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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 May 11, 2017.

MEMBERS PRESENT:

Leg. Bridget Fleming, Chairperson (excused absence)
Leg. William Spencer, Vice Chair
Leg. Kate M. Browning
Leg. Robert Calarco, DPO
Leg. Thomas Cilmi
Leg. Monica Martinez
Leg. Robert Trotta
Leg. DuWayne Gregory, Presiding Officer

ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature
Jason Richberg, Clerk of 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
Jason Smagin, Real Estate
Elizabeth Alexander, Aide to Leg. Spencer
Maria Barbara, Aide to Leg. Cilmi
Greg Moran, Aide to Leg. Trotta
Dave Schwartz, Newsday
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 12:36 PM

VICE CHAIR SPENCER:

Thank you. Good afternoon. We are going to begin our Ways and Means Committee shortly, if I could ask all Legislators on the Ways and Means Committee to come to the horseshoe at this time.

Thank you. Good afternoon. Welcome to Ways and Means. Our Chair, Legislator Fleming, has an excused absence and she's asked me to chair the Committee today. So we're going to begin with the salute to the flag led by Legislator Cilmi.

SALUTATION

Please remain standing for a moment of silence for all the men and women who are serving our country both at home and abroad.

MOMENT OF SILENCE

Thank you. So are there any cards, Madam Clerk?

MS. ELLIS:
No, sir.

VICE CHAIR SPENCER:

All right. So is there anyone today in the audience that wishes to be heard? This is a time for our public portion. If there is, you may come up at this time. Seeing none, we're going to close the public portion.

I have no correspondence before this Committee today and I have no presentations. So with that, we'll move to the agenda.

TABLED RESOLUTIONS

The first Tabled Resolutions is **IR 1998**, that's **Adopting Local Law No. -2016, A Charter Law to reduce the number of County legislative districts.** (Lindsay).

LEG. CALARCO:
Table subject to call.

VICE CHAIR SPENCER:

There's a motion to table subject to call. I'll second that motion. Any other motions? And any debate on the issue?

LEG. TROTТА:
Motion to approve.

VICE CHAIR SPENCER:

Motion to approve by Legislator Trotta. Is there a second? The motion to approve dies because there's no second. So there is a motion standing subject to call. There's no one on the motion so all those in favor? Opposed? Abstentions?

1 **LEG. TROTТА:**

2 Opposed.

3

4 **VICE CHAIR SPENCER:**

5 Abstentions? Motion to table subject to call carries. (VOTE:

6 5-1-0-1. **LEG. TROTТА OPPOSED. LEG. FLEMING NOT PRESENT)**

7

8 **IR 1195, Adopting Local Law No. -2017, A Local Law to repeal Local**

9 **Law No. 36-2016. (Trotta) by Legislator Trotta. Is there a motion**
10 **on this?**

12:37PM

11

12 **LEG. TROTТА:**

13 Motion to approve.

14

15 **VICE CHAIR SPENCER:**

16 Motion to approve by Legislator Trotta; motion to -- seconded by

17 Legislator Cilmi. Just -- motion to table by Legislator Calarco.

18

19 **LEG. BROWNING:**

20 Second the motion.

12:37PM

21

22 **VICE CHAIR SPENCER:**

23 Second the motion to table. On the motion? Oh, you're seconding

24 the motion to approve?

25

26 **LEG. BROWNING:**

27 Yes.

28

29 **MR. NOLAN:**

30 You need a second to table.

12:37PM

31

32 **LEG. BROWNING:**

33 Sorry, I didn't hear you.

34

35 **VICE CHAIR SPENCER:**

36 I'll second.

37

38 **LEG. TROTТА:**

39 On the motion.

40

41 **VICE CHAIR SPENCER:**

42 On the motion.

43

44 **LEG. TROTТА:**

45 Trying to keep this short, but, you know, not only is this
46 additional fee unfair, it's probably illegal. You know, we've
47 heard from numerous residents, bank representatives, members of the
48 real estate industry regarding negative impacts of these additional
49 fees. Neither the County Clerk nor the head of Real Property
50 Agency requested these fees. They just came from nowhere. Agency
51 representatives have stated that there's no correlation for the
52 additional charges and services rendered for the cost of the
53 administration of these fees.

