

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, April 21, 2010.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Jon Cooper - Vice-Chairman
Legislator Kate Browning
Legislator John Kennedy
Legislator Lynne Nowick

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - County Executive's Office
Pam Greene - Assistant Director - Department of Real Estate
Lynne Bizzarro - County Attorney's Office
Paul Perillie - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Justin Littell - Aide to Legislator D'Amaro
Terry Pearsall - Chief of Staff - SC Legislature
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer
Diana Flesher - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(*THE MEETING WAS CALLED TO ORDER AT 10:36 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 the Committee in Pledge of Allegiance led by Legislator John Kennedy.

SALUTATION

Okay. For the Committee members information there will be an executive session at the end of the public portion of our agenda today. And looking to the public comments portion, are there any cards that have been submitted for the Committee this morning? For the record, the answer is no.

So turning to tabled resolutions. I'll call the first.

TABLED RESOLUTIONS

The first resolution is number **1003-2010, Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650). (D'Amaro)** I'm going to offer a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Kennedy.

Just for the Committee's update, our IT Department and the point person for the Attorney General's Office are now communicating with one another hoping to put together some kind of method where we could get the technology from the Attorney General's Office and save some money as well. So I'll keep you updated on that. I'll call the vote. All in favor? Any opposed? Motion carries.

TABLED (VOTE: 5-0-0-0)

All right. Resolution, **1004-2010, Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)** A public hearing has been recessed. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

1030-2010, Adopting Local Law No. -2010, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3-2009. (Browning)

LEG. BROWNING:

Motion to approve.

CHAIRMAN D'AMARO:

There's a motion to approve. I'll offer a motion to table. Any seconds?

LEG. KENNEDY:

Why don't we -- I'm going to offer a second on the motion to table for discussion purposes.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Kennedy, go ahead.

LEG. KENNEDY:

We've had some discussion about this, Mr. Chair, and I've spoken with the sponsor as well. What I had hoped would have happened by now and I don't know whether this has gone on yet or not is that there would be some opportunity to look at the law itself to see if there is a way to address some of the concerns that Legislator Browning brings forward. I think that there is some validity to -- concern about undersized lots.

I know we've spoken at length about the process to allow the market or entrepreneurs to go out and to seek the variances and go forward with the restrictions of having a buildable lot be something available for first-time home buyers.

But nevertheless, I think that the sponsor continues to bring forward an issue that may be somewhat more commonplace in some of the areas that she represents than what we see in some of the other districts that we represent. I think I shared the last time around; I don't want to quote irony, but in the majority of my Legislative district a undersized lot that could be deemed buildable has value that is -- runs to six figures, and it's very rare, as a matter of fact. About the only way to go ahead and get an undersized lot built in the Town of Smithtown is through a single and separate process, which actually will take proponents back about 90 years to establish that there is a independent and separate chain. I believe Brookhaven's code was adopted in 1957 and there are still at this point a number of undersized lots, particularly in areas where there have been a variety of other issues and a variety other problems that the sponsor is attempting to try to address. And I admire her approach as far as wanting to go bring a tool to the table. Nevertheless the exclusion process is something that I'm concerned with because I think what we might do is is we might put a domino process into place whereby eventually we would see the other nine towns' departments seek a similar type of an exclusion or an undermining and we in essence then would have a piece of legislation that was a nullity or hollow.

Nevertheless, I offer this tabling today with the, I guess, with the notion that I will make a commitment to sit either with yourself and/or with Legislator Browning in this next cycle because if there's no way to reconcile within the law, then I think it's important to come back and re-visit, you know, the validity of her legislation as she puts it forward. That's my purpose for doing the seconding. And to the sponsor, that's my purpose for seconding on this motion to table for this one cycle.

LEG. BROWNING:

I see Pam is here. And I would like to maybe ask her, I know she's dealt with the last auction and how many, you know, properties that fall under Local Law 3, that actually sold and the locations if you have that information. And --

MS. GREENE:

I do. Good morning everyone. Pamela Greene from the Division of Real Property. I believe as we've said before and I know I've made the worksheet the division has used available to members of the Committee. But in last year's auction out of 139 parcels, 29 met the parameters of subject -- 29 met the parameters of Local Law 3; that they were undersized, they were substantially within a residentially zoned district. They were not less than 5,000 square feet. The street frontage was not less than 50 feet. And they substantially conformed with the surrounding residential community if there were to be a variance for a residential home applied for.

