

**LABOR, WORKFORCE AND AFFORDABLE HOUSING COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Labor, Workforce and Affordable Housing 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 December 13, 2006.

**MEMBERS PRESENT:**

Leg. Kate M. Browning, Chairperson  
Leg. Jack Eddington, Vice-Chairman  
Leg. Vivian Vilorio-Fisher  
Leg. Thomas F. Barraga  
Leg. Lynne C. Nowick

**ALSO IN ATTENDANCE:**

Ian Barry, Assistant Counsel to the Legislature  
Lance Reinheimer, Assistant Director of Budget Review Office  
Jill Moss, Budget Review Office  
Renee Ortiz, Chief Deputy Clerk  
Marian Zucker, Director of Affordable Housing  
Ben Zwirn, Assistant Deputy County Executive  
Ginny Suhr, Aide to Leg. Vilorio-Fisher  
Brenda Rosenberg, Department of Labor

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 2:57 PM)**

**CHAIRPERSON BROWNING:**

Good afternoon. And apologies for being late. We'll start the Labor, Workforce and Affordable Housing Committee. We'll start with the Pledge of Allegiance led by Legislator Viloría-Fisher.

**(SALUTATION)**

**CHAIRPERSON BROWNING:**

Thank you. I don't see any cards. We have one card. Our presentation had to cancel due to a family death, so we'll go straight into -- we'll go with Brenda Rosenberg.

**MS. ROSENBERG:**

Hi. Good afternoon and thank you for allowing me to speak. My name is Brenda Rosenberg. I am the Director of the Living Wage Unit in the Department of Labor and I have been the Director since the inception of this program. I would like to speak about John Cooper's bill to impose additional fines and fees on, according to the bill, unscrupulous vendors.

We feel that this bill is not necessary. We have not had any problems with any vendors. The only time we've had a problem with a vendor is currently there's one vendor that we are now in court with. Everybody when we find them to be out of compliance has come into compliance. This bill puts onerous fees on these vendors and they are mandatory fees, to the tune of, I think, \$2,000 to \$5,000 for each violation. So we really feel that this bill is unnecessary.

**LEG. VILORIA-FISHER:**

Thank you, Brenda.

**CHAIRPERSON BROWNING:**

Thank you. Questions? No?

**MS. ROSENBERG:**

Thank you.

**CHAIRPERSON BROWNING:**

Thank you. We'll go straight to the agenda then.

**TABLED RESOLUTIONS**

**2091, Adopting Local Law No. 2006, A Local Law to encourage affordable housing and workforce housing initiatives in towns and villages.**

**CHAIRPERSON BROWNING:**

I'll make a motion to table.

**LEG. VILORIA-FISHER:**

Second.

**CHAIRMAN BROWNING:**

All in favor? Opposed? Abstentions? Okay. **(Vote: 5-0-0-0).**

**2093, Adopting Local Law No. 2006, A Local Law to strengthen the Suffolk County Living Wage Law.**

**LEG. VILORIA-FISHER:**

Motion to table -- oh, sorry.

**CHAIRPERSON BROWNING:**

I'll second.

**LEG. VILORIA-FISHER:**

No, you make it. It's your -- I didn't realize your name was on it.

**CHAIRPERSON BROWNING:**

Yes, and I am wondering if we should table subject to call.

**LEG. VILORIA-FISHER:**

Sounds good to me.

**CHAIRPERSON BROWNING:**

I believe we should. So I'll make a motion to table subject to call.

**LEG. VILORIA-FISHER:**

I'll second that.

**CHAIRPERSON BROWNING:**

All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0).**

**2117, Adopting Local Law No. 2006, A Local Law to ensure contractor compliance with Anti-Discrimination Requirements.**

**CHAIRPERSON BROWNING:**

Vivian?

**LEG. VILORIA-FISHER:**

Madam Chair, I'm going to make a motion -- well, actually not a motion. I'm going to withdraw this local law and I'm going to withdraw it for the following reason. When I introduced this it was in order to provide an alternative to what I found to be a very unenforceable and disingenuous piece of legislation that was introduced by the County Executive's Office. I disagreed with the constitutionality of that. I disagreed with the ability to enforce that. However, it did pass.

I think this would be a much more effective law, but that being said, if this law were very effective then the County Executive could take some credit that something is being done regarding contractors and I don't want to provide that opportunity.

So I will be withdrawing this and when we see that the law that was introduced by the County Executive's Office is a failure, then I will again introduce this at a later time. Therefore, I am **withdrawing** it at this point.

**CHAIRPERSON BROWNING:**

Thank you. Well said.

**LEG. BARRAGA:**

Another Republican.

