

WAYS & MEANS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways & 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 July 29, 2009 at 10:00 A.M.

Members Present:

Legislator Lou D'Amaro, Chairman
Legislator Brian Beedenbender, Vice-Chair
Legislator Cameron Alden
Legislator Lynne C. Nowick
Legislator Viloría-Fisher

Also in Attendance:

Bill Lindsay, Presiding Officer.
Leg. DuWayne Gregory, District 15
George N. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Barbara LoMoriello, Deputy Clerk
Linda Bay, Aide to Minority Caucus
Paul Perillie, Aide to Majority Caucus
Justin Litell, Aide to Leg. D'Amaro
Tom Ryan, Aide to Leg. Viloría-Fisher
Ryan Atard, Aide to Leg. Beedenbender
Mike Pitcher, Aide to PO Lindsay
Greg Moran, Aide to Legislator Nowick
Marge Acevedo, Aide to PO Lindsay
Deborah Alloncius, AME Legislative Director
Lynne Bizzarro, Assistant County Attorney
Ben Zwirn, Deputy County Executive
Debra Alloncius, Legislative Rep for AME
Gail Vizzini, Director/Budget Review Office
Robert Lipp, Deputy Director/Budget Review Office
Kevin Duffy, Budget Review Office.
Kara Hahn, Director of Communications
Philip Weiden, LI Board of Realtors
Pam Greene, Director/ Real Property Acquisition & Management

Minutes Taken By:

Gabrielle Skolom, Court Stenographer

Minutes Transcribed By:

Gabrielle Skolom, Court Stenographer
Denise Weaver, Legislative Aide

*[*The meeting was called to order at 10:13 AM*]*

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join us in the Pledge of Allegiance.

SALUTATION

Okay. Item two on the agenda is Correspondence. The board -- the Committee, rather, has not received any correspondence. The third item is Public Comment. I have received one card from an individual Philip Weiden. Mr. Weiden, you wrote on the bottom of your card that you will speak if there are any questions. Oh, there you are. I invite you up to the podium. You would have three minutes to make any statement you would like to make. How would you like to proceed?

MR. WEIDEN:

Sure, I'll make a statement.

CHAIRMAN D'AMARO:

Okay. Go ahead, please.

MR. WEIDEN:

Thank you.

CHAIRMAN D'AMARO:

You're welcome.

MR. WEIDEN:

Hi, I'm from the Long Island Board of Realtors. I've met with all of you, actually, so it's nice to see you all again. I would say Intro Resolution 1545, this is a bill that would crackdown that we're in support of. It would crackdown on co-op discrimination. Currently in New York State, co-ops have unfettered power that other municipal -- that other places and housing don't have -- other entities. Condos, they don't have their same restrictive power. Currently there's a lot of discrimination in co-op boards, whether it be based on age, race, ethnicity. The age part is a big problem with co-op boards. In Suffolk, the Island has less co-op boards than the City. We cover Long Island -- Nassau, Suffolk and Queens. But up in Albany, there's been no response to anything because of the gridlock that's up there. So we've been pushing it on a County level and the reception has been great. It's been bipartisan. I can't thank everyone enough. I've never seen anything move with such lightening speed before.

So, you know, we're in support of this. If you have any questions, feel free to ask me. I urge you all to vote for this and support it, and I just wanted to thank you all. It's been a great experience. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Weiden.

MR. WEIDEN:

Thank you.

CHAIRMAN D'AMARO:

We appreciate that. All right. If you could come back up, Legislator Alden had a question.

MR. WEIDEN:

Sure.

LEG. ALDEN:

When we debate the bill, do you have any statistics on how many complaints have actually been filed about discrimination?

MR. WEIDEN:

With complaints, I don't at this time. No, I don't. I could -- I could get you in the future, but I don't have a list of -- in terms of how many complaints that there are.

LEG. ALDEN:

How far in the future? Because if it passes out of this Committee, next Tuesday we'll be voting on it.

MR. WEIDEN:

Oh, right. I'm bring that to my board. Today's our Board of Director's meeting. I'll bring that to by boss, Randy Kaplan and our CEO, Joseph Mattola. So that -- that you would like some statistics on complaints and everything.

LEG. ALDEN:

And where they were filed and resolution of those complaints, things of that nature.

MR. WEIDEN:

Sure, sure. I can't promise you we can get that, but I'll definitely bring it to them and see what we can do. So -- I don't want to make any promises, though.

LEG. ALDEN:

Thanks.

MR. WEIDEN:

All right. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you again. Is there anyone else who would like to address the Committee this morning? For the record, there is no response. So we will turn to the next item, tabled resolutions.

TABLED RESOLUTIONS

First is **1121-2009, Adopting Local Law No. -2009, A Charter Law to increase Legislative oversight of RFP process. (Romaine).**

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to table. I'll second. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Opposed.

CHAIRMAN D'AMARO:

One in opposition. Motion carries. The legislation the tabled. **TABLED (VOTE: 4-1-0-0 Opposed: Legislator Alden)**

Next is **1317-2009, To improve and strengthen the consultant procurement process in Suffolk County. (Lindsay)**

LEG. BEEDENBENDER:

Motion.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

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

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

Have any changes been made to it recently?

LEG. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Could we just put those on the record?

