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4
5 **WAYS & MEANS COMMITTEE**
6
7 **OF THE**
8
9 **SUFFOLK COUNTY LEGISLATURE**
10
11 **MINUTES**
12
13

14 A meeting of the Ways & Means Committee of the Suffolk County
15 Legislature was held in the Rose Y. Caracappa Legislative
16 Auditorium of the William H. Rogers Legislature Building, 725
17 Veterans Memorial Highway, Smithtown, New York on June 15, 2017.
18

19
20 **MEMBERS PRESENT:**

21 Legislator Bridget Fleming - Chairperson
22 Legislator William Spencer - Vice Chair
23 Legislator Kate M. Browning
24 Legislator Robert Calarco - DPO
25 Legislator Thomas Cilmi
26 Legislator Monica Martinez
27 Legislator Robert Trotta
28

29
30 **ALSO IN ATTENDANCE:**

31 Presiding Officer DuWayne Gregory - District No. 15
32 George Nolan - Counsel/Suffolk County Legislature
33 Sarah Simpson - Assistant Counsel/Suffolk County Legislature
34 Jason Richberg - Clerk/Suffolk County Legislature
35 Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
36 Rob Fonti - Aide to Presiding Officer Gregory
37 Maria Barbara - Aide to Legislator Cilmi
38 Meg Zegarelli - Aide to Legislator Hahn
39 Liz Alexander - Aide to Legislator Spencer
40 John Morafino - County Executive's Office
41 Jason Hann - County Executive's Office
42 Lynne Bizzarro - County Attorney's Office
43 All Other Interested Parties
44

45
46 **MINUTES TAKEN BY:**

47 Alison Mahoney - Court Stenographer
48

49 **MINUTES TRANSCRIBED BY:**

50 Kim Castiglione - Legislative Secretary
51
52
53
54
55
56

(*The meeting was called to order at 12:33 a.m.*)

1
2
3 **CHAIRPERSON FLEMING:**

4 Good afternoon everyone and welcome to a regular meeting of the
5 Ways and Means Committee. We'll begin the meeting with a Pledge of
6 Allegiance led by Legislator Calarco.

7
8 ***Salutation***

9
10 Thank you. I don't have any yellow cards this morning -- actually
11 it's this afternoon. Is there anyone in the public who would like
12 to be heard on Public Portion? You can come to the podium and be
13 heard on any topic you choose for three minutes. So seeing no one
14 for Public Portion, and we do not have any presentations, we'll
15 move right to the Tabled Resolutions.

16
17 **Tabled Resolutions**

18
19 So Tabled Resolutions. **1195 - Adopting Local Law No. -2017, A**
20 **Local Law to repeal Local Law No. 36-2016 (Trotta).**

21
22 **D.P.O. CALARCO:**
23 Motion to table.

24
25 **CHAIRPERSON FLEMING:**
26 We have a motion to table. Seconded --

27
28 **LEG. TROTТА:**
29 Motion to approve.

30
31 **CHAIRPERSON FLEMING:**
32 I will second the motion to table.

33
34 **LEG. TROTТА:**
35 That might still be open actually.

36
37 **MR. NOLAN:**
38 I think it is closed.

39
40 **MS. SIMPSON:**
41 It says closed.

42
43 **CHAIRPERSON FLEMING:**
44 Your second, Kate, is to the tabling motion or the approval motion?

45
46 **LEG. BROWNING:**
47 Approval.

48
49 **CHAIRPERSON FLEMING:**
50 Okay. So we have a motion to approve and a second, we have a
51 motion to table and a second. The tabling motion -- I'm sorry.

52
53 **MR. RICHBERG:**
54 Who was the second to tabling?

1 **CHAIRPERSON FLEMING:**

2 I seconded the tabling motion. Thank you, Mr. Richberg. So the
3 tabling motion take precedence. On a motion to table 1195 all in
4 favor? All opposed? So we have three in opposition to tabling.
5 The tabling motion passes. Thank you. (VOTE: 4-3-0-0 Opposed:
6 *Legislators Cilmi, Browning and Trotta*)

7
8 Moving on to Tabled Resolution 1276 - *Accepting the donation of a*
9 *monument honoring United States Service members who came in peace*
10 *killed in Beirut bombing terror attacks (Stern)*. I will make a
11 motion to table again for Sitings. Is there a second? By
12 Legislator Cilmi. All in favor? All opposed? Any abstentions?
13 The motion carries. (VOTE: 7-0-0-0)

14
15 *1366 - Adopting Local Law No. -2017, A Local Law to enact a*
16 *campaign finance reform act to limit campaign contributions from*
17 *County contractors and public employee unions (Trotta)*.