The committee made the following presumptions that a paper road did not meet the street frontage requirement and immediately surrounding meant on the same block. Of those 29 parcels that were subject to Local Law 3, 14 were put up for bid and 11 are now in contract, I'm sorry, 14 were sold, 11 of the 14 are in the Town of Brookhaven. Two are in the Town of Islip. One is in the Town of Babylon. Ten parcels are in the process of making a variance application. Two have title issues that

are being researched. And two parcels will likely default meaning the purchasers have communicated with the division, they were not aware of the requirements of the law and will not be pursuing the variance application and will default.

LEG. BROWNING:

Okay. So the 11 -- 11 of them are in -- you said Brookhaven.

MS. GREENE:

Correct.

LEG. BROWNING:

Okay. And the sizes of those lots? They're all 50 by 100 or they're all under 60 by 100?

MS. GREENE:

They must -- they must be not less than 5,000 square feet.

LEG. BROWNING:

Fifty by a 100.

MS. GREENE:

And they must have a road frontage of 50 feet.

LEG. BROWNING:

So they're in contract with the County?

MS. GREENE:

Correct.

LEG. BROWNING:

And what happens if they're denied their variances and they cannot build?

MS. GREENE:

As per the law, the County will refund their down payment. It is silent as to whether or not the auction fees would be refunded. So the presumption is that those auction fees would not be refunded. But the down payment would be.

LEG. BROWNING:

The auction fees are not refunded, okay.

MS. GREENE:

Meaning the application to participate in the auction.

LEG. BROWNING:

Yes, yes. So where are we putting that money that we are receiving in the auction? You go to contract, the property's sold, now we have the revenue from the sale, where is that money being held?

MS. GREENE:

Twofold answer: before we go to a full closing those down payments are being held in a trust and agency account, so an escrow account pending the final closing. The closing then goes into the division's budget and the -- at the end of our budget we must reconcile the County investment to date. So because these are County owned properties that have been with the County for more than three years or sometimes longer, we look to offset whatever the County investment to date has been.

LEG. BROWNING:

Okay. So, you know, I will continue to say this is something that's supported by the supervisor. It's supported by two council people. I can get more if you need me to get more. I think it's very -- personally disrespectful and disingenuous to ignore the supervisor and the council people who represent those districts and who are adamantly opposed to this law and who are going to continue to stand on this. So -- and like I said before, if I can't get it out, I will either do a discharge petition or I'll appeal Local Law 3. And I guess I'll have to work with all of the towns and see if they would like to repeal this law and support that.

CHAIRMAN D'AMARO:

Okay. There's a motion to table, it's received a second. I'll call the vote. All in favor? Any opposed? Abstentions?

LEG. BROWNING:

Opposed.

LEG. COOPER:

I'll support tabling for one cycle.

CHAIRMAN D'AMARO:

One opposed. Motion carries. **TABLED (VOTE: 4-1-0-0 Opposed: Leg. Browning)**

Okay. The next resolution is **1034-2010, Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to commissions and boards. (Montano)** I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

1163-2010, Adopting Local Law No. -2010, A Local Law to streamline procedures for selecting the County Legislature's Presiding Officer and Deputy Presiding Officer. (Cooper)

LEG. COOPER:

Motion to table so I can make further amendments.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

All right. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **Resolution is TABLED. (VOTE: 5-0-0-0)**

1200-2010, Adopting Local Law No. -2010, A Charter Law to establish a Common Sense Policy for special meetings of the Legislature. (Lindsay)

LEG. KENNEDY:

Motion to approve.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Okay. Motion to approve by Legislator Kennedy, seconded by Legislator Nowick. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**

Resolution 1222-2010, Adopting Local Law No. -2010, A Local Law requiring advisory boards to conduct open meetings. (Romaine)

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair. But I'm going to ask Counsel -- I had a chance to look at this bill briefly. Is this just a belt and suspenders for the existing Public Officers Law that we have in place now or does this actually extend some requirements that -- do we have -- is this an unaddressed area for boards and commissions that are meeting at this time?

