

**WAYS AND MEANS
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A meeting of the Ways and Means committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Monday, **February 4, 2002** in the Rose Y. Caracappa Auditorium at 3:30 P.M.

Members Present:

Legislator George Guldi, Chairman
Legislator Allan Binder, Vice Chairman
Legislator Ginny Fields, Member
Legislator Fred Towle, Member

Also in Attendance:

Paul Sabatino, Counsel to the Legislature
Veronica Phillips Moreno, Board Member/Galfoli
Wayne Thompson, Suffolk County Real Estate
Thomas Isles, Suffolk County Planning Department
Turk Bordies, Suffolk County Department of Labor
Jacqueline Lerner, Asst. Deputy Commissioner of Labor
David Green, Chief Deputy Commissioner of Labor
Carl Yellon, Aide to Legislator Crecca
Jim Burke, Suffolk County Real Estate
Tom Donovan, Aide to Presiding Officer Tonna
Fred Pollert, Budget Review Office
Neil Capri, Aide to Legislator Guldi
Todd Johnson, County Executive's Office
Jim Spero, Budget Review Office

Minutes taken by:

Eileen Schmidt, Legislative Secretary

(The meeting was called to order at 4:10 P.M.)

CHAIRMAN GULDI:

The Ways and Means committee will come to order. We'll begin with the Pledge of Allegiance led by Legislator Towle.

SALUTATION

Stay standing for a moment I'd like to take a moment of silence to observe the passing of Colonial Francis Gabreski, Legislator Binder's former constituent. I don't think you represent him anymore who was the greatest living ace in American history.

MOMENT OF SILENCE

Thank you. Did anyone fill out any cards?

MS. SCHMIDT:

Two cards.

CHAIRMAN GULDI:

Two cards. This is on tabled resolutions; we'll take them up when we take up the resolution.

Tabled Resolutions

1015. Authorizing the sale of surplus County cars to Bellport Against Drugs Community Patrol. PRIME (Towle)

LEGISLATOR TOWLE:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Towle --

LEGISLATOR TOWLE:

Actually, approve and place on the Consent Calendar; why don't we do that?

CHAIRMAN GULDI:

Well, let's do the Consent Calendar at the end, all right?

LEGISLATOR TOWLE:

Okay, fine.

CHAIRMAN GULDI:

Motion to approve by Legislator Towle, second by Legislator Binder. One car, \$6,000. Discussion? All those in favor? Opposed? Abstentions? Approved.
(Vote: 4-0-0-0)

1041 Sale of County-owned Real Estate pursuant to Local Law 13-1976 Stephanie Caravolos (0204-022.00-01.00-014.001). PRIME (Co. Exec.)

1042. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Louis D. Messina (0204-022.00-01.00-010.000). PRIME (Co. Exec.)

CHAIRMAN GULDI:

1041, I'll take 1041 and 1042 together. Could the speakers come forward and the representatives from the Real Estate Division or excuse me the Planning Department. Is there anybody from the County Exec's office who wants to be heard on this pair of Local Law 13's, please come forward. I've got Stephanie Caravolos and Louis Messina.

Okay, we tabled these resolutions in our last meeting; I raised a series of questions and concerns about it. I asked someone from County Exec's office Real Estate Division to be here to discuss the issue of evaluation. I noticed that the County is disposing of two adjacent parcels which together would constitute a building lot which happened to be adjacent to your waterfront homes in Patchogue. Could you -- does someone got evaluation information on the two lots as merged? Mr. Isles, Mr. Burke, one of you. I realize that with the lots divided that they're appraised values or the values that were put forth for the bid minimum bid price and the Local Law 13's. My question is not what were those appraised values, but what is the market value for the merged by operational law lot that the County owns at this waterfront location?

MR. ISLES:

Mr. Chairman, I've reviewed the file in this matter, which goes back approximately two years. What I did note in the file is that there was an appraisal of the property for a single lot and my recollection, now if you want to hear the actual number at this point, sir?

CHAIRMAN GULDI:

Yes.

MR. ISLES:

Okay. The number approximately two years ago is about \$75,000.

CHAIRMAN GULDI:

That was, yeah, that's per the distinction is what you're looking at is the appraisal of half the parcel as an unbuildable lot versus the appraisal of the two parcels merged as a single building lot.

MR. ISLES:

Right.

CHAIRMAN GULDI:

The -- Mr. Messina, you first then Ms. Caravolos. What's the approximate value of real estate in your neighborhood?

MR. MESSINA:

Of what, of the homes?

CHAIRMAN GULDI:

Yeah, of the homes and of the --

MR. MESSINA:

It goes from 150 to \$200,000. Now this was owned by a, I mean, it was -- the Village of Patchogue gave it up. Gave up the ownership of it because it was a flooding problem there; there's a problem. Mr. Stephen Jones sent us a letter on June 8th, 2000.

CHAIRMAN GULDI:

I have the file I've seen Mr. Jones letter.

MR. MESSINA:

Okay. Well, it was a dumping ground because we've been fixing up our homes and changing the --

CHAIRMAN GULDI:

I understand that the use and history of the parcel has been problematic, but it is a buildable lot and if it were sold to an individual owner and built the ownership and the owner would have the power and the ability to deal with those abandoned property issues cause it would no longer be abandoned. The problem and the concern I have is that we have a two year stale so adjusted for time value 70 to 80 or maybe or even as much as a \$100,000 if it went to auction public asset of the taxpayers of Suffolk County that we have legislation before us disposing of it for \$15,000 and we're giving up some 60 to \$80,000 of County taxpayer asset. And I'm concerned that, you know, my job as a Legislator is to protect that asset and realized value.

MR. MESSINA:

We'll the appraisal was done by his office and when they said it was not buildable that's what they came in with and it was a direct sale because only the people who border that property can buy it.

CHAIRMAN GULDI:

And so it was a direct sale with no competition because each of the two subdivided lots or divided lots were bid to each of the only adjacent land owners, you and your neighbor or almost neighbor.

MR. MESSINA:

Yes.

CHAIRMAN GULDI:

Mr. Isles has his hand up.

MR. ISLES:

Thank you. As I indicated this has been around for about two years; it started with my predecessor Mr. Jones. I received this file for the recommendation for resolution probably last June or thereabouts and I proceeded to review it for several months, about four months cause I had the same many -- the same question you have today. I did ultimately refer to

the County Executive's office for the consideration today and in my mind I became comfortable with the proposal that's before you. However, I understand the question of this committee and the one situation we're in from a department standpoint is the cycle between committee meetings has been very short. I think about a week ago we had the last committee meeting. But if you would like we can prepare a memorandum to this committee or more information if you'd like that and perhaps if you want to table it for that reason we could do that, but as I said we did recommend it, but we just feel that we understand your questions here today.