18
19 **LEG. TROTТА:**

20 Table for Public Hearing.

21
22 **D.P.O. CALARCO:**

23 Second.

24
25 **CHAIRPERSON FLEMING:**

26 Motion to table for Public Hearing by Legislator Trotta, seconded
27 by Legislator Calarco. All in favor? All opposed? Any
28 abstentions? That is tabled for Public Hearing. (VOTE: 7-0-0-0)

29
30 *1441 - Directing the Real Property Tax Service Agency to develop a*
31 *plan to exempt first-time homebuyers from additional tax map*
32 *verification fee (Krupski)*. I believe Legislator --

33
34 **D.P.O. CALARCO:**

35 Still working on it. I don't think he's ready to move forward.
36 Motion to table.

37
38 **CHAIRPERSON FLEMING:**

39 I'm going to second the motion to table --

40
41 **LEG. TROTТА:**

42 Motion to approve.

43
44 **CHAIRPERSON FLEMING:**

45 -- at the sponsor's request.

46
47 **D.P.O. CALARCO:**

48 No, it's at the sponsor's request.

49
50 **LEG. TROTТА:**

51 Okay.

52
53 **CHAIRPERSON FLEMING:**

54 All in favor? All opposed? Any abstentions? 1441 is tabled.
55 (VOTE: 7-0-0-0)

Introductory Resolutions

1
2
3 **1468 - Authorizing certain technical correction to Adopted**
4 **Resolution No. 817-2016 (Co. Exec.).** I'll make a motion to approve
5 and place on the Consent Calendar; seconded by Legislator Calarco.
6 All in favor? All opposed? So moved. (VOTE: 7-0-0-0)
7

8 **1480 - Sale of County-owned real estate pursuant to Local Law No.**
9 **13-1976 Story Book Homes, Inc. (SCTM No. 0800-164.00-02.00-046.007**
10 **F/K/A 0800-164.00-02.00-046.000) (Co. Exec).** Motion to approve.
11 Seconded by -- does anybody want -- Legislator Martinez. All in
12 favor? All opposed? Any abstentions? That motion carries.
13 (VOTE: 7-0-0-0)
14

15 **1481 -Sale of County-owned real estate pursuant to Local Law No.**
16 **13-1976 Debbie Lewis (SCTM No. 0100-014.00-06.00-026.000) (Co.**
17 **Exec.).** Same motion, same second. All in favor? All opposed?
18 Any abstainers? That motion carries. (VOTE: 7-0-0-0)
19

20 **1486 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
21 **real property acquired under Section 46 of the Suffolk County Tax**
22 **Act Nicole Ziemak (SCTM No. 0500-333.00-03.00-025.000) (Co. Exec.).**
23 So I'll make -- Legislator Calarco makes a motion to approve and
24 place on the Consent Calendar. Seconded by Legislator Spencer.
25 All in favor? All opposed? Any abstentions? That motion carries.
26 (VOTE: 7-0-0-0)
27

28 **1487 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
29 **real property acquired under Section 46 of the Suffolk County Tax**
30 **Act Patrick M. Donelon and Helen A. Donelon, his wife (SCTM No.**
31 **0103-004.00-01.00-042.000) (Co. Exec.).** Same motion, same second,
32 same vote. (VOTE: 7-0-0-0)
33

34 **1488 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
35 **real property acquired under Section 46 of the Suffolk County Tax**
36 **Act Brendetta Baines-Dolan, Administrator of the Estate of Beverly**
37 **Baines a/k/a Beverly Cannon (SCTM No. 100-167.00-01.00-012.000) (Co.**
38 **Exec.).** All in favor -- oh, we have the same motion, same second
39 and the same vote. (VOTE: 7-0-0-0)
40

41 **1507 - Declaring a superior governmental interest to retain a**
42 **parcel (SCTM No. 0209-030.00-03.00-010.000) in County ownership for**
43 **open space program (Browning).** Kate? No worries. Motion to
44 approve?
45

46 **LEG. CILMI:**
47 It's your bill, 1507.
48

49 **CHAIRPERSON FLEMING:**
50 So it's 1507. It's your bill.
51

52 **LEG. BROWNING:**
53 Yes, go ahead. Motion to approve. I wanted to make sure it was
54 the right one.
55
56

1 **CHAIRPERSON FLEMING:**

2 I'll second that. If there's any discussion?

3
4 **LEG. CILMI:**

5 I have a question.

6
7 **CHAIRPERSON FLEMING:**

8 Yes, Legislator Cilmi.

9
10 **LEG. CILMI:**

11 What is the phrase *declaring a superior governmental interest*? Is
12 that the same as eminent domain?

13
14 **LEG. BROWNING:**

15 Sort of, but not really.

16
17 **MR. NOLAN:**

18 It's a phrase that is really lifted from the Code, Article 40 of
19 the Administrative Code. I think that's why that terminology was
12:39PM 20 used. This is property the County has taken a tax deed to down in
21 Legislator Browning's district, and I believe the intention is to
22 retain it in public ownership because it's in a flood plain. I
23 think the intention also is there's a structure on there that I
24 think Legislator Browning would like to see demolished and then
25 retain the public ownership.

