

WM 10/2/2013

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 October 2, 2013.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Robert Calarco
Legislator Lynne Nowick

ALSO IN ATTENDANCE:

Legislator DuWayne Gregory
George Nolan - Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk of the Legislature
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
Robert Lipp - Deputy Director - Budget Review Office
Laura Halloran - Budget Review Office
Tom Vaughn - County Executive's Office
Marie Berkoski - County Executive's Office
Penny Wells-Lavalle - Director of Real Property
Sarah Lansdale - Suffolk County Director of Planning
Wayne Thompson - Department of Environment and Energy
Rick Brand, Newsday
All other interested parties

MINUTES TAKEN BY:

Gabrielle Severs - Court Stenographer

WM 10/2/2013

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

CHAIRMAN D'AMARO:

Good morning. I'd like to welcome everyone to the Ways and Means Committee of the County Legislature. Please rise and join the committee in the Pledge of Allegiance this morning led by our Deputy Presiding Officer, Legislator Horsley.

(*Salutation*)

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

The next section on the agenda, Section III, is public comments. To the clerk, are there any comments this morning?

MS. ORTIZ:

No, sir.

CHAIRMAN D'AMARO:

There are no cards submitted. Is there anyone present who would like to address the committee this morning? For the record, there's no response. We don't have any presentations today, so we'll turn to resolutions, and I'd like to ask to take a resolution out of order this morning. We're joined by Penny Wells-LaValle, our director of the Real Property Tax Service Agency, who is up for reappointment or confirmation this morning. And I'd like to make a motion to take that resolution, ***1800 of 2013, Approving reappointment of Penny Wells LaValle as Director of Real Property Tax Service Agency for the County of Suffolk***, out of order.

LEG. CALARCO:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Calarco.

LEG. CALARCO:

All in favor? Any opposed? Abstentions? Motion carries. The resolution is now before the committee. I'm going to offer a motion to approve. Is there a second?

LEG. CALARCO:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Calarco.

Ms. LaValle, would you like to just come up and give us a few moments of your time?

MS. WELLS-LAVALLE:

Good morning, and I wanted to thank you all. Thank you for your motion. I appreciate the opportunity to serve the people of Suffolk County for another six years. I appreciate that very much, and I have to attribute all our success in my agency to my terrific staff, and I know that many of you have dealt with them on drafting issues and verification issues, and they are absolutely wonderful, and I am here because of them and you.

CHAIRMAN D'AMARO:

All right. Thank you. And I just want to also thank you. I know in the past, we've worked on a few issues with staffing and budgets, and it's a very difficult time to be heading a department, and so I appreciate the work that you're doing for the county as well.

MS. WELLS-LAVALLE:

Thank you.

CHAIRMAN D'AMARO:

All right. If there are no other comments, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. ***Approved (Vote: 4-0-0-1, Not Present: Kennedy)***.

MS. WELLS-LAVALLE:

Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you.

Tabled Resolutions.

The first is ***1292 of 2013, Instituting a six-month moratorium on Requests for Proposals (Kennedy)***. Motion to table. Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. ***Tabled (Vote: 4-0-0-1, Not Present: Kennedy)***

Resolution ***1571 of 2013, Authorizing certain technical correction to Adopted Resolution No. 107-2012 (County Executive)***. This had been tabled previously by the administration. The correction has now been made. It changes a 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: 4-0-0-1, Not Present: Kennedy)***

1693 of 2013, Adopting Local Law No. -2013, A Charter Law to accelerate legislative consideration of resolutions to accept and appropriate grant funds (County Executive). This resolution would exempt grant-funding resolutions from the seven-day rule of the legislature. I'm going to offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. ***Approved (Vote: 4-0-0-1, Not Present: Kennedy)***

Resolution 1694 of 2013, Adopting Local Law No. -2013, A Charter Law to implement performance measurement to increase accountability and enhance service delivery (Gregory). This would set performance parameters to measure against contract agencies where each department would be measuring the performance of contract agencies under their jurisdiction and then reporting annually to the legislature. We're joined this morning by the bill's sponsor, Legislator Gregory.