MR. NOLAN:

Sure. This bill has actually gone through many amendments. So that I -- what I would do is just summarize what the major changes to the RFP process would be under the current version. Firstly, if this law is enacted on the RFP Committees, there would be a Legislative representative, which is not currently the case. Also, presently, on the present law, RFPs do not have to be performed on contracts that are going to be less than \$10,000. This law would raise the threshold to \$25,000 so that if we're procuring consultant services in excess of that amount, then there would have to be an RFP under that amount. There would have to just be written quotes, three written quotes.

The second major change has to do with the waiver process. Presently, the County Executive has the authority to waive an RFP under circumstances that are described in Chapter 708 of the Code. This law would set up a three-member Waiver Committee, which would have two County Executive representatives and one Legislative representative to consider waivers and grant waivers.

Thirdly, this law empowers the Comptroller to develop rules and regulations that would apply to all consultant service contracts, the procurement of those services. And what the Comptroller develops would apply to all departments across the County. In developing those rules and regulations, the Comptroller would consult with the Purchasing Division in the Department of Public Works, and those rules and regulations would be subject to Legislative approval.

And lastly, the Comptroller is authorized to develop a checklist that would have to be completed and filled out to make sure all the requirements of the procurement process, that all the steps were actually completed before, and before the contract is actually executed, that checklist would have to be submitted to the Comptroller, and he would have the sign off on that. So those are the changes to the consultant procurement process that would happen under this law.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Okay. And I would also just like to note for the record that as we have considered this bill other the

last few cycles, I had also requested the sponsor, the Presiding Officer, who happens to be the sponsor, to make some -- to consider some revisions to the law, and I'm pleased that he has gone ahead and adopted most of what I had recommended as well, and I appreciate that, and I want to thank him for doing that. Most specifically, that the Legislature is going to now have the authority to review and consider and approve any regulations that are promulgated by the Comptroller for the procurement process, and I think that's an important step for us to keep an eye on what those rules finally say. So, with that, I will call the vote. All in favor?

MR. ZWIRN:

Mr. Chairman?

CHAIRMAN D'AMARO:

Oh, I'm sorry. Mr. Zwirn.

MR. ZWIRN:

If I might just make a couple comments just before you take the vote. The County Executive, with respect to this bill, has no problem with the issue of transparency and putting members of the Legislature on the Waiver Committee. We have no issue with that because I personally sit on the Waiver Committee, and I don't have any problem with it. There's nothing that we have done there that would not survive the light of day, so we have no problem with that.

There were some questions that the County Exec had with respect to the Comptroller's role. When we met with the Comptroller, I think one of the things that they were unaware of is that we have a checklist that we go through that is extensive before we even consider the waiver. And if the checklist is not met, we send the request back to the Department for further clarification. I think one of things we were concerned about is that if the Comptroller is approving the checklist beforehand, one of the questions we had, do they have, you know, the ability to go in with clean hands to review decisions that were made afterwards with the audit power and things like that. So we were concerned, and we're looking forward to having continuing dialogue with the Comptroller's Office with respect to this bill. But there is no problem with the transparency and adding a, you know, a Legislative member to the panel. That, we don't have a problem with.

CHAIRMAN D'AMARO:

Okay. I appreciate those comments. One of my objections going through the process had been putting a Legislative appointee onto what I viewed as an Executive function. However, if you're comfortable with that, then I'll defer to you in that position. As far as the checklist goes, then, it's something I would assume the Department would draft the checklist and submit it to the Comptroller for approval, or do you foresee the Comptroller drafting the checklist?

P.O. LINDSAY:

Could I interject?

CHAIRMAN D'AMARO:

Sure.

P.O. LINDSAY:

The original version of the bill had the Comptroller developing a checklist for uniformity that every contract that we do goes by the same standard, that we'll look for the same things in the procurement policy. I met with the Executive. He had some problems with that. Purchasing had some problems with that. So we changed the bill slightly, that the Comptroller will develop the checklist in consultation with Purchasing. No?

MR. NOLAN:

No. I would just clarify. The rule and regulations and the checklist are two different things. On the rules and regulations, yes, we did amend the law so that Purchasing would consult with -- or the Comptroller would consult with Purchasing in developing rules and regulations. The checklist is

something different.

P.O. LINDSAY:

But, George, doesn't a checklist -- the checklist, from my understanding, would come out of the rules and regs.

MR. NOLAN:

I think they would be inextricably linked in a sense that the checklist is going to say that the process that's described in rules and regulations and in this law were followed, and that would be submitted to the Comptroller that the steps that were followed that are in the law and in the rules and regulations. I presume the Comptroller would sign off on the contract at that point.

CHAIRMAN D'AMARO:

But the checklist is a standardized checklist, it's not a checklist created per contract.

P.O. LINDSAY:

Correct.

CHAIRMAN D'AMARO:

So this will be developed in a -- basically, one time by the Comptroller and say -- the Comptroller is saying, "This is what we are looking for when you go through the process."

P.O. LINDSAY:

Correct.

CHAIRMAN D'AMARO:

And I guess every file would have the checklist on top and you check it off as you go along, and you have to submit that to the Comptroller prior to execution of the contract. So, Mr. Zwirn, I'm trying to understand, then, how that conflicts with other functions or oversight that the Comptroller has. If you could just be a little more specific?