12:38PM

54

55 The actual verification process, which I videotaped, takes three
56 seconds. The revenue goes to the General Fund and not to the

1 agency's budget that actually does this. There are several New
2 York State Comptroller opinions, which expressed the imposition of
3 these fees, must be commensurate with the service rendered. And
4 that's clearly not happening here.

5
6 We are opening ourselves up to a lawsuit if we continue to have
7 these fees. Our own Counsel said that, you know, this is a
8 problem. Case law demonstrates that the government fees are not
9 directly related or tied to a level of service that are warranted
10 are without merit. So here we are putting ourselves in a position
11 where, you know, we can probably be sued, probably will be sued and
12 we'll have to either pay these back or stop this. So we're just
13 charging fees for the sake of charging fees.

14
15 You know, in Monroe County, they exempted fees charged are exact
16 revenue purposes to offset the cost of the general government
17 functions. They're invalid -- unauthorized as a tax. So there's
18 this case law that says it. I will quote our own Counsel, if a
19 case is brought challenging any fees on this basis, the Court finds
20 it far exceeds the cost of the County provided the service, there's
21 a good possibility a Court would say the fee is excessive. So
22 we're not even following our own Counsel. There's no reasonable
23 way to defend these additional charges. No matter how legitimate
24 it may look to somebody, it doesn't give them the right to go rob a
25 bank. So there's going to be a time where we're going to regret
26 this.

27
28 So that's why I'm saying that we have an opportunity right now to
29 right the wrong and repeal the law. So, I think, it should be
30 approved.

31
32 **VICE CHAIR SPENCER:**

33 Anyone else on the motion? So we have a motion to approve and we
34 have a motion to table. The tabling motion goes first. All those
35 in favor of tabling? All those opposed to tabling?

36
37 **LEG. TROTТА:**
38 (Indicating)

39
40 **LEG. BROWNING:**
41 (Indicating)

42
43 **VICE CHAIR SPENCER:**

44 So we'll do the show of hands. Usually we just -- we take the
45 opposition. So all those in favor of tabling? All those opposed?

46
47 **LEG. CILMI:**
48 I'm opposed to table.

49
50 **LEG. TROTТА:**
51 (Indicating)

52
53 **LEG. BROWNING:**
54 (Indiating)

1 **VICE CHAIR SPENCER:**

2 So there's four for tabling and three against tabling. So the
3 tabling motion carries four, three with the Presiding Officer's
4 participation in the vote. (VOTE: 4-3-0-1. PO GREGORY INCLUDED
5 IN VOTE. LEGISLATORS BROWNING, TROTTA, CILMI OPPOSED. LEG.
6 FLEMING NOT PRESENT)

7
8 **INTRODUCTORY RESOLUTIONS**

9
10 Moving onto Introductory Resolutions, IR 1268, Approving payment to
11 General Code Publishers for Administrative Code pages. (Pres. Off.)
12 Motion by Legislator Calarco; I'll second the motion. All those in
13 favor? Opposed? Abstentions? Motion carries. (VOTE: 7-0-0-1.
14 PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT)

15
16 IR 1276, Accepting the donation of a monument honoring United
17 States Service members who came in peace killed in Beirut bombing
18 terror attacks. (Stern) I'll make a motion to approve. This still
19 is Sitings? All right.

12:41PM 20
21 **LEG. CILMI:**

22 Yes, just had Sitings.

23
24 **VICE CHAIR SPENCER:**

25 I thought it went through Sitings. Are we sure that this one
26 didn't? I thought -- okay.

27
28 **LEG. CALARCO:**

29 They don't have a design for the memorial yet is my understanding
12:42PM 30 and so Sitings can't make a decision until they have a design to
31 decide on.

