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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 March 23, 2017.

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
Amy Ellis, Chief Deputy Clerk/Legislature
Jill Moss/Budget Review Office
Katie Horst, County Executive's Office
John Marafino, County Executive's Office
Jason Hann, County Executive's Office
Amy Keyes, Economic Development
Jason Smagin, Acting Director/Real Estate
Elizabeth Sutton, Aide to Leg. Flemming
Dennis Brown, County Attorney
Lynn Bizzarro, County Attorney's Office
Elizabeth Alexander, Aide to Leg. Spencer
Maria Barbara, Aide to Leg. Cilmi
Greg Moran, Aide to Leg. Trotta
Alyssa Turano, Aide to Leg. Hahn
Dave Schwartz, Newsday
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 12:35 PM

1
2
3
4 **CHAIRPERSON FLEMING:**

5 Good afternoon everyone and thank so much for joining us for a
6 regular meeting of the Ways and Means Committee. We're going to
7 begin with a Pledge of Allegiance led by Legislator Spencer.
8

9 **SALUTATION**

10
11 Thank you. Good energy, Doc. I have to say I was in Albany
12 yesterday. I started my day at 4:30 in the morning and returned
13 home at 11:11 PM so I'm following my blocker here. (Laughter) And
14 I know Doc and George will keep us on track.
15

16 We have no correspondence so we'll move right to Public Portion. I
17 don't see any yellow cards.
18

19 **MS. ELLIS:**

20 No.
21

22 **CHAIRPERSON FLEMING:**

23 Thank you, Miss Ellis. Would anyone in the public like to be
24 heard? You're free to come up to the podium three minutes on any
25 topic. Seeing no takers, we'll move on. We have no presentations
26 for Ways and Means today so we'll move right to Tabled Resolutions.
27

28 **TABLED RESOLUTIONS**

11:35AM 29
30 **Resolution 1889, Accepting the donation of a monument honoring**
31 **United States service members who came in peace killed in Beirut**
32 **bombing terror attacks. (Stern) Motion to table by Legislator**
33 **Spencer; seconded by Legislator Browning. I understand -- I**
34 **understand that -- I'm not completely incompetent today, close but**
35 **not completely -- I understand that Legislator Stern is still**
36 **moving through the design stage with this monument. So thank you**
37 **for his efforts on that and we will take a vote on the motion to**
38 **table. So all in favor? All opposed? Any abstentions? That**
39 **motion carries. (VOTE: 6-0-0-1. LEG. MARTINEZ NOT PRESENT)**
40 Thank you.
41

42 **Resolution 1936, Adopting (Local Law No. -2016, A) Local Law to**
43 **clarify Section 77-14 of the Suffolk County Code. (Co. Exec.) I**
44 **will make a motion to table.**
45

46 **LEG. SPENCER:**

47 Second.
48

49 **CHAIRPERSON FLEMING:**

11:36AM 50 Seconded by Legislator Spencer. That is the County Executive's
51 Ethics Reform which is being tabled as we move forward on my Ethics
52 Reform, which is later in the agenda. So we have a motion and a
53 second. All in favor? All opposed? Any abstentions? Thank you.
54 **1936 is tabled. (VOTE: 6-0-0-1. LEG. MARTINEZ NOT PRESENT)**
55

56 **1998, Adopting (Local Law No. -2016,) A Charter Law to reduce the**

1 **number of County legislative districts. (Lindsay) I'll make a**
2 **motion to table for public hearing; seconded by Legislator Spencer.**
3 **All in favor? All opposed? Any abstentions? So moved. (VOTE:**
4 **6-0-0-1. LEG. MARTINEZ NOT PRESENT)**

5
6 **2083, Adopting (Local Law No. -2016,) A Charter Law to improve and**
7 **strengthen the operations of the Board of Ethics. (Fleming). I'll**
8 **make a motion to approve.**

9
10 **LEG. SPENCER:**
11 **Second.**

12
13 **CHAIRPERSON FLEMING:**
14 **Seconded by Legislator Spencer.**

15
16 **LEG. CILMI:**
17 **On the motion.**

18
19 **CHAIRPERSON FLEMING:**
20 **On the motion, Legislator Cilmi.**

21
22 **LEG. CILMI:**
23 **Have there been any changes since its original -- recent changes to**
24 **this?**

