

**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, **June 17, 2002** in the Rose Y. Caracappa Auditorium at 1:30 P.M.

**Members Present:**

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

**Also in Attendance:**

Paul Sabatino, Counsel to the Legislature  
Kristine Chayes, Civil Service/Human Resources  
Robert Cabble, Suffolk County Attorney  
Todd Johnson, County Executive's Office  
Eben Brofman, Aide to Legislator Guldi  
Tom Donovan, Aide to Presiding Officer Tonna  
Marion Zucker, Director of Affordable Housing  
Jim Spero, Budget Review Office  
Christine D. Costigan, Suffolk County Real Estate  
Paul M. Hensley, Self  
Georgia Tschember, Self  
Joe Martirano, Jr. Coram Equity LLC/Partner  
Basia Braddish, Suffolk County Law Department  
Valerie Burgher, Newsday  
Bill Jones, Deputy Commissioner of Social Services  
Brian Foley, Legislator Dist. #7  
Jim Walsh, Suffolk County Real Estate  
Jim Pepler, Newsday  
Ann Marie Carbonetto, Suff. Cty. Dept. of Health  
And all other interested parties

**Minutes taken by:**

Eileen Schmidt, Legislative Secretary

**(The meeting was called to order at 1:40 P.M.)**

**CHAIRMAN GULDI:**

I don't have any cards filled out. The correspondence to the extent relevant has been distributed. There are no scheduled presentations. Is there anyone who wants to address the committee on any issue? There being none, a motion to table the agenda by Legislator Towle. Gotcha -- no.

## TABLED RESOLUTIONS

**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.)** Is the Real Estate Division here? Yeah, I think we're still waiting from Southampton Town on this one. Where's Real Estate, Where's Planning, where's Counsel? Hmm. Mr. Brofman will find Mr. Sabatino and check the building see if the Real Estate Division is here or on their way?

**LEGISLATOR BINDER:**

Motion to table.

**CHAIRMAN GULDI:**

Yeah. Motion to table by Legislator Binder second by myself. Discussion? All those in favor? Opposed? Tabled. **(Vote: 4-0)**

**1219. Sales of County-owned Real Estate pursuant to Local Law 13-1976 Abart Holding, LLC (0904-001.00-00-01.00-004.001 & 004.003) PRIME (Co. Exec.)** which is the village of Southampton or Sag Harbor which is it, whatever. Motion to table by Legislator Towle second by Legislator Binder. Discussion? All those in favor? Opposed? Tabled. **(Vote: 4-0)**

**1391. Adopting Local Law No. -2002, A Local Law to facilitate full public disclosure of County Election Campaign Finances. PRIME (Cooper)**

**LEGISLATOR TOWLE:**

Motion to table.

**LEGISLATOR BINDER:**

Motion to approve.

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

No, no, you're was 3-1 instead of a 2-2. I have a motion to approve. Going once, going twice.

**LEGISLATOR FISHER:**

Second.

**CHAIRMAN GULDI:**

A second on the motion. Discussion?

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

Good job.

**MANY SPEAKERS:**

(inaudible)

**CHAIRMAN GULDI:**

I like that. On the motion to approve. All those in favor? One, two. All those opposed? One, two. Abstentions?

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

Well, all right. Motion to table second by myself. All those in favor? 2-2 All those opposed? 1-2. Motion to table fails. The motion to approve fails 2.2. **(Vote: 4-0)** Well, we have one off the agenda.

**1393. To Authorize a lease for relocation of the Coram Health Center from 3600 Route 112, Coram, New York to Joseph and Christine Martirano d/b/a Martirano Organization for the Suffolk County Department of Health Services and the Suffolk County Department of Social Services. PRIME (Foley)**

**LEGISLATOR FOLEY:**

Mr. Chairman, we have Basia Braddish from the County Attorney's Office who I would like to give the committee an update on where the negotiations stand. As she approaches the table let me just say that this resolution was originally submitted at the end of April with the expectation having spoken to the Space Management Committee, having spoken to the Executive Branch that this resolution would be ready for action no later than June. The reason that I had requested the County Executive's Office to make sure that everything was ready by June is that if we don't approve this resolution by next Tuesday then we're going to have to wait another six weeks before we meet again. And given all the problems associated with the current facility I didn't think that it would be nor did my co-sponsor or other Legislators who represent the clients who would use this -- would attend this particular center that we should wait anymore time then necessary. So with that said if we could hear from Ms. Braddish about this, please.

**CHAIRMAN GULDI:**

I don't think I recognized you, but I didn't want to interrupt.

**LEGISLATOR FOLEY:**

Thank you, Mr. Chair.

**CHAIRMAN GULDI:**

I believe that we were aware of all that. Basia, you want to give us status? Have you managed to reach or are you prepared -- is the County Attorney's Office and the Social Services Department prepared to move the resolution at this time?

**MS. BRADDISH:**

I don't have a final lease for you to attach to the resolution which I just note needs to be changed it's not Martirano Organization it's Coram Equity --

**LEGISLATOR FOLEY:**

-- Mr. Chairman --

**MS. BRADDISH:**

-- it's Coram Equity LLC it's not Martirano any longer, but my understanding is through Counsel that the lease has to be attached and we've been working diligently. We had a little snafu --

**CHAIRMAN GULDI:**

Yeah. Regarding the little snafu have the design changes that were most recently required been completed, approved by the landlord and by the interest groups that were concerned about them?

**MS. BRADDISH:**

My understanding is and a representative of the landlord Mr. Martirano is in the building here. They delivered today to DPW what I believe incorporates the changes that were requested. So --

**CHAIRMAN GULDI:**

-- so those changes still have to need to be presented and discussed so the answer is ultimately we're close, but it's not ready at this time, but it maybe very soon.

**MS. BRADDISH:**

We're working to get it as soon as possible.

**CHAIRMAN GULDI:**

Okay. Legislator Towle.

**LEGISLATOR TOWLE:**

Thank you. Did you -- have you presented the -- any of the community groups or the advisory committee copy of the plans at this point with the changes? The update plans that were dropped off this morning to DPW? Is DPW here with the plans by the way?

**MS. BRADDISH:**

Well, I don't know that these final changes were even proposed to go to an advisory committee in that they had had an opportunity to review what was the revised plan which was the design issue on where the doors were and that was done and I believe that that was approved by the advisory committee. I don't think when we were going into the detail that was --

**CHAIRMAN GULDI:**

-- so the additional changes, the internal changes are a result of the door relocations?

**LEGISLATOR TOWLE:**

Amongst other things I don't think that was the only change was it?

**CHAIRMAN GULDI:**

I think that was the most substantive change was it not? Were there other changes that were made since the last time we saw designs at Space Management, which was some time ago?

**MR. JONES:**

I don't think there any major changes. The only changes were to primarily the interior of the DSS side due to the relocation of the doors. And then in answer to an earlier question, Jeff Martell did meet with the advisory committee of the Health Center I forget the official name of it to go over the relocation of the doors. This was at a meeting, their monthly meeting they held at Stony Brook Hospital and I believe that you had a representative there, Legislator Towle. Legislator Caracappa was there and it is my understanding that they were happy with the change for the relocation of the door.

**LEGISLATOR TOWLE:**

Did you have the plans then, or you didn't get the plan until today showing them -- the changes because my aide -- I don't recollect my aide telling me there were any plans presented, but --

**MS. BRADDISH:**

I'm just going to ask Mr. Martirano to come up. I think he probably knows a little bit more.

**LEGISLATOR FOLEY:**

It's my understanding was that Legislator Caracappa and Mr. Martell had some kinds of blueprint plans that were shown at the Stony Brook meeting.

**MR. JONES:**

This is the update site plan.

**CHAIRMAN GULDI:**

Could you please bring that board up here and let the members of the legislative committee see it. Mr. Martirano do you have anything you'd like to add?

**MR. MARTIRANO:**

Yes.

**CHAIRMAN GULDI:**

Thank you for coming down.

**MR. MARTIRANO:**

You're very welcome. The site plan that you're looking at is the site plan that --

**CHAIRMAN GULDI:**

We need you to speak directly into the microphone.

**MR. MARTIRANO:**

The site plan that you're looking at now is the site plan that had been submitted I'm going to say at least six weeks ago. It's not that this is the new site plan. The plans that were just submitted to Jeff Martell today are primarily identical to that site plan that you're looking at. The County did make slight changes to the doors themselves. I do have a copy of that with me, but it's primarily identical to what you're looking at.

**LEGISLATOR TOWLE:**

So I guess the answer to my question is then no; we didn't present the revised plans to the committee on Thursday.

**CHAIRMAN GULDI:**

Well, my understanding of the procedure is this, this site plans shows the footprint of the building and the door locations.

**LEGISLATOR TOWLE:**

I know I've seen that.

**CHAIRMAN GULDI:**

The internal rearrangement of the existing elements of the plan were -- was not presented to the advisory committee, but as Legislator Caracappa expressed at the Space Management when I was present that was not the elements and internal locations was not the concern it was the door locations. Is there anything different?

**LEGISLATOR TOWLE:**

Well, first of all I was at the meeting that the community people were at because it was in my conference room with -- you're shaking your head, Legislator Foley. Are you telling me I wasn't in a meeting with them or --

**LEGISLATOR FOLEY:**

-- there was a subsequent meeting at Stony Brook and they over these plans.

**LEGISLATOR TOWLE:**

Yeah, yeah. Well, first of all the answer to my question is no, they haven't seen the revised plans because I haven't seen the revised plans and we don't even have them here today.

**CHAIRMAN GULDI:**

Martirano just said he had them here --

**LEGISLATOR TOWLE:**

-- no, he gave them, he gave them to DPW this morning.

**CHAIRMAN GULDI:**

Do you or do you not have a copy with you?

**MR. MARTIRANO:**

I do have a copy of them.

**CHAIRMAN GULDI:**

Can you give us a copy that you have with you or do you need to retain those?

**MR. MARTIRANO:**

If you would like for me submit them I sure will.

**LEGISLATOR TOWLE:**

Well, I'd like to see a copy, yeah.

**CHAIRMAN GULDI:**

Could you hand them to us so we could at least see them? As to who gets them at the end of the meeting we'll discuss that in a moment.

**LEGISLATOR TOWLE:**

Yeah, that's #1. #2 they brought up the concerns. #3 I haven't seen the revised site plans and I want to make sure they see them. For that matter Legislator Foley as you're yelling in the background there Elsie Owens was the chairperson of the committee didn't because she wasn't even at the meeting. All right, and I spoke to her afterwards and she asked me if I had a copy of the plans and I said no and that I was hopefully going to get them today to see them and I haven't seen them as of yet except for the plans that are handed now. And if we're going to move this on Tuesday there should have been somebody here from DPW, someone here from Health. The lease should have been here and these plans that should already have been submitted and if we are going to move this on Tuesday that better be there on or I won't vote for the lease and it's just that simple.