MR. ZWIRN:

Well, what I'm saying is that we would hoped to have sat down with the Comptroller going forward with respect to this. We just didn't realize the bill was going to move as quickly as it is. I know, with all due respect, and we appreciate the Presiding Officer's efforts to try to move this forward. You know, we agreed with originally with Legislator D'Amaro's position, that it would be diminishing some of the capacity of the County Exec's Office to do this, but in the sense of transparency, that we would put that aside. But we still had some tweaking we wanted to do with this bill, if we could. And, as I said, I just started for the first time with the amendments on Monday --

CHAIRMAN D'AMARO:

Are you saying that when the Comptroller comes up with this uniform checklist that you want to work with the Comptroller in doing that?

MR. ZWIRN:

We are presently having those meetings, and the meetings were ongoing, so we were a little taken by surprise that we were moving today to try to get this to the floor, because my understanding is that we have more meetings scheduled with the Comptroller that might not be fruitful at all if this bill is passed. It would be pretty much working after its done as opposed to trying to get any input in before it's finished.

MS. BIZZARRO:

If I may put my two cents in, Mr. Chair?

CHAIRMAN D'AMARO:

Sure. Go ahead, please.

MS. BIZZARRO:

My issue, or the Department Of Law's issue is more with the promulgation of the rules and regs. I know initially it was set up -- or I believe that the Comptroller would put those rules and regs together. I see now that it's in consultation with the DPW, but I still have a problem with that based on the Comptroller's role as the auditor for the County. Basically his role is to regulate consulting contracts -- I'm sorry, it's -- just what I see here is an expansion of his powers, which violates the County Charter and the State law. The Comptroller is the auditor and has general superintendence over the fiscal affairs of the County. He's empowered to audit, verify County records, accounts, examines and approve payment of contracts, purchase orders, has authority to approve bills, inventories, charges against the County and to determine the correctness of all of those. The County Charter does not empower him to create policy or have any budgetary-making authority, which unfortunately is what this is doing. And that's where I see the problem in this statute, although, as I said, it does appear better now that it's going to be in consultation with DPW. Courts have even gone on to express that same separation of the powers and the role of the Comptroller as auditor for the County, so this is --

CHAIRMAN D'AMARO:

Well, the bill says the Comptroller would be empowered to promulgate rules and regulations consistent with the provisions of this Chapter for procurement. Consistent with the provisions of this Chapter, I think, is key and operative here. That seems to be the limiting language that keeps it within the parameters of the auditing function because the bill talks about -- this is a procedural type of legislation. I don't see it so much as policymaking, so I'm not sure.

MS. BIZZARRO:

I don't know that, and I have not read that 80-page manual.

CHAIRMAN D'AMARO:

Hit the button.

MS. BIZZARRO:

I'm sorry. I don't know that. If that's where this is going, which could be accurate, then I would agree with you, but I just don't know that.

CHAIRMAN D'AMARO:

Well, it does beg the question when we set up -- when the bill was introduced and drafted by the sponsor, it's a bill that is setting monetary limits coupled with procedure, and I'm kind of curious myself to see what are the rules and regulations that would go along with the bill? It's pretty self-explanatory, but I guess there could be -- I don't know. Mr. Zwirn, is that something that's being discussed now with the Comptroller, what the rule and regs will target or what they'll say?

MR. ZWIRN:

Yes.

CHAIRMAN D'AMARO:

Right.

MR. ZWIRN:

Because I think the Comptroller was not aware that we had a checklist that we went through.

CHAIRMAN D'AMARO:

No, I'm not talking about the checklist. I'm talking about the other section, 7088-A, where the Comptroller's coming up with rules and regulations subject to Legislature approval to -- that are consistent with this Chapter.

MR. ZWIRN:

I believe they are. I haven't been involved with all the meetings that had been going on, but I know they had the meeting with DPW and the Budget Office on a regular basis, and I know that they had scheduled additional meetings.

CHAIRMAN D'AMARO:

I just want to ask Counsel, it's consistent with the Chapter; does mean just the provisions we're looking at here, or is that the entire -- is there more to it?

MR. NOLAN:

There's more to it. What you're seeing in this bill are the amendments to the Chapter. There are other provisions existing in the Chapter that were not touched or amended by this law, so you're not seeing that in this particular bill.

CHAIRMAN D'AMARO:

Okay. Well, I'm comfortable with the fact that we have Legislative approval authority over any rules and regulations, and I think one way to handle this may be to see what they are first. And if at that point, the Department Of Law feels that they are beyond the authority granted in the Charter to the Comptroller, I guess we could talk about it at that time.

MR. ZWIRN:

Can I ask one other question? Is that -- when it says, "The rules and regulations promulgated by the Comptroller shall be subject to Legislative approval," does that shut the County Executive's Office out? Should it say County approval or --

MR. NOLAN:

No. It would be by a resolution, which --

MR. ZWIRN:

So the County Executive would still have veto --

MR. NOLAN:

That's the way we would act and of course would be --

MR. ZWIRN:

-- would have veto --

MR. NOLAN:

He would still have a role in the process, yes.

MR. ZWIRN:

Okay.

CHAIRMAN D'AMARO:

I had a similar concern about it being open-ended. And my concern was primarily addressed by an amendment to the IR that now permits the Legislature review and approve through resolution and the County Executive to do the same. So although there may be a potential for conflict or lack of authority on the Comptroller's part to put something in a reg that's beyond their authority to put in, it's ultimately, we're adopting it, so I would say that we have that authority to do that.

