

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 Wednesday, May 26, 2015.

MEMBERS PRESENT:

Legislator Bridget Fleming - Chairwoman
Legislator William Spencer - Vice-Chairman
Legislator Kate Browning
Legislator Robert Calarco
Legislator Tom Cilmi
Legislator Monica Martinez
Legislator Robert Trotta

ALSO IN ATTENDANCE:

Legislator Kara Hahn
Amy Ellis - Chief Deputy Clerk of the Legislature
George Nolan - Counsel to the Legislature
Laura Halloran - Budget Review Office
Katie Horst - County Executive's Office
Dennis Brown - County Attorney
Lynne Bizzarro - Chief Deputy County Attorney
Greg Moran - Aide to Legislator Trotta
Rick Brand, Newsday
All other interested parties

MINUTES TAKEN BY:

Gabrielle Severs - Court Stenographer

CHAIRWOMAN FLEMING:

Good afternoon, everyone. Welcome to a regular meeting of the Ways and Means committee. We'll stand for the Pledge of Allegiance led by Legislator Calarco.

(*Salutation*)

Thank you and good afternoon. We have no correspondence. I don't have any yellow cards. I think we used up all our public comment in the last committee meeting. But anyone who was here and would like to be heard, please feel free to step up to the podium. Anyone who would like to be heard in public portion, three minutes at the podium. Seeing no comments, we will move forward to our resolutions.

I'd like to make a motion to take out of order Introductory Resolution **1428, Appointing member to the Judicial Facilities Agency (John M. Kennedy, Jr.) (McCaffrey)**. Comptroller Kennedy is with us. May I have a second on that motion to take out of order? Seconded by Legislator Spencer. All in favor? All opposed? Any abstentions? So calling resolution number 1428, I'll make a motion to approve. Second by Legislator Calarco. On the motion, Comptroller Kennedy, if you would like to join us.

COMPTROLLER KENNEDY:

Yes. Good afternoon, Madam Chair, and thank you for the opportunity to appear before you out of order, so I am here before you this afternoon as an appointee or potential appointee for the judicial finance agency. As you may know, this is the entity that has been utilized for a number of large projects here in Suffolk County going back to the days of the construction of the Cohalan Court Complex, and more recently the financing that was undertaken including the Dennison Building, a couple of parcels up here on the north campus for the purposes of providing operating capital for us.

For those of you who don't know, I'll give you the 30-second back-of-the-napkin tour. I got my bachelor's degree from Stony Brook in 1979 back when the bridge to nowhere really was a bridge to nowhere; my master's in business administration with a concentration in capital budgeting was from Adelphi University in 1984; and I have a juris doctorate from St. Johns University, graduating in 1994. I have been a municipal employee for 39 years, an employee of the County of Suffolk for 30. I have served in a variety of different capacities, worked with or for six county executives. Most recently, I am the elected comptroller; prior to that, a legislator for 10 years; prior to that, served as the official examiner of title with County Clerk Ed Romaine. I could go on and on and on ad nauseam.

CHAIRWOMAN FLEMING:

I think there's no questions as to your qualifications based on your experience. Since you've made the effort to be here, and I certainly appreciate it, if you want to just describe why it is is --

COMPTROLLER KENNEDY:

Yes, Madam Chair, I'd be happy to. The JFA is a critical entity i operations of county government, and since it is an entity that does have the ability to go ahead and on its own issue debt, I believe that my expertise and my capability and knowledge of the total debt profile of the county will be integral to the operations of the board. As you know, we've adopted a very aggressive posture with refinancing existing pipeline debt under general obligation. To date, we brought down about 225 million of existing debt. The debt that is outstanding now on the Dennison Building in the north campus will not be ripe or is not callable, actually, until 2022, so it's a little premature to consider that for refunding purposes because even though we can take advantage of reduced interest rates, you still have negative arbitrage that's incurred with what you have to hold aside until the instrument is callable. Nevertheless, we'll continue to look for opportunities where we can

effectuate savings on the interest payments if they occur, and I'll welcome to opportunity to serve.

CHAIRWOMAN FLEMING:

I appreciate that, as I'm sure many do. Just what are the duties and responsibilities of the judicial facilities?