**CHAIRMAN GULDI:**

Okay. Lets share -- let's start from the beginning. Is there -- asking the Department of Law, is there an intention to have this resolution ready for approval at Tuesday's meeting?

**MS. BRADDISH:**

We are trying to complete the legal document, which shouldn't be a problem we're 95% there. We have some last issues to go over. I can't speak to the design, the plan and spec's although my understanding is that's what you're

looking at. They're just going for final approval.

**CHAIRMAN GULDI:**

For the plans that are here and are being submitted to DPW for final comment and approval has there been scheduled an additional meeting to present them to the community to make sure that their concerns are addressed that you know of?

**MS. BRADDISH:**

I don't think that anybody was aware that there was a requirement that they go back.

**CHAIRMAN GULDI:**

No. that wasn't -- I didn't ask you if you were aware. My question is has there been a meeting scheduled and --

**MS. BRADDISH:**

No.

**CHAIRMAN GULDI:**

So the simple answer is no. Mr. Jones are you aware of any meeting that has been scheduled for presentation of final complete drawings?

**MR. JONES:**

No.

**CHAIRMAN GULDI:**

Okay. Legislator Towle, I figure from your comments you would like to schedule a meeting --

**LEGISLATOR TOWLE:**

No, not necessarily, Legislator Guldi. What I said was is that there were some people that attended the meeting in my office with Legislator Caracappa and Mr. Jones and Bob Maimoni from the Health Department who are not necessarily on the advisory committee, but had expressed some concern about problems at the facility it had in the past and we addressed all those concerns as part of things that we would address in the lease. I haven't seen the lease. I'm hoping we're going to get the lease for Tuesday. Obviously, I like it before Tuesday if we're going to vote on it on Tuesday so that I can read over the lease and review the things that the residents expressed some concerns about to Bill and to Bob and to myself and to Legislator Caracappa to make sure they're included in the lease because there was no one from the County Attorney's Office at that meeting to include those items in the lease. And I'm just assuming that Mr. Maimoni and Mr. Jones passed all that information back which I'm sure they did and I want to make sure it's in the lease because we have had nothing but problems with the building in that area and I don't feel like doing this six or seven times. I want to do it once right and, you know, at this point if we have to delay it we have to delay it. I'm just not going run this through on Tuesday without having all the questions and issues addressed so we know exactly what's

going to happen. And I'm just tired of with all due respect to these people slopping presentations before the committees because that's what this is and not have a rough draft of the lease. To not have gotten these plans prior to the committee meeting today is ridiculous.

**CHAIRMAN GULDI:**

Okay. Let's take it from the top. Basia, do you have a rough draft of lease that's available for distribution to member of the Legislature for discussion purposes at this time?

**MS. BRADDISH:**

Yes, I do.

**CHAIRMAN GULDI:**

Do you have multiple copies of it or do you just have one?

**MS. BRADDISH:**

No, I don't it's --

**CHAIRMAN GULDI:**

-- could you please provide it to my aide who will go out and make copies for the members of the Legislature in order for us to have a draft of the lease before the meeting? The question I have -- Legislator Fields would like to be recognized. Legislator Fields.

**LEGISLATOR FISHER:**

I have to try to control myself first. You said it's 95% ready, how long does it take for the 5% remaining?

**MS. BRADDISH:**

Well, we had a legal issue arise on Friday that we had not addressed in the lease and Mr. Martirano actually provided me some documentation just now that we can resolve it. Aside from that I need probably two to three hours with the Martirano's just to go over the last changes which I was doing directly on to the computer as we discussed them. So I'm hoping a day.

**LEGISLATOR FISHER:**

Today?

**MS. BRADDISH:**

Tomorrow. Unfortunately, I was not able to speak with the people at the Martirano Organization that we needed to speak with.

**LEGISLATOR FISHER:**

Does anybody remember being here a year ago and saying well, you know, we think we can probably move forward in a couple of months ?

**MS. BRADDISH:**

Well, when you're looking at a 30 year lease which we couldn't even determine the lease term up until about three months ago and that we are

probably further along in the design process than any other building we go into a lease on I think we're probably doing better than a normal lease believe it or not. We have designs and architectural drawing that are prepared to be submitted to the town that we normally don't have. So in that regard we're better off than we've been in the past on other leases.

**LEGISLATOR FISHER:**

I'm really frustrated, but I'm going to make a motion to discharge without recommendation and hopefully you will move this and get everything ready that we need. And I would appreciate having the materials before the meeting and I think so would everyone else because one of the things that I think has been a bone of contention with all the Legislators is to get something the day of a meeting and expect us to look at it and approve it.

**MS. BRADDISH:**

The lease I know I'll have to you; I can't speak to the attachments which are the designs specifications because it still has a separate process it goes through and --

**LEGISLATOR FIELDS:**

-- we'll who could --

**CHAIRMAN GULDI:**

-- aren't the Department of Public Works the ones that weren't at the Capital Budget meeting and weren't at the --

**LEGISLATOR FIELDS:**

-- you know what Legislator Guldi, I would ask that you have you're aide call the DPW Department right now and ask them to be responsive --

**CHAIRMAN GULDI:**

-- I'm not sure they're still in business --

**LEGISLATOR FIELDS:**

-- I'm being really serious. I don't think this is funny at all.

**CHAIRMAN GULDI:**

So am I.

**LEGISLATOR FIELDS:**

I don't think it's funny even a little. Can we ask that they come here for this meeting and discuss this? I think it's their responsibility and where are they? I'm not asking you that question.

**MS. BRADDISH:**

No, no, but in their defense they did just receive the document and --

**LEGISLATOR FIELDS:**

--- don't, don't even begin a sentence with in their defense.

**CHAIRMAN GULDI:**

No. Don't throw yourself on this spear there's no reason to. The --

**LEGISLATOR FIELDS:**

-- are we going -- did he --

**CHAIRMAN GULDI:**

-- my aide is leaving the room to make that phone call at the moment. I can't wait; it'll be the second phone call that we've placed this morning to them.

**LEGISLATOR TOWLE:**

Did they answer the first one?

**CHAIRMAN GULDI:**

No. I'd like to -- hold on.

**LEGISLATOR TOWLE:**

Legislator Guldi while you're giving out phone directory information I just want to also publicly thank Bill Jones and Bob Maimoni for taking time out of their schedule to sit down with the community. My frustration is clearly not directed at you just so we're clear on the record on that, Bill. I appreciate your time; I appreciate your efforts. I appreciate the fact that you've given us extra special attention all with Bob to make sure the communities concerns were addressed.

**LEGISLATOR FIELDS:**

So I will reiterate I will make a motion to discharge without recommendation.

**CHAIRMAN GULDI:**

I hear the motion, but while you're addressing that, Mr. Martirano, I want to thank you for being here and I want to point out the stark difference between you being here and let say our soon, but perhaps not soon enough to be formally a landlord who never appeared here in person. Whose always sent a designated apologist to make misrepresentation to us and I'm glad to see you here in spite of the fact that it doesn't seem that some of the personnel in the County who are charged with moving this project forward well on the payroll to do so can't be troubled to come to the legislative meetings to address the concerns of the Legislators and I do want to personally thank you for being here.

**MR. MARITRANO:**

Thank you.

**LEGISLATOR FOLEY:**

Mr. Chairman, if I may.

**CHAIRMAN GULDI:**

Legislator Foley.

**LEGISLATOR FOLEY:**

Thank you, Mr. Chairman. Just to add to what Legislator Towle had mentioned. At last weeks Coram Health Center Advisory Board meeting I had attended that particular meeting we had discussed this proposal and the major at that point, the major let say design issue that the members of the Advisory Board of that meeting had had to do with the doors and when a representative from the Health Department had mentioned the fact that, you know, that situation has been corrected. The doors have been changed. It's my understanding that the prior meeting in Stony Brook that there was some design sketches that were submitted at the Stony Brook meeting that Advisory Board members had attended where they saw that their concerns about the doors were addressed. And that was the last remaining major design issue. Other than that the other issues that they had brought to the attention of the board which perhaps the landlord can speak of today as could our attorney was the issue of litter in the parking lot. Vandalism of fences and also vandalism of the lighting poles in the parking lot. Well, those are some things that under the present landlord are chronically not addressed and long periods of time would go when there's litter around the grounds as well as fences being constantly broken and lights constantly out because they're not being replaced. So if, in fact, Ms. Braddish, if the contract is 95% complete then I would concern those things being on a punch list of items for a contract could you tell the committee how those issues are addressed within the terms of the contract?

**MS. BRADDISH:**

You hit on one of the things that we're still discussing.

**LEGISLATOR FOLEY:**

Okay. Then please tell us.

**MS. BRADDISH**

The litter outside I can address in a very vague way because we're looking at something that's not going to be completed for two years. So although we have a custodial number which actually is being revised I believe because it didn't account for living wage which it's going to go up it's still a tentative number and what the lease is going to say is two years from now when we're 60 days before we're ready to take delivery the landlords going to give us a real number on what the custodial is going to include. At that time if it's too high the County will have a decision to either contract with the landlord or to provide it ourselves.

**LEGISLATOR TOWLE:**

Just run that by us one more time?

**MS. BRADDISH:**

Pardon me.

**LEGISLATOR TOWLE:**

Just run that by us one more time cause --

**MS. BRADDISH:**

60 days prior to delivery the landlord will provide, that's what we're negotiating into the lease now. 60 days prior to delivery of the premises they will present us with the number of what they believe custodians going to be. Right now there's a figure in the lease of \$2.80 I believe a square foot for the DSS side. That number did not take into account living wage so it's not an accurate number. They're coming back to me with a real number, however, that not even withstanding whatever number they give us isn't a real number because we're not looking at services being provided for in two years.

**LEGISLATOR TOWLE:**

Okay. So let just if I can ask a question.

**LEGISLATOR FOLEY:**

Mr. Chairman, I had the floor. She was answering my question and I had some follow-up questions too.

**CHAIRMAN GULDI:**

Please let -- well, go back Legislator Towle's follow-up questions. List the open issues first. Legislator Foley still has the floor.

**LEGISLATOR FOLEY:**

Okay. Thank you.

