

DATE

**WAYS & MEANS COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A 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 May 29, 2014.

**MEMBERS PRESENT:**

Leg. Steven H. Stern, Chairman  
Leg. William Spencer, Vice Chair  
Leg. Kate M. Browning  
Leg. Robert Calarco  
Leg. John M. Kennedy, Jr.

**ALSO IN ATTENDANCE:**

George M. Nolan, Counsel to the Legislature  
Lora Gellerstein, Chief Deputy Clerk of the Legislature  
Lawrence M. Kenney, Smithtown Fire District  
Christopher Ring, Smithtown Fire District  
Laura Halloran, Budget Review Office  
William Shilling, Aide to Leg. Calarco  
Thomas Vaughn, County Executive's Office  
Amy Keyes, Aide to County Executive  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 12:35 PM**

**CHAIRMAN STERN:**

Welcome to the Committee on Ways & Means. I ask everybody to please rise and join us in the Pledge of Allegiance led by Legislator Calarco.

**SALUTATION**

Please remain standing for a brief moment of silence as we keep all our brave men and women fighting for our freedoms overseas in our thoughts and prayers.

**MOMENT OF SILENCE OBSERVED**

Thank you.

Again, welcome and good afternoon everyone. Committee on Ways and Means will begin with the Public Portion.

**PUBLIC PORTION**

I do have two cards. The first speaker is Lawrence McKenney. Oh, it's Lawrence M. Kenney. Mr. Kenney.

**MR. RING:**

We're really here for the Smithtown resolution.

**CHAIRMAN STERN:**

Okay. Well, I think now during Public Portion would be the appropriate time to have you guys -- so, yeah, why don't we have both of you come on up. You can have a seat at the table. I know that you were with us before. We did have the opportunity to speak. There were some requests that were made by members of the Legislature. So I think we're all looking forward to seeing how we made out. Mr. Kenney and Mr. Ring, welcome.

**MR. RING:**

Christopher Ring. Thank you. Good afternoon. As you referenced briefly before, we were asked to take care of some other issues, perform certain other acts in furtherance of the resolution when we were last before you, which we did. We have with us Affidavits of Publication, which we submit for your records. We posted the resolution and the location and date and time of this proceeding in three places within the Town of Smithtown which are within the jurisdiction of the Fire District. Once again, it was the Firehouse in Smithtown, the main Firehouse; Town Hall; and the Smithtown Library.

In addition we ran the publications -- the ads in three publications: Newsday, the Smithtown Messenger and the Smithtown News. I don't know if there's any other questions or further questions from our last time we were here.

**CHAIRMAN STERN:**

Yes. Legislator Kennedy.

**LEG. KENNEDY:**

Yes, Mr. Chair. And thank you. And I appreciate Mr. Ring and Mr. Kenney being here again. As well we have one of the Fire Commissioners, Chairman of the Fire Commissioners, Smithtown Fire District. As we had all discussed during the Public Hearing, this is a somewhat unique resolution, but nevertheless a provision that we have by virtue of State Law that helps to rectify a ministerial omission for a subsidiary municipal entity, in this case the Smithtown Fire District.

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As my colleagues had expressed, we just wanted to make very, very, very sure that we gave the public ample and excess opportunity to go ahead and come to address us, if in fact there had been concerns. You will recall we had the Public Portion in which -- my recollection was that we had extensive discussion with Counsel for the District. I do not believe we had anybody else that was forward. As you see, Mr. Chair, there are no other cards here, having given the public, again, ample opportunity to go ahead and bring forward.

And then finally to bring to the Committee's attention, probably for about the ninth or tenth time here, while this is a ministerial omission, in fact there has been no harm, no expense that's been incurred by members of the Smithtown Fire District. Additionally, as the project that is fully constructed and was done so in full conformance with New York State Labor Department standards, involved no borrowing whatsoever. And it was out-of-pocket, as they say, from Capital Reserve Funds of the Fire District designated specifically and only for capital improvements.

### **CHAIRMAN STERN:**

And while I agree, Legislator Kennedy, that this process that is afforded in a situation like this can be termed as, you know, being merely ministerial, I think it's also important to note that this body really wanted to make very sure that although ministerial, that every opportunity and then some was afforded to the public to weigh in and have the opportunity to be heard on this matter.

It appears as though sufficient notice having been given and not just merely sufficient but it sounds like above and beyond, what would otherwise be required, that it's not just being represented here on the record today, but that there is information and documentation that's been submitted to the Clerk, which will be made part of -- part of the record today.

Anybody else have any other questions? Okay. Very good. Thank you.

**MR. RING:**  
Thank you:

### **CHAIRMAN STERN:**

Okay. We do not have scheduled presentations today so we will go then to Tabled Resolutions.

## **TABLED RESOLUTIONS**

Tabled Resolutions, **IR 1043, Adopting Local Law No. -2014, A Local Law to strengthen policy against dual public salaries. (Cilmi)**

**LEG. SPENCER:**  
Motion to table.

**CHAIRMAN STERN:**  
Motion to table by Legislator Spencer.

**LEG. CALARCO:**  
Second.

**CHAIRMAN STERN:**  
Second by Legislator Calarco. On the motion? All in favor? Any opposed? Any abstention? **IR 1043 is tabled.**

**LEG. KENNEDY:**  
Opposed.

**LEG. BROWNING:**

Opposed.