32
33 **VICE CHAIR SPENCER:**

34 Thanks for the clarification. So it has to be tabled. So motion
35 to table by Legislator Calarco; second by Legislator Martinez. All
36 those in favor? Opposed? Abstention? Motion is tabled. (VOTE:
37 7-0-0-1. PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT)

38
39 IR 1285, Authorizing the reconveyance of County-owned real estate
40 pursuant to Section 215, New York State County Law to Michael Joy
41 and Joanne Joy, his wife (SCTM No. 0200-336.00-06.00-045.000).
42 (Muratore) Motion by Legislator Calarco; seconded by Legislator
43 Trotta. All those in favor? Opposed? Abstentions? Motion
44 carries. (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE. LEG.
45 FLEMING NOT PRESENT)

46
47 IR 1286, Authorizing the sale, pursuant to Local Law (No.) 16
48 (-1976) of real property acquired under Section 46 of the Suffolk
49 County Tax Act Joseph Grillo (SCTM No. 0100-040.00-02.00-024.000).
12:43PM 50 (Co. Exec.) I'll make a motion to approve; seconded by Legislator
51 Calarco and to place on the Consent Calendar. All those in favor?
52 Opposed? Abstention? Motion carries unanimously. (VOTE:
53 7-0-0-1. PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT.
54 PLACED ON CONSENT CALENDAR)

55
56 IR 1287, Authorizing the sale, pursuant to Local Law (No.) 16-1976,

1 of real property acquired under Section 46 of the Suffolk County
2 Tax Act Efstratios Velonakis (SCTM No. 0100-046.00-02.00-002.000).
3 (Co. Exec.) Same motion, same second, same vote to place on the
4 Consent Calendar. (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE.
5 LEG. FLEMING NOT PRESENT. PLACED ON CONSENT CALENDAR)
6

7 IR 1289, Sale of County-owned real estate pursuant to Local Law No.
8 13-1976, David Kriss and Amy Kriss, husband and wife (SCTM No.
9 0900-052.00-02.00-044.000). (Co. Exec.). Motion by Legislator
10 Calarco; seconded by Legislator Cilmi. All those in favor?
11 Opposed? Abstentions? Motion carries. (VOTE: 7-0-0-1. PO
12 GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT) Can 13s be
13 placed on the Consent Calendar? No, they're not. Okay, very good.
14

15 1292, Authorizing the sale, pursuant to Local Law No. 16 (-1976),
16 of real estate acquired under Section 46 of the Suffolk County Tax
17 Act 125 E. Jericho Tpke. Corp. (SCTM No. 0400-198.00-02.00-120.000).
18 (Co. Exec.). I'll make a motion to approve and place on the
19 Consent Calendar; seconded by Legislator Browning. All those in
20 favor? Opposed? Abstention? Motion carries unanimously. (VOTE:
21 7-0-0-1. PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT.
22 PLACED ON CONSENT CALENDAR)
23

24 IR 1293, Authorizing the sale, pursuant to Local Law No. 16(-1976),
25 of real property acquired under Section 46 of the Suffolk County
26 Tax Act Andrew Kraskewicz and Lisa Kraskewicz (SCTM No.
27 0900-139.00-01.00-067.000). (Co. Exec.) Thank you for that. All
28 right. Same vote -- same motion, same second, same vote for the
29 Consent Calendar. (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE.
30 LEG. FLEMING NOT PRESENT. PLACED ON CONSENT CALENDAR)
31

32 IR 1294, Authorizing the sale, pursuant to Local Law No. 16
33 (-1976), of real property acquired under Section 46 of the Suffolk
34 County Tax Act Raymond W. Crawford, Jr. And Daniel Joseph Crawford,
35 as tenants in common, each with an undivided one half interest
36 (SCTM No. 0400-206.00-03.00-026.000). (Co. Exec.) Same motion,
37 same second, same vote, to place on the Consent Calendar. (VOTE:
38 6-0-0-1. LEG. FLEMING NOT PRESENT. PLACED ON CONSENT CALENDAR)
39

40 IR 1295, Authorizing the sale, pursuant to Local Law No. 16(-1976,)
41 of real property acquired under Section 46 of the Suffolk County
42 Tax Act Shawn Harman (SCTM No. 0101-011.00-01.00-014.000). (Co.
43 Exec.) Same motion, same second, same vote, to place on the
44 Consent Calendar. (VOTE: 6-0-0-1. LEG. FLEMING NOT PRESENT.
45 PLACED ON CONSENT CALENDAR)
46