**MS. BRADDISH:**

Okay. So the custodial would be include the litter outside the building, basically, emptying the trash receptacles, lining them whatever. They also have responsibility to clean the parking lot. So those are those two issues. Vandalism generally is handled in that what's caused by our users is our responsibility.

**LEGISLATOR FOLEY:**

For instance, just for an instance then if I may through the chair. For instance, if a light is broken or if the fence is torn how is that addressed?

**MS. BRADDISH:**

Generally, that kind would be the landlord.

**MR. MARTIRANO:**

Our intentions here Legislator Foley is we're going to be using I don't know if I'm going to put bulletproof shields on all the exterior light poles. I have seen the problem they have on the existing site. I think as most of you are aware we are you're landlord in a few other locations and I'm expecting the possible client to damage these items. We're going to take every step possible I'm not saying that they will never go out, but we're going to take every step possible; that they can't throw rocks up at them and do those type

of items to damage these light fixtures.

**LEGISLATOR FOLEY:**

As far as fencing is concern?

**MR. MARTIRANO:**

I believe fencing is totally our responsibility.

**LEGISLATOR FOLEY:**

Is there a prescribed period of time once the tenant notifies the landlord that something is broken is there a prescribed period of time to replace it?

**MR. MARTIRANO:**

I believe that is in the lease. We are and I hope the County feels the same way quite responsive. Normally, we get a call or something we're there within the next day or so.

**LEGISLATOR FOLEY:**

I can vouch for how responsive who've been, but, you know, the fact is that others have and the process has the right to know that the language will be imbedded in the contract that gives some kind defined period notwithstanding the excellent record of the landlord.

**MR. MARTIRANO:**

That's correct there is language unfortunately I'm not sure of exactly what the timeframe is in.

**LEGISLATOR FOLEY:**

Those are the only questions I had at the moment Mr. Chairman. Thank you.

**LEGISLATOR TOWLE:**

Basia, just to go back the question of custodial.

**MS. BRADDISH:**

Yes.

**LEGISLATOR TOWLE:**

I'm working here on page five. I guess you've changed that; this says 120 days so now it's 60, right you said?

**MS. BRADDISH:**

No. They wanted to do it it's actually 120 days. They thought it would be better to provide it early to give us an opportunity to --

**LEGISLATOR TOWLE:**

So basically they're going to give us a proposal as to what it would cost to do custodial in the building for them.

**MS. BRADDISH:**

Right.

**LEGISLATOR TOWLE:**

Am I understanding that right?

**MS. BRADDISH:**

Right.

**LEGISLATOR TOWLE:**

As oppose to us doing our own custodial.

**MS. BRADDISH:**

Right.

**LEGISLATOR TOWLE:**

What other building do we have an outside vendor come in and do custodial?

**MS. BRADDISH:**

All off sites we're trying to get the landlords to do.

**LEGISLATOR TOWLE:**

Okay. Trying and doing is two different things. So let me I'll ask the question again. Where are we doing it is what I'm asking you?

**MS. BRADDISH:**

I think you'd have to speak to DPW. I don't keep track of that.

**LEGISLATOR TOWLE:**

Okay. I can't imagine and I'm not going to speak for AME, but I cannot imagine that AME would be too pleased nor am I that we're out {sourceing} custodial services. You know from my perceptive, you know, I'm a little concerned about that issue and I'm only up to page five. So clearly somebody who's going to meet with us on Tuesday, whether it's DPW or yourself should have some examples of where we're doing this elsewhere and, you know, how that's a benefit to us as opposed to having our own employees take care of mopping and sweeping and everything else.

**MS. BRADDISH:**

Well, I know I mean just of the leases I've done I know the satellite police officers are done by outside. All the legislative offices I believe district offices --

**LEGISLATOR TOWLE:**

-- no, mine is done by a County employee.

**MS. BRADDISH:**

County -- well, yours is the County.

**LEGISLATOR TOWLE:**

But mine isn't a County building. Mine is a private office.

**MS. BRADDISH:**

Okay. But I know because I know there was a problem with DPW just getting personnel available to do it. They don't have personnel.

**LEGISLATOR TOWLE:**

Well, somebody should be prepared to address that on Tuesday if we're going to look to move this then for starters. Obviously, I'm only up to page five of what 50?

**MS. BRADDISH:**

Yeah.

**LEGISLATOR TOWLE:**

First it was 40 it was crossed out and now they said it's 50 unless --

**MS. BRADDISH:**

The actual is only -- the written document is really only about 35 pages plus the landlord-tenant responsibility sheets, which we have.

**LEGISLATOR TOWLE:**

Okay. Obviously, one of the other bones of contention in the past has been the things that were the landlords responsibility and were not done properly. The County held the option to if the landlord failed to respond within a certain time, make those improvements, changes, renovations, corrections whatever and reduce that in the rent. I'm assuming that that option is still available.

**MS. BRADDISH:**

It's in the lease and in addition given the problems we've had at other premises it's also been given in the reverse where we don't do our responsibilities the landlord has option to go in and perform it. They had quite a bit of concern about the building falling into disrepair.

**LEGISLATOR TOWLE:**

Okay. One question for the property owner landlord, the corner piece of the lot I guess it would be on the upper right hand corner of the plan we saw, you own that property as well?

**MR. MARTIRANO:**

That's correct.

**LEGISLATOR TOWLE:**

Any specific plans for that because obviously, that was one of the concerns from the community. What were you going to put up there at some point, you know, McDonalds all of a sudden now in front the Department of Social Services, the Health Center or other types of industries that might not necessarily be something that's conducive and the community was concerned about that issue?

**MR. MARTIRANO:**

At the moment we've done nothing with it at the moment.

**LEGISLATOR TOWLE:**

How much property is there?

**MR. MARTIRANO**

Exactly, one acre. It should be spelled out on the first page of the plans.

**LEGISLATOR TOWLE:**

Okay. All right.

**CHAIRMAN GULDI:**

Let me address this concern that my colleagues on -- I'm concerned both ways with respect to this. One is I'm very concerned by virtue of the fact that we don't have low and behold DPW in responsiveness yet again on three for three. So I got a -- I mean, which way do we go on this? Do we hold this in committee and perhaps reward those who don't want this lease to move forward in an expeditious way cause there's been some rumblings about that? Or do we discharge it without recommendation and write yet another Davis letter, Davis Law letter for the data and information and compel them by law to present it to us Tuesday at the meeting?

**LEGISLATOR FIELDS:**

That can be ignored again.

**CHAIRMAN GULDI:**

No. Actually, the Davis Law stuff they usually pay attention. Give them a letter and a discharge.

**LEGISLATOR TOWLE:**

(inaudible) discharge the bill on the floor and obviously, if the {invitation} is presented to us I would not oppose that, but there is clearly no incentive nor has there been a response at least to any of the three committees that I'm serving on from the Department of Public Works and either they're going to start learning that we're the policy makers and they are not. You know it's the tail wagging the dog here and I'm tired of being wagged and the bottom line is either they're going to be at the meeting on Tuesday or I'm not going to vote for another resolution that involves the Department of Public Works now matter how good the cause is. I mean, their lack of appearance before us about the capital program is just outrageous. I mean, it's inexcusable not to be here today and not been here for a lease today and not be here for the committee meeting this morning with the LIPA settlement where capital programs are being held up because --

**LEGISLATOR FIELDS:**

-- what was the response?

**LEGISLATOR TOWLE:**

-- because of their lack of appearance is outrageous.

**CHAIRMAN GULDI:**

Hold on. The response to the phone call to the Commissioner's Office was through his secretary that no one is in; can we have a number to call you back. I wouldn't want to be on the receiving line of the next phone call. I think we need to take a five-minute recess. I think that's what we need to do right now.

**RECESS TAKEN AT 2:15 P.M. AND RECESS ENDED AT 2:25 P.M.**

**CHAIRMAN GULDI:**

With my apologies to Mr. Martirano. We're going to go to the rest of our agenda while we wait this call so we can get some of our business done and we'll call this matter again. Actually, I think -- is there any other question -- committee member have any question for Mr. Martirano.

**LEGISLATOR TOWLE:**

No.

**LEGISLATOR BINDER:**

Stick around.

**CHAIRMAN GULDI:**

Okay. Thank you, sir.

**LEGISLATOR TOWLE:**

It could be seven hours.

**CHAIRMAN GULDI:**

Who knows what might come up.

**LEGISLATOR BINDER:**

It could be seven hours?

**CHAIRMAN GULDI:**

Skipping over #1393 for the present time we're continuing down the agenda on tabled resolutions. Okay.

**1477. Amending the 2002 Operating Budget and appropriating funds from the adopted fund balance for Fund 038 – Self Insurance to pay the County's insurance premiums and claim expenditures. PRIME (Co. Exec.)** We table this last meeting. Is there someone from Budget Review available? All right, we'll skip over 1477 till Budget Review -- and while you're out there Tom, could you tell Counsel we've reconvened in case his speakers off in his office.

**LEGISLATOR TOWLE:**

Mr. Chairman.

**CHAIRMAN GULDI:**

Good morning, Ms. Costigan. We started the agenda this morning and tabled #1116 and 1219 presuming that we still have outstanding information

request on both of those, is that correct?

**MS. COSTIGAN:**

We have outstanding written information request on the second one, but we have had verbal -- we've talked twice with the town and they have as early as -- late as this morning indicated to us they are no longer interested in this piece. We told them that we'd like it in writing. We didn't get any real confidence that we were going to their negative interest in writing.

**CHAIRMAN GULDI:**

All right, I'll discuss I'm going to leave that tabled. I'll discuss it with you after the meeting and follow-up on it myself. 1477, Budget Review - the operating budget amendments we tabled this last meeting Counsel, because of request for 1477?

**MR. SABATINO:**

This was because Budget Review had raised the concern about the dollar amount and there was a corrected copy that was going to reduce the dollar amount closer to what Budget Review thought was appropriate, but the question was whether or not the reconcile numbers were consistent with what Budget Review had recommended. This was the issue from last year where the Legislature had questions because Risk Management didn't provide the information on the insurance numbers. So what we had done is we put the money aside in the budget. Now they're coming to draw down the full \$11.5 million, but what the Legislature's Budget Review Office had said two meeting ago was that they didn't feel it was appropriate to release the full 11 million and I think the goal was to bring it down about four million, but I'm not su -- I think it was four million, but the question was to -- the last committee meeting was whether or not this was consistent with their recommendation.

**MR. SPERO:**

If that's the case we're looking for the corrected copy --

**CHAIRMAN GULDI:**

I can't hear you, Jim, please.