CHAIRMAN GULDI:

Yeah. The questions first of all would be relating to value would include, unfortunately, would include flagging the wetland line for the build a buildability issue for setbacks and otherwise. Obviously, you'd have to meet current FEMA construction standards for the location, but it would depend where the wetlands line was and you'd need someone to flag and survey it in order to determine that. I presume that hasn't been done cause I don't see it in the file.

MR. ISLES:

I don't think it was flagged, but it's certainly within New York State DEC regulatory boundary which is 300 feet from the high water mark.

CHAIRMAN GULDI:

So well that would --

MR. ISLES:

Well, here again, we could get that information to you. Just fundamentally there's a big difference between a buildable lot and unbuildable lot. This is within a -- not only a flood hazard zone but a velocity zone, so it's not a location we would recommend to be developed. But here again, we can perhaps based on the questions I'm hearing already today if you'd like me to do further research for you and lay it out for you I can do that.

CHAIRMAN GULDI:

All right. Since the members of the adjacent landowners are here can you address assuming that we come up with say a \$75,000 value how -- what public benefit worth \$60,000 is there in the County giving you a piece of taxpayer owned land for that much below market value? Is there one?

MR. MESSINA:

Sir, I've been trying to get this land for three years. I've been cleaning it up; I've been taken care of the property and I was told by Stephen Jones that if I put a bond up I could clean the property out. This thing has been a sore spot in, you know, in my -- with the problem that I have with this thing. And you know we went through this in April 12th, 2001 I have a letter says the department has accepted your offer of \$7500 to purchase the above parcel. Now we've been waiting to get final approval of this for months and months, you know, we -- my neighbor and I have cleaned up the block; made our

houses presentable. We've blockbusters in reverse; this would add to the properties, yes, but it is it's sort of unbuildable. The Village gave it up because they know that it has a flood problem, it's low. The Department of Environment Conservation doesn't want us to touch it and they don't want us to build on it; they've said that many times. We signed statements saying we're not going to build anything on it. It's going to stay in its natural state and, I mean, June 9th 1999 I wrote Wayne Thompson about this parcel and you said direct sale it's direct sale. I did everything I should do and so did my neighbor to get this parcel. I didn't make the appraisal; the appraisal was made and when they found out that you can't build on it, it became very, you know, a lot less. And knowing that it's in a flood zone that's what it's worth.

CHAIRMAN GULDI:

So you don't think it's worth \$75,000.

MR. MESSINA:

No, sir. No. Not at all.

CHAIRMAN GULDI:

You think it's only worth \$15,000?

MR. MESSINA:

That's what they said it's worth, yes. I'm not building a thing on it.

CHAIRMAN GULDI:

I didn't ask you what they said it's worth I asked you what you think its worth as a single and separate --

MR. MESSINA:

I think that's fair evaluation.

CHAIRMAN GULDI:

-- even as a single and separate lot.

MR. MESSINA:

I think it's a fair valuation.

CHAIRMAN GULDI:

Okay. Well, I'm not satisfied that it is and as such the contract or the offer that you have is subject to the approval of this legislative body. My job as committee Chairman is to satisfy ourselves that the County is getting full value for the parcel. If we're not getting full value for the parcel this committee and the full Legislature have the right under the contract to reject it and that's the process --

MR. MESSINA:

Oh, I realize that, sir.

CHAIRMAN GULDI:

-- and the decision making process we're faced with. Right now based on what I hear I'm still not convinced that the things worth less than \$100,000. And I need to be convinced of that to support that. Mr. Isles is suggested that he will be able to at our next meeting present more information. My inclination is to give him that opportunity. Ms. Fields has questions.

LEGISLATOR FIELDS:

Who did the appraisal on the property?

MR. ISLES:

The County Real Estate Department did have an appraisal prepared. I believe it was done by Frederick --

LEGISLATOR FIELDS:

An internal appraisal or are we --

MR. ISLES:

No. It was an outside independent by a New York State general certified appraiser.

LEGISLATOR FIELDS:

And when was that appraisal done?

MR. ISLES:

I think it was about a year ago, but I can get you the date.

LEGISLATOR FIELDS:

I would second the motion to table this until a lot of this information is available.

MR. MESSINA:

Sir, do you the June 8th 2000 letter that I got from Stephen Jones. It really explains a lot; can I read it to you please?

CHAIRMAN GULDI:

Hold on. I don't need you to read from there I believe I have it.

MR. MESSINA:

All right. June 8th 2000, Dear Mr. Messina and Ms. Caravolos.

CHAIRMAN GULDI:

Go ahead.

MR. MESSINA:

Okay. Do you want me to read it to you?

CHAIRMAN GULDI:

Go ahead.

MR. MESSINA:

I would like to follow up on our meeting on Thursday evening May 25th at the County owned land between your homes. We have received an indication from the Village of Patchogue that they are not interested in acquiring the property from the County, but are only interested in a drainage easement across the property cause there's a very bad drainage problem there it floods, it floods a lot; the street and the -- we've had problems there. As I told you when we met it is rare for us to dispose of waterfront property, but not necessarily because it is valuable, but because public access to the shorefront is usually limited. In this case however what gives us pause is the fact that the property is located in the velocity flood zone also a rarity for anywhere other than the Atlantic Ocean side of the beach. So placing structures on the property and removing the vegetation, which holds the sand in place, would place other homes in the area in jeopardy in the event of a flood, hurricane or other storm. Nevertheless we would consider selling these parcels to you provided that the parcels are appraised at less than 20,000. No structures are built on the properties; the properties are merged with your existing tax lots so that they would never be independently developed and would not be used for lot area calculation to expand the building area beyond what is currently permitted. (4) An easement is held by the County in favor of any municipal entity who would need to enter the property for any reasonable public purpose. (5) No vegetation other than invasive species such as poison ivy and {capryer} will be removed from the site and (6) No clearing regarding erosion control devices of any sort will be installed without the expressed approval Suffolk County. All of these requirements except the first one relate to the flood hazards aspect of the property. We will now do an appraisal and prepare a title report and seek the approval of the County Legislature at the appropriate time. This is dated June 8th, 2000.

CHAIRMAN GULDI:

I understand --

MR. MESSINA:

We went through all the things that we were supposed to do.

CHAIRMAN GULDI:

Yeah. There's only one small problem most of the restrictions that you talk about in that letter are not in the resolution that's before us.

