

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 November 20, 2014.

MEMBERS PRESENT:

Legislator Stern - Chairman
Legislator Spencer - Vice-Chairman
Legislator Browning
Legislator Calarco
Legislator Kennedy

ALSO IN ATTENDANCE:

Presiding Officer Gregory - Legislative District No. 15
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Jason Richberg - Chief Deputy Clerk of the Legislature
Debbie Harris - Aide to Legislator Stern
Bill Shilling - Aide to Legislator Calarco
Amy Keyes - Economic Development and Planning
Laura Halloran - Budget Review Office
Dennis Cohen - Chief Deputy County Executive
Tom Vaughn - County Executive's Office
Lynne Bizzarro - County Attorney's Office
Gail Lolis - County Attorney's Office
William Ford - Appointee
Nicholas Lalota - Appointee
Rick Brand - Newsday
All Other Interested Parties

MINUTES TAKEN BY:

Gabrielle Severs - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

*(*The meeting was called to order at 12:38 p.m. *)*

CHAIRMAN STERN:

Good afternoon, everyone. Welcome to the committee on Way and Means. I'm going to ask everyone to please rise and join us in the pledge led by Legislator Spencer.

Salutation

Let's take a moment of silence to keep all of our brave men and women fighting for our freedoms overseas in our thoughts and prayers.

Moment of Silence Observed

Good afternoon, everyone. Let's see. Mr. Clerk, we have no cards?

MR. RICHBERG:

No cards.

CHAIRMAN STERN:

We'll go then into the agenda. Beginning with tabled resolutions.

Tabled Resolutions

IR 1558 - Amending the rules of the Legislature to maximize public participation in the Legislative Process (Cilmi).

LEG. SPENCER:

Motion to table.

CHAIRMAN STERN:

Motion to table by Legislator Spencer.

LEG. CALARCO:

Second.

LEG. MURATORE:

Second.

CHAIRMAN STERN:

Second by Legislator by Calarco. All in favor? Any opposed? Any abstentions? IR 1558 is tabled.
(Vote: 5-0-0-0)

IR 1636 - Adopting Local Law No. -2014, A Local Law to increase transparency and fairness of the County's property leasing process (Schneiderman). This is still in public hearing, correct?

MR. NOLAN:

Yes.

CHAIRMAN STERN:

So I'll make a motion to table for public hearing.

LEG. CALARCO:

Second.

CHAIRMAN STERN:

Second by Legislator Calarco. All in favor? Any opposed? Any abstention? IR 1636 is tabled.
(Vote: 5-0-0-0)

IR 1658 - Adopting Local Law No. -2014, A Charter Law to strengthen and streamline lobbyist registration and reporting requirement (Lindsay). This also remains in public hearing, so I will make a motion to table for public hearing. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? IR 1658 is tabled for public hearing. *(Vote: 5-0-0-0)*

IR 1867 - Adopting Local Law No. -2014, A Charter Law to modify Charter Commission requirements (Browning).

CHAIRMAN STERN:

Motion to approve by Legislator Browning.

LEG. SPENCER:

I'll second.

LEG. BROWNING:

Does George want to explain?

CHAIRMAN STERN:

Second by Legislator Calarco -- second by Legislator Spencer. Anybody on the motion? I guess then maybe Legislator Browning, or to our Counsel, maybe can get a brief explanation.

MR. NOLAN:

This -- under our current law we have to convene a Charter Revision Commission every ten years. This bill would amend the Charter to state that the Charter Revision Commission would only be -- it would be at the discretion of the Legislature. It wouldn't be every ten years necessarily. It would be when the Legislature determined that it was necessary or appropriate to bring a Commission together to look at the Charter. That's what the bill does.

CHAIRMAN STERN:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You know, every ten years the Charter Revision Commission comes together and there's a variety of different things that get brought forward. Over the course of time some of them wind up making their way into law; others don't. As a matter of fact, the referendum with the merger, one of the things that was cited was that it had been raised as a recommendation probably in the last two Charter Revision Commissions. And as a matter of fact, Dr. Koppelman said that there were Blue Ribbon reports that go all the way back to the 70's that recommended it.

