

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 Maxine Postal Legislative Auditorium of the Evans K. Griffing Building, 300 Center Drive, Riverhead, New York on September 1, 2016.

MEMBERS PRESENT:

Leg. Bridget Fleming, Chairperson
Leg. William Spencer, Vice Chair
Leg. Kate M. Browning
Leg. Robert Calarco, DPO
Leg. Thomas Cilmi
Leg. Monica Martinez
Leg. Robert Trotta

ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel/Legislature
Jason Richberg, Clerk of the Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Michael Crowell, Budget Review Office
Jill Moss, Budget Review Office
Katie Horst, County Executive's Office
John Marafino, County Executive's Office
Elizabeth Sutton, Aide to Leg. Fleming
Elizabeth Alexander, Aide to Leg. Spencer
Josh Slaughter, Aide to Leg. Browning
Chris DeLuca, Aide to Leg. Cilmi
Ali Nazir, Aide to Leg. Kennedy
Michael Pitcher, Director of Communications/PO
Dave Schwartz, Newsday
Marc H. Schneider, Esq.
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 12:37 PM

CHAIRPERSON FLEMING:

Legislators on the Ways and Means Committee, please make your way to the horseshoe, please.

Okay, I think we're at least all in the room. Let's stand for the Pledge of Allegiance led by Legislator Martinez.

SALUTATION

I'd like to just ask everyone to stay standing for a moment, just to keep in our thoughts and prayers, Scott Martella, who passed away; was working in the County Executive's Office passed away in a terrible car accident last week. Our thoughts and prayers go out to Scott's family.

MOMENT OF SILENCE OBSERVED

Thank you. So welcome to a meeting of the Ways and Means Committee. We're so happy to be here in Riverside in the Town of Southampton. And I still thank the entire Legislative -- Legislature for agreeing to have these meetings here. I think it's very, very important to our constituents.

PUBLIC PORTION

We have no correspondence today. So I will open up Public Portion. I do have one yellow card, Mark Schneider, to speak on IR 1622. Mr. Schneider, you have three minutes at the podium, sir.

MR. SCHNEIDER:

Thank you. Good morning. My name is Mark Schneider. I'm here today to speak in support of IR 1622, which is essentially legislation to cap filing fees for recording documents such as amendments to governing documents of condominiums and homeowners associations.

My firm represents many condominiums and homeowners associations in Suffolk County as well as in other counties. And I believe these community associations are suffering an unintended consequence of local law 34-2015, in that the types of documents that the community associations that I represent, which are being recorded, are not necessarily documents that are associated with the initial development or creation of real estate. And I believe that was what the intention was when this filing fee was increased, was to generate revenue when people were recording documents for initial filings.

And I want to talk a little bit about the governing documents and some of the issues, because in the community associations, homeowners associations and condominiums, if they go and amend the bylaws or declarations, which are the governing documents which govern how the communities are operated, they have to record those documents with the County Clerk. So, now, based upon where Suffolk County's fees are, Suffolk County's fees are presently \$200 per lot. And I want to note that there's a distinction: In Nassau County they charge you by the block and not by the lot. In Suffolk County they charge you by the lot. And in a community of, say, 200 homes, there are usually 200 lots. So if they want to amend their bylaws to do something as simple as changing the amount of notice that they would give a resident or homeowners of the community, they actually have to get an amendment and then record it and pay \$40,000 for that.

So when the fee went up from \$60, which it was before to 200, I actually have communities now before they go and amend their governing documents, I have to have a discussion with them not about my fees, but about the recording fees with the -- with the County to record these

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amendments. And I think this is a serious imposition and a serious issue. I have some senior communities that are affected by this as well, where they actually have to potentially assess their residents if they want to just record an amendment to a governing document of their community.

Before local law 34-2015 was passed, there already existed a huge disparity between the costs between Nassau and Suffolk. And now it's even greater. So it's important that we file the history because in Suffolk County in 2012 under IR 35-2012, the fee was \$60. Then in 2015 they took the per lot fee and went from \$60 to \$200. Prior to that in 2011 the fee was substantially less than the \$60. So, in 2011, just so that we give the -- a good example and a perspective here, if we record under an amendment for an 88-unit homeowners association, which is somewhere in Suffolk County, the cost was \$1400. In 2012, the same document cost \$5280. And now, it would be \$117,600. So it's for those reasons -- I'm wrapping up, I hear the bell, and I thank you for the time --

CHAIRPERSON FLEMING:

We don't have a very long agenda if you just -- you can breathe.