MR. NOLAN:

There are opinions from the Committee on Open Government that advisory boards are not covered by the Open Meetings Law, the State Open Meetings Law. So this would establish a County policy saying that advisory bodies will comply with the notice requirements for open -- in the Open Meetings Law and the open meeting requirements. And that if they seek to go into like an executive session or conduct a meeting not open to the public they'll do so under the exemptions in the State Open Meetings Law.

LEG. KENNEDY:

For a limited purposes disclosure beforehand and all the same types of restrictions or -- that we have in place now.

MR. NOLAN:

Correct. This is would just basically take the Open Meetings Law requirements and extend them to advisory bodies.

LEG. KENNEDY:

How would we actually, assuming that this would go forward and it actually gets adopted into law, George, how would we wind up advising all our Chairs? Are we going to have some kind of correspondence that comes through the County Attorneys Office or is it just merely that, you know, ignorance to the law is no excuse?

MR. NOLAN:

It's not addressed in the law how the Chairs of the various advisory committees are going to be advised, but it's probably a good idea that somebody in the County government let people who are on the these committees know what the laws requirements are.

LEG. KENNEDY:

Okay. Now let's do A's before B's. So there's a motion to approve, I guess, Mr. Chair.

CHAIRMAN D'AMARO:

All right. There's a motion to approve. I'm going to offer a motion to table. And if anyone has any seconds on either motion just call them out. I'd also like to ask Counsel if, George, if you know, what's the reasoning that the advisory boards are not covered by the open meetings requirements?

MR. NOLAN:

Well, I think it just comes down to the fact that they're advisory boards. They actually cannot make policy. They can't make ultimate policy determinations for the County government, they can only advise other entity's in County government what to do. So therefore they just aren't covered under the definition of a body that has to have an open meeting.

CHAIRMAN D'AMARO:

All right. And just one more question, to Counsel, does the Open Meetings Law require stenographic record?

MR. NOLAN:

Actually, I'm not certain if it does. But basically this just says that the laws -- the law only goes to the notice requirements and the fact that the meeting will be open. Other provisions of the Open Meetings Law are not being extended out to those advisory bodies. I'd have to check about the stenographic record.

CHAIRMAN D'AMARO:

Yeah, but my concern is that these are not policy making bodies these are usually boards that come together to deal on a specific issue that is -- is there not so much to less to interact with the public, more to interact with the persons or body that appointed them seeking advice, expertise, that type of thing. I'm not saying that people shouldn't be welcome, but I think it should be left up to the advisory board also how they're going to function depending on the topic. They're very specific usually have a one issue or one task before them.

I'm also a little concerned about publication cost, stenographer costs, you know, I think we have at last count 17 advisory boards here in the County right now. And, you know, we start piling on those costs as well.

So I want an advisory board to be able to function in a way that is responsive to the group or individuals that have appointed that board for a specific task and not have to get really bogged down in a lot of other considerations that would normally come up with the public requirements. Now, I'm not saying that the public shouldn't have input, that should happen at the policy making level and it does, of course. But I think advisory boards are a slightly different beast than the policy making bodies or individuals that are elected to represent people. So that's why I'm going to offer a motion to table.

LEG. KENNEDY:

If I can, Mr. Chair, and thank you for that rationale on a motion to table. I would suggest to you that when we look at the current range or gamut of advisory boards that we have in place right now, I think they really do run a span of looking at single purpose or single item types of things to a very broad policy and two examples I'll give you, which I know your familiar with, the Lake Ronkonkoma Advisory Task Force, which was just created along with myself and Legislators Muratore and Cilmi. And we have had two meetings so far. We do have a stenographer there. We have a large range of issues that we are moving into.

As a matter of fact, at Legislator Cooper's suggestion, we actually have a reporting function that we will be doing in that we'll be bringing some preliminary information back to the Legislature.

And that's the point that I think I'd like to go to as far as offering my motion to approve. Whether an advisory board is of a single purpose or limited scope or to focus on one specific item or we get something like teen pregnancy or some of the other items that are much broader scale; in each and every instance we are delegating some of our inherent responsibility to a group of appointees to go about a particular task. And the way they go about that task I think is as important as the conclusions they come to. We have sat at many public sessions and we will sit probably at many more as long as the voters continue to return us here. And we as Legislators, the public portion is kind of, I guess, at the essence of what we do.