You know, my sense is that I think the Charter revision process is a good process. I don't know that I personally would want to step away from it and leave it at the discretion of the Legislature. Not that my colleagues, you know, present and future, aren't going to be vigilant, but I think there's some benefit to, you know, taking a hard look once every ten years. I wouldn't want to weaken that requirement and make it permissive. I would want to see it stay as it is.

CHAIRMAN STERN:

To George. If it is discretionary or at least not required periodically, what would be the process then in order to get a Commission?

MR. NOLAN:

It would be a simple resolution.

CHAIRMAN STERN:

A resolution that would come through the Legislature?

MR. NOLAN:

Right, and it would be -- you'd have to form it in accordance with the Charter, because all the other provisions relating to the Charter Revision Commission remain the same, the makeup and the scope of the Commission. The only change is that instead of us having to have a Commission, we would do it when we thought it was necessary. You know, this really came out of probably the last Charter Revision Commission where, you know, the Legislature had to dedicate resources, staff, stenographers. There was no public or literally no public participation during the whole process. The only people who testified were elected's, and really the only recommendations that came out of it were to eliminate some obsolete provisions of the Charter which, you know, we can do that on our own.

So it's really -- it's a judgment call for the Legislature on this, but after watching the last process play out, if we get to the same place in 2018, there's no public demand for anything, no need and still we have to bring together 15 people and have public hearings that nobody come to and have two or three staff members assigned to it and have to prepare a report. It just seemed inefficient. There may come a time when the Legislature decides yes, we need to do this, there are some very pressing issues about the structure of County government, and the Legislature can form the Commission.

CHAIRMAN STERN:

But until then this is I'm sure among other things, that is a cost savings measure, it's a time savings measure, and then if there are pressing issues, that there is no need, at this point, to have to wait for a Commission to come together. If there are pressing issues then that can be addressed by a resolution before this Legislature anyway.

MR. NOLAN:

That's correct. And I just would add one other thing, and it's in the preamble of this particular law, is the Legislature has the power now to amended the Charter and we do it quite frequently to create new departments or do consolidations as needed. So we probably over the last decade have amended the Charter 30, 40, 50 times. You know, I just don't, myself personally, see the need to convene a group every ten years no matter what.

LEG. CALARCO:

Steve, I got a quick question.

CHAIRMAN STERN:

Legislator Calarco.

LEG. CALARCO:

So, Counsel, if I have this right, in forming the Charter in the first instance they put this provision in there for the purpose of insuring the public has an ability to review the forming of the -- basis under which we operate and make suggestions or recommendations if they feel there are things that need to be altered, correct? There was a reasoning behind putting this there in the first instance.

MR. NOLAN:

I think this requirement, the every ten year requirement, came in sometime, I believe, in the 80's. It wasn't original to the Suffolk County Charter and, you know, I don't know if it's the public necessarily -- it's -- the makeup is the County Executive appoints five people and the P.O. --

LEG. CALARCO:

Sure, sure, but the public then has the ability to come and testify and make suggestions and recommendations. Were there major revisions or major changes that were made to our Charter as a result to the original time frame when this Charter was put in, like Charter Law? Was there issues that they found in the 80's when we created this Charter Commission and has subsequent Charter Commissions made major recommendations, because I think they -- I mean, there's one that we just did that was debated by multiple Charter Commissions.

MR. NOLAN:

Right. I think one Charter Revision Commission, I think, in 1990 recommended the consolidation of the Treasurer and Comptroller. To my knowledge, that -- and there may have been others, but I'm just saying to my knowledge, that is the only recommendation from a Charter Revision Commission that has been put into effect since we started doing Charter Revision Commissions.

LEG. CALARCO:

I guess the thought process by the entities that created this law in the first place is that we should, though, give the public an opportunity to go to an independent body to make their case or that independent body should look at the Charter every once in a while to make the case about changes, because otherwise we're going to continue to operate under the functions of what this body feels is appropriate for the Charter, without giving anybody a full venue to vet it out.

MR. NOLAN:

But of course, you know, when we -- when this body proposes a change to the Charter the public has a right and an opportunity to come in and we would consider in the consolidation of the Treasurer and Comptroller, there was quite a lot of public input, but I am telling you that during the last round of the Charter Revision Commission the public was not there.