MR. SCHNEIDER:

Okay.

CHAIRPERSON FLEMING:

Just finish what you had to say.

MR. SCHNEIDER:

Thank you, thank you, I appreciate that.

So we have a Suffolk County homeowners association that we represent. They recorded an amendment to their governing documents in 2015 before the fee went up \$200. And because they are 164 homes, they had to pay \$9,840. Now, that same amendment would cost them \$32,800. In Nassau, by the way, that same amendment would be a few hundred. I just recorded an amendment similarly for \$375 in Nassau. The numbers are budget-breakers for these communities and it's a serious imposition to residents who are -- many of whom, as we know, and we hear and we read the papers, are already living paycheck to paycheck.

So although I and my clients would have loved to see the fee rolled back to even before the \$60 a lot fee and we would love to have seen it come closer to what Nassau County's is, it's for the foregoing reasons that I support this legislation because at least they'll be some reprieve and some lessening of the impact on the burden of local law 34-2015; and that there'll at least be a cap. The communities will know what they can expect and it will never exceed that \$5,000.

And, again, I -- the only other request that I would make is I see that the legislation is proposing a commencement date, an effective date of January 1st, 2017. I would really hope that that could be moved up a little bit, although I know there are impacts in budgets. And, again, I'm here only to tell you that the impact that it's having is definitely an unintended consequence on many, many, many residents in this County.

CHAIRPERSON FLEMING:

Thank you, sir.

MR. SCHNEIDER:

Thanks very much.

CHAIRPERSON FLEMING:

Are there any questions for Mr. Schneider? Mr. Trotta.

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LEG. TROTTA:

Yeah. I want to be clear, understand this clearly, so what is Nassau -- let's say you use a 100-unit facility.

MR. SCHNEIDER:

Nassau County has a block fee, okay? I just recorded a similar amendment in the community that I think was over 100 and it cost \$360. Because when you have -- when you have a property designation, there's a --

LEG. TROTTA:

What would that have cost here?

MR. SCHNEIDER:

That would have cost here, if you took the \$100 it would have cost -- a 100 units, it would have cost \$20,000.

LEG. TROTTA:

So in Nassau it's 300; here it'd be 20,000.

MR. SCHNEIDER:

Yeah.

LEG. TROTTA:

And this change in this law going's to make it no more than 5,000.

MR. SCHNEIDER:

Correct.

LEG. TROTTA:

So we're still well out of whack.

MR. SCHNEIDER:

Oh, you're definitely way out whack.

LEG. TROTTA:

Okay.

MR. SCHNEIDER:

One hundred percent.

LEG. TROTTA:

I'm going to give you my card and I want you to call me and I want you to educate me on every aspect because I'm going to try to do something to do away with this so we're at least on par with Nassau.

MR. SCHNEIDER:

And I think that it can be handled in a way that there would be an exception for community associations who are recording these types of amendments. They're not recording a document to sell the land, it's a sponsor that's creating a community of 200 units and he's making, you know, significant dollars on the sale. You understand a little bit better even though it's still a higher fee. Here, this is just a matter so that they could operate and govern their communities; they're amending a governing document. It seems like there should be an exception.

LEG. TROTТА:

It's essentially paperwork we're doing --

MR. SCHNEIDER:

That's exactly what --

LEG. TROTТА:

-- and charging you \$5,000.

MR. SCHNEIDER:

Correct. So I'm supporting this so we can get it down. And it would be great if we could get an exception carved out.

LEG. TROTТА:

I'm going to put a bill in but it will go nowhere, but I'm gonna to try.

MR. SCHNEIDER:

Okay, thank you.

CHAIRPERSON FLEMING:

Thank you. Any further questions for Mr. Schneider? Thank you, sir.

MR. SCHNEIDER:

Thank you very much. Have a great day.

CHAIRPERSON FLEMING:

You, too.

I don't have any other yellow cards. Is there anyone else from the public who'd like to be heard three minutes at the podium? So I see no additional public comment. We do not have a presentation today so we'll move straight to the resolutions.

TABLED RESOLUTIONS

Beginning with **Tabled 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:

Motion to approve.

CHAIRPERSON FLEMING:

I'll make a motion to table.

LEG. CILMI:

I'll second the approval.

CHAIRPERSON FLEMING:

On the motion to table, I have a second from Legislator Martinez. So on the motion to table, all in favor? Could we see hands. Tabling.

LEG. BROWNING:

(Indicating)

LEG. MARTINEZ:
(Indicating)

CHAIRPERSON FLEMING:
All opposed?

