

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 December 11, 2014.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Presiding Officer DuWayne Gregory - 15th Legislative District
George M. Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Jason Richberg - Chief Deputy Clerk of the Legislature
Laura Halloran - Budget Review Office
Tom Vaughn - County Executive's Office
Dennis Brown - County Attorney
Gail Lolis - County Attorney's Office
Phyllis Seidman - County Attorney's Office
Wayne Thompson - Environment and Energy
Debbie Harris - Aide to Legislator Stern
William Shilling - Aide to Legislator Calarco
Michael Pitcher - Aide to Presiding Officer
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

(The meeting was called to order at 12:45 p.m.)

CHAIRMAN STERN:

Okay. Good afternoon everyone and welcome to the Ways and Means committee. I'm going to ask everybody to please rise and join us in the Pledge of Allegiance led by Legislator Browning.

SALUTATION

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

MOMENT OF SILENCE OBSERVED

All right. Thank you. Again, good afternoon, everyone and thank you for being with us today. Mr. Clerk, I do not have any cards? How about you?

MR. RICHBERG:

No cards.

CHAIRMAN STERN:

Is there anybody in the auditorium that would like to be heard? Seeing none, we will then go to the agenda.

TABLED RESOLUTIONS

Beginning with Tabled Resolutions, ***IR 1636 - Adopting Local Law No. -2014, A Local Law to increase transparency and fairness of the County's property leasing process (Schneiderman)***. This public hearing is still open, so I'll make a motion to table for public hearing. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? IR 1636 is tabled for public hearing. ***(VOTE: 5-0-0-0)***

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

INTRODUCTORY RESOLUTIONS

That brings us to Introductory Resolutions. ***IR 2082 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer)***. I will make a motion to approve. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? IR 2082 is approved. ***(VOTE: 5-0-0-0)***

IR 2083 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Cheryl L. Stilwell Et Al (Anker). This is going to be tabled. Some changes need to be made here. I'll make a motion to table. Second by Legislator Browning. All in favor? Any opposed? Any abstentions? IR 2083 is tabled. ***(VOTE: 5-0-0-0)***

IR 2084 - Adopting Local Law No. -2014, A Local Law to save taxpayer dollars on County signs and printed publications (Muratore). This needs to be tabled for hearing public hearing. I'll make a motion to table.

LEG. SPENCER:

Second.

CHAIRMAN STERN:

Second by Legislator Calarco. All in favor? Any opposed? Any abstentions? IR 2084 is tabled for a public hearing. **(VOTE: 5-0-0-0)**

IR 2093 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Breen, LLC (SCTM No. 0500-325.00-01.00-021.000)(Co. Exec.). I'll make a motion to approve and place on the Consent Calendar. Second by Legislator Spencer. Everybody good? All in favor? Any opposed? Any abstention? IR 2093 is approved and placed on the Consent Calendar. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2094 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Grace Buckley, Administrator of the Estate of Myra Maria Fournier (SCTM No. 0500-262.00-01.00-005.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2095 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gregory Connolly (SCTM No. 0800-089.00-01.00-025.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2096 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stephen D. Kelly, as to a 1/3 interest and Eileen P. Chiarello, as to 2/3 interest (SCTM No. 0100-190.00-04.00-025.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 2097 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lasaundra P. Haynes (SCTM No. 0100-167.00-01.00-003.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2098 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Trevor Johnson (SCTM No. 0500-122.00-03.00-036.003)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2099 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Valerie Rosini (SCTM No. 0200-281.00-01.00-003.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2100 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act William L. Drost and Carrie Drost (SCTM No. 0800-055.00-03.00-045.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 2114 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Lynn Alverson, executrix of the estate of Marjory Alverson (Barraga).

LEG. SPENCER:

Motion.

LEG. CALARCO:

Second.

CHAIRMAN STERN:

Motion by Legislator Spencer. Second by Legislator Calarco. Anybody have any questions on this one? Everybody's good? All in favor? Any Opposed? Any abstention? IR 2114 is approved.

(VOTE: 5-0-0-0)

IR 2115 - Authorizing the erection of an Irish Easter Rising Memorial at the Cohalan Court Complex (Browning). This needs to be tabled as it has not yet gone before Sitings. So motion to table by Legislator Browning. I'll second. All in favor? Any opposed? Any abstention? IR 2115 is tabled. **(VOTE: 5-0-0-0)**

IR 2129 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bread of Life Fellowship, Inc. (SCTM No. 0100-055.00-03.00-008.000) (Co. Exec.). I'll make a motion to approve and place on the Consent Calendar. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? IR 2129 is approved and placed on the Consent Calendar. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2130 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Elestine Dalmida, Rodney Dalmida, Darryl Dalmida and Lloyd Dalmida, sole remaining heirs of Alice Dalmida and Lloyd E. Dalmida (SCTM No. 0600-085.00-03.00-024.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2131 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ann Arne, executor of the estate of Margaret Arne (SCTM No. 0500-097.00-03.00-068.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2132 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Freddie Martinez and Milagros Martinez (SCTM No. 0500-113.00-02.00-032.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2133 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mansoor Irrevocable Trust, subject to a life estate retained by Muhammad Butt and Mary Patricia Elliott or the survivor of them pursuant to the Mansoor Irrevocable Trust Agreement Date the 17th Day of July 2006 (SCTM No. 0500-014.00-01.00-046.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2134 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Waheed Akhtar (SCTM No. 0100-039.00-04.00-040.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2135 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act William Farinon (SCTM No.