LEG. CALARCO:

The Commission is intended to give an opportunity to give voice to proposals that this body may otherwise not give voice to.

MR. NOLAN:

I suppose that's theoretically possible.

LEG. CALARCO:

Okay. Thank you.

CHAIRMAN STERN:

I'll just comment then to Legislator Browning. Did I see, George, that in talking about the makeup of the committee that there would be as a result of this initiative, that there would be no -- nobody who would serve on this Commission would be a County employee. Is that the same or different than what goes on currently.

MR. NOLAN:

It's the same. That is a current requirement that is carried over and retained in the Charter.

CHAIRMAN STERN:

Okay. So there's no change.

MR. NOLAN:

No change to that. The only change is the change we're discussing.

CHAIRMAN STERN:

Got it. Okay. Legislator Browning.

LEG. BROWNING:

Just, George, how many -- the last time the Charter Revision Committee met, and I have to say, I remember Bill Lindsay talking about this at one time and saying *yeah, we're going to have a Charter Revision Committee and they're going to meet and they're going to make recommendations and guess what, we're probably not going to do anything they want anyway.* Do you remember that? Because I remember it as clear as day. The bottom line is, is you can put the Commission together to make recommendations, but you're going to say well, thanks, but no thanks. How many recommendations did they make the last time they met and how many of those recommendations did we actually change?

MR. NOLAN:

I forget the exact number of recommendations they made, but I can tell you that all the recommendations that they made and were adopted by the Legislature were simply removing from the Charter obsolete provisions, like the Campaign Finance Board, which was a long article in the Charter that had never been used, was not effective. They said you should eliminate that from the Charter. In fact, I testified to the Commission and said that's something that I believed needed to be done through the Charter amendment process. So they were all clean-up provisions. There was nothing, you know, really major or substantive or structural changes recommended to, you know, the form of County government.

LEG. BROWNING:

So this is not eliminating the Commission, this is just basically saying that we as Legislators, I mean, because ten years from now there may not be any recommended needed changes, and two years from now we could possibly say you know what? Maybe we need to amend. So, you know, it's given us the opportunity to say let's bring a Commission when we need it and when we see a real need. I mean, we change things anyway without a Commission. I don't think it's such a big deal. To wait, you know, every ten years I think is kind of -- it's crazy when we have an opportunity to say let's bring a Commission in whenever we need it, when we really need it. I think -- did I make a motion? And we had a second, right?

MR. RICHBERG:

We have a motion and a second.

CHAIRMAN STERN:

Mr. Clerk, we have a motion and a second?

MR. RICHBERG:

Yes, we do.

CHAIRMAN STERN:

All right. I'll call the vote. All in favor? Any opposed?

LEG. KENNEDY:

Opposed.

CHAIRMAN STERN:

Any abstention? IR 1867 is approved. **(Vote: 4-1-0-0 - Opposed: Legislator Kennedy)**

IR 1954 - Authorizing the Town of East Hampton to utilize a parcel, Suffolk County Tax Map No. 0300-162.00-01.00-010.002, for municipal purposes (Schneiderman).

LEG. CALARCO:

Motion.

LEG. BROWNING:

Second.

CHAIRMAN STERN:

Motion by Legislator Calarco. Second by Legislator Browning.

LEG. BROWNING:

What are they doing with it?

MR. NOLAN:

I think there are changes being made.

LEG. BROWNING:

Is there changes being made to this?

CHAIRMAN STERN:

Yeah. This is Legislator Schneiderman's, the sponsor of the bill. I do know that he was giving another look to it. Is that correct, Mr. Vaughn?

MR. VAUGHN:

Yes, sir. So there were some changes. Specifically we had asked the Legislator to consider amending the bill to have the County recoup their initial investment from -- I believe when we transferred the property to East Hampton in 2002. It's not a particularly large sum of money, however, when we do transfer land for municipal purposes we do generally recoup some of our expenses with that and we would like that to go into place. In addition --

LEG. CALARCO:

I'd like to withdraw my motion to approve and make a motion to table.

MR. VAUGHN:

We would ask perhaps a middle ground of discharge without recommendation to give him the opportunity to amend the bill by --

LEG. CALARCO:

This is a parcel that was originally for affordable housing.