MR. ZWIRN:

I just think we were concerned that when it said Legislative approval as opposed to County approval, it doesn't make clear that there would be a role for the County Executive with respect to --

CHAIRMAN D'AMARO:

Oh, well I will defer to Counsel on that.

MR. NOLAN:

I would reiterate that we would act to a resolution, and that resolution would be subject to approval by the County Executive.

CHAIRMAN D'AMARO:

Cameron, I apologize. Please go ahead.

LEG. ALDEN:

All set?

CHAIRMAN D'AMARO:

Yes.

LEG. ALDEN:

Ben, you made a statement a few minutes ago that I would like you to elaborate a little bit on that. If the Comptroller participates or actually creates a checklist, that at a later date, when he exercises his authority to go in and look at those contracts, he would be going in there with dirty hands, not clean hands?

MR. ZWIRN:

My understanding is that, and I may be wrong on this, is that the Comptroller would be almost pre-approving the contract. And their -- if it's just -- if it's just with respect to the rules and regs that will be -- or the checklist that will be used, then I would withdraw that.

LEG. ALDEN:

Okay. So you're okay?

MR. ZWIRN:

Because the checklist -- once the checklist --

LEG. ALDEN:

Because I don't see a connection between a checklist and clean hands.

MR. ZWIRN:

No, no. I'm saying once the checklist has been approved and we believe it'll be probably pretty much what we're using now, but once that's done, no, I would take that back.

LEG. ALDEN:

Okay. Good, thanks.

CHAIRMAN D'AMARO:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chair. I just wanted to say briefly, I know the Chair had expressed the concerns he had with the bill, and Presiding Officer Lindsay had made some changes. My concerns were with a different section that the Presiding Officer also saw fit to change, and that was 7084-A. That dealt with allowing departments and department heads to make decisions outside of the County Executive's Office, and I just wanted to express my appreciation for that change. I thought that -- that kind of devolving that process and giving a lot more people hands in it, it was a recipe for spending more money, not having more control. So I thank the Presiding Officer for all the changes that he made to this bill, and I think we have something good that can go forward and gives us a more transparent process and gives us a better handle on how we're spending a massive portion of the taxpayer dollars.

CHAIRMAN D'AMARO:

Okay. Mr. Zwirn, any other comments?

MR. ZWIRN:

No, Mr. Chairman.

CHAIRMAN D'AMARO:

Ms. Bizzarro any other comments?

MS. BIZZARRO:

No.

CHAIRMAN D'AMARO:

All right. Thank you. There is motion that has received a second pending to approve. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED (VOTE 5-0-0-0)** All right.

1545-2009, Adopting Local Law No. -2009, A Local Law requiring fairness in cooperative home ownership. (Co. Exec. Levy) This is a bill that's going to put certain time restraints on co-op boards and when they act on applications, as well as, I think, most importantly, it requires now a written explanation for the co-op board's decision. And it also makes clear that the co-op board has to give applicants information about antidiscrimination laws and fair housing laws or at least where to find them. Was there a motion? Legislator Vilorio-Fisher offers a motion to approve. Seconded by Legislator Beedenbender. On the motion, Legislator Alden and then Legislator Vilorio-Fisher.

LEG. ALDEN:

My first question would be to George. Do we have the authority to regulate in this area?

MR. NOLAN:

Well, you know, normally the regulation of co-ops and condominiums is -- there is a lot of regulation in the state law. Whether or not we are preempted from acting, I am not really researched that specifically. I would say that the regulation that is involved here is really not extensive. It's basically saying you have to develop an application, give a person an application and then tell them why they would be rejected.

So it's a -- it's not an extensive regulation that we would be enacting. If you're asking me, has the State preempted this area where we can't do something, I could research that between now and Tuesday, certainly.

LEG. ALDEN:

When I read it, it looked like we're totally preempted from operating this area. And to go a little bit further, when I looked, if this is to prevent some kind of discrimination, we can't even act in this manner to prevent the discrimination because there's already mechanisms that are set forth and that are actually being used today to remedy any discrimination or even perceived discrimination. So I just wonder what we're doing here. If it's feel-good legislation, I mean, I'm in favor of making a statement that I don't want co-op boards to discriminate against people. And I could vote in it, for it, in that light, but as far as us doing anything groundbreaking or even legal, I really have a problem with seeing us, you know, going forward as the crusaders that are going to right all these wrongs. Because everything is in -- exists today for somebody that would come in with this kind of a complaint that I was, you know, presented with as far as the evidence to come forward with this kind of legislation.

But, again if you could research that and if not, I'll vote for it just as feel-good legislation.

CHAIRMAN D'AMARO:

Ms. Bizzarro, did you want to add anything?

MS. BIZZARRO:

Yes, just that actually the statute itself -- a local law itself has a reverse preemption clause in the event that the State does come in. And my reading of it, there is no preemption and that we can do this on the local level.

LEG. ALDEN:

Most of the -- not most, all of the co-op law and condominium law that I was reading when I got this states the fact that the State has the exclusive authority to regulate. It doesn't leave any wiggle room for a locality to do anything with it. So I just wonder where we get the authority. When you say it's not exclusively preempted, all the law states that New York State develops the law on co-ops and condominiums.

MS. BIZZARRO:

I'll be happy to take a look at whatever sections that you're referring to and see if I agree with that.

LEG. ALDEN:

I'm not referring to any sections because I didn't write anything down. But everything that I read, just, it really is the State's authority. So whatever.