## **INTRODUCTORY RESOLUTIONS**

**2485, Accepting and appropriating 100% additional Trade Adjustment Assistance (TAA) grant funds from New York State Department of Labor for the Workforce Investment Act (WIA) Program.**

**CHAIRPERSON BROWNING:**

I'll make a motion to approve.

**LEG. VILORIA-FISHER:**

And place on the consent calendar.

**CHAIRPERSON BROWNING:**

And place on the consent calendar. A second from Legislator Eddington. All in favor? Opposed? Abstentions? Carries. **(Vote: 5-0-0-0).**

**2527, Adopting Local Law No. 2006, A Local Law conforming Article II of Chapter 712 of the Suffolk County Code for implementation of Workforce Housing Projects.**

**CHAIRPERSON BROWNING:**

I'm glad Marian came up. I'll make a motion to approve. Do we have a second? Oh, sorry, a local law. So we do have to table for public hearing, but Marian, do you want to speak on that?

**MS. ZUCKER:**

I would like to give you some background on this. Good afternoon, everybody. Several years ago when the procedures for buying land through the County's Open Space Acquisition Program were formalized and put in place through legislation, this established the Environmental Trust Review Board and set forth various procedures for land acquisitions. In setting up that legislation it also captured the acquisitions that fall under the Workforce Housing Program, which means that Workforce Housing Program acquisitions now have to go to the ETRB for their approval.

The Environmental Trust Review Board is made up of nine members, most of which -- all of which are there because they sit either on the Parks Committee, Environmental Committee, they represent the Park or Health Departments within the County government, but they all have an environmental slant when they are looking at acquisitions. It's my understanding that the ETRB when they go into executive session to discuss and review appraisals only discuss the merits of the appraisal itself, not necessarily the merits of a particular site.

However, I was concerned. My job is not always easy in trying to explain to developers who are non-profits what it is they're getting involved with when they come to the County to participate in our land acquisition program. And for any developer what we really try to do is to make the process as simple, as painless and as predictable as possible. And having to explain to them that not only do I have to bring them to the Legislature twice, and as compared to an open space acquisition, when we come even with the planning steps we try to give you some overview of what we are trying to do at a particular site.

I bring the developer, the non-profit along to give an explanation about what's going to happen and do that again when we come back for the authorizing resolution. But to explain to them also that they're going to the Environmental Trust Review Board for the ETRB's approval over their workforce housing development acquisition just seem to me an unnecessary hurdle in terms of marketing the program to developers.

And so what we're proposing in this legislation, it's not to take away anything from the ETRB and its role in the open space acquisition, but is to more accurately reflect the Board's oversight of environmental acquisitions as well as workforce housing acquisitions. So what we're proposing is an expansion of the title to include the term workforce housing in the Board's title and to propose the addition of two additional members to that board. One would be the head of this standing committee, the Labor and Workforce Housing Committee, and the other would be the Commissioner of Economic Development and Workforce Housing. I'm here for any questions.

**LEG. VILORIA-FISHER:**

Madam Chair.

**CHAIRPERSON BROWNING:**

Yes. Go ahead.

**LEG. VILORIA-FISHER:**

Hi, Marian. Thanks for being here. This is the second iteration that we're seeing of this proposal. This is couched in a little different language than the other one was. And I understand your concern and I understand and appreciate and empathize with the second part of your argument, that when you're working with bringing people along and bringing entities along in workforce housing, that the hurdles are difficult. Trust me, those hurdles are very difficult when you're buying parcels for environmental protection as well. They're very, very difficult.

But I am very concerned regarding your understanding of what happens at ETRB because what you actually said about how we approach the sale -- approach a property in ETRB indicates to me that there's not a real understanding of how it came about and why and what our function is. Our function is not, and by the way, not everyone who sits on ETRB is someone who is on the Environmental Committee.

**MS. ZUCKER:**

No, I didn't say that, Legislator.

**LEG. VILORIA-FISHER:**

Well, the implication -- I don't want to have a debate with you, but I am going to just define for you who sits there and why. Legislator Browning sits on that committee. She is not a member of the Committee on Environment. She sits there as, I don't know --

**CHAIRPERSON BROWNING:**

Majority.

**LEGISLATOR VILORIA-FISHER:**

A member of the majority of the Legislature. Okay. Mr. Cavanagh sits there as the Presiding Officer's designee. We also -- we do have someone from Parks and I sit there as the Chair of the Committee on Environment and Land Acquisition.

**LEG. NOWICK:**

I sit as Chair of Parks.

**LEG. VILORIA-FISHER:**

And you sit there as Chair of Parks. We have people from the Parks Department. We also have the Health Department is also there, which is very important, by the way, and the Health Department also sits on the Affordable Housing Commission because flow restrictions, TDR's, those are all very important and integral parts of our affordable housing program.