LEG. GREGORY:

If I may, Mr. Chair.

CHAIRMAN D'AMARO:

Please, go ahead.

LEG. GREGORY:

I was reading something. I didn't know you were up to the bill yet. Yes, this -- I think the important part of this bill is to -- particularly as we go through a fiscal crisis -- that we are monitoring the monies that we disburse to contract agencies to provide services at our behest. And this bill establishes accountability measures, where, actually, there'll be departments in the contract agencies establishing performance measures that they'll have to live up to to ensure that our monies are being wisely spent and should be done now. It's not to, obviously, to at least my satisfaction that it's being done, and I think this will bring more accountability to the system. So I respectfully request everyone's support for it. I think this would be a great service to Suffolk County. Actually, it was something that was brought to my attention from some of the contract agencies that they thought was very much needed. So thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Gregory. Just a couple comments. We often fund contract agencies throughout the county, and this bill -- first of all, it has a cutout or a threshold of \$50,000 or more county funded, so any entity receiving less than 50,000 would not be subjected to the performance review. But I agree with you: I think it's right to do this so we ensure the funding that is being provided by the county is being utilized properly and appropriately and we are getting the best bang for our buck. And also this reporting requirement to the legislature annually will come before we start to work on the operating budget, so that information will be available to us at the time that we start to decide how we're going to be funding agencies.

LEG. GREGORY:

Absolutely correct. And you and I have sat on the Budget Working Group for many years now, and I'm sure you recall one of the main problems that we have is particularly, just by way of example, if there's a youth agency or it could be, you know, a human service organization as well, we generally get a little blurb about what the agency is about and what they do. And a lot of times, it's a generic blurb and the funding and the name changes, but the general description of the program remains the same, and it's very much frustrating to kind of differentiate from one agency to another when you're making those critical decisions with the limited amount of resources and funding available to the decide whether we're going to fund the organization at current levels, reduce their funding, or even increase their funding. So this will ensure that those -- that we know what they're doing and they're doing what they should be doing as -- by the county contract.

CHAIRMAN D'AMARO:

And the more information we have, the more able we are to make these decisions with limited resources that we have. And, again, I agree with you that we don't often get enough information when we're putting together the budget and deciding how to set the priorities with respect to contract agencies. And I think in the end, this will benefit the contract agencies because there are so many good ones out there that do such a great job providing services to county residents, and this will give them an opportunity to measure their performance and show just what a great job that they're doing.

So with all of that said, I will offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern.

MS. ORTIZ:

Legislator D'Amaro.

CHAIRMAN D'AMARO:

Yes.

MS. ORTIZ:

We're checking the record, and it's showing this public hearing as recessed, so we're just going to confirm that. Can we pass it over?

CHAIRMAN D'AMARO:

Yes, we can pass it over.

MS. ORTIZ:

We're going to check with steno and see.

CHAIRMAN D'AMARO:

Great. Thank you.

Next resolution is **1701 of 2013, Amending the Rules of the Legislature (Browning)**. This would require that discharge petition signatures be dated and signed after the committee meets and considers the bill that's under consideration. I'm going to offer a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Tabled (Vote: 4-0-0-1, Not Present: Kennedy)**

Resolution **1702 of 2013, Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Ray and Pamela Bortzfield (Horsley)**. This would net \$60,000 in back taxes to the county, and there is backup with the bill to explain the need for the 215 redemption. If no one has any questions, 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: 4-0-0-1, Not Present: Kennedy)**

Resolution **1704 of 2013, Authorizing certain technical correction to Adopted Resolution No. 599-2013 (County Executive)**. This changes a project number in a resolve clause. 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: 4-0-0-1, Not Present: Kennedy)**

Resolutions **1718 of 2013, Adopting Local Law No. -2013, A Local Law to authorize conveyance of real property previously taken for delinquent taxes. Tabled public hearing (Browning)**. Requires a public hearing. I'll offer a motion to table. Second by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **Tabled/Public Hearing (Vote: 4-0-0-1, Not Present: Kennedy)**

1720 of 2013, Authorizing certain technical corrections to Adopted Resolution No. 499-2013 (County Executive). I'll offer a motion to approve and place on the consent. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy)**

Okay. Now we have a series of Local Law 13 resolutions. I'll read the first.