CHAIRMAN D'AMARO:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. The benefit that I see in this particular piece of legislation is I think reflective of the time we spent several years ago on fair housing regulations and the power of our Human Rights Commission to look at cases where there has been discrimination in housing. I believe that this law would give our Human Rights Commission a very important tool in perhaps screening where that kind of discrimination has occurred. If someone has an application which delineates what the requirements are for that co-op and they find that they have not been given the ability to buy a co-op and it's not one of the criteria set up in the application, then I think they have a clearer vision of what they could have expected and can more easily go with a complaint to the Human Rights Commission. I just see that as a tool that clarifies what rights they have with regards to the co-op.

LEG. ALDEN:

Through the Chair.

CHAIRMAN D'AMARO:

Yes, please.

LEG. ALDEN:

So you envision a co-op board saying, "We don't like Cameron Alden because he's white and old," so they're going to put that in their determination why they don't admit me to a co-op?

LEG. VILORIA-FISHER:

No, no. What I said --

LEG. ALDEN:

Because that's really the only difference if you're requiring a finding and you're requiring a written finding and to think that a co-op board is going to incriminate themselves though a written finding, that's why the laws are as they are right now, because people don't incriminate themselves. There's a perceived -- or it's just a perception of discrimination and that's why the Human Rights Commission and others have subpoena power. They could subpoena documents. They can subpoena the people as witnesses, put them under oath and ask them, "Why did you deny this

person's application to get into your co-op?" That's why it works in that regard right now. This is -- you know, you're adding a requirement that I just don't see how it works. Unless you have faith that people are just going to incriminate themselves, which I don't have that faith.

LEG. VILORIA-FISHER:

Go ahead, Mr. Chair.

CHAIRMAN D'AMARO:

Well, I was just going to add my two cents and say that many times in dealing with co-ops, one of the issues is that people are -- their applications are rejected, but they're never told why. And I think that leads to an aura that there maybe impermissible grounds being asserted now. I agree with your point. There are laws in place, if you feel that way, that you have recourse and redress. But maybe by having a writing requirement where a co-op board has to tell you why you're being rejected will cause that co-op board to maybe think a little bit more about the actions that they're taking and the ramifications. And I also when you pay an application fee, you have a right to know why you're being rejected.

So I don't disagree with you that laws are in place, but I also feel that in private practice, I've represented many co-op applicants that get rejected and then they're never even notified. Sometimes the co-op board won't even tell you whether or not they've acted on the application. So, you know, that's an issue that I would -- I think this bill would address. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chair. Just to follow up; I agree with what you just said. I think that the problem is if there's if you're not required to give a reason now and then we put a procedure in place that requires you to give a reason and there isn't a good one, well then they won't incriminate themselves, there will be no good reason to reject it. And I think, not that I -- you know, no form of discrimination is worse than the other; they're all bad.

But I think that I am happy that this addresses as well the age situation because, you know, as a young individual I have friends who have made applications to co-op boards and they've been flat out told, "We don't want any young people here. We don't want to deal with that." And, you know, it's hard enough if you're a young individual trying to find your first place to live and a co-op is often cheap enough that it can be the first place you can buy to get into the housing market. You pay into it for a few years and when you leave, you have a little equity, and, hopefully, you can buy a house.

So I think that, you know, while all forms of discrimination are bad, I'm happy that this includes age as well because I think, you know, we talk about workforce housing and as much as we can do, and we do do a lot in this County to try to address that problem -- to include that as well I think is an important step because there are cases where this just happens, and if you have to put it writing, you can't write down, "We're not letting this person live here because they're 25 or 29 or 'X,' 'Y' and 'Z.'" And I think this will be good step forward to addressing that concern.

LEG. ALDEN:

-- feel good when they vote for it. I feel good now.

[Laughter]

D'AMARO:

Okay. The Committee's very happy that you're feeling good. All right.

LEG. NOWICK:

Can I just say something?

CHAIRMAN D'AMARO:

Legislator Vilorio-Fisher, please.

LEG. NOWICK:

Can I speak?

CHAIRMAN D'AMARO:

Oh, I'm sorry. Yeah, let me --

LEG. VILORIO-FISHER:

You know what, Lynne would like to speak.

CHAIRMAN D'AMARO:

Okay. Legislator Nowick, go ahead, please.

LEG. NOWICK:

I just, I had a question for Lynne, for Counsel, did you say that the state does have laws in place to address these situations?

MS. BIZZARRO:

Not this one, no. Not this one, in fact, there is possible legislation out there specifically stating that no laws do address this so that's why there is a reverse preemption clause in here in the event the State does come and, you know, enact some type of law that is either the same or similar, then obviously this would be preempted. But the way -- my reading of it now, it is not preempted. And you can pass this locally at the present time.

LEG. NOWICK:

And, Legislator Alden, did you say you read differently? Is that what I thought you said, that there was something on the books?

LEG. ALDEN:

There requires a written -- no.

LEG. NOWICK:

No, okay, okay. I just was confused about the plan.

LEG. ALDEN:

But there's a process that would require somebody to actually explain why they turned someone down. Then that process exists already.

LEG. NOWICK:

But the process is not written by law -- written into by State law?

LEG. ALDEN:

It's written into the law.

LEG. NOWICK:

Well, she's saying no.

MS. BIZZARRO:

No, it is not. In fact as I said, I've read the legislative intent of some pending bills indicating that this issue has not been addressed statutorily by the state. Hence, it is not preempted.