0400-202.00-03.00-043.000)(Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0/Consent Calendar)**

IR 2157 - Authorizing the Town of East Hampton to utilize a parcel, Suffolk County Tax Map No. 0300-162.00-01.00-010.002, for park and historic preservation purposes (Schneiderman). Anyone? Let's see. This is a new resolution, right? This had been before us before as IR 1954, which it sought to give a 1.7 acre parcel to the Town of East Hampton for general municipal purposes.

MR. NOLAN:

This is a resolution -- previously we conveyed it to the Town of East Hampton as parcel for affordable housing purposes. The Town has never used it for that purpose and they approached the County about using it for park and historic purposes instead. This resolution would authorize them to do so.

CHAIRMAN STERN:

Okay. Is -- I think Mr. Thompson is here, isn't he? Good morning. How are you?

MR. THOMPSON:

Good day.

CHAIRMAN STERN:

So tell us, what's going on here, and I guess maybe if you can spend just a moment or two taking us back through the history to bring us up-to-date on where we are today with this.

MR. THOMPSON:

I believe the parcel was originally given -- I know the parcel was originally given to the Town of East Hampton back in 2002 for affordable housing. They were given several extensions to use this for affordable housing. They kept battling back and forth as to who was going to proceed with it. I guess they moved forward and found out that they had an objection from a local tribe that there was land that was important to them. There's a structure on it that may have historical value. The only input I have from other departments is that our Parks Department is in agreement that the property should be preserved. Otherwise, we have no objection. We don't need it. We can't sell it with those problems involved with the local natives, and it does us no good. So they might as well have it in their parks than ours, because we have no other parks in the immediate vicinity, which mean it's not contiguous, so we might wind up signing an agreement with them to maintain it for us anyway if we did decide to put it in our parks. So we really have no objection from our department on this proceeding.

CHAIRMAN STERN:

And at this point if it was to be transferred to the town, is it anticipated that we would receive any payment for the property from the Town?

MR. THOMPSON:

At the time it was transferred, and of course it's been exempt since then to the town, or they pay the taxes themselves, there was like a \$6500 investment in County money, which is not that much amount of money for a property that we can't do anything with. So we're not overly concerned about retrieving that money.

LEG. CALARCO:

Motion to approve.

CHAIRMAN STERN:

Motion to approve by Legislator Calarco. I suppose the -- let me be the one to ask the question the other way. If \$6500 isn't all that much, then why isn't \$6500 not all that much for the Town to pay?

MR. THOMPSON:

I don't disagree with that remark.

CHAIRMAN STERN:

Clearly, I'm presuming at this point that the Town has realized, especially after being given several opportunities to do so, that they can't use it for the original affordable housing purposes. They are not going to do that going forward. They'd like to use it for parks and recreation, etc. There certainly is a value to the Town. I understand there's a value inherent with the County giving it over to the Town for those purposes. I certainly appreciate that, but the Town had it for a purpose, they are not using it for that purpose. They're going to switch gears. It might be for a beneficial purpose for the Town and its residents, but there is an underlying fair market value for that. Legislator Browning.

LEG. BROWNING:

Why are they not -- okay, they got it for affordable housing purposes and they're not building affordable housing. How many acres is this? What size is the property and why aren't they going to do it?

MR. VAUGHN:

Legislator Browning, they are not proceeding forward with affordable housing, which is one of the reasons we can't take it back to sell it, because of I believe the discovery of an Indian burial ground on the property or a structure of some type that is deemed historic that was originally not considered historic when we gave them the property. That is my understanding. But then again, I would also just point out that we are not the sponsor of this piece of legislation and probably would not be the better people to answer the question.

LEG. BROWNING:

And, I mean, if there truly is a burial ground --

MR. VAUGHN:

Right. That is my understanding that there is some historical significance. Landmark I believe is the word that the Legislator used in the resolution.

LEG. BROWNING:

Okay. So if there truly is a burial ground there, could we please -- it's not?

LEG. CALARCO:

In the conversation I had with the sponsor he explained that there was one of the last Montaukett Indian natives lived on that property in that house, and that there is significance to that, and that the Town is looking to restore the property and maintain it for its historical significance and that it had, you know, that connection to that Native American.

LEG. BROWNING:

Okay. So can we get something from the Town of East Hampton, or wherever it is, to -- something in writing to say this is what their intent is. I mean, I'm not opposed to their -- the historical value. I think that's -- I've said it before it's important that we preserve our history, especially our Native Americans.

LEG. SPENCER:

In light of the discussion, I'm going to make a motion to table.

LEG. KENNEDY:

Second.