COMPTROLLER KENNEDY:

Well, as a state-chartered agency, we must convene at a minimum of, I believe, twice a year. We have the obligation to continue to oversee and make certain that the payments are made timely on the existing debt schedules, and from time to time, we may be called on if there are any large-scale initiatives that may be brought forward in the future. It is in some respects not all that different than the role of a legislator or an elected in that you exercise a fiduciary responsibility and obligation on the behalf of the agency. You have to ensure that operations are done properly, that you are fully funded, that you adhere to and meet all of the obligations and responsibilities of the agency, and, most importantly, that you timely report.

CHAIRWOMAN FLEMING:

Thank you. Do we have any questions from my colleagues? I don't see any questions from the committee, so we'll take a vote on the motion. All in favor? All opposed? Any Abstentions?

Approved (VOTE: 6-0-0-1, Not Present: Cilmi) thank you, Mr. Kennedy.

COMPTROLLER KENNEDY:

Thank you, and have a wonderful rest of the day.

CHAIRWOMAN FLEMING:

I appreciate your willingness to serve.

LEG. BROWNING:

He's got nothing else to do.

CHAIRWOMAN FLEMING:

You've got nothing else to do.

We'll move back to the regular agenda with tabled resolutions.

Resolution 1179, Adopting Local Law No. -2016, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County Contractors and Public Employee Unions (Trotta).

LEG. TROTТА:

Table for public hearing.

LEG. CILMI:

I'll second.

CHAIRWOMAN FLEMING:

Motion by Legislator Trotta. Seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

Motion is **tabled. (VOTE: 7-0-0-0)**

1312, Accepting the donation of a monument honoring United States Service members who came in peace killed in Beirut bombing terror attacks (Stern). I'll make a motion to table. Seconded by Legislator Spencer.

LEG. CILMI:

Is that for a Sitings Committee approval first?

LEG. BROWNING:

Yes.

LEG. CILMI:

Okay. Thank you. Just on the motion.

CHAIRWOMAN FLEMING:

Yes.

LEG. CILMI:

I'm just overhearing conversation here. Has it not been to Sitings yet?

LEG. CALARCO:

Has to go to Sitings.

LEG. CILMI:

It has to go to Sitings and it hasn't been? George doesn't know.

LEG. SPENCER:

I know. It's got to go to Sitings.

LEG. CALARCO:

The sponsor has indicated to me they're looking for this to be tabled because it hasn't gone through Sitings.

CHAIRWOMAN FLEMING:

We have a motion and a second. All in favor? All opposed? Any abstentions? The motion carries. **Tabled (VOTE: 7-0-0-0)**

Introductory Resolutions.

1404, Approving payment to General Code Publishers for administrative code pages (P.O. Gregory). I'll make a motion to approve. Second by my vice chair, Legislator Spencer.

LEG. CILMI:

On the motion.

CHAIRWOMAN FLEMING:

Yes, Legislator Cilmi.

LEG. CILMI:

I guess through the Chair to Counsel, we do this from time to time and I know it's not a lot of money every time we do it, but is anybody reading the actual printed books that we are printing and paying for all these years?

MR. NOLAN:

I think this generated from the clerk's office. It's not just for the printed stuff. They also provide the online service, General Code Publishers. I'm assuming that this bill, which we get periodically, covers all of that and it's being checked by the clerk's office.

LEG. CILMI:

Can we confirm that?

CHAIRWOMAN FLEMING:

What aspect of it do you need confirmed, Tom; that it also involves the online?

LEG. CILMI:

Yeah, and I'd like to know what portion of it is for printed paper and what portion of it is for online publishing, how much is it?

CHAIRWOMAN FLEMING:

Is this something that you would require, Legislator Cilmi, prior to the general meeting -- I mean, prior to passing a vote here at committee, or could we approve it out of committee and then get those answers for you before Wednesday?

LEG. CILMI:

I would be fine approving it here, but I would just like the clerk -- oh, here's Jason.

CHAIRWOMAN FLEMING:

Jason, there's a question as to what portion of the General Code Publishers for administration code pages fee would be for a digital version and what portion would be paid for the hard copy. Is it something you can answer now, or could you provide that to Legislator Cilmi prior to Wednesday?

MR. RICHBERG:

I can get it to you prior to Wednesday. We just cut our quarterly payment for it, but I think a majority of our subscription is digital.