**MR. SPERO:**

If it's been reduced by an amount of about \$4 million then it would be consistent with our recommendations. If it's around in the area of \$7 million that we're transferring that conforms to our --

**CHAIRMAN GULDI:**

Is the corrected copy in for \$7 million and is that the correct amount --

**MR. SPERO:**

-- that conforms to our recommendations --

**CHAIRMAN GULDI:**

-- and that is substantially in compliance with your recommendations?

**MR. SPERO:**

Yes.

**LEGISLATOR TOWLE:**

Just on the issue.

**CHAIRMAN GULDI:**

Yes, Legislator Towle.

**LEGISLATOR TOWLE:**

Just if Counsel could once again give a quick short, brief run through. We're moving \$7 million in the operating budget because of why?

**MR. SABATINO:**

What happen was when Budget Review did its analysis in it's operating budget report last November they said that they couldn't make a definitive recommendation on whether or not the self-insurance appropriations were accurate because they were not getting accessed information from that department. So what the Legislature decided to do to get the attention of that department was not provide the appropriations; just leave the money in the budget, but not as an appropriation so they'd have to come back and get the appropriation at a later time. What happened was then the department filed this bill about three meeting ago asking to draw down the full \$11.5 million. Budget Review said at that juncture that was an inappropriate amount because that would reflect the whole years worth. They could only justify I think it was \$6.7 million if I remember correctly. So a corrected copy was filed in the intervening period of time and that's the issue today is whether or not the corrected copy that was filed I think on June 3rd, accurately reflects what Budget Review was recommending. The key being not to let them get access to all of the monies since they refused to provide the information to Budget Review last November.

**LEGISLATOR TOWLE:**

Bottom line is they may come back for the 3.5 or 4.5, but they need to justify that and they haven't as of yet.

**MR. SABATINO:**

Correct.

**LEGISLATOR TOWLE:**

Okay, that's fine with me. I'll make a motion.

**CHAIRMAN GULDI:**

You're making a motion to approve the amended bill?

**LEGISLATOR TOWLE:**

Yes.

**CHAIRMAN GULDI:**

Second by Legislator Binder. All those in favor? Opposed? Approved. 3-0. **(Vote: 3-0-0-1 Absent Fields)**. I'm going to skip from the agenda to see what the Commissioner of --

**LEGISLATOR TOWLE:**

-- Public Works has to say or do you want to wait?

**CHAIRMAN GULDI:**

Oh, wait a minute. We've been informed that Mr. Martell will be here shortly. What do you know. Okay, continuing on the agenda.

**LEGISLATOR TOWLE:**

1532 Mr. Chairman, on that bill.

**CHAIRMAN GULDI:**

On which one, 1477?

**LEGISLATOR TOWLE:**

No, we approved that.

**CHAIRMAN GULD:**

**1532. Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven). PRIME (Co. Exec.)** Legislator Towle.

**LEGISLATOR TOWLE:**

I had received the packet from the director of Real Estate last -- at our last meeting. My staff is going over some of those lots now. I've also sent a copy of the packet to Legislator Haley and Caracappa. I've only had an opportunity to speak to Legislator Caracappa not Legislator Haley. So I'm going to make a motion to table this one more meeting.

**CHAIRMAN GULDI:**

Motion to table by Legislator Towle second by Legislator Binder. Discussion? All those in favor? Opposed? 1352 (sic) 1532 is tabled. **(Vote: 4-0)**

**1585. Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan (SCTM No. 0200-979.70-02.00-025.000). PRIME (Foley)** That would be Brookhaven.

**MR. SABATINO:**

You just have to table one more time, Mr. Chairman.

**CHAIRMAN GULDI:**

Motion to table by myself second by Legislator Towle. Waiting for information, Counsel, is that correct?

**MR. SABATINO:**

We're waiting to find out what happens with the stay on the Lower Court

decision.

**CHAIRMAN GULDI:**

Okay. All those in favor? Opposed? Tabled. **(Vote: 4-0)**

**1596. Authorizing installation of monument on County property in Town of Babylon to honor volunteer firefighters and rescue workers. PRIME (Postal)** This was tabled at our last meeting for what, Counsel?

**MR. SABATINO:**

Oh, because the Review Committee on Symbols and Monuments has to make a recommendation first. I don't know if they met in the intervening period of time, but if they had they would have forward the recommendation to you unless you've received something.

**CHAIRMAN GULDI:**

No, we have not received that so motion to table by myself second by Legislator Towle. Discussion? All those in favor? Opposed? Tabled. **(Vote: 4-0)**

**LEGISLATOR FIELDS:**

Someone from DPW will be here in 20 minutes.

**LEGISLATOR TOWLE:**

From Yaphank, wow.

**CHAIRMAN GULDI:**

They must be closer than Yaphank. Thank you, Legislator Fields. The only resolution we approved was --

**LEGISLATOR TOWLE:**

-- I'd make a motion to include Legislator Fields with the majority of us.

**CHAIRMAN GULDI:**

Amending the operating budget -- to approve that 3-0 -- the revised bill is consistent with Budget Reviews recommendation. Motion by Legislator Towle to reconsider so Legislator Fields can be included in it. Second by myself. All those in favor? Opposed? It's now before us. On the resolution, motion by Legislator Towle second by Legislator Binder. All those in favor? Opposed? Approved 4-0. **(Vote: 4-0)** Please revise the committee report.

**1640. Adopting Local Law No. -2002, A Local Law to implement Living Wage Policy for County of Suffolk. PRIME (Bishop)** This was tabled for public hearing and public hearing is now closed? Is that correct, Counsel?

**MR. SABATINO:**

Public hearing was closed on the 11th, yes.

**CHAIRMAN GULDI:**

Legislator Binder.

**LEGISLATOR BINDER:**

Legislator Bishop just made extensive changes. It came to my office I think on Friday and I haven't been able to through them, but it was basically a page and a half of other amendments to this.

**CHAIRMAN GULDI:**

Counsel, could you review the recent amendments to 1640?

**MR. SABATINO:**

Yes. Legislator Bishop had made a request for those after the last public hearing. Do you want to go through them?

**CHAIRMAN GULDI:**

Yes, I would. Could you review them for us and summarize them, Counsel?

**MR. SABATINO:**

Sure. Okay, the first change is in section (3) paragraph (E) as in Eddie and what was done there was clarifying language was put in to basically states that whatever happens under the Living Wage Law should not be construed to increase or modify whatever the basic wages are that are being paid under collective bargaining agreement. So that this is supposed to be separate an apart from the collective bargaining agreement. The second change is in section (3) paragraph capital (I) and the change there is to make it clear that if an employer is required to comply with the provisions of the Living Wage Law they can't try to circumvent those requirements by changing the individuals work day or work week or work month hourly requirements to get themselves outside of the Living Wage requirements.

**LEGISLATOR BINDER:**

Counsel, could I just ask a question on that?

**MR. SABATINO:**

Okay.

**LEGISLATOR BINDER:**

How is that determined? Let's say someone had a scheduled change coming, you are scheduling changes for employees. It would put them outside the Living Wage Law, but you were scheduling it because of whatever matters. Is it incumbent upon you now to prove that that was your intent or how is that enforced? I'm not sure, how does that happen?

**MR. SABATINO:**

But the provision calls for is either it's going to have to be a business wide change which means that they changed something for all of their employees, okay, which would be documented that it wasn't just being limited to those people who would be covered by the by Living Wage provisions.

**LEGISLATOR BINDER:**

So if you had a division, a group of people that you were planning on doing before Living Wage happened anyway and you were changing your mode of business or method of business you're now not allowed to change -- make -- do that method of business because it might put these people outside of Living Wage. Which by the way the task force report says that in a number of cases well, will actually hurt people. So you might actually be changing someone's work situation because they would lose out in benefits and have a net loss and you might actually be helping them by not having them come under the Living Wage bill, but we would restrict you from actually helping your employee from losing food stamps maybe health care or other provisions in the law that their now covered by that they could be losing. You might be protecting them by putting them outside the Living Wage bill, but even it that was your intent is to help them because net they would do worst under the Living Wage, to bad you're prescribed from doing it. Okay. So that -- what was the third one, Counsel?

**MR. SABATINO:**

The third one was just a change in first paragraph to be consistent with the first change that I described before. That was just technical. It had to be second change in statute to be consistent.

**LEGISLATOR TOWLE:**

Mr. Chairman.

**CHAIRMAN GULDI:**

Legislator Towle.

**LEGISLATOR TOWLE:**

Actually, I'd like to table this today for one purpose. I'd like to invite our new Director of the Living Wage Program down to our committee meeting because I have a couple of questions actually from some of the agencies that are doing business with the County in reference to possibly accessing some of the funds that we've provided for increased costs.

**CHAIRMAN GULDI:**

Motion to table by Legislator Towle. Is there a second?

**LEGISLATOR TOWLE:**

Just for one meeting.

**LEGISLATOR BINDER:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Binder. All those in favor? Opposed? 1640 is tabled.  
**(Vote: 4-0)**

**LEGISLATOR TOWLE:**

Obviously, your staff will ask her to appear at our next meeting. Thank you.

**CHAIRMAN GULDI:**

Thank you.

**1701. Authorizing use of picnic area at Lakeland County Park by Daphne's Divine Dance and 3-D Studios Creative Arts Foundation for festival and fund drive. ASSIGNED TO WAYS & MEANS AND PARKS, SPORTS & CULTURAL AFFAIRS\_ (Fields) Motion by Legislator Fields. Discussion?**

**LEGISLATOR TOWLE:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Towle. Do you want it on the Consent Calendar? All those in favor? Opposed? Approved and placed on the Consent Calendar. **(Vote: 4-0)**

**1703. Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Fourth of July Fund Drive. ASSIGNED TO WAYS & MEANS AND PARKS, SPORTS & CULTURAL AFFAIRS\_ (Towle) Motion by Legislator Towle second by myself. Motion to approve and place on the Consent Calendar. Second by myself. List me as a co-sponsor and discussion. All those in favor? Opposed? Approved and placed on the Consent Calendar. 4-0 (Vote: 4-0)**

**1704. Sale of County-owned real estate pursuant to Local Law 13-1976 (Z & P Realty of L. I., Inc.) (0500-198.00-05.00-006.001). ASSIGNED TO WAYS & MEANS (Co. Exec.) is the Town of Islip. How many bidders do we have on this one?**

**MS. COSTIGAN:**

We had two bidders on this; two potential bidders only one submitted a number.

**CHAIRMAN GULDI:**

And was that \$8,000 bid the appraisal price? Oh, sorry. I'm looking at the next resolution.

**MS. COSTIGAN:**

The appraisal was \$11,000; the bid was 15.1.