LEG. CILMI:
(Indicating)

LEG. TROTTA:
(Indicating)

CHAIRPERSON FLEMING:
Any abstentions? The tabling motion carries. **1179 is tabled. (VOTE: 5-2-0-0. Opposed: Legislator Trotta and Legislator Cilmi)**

1312, Accepting the donation of a monument honoring United States Marines who came in peace killed in Beirut bombing (terror) attacks. (Stern). I'll make a motion to table. Is there a second? Legislator Calarco. All in favor? All opposed? Any abstentions? That motion to table carries. **Tabled (VOTE: 7-0-0-0)**

I see Commissioner Anderson in the room. I know you're here on a particular bill. Do you want me to take -- see if I could take that out of order? We'll probably move pretty quickly. Okay.

1566, Adopting Local Law (No. -2016, A Charter Law) to establish a Public Campaign Financing Law. (Calarco). Mr. Calarco? Do we have a second on Rob's motion to table? Legislator Spencer. All in favor? All opposed? Any abstentions? The motion to table carries. **Tabled (VOTE: 7-0-0-0)**

1582, Adopting (Local Law No. -2016,) A Local Law to extend to independently elected County Officials authority to approve educational conference or seminar attendance. (McCaffrey). I will make a motion to table; seconded by Legislator Calarco. All in favor? All opposed? Any abstentions? The motion to table carries. **Tabled (VOTE: 7-0-0-0)** This is tabling day.

1622, Adopting (Local Law No. -2016,) A Local Law to cap tax map verification fees. (Lindsay). I will make a motion -- do you want to make a motion?

LEG. SPENCER:
Table for public hearing.

MR. NOLAN:
It's closed.

CHAIRPERSON FLEMING:
It's closed.

LEG. SPENCER:
Oh, I'm sorry.

CHAIRPERSON FLEMING:
Do you want to make a motion to approve?

LEG. SPENCER:

Motion to approve.

CHAIRPERSON FLEMING:

A motion to approve by Legislator Spencer; seconded by Legislator Calarco. All in favor?

LEG. CILMI:

On the motion.

CHAIRPERSON FLEMING:

On the motion, Mr. Cilmi.

LEG. CILMI:

Yes, thank you. Just if I could, through the Chair, to, I guess, Budget Review, these are the fees that increased in this year's budget?

MS. MOSS:

The fee increase was -- sorry about that. The fee increase was as per resolution 992 of 2015. And the gentleman was correct, it went from \$60 to \$200.

LEG. CILMI:

Right, so it more than tripled.

MS. MOSS:

Correct.

LEG. CILMI:

So this is just so typical of government. So we triple the fee and then we cap it and make believe that we did a nice thing. I'll support this, but I really think it's horrible that we increased those fees the way we did.

CHAIRPERSON FLEMING:

Anyone else?

LEG. CILMI:

Thanks.

CHAIRPERSON FLEMING:

Thank you, sir. Anyone else? All in favor? We have motion and a second. All in favor? All opposed? Any abstentions? The motion carries. **Approved (VOTE: 7-0-0-0)**

Resolution 1660, Establishing a vibrant communities policy in Suffolk County. (Lindsay)

It's Legislator Lindsay's bill. I'll make a motion to -- oh, motion to approve by Legislator Spencer; seconded -- I'll second it. All in favor? All opposed? Any abstentions? That motion is --

LEG. CILMI:

I'll abstain. I'll abstain to that.

CHAIRPERSON FLEMING:

So the motion is approved with one abstention. **Approved (VOTE: 6-0-1-0. Abstention: Legislator Cilmi).**

Moving along to Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

1696, Authorizing the acquisition of a portion of a certain parcel of real property having a Suffolk County Tax Map Identification Number of District 0200 Section 341.00 Block 01.00 Lot 030.000 for Sewer District purposes and requesting conveyance of same from the Town of Brookhaven, Suffolk County, New York pursuant to General Municipal Law §72-h. (Co. Exec.) I believe this is where -- what Mr. Anderson is here to answer questions on if anyone has any questions. Do you have a motion?

LEG. SPENCER:
Motion.

CHAIRPERSON FLEMING:
Motion from Legislator Spencer.

LEG. TROTТА:
I would like to know what this is in detail about.

CHAIRPERSON FLEMING:
Say that again. Oh.

LEG. TROTТА:
If --

CHAIRPERSON FLEMING:
Commissioner.

