

WORKFORCE HOUSING AND LABOR COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Workforce Housing and Labor 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, Hauppauge, New York on March 8, 2006.

MEMBERS PRESENT:

Leg. Kate M. Browning, Chairperson
Leg. Jack Eddington, Vice•Chairman
Leg. Viloría•Fisher
Leg. Thomas F. Barraga
Leg. Lynne C. Nowick

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Marian Zucker, Director of Affordable Housing
Ben Zwirn, Assistant Deputy County Executive
Jeff Tempera, Director of Labor Relations
Glenn Pichardo, Aide to Leg. Browning
Ginny Suhr, Aide to Leg. Viloría•Fisher
Steve Gittelman, Vanderbilt Museum

Jacqueline Caputo, Assistant County Attorney
Greg Moran, Presiding Officer's Office
Paul Perillie, Legislative Aide to Leg. Cooper
Ed Hogan, Legislative Aide to Leg. Nowick
Joe Muncey, Budget Review Office
Peter Quinn

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(THE MEETING COMMENCED AT 9:19 AM)

CHAIRPERSON BROWNING:

Ready to start? Sorry, we're starting a little earlier than normal. So we'd like to start with the Pledge of Allegiance and I'd ask Jack Eddington, please.

(SALUTATION)

CHAIRPERSON BROWNING:

Okay. This morning we were having Paul _Arfin_ come to speak with us about _Home Share_ •• isn't that what it is called?

LEG. VILORIA • FISHER:

Yes.

CHAIRPERSON BROWNING:

But we have some people that need to leave this morning early so that's why we started early and we will •• do we have any correspondence?

LEG. VILORIA • FISHER:

Is Paul here?

CHAIRPERSON BROWNING:

Paul is not coming. We did cancel because some people do need to leave because they have other appointments. So do we have any correspondence? No. No discussions? Any cards? No? Excellent. So we'll continue with the resolutions.

TABLED RESOLUTIONS

CHAIRPERSON BROWNING:

Okay. ***1075 (To evaluate County properties for workforce housing purposes)***. Sponsored by Cameron Alden.

LEG. NOWICK:

I'll make a motion.

CHAIRMAN BROWNING:

I have a motion. Second?

LEG. EDDINGTON:

Yep. Right here.

CHAIRMAN BROWNING:

All in favor?

LEG. VILORIA • FISHER:

On the motion. I just wanted to ask some questions about this.

CHAIRMAN BROWNING:

Sure.

LEG. VILORIA • FISHER:

It looks like Ben came up to make some comments about it, too. Ben, I •• you probably have some comments you wanted to make. But I did want to ask you, after having read this I'm still not certain about exactly which inventory we would be looking at and so I wanted to discuss that with you and with George, too. Because we have so many different categories of inventories that I just wanted to see what was covered by this more clearly.

MR. ZWIRN:

Right. Through the Chair, Ben Zwirn from the County Executive's Office. I'm here with Marian Zucker, who is the Director of Affordable Housing for Suffolk County, who has been trying to reach out to the sponsor of the bill because •• I'll let Marian discuss it, but I •• we think it might be duplicative of efforts that have already been undertaken by the County working with the towns.

MS. ZUCKER:

That was part of our concern, but also just to go to your question, Legislator Fisher, the issue that we had with the resolution is that it's very broadly drafted and that's why we want to sit down with the sponsor and see if we can earmark a little more clearly what it is he's looking for us to explore. So after we asked that it be tabled at the last meeting we did reach out to the sponsor's office to try to sit down with him, discuss it in more detail, and I'm waiting to hear back to schedule a meeting.

LEG. VILORIA • FISHER:

Okay. If I may, Madam Chair. Couldn't we, however, pass this resolution, I think there was a motion to approve, and work within the confines of the resolution and its directive. It's really codifying what we're already doing. I know that it's duplicative, that we have •• that the, you know, I served on the Workforce Housing Commission and we did a lot of this with •• we worked with you looking at this. We reached out to the towns and looking for places where we could build affordable housing. But I like the fact that this is codifying what we're already looking at. And couldn't we work •• and I'll ask this of Counsel, couldn't we pass this broad resolution and work within the parameters of the broad resolution to narrow it down.