LEG. CILMI:

Okay. So we pay quarterly and this payment is for just about \$4,000?

MR. RICHBERG:

Yes.

LEG. CILMI:

And so is it reasonable, then, to assume that we spend about \$16,000 a year?

MR. RICHBERG:

Roughly. I think we might spend a little bit more. In the past, we did spend a lot more because what were doing is not only were getting general code but we were also getting all of our proceedings down as well. So Counsel has a set, I have a set of some things in the past where all the proceedings were bound with the General Code.

LEG. CILMI:

And the digital publishing of our code -- and you said the majority of the expense now is for the digital publishing?

MR. RICHBERG:

Yeah, we really don't need the hard copy.

LEG. CILMI:

Right.

MR. RICHBERG:

Most of the time, everybody here looks at it online.

LEG. CILMI:

Yeah. I agree. So I'm very curious, if we're spending \$16,000 a year, I'm very curious to know, you know, what exactly goes into this whole process?

MR. RICHBERG:

I can answer some of those questions for you. What happens, when we pass a local law, what have you, when it's filed with the state, they take that excerpt, that law, what have you, and they insert it into the code in whatever section, so they do all the manual editing and changing the words.

LEG. CILMI:

How do we provide it to them?

MR. RICHBERG:

We submit it to them, I believe, digitally as well. I also get a disc as well.

LEG. CILMI:

So we provide it to them digitally in a copy-and-paste kind of format, or are they retyping everything?

MR. RICHBERG:

I don't think they are retyping, no.

LEG. CILMI:

And this would be for local laws or for all?

MR. RICHBERG:

Everything, our code, our charter, everything.

LEG. CILMI:

Okay. Have we ever explored maintaining this on our own?

MR. RICHBERG:

Since I got here in October, no.

LEG. CILMI:

That's certainly not ever.

MR. RICHBERG:

I couldn't say to ever. This practice goes back to -- long time. I would say the 1700s.

LEG. CILMI:

You know, we do a lot of things just because we've always done them. That's just the nature of a lot of different things, but if you could sort of look into that and figure out whether or not it makes any sense for us to adopt doing this on our own versus paying somebody \$16,000 to copy and paste some words into a file that's preexisting, I would appreciate it.

CHAIRWOMAN FLEMING:

Are you comfortable, Jason, with providing us that?

MR. RICHBERG:

We could provide that analysis for you as soon as possible. We'll try and get it to you by

Wednesday.

CHAIRWOMAN FLEMING:

I don't know that it's as easy as it looks, actually, in terms of getting it done and getting it done --

LEG. CILMI:

It may not be.

CHAIRWOMAN FLEMING:

-- lawyers relying on the information. Let's see what information we get. I appreciate the question. We have a motion and a second. All in favor? Opposed? Abstentions? 1404 carries. **Approved (VOTE: 6-0-0-1, Not Present: Calarco)**

1411, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Zhenxian Liu and Lili Li, his wife (SCTM No. 0200-179.00-01.00-024.000)(County Executive). I will make a motion to approve.

LEG. SPENCER:

Second.

CHAIRWOMAN FLEMING:

If there are no questions from the panel, all in favor? Opposed? Abstentions? Any abstentions? 1411 carries. **Approved (VOTE: 6-0-0-1, Not Present: Calarco)**

1412, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Incorporated Village of Lindenhurst (SCTM No. 0103-025.00-03.00-112.000)(County Executive).

Is there a motion? Motion by Legislator Spencer. Seconded by Legislator Trotta.

LEG. CILMI:

On the motion. What is this for?

CHAIRWOMAN FLEMING:

This is a 72(h).

LEG. CILMI:

I know that. Can somebody tell me what the property is being used for?

MS. HORST:

I'm told they are going to use it for drainage. It's a small piece of property that we can't build on.

LEG. CILMI:

Okay. Thank you.

MR. NOLAN:

The resolution says "public benefit purposes."

LEG. CILMI:

Yeah, which could be any number of things.