LEG. NOWICK:

Oh, okay. So --

MS. Bizzarro:

That's why I asked Legislator Alden if he could give me whatever he's referring to, I'd be happy to look at it, you know, to see if I concur or disagree.

LEG. NOWICK:

All right. Then I understand given that fact then this might be the first law on the books, and we are government, and we're here to protect people that are rejected. And I agree, you know what, Brian, too young, you know, really.

(LAUGHTER)

I don't think I'd want you there, but --

LEG. BEEDENBENDER:

Your daughters are my age, and they live with you now.

LEG. NOWICK:

You think I want them there?

(LAUGHTER)

LEG. VILORIA-FISHER:

Get them a co-op.

LEG. NOWICK:

I'm kidding, I'm kidding, I'm kidding. All right, all right.

And the other thing is it sounds to me like the Long Island Board of Realtors might have had some problems in the past with clients that were looking to be part of a co-op. So I think that maybe we're on the right track here. Full disclosure's probably a good thing, and I'm going to vote in favor of this.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Alden. Oh, did you want to go Vivian?

LEG. VILORIA-FISHER:

It's okay. We'll just have the vote.

LEG. ALDEN:

Lynne, if you feel you were discriminated against for any kind of category or any reason at all, are there any laws on the books that would dictate how that discrimination would be handled or your allegation of discrimination of would be handled? And are they -- well, go ahead. I'm sorry. .

MS. BIZZARRO:

I would say yes, but that's not the thrust of this bill.

LEG. ALDEN:

Right.

MS. BIZZARRO:

This bill is just a procedural bill.

LEG. ALDEN:

So in other words there are antidiscrimination laws on the books that are broader than just this. So --

MS. BIZZARRO:

Again that's not the thrust of the bill. This is just a procedural.

LEG. ALDEN:

So this is a subcategory. This it'd just be a minor subcategory of antidiscrimination.

MS. BIZZARRO:

It's process.

LEG. ALDEN:

And the -- right.

MS. BIZZARRO:

It's process.

LEG. ALDEN:

Right.

MS. BIZZARRO:

It's, you know, we have -- you know, you have to send written acknowledgement of receipt of the application within ten business days. It's a process and it's making the co-op -- as Mr. Chair indicated, a lot of times, either the condo's either don't respond, they never really get around to rejecting or they never explain why they rejected. This is just creating the process. And it's forcing the co-op -- co-ops to comply with the process. And that is what this bill is designed to do.

LEG. ALDEN:

If you had a discrimination or an antidiscrimination complaint, they would be forced to disclose all this information in a court of law possibly or before our Human Rights Commission as it exists today. All right.

LEG. VILORIA-FISHER:

Can I just make a -- you know, in a perfect world, Cameron, you're right. There are a lot of people -- are afraid to make complaints and maybe feel, "Well, I'm not going to make a lot of noise about this." When I was growing up, when my mother wanted to rent an apartment -- at that time, we were renting -- if she wasn't going in person, she would put my sister on the phone because she was afraid that if they heard her accent on the phone, it wasn't going to be available. And it never occurred to her to complain to anybody about it.

People who are applying to be -- to buy a co-op, may not feel that they will be heard if they make a complaint, and if they're rejected they just say, "Well, you know, I was rejected," and not really follow through on it. Not everybody feels that empowered.

My sense is that if you require that there be a response, a reason why they were not -- their application was not accepted, then you put the onus on the co-op board to have to come up with a legitimate reason. And it protects those people who, if they had been rejected, like my mother who, if they heard her Spanish accent somehow, the apartment was not -- never available, and didn't think of ways to protect herself. And very often it's those people or the young person, as Brian said -- just graduated college, got a job, is looking for someplace to live -- and they're just not understanding what kind of empowerment they have to fight something. So this will help protect that and put more of the onus on the co-op board. This is how I see this. The laws are there, but sometimes people don't know how to take advantage of the laws that are out there to protect them. So this is just one more layer of protection.

LEG. NOWICK:

Just for my own knowledge, if something like that happened and a person would have to go file a complaint, who do they file the complaint with --

LEG. ALDEN:

With us.

LEG. VILORIA-VISHER:

The Human Rights Commission.

LEG. NOWICK:

And then they don't have to hire attorney, the Human Rights Commission goes after the person complain -- the condo.

LEG. VILORIA-FISHER:

I think the Human Rights Commission just does the work -- I mean, I'm not an attorney, I'm just --

CHAIRMAN D'AMARO:

I think it would prompt an investigation by --

LEG. NOWICK:

A government investigation? Okay. Thank you.

CHAIRMAN D'AMARO:

Yeah, and they have subpoena power and that whether or not that person would want a lawyer, I think it would be a personal decision. All right. Any other comments? Did we have a motion on this bill?

MS. LOMORIELLO:

You have a motion and a second.

CHAIRMAN D'AMARO:

Motion and a second. Okay. If there's no other comment, I'll call the vote. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Abstained.

CHAIRMAN D'AMARO:

One abstention. Okay. The motion carries and the resolution is approved. **APPROVED (VOTE: 4-0-1-0 Abstention: Legislator Alden)**

INTRODUCTORY RESOLUTIONS

Section six of the agenda, Introductory Resolutions.