MR. VAUGHN:

Was originally for affordable --

LEG. CALARCO:

Has the town delineated what they actually want to use this property for? General municipal purposes is pretty wide.

MR. VAUGHN:

Right, which goes actually to the second amendment that we are now speaking to the town about.

LEG. CALARCO:

So we're back in two weeks. I'll make a motion to table.

CHAIRMAN STERN:

Yeah, I'm going to second that motion to table. The tabling is before us. All in favor? Any opposed? Any abstention? IR 1954 is tabled. **(Vote: 5-0-0-0)**

Introductory Resolutions

CHAIRMAN STERN:

IR 2018 - Authorizing the License Agreement for use of County premises located at Building 16, North County Complex, Hauppauge, NY by the Suffolk County Society for the Prevention of Cruelty to Animals (Co. Exec.).

LEG. KENNEDY:

I'll make that motion.

CHAIRMAN STERN:

Motion by Legislator Kennedy. Second by Legislator Calarco.

LEG. BROWNING:

Is this the home that they've been looking to find for quite some time?

CHAIRMAN STERN:

This has been approved by the Space Management Committee and had gone through that process. Okay. Everybody good? Okay. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 2018 is approved. **(Vote: 5-0-0-0)**

IR 2020 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Ralph Benjamin Lee (SCTM Nos. 0500-224.00-02.00-028.003 f/k/a 0500-224.00-02.00-028.001)(Co. Exec.). I'll make a motion to approve.

LEG. CALARCO:

Second.

CHAIRMAN STERN:

Second by Legislator Calarco. This is adjoining property, appraised value of 750 plus pro-rata share of taxes. This is in the Town of Islip. The property is 30 by 100 with restrictive covenants and cannot be developed. I'll call the vote. All in favor? Any opposed? Any abstention? IR 2020 is approved. **(Vote: 5-0-0-0)**

IR 2032 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Yury Santana and Norma Santana, his wife (SCTM No. 0500-117.00-03.00-003.001)(Co. Exec.). I'll make a motion to approve.

LEG. CALARCO:

Second.

CHAIRMAN STERN:

Second by Legislator Calarco. This is the sale of adjoining property owner for \$10,406 plus pro-rata share of taxes. The appraisal was for \$4,000. This is in the Town of Islip. The property is a 50 by 200, but cannot be independently improved and this is sold with restrictive covenants and cannot be developed. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 2032 is approved.

IR 2034 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jarn LLC (SCTM No. 0200-555.00-02.00-015.000)(Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRMAN STERN:

Motion to approve by Legislator Calarco. I'll second. This is a sale to adjoining property owner for \$13,000 plus pro-rata share of taxes. This had an appraisal of 12,500. This is in the Town of Brookhaven. The property is 40 by 150, being sold with restrictive covenants. It cannot be developed. I'll call the vote. All in favor? Any opposed? Any abstention? IR 2034 is approved. **(Vote: 5-0-0-0)**

IR 2035 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Mario Romero (SCTM No. 0100-175.00-01.00-105.000)(Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRMAN STERN:

Motion by Legislator Calarco. Second by myself. This is a sale to adjoining property owner for \$6,200. It was appraised at \$3,000 plus a pro-rata share of taxes. This is in the Town of Babylon. The property is 40 by 100, being sold with restrictive covenants and cannot be developed. All in favor? Any opposed? Any abstention? IR 2035 is approved. **(Vote: 5-0-0-0)**

IR 2036 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James W. Bennett and Mary Jane Bennett, his wife (SCTM Nos. 0800-164.00-02.00-046.005 f/k/a 0800-164.00-02.00 part of lot-046.000)(Co. Exec.). I'll make a motion to approve. Second by Legislator Browning. Adjoining property owner for \$201.05 plus the pro-rata share of taxes, with an appraisal of \$200. This is in the Town of Smithtown. The property is seven by 120 and being sold with restrictive covenants. It cannot be developed. All in favor? Any opposed? Any abstention? IR 2036 is approved. **(Vote: 5-0-0-0)**

IR 2050 - Authorizing the sale of surplus property sold at the October 28, 29, and 30, 2014 Auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution)(Co. Exec.). There is an Exhibit "A" which shows the properties that went during the auction. I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN STERN:

Second by Legislator Browning. Everybody's good? All in favor? Any opposed? Any abstention? IR 2050 is approved. **(Vote: 5-0-0-0)**

IR 2054 - Confirming the appointment of William G. Ford as District Court Judge for and of the Fifth District to fill a vacancy (Co. Exec.). Judge Ford, please, why don't you come up and join us. You can take a seat at the table. Thank you for being with us today, Judge.