47 IR 1296, Authorizing the sale, pursuant to Local Law No. 16
48 (-1976), of real property acquired under Section 46 of the Suffolk
49 County Tax Act Pamela A. Kraskewicz, as trustee of the Pamela A.
50 Kraskewicz living trust dated June 27, 2005 having a 70.13%
51 Interest and Andrew R. Kraskewicz having a 14.935% interest and
52 Lisa A. Kraskewicz having a 14.935% interest (SCTM No.
53 0900-144.00-02.00-041.000). (Co. Exec.). Does that add up to one
54 hundred? Can this go on the Consent Calendar? It looks like it's
55 close to a hundred. So, same motion, same second, same vote to
56 place on the Consent Calendar. (VOTE: 7-0-0-1. PO GREGORY

1 INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT. PLACED ON THE CONSENT
2 CALENDAR)

3
4 IR 1298, Sale of County-owned real estate pursuant to Section 72-h
5 of the General Municipal Law - Town of Brookhaven - (SCTM No.
6 0200-289.00-03.00-033.000). (Co. Exec.) Motion by Legislator
7 Calarco; seconded by Legislator Martinez. All those in favor?
8 Opposed? Abstentions? Motion carries. (VOTE: 7-0-0-1. PO
9 GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT. PLACED ON
10 CONSENT CALENDAR)

11
12 IR 1300, Authorizing certain technical corrections to the Adopted
13 Resolution No. 885-2016. (Co. Exec.) I'll make a motion to
14 approve.

15
16 LEG. CALARCO:
17 Second.

18
19 VICE CHAIR SPENCER:

12:47PM 20 Second by Legislator Calarco. All those in favor? Opposed?
21 Abstentions? This can be placed on the Consent Calendar, please.
22 (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT
23 PRESENT. PLACED ON CONSENT CALENDAR)

24
25 IR 1301, Authorizing the sale, pursuant to Local Law No. 16(-1976,)
26 of the real property acquired under Section 46 of the Suffolk
27 County Tax Act Richard L. Galgano, administrator of the Estate of
28 John Gargano a/k/a John Galgano (SCTM No.
29 0200-768.00-02.00-015.000). (Co. Exec.) Just reading this, is
12:47PM 30 Galgano and Gargano, is that correct or should it be one or the
31 other on all those names? Is there a correction there? I see a
32 Galagano and then a Gargano. So are we able to proceed or do we
33 need clarification?

34
35 MR. NOLAN:
36 You can proceed.

37
38 VICE CHAIR SPENCER:

12:48PM 39 All right, we can proceed. So same -- this is -- motion by -- I'll
40 make the motion; seconded by Legislator Trotta to place on the --
41 he doesn't want his name on it. All those in favor? Opposed?
42 Abstentions? Placed on the Consent Calendar. (VOTE: 7-0-0-1. PO
43 GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT. PLACED ON THE
44 CONSENT CALENDAR)

45
46 Let's see. IR 1302, Authorizing certain technical corrections to
47 Adopted Resolution No. 876-2016. (Co. Exec.). I'll make a motion
48 to approve and place on the Consent Calendar; seconded by
49 Legislator Cilmi. All those in favor? Opposed? Abstentions? The
12:48PM 50 motion carries. (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE.
51 LEG. FLEMING NOT PRESENT. PLACED ON CONSENT CALENDAR)

52
53 IR 1304, Sale of County-owned real estate pursuant to Local Law No.
54 13-1976, The Kummer Companies, LLC, Profit Sharing Plan (SCTM No.
55 0800-024.00-10.00-018.000). (Co. Exec.) Motion by Legislator
56 Calarco; seconded by Legislator Browning. All those in favor?