1760 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 1790 Route 25 LLC (SCTM No. 0200-350.00-02.00-013.000) (County Executive). This is an irregularly-shaped landlocked parcel in Ridge, appraised for \$980 and sold for \$1501. Offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1, Not Present: Kennedy)**

Resolution 1761 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Brian J. DeCanio and Monica DeCanio, his wife (SCTM No. 0500-482.00-04.00-027.000) (County Executive). Another irregular-shaped parcel in West Islip, appraised for 390, sold for 500. Same motion, same second, and without objection, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy)**

1763 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph Zachary Gazza (SCTM No. 0900-325.00-01.00-010.000) (County Executive). It's a

50-by-100 parcel. It's a paper street in Southampton. It appraised and sold for 2100. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy)**

1764 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 James D. Clark (SCTM No. 0100-160.00-01.00-019.000) (County Executive). Property located in West Babylon. Appraised and sold for 2,700. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1765 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Donald P. Bartunek (SCTM No. 0200-447.00-02.00-024.002) (County Executive). It's a 75-by-85 landlocked parcel in Selden. It appraised and sold for \$1,600. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

Resolution 1766 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 CLA Family Holdings Six, LLC (SCTM No. 0100-039.00-03.00-036.000) (County Executive). Appraised for 1200 and sold for 1500. It's a parcel in Wyandanch, 25 by 100. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1767 of 2013, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-166.00-05.00-025.000) (County Executive), 25-by-100 parcel in Miller Place sold to the Town of Brookhaven for \$845 for drainage purposes. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1768 of 2013, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-987.00-01.00-046.003) (County Executive). This is for open space purposes, and I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

Now we have a series of Local Law 16 resolutions.

Resolution 1770 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 John Wienert (SCTM No. 0404-012.00-01.00-010.000) (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: 4-0-0-1, Not Present: Kennedy).**

1771 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 Thomas McEvilly (SCTM No. 0209-022.00-05.00-052.000) (County Executive). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

1772 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 Gerard Dunn and William J. Dunn as Administrators CTA and as devisees under last will and testament of William J. Dunn (SCTM No. 0400-101.00-01.00-061.000) (County Executive). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

1773 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 Stephanie Howard (SCTM No. 0100-083.00-04.00-003.000). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

1774 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 Jack Kwong Moy and Jennie Yung Moy, his wife (SCTM No. 0500-348.00-02.00-022.000) (County Executive). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

1775 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 Gary Bresnick and Gail F. Kearney (SCTM No. 0100-109.00-01.00-140.000) (County Executive). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

Resolution 1776 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 Joan Scales (SCTM No. 0902-003.00-04.00-069.001) (County Executive). Same motion, same second, same vote. **Approved/Consent Calendar (Vote: 4-0-0-1, Not Present: Kennedy).**

1780 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Leisure Village Association, Inc. (SCTM No. 0200-192.00-07.00-034.000) (County Executive). This is an irregularly-shaped parcel in Ridge, appraised and sold for \$1,000. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1781 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Dawn M. Olave (SCTM No. 0100-162.00-02.00-031.000) (County Executive). Another irregular-shaped parcel in Babylon, appraised for 2300 and sold for 2400. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1782 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert Slomkowski and Rosetta Slomkowski, as joint tenants with right of survivorship (SCTM No. 0100-155.00-02.00-115.000) (County Executive). Parcel located in Lindenhurst, sold for \$50, appraised for \$45. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1783 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph Zachary Gazza (SCTM No. 0900-145.00-03.00-037.000) (County Executive). Parcel in Riverhead, 20 by 100, appraised and sold for a thousand dollars. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1785 of 2013, Sale of County-owned Real Estate Pursuant To Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM NO. 0200-235.00-01.00-015.000) (County Executive), 20-by-100 parcel, paper street in Brookhaven. Appraised and sold for \$1,000. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