So I feel that the affordable housing concerns are seen but however, however, we do not at the ETRB base our determinations nor are we empowered to base our determinations on whether or not this is a good environmental acquisition. Our only charge on ETRB is not how the property is going to be used but whether or not the appraisals that are coming before us have been -- have used all of those different characteristics and criteria that must be used in appraisals. We look at whether there are comps, we look at highest and best use.

We've received a tremendous amount of education regarding the different zoning restrictions throughout Suffolk County, which, by the way, someday they should be standardized because, you know, there's zoning R12 and zoning G7. It's very odd how there is no standardization. We do not make our judgements and nor do we sit during the executive committee meetings, and I believe that you said they not only make the judgements -- they only make the judgements on the merits of the appraisal itself. That's what we are supposed to be doing.

**MS. ZUCKER:**

Right, and I'm not criticizing that at all. I didn't mean -- in my remarks what I intended to convey was an understanding that the board is not making a determination on the -- on whether something is a good environmental purchase or whether something is a good workforce housing purchase, but just on the appraisal. But the fact that that board does not have any direct representation of people with interest in workforce housing to me is --

**LEG. VILORIA-FISHER:**

Well, I have a great interest in workforce housing.

**MS. ZUCKER:**

That's not what you're --

**LEG. VILORIA-FISHER:**

Legislator Browning is the Chair of the Affordable Housing Committee.

**MS. ZUCKER:**

But she doesn't sit --

**LEG. VILORIA-FISHER:**

The Health Department has shown a tremendous interest in affordable housing in their function and trying to speed through the permitting process, helping me to put TDR's along with environmental considerations when we put a referendum before the people. And, by the way, that was a piece of legislation that got me into a lot trouble. So I really take great umbrage in saying that the people who sit on that board have no interest in affordable housing. I have a tremendous commitment to workforce housing as I believe Legislator Browning does.

So that's a very serious and I think negative characterization and this is really, you know, had you not made that first part of your argument, I was ready to, you know, look in terms of perhaps supporting this. But with that on the record I can't support this. Not if there's a characterization that the people who sit on ETRB have a slant at only being fair when there's an environmental consideration.

Now, we have one, two, three, four people who are sitting around this horseshoe who sit at that board and I think every one of them will concur with me that we try to get an objective and clear view of the appraisal process without a slant as to how that money or how that property is going to be used. In fact, at such times when other considerations have come into it, the Chair, Tom Isles, has said that's not really pertinent to the discussion in this -- of this particular board.

So it's really, really important not to put things on the record that mischaracterize not only the function of the board but the intent or the interest of the members of that board. I really, really have a problem with that. Thank you, Madam Chair.

**CHAIRPERSON BROWNING:**

Did you have something to say, Jack?

**LEG. EDDINGTON:**

No.

**MS. ZUCKER:**

I'd actually like to respond to that.

**CHAIRPERSON BROWNING:**

Okay. Go ahead.

**MS. ZUCKER:**

I'm aware of your interest and passion for affordable housing, same with Kate Browning and Lynne Nowick given her position on this committee. My issue with it is not individual personalities. My issue is that you sit on that committee based on your committee title, your current committee title. Whoever in that title will last beyond your tenure in the Legislature. And there's no guarantee that whoever will sit in that chair in the future will have that passion.

The fact is that committee looks at land acquisitions for a multiple of purposes and it seems to me that the board that reviews those appraisals and looks at the appraisal only should reflect the uses that those parcels are being put to. Not because it comes into effect in the conversation that the board has, but I have a marketing problem trying to get people to understand that this is not something that they need to be afraid of or that will be something that will stop affordable housing from happening.

It's not always common, and I think you represent somebody who's been very publicly passionate about these two issues, but that's not something that always happens throughout Suffolk County. I wish that it were. And then developers wouldn't see an Environmental Trust Review Board with that name as something that they need to fear and something that they say why would I get involved with that if I need to go before the ETRB and -- I don't know how to finish that statement.

**LEG. VILORIA-FISHER:**

I'm sorry, I just have to -- here's the problem. I don't think that they fear ETRB because it has the word environment in it. I think it's hard to bring them into working with the County because of some -- of a much bigger culture that exists in the County which is not respecting small businesspeople and the kind of financial constraints they have.

I brought before the Affordable Housing Commission the last time we met that I was very disturbed that the County Executive was using the infrastructure improvement monies as an offset. And I wasn't upset that he was using it because that money wasn't being accessed. I was concerned that we weren't getting our developers to the table to access that infrastructure money. We discussed this at the last Affordable Housing Commission meeting. And why were they unwilling to do it? That doesn't have to go before ETRB.