**CHAIRMAN STERN:**

One in opposition -- sorry, two in opposition. Okay, Madam Clerk? **(VOTE: 3-2-0-0)**

**IR 1323, Adopting Local Law No. -2014, A Local Law to streamline procedures for filling Presiding Officer and Deputy Presiding Officer vacancies. (Gregory)**

**LEG. SPENCER:**

Motion to approve.

**CHAIRMAN STERN:**

Motion to approve by Legislator Spencer.

**LEG. CALARCO:**

Second.

**CHAIRMAN STERN:**

Second by Legislator Calarco.

**LEG. KENNEDY:**

On the motion.

**CHAIRMAN STERN:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Just a quick question to Counsel. What is the -- what, if anything, is the process that we have now, George, in the event that Presiding Officer becomes disabled, incapacitated or cannot serve?

**MR. NOLAN:**

In the event of a vacancy, our rules state that the vacancy has to be filled within 60 days of the vacancy. And that's -- that also goes for the Deputy Presiding Officer as well. I think one of the impetus for the legislation was the situation where we had a Deputy Presiding Officer vacancy, I believe, last year and it was never filled. So this tries to create a process that smoothly fills vacancy, timely fills vacancies. So now if this law's adopted, if the Presiding Officer position becomes vacant, the D.P.O. immediately becomes Presiding Officer. In the case of a D.P.O. vacancy, the Legislature will still have 60 days to fill that vacancy. But in the event the Legislature failed to do that, then the Presiding Officer would be authorized to appoint somebody to that position.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN STERN:**

Okay. Okay. Anybody else? Okay, Madam Clerk, we have a motion and a second. I'll call the vote. All in favor? Any opposed?

**LEG. KENNEDY:**

Opposed.

**CHAIRMAN STERN:**

Any abstentions? **IR 1323 is approved. (VOTE: 4-1-0-0)**

**IR 1450, Legalizing and validating certain acts of the Smithtown Fire District in connection with the construction of a substation on Plymouth Boulevard, Smithtown, and the expenditure of funds for said purpose from a Capital Reserve Fund. (Kennedy)**

**LEG. KENNEDY:**

I will make a motion to approve.

**CHAIRMAN STERN:**

Motion to approve by Legislator Kennedy.

**LEG. SPENCER:**

Second.

**CHAIRMAN STERN:**

Second by Legislator Spencer. The gentlemen were here. They made their presentation. They answered questions. Any comments? I'll call the vote. All in favor? Any opposed? Any abstentions? **IR 1450 is approved. (VOTE: 5-0-0-0)**

**LEG. KENNEDY:**

Thank you.

#### **INTRODUCTORY RESOLUTIONS**

**CHAIRMAN STERN:**

Introductory Resolutions. **IR 1472, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Palantinus Organization, Inc. (SCTM No. 0800-165.00-01.00-013.001). (Co. Exec.)** I'll make a motion to approve and place on the consent calendar.

**LEG. CALARCO:**

Second.

**CHAIRMAN STERN:**

Second by Legislator Calarco. All in favor? Any opposed? Any abstentions? **IR 1472 is approved and placed on the consent calendar (VOTE: 5-0-0-0)**

**IR 1475, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jla Unlimited, Inc. (SCTM No. 0200-882.00-02.00-070.000). (Co. Exec.)** Motion by Legislator Spencer. I'll second. All in favor? Any opposed? Any abstentions? **IR 1475 is approved. (VOTE: 5-0-0-0)**

**IR 1476, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-781.00-01.00-003.001). (Co. Exec.)**

**LEG. CALARCO:**

Motion.

**CHAIRMAN STERN:**

Motion by Legislator Calarco.

**LEG. BROWNING:**

Second.

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**CHAIRMAN STERN:**

Second by Legislator Browning. Everybody good? All in favor? Any opposed? Any abstentions?  
**IR 1476 is approved. (VOTE: 5-0-0-0)**

**IR 1478, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Thomas Murray (SCTM No. 0200-685.00-03.00-007.000). (Co. Exec.)**

**LEG. SPENCER:**

Motion.

**CHAIRMAN STERN:**

Motion by Legislator Spencer; second by Legislator Calarco. All in favor? Any opposed? Any abstentions? **IR 1478 is approved. (VOTE: 5-0-0-0)**

**IR 1488, Adopting Local Law No. -2014, A Local Law to modify County's Hardship Property Redemption Process. (Spencer)** This needs to be tabled for a Public Hearing. Motion by Legislator Spencer. I'll second. All in favor? Any opposed? Any abstentions? **IR 1488 is tabled for Public Hearing. (VOTE: 5-0-0-0)**

We will be going into Executive Session so I'll make a motion --

**LEG. SPENCER:**

Second.

**CHAIRMAN STERN:**

-- to go into Executive Session; second by Legislator Spencer. Okay. So we are timed out for Executive Session.

**EXECUTIVE SESSION FROM 12:47 PM TO 1:32 PM**

**CHAIRMAN STERN:**

Okay. We are -- have returned from Executive Session. And so let me state for the record that the Committee discussed and approved settlement in regard to the estate of the Daniel McDonnell by Danielle McDonnell, Administratrix, Devon McDonnell, an infant by his mother and natural guardian, Danielle McDonnell and Danielle McDonnell individually v County of Suffolk. Okay.

There being no other business before the Committee, we are adjourned.

**THE MEETING CONCLUDED AT 1:32 PM  
{ } DENOTES SPELLED PHONETICALLY**