

**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 Wednesday, October 7, 2009.

**Members Present:**

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

**Members Not Present:**

Legislator Cameron Alden

**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  
Gail Vizzini, Director of Budget Review Office  
Robert Lipp, Deputy Director of Budget Review Office  
Paul Perillie, Aide to Minority Leader  
Ryan Attard, Aide to Legislator Beedenbender  
Justin Litell, Aide to Legislator D'Amaro  
Tom Ryan, Aide to Legislator Vilorio-Fisher  
Debra Alloncius, Legislative Rep for AME  
Kevin Duffy, Budget Review Office  
Ed Hennessey, County Executive's Office  
Skip Heaney, Commissioner of Economic Development & Workforce Housing  
Pam Greene, Assistant Director of Real Estate  
Gail Lolis, County Attorney's Office  
Matthew Miner, Deputy Commissioner, Suffolk County Department of Health  
Rick Brand, Newsday

**Verbatim Minutes Taken By:**

Gabrielle Skolom - Court Stenographer

**Minutes Transcribed By:**

Kim Castiglione - Legislative Secretary

*(The meeting was called to order at 10:06 AM)*

**CHAIRMAN D'AMARO:**

Good morning. Welcome to the Way and Means Committee. We're going to get started. If you'd all rise for the Pledge of Allegiance lead by Legislator Beedenbender.

**[Salutation]**

Okay. We will have an Executive Session after the public portion of the meeting. And to the Clerk, are there any cards this morning?

**MS. ORTIZ:**

No.

**CHAIRMAN D'AMARO:**

Okay. Is there anyone here who would like to address the Ways and Means Committee this morning? For the record, there is no response.

With that, we will turn directly to the agenda.

**Tabled Resolutions**

The first item is Resolution **1574-2009, Directing town tax receivers to include a statement on interest and penalty calculations on tax bills. (Alden)**

**LEG. BEEDENBENDER:**

Motion to table.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Beedenbender.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Nowick. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

Next is Resolution Number **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)**

**LEG. BEEDENBENDER:**

Motion to table.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Beedenbender. I'll second the motion by the Vice Chair. All in favor? Any opposed? Abstentions? The motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1763-2009, Adopting Local Law No. -2009, A Local Law to amend Resolution No. 673-2009, A Local Law Requiring Fairness in Cooperative Home Ownership. (Co. Exec.)**

**LEG. BEEDENBENDER:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Okay. There is a motion to approve.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

There is a second by Legislator Nowick. All in favor? Any opposed? Abstentions? Motion carries. The resolution is approved. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1767-2009, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Wayne Robinson and Cathy Robinson, joint tenants with rights of Survivorship (SCTM No. 0200-426.00-06.00-077.001). (Co. Exec.)**

This had been tabled previously I think at the request of Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Yes. Mr. Chair, if the Committee remembers, this was -- there was a small slip of land right behind the property, the Robinson's, and we were curious as to why they would buy it. I spoke to the Robinson's. They also own the piece of land next to that slip, so it actually -- they thought they owned the whole piece, but they found out when the County contacted them that this 15 feet wasn't theirs. They actually own both sides from street to street already, so this would just close off an additional piece.

**CHAIRMAN D'AMARO:**

Okay. So that answers that question, and it certainly makes a lot more sense. Would you like to offer a motion?

**LEG. BEEDENBENDER:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion to approve.

**LEG. VILORIA-FISHER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Viloría-Fisher. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**Resolution 1770-2009, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Jarn, LLC (SCTM No. 0200-973.80-06.00-002.000). (Co. Exec.)**

This had been tabled previously. We were questioning one, why this was not considered as part of the Workforce Housing Program that the Committee had passed. Is anyone -- Ms. Greene? Commissioner? Good morning.

**MS. GREENE:**

Good morning, Mr. Chairman, members of the Committee. Again, as I stated last week, the Division is very cognizant of the requirements of Local Law 3. In this instance they would have examined this parcel as fronting on a paper road and not have meeting the guidelines. There is a restriction in this conveyance that the parcel is not to be developed individually.

**CHAIRMAN D'AMARO:**

All right. So it fronts on a paper street; it's not open.