The reason they don't want to do it is because they are afraid that when you get in bed with government, you're talking about long delays. You're talking about making your dollar not go as far as it should. And a developer who is willing to come into an agreement with Suffolk County government to have infrastructure improvements has to go over such hurdles and perhaps delays that those infrastructure improvement monies will be eaten up in the delays and in other issues. We talked about this. So I don't believe --

**MS. ZUCKER:**

I wish you wouldn't put --

**LEG. VILORIA-FISHER:**

Pardon?

**MS. ZUCKER:**

Yes. Okay.

**LEG. VILORIA-FISHER:**

I did bring it to the Affordable Housing Commission meeting, the last meeting.

**MS. ZUCKER:**

Yes, you brought that, but that's not the issue.

**LEG. VILORIA-FISHER:**

So I think we're talking about -- we deal as Legislators with small businesspeople who often -- there was a person around the corner from my office opening up a restaurant. She had to remortgage her house because the delays in approvals from the Health Department were so protracted that they had to remortgage their house just to be able to continue putting money into a business that they weren't able to open. And I know, Lynne, we had talked about this with constituents in your district as well. People are afraid to deal with government not because of a name. They are afraid to deal with government because of the delays that are often put there that cripple them financially.

I think we have to take care of the more important hurdles before we look at something that I think has meant a lot to the people of Suffolk County. And now, you know, you are not just talking about changing the name of it. These other characterizations really are sticking in my craw.

**CHAIRPERSON BROWNING:**

Lynne, you had something you wanted to say?

**LEG. NOWICK:**

I just couldn't help thinking, though, it's -- having sat there just this year on the Environmental Trust Review Board, that particular board also considers, as you say, workforce housing projects. I mean, if I was going to change the name of it I think I would just leave off environmental and leave off workforce housing and become a land acquisition trust review board. I mean, it is truly about appraisals.

That particular board sits there and listens to and reads about two outside appraisals, which are quite lengthy and involved, and then there's the third appraisal of course, or opinion from the County. So we are really listening to appraisals only. And now that I think of it, it's more of a land acquisition board. It does include workforce housing, it does include environment, and maybe land acquisition trust review board is the proper name and maybe that's the direction. Because believe me when I tell you, the questions that are asked, whether it's workforce housing, whether it's environment, it's pretty -- everybody really does care and everybody pays attention.

So that's a thought that I might talk about. You don't have to change the membership and maybe I would put in legislation of such or maybe the Chair wants to.

**CHAIRPERSON BROWNING:**

Actually, I mean, I do think it's something that maybe they should consider changing it for that reason. However, again, I do agree Marian brings something up, that we're all sitting here. Are we guaranteed our seats next year and the year after and for the next I don't know how many years left. So truly I think that we should seriously consider having a representative from workforce housing on this committee. I'm not totally opposed to idea of having someone, and again, this is their expertise, this is what they do every day.

**LEG. NOWICK:**

But you are the representative from Workforce Housing.

**CHAIRPERSON BROWNING:**

For the majority.

**LEG. VILORIA-FISHER:**

But you are the Chair of Workforce Housing.

**CHAIRPERSON BROWNING:**

Yes, yes. However, are we guaranteed --

**LEG. BARRAGA:**

I think we ought to go back to the bill.

**CHAIRPERSON BROWNING:**

Yeah, and I think that we should seriously consider -- I'm not totally opposed to the request. I think that maybe we should table it at this time. Well, it does have to be tabled, but maybe we should talk some more about this and try and work something out to maybe make it a better bill. Okay?

**MS. ZUCKER:**

Thank you.

**CHAIRPERSON BROWNING:**

Okay. The next one is 25 --

**LEG. VILORIA-FISHER:**

Did we vote on this?

**CHAIRMAN BROWNING:**

It was tabled for public hearing, so. Did we not do it? So we made a motion and a second.

**LEG. VILORIA-FISHER:**

I'll second that table motion.

**CHAIRPERSON BROWNING:**

All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0).**

**2536, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-141.00-02.00-067.000).**

**CHAIRPERSON BROWNING:**

Marian, do you want to say anything?

**MS. ZUCKER:**

I think I've learned my lesson today; less is more. I'm here for questions.

**CHAIRPERSON BROWNING:**

Okay. I'll make the motion. Second?

**LEG. EDDINGTON:**

Second.

**CHAIRPERSON BROWNING:**

Legislator Eddington. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

**2537, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes. (SCTM No. 0500-141.00-02.00-074.000).**

**CHAIRPERSON BROWNING:**

Same motion, same second, same vote. **(Vote: 5-0-0-0).** And we are adjourned.

**(THE MEETING CONCLUDED AT 3:20 PM)**