The first is **1561-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Clifford Furman and Eileen Furman, his wife (SCTM No. 0200-981.90-01.00-021.000). (Co. Exec. Levy)** And this is a matter of right redemption. I'll offer a motion to approve and place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

1562-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property

acquired under Section 46 of the Suffolk County Tax Act Matthew Dill and Gary Rosen, as tenants in common (SCTM No. 0200-769.00-01.00-009.000). (Co. Exec. Levy) I'll offer the same motion, same second and same vote. **APPROVED and placed on the Consent Calendar (VOTE: 5-0-0-0)**

1563-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Scott Eckert and Christine Eckert, husband and wife (SCTM No. 0200-633.00-03.00-011.002). (Co. Exec. Levy) Same motion, same second, same vote. APPROVED and placed on the Consent Calendar. (VOTE: 5-0-0-0)

1564-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maria Mata (SCTM No. 0200-315.00-02.00-006.000). (Co. Exec. Levy) And again, same motion, same second, same vote. APPROVED and placed on the Consent Calendar (VOTE: 5-0-0-0)

1565-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jon Jovel (SCTM No. 0200-091.00-02.00-014.005). (Co. Exec. Levy) Same motion, same second and same vote. APPROVED and placed on the Consent Calendar (VOTE: 5-0-0-0)

1566-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jemima Gomez (SCTM Nos. 0100-081.00-01.00-006.002 f/k/a P/O 006.001 f/k/a 005.000). (Co. Exec. Levy) And again, same motion, same second, same vote. APPROVED and placed on the Consent Calendar (VOTE: 5-0-0-0)

1569-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Meng Ung and Yim Tam (SCTM No. 0100-135.00-02.00-045.002). (Co. Exec. Levy) This is property located in Babylon, 25 by 100, which appraised for \$5,500 and we sold to an adjoining owner or successful bid was one dollar more than the appraised amount. I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

1574-2009, Directing town tax receivers to include a statement on interest and penalty calculations on tax bills. (Alden) This would require that a statement be made on every tax bill that if you pay late the second half the interest accrues from February one. Legislator Alden, would you like to --

LEG. ALDEN:

Motion to approve.

CHAIRMAN D'AMARO:

There's a motion the approve by Legislator Alden. I'll second.

MS. BIZZARRO:

Mr. Chair, if I could make a comment on the record.

CHAIRMAN D'AMARO:

Sure. Please go ahead.

MS. BIZZARRO:

Just for everyone's benefit. Just my concern is if the bill gets passed as written, it may be confusing. According to the Suffolk County Tax Act, although the second-half tax is due May 10th of each year, a taxpayer actually has until May 31st to pay the tax without interest or penalty. And then after May 31st, any amount due would be assessed interest and penalties starting from February 1st. Currently, all ten towns of the County of Suffolk have the language necessary to reflect the reality of the May 31st date. I went through all the ten town bills and they all have that currently. So that's just my concern that, you know, this just may confuse the receivers and maybe confuse those receiving the tax bills.

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN D'AMARO:

Yeah, one second. Just -- so you're saying it should say, "Not paid by the -- by May 31st --"?

MS. BIZZARRO:

It's May 31st, correct.

CHAIRMAN D'AMARO:

-- or words to that effect. Legislator Alden.

LEG. ALDEN:

And that's the only change? And I didn't get -- or did I get a call from your office?

MS. BIZZARRO:

You did not.

LEG. ALDEN:

Oh. Okay.

MS. BIZZARRO:

I apologize. I just looked at this yesterday.

LEG. ALDEN:

All right. So then I change my motion.

CHAIRMAN D'AMARO:

What do you want to do?

LEG. ALDEN:

I don't want to confuse people. This is to un-confuse people.

CHAIRMAN D'AMARO:

Well, I can see the point that you do have until the 31st to pay without penalty, And this is saying any tax payment due on May 10th. I mean, technically if the language is correct. But --

LEG. ALDEN:

Right. But I don't --

CHAIRMAN D'AMARO:

Let's defer to our former Tax Receiver, Legislator Nowick.

LEG. NOWICK:

Yes. I have copies of tax bills here, and most of the tax bills -- well, all of the tax bills have that.

MS. BIZZARRO:

All of them.

LEG. NOWICK:

I think the confusion here is that the first payment is due January 10th. Actually, that is something I think that almost is unwritten in the law. I think December 1st, your taxes are due.

CHAIRMAN D'AMARO:

Right.

LEG. NOWICK:

Because we don't pass the warrant until December 5th. If you do the math, you have December 1st is the first payment date; January 1st; February; March; April; and May. That's your full six months. So the 10 I think was only an error because of the looking at January 10th, which is really -- January 10th is really not the day the taxes are due by State law.

CHAIRMAN D'AMARO:

What are you referring to; are you looking at the bill?

LEG. NOWICK:

I'm looking at Legislator Alden's bill, "Please be advised that any unpaid taxes are due on May 10th." They're never due on May 10th. It's by May 31st.

CHAIRMAN D'AMARO:

Right.

LEG. NOWICK:

By May 31st, you are in arrears for six months if you don't pay. So I think that's probably just an oversight. If you could just put the --

LEG. ALDEN:

That's the same statement that Lynne said. I'm going to table the bill now to correct that.

LEG. NOWICK:

Oh, you're going to table it?

LEG. ALDEN:

Yeah.

LEG. NOWICK:

Okay. But then if all the tax bills have it, why are we doing this?

