

**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 June 12, 2013.

**MEMBERS PRESENT:**

Legislator D'Amaro - Chairman  
Legislator Stern - Vice-Chairman  
Legislator Calarco  
Legislator Kennedy  
Legislator Nowick

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Renee Ortiz - Chief Deputy Clerk of the Legislature.  
Alicia Howard - Legislative Aide  
Michael Pitcher - Aide to the Presiding Officer  
Justin Litell - Aide to Legislator D'Amaro  
Paul Perillie - Aide to Legislator Gregory  
Debbie Harris - Aide to Legislator Stern  
Greg Moran - Aide to Legislator Nowick  
Ali Nazir - Aide to Legislator Kennedy  
Tom Vaughn - County Executive's Office  
Sarah Lansdale - Suffolk County Director of Planning  
Sharen Wagner - Budget Review Office  
Rick Brand, Newsday  
All other interested parties

**MINUTES TAKEN BY:**

Gabrielle Skolom - Court Stenographer

*(\*The meeting was called to order at 10:10 a.m. \*)*

**CHAIRMAN D'AMARO:**

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. If you would all please rise and join the committee in the Pledge of Allegiance led by Legislator Lynne Nowick.

*(\*Salutation\*)*

Thank you. Just a quick announcement: There will be an executive session of the committee after the public portion.

Okay. Turning to our agenda this morning. First, the committee has not received any correspondence.

The third section of the agenda is Public Comments. To the Clerk, have we received any comments this morning?

**MS. HOWARD:**

No.

**CHAIRMAN D'AMARO:**

Okay. For the record, there are no cards that have been submitted to the Clerk. Is there anyone present who would like to address the Committee this morning? For the record, there's no response. There are no presentations this morning, so we'll go right to our resolutions.

What I'd like to do is ask the committee to take one resolution out of order this morning, and that would be Resolution 1453 of 2013, Confirming the appointment of Carl J. Copertino as District Court Judge for and of the Second District to fill a vacancy. Mr. Copertino is here this morning to answer any questions and to present himself to the committee. As such, I'd like to offer a motion to take that resolution out of order. Second by Legislator Stern. All in favor? Opposed? Abstentions? That motion carries. The resolution is now before the committee, and, Mr. Copertino, if you would like to please come up. You can have a seat at the table.

And, as I mentioned, this resolution is to confirm the appointment of yourself to the district court, so welcome to the Ways and Means committee. Good morning, and I would like to invite you to make any kind of statement to start off.

**MR. COPERTINO:**

Good morning, Chairman, and good morning, Legislators. My name is Carl Copertino, and I'm very honored to have been nominated by the County Executive for a position on the district court and very honored to be considered by this committee. I have been an attorney for 32 years now, and I started my service with service to my country as a judge advocate and general in the navy, and I spent seven years on active duty. In that time, I represented accused at courts marshall and for military separations. Following my military service, I began the second phase of my career, which was in the Nassau County District Attorney's Office. Having served in the district court bureau for about three years, in that time I was made the Stop DWI trial attorney. I also served in the county court bureau, trying felony cases and finally in the rackets bureau where we investigated and prosecuted enterprise corruption.

I also spent about two and a half years in the New York State Attorney General's Office assigned to the financial crimes division there. My career took another turn about 10 years ago, and I have

been in the MTA since that time, first in the inspector general's office, and for the past five years, in the New York City transit legal bureau, where, among other things, I am the ethics officer for the 49,000 employees of New York City transit.

I have been almost a lifelong Suffolk County resident, making my home in the township of Babylon in Deer Park; prior to that, in the Township of Smithtown. I live there with my wife and two children, and I'd be happy to answer any questions that the legislators may have for me.

**CHAIRMAN D'AMARO:**

Thank you, Mr. Copertino. The committee did receive a copy of your resume, and, as you just told us, it's quite impressive, and I, for your, want to thank you on behalf of the committee for your service to the country as well. It's just a marvelous legal career that you've had, looking at your resume.

I wanted to ask you, when you worked for the office of the MTA inspector general and then you went to the MTA New York City Transit, was that a situation where you went from the independent oversight agency to the very agency that you were overseeing?

**MR. COPERTINO:**

That's right, sir. I did go from the oversight to the other agency.

**CHAIRMAN D'AMARO:**

And I guess the reason why you do that is, because you have, then, the experience and knowledge to fulfill the actual agency position; was it difficult to do something like that?

**MR. COPERTINO:**

I did not find it difficult to make the switch, especially in the role that I played over in New York City Transit, which is -- was primarily the ethics officer. I also worked in the no-fault division, so I didn't really see any conflict in doing that. As a matter of fact, I was recommended for the job by the inspector general.