1 Opposed? Abstention? Motion carries. (VOTE: PO GREGORY INCLUDED
2 IN VOTE. LEG. FLEMING NOT PRESENT)

3
4 **IR 1328, Authorizing the reconveyance of County-owned real estate**
5 **pursuant to Section 215, New York State County Law to Carl Weber**
6 **(SCTM No. 0100-079.00-03.00- 031.000). (Gregory) Motion by**
7 **Legislator Gregory; seconded by Legislator Cilmi. All those in**
8 **favor? Opposed? Abstention? Motion carries. (VOTE: 7-0-0-1.**
9 **PO GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT)**

10
11 **IR 1331, To establish the Suffolk County Legislature's**
12 **Distinguished Youth Award. (Pres. Off.) Motion by Legislator**
13 **Gregory, offered by him; seconded by Legislator Martinez. Just on**
14 **the motion, Mr. Presiding Officer, will you just give us, just for**
15 **the record, just a brief overview. I see this is fashioned after**
16 **the Congressional sort of --**

17
18 **P.O. GREGORY:**

19 Yeah, you know -- yes. Thank you, Mr. Chair. This program is
12:49PM 20 modeled after the Congressional Youth Award Program. It encourages
21 our youth to, you know, to demonstrate initiative and service and
22 encourages achievement in our young people. There are four program
23 areas: Voluntary, public service, personal development, physical
24 fitness, exploration. And then there is different levels. There's
25 a silver, gold and bronze level. So, for example, in order to
26 achieve the goal you have to do 200 hours of, say, for example 200
27 hours of public service over a year's period. Then you have to do,
28 like, a hundred hours in physical fitness and personal development.
29 It's just encouraging our young people to, you know, to improve
12:50PM 30 themselves, get involved. And I was very impressed with the
31 program and always trying to find ways to engage our young people.
32 The program's for 13 to 18-year-olds.

33
34 **VICE CHAIR SPENCER:**

35 It sounds fantastic. It sounds like it encourages community
36 participation and really patriotism and I think it's important.
37 I'd like to be cosponsor on this. Cleaning up beaches, cleaning
38 plastic bags, things like that, makes a lot of sense. So we have a
39 motion and a second. All those in favor? Any opposed? Any
12:51PM 40 abstentions? Motion carries. Please list me as a cosponsor on
41 this. Thank you. (VOTE: 7-0-0-1. PO GREGORY INCLUDED IN VOTE.
42 **LEG. FLEMING NOT PRESENT)**

43
44 **IR 1345, Sale of County-owned real estate pursuant to Section 72-h**
45 **of the General Municipal Law - Town of Brookhaven - (SCTM No.**
46 **0200-333.00-01.00-014.000). (Co. Exec.). Motion by Legislator**
47 **Calarco; seconded by Legislator Martinez. All those in favor?**
48 **Opposed? Abstention? Motion carries. (VOTE: 7-0-0-1. PO**
49 **GREGORY INCLUDED IN VOTE. LEG. FLEMING NOT PRESENT)**

50
51 **IR 1366, (Adopting Local Law No. -2017,) A Local Law to enact a**
52 **Campaign Finance Reform Act to limit campaign contributions from**
53 **County contractors and public employee unions. (Trotta). Motion by**
54 **Legislator Trotta to table for public hearing; second by Legislator**
55 **Browning. All those in favor? Opposed? Abstention? Motion is**
56 **tabled for public hearing. (VOTE: PO GREGORY INCLUDED IN VOTE.**

1 **LEG. FLEMING NOT PRESENT)**
2

3 I have no procedural motions but we do have an Executive Session.
4 So I'll make a motion to recess for Executive Session to discuss
5 matters of legal importance that may have personal information;
6 seconded by Legislator Martinez. All those in favor? Opposed?
7 Abstentions? We are recessed. We'll be back with you shortly.
8 Thank you.
9

10 **EXECUTIVE SESSION 12:51 PM - 1:18 PM**
11

12
13 **VICE CHAIR SPENCER:**

14 Okay, we are out of Executive Session. And we are out of recess
15 back on the record.
16

17 During the Executive Session, we took up a matter of Thomas DeMint
18 versus Suffolk County and we voted for a settlement of --
19 unanimously for a settlement of \$50,000.
20

21 I have no other business before this Committee. We stand
22 adjourned. Thank you. Presiding Officer Gregory did participate.
23

24 **THE MEETING CONCLUDED AT 1:18 PM**
25 **{ } DENOTES SPELLED PHONETICALLY**
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