And so I would offer that having that same type of public aspect for those boards that we put in place to go about the task we charged them with; I think is an important part of the business that we do.

CHAIRMAN D'AMARO:

Okay. I understand that. Just to clarify what I said, an advisory board does just that; it advises. It doesn't necessarily debate. It's really a board that's appointed, we do delegate perhaps fact finding, often looking for an opinion, more of an expert opinion, I would think. Because when you appoint to

advisory panels usually you're looking for qualified individuals on a particular issue.

So the nature of the board itself is in an advisory role and it's not necessarily going to be based on public input. All right. That, of course, needs to happen and it does happen when a recommendation is made. But you want these boards to be able to go out and advise based on this issue or whatever they're discussing based on their expertise and what they bring to the table. The public -- that is one source of input to a public body such as us. We then, of course, will take all points of view and all the public debate and then filter that through.

So I think at the risk of sounding close-doored about this, which I really don't want to do, but I think you really need to let these advisory boards operate in a way that they're free to offer the best advice that they give for the purpose they're appointed. And then we will offer the public, of course, the opportunity to respond and debate that.

LEG. KENNEDY:

The only item that I would offer for that and I don't want to get into a chicken and egg, I think the bill is as the bill stands and we should go ahead and vote it for as it sits. But as you well know, anytime that you empower another group to engage in a investigatory process or a recommendation process there's a certain sense of filtering that's going on. That's actually why we do it in the first instance because the range of options, the range of choices in some areas can be, in essence, almost limitless. And in order to be able to get anything done, you know, in a timely fashion, we as a body have to rely on those experts.

Quite, you know, simply, we also need their expertise. Look at the LIPA control work that we look at sometimes. Look at what's going on with John J. Foley. Look at what's going on with Vector Control and, you know, disease control. We have to rely on experts.

But in looking at a set of recommendations that comes forward to us, there's always the ones that were picked up and discarded. We always want to believe that a body or a panel didn't embrace a recommendation because it lacked merit. However, a public scrutiny may keep a board engaged in a robust and comprehensive evaluation of all choices. You know, there's the old adage, they say sunshine's the best, what, anecdote.

So I think that's the purpose and that's the spirit that we look to embrace and I acknowledge that, you know, sometimes there may be a rationale to allow experts to go into a particular area, but I think the public aspect is probably one of best ways that we continue to keep closest to our constituents who keep us here.

CHAIRMAN D'AMARO:

Okay. There are two motions that have been made. Are there any seconds?

LEG. NOWICK:

Second to the motion to approve.

CHAIRMAN D'AMARO:

Okay. Legislator Nowick will second the motion to approve. Okay. There is a motion to approve pending. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**

All right. The next is resolution, I'm sorry, Home Rule Message number 1. **HR01, Requesting the State of New York to enact legislation establishing a Bi-County Commission to study the feasibility of establishing the State of Long Island (Senate Bill No. S.426-A and Assembly Bill No. A.1189-A). (Romaine)** I'll offer a motion to table.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

1308-2010, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Alcides Amaya (SCTM No. 0400-148.00-02.00-060.000). (Co. Exec. Levy) This appraised and sold for \$500. It's 25 by a 100 parcel in Huntington Station. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

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

1309-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stephen Morgenstern (SCTM No. 0400-177.01-04.00-004.000). (Co. Exec. Levy) I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1310-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jeremy Mutschler (SCTM No. 0200-110.10-01.00-035.000). (Co. Exec. Levy) Same motion, same second, and without objection, same vote. **APPROVED and placed on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1318-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Yi-Ching Wu (SCTM No. 0200-426.00-06.00-012.000). (Co. Exec. Levy) Once again, same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1319-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Greenport Landing, Inc. (SCTM No. 0600-101.00-02.00-008.002). (Co. Exec. Levy) Same motion, same second, same vote. **APPROVED and placed on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1320-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Henry Paez (SCTM No. 0200-824.00-04.00-065.000). (Co. Exec. Levy) Same motion, same second and same vote. **APPROVED and placed on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1321-2010, Amending Chapter 865 (Wireless Communications) of the Suffolk County Code to make the County's Wireless Communications Policy and its administration consistent with the duties of the Department of Information and Technology. (Co. Exec. Levy)

LEG. COOPER:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Cooper, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**

IR 1335-2010, Directing the Department of Information Technology to provide the services, customizations, and functionalities on the County's web servers to effectuate the creation, implementation, and maintenance of a webpage to serve as a clearing house where Suffolk County Citizens can exchange surplus items. (Losquadro)

LEG. COOPER:

Motion to table.