**MS. GREENE:**

Correct.

**CHAIRMAN D'AMARO:**

Okay. All right. I'm going to offer a motion to approve. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**Resolution No. 1776-2009, Adopting Local Law No. -2009, A Charter Law updating the Suffolk County Charter as recommended by the Charter Review Commission. (Pres. Off.)**

It requires public hearing. 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.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1778-2009, Adopting Local Law No. -2009, A Local Law implementing the Charter Revision Commission's recommendation regarding the terms of the Presiding Officer and Deputy Presiding Officer. (Pres. Off.)**

This was a resolution put forth as a result of the Charter Review Commission work. I'm going to offer a motion to table.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Nowick. On the motion? I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

That concludes Tabled Resolutions. The next section of the agenda are Introductory Resolutions.

### **Introductory Resolutions**

The first is **1784-2009, Amending Resolution No. 65-2009, sale of County owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-929.00-02.00-009.001). (Co. Exec.)**

I believe in the prior resolution there was a reference to transferring development rights and that was not the case, and so we're striking that provision out of the prior resolution and making it clear that this transfer to the municipality is only for highway purposes. 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. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1785-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Martin McGoldrick (SCTM No. 0900-010.00-02.00-015.000, 0900-061.00-01.00-019.003 and 0900-061.00-01.00-019.006). (Co. Exec.)**

This is a Local 16, as 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. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1786-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John J. Lynch and Elizabeth R. Lynch, his wife (SCTM No. 0101-011.00-13.00-054.000). (Co. Exec.)**

I'll offer the same motion, same second, and same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1787-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jean Marie Joseph Bayonne and Marie Michele Bayonne (SCTM No. 0100-173.00-01.00-107.000). (Co. Exec.)**

Same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1788-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Marinko M. Marcic (SCTM No. 0200-984.50-01.00-019.000). (Co. Exec.)**

I'll offer the same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1789-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jarett S. Saul and Michelle M. Roa (SCTM No. 0500-376.00-03.00-030.000). (Co. Exec.)**

Same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1790-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Palmerino Angelo Lupinacci a/k/a Palmerino A. Lupinacci (SCTM No. 0400-214.00-02.00-119.002). (Co. Exec.)**

Same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1791-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Philip Letts and Kara Letts, his wife (SCTM No. 0700-006.00-02.00-022.000). (Co. Exec.)**

Same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1793-2009, Adopting Local Law No-2009, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)**

This requires a public hearing. I'll off a motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1805-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles A. Gardner (SCTM No. 0102-004.00-01.00-087.000). (Co. Exec.)**

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? Opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1806-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 William and Jenipher Quintanilla (SCTM No. 0100-112.00-01.00-036.001 & 036.002). (Co. Exec.)**

This is a parcel located in Babylon sold to an adjoining owner for \$4,500. It's a landlocked parcel of 50 by 75. 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. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1815-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Des Management, Inc., a New York Corporation (SCTM No. 0600-027.00-03.00-006.000). (Co. Exec.)**

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? Opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1816-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Muneer Ahmed Sayar (SCTM No. 0100-060.00-03.00-085.000). (Co. Exec.)**

I'll offer same motion, same second, and same vote. **(Vote: 4-0-0-1 Not Present: Legislator**

Alden)

**1817-2009, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-182.00-04.00-036.000). (Co. Exec.)**

This is a triangular shaped parcel going to the town for I believe nine thousand -- in consideration of nine thousand and being limited to use of active park purposes. I think it complements their tourist center as well. You want to offer a motion?

**LEG. VILORIA-FISHER:**

I'll offer the motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Motion by Legislator Viloría-Fisher to approve. Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1818-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 George Ladani and Catherine Ladani (SCTM No. 0200-230.00-05.00-040.000). (Co. Exec.)**

Again, a 25 by 35 small parcel that's landlocked in Brookhaven. 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. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1819-2009, 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 Marion L. Riley, by Charles Riley as administrator (SCTM No. 0200-365.00-04.00-053.000). (Co. Exec.)**

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. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

Okay. Next is **1820-2009, Sale of County owned real estate pursuant to Local Law No. 13-1976 Robert Martin and Christine Martin (SCTM No. 0200-420.00-02.00-003.000). (Co. Exec.)**

I had a quick question on this, Ms. Greene. I just thought it was interesting that the successful bidder, the adjoining owner's lot next door was only 25 by 66. I was wondering, just as a matter of procedure, whether or not the bidders are aware or made aware that they cannot develop the parcel that they are buying, unless similar to the prior situation we had where this owner owns more property around and perhaps could use it for density purposes.