**CHAIRMAN D'AMARO:**

Right. Okay. That's very interesting, the assistant general counsel but ethics officer, so that was the particular role that you had when you went to the New York City Transit.

**MR. COPERTINO:**

That's right.

**CHAIRMAN D'AMARO:**

Right, right. And, as I said, your service goes back all the way to, I guess, when you got out of Fordham University back in 1981 out of law school, you went right into the military at that time?

**MR. COPERTINO:**

Yes, sir.

**CHAIRMAN D'AMARO:**

Okay. Are there questions from the committee? We'll start with Legislator Nowick.

**LEG. NOWICK:**

Good morning.

**MR. COPERTINO:**

Good morning, Legislator.

**LEG. NOWICK:**

I have to ask you this question. Relation to John Copertino, the Honorable John Copertino?

**MR. COPERTINO:**

Only by blood.

**LEG. NOWICK:**

I have to ask you, how are you related?

**MR. COPERTINO:**

That's my father.

**LEG. NOWICK:**

Well, it is very, very nice to meet you. I certainly -- your dad and mom and we know each other for many years. It's a pleasure to meet you. So you are from Smithtown. Who are you replacing on the bench?

**MR. COPERTINO:**

That's the vacancy created by John Iliou's election to the county court.

**LEG. NOWICK:**

Okay. Well, you certainly have the experience, and, gosh, your parents must be very proud of you. You have served our country, you have all of this tremendous experience, and we're lucky to have you as well.

**MR. COPERTINO:**

Thank you very much.

**CHAIRMAN D'AMARO:**

Legislator Stern.

**LEG. STERN:**

Thank you, Mr, Chairman. And good morning, thank you for being here.

**MR. COPERTINO:**

Good morning, sir.

**LEG. STERN:**

Not so much as a question as a comment. I had the opportunity to review your resume which is very impressive, from your service to our nation and military experience to legal experience, which is both lengthy and varied, which is good to see different parts of the profession and varied experience that you bring to the bench. It will be a pleasure to support your nomination.

**MR. COPERTINO:**

Thank you.

**CHAIRMAN D'AMARO:**

Okay. Legislator Stern, thank you.

I see you're admitted in United States District Court for the western district of Tennessee back in 1983. Is that along with the military requirements?

**MR. COPERTINO:**

Yes, Chairman. That's when I was stationed in Memphis, Tennessee. I was admitted to the western district of Tennessee, and I was a special assistant U.S. attorney there. I was also a special assistant U.S. attorney when I was in Gulfport, Mississippi, but I didn't meet the requirements to be admitted to practice there. It was a little strange situation being able to practice but only in that certain role.

**CHAIRMAN D'AMARO:**

Okay. Are there any other questions from the committee? Okay. There are none. Mr. Copertino, I think your resume speaks volumes to your service, as my colleagues have pointed out. I'm going to offer a motion to approve.

**LEG. KENNEDY:**

Second.

**LEG. STERN:**

Second.

**CHAIRMAN D'AMARO:**

Second received by Legislator Stern.

**LEG. KENNEDY:**

Look at that.

**CHAIRMAN D'AMARO:**

And a third -- how about we all second? We'll all second. For the record, the entire committee would like to second your nomination to this court, and I'll call the vote. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0)** The motion is unanimously approved. I wish you the best of luck, and thank you for appearing this morning.

**MR. COPERTINO:**

Thank you very much, and my sincerest thanks to the committee.

**CHAIRMAN D'AMARO:**

Of course. Thank you.

**LEG. NOWICK:**

Now do you walk the beach also like your dad used to do?

**MR. COPERTINO:**

No. I was actually stuck at the beach because I worked there for nine years.

**CHAIRMAN D'AMARO:**

And you don't have to come to the full meeting on Tuesday.

**MR. COPERTINO:**

Thank you.

**CHAIRMAN D'AMARO:**

All right. Turning to the first resolution on the agenda.

**Tabled Resolutions**

First is **1182 of 2013, Adopting Local Law No. -2013, A Charter Law to strengthen legislative oversight and public participation in lawmaking process (Montano)**. Requires a public hearing. I'll offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries.

**Tabled/Public Hearing (VOTE: 5-0-0-0)**

**Resolution 1252 of 2013, Authorizing transfer of property to the Department of Parks, Recreation and Conservation (Kennedy).**

**LEG. STERN:**

Motion to table.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Stern. I'll second. All in favor? Opposed? Abstentions? Motion carries.

**Tabled (VOTE: 5-0-0-0)**

**1292 of 2013, Instituting a six-month moratorium on Requests for Proposals (Kennedy).**

I'll offer a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions?