**CHAIRMAN GULDI:**

So it's almost a 140% of appraisal. Motion to approve by and place on the Consent Calendar by myself second by Legislator Fields. All those in favor? Opposed? Actually, reflect Legislator Fields is the motion and me as the second on that resolution. It's Islip. Approved 4-0 placed on the Consent Calendar. **(Vote: 4-0)**

**1707. Sale of County-owned real estate pursuant to Local Law 13-1976 (Kenneth Diem and Eileen Diem, his wife) (0200-655.00-03.00-**

**015.000). ASSIGNED TO WAYS & MEANS (Co. Exec.)** which is the Town of Brookhaven. This one is 11 ... \$8,000. Is this --

**MS. COSTIGAN:**

-- that's correct.

**CHAIRMAN GULDI:**

What percentage of appraised value was that or what was the appraised value?

**MS. COSTIGAN:**

There were three potential bidders. One bidder bid the appraised value.

**CHAIRMAN GULDI:**

Okay.

**LEGISLATOR TOWLE:**

Mr. Chairman.

**CHAIRMAN GULDI:**

Legislator Towle on the motion. Oh, no, there is no motion.

**LEGISLATOR TOWLE:**

Ms. Costigan, Mr. Diem's address is what?

**MS. COSTIGAN:**

Mr. Diem's address is Woody Crest Drive, Farmingville, New York.

**LEGISLATOR TOWLE:**

Okay. Just a question of Counsel if I could. Mr. Diem also happens to be the Chairman of the Right to Life Party. I guess I'm the only person on the committee that accepted or received that nomination. Would I have to recuse myself for that or just acknowledged it on the record or what do we need to do on that?

**MR. SABATINO:**

Well, in this case it's good to put on the record, but there's no need for recusal only because this is a competitive bidding situation. As long as the other parties were afforded the opportunity to bid the fact that the fact that they declined to bid wouldn't be a problem as long as they were afforded the opportunity.

**LEGISLATOR TOWLE:**

Motion to approve and place on the Consent Calendar.

**CHAIRMAN GULDI:**

Motion to approve and place on the Consent Calendar by Legislator Towle second by myself. Discussion? All those in favor? Opposed? Approved and placed on the Consent Calendar. **(Vote: 4-0)**

**1710. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Airport Perimeter Survey and Planning for Perimeter Fencing at Francis S. Gabreski Airport (CP 5721). ASSIGNED TO WAYS & MEANS AND FINANCE & FINANCIAL SERVICES (Co. Exec.)** Motion by myself.

**LEGISLATOR TOWLE:**

Second and I have a question.

**CHAIRMAN GULDI:**

Second by Legislator Towle. Your question?

**LEGISLATOR TOWLE:**

Is it true that they've had to put this fence up now that you've moved your office there and keep the crowds back, is that it?

**CHAIRMAN GULDI:**

(Laughing) You're not referring to my trailer there as an office now are you?

**LEGISLATOR TOWLE:**

That's what the Department of Public Works told us wasn't it?

**CHAIRMAN GULDI:**

The reason for this resolution is the fencing requirements by the FAA for airport facilities have been changed since 9-11 and this is the beginning of unfortunately of that work.

**LEGISLATOR TOWLE:**

It was a joke, it was a joke. I understood what it was for I looked at the resolution.

**CHAIRMAN GULDI:**

Okay. On the motion, any questions? All those in favor? Opposed? Should we leave that on the regular calendar, yeah.

**LEGISLATOR TOWLE:**

Yeah, it's a capital program.

**CHAIRMAN GULDI:**

Approved. **(Vote: 4-0)**

**1719. Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Southampton for Affordable Housing purposes. ASSIGNED TO WAYS & MEANS (Co. Exec.)**

**LEGISLATOR TOWLE:**

Mr. Chairman, no bond on this ever came through?

**CHAIRMAN GULDI:**

There will be a bond at the regular session on 1710, isn't that right, Jim Spero? Jim?

**MR. SPERO:**

Yes. There will be it'll be there.

**CHAIRMAN GULDI:**

There'll be a bond on Tuesday on 1710 a capital project amendment?

**MR. SPERO:**

The County Executive arranges with Bond Counsel to provide the bond resolutions.

**CHAIRMAN GULDI:**

All right. Okay. On 1719 the 72h is for affordable housing purposes to the Town of Southampton. It involves a number of parcels.

**LEGISLATOR TOWLE:**

I'm making a motion to approve.

**CHAIRMAN GULDI:**

I'll make a motion to approve and listed as a co-sponsor.

**LEGISLATOR TOWLE:**

Second and co-sponsor as well.

**CHAIRMAN GULDI:**

Legislator Towle second is also co-sponsor. We have the resolutions from the Town of Southampton on this, Counsel? I've seen them long ago, have they been filed?

**MR. SABATINO:**

Yes. It's March 12th of 2002.

**CHAIRMAN GULDI:**

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

**1720. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Southampton). ASSIGNED TO WAYS & MEANS (Co. Exec.)** Yeah, these -- this is a second part. I see we split the affordable housing program into the two resolutions, is that correct, Counsel?

**MR. SABATINO:**

This one is 2.75 acres town board resolution March 12th and this one is for affordable housing.

**CHAIRMAN GULDI:**

As well as the last one.

**MS. ZUCKER:**

(inaudible)

**CHAIRMAN GULDI:**

No? Come forward please and use the microphone.

**MS. ZUCKER:**

The Town of Southampton has been working diligently to try to implement an affordable housing program. The first resolution that you just passed was directly to provide for affordable housing on that sites. The second resolution is for land that they hope to strip the development rights off of and to target toward --

**CHAIRMAN GULDI:**

-- land for development project. Okay. Thank you. We did the same thing in Riverhead recently. List me as a co-sponsor. Motion to approve by myself. Legislator Towle is co-sponsor and second on the resolution. Discussion? All those in favor? Opposed? Abstentions? Approved 4-0.

**(Vote: 4-0)**

**1723. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Riverhead). ASSIGNED TO WAYS & MEANS (Co. Exec.)** For recharge basin. Motion to approve by Legislator Towle second by myself. Motion to approve and place on the Consent Calendar I'll second. All those in favor? Opposed? Approved and place on the Consent Calendar. **(Vote: 4-0)**

**1726. Confirming the appointment of Paul M. Hensley District Court Judge for and of the Third District Court to fill a term ending December 31, 2002. ASSIGNED TO WAYS & MEANS (Co. Exec.)**

Motion by Legislator Binder second by Legislator Towle. Mr. Hensley would you please come to the microphone? Did you bring a CV with you to distribute to the committee?

**MR. HENSLEY:**

Yes. I have --

**CHAIRMAN GULDI:**

One of my aides will get it from you and bring it up to members of the Legislature. Thank you for coming down. I regret not noticing that we had these here earlier and taking you out of order, but fortunately given the limitation of my practice to civil matters and the -- my East End clientele the odds of me appearing in District Court on a civil matter or about...by the way what is the civil courts jurisdiction over residents in the East End? Go ahead that's not a trick question.

**MR. HENSLEY:**

\$15,000.

**CHAIRMAN GULDI:**

Except for one thing, its called lack of subject matter jurisdiction residency is a requirement.

**MR. HENSLEY:**

In District Court in Huntington in the Third District it's 15,000.

**CHAIRMAN GULDI:**

Okay. Motion and second to approve. Give us an opportunity to look at the resume. Questions for Mr. Hensley by members of the committee, any one? Give us a brief if you will statement as to why you want to serve on the District Court and what you'd like to accomplish there as one of its members and your reasons for accepting the appointment, if you would.

**MR. HENSLEY:**

I served as an Assistant District Attorney for seven years prosecuting crime. I worked four years in an insurance company. I spent a year as an Assistant Town Attorney in Huntington. I've worked for a Supreme Court Judge Leonard Austin. I currently work for a County Court Judge as his principal law secretary. I'd like to serve the people of Huntington by being their District Court Judge. I was recently found qualified by the Suffolk County Bar Association on May 28, 2002 to sit as a District Court Judge.

**LEGISLATOR TOWLE:**

What judge are you working for?

**MR. HENSLEY:**

James Hudson from the County Court.

**CHAIRMAN GULDI:**

We have a motion and a second. Any other questions? All those in favor? Opposed? Approved 4-0. **(Vote 4-0)** Even though you've appeared here before the committee and it's unanimous approval it's your discretion as to whether or not you want spend your day with us Tuesday against the odd chance that someone there might have a question for you and asked to table your resolution cause you're not there to answer it. It's unlikely that would occur, but it has been known to.

**MR. HENSLEY:**

I don't have a problem appearing Mr. Chairman. It's been quite an experience to watch this branch of government work.

**CHAIRMAN GULDI:**

And you should see us on a bad day.

**LEGISLATOR TOWLE:**

We'll take that as a compliment.

**MR. HENSLEY:**

It's meant to be a compliment.

**CHAIRMAN GULDI:**

You know there beginning to have rumors about people don't want to come to this committee. I can't imagine that. Isn't that right Mr. Cabble? Thank you, sir and perhaps not prematurely, congratulations.

**MR. HENSLEY:**

Thank you, Mr. Chairman and members of the committee.

**1727. Confirming the appointment of Georgia Tschiember District Court Judge for and of the Fourth District Court to fill a term ending December 31, 2002. ASSIGNED TO WAYS & MEANS (Co. Exec.)** Please come aboard. I got the first syllables right.

**MS. TSCHIEMBER:**

It's a tough one. Good afternoon.

**CHAIRMAN GULDI:**

Fourth District, did you happen to bring a CV? I don't see it here.

**MS. TSCHIEMBER:**

I did not bring a CV, but I could have one here in ten minutes.

**CHAIRMAN GULDI:**

Could you give us a brief one? Oh, it's a backup to the resolution?

**MS. TSCHIEMBER:**

That's what I was aware of that's why I didn't bring a CV, but I can bring extra copies.

**CHAIRMAN GULDI:**

One second. All right. I'll make a motion to approve. Is there a second?

**LEGISLATOR TOWLE:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Towle. This is... the Fourth District Court is Smithtown and are there any questions by members of the committee? My pat question is tell us briefly what your goal objectives and directions you'd like to take the District Court in and why you're accepting this appointment?

**MS. TSCHIEMBER:**

I'm accepting this appointment because I've been in public service for 22 years as an Assistant District Attorney. I'm presently Deputy Chief of the Homicide Bureau of the District Attorney's Office. I have been in court just about every day for the last 22 years. I have a broad range of experience in the criminal law and I would hope that I would be an asset to the District

Court bench having, you know, extensive trial experience and I think that I would be an asset and I would like to be a member of the Judiciary.