Resolution 1786 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-213.00-03.00-008.000) (County Executive). Another 20-by-100 paper street in Brookhaven for the same price. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1787 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-213.00-03.00-014.000) (County Executive). A 40-by-100 parcel, another paper street in Brookhaven. Appraised and sold for \$2,000. Same motion, same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1789 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-234.00-03.00-003.000) (County Executive). It's a 30-by-70 parcel on a paper street in Brookhaven, appraised and sold for a thousand dollars. Same motion,

same second, same vote. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

1799, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Village of Patchogue (Calarco). This is a 200-by-100 parcel in Patchogue, which is proposed to be sold to the village and where the historic Carnegie Library is now relocated to, and we're joined this morning by the bill's sponsor, Legislator Calarco, who is also a member of the committee.

LEG. CALARCO:

I'd like to make a motion to approve. You hit it just right. We moved the Carnegie Library building, which was built in 1908, to make room for the new village project in the heart of Patchogue Village, and we moved the building over to the 6th District Court property, and that's where it sits now on its own foundation. And it was the intention to subdivide the property at a later point in time, which has now been done, and that subdivided property, we're looking to turn over to the village. And ultimately, they'll be turning the building and the property over to the Patchogue-Medford Library. It's going to become the young adults section.

CHAIRMAN D'AMARO:

Excellent. Okay. There is a motion to approve by the bill's sponsor, Legislator Calarco. I'll second.

LEG. CALARCO:

All in favor? Opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

Resolution 1800 of 2013, we already approved.

The last resolution today is **Resolution 1812 of 2013, Authorizing the sale of the H. Lee Dennison Building to the Suffolk County Judicial Facilities Agency (JFA), and the leaseback of the H. Lee Dennison Building from the JFA (County Executive).** The proposed lease is also attached to the resolution, and this sale leaseback was something that was already, as a matter of policy, approved in the county's budget, so I'm going to offer a motion to approve. Is there a second?

LEG. CALARCO:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1, Not Present: Kennedy).**

There's no further --

MS. ORTIZ:

We need to go back. That was closed. We have the vote slip.

CHAIRMAN D'AMARO:

What's the bill number, please.

MS. ORTIZ:

1694.

CHAIRMAN D'AMARO:

1694 of 2013, Adopting Local Law No. -2013, A Charter Law to implement performance measurement to increase accountability and enhance service delivery by contract

agencies (Gregory).

We already have a motion pending, Renee?

MS. ORTIZ:

No, I don't have one.

CHAIRMAN D'AMARO:

Okay. Legislator Gregory offers the motion to approve.

LEG. GREGORY:

I'm not on the committee.

CHAIRMAN D'AMARO:

Oh, that's right. I'll offer the motion to approve. Second, is there a second? Second by Legislator Calarco. All in favor? Opposed? Abstentions? That resolution is ***approved (Vote: 4-0-0-1, Not Present: Kennedy).***

There's no executive session today -- there is executive session today. All right. There's no further business on the public portion of the agenda. I'll offer a motion to go into executive session. Second by Legislator Stern. All in favor? Opposed? Abstentions? That motion carries. We'll be back on the record shortly. Thank you.

***(*The committee met in executive session
from 10:32 a.m. until 11:09 a.m. *)***

Okay. Back on the record. The committee, in executive session, took two actions. In the case of Linda Carney against the County of Suffolk, we've authorized the county attorney to settle the case within certain parameters; and on the case of Deborah Pompicello, as administrator of the estate of Marjorie Mary Clues (ph) and Deborah Pompicello individually against John J. Foley Skilled Nursing Facility Suffolk County Department of Health Services County of Suffolk, the committee has authorized settlement.

No further business before the committee. We are adjourned.

(*Meeting was adjourned at 11:09 a.m. *)