

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 August 12, 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 Vivian Vilorio-Fisher

Also in Attendance:

George N. Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Barbara LoMoriello, Deputy Clerk
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Justin Litell, Aide to Legislator D'Amaro
Tom Ryan, Aide to Legislator Vilorio-Fisher
Ryan Atard, Aide to Legislator Beedenbender
Mike Pitcher, Aide to PO Lindsay
Greg Moran, Aide to Legislator Nowick
Debra Alloncius, Legislative Rep for AME
Gail Vizzini, Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Kara Hahn, Director of Communications
Herman Miller, Deputy CEO, Suffolk County Water Authority

Minutes Taken By:

Gabrielle Skolom - Court Stenographer

[The meeting was called to order at 10:05 A.M.]

CHAIRMAN D'AMARO:

Okay. Good morning, ladies and gentleman. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join the Committee in the Pledge of Allegiance led by Legislator Viloría-Fisher.

Salutation

Okay. No presentations today and no Executive Session has been requested, so we'll go right to the agenda, Tabled Resolutions. Oh, are there any cards? Okay. Is there anyone here who would like to address the Committee this morning? For the record, there is no response. Turning to tabled resolutions.

Tabled Resolutions

The first is **1121-2009, Adopting Local Law No. -2009, A Charter Law to increase Legislative oversight of RFP process. (Romaine)** I'll offer a motion to table. Seconded by Legislator Viloría-Fisher. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Opposed.

CHAIRMAN D'AMARO:

One in opposition. Motion passes. Resolution is **tabled**.

(VOTE: 4-1-0-0, Leg. Alden opposed)

All right. **Next is 1574-2009, Directing town tax receivers to include a statement on interest and penalty calculations on tax bills. (Alden)**

LEG. ALDEN:

I have to make a motion to table. I didn't fix it yet.

CHAIRMAN D'AMARO:

Okay. Still pending some changes. Motion by Legislator Alden to table. I'll second.

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

1598-2009, Establishing a Native American Affairs Advisory Board. (Browning) Motion by Legislator Beedenbender. Seconded by Legislator Viloría-Fisher to approve. On the motion, Legislator Alden.

LEG. ALDEN:

What does it do? I mean, would this advisory board report to us or would it report to the County Executive; what type of advisory issues would they look at?

LEG. BEEDENBENDER:

The note I have here is that it's an advisory board like the other advisory boards to the Office Of Minority Affairs. So I believe Mr. Guadelupe will probably be the liaison, in the County Executive's office, to this board. But there are five, six -- six representatives of the 13 are appointed by the Legislature.

LEG. ALDEN:

I'm sorry, and how many are appointed by the Legislature?

LEG. BEEDENBENDER:

My note says that there's 13 members of the board and six -- well, and 5 are appointed by the Legislature, and 1 is appointed by the Presiding Officer.

LEG. ALDEN:

And I apologize, I don't have it in front of me.

LEG. BEEDENBENDER:

No problem.

CHAIRMAN D'AMARO:

The 12th Resolve Clause also says that "The board will submit a written report on its findings and recommendations to each member of the Suffolk County Legislature and the County Executive no later than 180 days from the formation of the Board."

LEG. ALDEN:

What type of issues? Because last time I looked, you know, Native Americans, all those issues really are under the federal guidelines and federal jurisdiction. We don't have any jurisdiction over them. As a matter of fact, I think we had testimony from the District Attorney's Office that they don't a lot as far as investigating what goes on on the reservations.

CHAIRMAN D'AMARO:

I don't think it's about jurisdiction. I think it's more about fostering relationships and cooperation between the County as with the Native American community.

LEG. ALDEN:

How many --

CHAIRMAN D'AMARO:

We're not looking to regulate or govern.

LEG. ALDEN:

Okay. You know, because I don't have the bill in front of me, and I apologize for not bringing it with me. But also what issues specifically or is it just in general? And also, are there Native Americans that are going to be on this or -- I'm just assuming because, like I said, I don't have it in front of me -- the Native Americans that are going to be represented on this council --

CHAIRMAN D'AMARO:

I would think just to answer one issue that might come to mind is the Native Americans' relationship with the surrounding community and how they could participate, jointly perhaps, with economic development incentives. A cooperation also creates an avenue where if there's any type of incident, there's perhaps a place where people can go to talk about it. So I don't think it's targeting any specific issue. I think it's more in general to keep it an avenue of communication open between the Native American communities and the surrounding communities.