**CHAIRMAN GULDI:**

I'll ask you the same trick question that I asked the last nominee and the civil courts subject matter jurisdiction over residents who reside in Suffolk County outside of the District Court districts, but in East End towns is --

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

-- no, eastern Suffolk County is ?

**MS. TSCHIEMBER:**

There is no subject matter jurisdiction because you're not residing in the district...

**CHAIRMAN GULDI:**

You've got it. Okay. See and I love doing this to people with 30 years of criminal law experience because it's an unfair question. Thank you. Being no more questions the motion to second are before you. All those in favor? Opposed? Approved 4-0. **(Vote: 4-0)** Again, hopefully prematurely congratulations and Tuesday who knows as to anyone will want to ask you a question. I can assure you that if you come to the meeting at 9:30 and you sit there until we get to our agenda sometime after 9:00 at night nobody will have a question. If you're not there we'll get to it at 10:30 in the morning and someone will ask to table it because you're not there. That's the way it works here. You know if no one is disputing you here that means there's really no dispute.

**MS. TSCHIEMBER:**

It's been very enlightening being here today.

**CHAIRMAN GULDI:**

Aren't you glad you're not with DPW?

**LEGISLATOR TOWLE:**

You can say you don't work for DPW by any chance.

**CHAIRMAN GULDI:**

Well, thank you. Moving down the agenda is there anything else you wanted to add?

**1728. Amending the 2002 Capital Budget and Program to appropriate funds for planning and design in connection with the industrial park redevelopment at Francis S. Gabreski Airport (CP 5713). ASSIGNED TO WAYS & MEANS AND FINANCE & FINANCIAL SERVICES (Co. Exec.)**

**LEGISLATOR TOWLE:**

Explanation. You put your office there and now we're doing an industrial park right after you. What's going on out there? I'm going to ask the rest of the committee, you don't have to recuse yourself the rest of the committee is going to have to go an investigate this site.

**CHAIRMAN GULDI:**

Actually, there's a really good restaurant, you should do it at lunch at our next meeting which is going to be in Riverhead. The industrial park area is 60 acres that runs from Riverhead Road to Sheldon Way and happens to lie in a different part of the airport than my district office is slated to be located after it gets out of the trailer. The industrial park infrastructure is water mains, waste water lines and I believe electrical. Is electrical included in this one or not?

**MR. SABATINO:**

No. This is --

**CHAIRMAN GULDI:**

-- water --

**MR. SABATINO:**

Yeah, this is what you call physical construction at the entryway, but not the electrical.

**CHAIRMAN GULDI:**

Okay. This is the entryway of -- we're reconfiguring the entrance. I'll make a motion to approve. Is there a second?

**LEGISLATOR TOWLE:**

Second.

**CHAIRMAN GULDI:**

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

**1730. Authorizing the sales of surplus property sold at the May 15 and May 16, 2002 Auction pursuant to Local Law 13-1976 as per Exhibit "A1" sold May 15, 2002 and "A2" sold May 16, 2002 (Omnibus Resolution). ASSIGNED TO WAYS & MEANS (Co. Exec.)** Before we entertain this resolution, Counsel, as a result of the last auction that the County held prior to this May 15 and 16, 2002 auction is there not litigation pending against the County?

**MR. SABATINO:**

There is litigation pending against the County based on 31 parcels that were not approved at the vote that was held last September regarding the June auction... regarding the May auction of last year.

**CHAIRMAN GULDI:**

The bidder at that auction was and the party in that litigation was the Chandler Estates LLC or was it who is the plaintiff in that pending litigation if you remember?

**MR. SABATINO:**

I know it's Toussie; I don't recall which he got so many different capacities that I don't recall how the caption was worded.

**CHAIRMAN GULDI:**

All right, but there were multiply entities in the caption?

**MR. SABATINO:**

Yeah, that's my recollection.

**CHAIRMAN GULDI:**

Ms. Costigan, to the extent 17 -- to what extent if any does 1730 include any parcels that were bid upon by parties whom we are in pending litigation with directly or indirectly bid?

**MS. COSTIGAN:**

They are numerous of the successful bidders whose name is Toussie their last name. There were several different first names. Chandler Properties is also a purchaser as is Toussie Land Acquisitions Sales Corp.

**CHAIRMAN GULDI:**

Counsel, in order to discuss concerns and reservations about the impact of this resolution in light of pending litigation and or possible future litigation is or is not an executive session to discuss that litigation with Counsel appropriate and necessary?

**MR. SABATINO:**

Yes. It would be appropriate for the portion of the legislation that deals with several Toussie and related Toussie individuals or entities, which total a little over \$1 million out of the \$12 million. So it would be appropriate if there was a desire to go in an executive session to discuss the litigation.

**CHAIRMAN GULDI:**

I want to state for the record without an exec. session having just conferred with Counsel at a side bar that I am not satisfied as a Legislator that it is in the best interest of the residents and taxpayers of Suffolk County to market properties which should be considered to meet the County's acute affordable housing needs to a real estate enterprise or individuals who have a history of what I consider to be predatory lending practices with respect to affordable housing units. And for that reason I am going to make a motion to table this resolution to the extent that those properties are included therein and ask that the Department of Real Estate to prepare separate stand alone resolutions for those parcels and the other parcels so that they can be entertained separately by the Legislature. Is there a second on my tabling?

**LEGISLATOR TOWLE:**

Second and on the motion.

**CHAIRMAN GULDI:**

On the motion.

**LEGISLATOR TOWLE:**

Thank you.

**MS. COSTIGAN:**

Mr. Chairman, did you want to consider that the resolution already includes division between the affordable housing parcels and I point you to exhibit A (1), which represents those parcels sold the first day of the auction which were all for affordable housing. I would also advise that virtually all of those houses have been broken into since the auction and we are incurring enormous expenses mowing the lawns.

**CHAIRMAN GULDI:**

Well, procedurally what I want to point out is that they're also parcels in A(2) which do not have the problem that I just discussed and that the filing deadline for resolutions to be considered at Tuesday's meeting is 5:00 tonight. If you can file it before then and no CN would be necessary for it to be discharged at the meeting. In the event, that you can't meet the 5:00 deadline because this meeting is going to go beyond 5:00 that the County Executive could provide a CN for that resolution and I would certainly be supportive thereof.

**LEGISLATOR BINDER:**

Mr. Chairman, the problem is on a Wednesday if it's filed Wednesday it still can't be considered even by discharge till next Tuesday because of the eight-day rule it doesn't get actually laid on the table till a Tuesday. So my suggestion would be that they do it by certificate of necessity; that's the only way we get passed in the manner that you're looking for it to happen.

**CHAIRMAN GULDI:**

Today's Monday.

**LEGISLATOR BINDER:**

Right, but if it gets filed this week it's still isn't laid on the table until that meeting.

**CHAIRMAN GULDI:**

No, no, no.

**LEGISLATOR BINDER:**

That means can be discharged --

**CHAIRMAN GULDI:**

They can file a corrected copy on this bill and meet the --

**LEGISLATOR BINDER:**

-- not unless what you're saying is separate ... breaking up two separate bills they can change one --

**CHAIRMAN GULDI:**

-- they can change this one to the one that are entertained at the present time.

**LEGISLATOR BINDER:**

That they can do.

**CHAIRMAN GULDI:**

And they can file a separate bill that'll --

**LEGISLATOR BINDER:**

-- that'll cover the other ones that would be fine.

**CHAIRMAN GULDI:**

It achieves the same result. You understand what we're taking about procedurally being the new kid on the block?

**MS. COSTIGAN:**

It's just that you were both talking at the same time. So I'm not sure you were both saying the same thing.

**CHAIRMAN GULDI:**

The stenographer has the same problem with us. Legislator Towle has the floor and Legislator Binder and I will shut up.

**LEGISLATOR TOWLE:**

Yeah, cause they both rudely interrupted me. The bottom line is sad, as it may be I have to completely concur with Legislator Guldi, I would not support this resolution with any of the agents or any of the companies mentioned. They need to be separated; they need to correct ... get a corrected copy filed on this resolution so that we can approve the balance of the purchases and then have the County Executive Office file a late started on Tuesday or a resolution Tuesday for the balances of those properties so that they can be voted on. You know considering the pending lawsuit, considering the litany of problems that the communities had with this individual and or is agents to continue to provide on more properties seems to me to be irresponsible and I would not support that under any circumstances. Just so I'm clear on that from my perspective.

**MS. COSTIGAN:**

Mr. Guldi, there are parties who were purchasers who for instance, Elizabeth Toussie and Laura Toussie have not been previously mentioned in any of the litigation. Do you want us to segregate them as well?

**CHAIRMAN GULDI:**

I would consider those to be part of the same related group and enterprise.

**LEGISLATOR TOWLE:**

Legislator Guldi.

**CHAIRMAN GULDI:**

Any corporate --

**LEGISLATOR TOWLE:**

-- I was just going to say I'm only speaking for myself I'm not speaking for any other Legislators, but any and all agents and clearly if the person is a relative they're an agent on his behalf as a company, as a subsidiary.

**CHAIRMAN GULDI:**

Any one identifiable as an agent directly or indirectly.

**LEGISLATOR TOWLE:**

Exactly, yeah. I mean, no exceptions from my perspective I'm only speaking for me.

**CHAIRMAN GULDI:**

Okay. On the motion to table. Further discussion? All those in favor? Opposed? 1730 is tabled. **(Vote: 4-0)** Are we clear on the procedure on how you can move the other resolutions this Tuesday?

**MS. COSTIGAN:**

Yes.

**CHAIRMAN GULDI:**

Okay.

**MR. SABATINO:**

Can we just go through it one more time?

**CHAIRMAN GULDI:**

Motion to approve and...motion to table 1730 was the resolution.

**MS. COSTIGAN:**

The agenda is incorrect. Where it says 1729 it should've been crossed out and say 1730 cause that's the name of the resolution.

**CHAIRMAN GULDI:**

Well, somebody corrected mine agenda.

**MS. COSTIGAN:**

Me too.

**1740. Authorizing transfer of surplus County computers to**

**Huntington Station Enrichment Center, Tri-Community & Youth Agency, and Bay Shore American Legion Post. ASSIGNED TO WAYS & MEANS (Tonna)** Motion to approve and placed on the Consent Calendar by Legislator Binder.

**MR. SABATINO:**  
Mr. Chairman.

**CHAIRMAN GULDI:**  
Yeah.

**MR. SABATINO:**  
These take 2/3 votes so generally we haven't been putting the 2/3 the super majority votes on the Consent Calendar.