JUDGE FORD:

Okay, great. How's that? Is that is that better? I believe I've met pretty much everybody on this committee at one time or another. I was telling the Chairman on my way in today was Mental Health Court Day. As you may or may not know, I have been appointed an acting County Court

Judge so I supervise the Drug Treatment Court as well as the Mental Health Treatment Court over in Central Islip. And it's been my honor to do that and it's one of those things that, especially since the closure of the State psychiatric facilities, that the court system has been able to at least address the number of folks with mental health and developmental issues that come into the criminal justice system. I believe some of you may know, but Legislator Kennedy and I both share the same work history in that before we went to law school but after we went to college we both taught folks with developmental disabilities. So it's something that I've been able to bring to the table in addition to whatever, you know, legal training and background that I have. So I really do appreciate you being able to put this on the agenda and address this. I'm happy to be able to continue my service and I'll entertain any questions if you have any.

CHAIRMAN STERN:

Legislator Kennedy.

LEG. KENNEDY:

Judge, thank you. And as a matter of fact, it was a real honor to be out there on the campaign cycle with you, too. I have always said that judges have an interesting time when they are out there, but nevertheless it's, you know, an important part of the process. Tell me a little bit with Drug Court. You know, and it's such an important aspect of what we do and yet a lot of folks don't, I guess, fully appreciate or realize, you know, what role Drug Court takes.

JUDGE FORD:

Let me walk you through a typical -- the Drug Court is -- the Drug Treatment Court is a voluntary treatment court. We handle both felonies and misdemeanors. A typical felony program involves a plea to the charge and then a course of prescribed treatment, sometimes intensive inpatient or intensive outpatient at the beginning, and then supervised outpatient treatment for the period of the contract. The participants are supervised by both the treatment agency, whichever one it is, and the Department of Probation. They're subject to random drug testing as well as scheduled drug testing when they come into court. And as the supervising Judge, I supervise their visits as well as coordinate some of the aspects of their treatment from time to time when necessary. In a typical misdemeanor plea they plea to the misdemeanor and it's a one year term in the program with a similar arrangement, intensive outpatient -- it's usually intensive outpatient or inpatient at the beginning, and then supervised outpatient treatment.

And I check in with them from week to week and there are frequently slip-ups. What's interesting to me as somebody who grew up in the 70's, is that the population of drug users now, of course you know, I don't have to tell you that heroin is a huge problem here on the Island, but it's not exclusively heroin. A lot of these individuals are using a whole cornucopia of drugs all the time, and pulling back the threads of which is controlling what is a big chunk of what we do, as well as getting the participants to understand that it's not just their sobriety that we're looking to address, but their thinking errors that led to the addition issues in the first place. So that's the real -- the heavy lifting that we do. And then so once they get through the program they're allowed to withdraw their plea and plead guilty to either a non-criminal violation or a lesser charge, depending on what they pled to on the front end.

We've had a couple of folks, I had a young -- and the two overlap, too. It's not like the mental health issues are exclusive or the drug issues are exclusive. Frequently the folks that we have in Mental Health Court do have substance abuse problems. Frequently the folks that we have in Drug Court may have other mental health issues, even though they may not rise to the level that we would look for for a diagnosis to be in Mental Health Court. So that's the short version of the process.

And there are, you know, like anything else there are successes and failures. I saw a young lady today who's been struggling over the last year in the Mental Health Court, but thanks to the efforts of getting her off of Long Island into Samaritan Village Upstate, she's a different person today. It was amazing to see this woman walk into the courtroom today. On the other hand, I had a young lady who looked like she was sailing right through the Drug Court, very quiet but seemed focused and she graduated on October 29th, and two days later she was picked up on the side of the Expressway, heroin and alcohol, and now she's charged with a felony.