MR. MESSINA:

Oh, I didn't know that. I didn't know that, sir.

CHAIRMAN GULDI:

Firstly. Secondly, the valuation that we're looking at isn't 20,000 aside or 40,000 which would be a lot closer to a realistic value for waterfront parcel, but it's a very minor portion of that price. See the problem is we have a fiduciary obligation to get reasonable value. I'm not convinced we're getting

that at this price under these terms. Okay. I understand the history, I understand the Village of Patchogue doesn't want it; I need to be convinced to support the resolution. I haven't been convinced yet that we're Mr. Isles wants to take a shot at that. Mr. Towle has a question.

LEGISLATOR TOWLE:

Mr. Chairman, I'd feel a lot more comfortable if the restrictions that were in the letter that were just read to us from Mr. Jones were included in the actual resolution and as the County Executive was prepared to do that just speaking for myself I'd be a lot more reluctant to support the resolution.

CHAIRMAN GULDI:

Well, those all would certainly affect value wouldn't they?

MR. MESSINA:

Sir.

CHAIRMAN GULDI:

Yeah.

MR. MESSINA:

We have a paper that you should see that Tom Isles gave us to sign that amended what I just read you that made it stronger and harder for us to do anything with the property which was fine we signed it in October 31st; I'd like to bring it up to you.

LEGISLATOR TOWLE:

Sir, I appreciate the fact that you're giving us – Legislator Guldi would allow me. I appreciate the fact that you're giving us letters, but unfortunately, I'm not voting on your letter. What I'm voting on is a resolution that says one thing and you have a letter that says another. So, you know, needless to say, you know, that doesn't resolve our problem. Really Mr. Isles needs to go back to the County Executive's staff or I know Todd Johnson's here and just amend this resolution so that it appropriately includes, you know, either that as a backup material as an agreement or as part of the actual wording in the resolution. If they choose to do that we could probably consider the resolution either at our next committee or we could possibly consider it at the meeting on February 11th via a C/N, but I think it's likely that at least the members of the committee that are here now are not going to support this resolution in a current form.

MS. CARAVOLOS:

Excuse me. For that amount we're not allowed to build anything; we can't touch it, we can't clean it, we can't do anything.

CHAIRMAN GULDI:

That's not what the resolution says.

MS. CARAVOLOS:

I know I understand what you're saying.

CHAIRMAN GULDI:

Okay.

MS. CARAVOLOS:

I understand what you're saying. Now if we were allowed to build on it and I understand your point and you're trying to say its worth more, but they agreed to that amount because we can't do anything on the property. We're leaving it for access for the Village to do any dredging.

LEGISLATOR TOWLE:

You know the point you make is very legitimate and valid point. However what we're voting on doesn't say that, all right. And that's the point, so when you look at it from our perspective without the requirements that you've seen and signed as part of the actual resolution that we're voting for –

MS. CARAVOLOS:

Right.

LEGISLATOR TOWLE:

You know, then, you know, then you can appreciate the position we're in at this point.

MR. MESSINA:

So we have to get another meeting because you don't want to take it now, the paperwork he has?

CHAIRMAN GULDI:

No. Actually, what I'm going to ask Counsel to do who I've just provided copies of the agreements together with the correspondence with a history on it I've asked him to prepare for our next meeting as well as the Planning Department regarding the history of this cause we need to resolve it. But at the moment we're not close so we're talking about apples and oranges. You're buying one and apparently we've got a resolution to sell another and that would explain the gross difference in our opinions of value. Yours – your thinking that the two parcels are worth 15 and my thinking that the two parcels are worth 100 because what I see as selling is different than what you understand yourself to be buying all be it there's a lot a room for clarification and we do really need to get to the valuation data.

MR. MESSINA:

I thought that's what this meeting was for today; that's why it was tabled for today –

CHAIRMAN GULDI:

It was tabled last time because when we asked these questions we had a resounding silence. We didn't have the file; we didn't have the documentations and we had unanswered questions. Therefore, we tabled it for further discussion; that's what we're going to do again because I want Counsel to analyze this. I'd like the Real Estate Division to communicate with

Counsel in preparation of the memo so we can resolve this at our next meeting. How's that? Okay. Okay, on that basis I'll make a motion to table

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LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Resolutions 1041 and 1042 second by Legislator Fields. Discussion? All those in favor? Opposed? Those two resolutions are tabled. **(Vote: 4-0-0-0)** Our next meeting is in two weeks is that right?

MR. SABATINO:

Three week. March 11th.

CHAIRMAN GULDI:

March 11th, a Monday. Okay. Tabled till March 11th, same time.

1043. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Thomas M. Hudgins and Susan E. Hudgins (1000-128.00-02.00-023.000). PRIME (Co. Exec.) This was another waterfront right of way issue.

MR. BURKE:

Right.

CHAIRMAN GULDI:

The question again was evaluation.

MR. BURKE:

Yes. And I believe from the last meeting that you had a concern whether Southold would be interested in this property. We have not had a chance to get a response back.

CHAIRMAN GULDI:

Table by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. Discussion? All those in favor? Opposed? Southold wants it for public access; it's an appropriate use. **(Vote: 4-0-0-0)**

1044. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Stony Brook Medical Park Condominium (0200-418.00-04.00-0003.000). PRIME (Co. Exec.) This one – we had another – we had a town and a sewer district parcel adjacent to the parcel and we wanted to hear from the town and the sewer district and our own DPW as to whether or not there was any future potential need for these for municipal purposes.

MR. BURKE:

In the file there is a correspondence from the sewer district saying that this is surplus property from them. I don't have anything from the town; I believe the town is using part of this property not the subject property part of it for a soccer fields. They stated that they do not need the subject piece, but I'd ask to be tabled so we get clarification.

CHAIRMAN GULDI:

All right. And a motion to table till you get feedback from the town and I'd also like you to route it to our own DPW given the municipal use so that they can reevaluate and give us a fresh opinion on it. Motion to table by Legislator Towle, second by my self. **(Vote: 4-0-0-0)**

LEGISLATOR FIELDS:

Mr. Chairman.

CHAIRMAN GULDI:

Legislator Fields.

LEGISLATOR FIELDS:

Could we clarify the question that came up at the last meeting regarding appraisals and the actual price that is offered by the potential purchaser and how those – what the procedure is in the department?

CHAIRMAN GULDI:

You mean for Local Law 13's or do you what to talk about the auctions?