MR. NOLAN:

Well, the resolution says that the Director of Planning and the Division of Real Estate are to compile a list of properties presently owned by the County of Suffolk and to rate the properties as to the feasibility of using them for affordable housing. That suggests to me they would have to in their report address all properties owned by the County. It would probably be better if we wanted to have a narrower focus to narrow the resolution.

MR. ZWIRN:

If I might add. Marian made a good point. I mean, we own the land under the Dennison Building and we own the property here. I mean, do you want us to look at every •• every piece of County land for affordable housing or ones that after some review would be deemed appropriate. The •• Marian's department has already worked with the towns in identifying properties that we had that we gave to them and they came up with about •• I think it was about 200 some•odd properties that the towns themselves identified. So we have a pretty good pool to start with.

And I think we're just under the •• we don't want to give the impression that this has •• we haven't already looked at this, that this is somehow that the County has dropped the ball and all of a sudden we're going to start looking at properties for affordable housing, which has not been the case. We have been pretty aggressive. And I think what Marian is saying is just trying to just try to get •• just to try to get a little more focus so her office will have a little bit easier job knowing what to look for.

LEG. VILORIA•FISHER:

So, you're saying that you would like to exclude, for example, certain categories from this and that you would like it to be codified in the resolution such as categories where we have designated lands for municipal use, for municipal buildings.

MS. ZUCKER:

For example, and in addition, I mean, we also have a very active 72•H program, you know, and that's another place where the County owns land and there are properties in there that are strips and sumps and things like that. I mean, I just think it doesn't make sense for us to go through all of

that, that there should be some parameters of land over X size, you know, not being used for another purpose.

LEG. VILORIA • FISHER:

And you have reached out to ••

MS. ZUCKER:

Yes.

LEG. VILORIA • FISHER:

•• Legislator Schneiderman.

MS. ZUCKER:

Yes •• no, Alden.

MR. ZWIRN:

Alden.

MS. ZUCKER:

Which I'm happy to do again.

CHAIRPERSON BROWNING:

Okay. Legislator Nowick has a question.

LEG. NOWICK:

Just listening to the dialogue about this it sounds like the sponsor •• the sponsor was not clear as to •• for your purposes as to what he wanted. He might want to have, to encompass all of the land, we don't know. But I think that probably I would change my motion to table just so you did have the opportunity. It would be only fair to the sponsor. We can't go ahead and change something if it wasn't his intention. So I would change my motion to table it for one cycle.

MR. ZWIRN:

One cycle.

LEG. NOWICK:

But I would ask that •• now, you reached out to Legislator Alden last month?

MS. ZUCKER:

Yeah, after the last committee meeting and I'll do so again.

LEG. NOWICK:

Yeah, maybe you could just push that a little bit and it's only one cycle.

MS. ZUCKER:

Sure. I'm happy to.

LEG. NOWICK:

Okay.

LEG. VILORIA • FISHER:

I'll second that.

CHAIRPERSON BROWNING:

Okay. A motion to table from Lynne Nowick and second by Vivian Fisher. And all in favor? Any against? Opposed? Okay. No abstentions. Okay. It's tabled. **(Vote: 5/0/0/0)**

LEG. VILORIA • FISHER:

While we have Marian Zucker and Ben Zwirn, could I just ask another question in relation to this •• to properties?

CHAIRPERSON BROWNING:

Sure.

LEG. VILORIA • FISHER:

We often see resolutions come before us for acquisition for hamlet parks, for open space, etcetera. And the question often comes up by some Legislators saying why don't we whenever we have these planning steps resolutions also incorporate in those resolutions looking at them for affordable housing.