So it's -- I wish I could tell you that we've got a stellar record. We're kind of in the trenches every day, you know, doing what we can do. I don't look to so much to say that well, we graduated 20 this time and 20 next time or 30 this time. I look to create a platform of stability for that year or that 18 month period so that in the event that they relapse, and I mean of course we try to keep them in a place of sobriety for as long as we possibly can, with the understanding that because of the nature of the disease of addiction, that they will likely relapse. But we try to create that platform of stability so that in the event they do relapse, they can go back to that platform and have that period of stability and say oh, okay, I did have that period of stability, that's how I get back there. And we try to create the relapse prevention mechanisms on the back end so that they can get back there, if that makes any sense.

LEG. KENNEDY:

It does, Judge, and I really appreciate you taking the time go through it. You know, in the time that I have been in office, it was probably one of the things, I guess, that I was least aware of to the magnitude that it's been an issue in my Legislative District and, quite frankly, many of us I guess have struggled with it in a whole variety of iterations. Doc Spencer I mean comes from another perspective with it, but nevertheless, all of us we've supported the NARCAN programs. And many of us talk, when we talk about our budgetary issues, about what are we doing to prioritize the resources and tools that you're talking about to bring to bear to help have those individuals, you know, become stabilized and achieve sobriety and kind of move back into mainstreaming in society, and I am glad you're there to try to kind of help guide them and promote them and oversee them. I'm tempted to ask you if you have enough resources, but I already know the answer.

JUDGE FORD:

Well, since you brought it up, we did, and I want to mention Dr. Marmo, the folks at EAC. We did receive as of September 30th a SAMHSA grant that was organized through the County Department of Health and the Office of Mental Health for \$325,000. We've hired now two new case managers, a full-time psychologist and a data entry person, because, you know, the Feds have tremendous reporting requirements and we have to report everything. But we expect that we're going to be able to not quite double the number of Drug Court participants that we currently serve over the next three years. And because the psychologist will kind of be able to serve dual purpose in both the Drug Court and the Mental Health Court we're hoping that with a little bit more additional resources from the Department of Probation, because I have one Probation Officer in Mental Health Court, and she has a County-wide responsibility. See, this is the thing that I have to say about that. This particular Probation Officer, Officer Lisa Acosta, does a tremendous, tremendous job. As the Judge I could not do my job without her. But whereas a typical Probation Officer has maybe the Town of Huntington or the Town of Babylon or a certain geographic area, she has the entire County, and she's just one person. So we're kind of limited in -- and my coordinator is part-time there as well. She shares with Family Court. But, you know, we are -- we're addressing to the extent that we can with the resources that we have, as many cases as we can on the mental health side. Like I said, we're going to be able to expand, through the addition of the case managers, the Drug Court side right away. I'm hopeful that even without additional Probation resources that we will be able to better manage, by taking some of those tasks off of her and we're giving them to the case managers, we'll be able to better manage the population that we have on the Mental Health Court side.

LEG. KENNEDY:

That's great, Judge. And thank you so much. I appreciate hearing about it and the work that you do. Thank you.

JUDGE FORD:

Anything else?

CHAIRMAN STERN:

Anybody else? Judge, again thank you for being with us today. It is my pleasure to make a motion to approve the appointment of Judge Ford.

LEG. BROWNING:

Second.

CHAIRMAN STERN:

Second by Legislator Browning. I'll call the vote. All in favor? Any opposed? Any abstention? IR 2054 is approved. **(Vote: 5-0-0-0)**. Judge, the nomination will continue to go through the process. It will be before us at our General session, but I for one don't believe that Judge Ford needs to appear before the full Legislature, so that will not be necessary. Congratulations to you.

LEG. CALARCO:

Congratulations, Judge.

JUDGE FORD:

Thank you very much. I appreciate it. Thanks again.

LEG. SPENCER:

Congratulations.

CHAIRMAN STERN:

IR 2075 - Reappointing Commissioner of The Suffolk County Board of Elections (Anita S. Katz)(Gregory). I'll make a motion to approve.

LEG. SPENCER:

Second.

CHAIRMAN STERN:

Second by Legislator Spencer. All in favor? Any opposed? Any abstention? IR 2075 is approved. **(Vote: 5-0-0-0)**

LEG. SPENCER:

Cosponsor on that one.