LEGISLATOR FIELDS:

All, the whole procedure, the auctions –

CHAIRMAN GULDI:

Can we do that after the agenda cause I know Legislator Towle and Legislator Binder both are under time constraints –

LEGISLATOR FIELDS:

Right. Well, each one of these bills addresses that so I just wanted to clarify the, you know, --

CHAIRMAN GULDI:

So far we haven't approved one. If we get to a point where we consider that we'll discuss it then.

1054. Adopting Local Law No. –2002, A Local Law to amend the Suffolk County Code of Ethics. PRIME (Co. Exec.) Do we table it for public hearing?

MR. SABATINO:

It was tabled last time for the hearing and the hearing was closed on January 29th.

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder. This is the reasonable basis for an impression -- yeah, this is stunning. I'm just looking at the changed language. Counsel, could you tell me what this means?

MR. SABATINO:

In the original version (inaudible) there was a updated version that was filed -
-

CHAIRMAN GULDI:

Well, I'm looking at the original version, so maybe you could enlighten me as to what the corrected copy says.

MR. SABATINO:

The corrected is a little bit better, but --

CHAIRMAN GULDI:

All right. What's the proposed additional new or different language?

MR. SABATINO:

Well, the --

LEGISLATOR BINDER:

Why don't you explain the whole bill, Counsel, as it stands.

MR. SABATINO:

As it stands, it would propose to make several changes. The first change is and the perceived conflict situation it wanted to add phrase or might reasonably tend to create a conflict. So it's adding the phrase, might reasonably tend to create a conflict. Second item that was added is language which would prohibit County employees from engaging in conduct that creates the impression that something is being done to improperly influence or grant some preferential favor to someone. The third proposal would have ban personal investments in enterprises that otherwise would create a substantial conflict. The fourth propose change would've band conduct along the lines of what Legislator Guldi just stated which was where there's a reasonable suspicion that the particular activity would violate a public trust. Those were the changes that were proposed in the original version that was submitted in December. In the new version the first change I described about using the reasonably tend to create language has remained. The reasonable impression language has remained and the reasonable suspicion language has been changed to read, conduct which would cause a reasonable person to believe that someone has engaged in an

act that would create a substantial conflict in violation of a specific provision of the ethics law or in violation of a public duty. So the reasonable suspicion language has been pulled and the language about personal investments has been deleted because that duplicated language that's already in the ethics code.

CHAIRMAN GULDI:

Legislator Binder:

LEGISLATOR BINDER:

Counsel, this -- the language does it so much -- my understanding is that it tracks New York State Ethics Language as is currently written.

MR. SABATINO:

The wording in paragraph three about reasonably tend to create does track and the reasonably basis language does track. The old language did not and that was deleted.

LEGISLATOR BINDER:

Right. So this actually just tracks the New York State Ethics Language as written. Now is New York State Ethics Language generally -- are we accountable to that normally in Suffolk County anyway as a --

MR. SABATINO:

No. Actually, the history of the ethics laws was that long before the State Legislature took action in 1986, Suffolk County had an ethics law that went back to 1977 or 78. In 1986, the State said all municipalities across the State must at least meet some minimal standards, so do something. In fact, when the State looked at our version in 1986 they commented that they were impressed that Suffolk County was way ahead of where they were. So the answer is Suffolk County has had the toughest ethics law on the books, you know, for 20 years. When the State acted in 1986 to say that all municipalities should do it, we were already not only in compliance, but beyond what they demanded. So the answer is, yes, we've had something on the books.

LEGISLATOR BINDER:

But, well, I guess the question is New York State Law is there any -- is it binding upon us in any event though we have our own County Ethics Code are we liable in anyway to -- under New York State Ethics Code for our actions in any event? And would this just bring us to the same language as them and just rather than being liable to two levels of ethical conduct, would it just --

SPEAKER:

(inaudible)

LEGISLATOR BINDER:

Right. Would it just -- see my only concern is that we might be liable under New York State Code anyway and if we are this just tracks the same

language and make us liable to what we're liable to. It might not make actually any difference, but I'd like -- I'll withdraw my motion to approve and ask Counsel to research that to give me an answer on that and then I'd be ready to go forward.

CHAIRMAN GULDI:

Motion to table by Legislator Towle; is there a second?

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. Discussion? All those in favor? Opposed? 1054 is tabled. **(4-0-0-0)**

1063. Sale of County-owned real estate pursuant to Local Law 13-1976 Ronald Linsalato and Jane Linsalato, his wife (0200-982.90-02.00-028.000). The question we had on this one was again, flood plane Patchogue Bay and this suitability of preservation versus sale of this parcel.

MR. BURKE:

If there was an issue also about the appraised value on this one.

CHAIRMAN GULDI:

The appraisal value was an issue on everything --

MR. BURKE:

Yes. But we -- it appraised out from outside consultant for the \$2,000. We're going to have my inside (inaudible) take another look at it. So I'd ask that it also be tabled.

CHAIRMAN GULDI:

Motion to table by Legislator Towle, second by myself 1063. All those in favor? Opposed? Tabled. **(Vote: 4-0-0-0)**

Introductory Resolutions

1079. Authorizing use of old toll building at Smith Point Bridge by Bay Area Civic Association. PRIME (Towle)

LEGISLATOR TOWLE:

Yes.

CHAIRMAN GULDI:

Is this going to be, I gotta ask, is this going to be quarter toll?

LEGISLATOR TOWLE:

No. There's no tolls being charged at this building.

CHAIRMAN GULDI:

I thought we had some tradition to maintain.

LEGISLATOR BINDER:

Toll building is supposed to be Towle?

LEGISLATOR TOWLE:

No. It's properly worded here. Counsel didn't make any mistakes as usual.

SPEAKER:

(inaudible)

LEGISLATOR TOWLE:

And I haven't died yet.

CHAIRMAN GULDI:

Have you died and not told us?

LEGISLATOR TOWLE:

Not as far as I know. The building itself is obviously, a major disarray and need of repair.

CHAIRMAN GULDI:

Oh, that's why they named it after you.

LEGISLATOR TOWLE:

The Department of Public Works is going to be working on that this year. There's a capital resolution that'll be filed this month, but in the meantime three organizations, this one being the lead group want to use the facility for the purpose of a tourism office in the community and obviously we needed to do a resolution. So I'm going to make a motion to approve and place on the Consent Calendar cause I'm not going to be here that long unfortunately.

CHAIRMAN GULDI:

Oh come on, yes you will.

LEGISLATOR TOWLE:

No, I will not.

CHAIRMAN GULDI:

Yes, you will. Yes, you will.

LEGISLATOR TOWLE:

Watch and learn.