LEG. ALDEN:

That's good. And does the bill identify, you know, like specific tribes or --

CHAIRMAN D'AMARO:

No.

LEG. ALDEN:

Oh, it doesn't?

LEG. BEEDENBENDER:

Yes.

LEG. VILORIA-FISHER:

Yes, it does.

CHAIRMAN D'AMARO:

Oh, I apologize. Yes. Well, that's the representatives.

LEG. ALDEN:

If we could just innumerate those on the record, and if that's all-inclusive or are others in Suffolk County that might not be on this list?

LEG. VILORIA-FISHER:

Can I just go back to a question you asked earlier, Mr. Chair?

CHAIRMAN D'AMARO:

Yes. But just to answer that quickly and then Legislator Viloría-Fisher, of course. The bill references a representative from the Shinnecock Nation, Unkechaug Nation, Montauk Native People and a member of the Intertribal Historic Preservation Task Force, among others.

LEG. ALDEN:

Among others, and have we exhaustively searched for and identified any other Native Americans that might be -- because some tribes are recognized, some aren't recognized as we know with the -- I think the Shinnecocks are going through that right now; there's a federal lawsuit.

CHAIRMAN D'AMARO:

Well, I don't know that the intent was to, even if there were other nations recognized or unrecognized, to include every one as a member of the panel. I don't know to the extent that the sponsor went ahead and did that type of investigation. I don't have any personal knowledge.

LEG. ALDEN:

Okay. But just -- that's actually a problem that could pop up later on. So being forewarned is forearmed that if we are not including everybody, we might have somebody here before us very, very shortly that says that, "I wasn't included in that, and my nation wasn't in that." Okay. As long as we have looked at it a little bit. Thank you.

CHAIRMAN D'AMARO:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair, and through the Chair, Legislator Alden, I believe Legislator Browning has been trying to have that exact communication you were talking about to include as many representatives as possible. And the bill itself, if you look at number 10, it's one male elder from the Suffolk County Native American Tribe; 11 is one female elder. So that could include other representatives that aren't innumrated in the legislation.

And I wanted to go to one of your previous questions, which is what will they be discussing. When we had issues regarding the Native American tribes in Suffolk County earlier in the year, the Poospatucks and the Shinnecoeks in particular, there were members who came before us and said that many areas of the country have councils or advisory boards where there's a platform for -- or an opportunity for Native Americans to discuss issues that might be peculiar or particular to them, and I think that this is what Legislator Browning tried to address. I don't want to speak for her, but I know I was very moved by a couple of people that I spoke with personally after they had spoken at the public hearing, and they said, you know, it would be nice for us to have some kind of opportunity to come together with the Legislature to share some of our concerns, so I commend Legislator Browning in doing this. I had -- this one woman asked me if I would be interested in doing that, and Legislator Browning has the Poospatuck Indians right in her district, so it was certainly an appropriate thing for Legislator Browning to move forward.

LEG. ALDEN:

Mr. Chairman, may I respond very briefly? I don't want to -- you know --

LEG. VILORIA-FISHER:

I wasn't debating you. I was answering your question.

LEG. ALDEN:

No, no, and that's great, but I liked it when people came before us, and we had a direct dialogue with them. This is actually removing that process one or two steps because we're creating an advisory board that basically is under the control of the County Executive's branch of government. Even though -- now I do have a copy of it in front of me -- even though there's some resolve clauses that they will cooperate with us, a lot of those conversation and a lot of that dialogue is going to take place outside of Legislative chambers, and we might not be privy to all of it. That's just my final point. Thank you.

CHAIRMAN D'AMARO:

Well, I just want to note there is a requirement in the bill that every year that the board needs to report back the County Legislature as well.

LEG. ALDEN:

So basically my point still stands that that's like edited material. We're not having --

CHAIRMAN D'AMARO:

Well --

LEG. ALDEN:

You know what I'm talking about.