25
26 **CHAIRPERSON FLEMING:**
27 **We did make an amendment based on public hearing. Maybe, George,**
28 **if you could respond.**

29
30 **MR. NOLAN:**
31 **The only change that's been made since it was originally filed is**
32 **there was a provision authorizing the Comptroller to withhold pay**
33 **for county employees who failed to pay the penalties imposed by the**
34 **Board of Ethics. The Comptroller communicated to us that he did**
35 **not believe he had that authority and so we've removed that**
36 **provision.**

37
38 **LEG. TROTТА:**
39 **(Off mike)**

40
41 **MR. NOLAN:**
42 **I don't believe we -- I forget what the basis was for that, but I**
43 **don't believe it's a power we can give him. It's, I think, under**
44 **state law that he said we could not -- he could not withhold pay**
45 **from people.**

46
47 **CHAIRPERSON FLEMING:**
48 **Okay. So we have a motion and a second. All in favor? All**
49 **opposed? Any abstentions? Thank you. 2083 carries. (VOTE:**
50 **7-0-0-0)**

51
52 **1030, Adopting (Local Law No. -2017,) A Local Law to improve the**
53 **real property auction process to encourage smart revitalization by**
54 **towns and villages. (Calarco)**

1 **LEG. CALARCO:**
2 Motion to table.

3
4 **CHAIRPERSON FLEMING:**
5 Motion to table by Legislator Calarco.

6
7 **MR. NOLAN:**
8 Still in public hearing.

9
10 **CHAIRPERSON FLEMING:**
11 It's still in public hearing. Seconded by Legislator Browning.
12 All in favor? All opposed? Any Abstentions? **1030 carries.**
13 **(VOTE: 7-0-0-0)**

14
15 **INTRODUCTORY RESOLUTIONS**

16
17 Moving to Introductory Resolutions, **1156, Authorizing certain**
18 **technical correction to Adopted Resolution No. 724-2016. (Co.**
19 **Exec.)** Motion by Legislator Spencer.

20
21 **LEG. CALARCO:**
22 Second.

23
24 **LEG. SPENCER:**
25 Motion to approve and place on the consent calendar.

26
27 **CHAIRPERSON FLEMING:**
28 Seconded by Legislator Calarco. All in favor? All opposed? Any
29 abstentions? **1156 carries. (VOTE: 7-0-0-0)**

30
31 **1164, Authorizing the sale, pursuant to Local Law No. 16-1976, of**
32 **real property acquired under Section 46 of the Suffolk County Tax**
33 **Act to Randy Hyland (SCTM No. 0200-983.20-06.00-024.000). (Co.**
34 **Exec.)**

35
36 **LEG. SPENCER:**
37 Motion.

38
39 **CHAIRPERSON FLEMING:**
40 Motion to approve by Legislator Spencer, who has great energy
41 today. Thank you. And we can place that on the consent calendar.
42 Would that be your motion, Doc?

43
44 **LEG. SPENCER:**
45 Absolutely.

46
47 **CHAIRPERSON FLEMING:**
48 I'll second the motion. All in favor? All opposed? Any
49 Abstentions? So moved. **(VOTE: 7-0-0-0)**

50
51 **1166, Authorizing the distribution of proceeds from auction sale**
52 **pursuant to Suffolk County Administrative Code section 40-4(L) and**
53 **Local Law No. 33-2004 to Steven M. Cassella and Gretchen G.**
54 **Cassella, his wife (SCTM No. 0200-628.00-08.00-019.000). (Co.**
55 **Exec.)** I'll make a motion to approve. If there's a second, we'll
56 have discussion, if needed.

1 **LEG. SPENCER:**

2 Second.

3

4 **CHAIRPERSON FLEMING:**

5 Seconded by Legislator Spencer. And is someone here from Real
6 Estate who can just give us a little background on this?

7

8 **MR. SMAGIN:**

9 Good afternoon.

11:40AM 10

11 **CHAIRPERSON FLEMING:**

12 Good afternoon, Jason.

13

14 **MR. SMAGIN:**

15 So this is just a return of an equity application that we're
16 putting before you. The property was sold at auction. The prior
17 owner has met the requirements to be able to receive the return of
18 equity. And we're just going before you to have it approved.