CHAIRWOMAN FLEMING:

All in favor? Opposed? Abstentions? That resolution carries. **Approved (VOTE: 6-0-0-1, Not Present: Calarco)**

1417, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Howard Flynn and Deborah Siegel (SCTM No. 0200-698.00-01.00-040.000) (County Executive). Is there a motion? Motion by Legislator Cilmi. Seconded by Legislator Spencer. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 7-0-0-0)**

Resolution 1420, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Eric G. Ramsey III (SCTM No. 0100-170.00-02.00-085.000) (County Executive). Motion by Legislator Spencer. Seconded by Legislator Cilmi. Is that a motion to adjourn to the consent calendar as well?

LEG. SPENCER:
Absolutely.

CHAIRWOMAN FLEMING:

Okay. So it's on the consent calendar. All in favor? Opposed? Abstentions? That motion carries. **Approved/Consent (VOTE: 7-0-0-0)**

Moving to resolution **1421, 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 Frances White (SCTM No. 0900-138.00-01.00-012.001) (County Executive).** I'll make a motion to approve and place on the consent calendar. Seconded by Legislator Cilmi. All in favor? Opposed? 1421 carries. **Approved/Consent (VOTE: 7-0-0-0).**

1422, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Angel Tamayo, as administrator of the Estate of Pedro Tamayo a/k/a Peter Tamayo who died March 11, 1998 (SCTM No. 0101-004.00-04.00-058.000) (County Executive). I'll offer a motion to approve. Seconded by Legislator Spencer. That will also go to the consent calendar. All in favor? Opposed? Abstentions? 1422 carries. **Approved/Consent (VOTE: 7-0-0-0).**

1423, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ingrid Langner-Abraham (SCTM No. 0200-219.00-02.00-010.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? 1423 is approved. **Approved/Consent (VOTE: 7-0-0-0)**

1424, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James G. Victor (SCTM No. 0100-129.00-02.00-103.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? That motion carries. **Approved/Consent (VOTE: 7-0-0-0)**

1425, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Matthew Dada (SCTM No. 0200-730.00-02.00-014.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? The motion carries. **Approved/Consent (VOTE: 7-0-0-0).**

1426, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Soundview Associates (SCTM Nos. 1000-094.00-01.00-017.000 and 1000-094.00-01.00-019.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? 1426 is approved. **Approved/Consent (VOTE: 7-0-0-0).**

1427, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Daniel McCue (SCTM No.

0209-033.00-04.00-019.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? 1427 is approved. **Approved/Consent (VOTE: 7-0-0-0)**.

1441, Appoint member to the Yaphank County Center Planning Committee (Linda Petersen) (Browning). I'll make a motion.

LEG. BROWNING:

I'll make the motion.

CHAIRWOMAN FLEMING:

Oh, Kate, I'm sorry. You want to make the motion? I'll second that. Just on the motion, I wanted to point out that Ms. Peterson patiently waited here to answer our questions for many hours this morning as we went through public portion and discussion in our prior committee, so we thank her very much for her service. I did poll the committee as to letting her go, and I appreciate all your understanding.

LEG. BROWNING:

Thank you.

CHAIRWOMAN FLEMING:

And so we have a motion and a second. All in favor? Opposed? Abstentions? That appointment is **approved (VOTE: 7-0-0-0)**, and we thank Ms. Peterson. Did you want to say something, Doc?

Resolution 1449, Accepting and appropriating a grant in the amount of \$48,950 from the New York State Division of Criminal Justice Services, to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the Sex Offender Court with 100% support (County Executive). Is there a motion?

LEG. SPENCER:

Motion.

CHAIRWOMAN FLEMING:

Motion by Legislator Spencer. Is there a second? Do we have a second?

LEG. CILMI:

No. I have a question.

CHAIRWOMAN FLEMING:

Okay. Do we have a second on the motion?

LEG. MARTINEZ:

I seconded.

CHAIRWOMAN FLEMING:

Oh, thank you. Second by Legislator Martinez. Legislator Cilmi, on the motion.

LEG. CILMI:

Is there anybody who can speak to this in the auditorium? Hi, Katie.

MS. HORST:

I can try.

LEG. CILMI:

Hi. So through the Chair, if I may, \$48,950 to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the sex offender court with 100 percent support. Explain that.

CHAIRWOMAN FLEMING:

Is this 18-B?

LEG. BROWNING:

No, it's Legal Aid.