CHAIRMAN D'AMARO:

Yeah. Nonetheless, when I was involved with the sales tax legislation, enforcement legislation that I brought forward, and I, myself, was meeting with Native Americans, there were a wealth of issues that were raised in my discussions that were not on point of the particular legislation. But many of them had felt that they needed an avenue or a mechanism in place where they could have an open and ongoing dialogue with the County, and I think this is probably the best way to do that. Okay. Was there a motion pending?

MS. LOMORIELLO:

Yes.

CHAIRMAN D'AMARO:

All right. There is a motion pending. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

Introductory Resolutions

Section six of the agenda, Introductory Resolutions. I'll call the first. **1615-2009, Authorizing certain technical corrections to Adopted Resolution No. 384-2009. (Co. Exec.)** This technical correction changes a project number. I'll offer a motion and place on the consent calendar. Seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)**

1616-2009, Authorizing certain technical correction to Adopted Resolution No. 385-2009. (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1617-2009, Authorizing certain technical corrections to Adopted Resolution No. 426-2009. (Co. Exec.) Once again, a change in project number. Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1620-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose Marrero and Lizette Marrero as joint tenants with rights of survivorship (SCTM No. 0100-055.00-02.00-060.002). (Co. Exec.) This is a Local Law 16. It's a redemption as a matter of right. I'll offer a motion to approve and place on the consent calendar. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1621-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Solomon Hatcher, Bernard Scott, and Kamran Salamatbad (SCTM No. 0100-056.00-01.00-133.000). (Co. Exec.) I'll offer same motion, same second and same vote. **(VOTE: 5-0-0-0)**

1622-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Dobe Development Corp. (SCTM No. 0900-251.00-03.00-011.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1623-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Olga Keane by Laurie A. Keane as Administrator (SCTM No. 0200-035.00-08.00-010.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1624-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Palmerino A. Lupinacci and Patricia Ann Lupinacci, his wife. (SCTM No. 0400-072.00-03.00-021.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1625-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Lida J. McCrone by Valeria E. Kaufman as Administrator (SCTM

No. 0200-691.00-01.00-007.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1626-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Keith Elsasser and Shannon Stadier as joint tenants with rights of survivorship (SCTM No. 0200-077.00-05.00-030.006). (Co. Exec.) This parcel is located in Brookhaven. Sold to an adjoining owner for \$1,025. It's 16 by 54. I'll offer a motion to approve. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1627-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Brightside Homes Ltd. (SCTM No. 0500-080.00-03.00-068.000). (Co. Exec.) I'll offer motion to approve and place on the consent calendar. Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1628-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Raymond Figalora (SCTM No. 0500-479.00-02.00-p/o082.000). (Co. Exec.) This parcel is located in Islip. Sold to an adjoining owner for \$26,847. It's a long, narrow parcel fronting the Great South Bay. I think that's why you see a higher purchase price than we normally see. I'll offer a motion to approve. Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1629-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan Arsenault. (SCTM No. 0200-469.00-05.00-012.006). (Co. Exec.) I'll offer a motion to approve and place on the consent calendar. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions. Motion carries. **(VOTE: 5-0-0-0)**

1630-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose Nunez. (SCTM No. 0200-421.00-06.00-051.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1631-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maximiliano Sanchez (SCTM No. 0100-058.00-03.00-049.000). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1636-2009, Adopting Local Law No. -2009, A Charter Law to transfer print shop from County Department of Public Works to County Department of Human Resources, Personnel and Civil Service. (Alden) Requires a public hearing. Motion by Legislator Alden to table for the purposes of a public hearing. I'll second. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1641-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Eikov and Jennifer Eikov, his wife (SCTM No. 0200-144.00-01.00-002.000). (Co. Exec.) I'll offer a motion to approve and place on the consent calendar. Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1642-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susanne Marx a/k/a Suzanne Marx, as surviving tenant with rights of survivorship (SCTM No. 0800-059.02-01.00-021.000). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1643-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James Scibelli (SCTM No. 0200-255.00-01.00-003.000). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1644-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sharon L. Gonzalez (SCTM No. 0200-853.00-06.00-013.001). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1645-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James McNamara (SCTM No. 0203-013.00-01.00-001.014). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1646-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Roald Klein Jr. And Cynthia Anthony (SCTM No. 0800-083.00-03.00-028.000). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1647-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stanley L. Cooney (SCTM No. 0900-205.00-04.00-030.000). (Co. Exec.) Same motion, same second, same vote. (VOTE: 5-0-0-0)

1652-2009, Establishing a Benefits Policy for Suffolk County Water Authority Board Members. (Lindsay) Motion by vice-chair, Legislator Beedenbender. I'm going to second the motion.