Do you, and again I include our own Counsel in this question, how can we address that kind of concern, that we're sometimes putting pieces of property that are right in a downtown that might be good for what we're looking at for affordable housing and a downtown area where density might work. And sometimes, just because we don't want it built, another strip mall or something like that, we're not considering that as an alternative.

How can we incorporate that, do you think? If you don't have an answer right away, can we start thinking about that and maybe thinking of a way of addressing that.

MS. ZUCKER:

Yes. I mean, I would imagine •• absolutely. I would imagine in general if there is a planning steps resolution to consider a particular parcel for a hamlet park. It comes from a need within that community to provide some, you know, relief, some green space in an otherwise dense area. And I would assume that there had been some planning that had gone into that, some review of ••

LEG. VILORIA • FISHER:

Well, sometimes yes, sometimes no. But, Marian, you know, this is an issue that Elie Mystal had brought up last year when he was on the Workforce •• the Ad Hoc Committee. And I don't think we've ever really addressed his concern, and I just think out of fairness we might look at a way of addressing that.

MR. ZWIRN:

Well, maybe I could ask George. I think part of it might have been is that the funding sources are generally for open space acquisition or farmland preservation as opposed to a fund •• the SOS money, though, from the referendum that was passed last year, that did have ••

LEG. VILORIA • FISHER:

That had hamlet parks.

MR. ZWIRN:

Hamlet parks.

LEG. VILORIA • FISHER:

But our Multifaceted Program has money in it for affordable housing.

MR. ZWIRN:

Okay. But I think that has been ••

LEG. VILORIA • FISHER:

So that program does allow for it.

MR. ZWIRN:

But I think that's been part of it. Most of the money has been in for open space acquisition, so.

MR. NOLAN:

I think the report that ultimately might result from this resolution would be a good first step to assess properties for whether or not they could be used for affordable housing or workforce housing and the Legislature would have that information at their disposal when let's say a Legislator makes a •• introduces a resolution later to use property for open space or park purposes, they can also have this information whether or not it might be used for a affordable housing. Then you can make a policy judgement, which is the way to go with that particular parcel.

LEG. VILORIA • FISHER:

But if we acquire a piece of property for open space •• for preservation, we can't then use it for affordable housing.

MR. NOLAN:

No, you cannot. No. Once it's for park purposes, that's it. Right.

LEG. VILORIA • FISHER:

Okay. Thank you.

CHAIRMAN BROWNING:

I just received a card for public portion. Peter Quinn.

PUBLIC PORTION

MR. QUINN:

Thank you. Initially I thought I was coming to the Economic Development Committee, but I realized that you have switched. So •• but nonetheless, since this deals with labor, I thought it appropriate to make a comment.

I read in today's paper that there is a projected shortfall of between 66 and 86 million for next year. And I thought I'd offer a •• at least one proposal for consideration. And that is you have an IDA, Suffolk IDA, Independent Development Agency, economic development agency, in effect, and I doubt that any of you know precisely the amount of money that has been spent to allegedly create jobs last year, although the IDA has to comply with State law and send to the Comptroller in January the amount of money dedicated to property tax abatement, sales tax elimination, mortgage transfer eliminations, refinancing of companies. And I would guess that many of you don't even know the extent to which the companies that were given these benefits didn't create the jobs or guilty of fraud, such as Computer Associates, which over the years has been given three different IDA's.

So I would submit to you that when you gather that information and you should seek from _Ruth Sergusen_ as quickly as possible the amount of money that's been provided, in detail, that perhaps you could call for a moratorium for next year in terms of the benefits to companies. The whipsaw effect is very common. We have companies getting them for moving from Smithtown to Brookhaven and the like. It doesn't seem to me that is an appropriate use of our financial resources. And as Paul Sabatino used to say when I was critical of this point, he said that's the job of the County Executive to control that. Now that's where he is. It is an appropriate way, it seems to me, to have the County Executive address the IDA and see if we can't resolve the problem.

In addition, you have got _why•fi_ companies that are seeking to use the 110 corridor and our parks. I would urge you to •• if those are franchise companies that you seek higher fees.