CHAIRWOMAN FLEMING:

No, it's when Legal Aid doesn't have enough, you have enhanced services with the 18-B, which is the indigent counsel defense panel. I think that may be what it is.

LEG. CILMI:

What is sex offender court? I guess that's my first question. I know we have a drug court and a veterans' court.

MS. HORST:

I don't have an answer for you, but I'm happy to, if you guys want to discharge without recommendation, have the Legal Aid Society here on Wednesday.

CHAIRWOMAN FLEMING:

We do have executive session on our agenda, and I see that the county attorney is here, so if you all need time to get an answer, we're coming back after exec session, but if you can answer it now, Dennis.

MR. BROWN:

I can answer a little bit. As far as the specific part about sex offender court, I'm not familiar with it, but I can look into that for you. So this is probably from the state and so this would be money to go to Legal Aid as past due money as a grant as part from the appropriation we do on an annual basis for Legal Aid for general services for the indigent, but this would be for special services pursuant to a grant to Legal Aid from Office of Indigent Legal services. And that's just from without reading the grant -- without reading the resolution, what my gut reaction would be from having dealings with Legal Aid.

LEG. CILMI:

So it's a grant given to Legal Aid to utilize, I guess, taxpayer money to defend sex offenders? I mean, I suppose legally any offender is entitled to defense, right, regardless of what type of crime they commit?

MR. BROWN:

Yes, but not necessarily defense because defense -- first of all, it has to be predicated upon indigency when you're talking about Legal Aid, but it could also be -- I'd have to look into this -- it could be some type of diversion program or alternative to incarceration. I'd have to look into it a little bit further for you.

LEG. CILMI:

Can we do that before we vote on this?

MR. BROWN:

Sure, I'll try.

CHAIRWOMAN FLEMING:

We have an executive session on our agenda, so if you would like to maybe look into this, when we come back into --

MR. BROWN:

Sure. I'll make a quick call to the attorney who does the contracts for Legal Aid on a daily basis and I'll let you know.

CHAIRWOMAN FLEMING:

Thank you. So we will adjourn. I'll make a motion to adjourn 1449 until we resume session. I, as the chair, am going to make a motion that we adjourn into executive for purposes of litigation. Seconded by Legislator Cilmi, and we will return, so we are adjourned temporarily. Thanks.

(The committee met in executive session from 3:07 p.m. until 3:39 p.m.)

Back on the record. We are back from executive session, and the committee has approved, in the matter of Kowalski (ph) vs. Suffolk, the county attorney's office going up to self-insured retention of \$3 million for purpose of settlement.

Now I wanted to return to a resolution that Legislator Cilmi had a question on, and that is resolution **1449, Accepting and appropriating a grant in the amount of \$48,950 from the New York State Division of Criminal Justice Services, to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the Sex Offender Court with 100% support (County Executive).**

Mr. Brown, I think you had an opportunity to research Mr. Cilmi's questions?

MR. BROWN:

Yes, I did. Thank you. So, yes, I was able to confirm that that money would be used -- it is a past due grant and the money would be used for support services as well as defense services for the indigent who are accused of some type of sex offense, so yes, it does include defense.

LEG. CILMI:

Okay. And what happens -- if this money never came to us, what would happen?

MR. BROWN:

If the person was eligible as an indigent person was accused of a crime, the person would be entitled to defense service under Legal Aid, either through county funding or some other type of program that the Office of Indigent Services might fund for Legal Aid.

LEG. CILMI:

Okay. So this is not changing any level of representation or support that a defendant may enjoy but rather is just funding that support that we're already required to give?

MR. BROWN:

That would be correct.

CHAIRWOMAN FLEMING:

Any further questions for Mr. Brown? Seeing none, we have a motion and a second. All in favor? Any opposed? Any abstentions?

LEG. TROTТА:

Opposed.

CHAIRWOMAN FLEMING:

Did you say you were opposed, Tom?

LEG. CILMI:

Rob said he was opposed.

CHAIRWOMAN FLEMING:

Just Rob. Okay. Thank you. So motion carries and 1449 is **approved**. **(VOTE: 6-1-0-0, Opposed: Trotta)**

Seeing no further business of the committee, the Ways and Means Committee is adjourned.

(The meeting was adjourned at 3:42 p.m.)