26
27 But basically this is saying that even though the statutory
28 timeframes haven't run for a hardship redemption, we are basically
29 terminating those rights. We're declaring a superior public
12:39PM 30 interest to retain the property and public ownership and not to
31 have something be built there in the future and just be open space
32 ultimately, so we're making that determination now.

33
34 **LEG. CILMI:**

35 So how soon would the property come into the County's possession?

36
37 **MR. NOLAN:**

38 We own it now.

39
40 **LEG. CILMI:**

41 Oh, we own it now.

42
43 **MR. NOLAN:**

44 Because we have the tax deed. We're just saying that we're not
45 going to allow somebody to --

46
47 **LEG. CILMI:**

48 You're cutting off the redemption period.

49
50 **MR. NOLAN:**

51 Exactly.

52
53 **LEG. CILMI:**

54 And then second, basically prohibiting any development on the
55 property.

56

1 **MR. NOLAN:**

2 Right. The intention is --

3
4 **LEG. CILMI:**

5 You're preventing the County from selling it at auction.

6
7 **MR. NOLAN:**

8 The resolution declares, you knows, states that we're going to
9 retain the property as open space. I think there will be another
10 resolution forthcoming later to appropriate monies to demolish the
11 structure.

12
13 **LEG. BROWNING:**

14 It is in the wetlands in the Mastic Beach community. We're getting
15 a lot of complaints about it. Right now it's -- it was never
16 completed, the construction was never completed. It is unsafe. We
17 have had a lot of complaints about kids going in there. We've
18 actually been reaching out to Jason Smagin about trying to get it
19 fenced off, because I am concerned. I know that DPW just last week
20 they had -- they did have it looked at, because obviously before
21 demolishing it they have to make sure that there's no asbestos. We
22 found out that there is some asbestos. So eventually now that it
23 is coming into our hands we have the ability to go ahead and do
24 this. The current owner has no desire. He's in the city and he
25 has no desire to take it back, and we do want to demolish and
26 restore the wetlands.

27
28 **LEG. CILMI:**

29 Sounds good to me.

30
31 **CHAIRPERSON FLEMING:**

32 Legislator Spencer.

33
34 **LEG. SPENCER:**

35 Tom had the same -- exact same question that I had, but I just
36 wanted to add one quick sort of comment and then I'll know if it
37 makes any difference. The title of the legislation declaring a
38 superior governmental interest I think maybe sets just a tone that
39 I think what makes most of us cringe, and when we started the
40 discussion we said declaring a superior public interest. So, I
41 mean, I support this. I see the need. It would be nice if the
42 title could reflect something that it would declaring a superior
43 public interest.

44
45 **LEG. CILMI:**

46 Yeah, I agree.

47
48 **LEG. SPENCER:**

49 I think it would be something that would be a lot more
50 understandable to people, because having us government declare a
51 superior governmental interest looks -- but that's just semantic
52 but, you know, I think this is important for us to support it.

53
54 **LEG. BROWNING:**

55 And I think, you know, the Mastic Beach residents are going to be
56 very happy when this eventually happens. I did ask my Chief of

1 Staff, Josh, to send pictures of -- because there is another one
2 that we're going to be doing, pretty much similar situation, so
3 we're going to -- I'd like you to see pictures of what we're doing.

4
5 **LEG. SPENCER:**

6 Maybe we can call that one public interest.

7
8 *(*Laughter*)*
9

10 **CHAIRPERSON FLEMING:**

11 Well, it is great to see the County doing this. I mean, just
12 looking at a map this location is right on the tributary off the
13 narrow bay. Obviously it would serve a very important coastal
14 resiliency purpose. This area was hit pretty hard in the last big
15 storm and it's great to see the County stepping up and taking this
16 move in my mind. So we have a motion to -- oh, Kate, did you want
17 to say something?

18
19 **LEG. BROWNING:**

20 No, just so you know, it does -- it is adjoined to other County
21 properties, wetland property that the County has previously
22 purchased.