LEG. KENNEDY:

Mr. Chair, as to 2076, if I can just make a simple request to the committee. Mr. Lalota that is in transit. As a matter of fact, he expects to be here at about 1:30.

CHAIRMAN STERN:

We'll simply pass over then.

LEG. KENNEDY:

Yeah, if we could. He'll be here before us so that we have an opportunity to meet him and chat with him.

CHAIRMAN STERN:

Very good.

LEG. CALARCO:

Is he qualified?

CHAIRMAN STERN:

Please list me as a cosponsor on 2076. I'm sorry. Thank you, Legislator Browning, 2075. We're passing over 2076 as requested.

That brings us to ***IR 2080 - Authorizing Agreement with United States of America for the sale of tax deed parcel that was Subject of Federal Order of Forfeiture (Co. Exec.)***. I will make a motion to approve to get it in front of us. Second by Legislator Calarco. We will go to the County Attorney.

MS. LOLIS:

Gail Lolis, Deputy County Attorney. This property, at the time we took the tax deed this property was the subject of a forfeiture, a Federal forfeiture proceeding. In between the time they filed the preliminary order of forfeiture and the time of the final order of forfeiture, the County took the tax deed. We are in a dispute with the Federal Government as to who has the right to sell the property. We have worked at an agreement subject to your approval where we will be made whole for all past tax arrears plus an additional \$50,000 from any proceeds of the sale. The United States wants to have the opportunity to sell it. They believe they can get a higher price through their marketing of the property as opposed to us auctioning the property. So we would enter into an agreement with them, permitting them to market the property, and then if the sale price does not make us whole for the tax arrears, we have the right to ax the sale. If it does make us whole, then we will get, again, everything we've invested in the property plus an additional \$50,000.

CHAIRMAN STERN:

So it sounds like there's no downside to the County, right, no downside to us --

MS. LOLIS:

No, we're --

CHAIRMAN STERN:

And the ability to veto the sale if it doesn't make us whole or get us to the number that we want.

MS. LOLIS:

Absolutely, absolutely. And it avoids further litigation and having to go to Federal Court and we can get the property sold hopefully within the next six months.

CHAIRMAN STERN:

Very good. Anybody for Gail? Okay. All right. Well, good. Thank you. Okay. We have a motion and a second on IR 2080. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 2080 is approved. ***(Vote: 5-0-0-0)***

We have a solid line-up of County Attorneys with us today, so we will be going to Executive Session. I'll make a motion to take us into Executive Session. Second by Legislator Kennedy. All in favor? Any opposed? Any abstentions? All right. So we are recessed for Executive Session.

(Executive Session was held from 1:15 p.m. to 1:52 p.m.)

Okay. We are -- having returned from Executive Session, for the purpose of discussing settlement

in litigation matters. Let me place on the record, first of all, that a settlement has been approved by the or proposed settlement has been approved by the Ways and Means Committee in the matter of Abby Martinez as mother and natural guardian of Haylie Day, an infant and Abby Martinez individually v. Gary Kasten, D.O. And let the record show that the vote in Executive Session was unanimous.

The second matter is Angela Russell v. County of Suffolk. Let the record please reflect that there was a recusal by Legislator Spencer and that the remaining members voted unanimously. There were no other matters discussed or pending before the committee in Executive Session.

All right. With that, then it is my pleasure to welcome Nick Lalota and for us to return to the agenda. ***IR 2076 - Appointing Commissioner of the Suffolk County Board of Elections (Kennedy)***. Mr. Lalota, let's have you come on up and join us at the table.

LEG. KENNEDY:

And, Mr. Chair, if we can, I'm just going to ask Nick to tell us a little bit about his background. He, as you know, is our candidate for the Board of Elections and he's got quite an impressive background. So Nick, why don't you fill us in a little.

MR. LALOTA:

Thank you. Good afternoon. Thank you for inviting me here. Chairman Stern, members of the committee, it's a pleasure to appear before you. Being asked about my background, I'm a class of 2000 graduate of the United States Naval Academy and a class of 2012 graduate of the Hofstra Executive MBA Program. For my time after the Naval Academy I served for seven years in the Navy. I was stationed in Newport, Rhode Island, San Diego, California and Seattle, Washington and I deployed three times overseas.