CHAIRMAN GULDI:

(inaudible)

LEGISLATOR TOWLE:

It won't make a difference. Motion to approve and place on the Consent

Calendar.

CHAIRMAN GULDI:

There's no second to that; I'll make a motion to approve. Is there a second on the approve motion.

LEGISLATOR TOWLE:

Yes, yes, go ahead.

CHAIRMAN GULDI:

All those in favor? Opposed? It's approved. **(Vote: 4-0-0-0)** We'll do the Consent Calendar as soon as -- just before we release the hostages.

1083. Authorizing waiver of interest and penalties for property tax for Mark Schwarz (SCTM No. 0900-091.00-03.00-003.000). PRIME (Guldi) Counsel, we have a question.

MR. SABATINO:

No. This one complies; you secured the documentation from the town.

CHAIRMAN GULDI:

Motion to approve by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

All those in favor? Opposed? We've approve two, we're on a roll. **(Vote: 4-0-0-0)**

1092. Authorizing waiver of interest and penalties for property tax for Caceres Reyna (SCTM No. 0500-204.00-01.00-092.000). PRIME (Alden) Legislator Alden has asked that this be tabled for one session. He wants to bring Legislator Levy in to discuss this bill. That would be State Legislator Levy. Motion to table by myself, second by Legislator Binder. All those in favor? Opposed? Tabled. **(Vote: 4-0-0-0)**

1093. Authorizing the sale of surplus County cars to Town of Brookhaven for use by concerned Citizens Community Patrol of North Bellport. PRIME (Towle)

LEGISLATOR TOWLE:

Motion.

CHAIRMAN GULDI:

One car, \$200. Motion by Legislator Towle, second by Legislator Binder. Counsel, there's no -- once we dispose of the car there'd be no issue of liability to the County. It wouldn't be our operation it would be the town --

MR. SABATINO:

Buyer beware (inaudible).

CHAIRMAN GULDI:

-- the town or the operator.

LEGISLATOR TOWLE:

Buying our cars buyer ought to beware.

MR. SABATINO:

(inaudible) goes to the buyer, yes.

LEGISLATOR FIELDS:

Can I ask a question?

CHAIRMAN GULDI:

Legislator Fields has a question.

LEGISLATOR FIELDS:

Why is the mileage unknown?

LEGISLATOR TOWLE:

If my recollection serves me correct, I believe, apparently it was digital miles, and they couldn't start the car because it had no battery and some of the wiring had been ripped out of the car.

CHAIRMAN GULDI:

They had to pull it out of the weeds and put a battery in it.

LEGISLATOR TOWLE:

And that's why you couldn't get the mileage on that particular car if I'm not mistaken. You couldn't make this up; you really need to take a look at some of these cars.

LEGISLATOR FIELDS:

I mean, couldn't they have attached another battery just to see what the mileage was?

LEGISLATOR TOWLE:

I guess, but considering they had about 1500 cars out there most of which they auctioned they couldn't give us that information -- confidential.

CHAIRMAN GULDI:

All those in favor? Opposed? 1093 is approved. **(Vote: 4-0-0-0)**

1094. Authorizing the sale of surplus County cars to Mastics, Moriches and Shirley Community Library. PRIME (Towle)

LEGISLATOR TOWLE:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Towle. This is one car for three libraries?

LEGISLATOR TOWLE:

No, it's one library. We can't afford three libraries.

CHAIRMAN GULDI:

I see.

LEGISLATOR TOWLE:

Unlike your district Legislator Guldi.

CHAIRMAN GULDI:

Motion to approve

LEGISLATOR FIELDS:

And the reason for the unknown mileage on this one also?

LEGISLATOR TOWLE:

I can't answer that; that was a van. I honestly don't know on that one.

LEGISLATOR FIELDS:

I would ask that when these come in we have the mileage on them because if it only has, you know, a thousand miles or, you know, I mean --

LEGISLATOR TOWLE:

Legislator Fields, what I will do is ask my staff between now and Tuesday to get the mileage or at least the approximate mileage on both of those vehicles for you.

LEGISLATOR FIELDS:

Okay. Thank you.

CHAIRMAN GULDI:

All those in favor? Opposed? 1094 is approved. **(Vote: 4-0-0-0)**

1098. Authorizing use of Dennison Building parking lot by Cooley's Anemia Foundation for fundraiser (motorcycle rally and carnival).

PRIME (Crecca) Legislator Crecca is the sponsor; it's in his district. The compensation involved is -- I don't see the compensation folder.

MR. SABATINO:

Oh, it going to be this year it's going to be \$400 per each day out.

CHAIRMAN GULDI:

For each day?

MR. SABATINO:

\$400 each day; there's two days so it'll be --

CHAIRMAN GULDI:

Motion approved by myself.

LEGISLATOR TOWLE:

Second and on the motion.

CHAIRMAN GULDI:

Second and on the motion, Legislator Towle.

LEGISLATOR TOWLE:

Counsel, how did they come up with a figure. I know when we did the event at Smith Point it was 750 a day. I mean, not that I'm -- what's the standard that we're using to come up with the amount. I'm not opposed to \$400 for the group, but I remember approving a resolution for Legislator Holst before Legislator Crecca for the Lions Club to do a carnival an event similar to this at the Dennison Building. It was a disaster of a weekend; they owed us a couple a thousand dollars. Their event was a disaster; they did make any money and they wound up coming here asking for the fee to be waived, so that spot has just not been a, you know, a successful venue I think in the past. I'm just curious before we even start this -- what's the procedure as to the amount?

MR. SABATINO:

The original bill I drafted had a different amount. This was the amount Legislator Crecca requested me to change it to.

LEGISLATOR TOWLE:

Okay.

CHAIRMAN GULDI:

On the motion, don't we have a motion and second by Legislator -- by myself and Legislator Towle. All those in favor? Opposed? 1098 is approved.

(Vote: 4-0-0-0)

1103. Authorizing the County Clerk to file an application for additional State Mortgage Tax reimbursement. PRIME (Pres. Off.)

Counsel, are these -- the allocation amounts and the backup to this on the exhibit all seem to be ministerial amends. Is this a ministerial act to -- of reimbursements for actual expenses?

MR. SABATINO:

Yes. This has become an annual event now where we can actually get reimbursed under a special provision of state law to the extent that you can document it, but you need to make a formal --

CHAIRMAN GULDI:

Application and --

MR. SABATINO:

Application filing which is what the Clerk provides us the details for.

CHAIRMAN GULDI:

Motion to approve by Legislator Towle, second by myself. Discussion?