**CHAIRMAN GULDI:**  
Yeah. Generally, we haven't. Authorizing surplus computers to Huntington school.

**SPEAKER:**  
(inaudible)

**CHAIRMAN GULDI:**  
We're going to. I'm going to vote to do it. Approve and place on the Consent Calendar by Legislator Binder second by myself. Discussion? All those in favor? Opposed? Approved and placed on the Consent Calendar. Ultimately, we will save the County the disposal cost of surplus equipment. **(Vote: 4-0)**

**1743. Authorizing transfer of surplus County computers to Bethel A.M.E. Church in Setauket. ASSIGNED TO WAYS & MEANS (Fisher)**  
Same motion ... motion to approve and place on the Consent Calendar by Legislator Fields second my Legislator Binder. All those in favor? Opposed? And placed on the Consent Calendar. **(Vote: 4-0)** Okay. We do have a scheduled executive session to discuss litigation settlements. Is Mr. Martell here?

**MR. SPERO:**  
Mr. Martell just arrived, Mr. Chairman.

**CHAIRMAN GULDI:**  
Hi Jeff, how are you?

**MR. MARTELL:**  
Fine.

**CHAIRMAN GULDI:**  
All right. Legislator Binder cannot stay for the full meeting. We are therefore required to do the executive session first. Mr. Cabble, we have litigation settlements. Risk Management we have three workers' comp. cases. Okay.

**SPEAKER:**

(inaudible)

**CHAIRMAN GULDI:**

Today we're doing the Coram Health place. Let's do one thing at a time. I'm going to make a motion that we go to executive session to hear and dispose of the litigation settlements and the workers' comp. cases that are before us. Approving the presence of Counsel to the Legislature, legislative staff, Budget Review Office, the County Attorney's Office, Risk Management. I motion by myself second by Legislator Towle. All those in favor? Opposed? We will come back from executive session and reconvene in this room to take up the Coram Health lease immediately after the executive session.

**Executive session began at 3:05 P.M. and ended at 3:35 P.M.**

**CHAIRMAN GULDI:**

We will call the meeting back to order and recognizing Legislator Fields for purposes of the State.

**LEGISLATOR FIELDS:**

For the record I would like to put on the record that we are asking the County Attorney's Office particularly, Ted Sklar to appear at the next meeting with the full and entire file on the Vigliarolo case.

**LEGISLATOR TOWLE:**

I concur with Legislator Fields request. I expected them to be here today so we could've discussed that matter even though the resolutions' be withdrawn, you know, this will be their last attempt as far as I'm concerned to bring all the information before us and any and all individuals that need to discuss that case as well and I'll clearly leave that up to intelligence and judgement of the County Attorney's Office to deem who they may need here to answer questions, but they should be prepared at the next meeting.

**LEGISLATOR FOLEY:**

Mr. Chairman, as a non-committee member on this issue --

**CHAIRMAN GULDI:**

-- on the Vigliarolo litigation issue?

**LEGISLATOR FOLEY:**

Yes, Mr. Chairman.

**CHAIRMAN GULDI:**

Yes, with respect to that issue, but does other committee members have anything else on the Vigliarolo issue? Then Legislator Foley. Oh, you have more?

**LEGISLATOR FIELDS:**

I just want to know do I have to write a letter to the County Attorney's Office stating this?

**CHAIRMAN GULDI:**

The pending Davis Law letter that we have co-authored which was suspended for our General Meeting will apply to our next committee meeting. See you then. Okay.

**LEGISLATOR FIELDS:**

Not you, no offense, but --

**CHAIRMAN GULDI:**

Say it again, County Attorney's Office.

**MR. CABLE:**

(inaudible)

**LEGISLATOR FOLEY:**

If I could also Mr. Chairman, to the County Attorney is Mr. Sklar if you work with any other County employees in any other departments it's up ... it's his responsibility to make sure that if there are folks in the Health Department for instance or from the Planning Department that was involved with taking the aerial photographs or taking field visits that he has a responsibility to notify those that he worked with in other departments as well as the County Attorney's Office to also appear at the committee meeting. Okay.

**MR. CABLE:**

(inaudible)

**LEGISLATOR FOLEY:**

That was my next question. Do we want to wait six weeks, Mr. Chairman on something of this importance cause that when the next committee meets.

**CHAIRMAN GULDI:**

No. I think the resolution has been withdrawn by the County Executive.

**LEGISLATOR FIELDS:**

Right.

**CHAIRMAN GULDI:**

I think that frankly, yes. I do believe we want to wait till that time.

**LEGISLATOR FOLEY:**

Will there be any....documents will still be in the hands of the County --

**CHAIRMAN GULDI:**

The documents will still be the hands of the County. The matter is still pending in court.

**LEGISLATOR FOLEY:**

Okay.

**CHAIRMAN GULDI:**

So that case isn't going away. We want to be brought to speed on it.

**LEGISLATOR FIELDS:**

And let me just for the record even though I said the entire file that will include the appraisals, the aerial photos, maps, and the entire file.

**CHAIRMAN GULDI:**

Surveys, notes, drafts, discussions --

**LEGISLATOR FIELDS:**

The whole box.

**CHAIRMAN GULDI:**

Everything and everybody. Okay. Mr. Martell, you have been sent down here on the Coram Health Center lease, as I believe the designated whippy from the Department of Public Works. My colleagues and I are -- were concerned shall we say, notwithstanding the protracted time it's taken for this lease to come before us that no representatives of Public Works was here. That was compounded by earlier in our meeting, no, actually, in the Economic Development -- Energy and Economic Development meeting where Mr. Garfinkle appeared for the third month in a row stating that he was waiting for data from DPW with respect to the proposed settlement of the relocation expense claims between Public Works and LIPA for LIPA projects. A situation in which we found inexcusable. We're waiting on how could DPW have evaluated the data if they don't have the data to bring it to committee for three months. That absence was compounded by the fact that for the first time in 29 years during the capital budget meeting of last session there was no representative of Public Works present. We were beginning to wonder if Public Works was still in business. So this morning --

**MR. MARTELL:**

(inaudible) was for me to answer --

**CHAIRMAN GULDI:**

No, no. Depress me --

**MR. MARTELL:**

-- do you want me to reiterate something you started in your comments, Legislator Guldi --

**CHAIRMAN GULDI:**

-- we'll get there, we'll get there --

**MR. MARTELL:**

-- that I am here because of the Coram building.

**CHAIRMAN GULDI:**

We're going to get there. Trust me we're going to get there.

**MR. MARTELL:**

Thank you.

**LEGISLATOR TOWLE:**

My advice is to get a handkerchief.

**MR. MARTELL:**

The volume on your mike is louder than mine.

**CHAIRMAN GULDI:**

Actually, I'm not using mine. Hold one, you'll have plenty opportunity. I'm sure that you can appreciate the level of frustration that we are having as a legislative body given what seems like an inexcusable series of eventualities. So that today when they appear on the Coram lease we hear that there are two things left. We need the County Attorney and the owner who is present unlike some other individuals to work out final terms and memorialize it in the lease document that must be annexed to the resolution and Legislator Towle points out that the final drawings need to be reviewed. Mr. Martirano informs us that the final drawings were delivered to you at DPW this morning and the Commissioner's Office informs us that no such drawings have been received by DPW as of three o'clock this afternoon resulting in a series of phone calls that resulted in your being called off whatever it was you were engaged in to be here to answer our questions. Now before we go to those questions Legislator Fields has something she wants to add and then we will begin with Legislator Towle with respect to the prints and there review. Legislator Fields.

**LEGISLATOR FIELDS:**

Ann Marie and Jeff, didn't we go over about maybe 8,9,10 a year ago that when we were doing a lease that there would be someone within the County that would be in charge of the whole situation and that they would be here at the meetings to respond to those lease -- who was the person that was designated? You have to talk into the microphone for the stenographer.

**MR. MARTELL:**

Is it working? It is now. Yes, I believe there was a statement like that and I believe that I and also the departments that were going to be involved in the projects were to be here.

**LEGISLATOR FIELDS:**

Then I guess my question is, why were you not here?

**MR. MARTELL:**

Okay. The only other thing I can say is, I come to the meetings when requested by my administration. Now when a subject comes up, I mean, I can come to -- I can basically come to every meeting and --

**LEGISLATOR FIELDS:**

-- let me interrupt for a second and just say that any time that there is a lease on the agenda then that we have to write a separate letter to your administrator or to your boss?

**MR. MARTELL:**

No. I'm not sure what the policy is on that. I don't set the policy for the department, that's sent out of my Commissioner's Office, and when there is something on a lease I don't negotiate leases for the County of Suffolk, not any longer. What I do is I work on the projects, which get associated with the negotiation of leases.

**LEGISLATOR FIELDS:**

But you were in charge of this whole thing, right?

**MR. MARTELL:**

I --

**LEGISLATOR FIELDS:**

-- the Coram lease -- weren't you the designate -- didn't we talk about this -  
-

**MR. MARTELL:**

-- on the construction developmental end of it, but not for the lease, no. Not for the lease cause I have no jurisdiction over the lease itself. I don't negotiate the leases and I don't draft leases nor do I review the leases.

**LEGISLATOR FIELDS:**

Well, then I would ask on the record at any future meeting that we have for this particular committee or the Health Committee both Chairman are here that if we're negotiating a lease for any building that we find out who the designee is and that person comes to the meetings every single time until that bill is discharged and voted upon.

**CHAIRMAN GULDI:**

Yes.

**LEGISLATOR TOWLE:**

Can I approach the Chair?

**CHAIRMAN GULDI:**

Well, between your efforts to pick Lotto Mr. Towle you have the floor and any questions for Mr. Martell. First of all Mr. Martell, simple question, were you delivered a set of final plans this morning?

**MR. MARTELL:**

Yes, I was.

**CHAIRMAN GULDI:**

With respect that they were personally delivered to you?

**MR. MARTELL:**

Yes, they were.

**CHAIRMAN GULDI:**

Okay.

**MR. MARTELL:**

By the owner and --

**CHAIRMAN GULDI:**

-- and have you had an opportunity to look at those plans at all so far?