19

20 **CHAIRPERSON FLEMING:**

21 I guess I can use some educating. So we conducted the auction on
22 behalf of the owner?

23

24 **MR. SMAGIN:**

25 So, yes, we conducted the auction. The parcel was sold at the
26 auction. When a parcel is sold for a certain amount above the
27 County investment, when an individual has lived there for five
28 years prior on an owner-occupied residence that was improved,
29 they're entitled for a certain amount of money above the County
30 investment and any liens from the time we took the tax deed.

11:41AM 31

32 **CHAIRPERSON FLEMING:**

33 This seems unusual in recent times, anyway, for the property to
34 sell in excess of the County investment. Is that right? And could
35 you explain sort of the reasons that this has happened? Are you
36 free to divulge the amount of money that's being returned to these
37 owners?

38

39 **MR. SMAGIN:**

40 Yes, it says right in the resolution the amount being divulged --
41 just give me one second, I'll read it right from the reso:
42 \$39,865.33 is the amount that will be returned to the prior owners.

11:42AM 43

44 **CHAIRPERSON FLEMING:**

45 Okay. Thank you very much. Yes, Miss Browning.

46

47 **LEG. BROWNING:**

48 Is this the one from my district that -- or no?

49

50 **MR. SMAGIN:**

51 I'd have look to confirm. It is 0200 so I'd have to just confirm
52 which legislative district that is in.

53

54 **LEG. BROWNING:**

55 Yeah. No, I appreciate getting back because this was -- there was
56 a situation in my district where he did lose his property and for

1 many reasons it wound up on the auction. And I did advise him that
2 he is entitled to the equity after the sale.

3
4 **CHAIRPERSON FLEMING:**

5 Good to know. I wonder -- so do you think -- have you had
6 situations where a property sells in excess of the County
7 investment and the prior owner is not aware of the opportunity to
8 apply for the overage?

9
10 **MR. SMAGIN:**

11 Well, so -- it's -- again, it's publically listed within the County
12 code on this section. Not everyone where the property is sold for
13 above the County investment is entitled to it because you also have
14 to include that any liens at the time that the County took the tax
15 deed. A lot of times when a property owners loses their property
16 for taxes, they're having money troubles, which include liens. So
17 a lot of times people make look into the application and realize
18 there's really nothing left for me. We can't cause it to be an
19 unjust enrichment just because you have to look at the time that we
11:43AM 20 took the property, what liens existed, was there a mortgage and
21 what's the County investment. There really may not -- most of the
22 time nothing left.

23
24 **CHAIRPERSON FLEMING:**

25 Right. No, I appreciate that. That's why I asked the question,
26 it's unusual that there is something left. But I hope that there's
27 a mechanism in place to let people know, obviously losing your home
28 to tax default is a terrible event in the family's life. And one
29 would think -- you know, I'm talking about like a home, a person's
11:44AM 30 -- somebody's, a family's home, one would hope that if there was
31 even a slight amount of money that they might be able to recoup, it
32 might be very helpful to a family in those kind of financial
33 straits. So my understanding is that Legislator Gregory is
34 pursuing some kind of requirement that we notify folks, which I
35 think makes a lot of good sense.

36
37 Yes, Mr. Calarco.

38
39 **LEG. CALARCO:**

11:44AM 40 Thank you, Madam Chair. Actually, yes. Following up on that line,
41 how many times -- because this is the first I've ever voted on one
42 of these in my six years. And maybe Kate's first in her 12 years.
43 So my question is how many of these applications have you ever even
44 received?

45
46 **MR. SMAGIN:**

47 So we actually get requests -- we get a lot of calls in regards to
48 these. So probably like 10 or 12 times a year we receive calls
49 where we send out the application to the individuals. After they
11:45AM 50 read through the application, a lot of times they realize they
51 wouldn't qualify as they haven't lived there for the five years
52 prior or things like that; a lot of times people have been renting
53 out houses, they haven't lived there; so they wouldn't move forward
54 with putting in the application. But I believe in the history
55 since this has come forward, I think the last one was in 2005 that
56 it was approved and had moved forward. And I think there's been a

1 total of three.

2

3 **LEG. CALARCO:**

4 How many properties do we take every year?

5

6 **MR. SMAGIN:**

7 I'd have to look into that and get back to you on how many
8 properties we take for taxes. I mean, again, this is only
9 owner-occupied improved parcels. So that's a very small bucket
10 compared to what we take.