LEGISLATOR TOWLE:

On the motion, just on the motion.

CHAIRMAN GULDI:

Go ahead.

LEGISLATOR TOWLE:

What's the total amount just for the record?

CHAIRMAN GULDI:

Two hundred and twenty, no, a million --

LEGISLATOR TOWLE:

Go ahead, Counsel.

MR. SABATINO:

1.3

LEGISLATOR TOWLE:

That's the total amount or that's the amended amount? The amended amount is what?

MR. SABATINO:

That's what we're making the request for; what we actually receive will depend on what they approve. Last year we go 1.8 million, this year we're applying for 1.3. I don't know what the review will result in.

LEGISLATOR TOWLE:

Okay.

CHAIRMAN GULDI:

All those in favor? Opposed? 1103 is approved. **(Vote: 4-0-0-0**

1107. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act The Chase Manhattan Bank, as Trustee for IMC Home Equity Loan Trust 1998-1 under the Pooling and Servicing Agreement dated as of 3/1/98 (0100-054.00-04.00-007.000). PRIME (Co. Exec.) Is this as of right?

MR. BURKE:

As of right redemption.

CHAIRMAN GULDI:

As of right application. Motion to approve by myself, second by Legislator Binder. Discussion? All those in favor? Opposed? **(Vote: 4-0-0-0)**

Actually, we have a number of Local Law 16's; are they all the Local Law 16's before us as of right and timely filed?

MR. BURKE:

Yes, they are.

1108. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kevin J. Garran (0100-174.00-03.00-044.000). PRIME (Co. Exec.)

CHAIRMAN GULDI:

Okay. Same motion, same second, same vote. **(Vote: 4-0-0-0)**

1109. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Pearlman (0200-951.00-06.00-033.000). PRIME (Co. Exec.)

CHAIRMAN GULDI:

Same motion, same second, same vote. **(Vote: 4-0-0-0)**

1110. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael John Hyland and Jane Marie Connick, as Executors of the Estate of Jane Hyland (0800-013.00-05.00-018.000). PRIME (Co. Exec.)

CHAIRMAN GULDI:

Same motion, same second, same vote. **(Vote: 4-0-0-0)**

1111. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Wayne Johnson and Natalie Johnson, his wife (1000-013.00-02.00-008.008). PRIME (Co. Exec.)

CHAIRMAN GULDI:

Same motion, same second, same vote. **(Vote: 4-0-0-0)**

1112. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Pan Brothers Management, Inc. (1000-035.00-02.00-016.004). PRIME (Co. Exec.)

CHAIRMAN GULDI:

Same motion, same second, same vote. **(Vote: 4-0-0-0)**

1113. Authorizing the Director of the Division of Real Estate,

Department of Law to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-057.00-03.00-103.000 pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.) Is this a notice case?

MR. BURKE:

Yes, it is.

CHAIRMAN GULDI:

Failure to notice the fee owner or the mortgagee?

MR. BURKE:

I think it's the mortgagee.

CHAIRMAN GULDI:

No. It says the fee owner.

MR. BURKE:

It is the fee owner, I'm sorry.

MR. SABATINO:

The only confusion on this one is that the backup certified mail shows that the document was unclaimed.

CHAIRMAN GULDI:

Did they move?

MR. SABATINO:

The only claim -- the only clarification you want to know is did, you know, did the party simply not, you know, make the claim or is the Treasurer's Office confirming that there is an error in the information that they had. I mean, --

CHAIRMAN GULDI:

I noticed that the application mailing address is 3141 Union Blvd. East Islip and the mailing address of the tax notice was 1919 Broadhollow Road in Farmingdale, so I presumed they moved, obviously, in the intervening period. Apparently, from the mail backup they moved before the mail was delivered. Clearly, we have evidence it wasn't delivered. I'll make a motion to approve.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI

Discussion? All those in favor? Opposed? **(Vote: 4-0-0-0)**

1114. Authorizing the Director of the Division of Real Estate, Department of Law to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of

Brookhaven, Suffolk County Tax Map No. 0200-565.00-04.00-012.000, Item No. 6000240 pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.) Again, a certificate of abandonment for --

MR. BURKE:

Notice again.

CHAIRMAN GULDI:

This is --

MR. SABATINO:

The owner claims to have moved to Florida and --

CHAIRMAN GULDI:

And we have this the unclaimed mail. Same motion, same second, same vote. **(Vote: 4-0-0-0)** Legislator Fields just made a wonderful observation, since we don't have a Director of Division of Real Estate does that mean that we can't abandon the claims because that's what we're authorizing or does this fall on your desk too?

MR. BURKE:

Normally, the resolutions --

MR. SABATINO:

The way it works is that's why you have deputies. Deputies act in lieu of --

CHAIRMAN GULDI:

And when they can't find anybody who will take the job.

1116. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Robert Mark Keenan (0900-065.00-02.00-003.072). PRIME (Co. Exec.)

MR. BURKE:

Yes. This is a direct sale; this is an appraisal for 2000. It's a land lock piece.

CHAIRMAN GULDI:

In North Sea? The parcel is not marked on my backup, so I need to find it.

MR. BURKE:

It's on Deerfield Road. It abuts against property that the Town of Southampton has acquired the development rights from.

LEGISLATOR FIELDS:

Can you speak into the microphone?

CHAIRMAN GULDI:

The Town of Southampton is not interested in this parcel?

MR. BURKE:

Well, they're the only -- they have the development rights; there not the fee owners of the adjoining property. They're just -- they have the development rights on that property.

CHAIRMAN GULDI:

The --

MR. BURKE:

We did send notice and there was no bid.

CHAIRMAN GULDI:

There's no covenants and restrictions on this parcel at the \$2,000 amount?

MR. THOMPSON:

It has to be merged.

CHAIRMAN GULDI:

It has to be merged, but once merged it could be used for development, expansion, accessory use structures, clearing and any other permitted zone purpose, correct?

MR. THOMPSON:

It has to be merged and can't be used as a separate parcel.

LEGISLATOR FIELDS:

Can you speak into the microphone so we can hear you?

CHAIRMAN GULDI:

I'm going to make a motion to table and request that the Division correspond with the Town of Southampton to ascertain that the Town has no interest in taking the land lock parcel for any municipal purpose before we approve this transfer; particularly, given the Town's acquisition of the adjacent landowner development rights. Motion to take by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second Legislator Fields. All those in favor? Opposed? 1116 is tabled.

(Vote: 4-0-0-0)

1117. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Annemarie Hernandez (0200-055.00-08.00-005.001). PRIME (Co. Exec.) We had two bids on this one?