I'm also concerned about radiation and electromagnetic fields from those

sites so before we expand on _why•fi_ technology, at least there be some analysis on the potential health impacts. Thank you very much for the opportunity to be heard.

CHAIRPERSON BROWNING:

Thank you.

Continued TABLED RESOLUTIONS

CHAIRMAN BROWNING:

Okay. We'll continue with the next resolution.

1146 (Amending the 2006 Operating Budget in connection with the consolidation of County Department of Information Technology Services).

Introduced by the County Executive. Do I have motion to approve? Anybody?

LEG. VILORIA•FISHER:

I'll make a motion.

LEG. EDDINGTON:

Second.

CHAIRMAN BROWNING:

Legislator Eddington made the motion. Second Legislator Vivian Viloría •Fisher. All in favor? Any opposed? Abstentions? Okay. Approved.
(Vote: 5/0/0/0)

INTRODUCTORY RESOLUTIONS

1177 (Adopting Local Law No. •2006, A Local law to encourage affordable housing and workforce housing initiatives in towns and villages). A local law so we have to table it for public hearing.

LEG. VILORIA•FISHER:

Motion.

CHAIRPERSON BROWNING:

Motion to table. Legislator Viloría•Fisher's motion. Second, Jack Eddington. All in favor? Okay. **(Vote: 5/0/0/0)**

MEMORIALIZING RESOLUTIONS

CHAIRMAN BROWNING:

We have a couple of memorial resolutions. Memorializing resolutions. ***M.006 (Memorializing resolution in support of the Health Care Responsibility Act)***. Introduced by Legislator Steve Stern. I have a •• yep.

LEG. VILORIA•FISHER:

I'd like to make a motion to approve. This is the same memorializing resolution we had last year, but because it is a new session we're reintroducing, is that it?

CHAIRPERSON BROWNING:

Yes, yes. I'm also co•sponsored on that.

LEG. VILORIA•FISHER:

And I'd like to, Renee, also be a co•sponsor, please.

CHAIRMAN BROWNING:

Okay. Anyone else on the motion?

LEG. NOWICK:

On the motion. Is there a second, though? I'll second for purposes of •• I have a question.

CHAIRMAN BROWNING:

Sorry, Ben.

LEG. NOWICK:

Just to ask Counsel, when I was reading this, is this •• are we supporting what is similar to the Walmart's resolution?

MR. NOLAN:

It's very similar to the law that the County passed last year.

LEG. NOWICK:

Because I do have a question on that. What's going on with the •• I'm hearing that there are some legal ramifications with the Walmart bill and that that is going into court. Your Counsel, what do you gather from that and if that, in fact, is true, are we jumping the gun with this? Not that I don't support, I did support the Walmart bill, but where do we stand with that and how would we stand with this, then?

MR. NOLAN:

Well, passing this would have, because it's urging the State to take action, to pass a bill that's similar to what we did down here, it wouldn't have any impact in terms of the litigation that appears to be coming in terms of our local law. I do not know if we have been served with papers yet, but I did read that we are going to see a lawsuit over our local law regarding this very same topic. And then it will be on •• I'm sure it is going to be on grounds that we anticipated which it was preempted under federal and State law.

LEG. NOWICK:

Then that particular lawsuit would not have any affect on this? Is this the same kind of thing? In other words, is there also going to be a lawsuit, then, because of this, what they are doing up in the State?

MR. NOLAN:

It's possible that if the State enacted similar legislation to what we passed down here, that there could be a lawsuit challenging that State law as well on the grounds that it's preempted by federal law in the labor area. But what I'm saying is you can act on this memorializing resolution. It doesn't expose us to any more litigation than we're already exposed to.

LEG. NOWICK:

We're already exposed.

MR. NOLAN:

We passed the law, yes.

LEG. NOWICK:

Yes, yes. So knowing that there is litigation on the drawing board, the State is also doing a similar thing with this Health Care Responsibility Act. Okay. Thank you.

MR. NOLAN:

You're welcome.