LEG. BROWNING:

I don't know that I'm necessarily going to support the tabling motion. I would like to see something on Monday. I mean, I'm happy to pass it and if we can't get sufficient information on Monday.

LEG. CALARCO:

I'll withdraw my motion to approve and I'll make a motion to discharge without recommendation and we can send it to the floor on Monday and see if --

LEG. BROWNING:

I'll second that. I'll second the discharge.

CHAIRMAN STERN:

The -- while I appreciate the need for or the request for additional information, maybe the Administration can answer. If someone wants to find out more about it I think that's fine. Is there anything, or maybe to George. Is there anything that is providing for or that does not provide for the payment of the County investment here. Is that going to change in any way between now and when we come back for session?

MR. NOLAN:

Well, the bill cannot be amended at this point and voted on Monday.

CHAIRMAN STERN:

Right.

MR. NOLAN:

We're past the filing deadline.

CHAIRMAN STERN:

And as it stands right now, it doesn't call for the Town -- it's not requesting the Town nor is there an expectation in this resolution that the Town would pay the County the investment.

MR. NOLAN:

That's correct.

CHAIRMAN STERN:

All right. So I'm going to -- there's a motion to table by Legislator Spencer, there's a second by Legislator Kennedy. There is a motion to discharge without recommendation by Legislator Calarco. Is there a second to Legislator Calarco's discharge without recommendation motion?

MR. RICHBERG:

We had a second.

LEG. BROWNING:

I did that already.

CHAIRMAN STERN:

Second by Legislator Browning. The one thing that we don't have is a motion to approve in any

way. That was withdrawn. Okay. So the tabling motion will go first.

LEG. KENNEDY:

On the motion to table, Mr. Chair.

CHAIRPERSON STERN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

George, if there is that underlying value of \$6500 on this property, right, we've ascertained that? That's, through the Chair, Wayne, that's what the value is?

MR. THOMPSON:

The investment.

LEG. KENNEDY:

Oh, the County investment is 6500. What's the value on the property?

MR. THOMPSON:

At the time it was buildable I think we had it in around 120,000, but since it's found Indian, I mean, excuse me, Native American --

LEG. KENNEDY:

A lot of people say those things, but unless it's something that's been documented by State Office of Parks and Historic Preservation, quite frankly, that doesn't bar it or preclude it. We dealt with that with Marion Carll. It's just like, you know, there's spotted salamanders running around. Until DEC confirms it, that doesn't take the property and render it inert. So if there was \$120,000 appraised value on that property, then I'd go to Counsel and say Constitution bars us from making a gift of municipal assets. I'm not going to support giving this to them.

MR. NOLAN:

No, this was conveyed to them already by a 72-h.

LEG. KENNEDY:

Well, because in that case we had a very narrow and specific exception for the Constitutional prohibition. It appears that they're electing to do something different with it now other than the original intended purpose.

MR. NOLAN:

Legislator Kennedy, we can convey to the Town for any reason and for any amount. Under 72-h there is no Constitutional issue. The only question really before the Legislature now is are we going to allow, you know, the Town to change the purpose it's going to be used for, or are we going to try to, you know, reclaim the property at some point down the road.

LEG. KENNEDY:

I've been a little busy lately so let me ask you a simple question. Do we have anything from the Town of East Hampton that indicates what they want to use this property for? Anybody?

MR. NOLAN:

There's a lot of language in the resolution that was provided --

LEG. KENNEDY:

Well, no, no, no, no. Because the language -- that was drawn by a legislative sponsor. Is there

anything from the Supervisor or the Town Board of the Town of East Hampton that indicates what they want to do with this property?

LEG. CALARCO:

The sponsor indicated to me that the Town of East Hampton has the intention to completely rehab this building that sits there and use it as an historic property.

LEG. KENNEDY:

Well, that's great. I intend to do a lot of things, too. Show me the writing, show me the writing. No, I'm in for the table.

CHAIRMAN STERN:

Okay. Anybody else? Okay. We'll call the vote on the motion to table. All in favor of tabling? All opposed?

MR. RICHBERG:

Can I have the in favors again please?

CHAIRMAN STERN:

There are three in favor, two opposed at this point. Mr. Presiding Officer?

(Discussion held off the record)

CHAIRMAN STERN:

Please note that the Presiding Officer is not participating in the vote. All in favor? Any opposed? Any abstentions? So there are two opposed, three in favor of the tabling. IR 2157 is tabled.
(VOTE: 3-2-0-0 Opposed: Legislators Browning and Calarco).

We do have a few items on the calendar for Executive Session, so I make a motion to go into Executive Session. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? So we are breaking for Executive Session.

EXECUTIVE SESSION WAS HELD FROM 1:08 PM to 2:03 PM

CHAIRMAN STERN:

Okay. The committee on Ways and Means, having come back from Executive Session, during which we considered two matters, the first was the matter of Maryann C v. County of Suffolk, and the second was Angela Sutphen v. County of Suffolk, where we considered and approved settlements of these matters. Okay. There being no other business before the committee, we are adjourned. Thank you.

(The meeting was adjourned at 3:08 p.m.)