CHAIRMAN D'AMARO:

I'm going to second the motion to table and --

LEG. KENNEDY:

Mr. Chair, I'll make a motion to approve.

CHAIRMAN D'AMARO:

Okay.

LEG. KENNEDY:

But I'm also going to turn to Counsel and I'm going to ask, can we get some kind of a synopsis on this, George?

CHAIRMAN D'AMARO:

Just before we do that, is there a second on the motion to approve? Not yet. Okay. George, go ahead, please.

MR. NOLAN:

Well, the resolution directs the Department of Information Technology to take all the actions necessary to create a webpage on the County Legislature's website to serve as a clearinghouse where Suffolk County citizens can exchange surplus items.

LEG. KENNEDY:

Is there language in the bill -- and I apologize, I should know this, but I don't, so I have to ask -- is this surplus from any place or is it just surplus County Government or surplus municipal items?

MR. NOLAN:

The way I read the resolution, it doesn't apply really just to County surplus items, but citizens out there can use this to put their own surplus items on the website.

LEG. KENNEDY:

All right. I'll withdraw the motion to approve and support the tabling, and I'll speak with the sponsor. If there's a need for clarification of the language, maybe the sponsor might want to take a look at that.

CHAIRMAN D'AMARO:

The resolution says that the name of the website should be or shall be Diamonds in the Rough. So I don't know if those are County diamonds or privately owned diamonds, but I guess we need a clarification.

LEG. KENNEDY:

I was hoping it wasn't swap and shop.

LEG. NOWICK:

That's a question I have. Do you mean like surplus items in your house; you have an extra dining room set and you put it on the website?

LEG. COOPER:

Exactly. If I could --

LEG. KENNEDY:

I've got a lake for sale.

CHAIRMAN D'AMARO:

All right. Legislator Cooper, please go ahead.

LEG. COOPER:

Again, I made the motion to table. I have a slew of questions; number one, who would monitor this webpage; is there any liability to the County if the product that is exchanged is defective or hurts somebody. But I think that this is a perfect example of something that is best left to the private sector. I see absolutely no role for government in something like this. But if my colleagues disagree and this is approved, I would suggest that we instead of calling it Craigslist, we call this Danslist since it was Dan's idea.

LEG. NOWICK:

Question for George also.

CHAIRMAN D'AMARO:

Sure, go ahead.

LEG. NOWICK:

George, what's our liability here? Somebody goes on the web, decides to purchase, gets in touch with the person selling, turns out to be a little bit of a crazy person, goes to someone's house -- this sounds like we have a little liability going on here.

MR. NOLAN:

Well, I'm not certain about the extent of the liability. I think the bigger question is is it proper to use County resources to create something that's going to be used by private interests. It's a little unusual.

LEG. COOPER:

And, George, that leads another question. Let's say that someone wanted to exchange, let's say, a puppy crushing video, would there be any -- that's an inside joke, sort of. I'll let you off the hook, George.

MR. NOLAN:

Thank you.

LEG. KENNEDY:

Again, Mr. Chair, I think that the sponsor might want to have some follow-up conversation with Counsel so that some of these questions can be addressed, you know, perhaps in an amendment.

CHAIRMAN D'AMARO:

What's also interesting is it talks about exchanging surplus items. Does that mean barter or trade or is it for cash? And also, does the County derive a monetary benefit?

LEG. KENNEDY:

As long as it's not mortgage-backed derivatives we'll be all right.

CHAIRMAN D'AMARO:

Yeah, exactly. So there are obviously a lot of questions about this bill and how it would work and what its purpose is and whether it's appropriate. So there's a motion to table, it's received a second. The motion to approve has been withdrawn for the record. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

Okay. Next is resolution **1336-2010, Authorizing certain technical corrections to Adopted Resolution No. 1152-2009. (Co. Exec. Levy)** This changes the dollar amount of three figures. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0-0-0)**

1345-2010, Authorizing certain technical correction to Adopted Resolution No. 877-2005. (Co. Exec. Levy) This adds a vacant quarter acre parcel in East Hampton to the Master List II planning steps resolution. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR. (VOTE: 5-0-0-0)**

1354-2010, Adopting Local Law No. -2010, A Local Law to impose civil penalties for the use of a vehicle in connection with the sale, purchase, use, or transport of unlawfully possessed controlled substances. (Co. Exec. Levy) Requires a public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes.