When I returned home in 2007 to start a family, I took a few different jobs in government and politics, most recently with the New York State Senate, serving as Senator Phil Boyle's Chief of Staff.

I will entertain any questions that you have for me on my background, education or anything else.

LEG. KENNEDY:

Sounds good to me, Mr. Chair. I'm going to make a motion to approve and defer to the Doctor.

CHAIRMAN STERN:

I will second Legislator Kennedy's motion to approve. Everybody else good? All right. Let me first say thank you for joining us today. I know that it was taking time out of your day to be with us, but I think it was important to have you join us here today and -- let me first -- Legislator Spencer.

LEG. SPENCER:

Thank you, Mr. Lalota. We appreciate your service to our country and we appreciate your willingness to be one of our Commissioners. I would just like to ask just personally your interest in serving as a Commissioner, how did that come about, is that a personal interest, were you approached? And then I would be curious just as a Commissioner and just looking at our current election system, briefly if you just have as a Commissioner any I guess vision as to potential improvements that we could look at. So, go ahead.

MR. LALOTA:

Thanks for the question. To the first one about what my motivation or intention is, when I left the Navy in 2007 I took a job in Manhattan on Wall Street and it really wasn't satisfying enough. I didn't have a flag in my office or I didn't feel a sense of duty, so I put a few resumes out there and asked to be involved in local government and politics because I wanted to give back and serve my

community. That started me on this course that I am on right now. Like I said before, I am currently serving as Senator Boyle's Chief of Staff where I am able to give back to my community. This I feel is an elevated role to be able to do that, to be in charge of 60 employees, a budget of \$14.5 million, and oversee elections that influence 900,000 voters, is something that I would be pleased to do if approved. I was asked to do this, to serve, and I graciously accepted that and I'm appearing before you today on that. I don't recall the second question.

LEG. SPENCER:

The second question was, and I think that just by the nature of the way that we choose Commissioners, that we have one that represents each of our two major parties, but I feel that philosophically that, you know, we as a Commissioner that ultimately what we're looking for is a fair and equitable election. So I didn't know if you had any thoughts about our current system here in Suffolk County. We have new voting machines. You do weigh in on a lot of issues from the design of the ballot to making sure that elections are monitored appropriately. I think for me most importantly would be to have someone that is interested in equity.

MR. LALOTA:

Absolutely. So sort of two things that I am able to see from the perspective where I have right now, not yet fully sitting in that job or being privy to the books or the process. There are two ways or two things that I would first want to take a look at. Of the nine hundred and some-odd thousand registered voters in Suffolk County, about 35% participated in this most recent election. What I would seek to do is figure out if there are ways through the Board of Elections to increase that participation percentage. I think we all would agree that participation in one's democracy is a good thing, so, you know, analyzing the process to see if there are improvements to be made for ballot access would be one of the things I would first look at.

Second is the budget. It's a \$14.5 million proposed budget for 2015; \$8.2 million in personnel and \$1.4 million in overtime costs. And the latter of the overtime costs I think ought to be looked at for some efficiencies. As the Budget Officer of the Village of Amityville, we have a similar sized budget and we've been able to find some efficiencies there. I would seek to leverage those experiences to see if a similar budget might be able to find some efficiencies.

LEG. SPENCER:

That's perfect. I appreciate your answers. Thank you very much and I look forward to supporting you.

CHAIRMAN STERN:

Okay. Anybody else for Mr. Lalota? Mr. Clerk, we have a motion and a second?

MR. RICHBERG:

Yes, we do.

CHAIRMAN STERN:

2076 is before us. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 2076 is approved. **(Vote: 5-0-0-0)**. Because you were able to come and share your time with us today, I for one don't believe that it's necessary for --

LEG. KENNEDY:

As long as he's been vetted by the committee that's basically the extent of it.

CHAIRMAN STERN:

I would say that it is not necessary for you to be appear before the General session of the Legislature coming up next week. So we had a poll around the horseshoe here, so no need to

appear before the full Legislature. So we thank you for being with us today and congratulations to you.

MR. LALOTA:

Thanks so much.

CHAIRMAN STERN:

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

*(*The meeting was adjourned at 2:02 p.m. *)*