CHAIRMAN BROWNING:

We'll continue with that motion to ••

LEG. NOWICK:

I seconded it just for purposes of voting.

CHAIRPERSON BROWNING:

You made the motion? Who made the motion, you did?

LEG. EDDINGTON:

Yes.

CHAIRPERSON BROWNING:

Okay. Sorry. Okay. And seconded by Legislator Nowick. All in favor? Any opposed?

LEG. BARRAGA:

In the negative.

CHAIRPERSON BROWNING:

Okay.

LEG. NOWICK:

I'm going to abstain. Even though I seconded it, I'm going to abstain.

CHAIRMAN BROWNING:

Okay. You're going to abstain?

LEG. NOWICK:

Yes, until I find out what's going on.

CHAIRMAN BROWNING:

Okay. Can we call the vote on that? Okay. Legislator Vivian Vilorio •Fisher?

MR. NOLAN:

You're going to have to call it. It's ••

CHAIRMAN BROWNING:

Should we?

MR. NOLAN:

It's three•one now.

MS. ORTIZ:

We have it.

CHAIRMAN BROWNING:

Okay. You have it. Okay. Thank you. **(Vote: 3/1/1/0 Leg. Barraga opposed; Leg. Nowick abstained).**

Okay. And the next memorializing resolution. ***M.008 (Memorializing resolution requesting the State of New York to create the Long Island Workforce Housing Incentive Program)***. This one was introduced by Legislator Horsely. Do I have any motions?

LEG. VILORIA • FISHER:

Motion.

CHAIRPERSON BROWNING:

Motion by Legislator Vilorio•Fisher. Second?

LEG. EDDINGTON:

Second.

CHAIRMAN BROWNING:

Second by Legislator Eddington.

LEG. NOWICK:

On the motion.

CHAIRPERSON BROWNING:

On the motion, Legislator Nowick. Go ahead.

LEG. NOWICK:

I've been reading this whereas clause •• one, two, three, four, five, six, seven •• eighth whereas clause. I just couldn't understand. Could you just please, Counsel, just explain that?

MR. NOLAN:

Well, it's trying to explain what the bill does, try to summarize it. And I'll try to •• I'll read from the summary of the State bill. Basically it amends State law to establish what they are calling a Long Island Workforce Housing Incentive Program. It's been in the papers. I'm sure everybody has been reading about it. The bill provides that when a local government approves the construction of five or more residential units through a site plan, subdivision or mixed used development, the developer provide ten percent of the total units be affordable housing units. Okay.

But apparently •• I believe there is also the option that the developers would have the option of paying a fee to be used. Instead of setting aside 10% for affordable housing units, they would have the option of paying money into a fund that would be used to create affordable housing or that they would provide other lands for the creation of affordable housing. And that's what, in a nutshell, the bill would do.

LEG. NOWICK:

Yeah, that's what I didn't understand, the part with the fee. I didn't know

where that came from. So then if they opt not to dedicate one of their units, they would then be mandated to pay a fee.

MR. NOLAN:

Yes.

LEG. NOWICK:

Through the State or •• through the State. Okay. Thank you.

MR. NOLAN:

You're welcome.

CHAIRPERSON BROWNING:

Let's continue. So we had the motion. We had the second. All in favor? Any opposed?

LEG. BARRAGA:

In the negative.

CHAIRMAN BROWNING:

Okay. So that was four?

LEG. NOWICK:

Negative.

CHAIRPERSON BROWNING:

Negative. Okay. Where was I? Okay. Three•two. Motion's approved. Thank you. **(Vote: 3/2/0/0 Opposed: Legislators Barraga and Nowick).**

Okay. And I think that's all we have for today. So we have a motion to close the •• to adjourn. Okay. Legislator Eddington. Second? Vivian?

LEG. VILORIA•FISHER:

Yes.

CHAIRMAN BROWNING:

Second, Vivian. Okay. Thank you. We are done.

(THE MEETING ENDED AT 9:41 AM)

_ _ DENOTES SPELLED PHONETICALLY