LEG. ALDEN:
On the motion.

CHAIRMAN D'AMARO:
On the motion, Legislator Alden.

LEG. ALDEN:
Can we get an explanation of what this does?

CHAIRMAN D'AMARO:
Sure. George?

MR. NOLAN:
The County Legislature has the authority to set the compensation for Board members. In years past, the board authority, given its board members, in addition to the salary, we had authorized also benefits that had never been authorized by the County Legislature. About a year or two ago, the board authority took away the benefits from their board members. This resolution basically puts its imprimatur on that policy, that there are no benefits for board members any longer

on the water authority. At the same time, there are three or four retired board members who will continue to receive their health benefits paid for by water authority. These people are retired from the board, or they -- in one case, it's a widow.

CHAIRMAN D'AMARO:

And I believe the case is such that the members that would be granted the continuation of benefits were not members of the board at the time the board changed its policy. They had already retired under the prior terms. Okay? All right. There's a motion pending. It received a second. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1707-2009, Adopting Local Law No. -2009, A Local Law requiring disclosure of the Metropolitan Commuter Transportation District mobility payroll tax on real property tax bills. (Co. Exec.) Requires a public hearing. I'll offer a motion to table. Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

1712-2009, Approving the acquisition of the assets of the Camp Hero water distribution system by the Suffolk County Water Authority. (Pres. Off.) This is a water system. I think it's a limited water system in the Town of East Hampton that the water authority is looking to acquire. It requires the approval of the Legislature. I don't have any more information than that.

LEG. ALDEN:

No public hearing?

CHAIRMAN D'AMARO:

Apparently not.

MR. PERILLIE:

There will be one. That's part of the process.

CHAIRMAN D'AMARO:

It's held by the water authority, not by the Legislature. I'll offer a motion to approve. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

No procedural motions on the agenda this morning. Section eight, Home Rule Message.

Home Rule Message

HR 19-2009, Home Rule requesting the State of New York to amend Chapter 311 of the Laws of 1920, constituting the Suffolk County Tax Act, in relation to the sale of delinquent tax liens on Brownfields property (Senate Bills.5995/Assembly Bill A.8772). (Co. Exec.) So this home rule message would support Senate Bills 5995 and Assembly Bill A.8772, which I believe would authorize the sale of tax liens held by the County of Suffolk on certain Brownfields' properties for less than the lien value.

LEG. ALDEN:

Thru the chair?

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

What we've done, and I think it's a fairly prudent policy, if we know the property is contaminated, we really don't take it into our inventory because by being in the chain of title, we're pretty much liable for the cleanup.

CHAIRMAN D'AMARO:

Yeah. This is encouraging that policy. What's probably happened here is that the tax liens are not salable at full value because they are somewhat contaminated or Brownfields -- designated Brownfields' properties, and the only way we can sell for less than full value is if the State Legislature -- if Albany authorizes us to do so. So this would allow us to sell the lien without taking title to the property incurring those liabilities.

LEG. ALDEN:

That's a good move then. Thank you.

CHAIRMAN D'AMARO:

Okay. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I just have one question for Counsel. Counsel, this would address the issue of gifting property?

MR. NOLAN:

I do think that is the rationale because generally --

LEG. VILORIA-FISHER:

Selling for less than the appraised value.

MR. NOLAN:

Right. Generally, we can't lessen the amount of taxes that are owed on a piece of property. This will give us the authority to do it, though.

LEG. VILORIA-FISHER:

I'll offer a motion approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Viloría-Fisher. Second? I'll second. All in favor? Any opposed? Abstentions? Motion carries.

(VOTE: 5-0-0-0)

That concludes the agenda. Motion to adjourn. Second by Legislator Viloría-Fisher. Any opposed? We are adjourned. Thank you.

[The meeting was adjourned at 10:27 A.M.]