MR. BURKE:

Two bids, yes. The appraisal actually the bids ended up being more than double the appraised value the property.

CHAIRMAN GULDI:

How big is the parcel?

MR. BURKE:

It's a 40 by 100.

CHAIRMAN GULDI:

I'll make a motion to approve, any questions? Is there a second? Second by Legislator Fields. Discussion? All those in favor? Opposed? There were multiple rounds of bidding or did we just get one round of bids at that price?

MR. THOMPSON:

Well, when we have two or more interested parties they called into the office for a mini auction where they actually face off against each other.

CHAIRMAN GULDI:

Okay. So you had a sit down for it.

MR. THOMPSON:

Yes.

CHAIRMAN GULDI:

Okay.

1148. Authorizing use of Maritime Museum in West Sayville County Park property by Gay and Lesbian Foundation of Long Island, for "Dock of the Bay" fundraiser. PRIME (Fields) Motion by Legislator Fields, second by myself. All those in favor? Opposed? Approved. (Vote: 4-0-0-0)

1163. Amending the Suffolk County Classification and Salary Plan and the 2002 Operating Budget in connection with a new position title in the Department of Labor (Director of Living Wage Compliance). PRIME (Co. Exec.) I don't have a copy of the bill. Where's Legislator Towle? His stuff is still here -- isn't he? Is he gone for the day? Is there a motion?

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder.

LEGISLATOR FIELDS:

He said that it was tabled in the earlier meeting.

CHAIRMAN GULDI:

Yeah, it was. I thought his questions were resolved and he didn't say anything to me and now he's gone. Could you see if you could find him; we'll skip over this one. Okay. Or else get him on the phone and ask if there's a disposition on it if you can't find him in the building. Check the parking lot for his car.

1167. Amending Resolution No. 1199-2001. PRIME (Co. Exec.) This is a --

MR. SABATINO:

This was the \$5 million appropriation for Affordable Housing and this change would add reference to Chapter 36 of the Administrative Code.

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder, second by myself. Discussion? All those in favor? Opposed? Abstentions? 1167 is approved. **(Vote: 3-0-0-1 Absent: Towle)**

1168. Approving a settlement of litigation between the County of Suffolk and Frank Vigliarolo, ET AL. PRIME (Co. Exec.) Do we have Counsel here to discuss that with us?

MR. BURKE:

I've been speaking with the County Attorney's Office on this one, Mr. Legislator, and they're asking that this be tabled at this time.

CHAIRMAN GULDI:

Motion to table, yeah, could you get back to them and tell them we'll need an Executive Session with someone fully familiar with the case before we can consider litigation settlement approval.

MR. BURKE:

Yes, we will.

CHAIRMAN GULDI:

Thank you. Motion to table by myself second by Legislator Binder. All those in favor? Opposed? **(Vote: 3-0-0-1 Absent: Towle)**

1179. Authorizing reduction of Special Tax Assessment for lot cleanup of property located at Madison Avenue, Amityville (SCTM No. 0100-171.00-01.00-057.000). PRIME (Postal) Does Real Estate Division -- you're the guys with the fund and the cleanup fund, now are you familiar with this resolution?

MR. BURKE:

I'm not.

CHAIRMAN GULDI:

Counsel, can you give us background on this. This is a waiver of a cleanup --

MR. SABATINO:

Periodically, this happens two or three times a year. The Town of Babylon imposes cleanup charges on parcels of property and then apparently they resolve matters later on in the year. And then under Section 30 of the Suffolk County Tax Act which is a State law if they, meaning the town, want to cancel their assessment or their charge they can only do it after filing paperwork and getting approval of the Legislature. So --

CHAIRMAN GULDI:

I see so this is the town asking --

MR. SABATINO:

The town charge a town fee, you're not obligated to say yes.

CHAIRMAN GULDI:

So they're asking us to (inaudible) so that they have authority to waive their fee. Do you have backup including the town resolutions and paperwork on it?

MR. SABATINO:

Yeah. The town resolution, which was number 48 of January 8, 2002, made -- spelled out the dollar amount of \$28, 043. 89 and it makes the --

CHAIRMAN GULDI:

The towns asking us to waiver it's there money.

MR. SABATINO:

Exactly.

CHAIRMAN GULDI:

Motion to approve by myself. Is there a --

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. All those in favor? Opposed? 1179 is approved. **(Vote: 3-0-0-1 Absent: Towle)**

Sense Resolutions

05-02 Memorializing Resolution requesting United States Postal Service to establish new zip code for Southampton area now within the Riverhead 11901 zip code area. PRIME (Guldi) Motion to approve by myself. We've done this before; we did it in '98 and we're doing it again

and hopefully they'll listen to us eventually if we keep asking. Do we have a second?

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. All those in favor? Opposed? Sense 5 is approved. **(Vote: 3-0-0-1 Absent: Towle)**

11-02 Memorializing Resolution requesting Brookhaven Zoning Board of Appeals to reject variance. PRIME (Fisher) Counsel, could you explain the resolution I don't have a copy?

MR. SABATINO:

A little bit complicated, but the short history of it is that a piece of property in Stony Brook was listed in a County auction booklet for November of 2000 with language that indicated that it would be sold subject to a restrictive covenant that would basically prohibit development of the property. Adjacent property owners relying on that representation in the booklet never, you know, never participated in the process. The auction was unsuccessful in November of 2000, so the property was re-auctioned at a later time which was May 31st of 2001, but at that time the restrictive covenant was not listed with the property and the property was successfully bid on. And now the person who is a successful bidder has petitioned to the Brookhaven Town Board Zoning Appeals for a variance so they can construct a one family dwelling on a 50 foot lot. This would ask the Zoning Board not to do it based on the non-disclosure or the inconsistent disclosure that took place between the two auctions.

MR. BURKE:

Legislator Guldi, --

CHAIRMAN GULDI:

Do you want to speak on this resolution?

MR. BURKE:

I don't want to speak for Legislator Fisher, but I believe I spoke with her prior to this meeting starting and I believe she indicated she was withdrawing this resolution.

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Binder, second by myself. We'll give her a chance to decide then. There's an add-on Sense 9 calendar which I don't have a copy of that's been referred to this committee. Counsel, could you brief us on that? A 211 waivers issue.

MR. SABATINO:

This is what the District Attorney's Office had made a request for a proposal to amend New York State law so that right now currently five retired Suffolk County police officers would be able to be hired by the Suffolk County District Attorney's Office without having a restriction placed on their ability to, you know, to collect a pension and also receive a salary at the same time.