23
24 **CHAIRPERSON FLEMING:**

25 That's great. So a motion and a second. All in favor? All
26 opposed? Any abstentions? The motion carries. 1507 is approved.
27 *(VOTE: 7-0-0-0)*

28
29 *1508 - Authorizing the reconveyance of County-owned real estate*
30 *pursuant to Section 215, New York State County Law to Virginia M.*
31 *Wood (SCTM No. 0600-025.00-03.00- 003.001) (Krupski). I'll make a*
32 *motion to approve.*

33
34 **LEG. SPENCER:**

35 Second.

36
37 **LEG. CILMI:**

38 Second.

39
40 **CHAIRPERSON FLEMING:**

41 Seconded by Legislator Cilmi. All in favor? All opposed? Any
42 abstentions? That motion carries and it's adopted. *(VOTE:*
43 *7-0-0-0)*. That concludes our --

44
45 **LEG. CILMI:**

46 Madam Chair, before we adjourn.

47
48 **CHAIRPERSON FLEMING:**

49 Yes. Oh, yes. Legislator Cilmi wanted to be heard.

50
51 **LEG. CILMI:**

52 So I received, and I assume every member received, a letter from
53 the Board of Ethics which to paraphrase basically says that due to
54 new regulations here in the County, specifically that the Financial
55 Disclosure Statement quote "shall not be deemed confidential"
56 unquote, basically ends the automatic redactions that may have

1 applied previously. And the letter suggests that should we feel
2 that there's any specific information in our Financial Disclosure
3 Statements that we would like to be held in confidentially, that we
4 should amend our Financial Disclosure Statements to make that
5 request.

6
7 And so I'm just unclear, Madam Chair, as to exactly what that
8 information might be that -- I mean, there's certainly nothing that
9 I can think of in my Financial Disclosure Statement that I would
10 want to be kept confidential. I've never asked for any
11 confidentiality of any information in my statements, but I'm
12 interested to see what the Board of Ethics has to say about this.
13 So perhaps we could have them at a future meeting just to kind of
14 discuss this letter.

15
16 **CHAIRPERSON FLEMING:**

17 I think it would be -- you know, the statute that outlines their
18 role actually, and the financial disclosure forms, statements, does
19 include specific language about what can be redacted as I recall.
20 But, George, do you have some insight on this?

21
22 *(Presiding Officer Gregory entered the meeting)*

23
24 **MR. NOLAN:**

25 I would just say that, you know, I did see this and I wasn't clear
26 why they had sent it out because, you know, we passed a law
27 recently that just reiterated the fact that the Financial
28 Disclosure Statements were not confidential. I don't -- for a long
29 time I don't think they were ever treated as confidential, and
30 there was always a right of the filer to ask, out of concerns of
31 personal privacy, for a redaction of certain information. So that
32 is not new. That's always been the law, that you could ask for
33 that.

34
35 I do recall when we had our special hearing a couple of months ago
36 on this whole issue the Board of Ethics, the people from the Board
37 of Ethics talked about the type of information that might be
38 redacted but, again, nothing has really changed. So I was a little
39 confused about why they sent out this letter.

40
41 **LEG. CILMI:**

42 And of course they used clever words like *therefore automatic*
43 *redactions may no longer apply*. Of course they may still apply,
44 but they may no longer.

45
46 **MR. NOLAN:**

47 They're still fully empowered to redact information upon the
48 request of the filer. That authority has not changed -- wasn't
49 changed by the recent legislation that was proposed by Legislator
50 Fleming. So it's a little confusing to me as well.

51
52 **CHAIRPERSON FLEMING:**

53 So since we do have some confusion, and I agree with George. When
54 I read it did not understand why they felt there was any shift in
55 that particular aspect of it. So if it's the appetite of the
56 committee I can call them in or perhaps it would do just to have a

1 letter from the committee asking them for clarification on these
2 points.

3
4 **LEG. CILMI:**
5 Either way would suffice with me.

6
7 **CHAIRPERSON FLEMING:**
8 Okay. So I think if there's no objection here at the committee
9 we'll go ahead. I'll -- my office will issue a letter requesting
10 that they clarify this letter and we'll get back to you.

12:48PM

11
12 **LEG. CILMI:**
13 Okay.

14
15 **CHAIRPERSON FLEMING:**
16 I'll distribute their response.

17
18 **LEG. CILMI:**
19 Thank you.

12:48PM

20
21 **CHAIRPERSON FLEMING:**
22 So seeing no other business, thank you all. We are adjourned.

23
24 *(*The meeting was adjourned at 12:48 p.m. *)*
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