D'AMARO:

Has anyone on the Committee seen the letter from the psychologist? Or, George, do you have a copy for us? If it can be --

MR. NOLAN:

I certainly do have a copy, which I directed the Clerk's Office to put in everybody's mailbox about a week ago. Because apparently somehow it didn't end up in the backup for this resolution. I can certainly go to get that and distribute copies to everybody if that's your pleasure.

LEG. ALDEN:

Can I ask a question on that?

CHAIRMAN D'AMARO:

I may have it.

LEG. ALDEN:

Lou, can I ask a question?

CHAIRMAN D'AMARO:

Go ahead. Sure, Cameron.

LEG. ALDEN:

Is there any kind of privilege on that or -- by him submitting that would that --

CHAIRMAN D'AMARO:

We'll that's -- I think he waived, yeah.

LEG. ALDEN:

-- did he waive that privilege?

CHAIRMAN D'AMARO:

I think so. It's a public -- it's part of a -- I mean, I don't want to give the definitive answer on this, but I would assume by submitting it to the Legislature for review, I mean, it could be reviewed privately.

MR. NOLAN:

We'll absolutely. It's a -- to me it's a public document. That is a key piece, probably the key piece for the application to see if it fits the requirements of the statutes. So, yes, I believe that's a public document.

LEG. ALDEN:

And you think that everyone was given a copy of that document and also your latest opinion that on its face might meet the criteria?

MR. NOLAN:

That is my understanding because about a week ago I actually received a call from the County Attorney's Office asking where is the letter from the psychologist. And it was at that point we realized it had not been included in the backup for the resolution. And then I directed that it be given to every Legislator so they would have it so they could judge this application.

LEG. ALDEN:

If we don't have a motion pending, I'd like to offer a motion then to discharge without recommendation.

LEG. VILORIA-FISHER:

I'll second that motion so we can look at it.

LEG. ALDEN:

That'll put the whole Legislature on notice, read up on it. And if Pam or somebody else from her office is going to come down and could make a little bit of a presentation to the other Legislators that are not on this Committee, I think that we can make an intelligent informed decision.

LEG. VILORIA-FISHER:

And, Mr. Chair, our Counsel has represented that he has seen the letter from the psychologist. And

it's just a matter of our physically seeing it so I'll support -- I'll second the motion to discharge without recommendation.

CHAIRMAN D'AMARO:

All right. I would prefer not to do that. I would prefer to go one cycle to give everyone an opportunity to review the letter and make a judgement, you know, we have a lot to do between today and Tuesday. It's just not preferential to me anyway to do it that way.

LEG. ALDEN:

Mr. Chairman, maybe I'm just a little bit of a softy, but I believe that there's a fragility of life and having gone through some major illness myself, I think that everyday is a blessing from God. And if this guy's 88 years old, he might be getting close -- 89 years old.

CHAIRMAN D'AMARO:

Right. And I think also though you don't want to give people in that position false hope either. And until we make a judgement and see the letter, you know.

LEG. ALDEN:

We'll, that's why discharge without recommendation, we'll tell him that the full Legislative body is going to look at his case and make a decision. And I think he could use the money probably sooner rather than later.

CHAIRMAN D'AMARO:

All right. There's a motion to discharge without recommendation. Is there a second?

LEG. VILORIA-FISHER:

Yes.

CHAIRMAN D'AMARO:

Seconded by Legislator Viloría-Fisher. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0)**

LEG. ALDEN:

Thank you.

MS. GREENE:

Thank you members of the Committee.

CHAIRMAN D'AMARO:

Okay. A motion to adjourn to -- not adjourn, a motion to convene executive session for the purposes of discussion of possible settlement of litigation.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? We'll be right back.

LEG. VILORIA-FISHER:

Oh, Mr. Chair, if I could just very quickly I know that we're going into executive session, but there was a question about why -- someone had asked me why the flag was being flown at half-staff. Governor Paterson has directed that flags on state government buildings be flown at half-staff on Wednesday, April 22nd, in honor of Army Sergeant Raul Moncada, a member of the 10th Mountain Division at Fort Drum who was killed in action on Monday, April 13th near Baghdad. Just so that everybody knows why the flag is being flown at half-staff.

EXECUTIVE SESSION 11:28 AM TO 11:57 AM

CHAIRMAN D'AMARO:

Okay. Back on the record. The Ways and Means is adjourned from executive session. And for the record the Committee has voted to close the claim -- Workers' Comp claim of Jose Rivera as well as agreed to settle or authorize the settlement of the follow two cases; Hamilton versus the County of Suffolk, and Frank versus the County of Suffolk.

That's all the business before the Committee today. A motion to adjourn. Seconded by Legislator Beedenbender. We are adjourned. Thank you.

**THE MEETING CONCLUDED AT 11:57 PM
{ } DENOTES SPELLED PHONETICALLY**