LEG. ALDEN:

Because I'm sure your office gets the same 30 or 40 or a hundred calls on May -- not May -- June 1st, the 2nd, 3rd, and 4th that people just went down to their town tax receivers and were referred to Suffolk County and now they have to pay unfair tax that goes back to 1st of the year with interest and penalties, and five hundred, six hundred, eight hundred dollars, that's where my constituents come in and complain about it. And it take me an hour to tell them it's only a courtesy to them that they can make two payments. The whole tax is due and payable one time a year, and if they choose to do it in two payments, if you're two seconds later, then everything diverts back to the 1st of the year. So this I think would clarify in some people's minds when they have to make the payment and why they will be charged a pretty stiff penalty and interest if they don't come in on time. That was all.

LEG. NOWICK:

No, I understand, Legislator Alden, but it is on all the tax bills, and people still don't read the back of the tax bill. So it's already on the tax bill.

LEG. ALDEN:

No. It says that it's due, but it doesn't say that if you don't pay, that the penalties and interest are actually calculated from the first day in the year that they were due.

MS. BIZZARRO:

They actually do. I'm sorry. They do. They all talk about the February 1st date. They all have that. I've looked at all of them, last year's bill, anyway.

LEG. NOWICK:

She was talking with Alden.

LEG. ALDEN:

It don't have the statement that I'm putting on the tax bill. It gives it a calculation, but it does not have a statement that if you don't pay it by -- and now, I stand corrected --

LEG. NOWICK:

May 31st.

LEG. ALDEN:

It goes back to the first of year for calculation of penalties and interest.

MS. BIZZARRO:

They pretty much do. They give examples. You know, they go -- they sort of go through -- a lot of them are very detailed about it, in fact.

LEG. ALDEN:

I'll going to table it, and I'm going to put May 31st on it. If you don't want to vote for it, don't vote for it. That's fine.

LEG. NOWICK:

I will vote for it simply because it is on there already, and just in case anybody is thinking of taking it off, it will be on there.

LEG. ALDEN:

George?

CHAIRMAN D'AMARO:

I drafted some language; would you like to hear it?

LEG. ALDEN:

Yeah.

CHAIRMAN D'AMARO:

I think it should say: If the tax payable by March 31st is not paid by such date, interest will accrue from the preceding February 1.

LEG. ALDEN:

March 31st?

CHAIRMAN D'AMARO:

May. I'm sorry. Excuse me. If the tax payable by May 31st is not paid by such date, interest will accrue from the preceding February 1.

LEG. ALDEN:

I suppose so.

CHAIRMAN D'AMARO:

So this is just feel good legislation then? Just kidding.

LEG. NOWICK:

No, this is just because if anybody decides --

LEG. ALDEN:

Yeah, it is; I'll feel better.

CHAIRMAN D'AMARO:

Well, anyway, just throwing it out there. The sponsor -- Legislator Alden, you want to table it to for a cycle just to consider what we talked about today?

LEG. ALDEN:

Just give me your proposal -- proposed wording?

CHAIRMAN D'AMARO:

Proposed what?

LEG. ALDEN:

You said you had --

CHAIRMAN D'AMARO:

Oh, wording, yeah. I just said if the tax payable by May 31st is not paid by such date, interest will accrue from the preceding February 1.

LEG. ALDEN:

Good. George?

CHAIRMAN D'AMARO:

I'll defer to Counsel.

MR. NOLAN:

Let me e-mail it. We'll make the change.

CHAIRMAN D'AMARO:

Oh, can't you just write it down now?

[Laughter]

I'm kidding. All right so motion by Legislator Alden to --

LEG. ALDEN:

Table.

CHAIRMAN D'AMARO:

To table. I'll second. All in favor? Any opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0-0-0).**

Just for the Committee's information, we do have an Executive Session after the end of meeting.

LEG. ALDEN:

Mr. Chairman, could we go back to reconsider 1562?

LEG. VILORIA-FISHER:

Local Law 16.

LEG. ALDEN:

Yes.

CHAIRMAN D'AMARO:

Sure. I'll offer a motion to reconsider 1562-2009. Is there a second?

LEG. BEEDENBENDER:

Yes.

CHAIRMAN D'AMARO:

Second by Legislator Beedenbender. The legislation is now being reconsidered by the committee. Legislator Alden?

LEG. ALDEN:

I'm going to recuse myself from voting on it.

CHAIRMAN D'AMARO:

I'll offer a motion to approve and place on the consent calendar. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **Approved and placed on the consent calendar.**

(VOTE: 4-0-0-0-1 Recused: Legislator Alden) All right. Note for the record, Legislator Alden has recused himself on that motion.

No 1598-2009, Establishing a Native American Affairs Advisory Board. (Browning) I'll offer a motion to approve.

LEG. BEEDENBENDER:

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

CHAIRMAN D'AMARO:

At the request of the sponsor -- thank you. I'll offer a motion to table then. Seconded by our vice-chair, Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

I will now make a motion to go into Executive Session for the purpose of considering -- the purpose of considering possible settlement of pending litigation. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? We'll be back in a few minutes. Thank you.

(*Executive Session: 11:07 am - 11:42 AM*)

CHAIRMAN D'AMARO:

All right. We're back on the record, out of Executive Session. Note for the record, in Executive Session the Committee approved a settlement in the case of Gomez versus County of Suffolk.

Motion to adjourn. Seconded by Legislator Beedenbender. We're adjourned. Thank you.

(*The meeting was adjourned at 11:42 AM*)