Motion carries. **Tabled (VOTE: 5-0-0-0)**

Section VI, ***Introductory Resolutions***. We have a bunch of 16s I'll put on the consent calendar.

**1432 of 2013, Authorizing certain technical corrections to Adopted Resolution No.**

**330-2013 (County Executive)**. It's a change in the project number. I'll offer a motion to

approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed?

Abstentions? Motion carries. **Approved/Consent Calendar (VOTE: 5-0-0-0)**

**1433 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James Allen Jarmond and Marvina Jarmond (SCTM No. 0100-079.00-01.00-037.000) (County Executive)**. I'll offer the same motion, same second, and, without objection, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0)**.

**1434 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Wyandanch Community Builders, Inc. (SCTM No. 0100-059.00-04.00-018.000) (County Executive)**. Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0)**.

**1435 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joe Legette (SCTM No. 0100-202.00-02.00-091.000) (County Executive)**. Same motion, same second, same vote.

**Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1436 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven M. McDonald and Marie McDonald, his wife (SCTM No. 0100-204.00-02.00-052.000) (County Executive).** This is an irregularly-shaped parcel. It's landlocked. It's in Lindenhurst and appraised and sold for \$625. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0-0-0).**

**1437 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven M. McDonald and Marie McDonald, his wife (SCTM No. 0100-204.00-02.00-053.000) (County Executive).** Another parcel in Lindenhurst, irregularly-shaped, appraised and sold for \$550. Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**1438 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Larry Wilson (SCTM No. 0100-058.00-04.00-033.000) (County Executive).** I'll offer a motion to approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1439 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Leo P. Derrico, Jr. And Jacqueline M. Derrico, his wife (SCTM No. 0100-174.00-03.00-091.000).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1440 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Marianne Porcaro (SCTM No. 0200-491.00-02.00-006.000) (County Executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1441 of 2013, 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 Inez Quintero (SCTM No. 0504-013.00-01.00-050.000) (County Executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1442 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Angela L. O'Riley (SCTM No. 0100-057.00-03.00-079.000) (County Executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1443 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Grigoraki Living Trust Helen Grigoraki and Nicholas M. Grigoraki, as trustees (SCTM No. 0200-314.00-02.00-003.000) (County Executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1444 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Frank Cisco (SCTM No. 0200-923.00-03.00-093.000) (County executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

1453 has already been approved.

**1454 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Giorgio Mario Faldetta (SCTM No. 0200-337.00-01.00-044.005) (County Executive).** This is a 25-by-100 landlocked parcel in Port Jefferson Station, appraised and sold for \$650. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0-0-0).**

**1455 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Irene Colhoun (SCTM No. 0200-922.00-02.00-040.000) (County Executive).** Same motion, same second, same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0).**

**1456 of 2013, 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 Edward Vaughan (SCTM No. 0200-206.00-03.00-007.000).** Same motion, same second, same vote. **Approved/Calendar (VOTE: 5-0-0-0).**

Just note for the record that the motion on 1453 and 1454 were not on the consent calendar; 1455 and 1456 were on the consent calendar.

That brings us to resolution **1457 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bernadette Parks (SCTM No. 0200-479.00-03.00-011.000) (County Executive).** I'll offer a motion to approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed? Abstentions? One abstention, Legislator Calarco. The motion is approved. **Approved (VOTE: 4-0-1-0, Abstention: Calarco).**

**1464 of 2013, Adopting Local Law No. -2013, A Local Law to improve the process of Procuring, Surveying and Environmental Assessment Services (Krupski).** This requires a public hearing. I'll offer a motion to table.

**LEG. CALARCO:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries.

**Tabled/Public Hearing (VOTE: 5-0-0-0)**

**1466 of 2013, Repealing Resolution No. 157-2013 and repealing Resolution No. 158-2013 and amending the 2013 Capital Budget and Program and appropriating funds in connection with Optical Disk Imaging System (CP 1751) (P.O. Lindsay).** This is moving \$100,000 from the furniture and equipment line within this capital project to the planning and design line. I'll offer a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved**

**(VOTE: 5-0-0-0)**

**1482 of 2013, Authorizing the renewal of the lease of premises located at 3105 Veterans Memorial Highway, Ronkonkoma, NY for use by Fifth District Court (County Executive).**

Jerry, good morning. Thank you for coming in this morning. This lease had been reviewed and approved by the Space Management Steering Committee, and I invite you if you want to make some comments, the committee would welcome that.

**MR. ANDERUS:**

Yes. We've looked at -- we had actually put an SAR in for this. We've sort of jumped the gun on this by a couple of years because the lease doesn't expire until next March, and at that point, we were actively looking to see if we could locate this into the H. Lee Dennison Building. And when you combine that word getting out on the street, that we were looking to move out, and the downturn in the real estate market, Newmark Knight Frank had negotiated these lease terms, which will take us back to the same rent level as about 15 years ago, so we'll be saving about \$200,000 a year going forward from what we're paying now.