COMMISSIONER ANDERSON:
Good afternoon. This is conveyance of a parcel of town-owned land to the County. It's adjacent to the pumps, one of the pump stations for Sewer District 11. We're going to be constructing a new pump station at this location. We've worked with the town towards this conveyance and that's what it's about.

LEG. TROTТА:
This is why you're here?

COMMISSIONER ANDERSON:
Yeah, in case --

LEG. TROTТА:
All right.

COMMISSIONER ANDERSON:
For you.

CHAIRPERSON FLEMING:
Some of the Suffolk County finest. Thank you, Gil.

COMMISSIONER ANDERSON:
Thank you.

CHAIRPERSON FLEMING:
So if there are no further questions, there's a motion and you're seconding it, Rob?

LEG. CILMI:

I'll second.

CHAIRPERSON FLEMING:

Seconded by Legislator Cilmi. All in favor? All opposed? Any abstentions? That carries. **Approved (VOTE: 7-0-0-0)** Thank you, Gil, for coming.

1704, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Elizabeth Ahmad, as Executrix of the Estate of Charles Jones and Linda Redd, Melinda Walker, Roslyn E. Jones, Christopher K. Jones and Jaqueline N. Jones, as distributees (SCTM No. 0500-135.00-03.00-064.000). (Co. Exec.) I will make a motion to approve and move it to the Consent Calendar.

LEG. CILMI:

Second.

CHAIRPERSON FLEMING:

Seconded by Legislator Cilmi. All in favor? All opposed? The motion carries. **Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

1705, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Eugeniusz Rogoza (SCTM No. 0100-190.00-04.00-102.000). (Co. Exec.) Same motion, same second. All in favor? All opposed? Any abstentions? That's moved to the Consent Calendar on approval. **Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

1706, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act to Joseph A. Sicuranza (SCTM No. 0900-142.00-03.00-027.002). (Co. Exec.) Same motion, same second. All in favor? All opposed? Approved. **Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

1707, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act to Judy Cellura (SCTM No. 0100-130.00-02.00-143.000). (Co. Exec.) Same motion, same second. All in favor? All opposed? Any abstentions? **1707 is approved. Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

1709, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Scott Guven f/k/a Suat Guven and Meral Guven, his wife (SCTM No. 0103-025.00-03.00-058.003). (Co. Exec.) We'll have the same motion, the same second. All in favor? All opposed? Any abstentions? That's approved. **Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

1722, Authorizing certain technical correction to Adopted Resolution No. 338-2016. (Co. Exec.).

LEG. SPENCER:

Motion.

CHAIRPERSON FLEMING:

Motion by Legislator Spencer; seconded by --

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MR. NOLAN:

It was a grant resolution; 100 percent grant resolution that is correcting a unit number. It can go on the Consent Calendar if the Committee wants to do that.

CHAIRPERSON FLEMING:

Oh, okay. Okay. So who made the approval motion?

MR. RICHBERG:

Legislator Spencer.

CHAIRPERSON FLEMING:

Are you okay with me putting it on the Consent Calendar?

LEG. SPENCER:

I am.

CHAIRPERSON FLEMING:

So Legislator Spencer has made a motion to approve and place it on the Consent Calendar. It's seconded by Legislator Cilmi. All in favor? All opposed? Any abstentions? So that motion is approved. **Approved and Placed on the Consent Calendar. (VOTE: 7-0-0-0)**

We do have -- that concludes the resolution portion of our meeting. There are no procedural motions. We do have one executive session matter. So I will make a motion to go into executive session for purposes of litigation.

LEG. CILMI:

Second.

CHAIRPERSON FLEMING:

Seconded by Legislator Cilmi. All in favor? All opposed? Any abstentions? We are -- what is it again -- recessed into exec session and we'll return. Thank you.

[*AN EXECUTIVE SESSION WAS HELD FROM 12:58 P.M. - 1:27 P.M.*]

CHAIRPERSON FLEMING:

Okay, everyone, we're back in session. We returned from executive session; just waiting for Mr. Nolan for a moment as to what we're putting on the record.

So we had a discussion regarding litigation in executive session regarding -- in the matter of -- Nora -- no, that's not -- the caption is Nora Edmunds versus The County of Suffolk. And the Committee voted to settle the case at the County Attorney's recommendation for the payment of one million dollars. There were two no votes, Legislator Browning and Legislator Trotta.

And seeing no further business, we are adjourned.

**THE MEETING CONCLUDED AT 1:28 PM
{ } DENOTES SPELLED PHONETICALLY**