LEG. KENNEDY:

Can I just ask a procedural on this?

CHAIRMAN D'AMARO:

Sure.

LEG. KENNEDY:

And in no way shape or form do I want to discuss the contents of the bill, obviously we have to have public hearing. But again, it's a question for Counsel. I'm just curious as to why something that

actually is augmenting or amending the penal code is here with us in Ways and Means? Is it because of a revenue stream? I would think that it would be more logically over in Public Safety. It does, I believe, go to some of the use of a particular piece of property in the commission of a crime, and I'm just curious.

MR. NOLAN:

You raise a good point. I'll take a look at it and determine if this is in the right committee. I'm not sure how it was assigned here. When I look at it I'm not sure it belongs here.

LEG. KENNEDY:

Again, this is, you know, in no way to raise an issue with you, Mr. Chair, and any of my colleagues, but I would think we would want to hear from possibly the District Attorney, possibly the Police Commissioner, possibly anybody associated with law enforcement to speak to us about how this might, you know, interweave with the penal code.

CHAIRMAN D'AMARO:

I would have no problem with the reassignment if it's appropriate. The only thought I would throw out there is that if a vehicle is used in connection with sale, purchase, etcetera, all of those determinations would be made on the criminal level first, nothing would happen until -- unless and until you had, you know, a conviction or finding on a criminal proceeding. After that proceeding is concluded and all the appeals are exhausted, I would think at that point the County would pursue civil remedies at that point and make that justification for the committee.

MR. NOLAN:

That's why it was assigned here is because the Department of Law, this committee, generally oversees a Department of Law operations. So they would have to bring the civil proceeding. That's why it was assigned here.

LEG. KENNEDY:

Okay. That's the logic that's fine.

CHAIRMAN D'AMARO:

Okay. There's a motion to table for public hearing, it's received a second, I believe. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

1356-2010, Approving payment to General Code Publishers for Administrative Code pages (Pres. Off. Lindsay) It's in the amount of 1519.70. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0-0-0)**

Okay, the next resolution is **1370-2010, Adopting Local Law No. -2010, A Charter Law to increase the accountability of department heads. (Cilmi)** I want to inform the committee that I filed a recusal notice with the Presiding Officer and the Clerk as this could possibly affect the terms and conditions of employment of my spouse. So I'm going to recuse from this and turn our proceedings over to the Vice-Chair, Legislator Cooper.

LEG. COOPER:

This is scheduled for a public hearing so we need to table. I'll make a motion to table for public hearing. We have a motion and a second. All those in favor? Opposed? IR 1370 is approved -- I'm sorry, is tabled for public hearing. **TABLED for PUBLIC HEARING (VOTE: 4-0-0-0-1 Recused:**

LEG. D'AMARO)

CHAIRMAN D'AMARO:

Okay. And please not my recusal for the record on that vote. And thank you, Legislator Cooper.

There are no other items on the agenda other than we do have to go into Executive Session for the purpose of discussing possible settlement of litigation with the County. So I'll offer a motion to convene into Executive Session, second by Legislator Kennedy. All in favor? Opposed? Abstentions? We'll be back on the record shortly. Thank you.

EXECUTIVE SESSION WAS HELD FROM 11:12 AM TO 12:09 PM

CHAIRMAN D'AMARO:

Okay. Out of Executive Session, back on the record. The committee in Executive Session has agreed to a settlement in the following three pending litigations. The first is Sforza, that's S-f-o-r-z-a, against the County of Suffolk. The second is Jordan, J-o-r-d-a-n, against the County of Suffolk and Steven Johnson. And the third is DePasquale, D-e-p-a-s-q-u-a-l-e, against the County of Suffolk.

That concludes the business of the committee. I'll offer a motion to adjourn, second by Legislator Cooper. Any opposed? We are adjourned. Thank you.

THE MEETING CONCLUDED AT 12:10 PM

{ } DENOTES SPELLED PHONETICALLY