11:45AM 10

11

12 **LEG. CALARCO:**

13 Okay. Thank you.

14

15 **CHAIRPERSON FLEMING:**

16 I think Mr. Trotta had a question.

17

18 **LEG. TROTTA:**

19 I have one going on now. They owe \$250,000 in back taxes. There's
20 no mortgage on the house. It's worth like 700,000 in Commack.
21 Very interesting what you said. They have to apply. These people
22 are Chinese. They lost their house because they didn't know what
23 was going on. They knew what was going on but -- do you contact
24 them or they have to contact you?

11:46AM 20

21

22

23

24

25

26 **MR. SMAGIN:**

27 In regards to this individual, the application here, so individuals
28 get contacted in regards to them owing the back taxes. They get
29 contacted in regards to the property being taken when we report the
30 tax deed.

11:46AM 30

31

32 **LEG. TROTTA:**

33 No, no, they've already -- you've taken the house.

34

35 **MR. SMAGIN:**

36 Yes.

37

38 **LEG. TROTTA:**

39 It's gone.

40

41 **MR. SMAGIN:**

42 Yeah.

43

44 **LEG. TROTTA:**

45 George, you know about this one, right?

46

47 **MR. NOLAN:**

48 Yes.

49

50 **LEG. TROTTA:**

51 My question is how can I make sure -- I mean, it's like \$500,000 --
52 you know, between three and \$500,000 they're going to be -- the
53 house is going to sell for. It's in a really nice neighborhood.

54

55 **MR. NOLAN:**

56 You need to tell your constituent about this opportunity to do

1 this.

2

3 **LEG. TROTТА:**

4 You don't -- my question is, the County doesn't contact them.

5

6 **MR. NOLAN:**

7 No, no. That's right, we do not volunteer that information, I
8 don't believe. I think it's -- they have to find out. I will tell
9 you one thing, when I've rejected hardship applications, I always
10 tell the district office about this provision in our law and that
11 they should tell the constituent that they have the opportunity to
12 apply if there's any money above and beyond the county investment.
13 But what I think DuWayne is talking about doing is making it the
14 obligation of the division to notify people when we're taking their
15 property that's going to auction, that if there are any proceeds
16 above our investment, they have the opportunity to apply.

11:47AM

17
18 **LEG. TROTТА:**

19 Clearly this guy didn't -- he could have paid his taxes and didn't
20 so this guy isn't going to follow up on this either.

11:47AM

21
22 **MR. NOLAN:**

23 With your good efforts, I think, maybe.

24
25 **LEG. TROTТА:**

26 I'd help him.

27
28 **CHAIRPERSON FLEMING:**

29 I think this discussion might also lend the Real Estate Department
30 a little guidance with regard to the policy as well. I mean, if
31 it's a rare instance and you know that there's a family in bad
32 financial straits and that there is going to be some sort of
33 balance after the closing, that one would hope that we would inform
34 them. But we're looking forward to the Presiding Officer's bill
35 that'll make that requirement. Are there any other questions for
36 Mr. Smagin? Yes, Miss Browning.

11:48AM

37
38 **LEG. BROWNING:**

39 No, I just confirmed that's not the one in my district. And so I
40 guess there'll be another one coming. But, again, I know you guys,
41 especially the one in my district, you bent over backwards, more
42 than that. I appreciate everything you've tried to do to help
43 them. It's sad the way it went, but, you know, at least he's
44 getting something back.

11:48AM

45
46 **MR. SMAGIN:**

47 I appreciate that. Thank you very much, Legislator. And, you
48 know, when there are -- you know, a lot of times, you know, we sent
49 out these notices to different individuals who have lost their home
50 and they do file a redemption application, that they may not be
51 able to move forward and bring forth the money. These are items
52 that are discussed with the individual so that they understand
53 there is another option. Every call that I've taken from any
54 legislator in regards to the redemption process, I always bring
55 this up and alert the legislators to this, that this is an option,
56 that if it is sold at auction, but a lot of times people want to

11:48AM

1 see, you know, some other type of thing happen whether, you know, a
2 215 or something else.

3
4 **CHAIRPERSON FLEMING:**

5 Thank you. Any there any further questions? All right. I believe
6 we have a motion and a second. All in favor? All opposed? Any
7 abstentions? Thank you, Mr. Smagin. Am I saying your name right?