**MS. GREENE:**

The resolution does state a covenant that there will be no independent improvement, so whether they are informed of it before or after a time of closing, it does attach to the property.

**CHAIRMAN D'AMARO:**

Right, but the owner would not wind up with a buildable lot. Do you happen to know if they -- if the successful bidder has ownership of any of the surrounding properties?

**MS. GREENE:**

No. We only have in our research the immediate adjacent owners to whom the offer was made, so they must be contiguous.

**CHAIRMAN D'AMARO:**

Okay. But nonetheless, the covenant is there and the owner is aware of that -- the bidder is aware of that before closing.

**MS. GREENE:**

Correct.

**CHAIRMAN D'AMARO:**

Okay. All right. I'll offer a motion to approve 1820 of 2009.

**LEG. VILORIA-FISHER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Viloría-Fisher. All in favor? Any opposed? Abstentions? Motion carries.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1822-2009, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ernest Pereira (SCTM No. 0200-658.00-02.00-002.000). (Co. Exec.)**

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? The motion carries.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1823-2009, 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 Dorothy Roberts, by administrators Elizabeth Novarro, Paul Roberts and Barbara Schilley (SCTM No. 0200-026.00-05.00-004.000). (Co. Exec.)**

Same motion, same second, same vote. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1840-2009, Authorizing the placement of an Emergency Communications Facility at the GATR site in Theodore Roosevelt County Park, Montauk for Public Safety purposes. (Co. Exec.)**

This is two wireless antenna poles beings placed for emergency communication purposes. I'm going to offer a motion to approve. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1847-2009, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Keith B. Green (SCTM No. 0100-171.00-01.00-006.009). (Co. Exec.)**

This is a parcel located in the Town of Babylon, 36 by 125 foot lot. 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.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1848-2009, Authorizing certain technical correction to adopted Resolution No. 526-2009. (Co. Exec.)**

I believe the correction is to the tax map number indicated. 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.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

Next is **1850-2009, Authorizing certain technical correction to adopted Resolution No. 877-2005. (Co. Exec.)**

Same correction. I'll offer the same motion, same second, and same vote. For the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1861-2009, Authorizing the granting of permanent easements to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply and ancillary facilities on certain parcels acquired by the County of Suffolk under the Old Drinking Water Protection Program. (Co. Exec.)**

**MS. LOLIS:**

We would request that this be tabled for one cycle. We have to file an amendment.

**CHAIRMAN D'AMARO:**

Okay. A request by the Administration to table.

**LEG. VILORIA-FISHER:**

Motion to table.

**CHAIRMAN D'AMARO:**

Motion by Legislator Viloría-Fisher to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

**1862-2009, Authorizing the extension of the lease of premises located at 45 West Suffolk Avenue, Central Islip, NY for use by the Department of Health Services. (Co. Exec.)**

This is a lease extension just until I believe December 31 for the CI -- Central Islip Health Center, which is expected to be merged into the Brentwood facility after that. 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.  
**(Vote: 4-0-0-1 Not Present: Legislator Alden)**

Now a motion to go into Executive Session to discuss and review possible settlement of two pending actions against the County of Suffolk.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Alden)**. Okay. We'll be back. Thank you.

**[Executive Session from 10:22-11:42]**

**CHAIRMAN D'AMARO:**

We're back in public session and I have two announcements. During Executive Session the Committee has voted to settle the following two cases: Pamela Tutrani and Mark Tutrani against the County of Suffolk, and Kimberly Haeg versus the County of Suffolk.

With no further business before the Committee, I'll offer a motion to adjourn.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Nowick. All in favor? Opposed? Abstentions? We're adjourned. Thank you.

***(The meeting was adjourned at 11:43 PM)***