**CHAIRMAN D'AMARO:**

This is a 12-year renewal, I think, on the lease.

**MR. ANDERUS:**

Yes, it is. And we are also -- one of the perks is the first three months' rent is free and if -- by staying in this location, we also don't have to move, which would be a major expense.

**CHAIRMAN D'AMARO:**

Right, and taking advantage of the market forces and the County's ability to lease a larger space for a longer term, you cut a pretty good deal on the rent.

**MR. ANDERUS:**

Yeah, I don't think it's going to get any better than this.

**CHAIRMAN D'AMARO:**

Okay. Very good. Are there any questions? Okay. I'm going to offer a motion to approve.

**LEG. CALARCO:**

Second.

**CHAIRMAN D'AMARO:**

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

1491 of 2013 -- thank you, Jerry; appreciate your time.

**1491 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen Mazza and Lori Mazza, his wife (SCTM No. 0500-257.00-01.00-048.000) (County Executive).** It's an irregularly-shaped parcel, landlocked. It's located in Bohemia. It appraised for \$600 and sold for \$800. I'll offer a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN D'AMARO:**

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

We don't have any procedural motions this is morning, but we do have one *Home Rule Message*.

It's **HR 08, Requesting the New York State Legislature to amend the Real Property Tax Law in relation to limiting current base proportion for the 2013-2014 Assessment Roll in the County of Suffolk (Assembly Bill A. 07574-2013 and Senate Bill S. 05027-2013)**. That supports Assembly Bill A07574 of 2013 and Senate Bill S05027 of 2013. I'm going to offer a motion to approve.

**LEG. KENNEDY:**

This is -- I'll second it for discussion purposes, Mr. Chair. If I can, just my understanding is this is for Islip Town?

**CHAIRMAN D'AMARO:**

I spoke to the Islip Assessor about this bill by phone, and the way it was explained to me -- I'll defer to George if I'm incorrect -- is that right now, the Town of Islip has a special status, an assessing status -- I forgot the exact term -- where the town is permitted to adjust the allocation of taxes between taxing jurisdictions, like residential, commercial, school district. The state law currently allows that town, only Islip, to adjust or tweak the amount that's allocated to each taxing jurisdiction but only up to one percent. There's a cap on how much adjustment can actually be made, but in order for Islip to have that for the 2013, 2014 assessment role, to have that authority, they need that authority renewed in Albany. And Albany has now concluded that in order for Albany to pass the bill, they need a home rule message from the County. It doesn't affect the amount of the levy; it doesn't affect tax rate itself; and it doesn't affect the amount that comes into Suffolk County. That's the way it was explained to me.

**LEG. KENNEDY:**

Okay. Thank you, Mr. Chair. George, so who are the sponsors on this? Are they both Islip electeds or?

**MR. NOLAN:**

The assembly bill -- this is the only one I have -- it's Ramos and Englebright. The senate bill, I'm not sure who the sponsor is.

**LEG. KENNEDY:**

Hopefully, it would be Boyle. All right. You know what, listen. I'm fine. If it's within the town, they make their determinations how they want to allocate, that's fine by me.

**MR. NOLAN:**

It is the current practice. They are extending it for one more year and limiting the shift between classes to one percent.

**CHAIRMAN D'AMARO:**

Although none of us can recall having to actually pass a home rule message for this, but then again, the renewal may just be coming up now in Albany. Any other questions?

Okay. I'll offer a motion to approve. Legislator Kennedy has seconded the motion. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0-0-0).**

And I'll now offer a motion to go into executive session. Second by Legislator Stern. Motion carries, and we will be back on the record momentarily. Thank you.

*(\*The Committee met in executive session from 10:37 a.m. to 11:29 a.m. \*)*

Okay. Back on the record. In executive session, the committee has voted to settle the following cases: Doris Encarnacion (ph) verse Southside Hospital et al.; Kathleen M. Britt (ph) against the County of Suffolk et al; and Melvin Goodley (ph) against County of Suffolk et al; and also the action FIT against the County of Suffolk, but that settlement is subject to the passage of IR 1490 by the Legislature, and that becoming law; right, that would require a County Executive signature as well, that bill, 1490?

**MS. BIZZARRO:**

Right.

**CHAIRMAN D'AMARO:**

Right, so the settlement is subject to the enactment of IR 1490.

All right. No further business before the committee. We are adjourned. Thank you.

*(\*The meeting was adjourned at 11:30 a.m. \*)*