8
9 **MR. SMAGIN:**

10 Smagin.

11
12 **CHAIRPERSON FLEMING:**

13 Smagin. Sorry. The motion has carried. And I thank you for your
14 input. I get it wrong every time. (VOTE: 7-0-0-0)

15
16 All right, moving onto **1167, Authorizing the sale pursuant to Local**
17 **Law 16-1976 of real property acquired under Section 46 of the**
18 **Suffolk County Tax Act Hampton Sweet Homes, LLC (SCTM No.**
19 **0300-184.00-03.00-010.000). (Co. Exec.).** There's a motion by
20 Legislator Spencer; seconded by myself. Is that going to be
21 consent calendar on your motion?

22
23 **LEG. SPENCER:**

24 Yes, please.

25
26 **CHAIRPERSON FLEMING:**

27 Thank you, sir. So all in favor? All opposed? Any abstentions?
28 **1167 is approved and placed on the consent calendar. (VOTE:**
29 **7-0-0-0)**

30
31 **1170, Authorizing the County Clerk to file an application for**
32 **additional state mortgage tax reimbursement. (Pres. Off.)** Motion
33 by Legislator Spencer. I'll second it. And can we have someone
34 explain this one as well, please.

35
36 **MR. MARAFINO:**

37 I believe this is the Presiding Officer's bill, but I think it's
38 something that is done annually that allows a county clerk to
39 accept additional reimbursement for money that they've put out for
40 a mortgage tax collection.

41
42 **MR. NOLAN:**

43 Right. This is an annual resolution we do where the clerk is
44 asking for permission to apply for this reimbursement.

45
46 **CHAIRPERSON FLEMING:**

47 Okay, thank you. Are there any questions? Seeing none, we have a
48 motion and a second. So all in favor? All opposed? Any
49 abstentions? The motion carries. (VOTE: 7-0-0-0)

50
51 **1181, Authorizing the reconveyance of County-owned real estate**
52 **pursuant to Section 215, the New York State County Law to Roy T.**
53 **Conn, Diana Conn and the Heirs of the -- I'm sorry, talking about**
54 **the truth, I guess that's important on the record -- so to Roy T.**
55 **Conn, Diana Conn and the heirs of the estate of Lena Vurchio (SCTM**
56 **No. 0100-146.00-03.00-003.000). (McCaffrey).** I'll make a motion;

1 seconded by Legislator Spencer. All in favor? All opposed? Any
2 abstentions? That motion carries. (VOTE: 7-0-0-0)

3
4 **1192, Authorizing the reconveyance of County-owned real estate**
5 **pursuant to Section 215, New York State County Law to Robert**
6 **Schmidt and Joanna Schmidt also known as Joan Schmidt (SCTM No.**
7 **0400-262.00-02.00-136.000). (Stern) Motion; seconded by Legislator**
8 **Spencer. All in favor? All opposed? Any abstentions? So moved.**
9 **(VOTE: 7-0-0-0)**

10
11 **1195, Adopting (Local Law No. -2017,) A Local Law to repeal Local**
12 **Law No. 36-2016. (Trotta) Motion by Mr. Trotta.**

13
14 **LEG. TROTТА:**
15 **Table.**

16
17 **CHAIRPERSON FLEMING:**
18 **To table. I'll second that motion. All in favor? All opposed?**
19 **Any abstentions? So moved. (VOTE: 7-0-0-0)**

20
21 **We have no procedural motions but we do have an Executive Session**
22 **matter; so I will make a motion to move to Executive Session for**
23 **purposes of litigation. Is there a second?**

24
25 **LEG. SPENCER:**
26 **Second.**

27
28 **CHAIRPERSON FLEMING:**
29 **Thank you. Seconded by Legislator Calarco. All in favor? All**
30 **opposed? Any abstentions? We move to Executive Session. Thank**
31 **you.**

32
33
34 **EXECUTIVE SESSION 12:52 PM - 1:59 PM**

35
36
37 **CHAIRPERSON FLEMING:**
38 **We're back on the record for a moment on Ways & Means. And having**
39 **no further business, we're going to close the meeting. Thank you**
40 **all.**

41
42
43 **THE MEETING CONCLUDED AT 1:59 PM**
44 **{ } DENOTES SPELLED PHONETICALLY**

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