CHAIRMAN GULDI:

Legislator Binder.

LEGISLATOR BINDER:

I know that at one time in my 12 years here for a period of time I had working on my staff a Legislative Aide who was a former vice police officer in Suffolk County. He was on pension and he had to actually give that up. I mean, this is something I don't think we do lightly, especially, without the resolution in front of us and understanding in full measure what we're talking about doing here cause they're a lot of people who have not been able to be in this situation and so I would think we would need more information. I would hope I would make a motion to table so we could get further knowledge on this.

LEGISLATOR FIELDS:

I would second this.

CHAIRMAN GULDI:

Motion to table by Legislator Binder, second by Legislator Fields. All those in favor? Opposed? Sense 9 is tabled. **(Vote: 3-0-0-1 Absent: Towle)** Back to resolution 1163, Ms. Rosenberg or someone from the County Exec.'s Office. Legislator Towle asked that this be tabled in the earlier committee today. I understand he's made some comments -- his concerns have been met -- could you put what his concerns were and can you put that on the record please because we've been unable to reach him.

MR. JOHNSON:

I can tell you that Legislator Towle did have conversation with our staff before this meeting began and we did come to an understanding. He does not have those reservation anymore and I think he's satisfied.

CHAIRMAN GULDI:

Tell what I'll propose to do I will make a motion to discharge without recommendation so Legislator Towle will be there Tuesday if his concerns haven't been addressed I'll make a motion at that time to recommit.

LEGISLATOR FIELDS:

Can I ask a question about the position?

CHAIRMAN GULDI:

Legislator Fields you have the floor.

LEGISLATOR FIELDS:

On the backup to this it's says, minimum qualifications, open competitive, graduation from an accredited college or university with a master degree and six years of experience in public administration. The candidate for this position do they have that background?

CHAIRMAN GULDI:

Well, the test hasn't been administrated yet. The candidate any candidate would have to meet the other criteria to even be hired provisionally and then would have to score in the top three on the test when it becomes available and is administered in order to retain the position.

MR. GREEN:

This will be dealt like any other Civil Service position. Civil Service determine the minimum qualifications; and applicant would have to meet these minimum qualifications to serve. When the exam is set forward the individual if they don't score in the top three basically, would not have an opportunity to continue to enjoy that position. It's no different than any other Civil Service title in terms of meeting the minimum quals.

LEGISLATOR FIELDS:

And there was no one in the County that could fit the qualifications of this without having to create a new title?

MR. GREEN:

Civil Service looked at the title that was there it was just Senior Government Liaison and said it was totally inappropriate. It was a Civil Service action that brought to our attention the need to create this new title. This was not something of our design, but a result of a Civil Service determination.

LEGISLATOR FIELDS:

Okay. Thank you.

CHAIRMAN GULDI:

Okay. So motion to discharge without recommendation, second by Legislator Binder. Discussion? All those in favor? Opposed? Discharge without recommendation. **(Vote: 3-0-0-1 Absent: Towle)** One moment let's go to the Consent Calendar. Tabled resolutions -- 1015. Introductory resolutions 1079, 1083, 1093, 1094, 1098, 1103, 1107, 08, 09, 10, 11, 12, 13, 14, 1117, 1148, 1167, 1179 and Sense 5. Oh, excuse me, you're right, 1179 was tabled.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

No, we approved that. We approved that that's the waiver of Babylon they asked up to -- we approved that. I'll make the motion to put it on the Consent Calendar it doesn't need further discussion. Is there a second to that motion?

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

By Legislator Binder. Discussion? All those in favor? Opposed? **(Vote: 3-0-0-1 Absent: Towle)** Is there any other business to come before this committee? Legislator Fields, you wanted to discuss appraisal and its role with the Division of Real Estate. Do you want to do that on the record or do you want to have a private conversation with the personnel -- the division --

LEGISLATOR FIELDS:

I think that it would be beneficial for all of the members of the committee to be present so that's kind of why I wanted it earlier. Since that has not happened perhaps I think I asked on the record last time to have the procedures written so that it could be presented to this committee and I will ask that that be done and then some explanation at the next meeting.

CHAIRMAN GULDI:

The next meeting hopefully we'll be able to commence our proceedings on time so that we won't have Legislators compelled --

LEGISLATOR FIELDS:

The question I have is when we get these resolutions who is given the appraisal price; who, you know, in other words the potential buyer, are they sealed bids? Just the whole procedure of how you action --

MR. BURKE:

Procedure of direct sale or --

LEGISLATOR FIELDS:

-- all of them --

MR. BURKE:

-- direct sale procedure and auction procedure --

LEGISLATOR FIELDS:

--adjacent, direct, upset prices, appraisal prices; what the whole procedure is.

CHAIRMAN GULDI:

And also public auctions --

LEGISLATOR FIELDS:

Right.

CHAIRMAN GULDI:

How we determine the minimum upset prices.

MR. BURKE:

Upset prices, right.

CHAIRMAN GULDI:

And what our experience has been in achieving minimum bid or percentage of minimum bid that we knock down properties at. I think that one of the concerns I -- one of the concerns we have discussed is why are we opening the bids below appraised value. I understood from my discussions years ago in the early 90's, we had frequent bid -- properties in the auction that receive no bids at appraised value. That what we found that when we reduced the bids we reduced the opening prices to a function of appraised value that we got more bidding and consequently moved more property and got better prices. Might have been economic, but I'd like you to be able to present, this is what we use to do; this is what we got; this is what we have been doing. This is what we're getting; this is how we operate the auctions and what our results and experience have been.

MR. BURKE:

Right.

CHAIRMAN GULDI:

If you could prepare a presentation for that and let us know when you're ready to do so I'll put time in the agenda for you to make that presentation off the top of one of our meetings. Okay.

MR. BURKE:

Fine.

CHAIRMAN GULDI:

Does that meet everythng?

LEGISLATOR FIELDS:

I would like it for the next meeting because we have to approve these resolutions and before we approve them I'd like to get the background, you know.

CHAIRMAN GULDI:

Okay. Can you do it by then?

MR. BURKE:

I think so, yeah. The direct sale is probably less of an issue as far as procedure than the auction is, but both of them are really fairly straight forward, so yes.

LEGISLATOR FIELDS:

Thank you very much.

MR. BURKE:

You're welcome.

CHAIRMAN GULDI:

Are there any other questions? Being none this meeting is adjourned.

(Having no further business the Ways and Means Committee was adjourned at 5:05 P.M.)

{ } denotes spelled phonetically.