**MR. MARTELL:**

Actually, if I could read my little notes here, you asked me what I was doing when I was called to come to this meeting I was reviewing the drawings. I was reviewing not to make light of the subject, please, but yes. I was actually reviewing the drawings that were delivered, but I'd like to backup a little bit on that about the final drawings. We were delivered drawings about a month ago which were the plans for the Coram Health and DSS Center and at that time at the Space Committee meeting you'll remember that the Legislator's representatives stated that they wanted the buildings separated or the entrances moved apart which caused the redesign. We then redesigned that about six weeks ago. Then what we did is we went to the advisory board, which met at the Stony Brook University at the hospital and showed them the redesigned site plan. Legislator Caracappa was there and a representative from Legislator Towle's office was there and the advisory board and everybody agreed that the site plan was acceptable at that time. We then went back and changed the floor plans to pick up the change to the ultimate site plan. Those drawings were delivered to DSS and the Health Department either the 29th -- 28th or the 29th of May.

**MR. MARTIRANO:**

Correct.

**MR. MARTELL:**

I received the Health comments and the DSS comments the following week that was about June 4th or June 6th which was a week ago Thursday. That next day I met at the architect's office to review DSS and Health Department comments; that went that Friday which was the 7th. So I received the drawings back this morning with their comments that were picked up on the architectural drawings which is about a week and a day.

**CHAIRMAN GULDI:**

How long will that take you to review those changes and determine whether those drawings are final?

**MR. MARTELL:**

They were done. I did that today, but before I sign off I'm going to show them to the respective departments.

**CHAIRMAN GULDI:**

Okay, but you've reviewed the drawings --

**MR. MARTELL:**

-- yes, I have.

**CHAIRMAN GULDI:**

And in your opinion subject to review subject to review by the departments they are complete and correct?

**MR. MARTELL:**

Yes.

**CHAIRMAN GULDI:**

Legislator Towle has the floor. I will try to restrain myself until he's done and I urge my colleagues to do likewise.

**LEGISLATOR TOWLE:**

A couple of things, thanks, George. Jeff, the final plans that you received today the advisory committee or any of the community residents have not seen, is that correct, yes or no?

**MR. MARTELL:**

They saw the site plan, yes. I don't give the floor plans to the advisory comm -- are you referring to the Health Advisory Committee?

**LEGISLATOR TOWLE:**

I'm looking at a drawing that I was handed this morning from the {Nataro} Group, which is the associates {Nataro} Associates. This is the plans that the owner of the building brought to us. It doesn't have a document number on it or anything.

**MR. MARTELL:**

Is there a number on the bottom right hand corner of the drawing?

**CHAIRMAN GULDI:**

SP 1.

**LEGISLATOR TOWLE:**

SP 1.

**MR. MARTELL:**

It's probably site plan. SP meaning site plan.

**LEGISLATOR TOWLE:**

A1, it's got three pages.

**MR. MARTELL:**

No. then it's -- okay, that's the site plan. That's the Health and this A1 is

the Health Department and A 2 is the Social Services Department.

**LEGISLATOR TOWLE:**

This plan I've seen before in a different version obviously, which is this version here. That plan was shown to the community groups in my office in the meeting that was held in my conference room with Mr. Jones and Mr. Mimoni and the community residents which is now going on probably at least two months. If I'm not mistaken, Bill, I'm not looking at my calendar, but I would think it was at least that long ago.

**MR. MARTELL:**

That was about two months ago, however, the site plan that was shown at the meeting in your office was the original version with the two doors side by side.

**LEGISLATOR TOWLE:**

Correct, that's what I'm saying which was the second site plan I received. My question is has the community groups seen the new site plan?

**MS. BRADDISH:**

Yes.

**MR. MARTELL:**

Yes. That's what they --

**LEGISLATOR TOWLE:**

-- but I thought you received this, this morning. I'm kind of confused. How could they have saw a site plan that you just got this morning? I guess that's the question I'm asking.

**MR. MARTELL:**

Backup. No. I can see Legislator I can see where that you would be confused on this. The first step in the redesigning to pick up the comments of the departments was held in until we redesigned the site plan to satisfy the community groups and hence the Legislators that are involved, yourself and Legislator Caracappa. That was done and that's the site plan that you're looking at now, that's the redesigned site plan which is indifferent to the site plan that was shown to you with Mr. Jones at that meeting. Once the community group accepted that site plan then we went back and redesigned the building to fit into the site plan because there would have been design time down design time for possibly for something that the community group would not accept. So we waited for that acceptance. That happened that's what they approved on the 21st, I believe it was the 21st, the Tuesday the 21st, at the University. And then we sent out --then I redesigned the building...the floor plan sent it out for Health and DSS...had their comments back and that's what I got back this morning as the package and that's the package you have in front of you.

**MS. BRADDISH:**

The Commissioner also met with the community advisory board, I believe it was the last day the 31st of May. We had the revised floor plan and Elsie saw them and any changes we discussed she was aware that we were going to make and those changes I forwarded to Jeff. We just haven't seen the changes, but she was aware that we were making it.

**LEGISLATOR TOWLE:**

My office spoke to Elsie on Friday and she said she never saw the plans just for the record. I mean, which is one of my concerns obviously. As I also mentioned before the two of you got here, maybe you were here for this part, but you were clearly not Jeff. Also there were some other people from the community that had expressed interest in the civic that we have invited to the meeting in my office that were there that were not members of the advisory board which again is not your problem, but clearly there was a list a long list of people that attended the meeting. Well, why don't we get into the plans because there are a couple of questions about that? First and foremost the revised plans have 14 less parking spaces, how come? The revised plan that I have got today that I got from the owner, which I guess is the one he filed with you, he's nodding yes in the back, has 14 less parking spaces, how come?

**MR. MARTELL:**

That's because of the shifting (inaudible)

**LEGISLATOR TOWLE:**

You have to use the mike.

**MR. MARTELL:**

Sorry. That's because of the shifting of the front entrance. The reallocating of the parking on the (inaudible). You should realize, please, that the site plan which is shown has a number of parking....the parking that's indicated is well above the required parking that is on the site. So 14 less it's still well exceeds the designated parking by the...not only by the request of the departments and the occupants of the building, but also by the regulations....the regulatory committees in the town.

**LEGISLATOR TOWLE:**

Okay. I notice there's also a change in the space for the Department of Social Services the square footage.

**MR. MARTELL:**

Yes.

**LEGISLATOR TOWLE:**

By how much?

**MR. MARTELL:**

Okay. That change when we took the two buildings and we flip-flopped the buildings around --

**SPEAKER:**

(inaudible)

**MR. MARTELL:**

When we flip-flopped buildings around if we kept the entrance at DSS as deep as it was shown on the original design it would have looked like a cavern as you went into the entrance. So what we did is we pulled the front entrance out and then slipped the storage units inside the building rather than on the outside of the site.

**LEGISLATOR TOWLE:**

Okay. Back entranceway into the building, are there any cause I don't see any here in the plan?

**MR. MARTELL:**

Yes, there are.

**LEGISLATOR TOWLE:**

Okay. I'm assuming --

**MR. MARTELL:**

I mean, I don't have the drawings with me. I could come up and review the drawings if you'd like.

**LEGISLATOR TOWLE:**

Why don't you?

**CHAIRMAN GULDI:**

(inaudible)

**LEGISLATOR TOWLE:**

Yeah, that might help, but obviously the rest of the entranceways are clearly indicated on this plan. There's nothing in the back at all. I mean, --

**MR. MARTELL:**

There's an entrance; there's a exit right next to the medical storage and the locker room in the Health Department. And there's entrance and a exit by DSS between the interview room --

**CHAIRMAN GULDI:**

(inaudible) are you picking up my voice on the tape.

**MS. SCHMIDT:**

No.

**CHAIRMAN GULDI:**

I'm indicating sheet 8 (2) for the DSS floor plan and I'm pointing out to Legislator Towle the exits that are marked --

**MR. MARTELL:**

-- they're shown on the floor plan --

**CHAIRMAN GULDI:**

-- storage shed that was just referred to etc. They're not shown in detail on the site plan, but they are in the detail floor plan.

**MR. MARTELL:**

Correct.

**LEGISLATOR TOWLE:**

All the other entranceways for the record on all sides of the building are indicated on the overall site plan with the exception of the back. So obviously that just need to be undated.

**MR. MARTELL:**

Right, it does. Those comments were picked up this morning.

**LEGISLATOR TOWLE:**

So basically, because of the changing of the entranceway we're going to lose how many square feet in DSS?

**MR. MARTELL:**

No, you're not. You're gaining.

**LEGISLATOR TOWLE:**

How many feet do we gain because of the change in the entranceway?

**MR. MARTELL:**

I'm not positive, I believe it's about 1500 square feet, a 1000 something like that.

**LEGISLATOR TOWLE:**

Have we lost any space in Health or gained space there?

**MR. MARTELL:**

No, no, none.

**LEGISLATOR TOWLE:**

Okay. So bottom line is honoring the community's request not only solve the community's problem or concern, but it also gave us some additional space for DSS.

**MS. BRADDISH:**

It also gave us a shared telecommunication room which telecommunications has requested.

**LEGISLATOR TOWLE:**

You've obviously moved the dumpsters too I see from the plan originally?

**MR. MARTELL:**

Yes.

**LEGISLATOR TOWLE:**

Any difficulty in getting in and out of there to pick those dumpsters up. I'm assuming the trucks have to get back there.

**MR. MARTELL:**

No.

**LEGISLATOR TOWLE:**

Okay. Flagpole was also removed in the design or it's not on this design.

**MR. MARTELL:**

It's not shown on that design because the flag pole originally was going to be shown in the center of the site and then we're possibly moving it down by the location in front of the Health Department entrance, but at this present time we're not sure what we're doing with the roof over the entrance of the building.

**LEGISLATOR TOWLE:**

Okay.

**MR. MARTELL:**

That's why it's not showing there.

**LEGISLATOR TOWLE:**

You are going to have type of flagpole in the site?

**MR. MARTELL:**

Everyone of our governmental facilities has a flagpole.

**LEGISLATOR TOWLE:**

That's not true.

**MR. MARTELL:**

You're kidding.

**LEGISLATOR TOWLE:**

The health facility in Shirley does not have a flagpole.

**MR. MARTELL:**

I'll take that back it does not.

**LEGISLATOR TOWLE:**

In fact, I'll be doing a capital budget amendment on that subject.

**MR. MARTELL:**

Wow. That's actually in the lease.

**MR. MARTIRANO:**

It is in the lease and in the specifications.

**LEGISLATOR TOWLE:**

You know the difficulty is we got the lease 45 minutes ago, so you know, unfortunately, we're asking questions you all know the answers to that we don't. And I imagine between now and Tuesday once I've had a chance to read the lease I'll have a few more questions. I notice on the site plan that there is an existing tree line as well as I guess some plantings that you're going to do in the back. What about along the sides and up front cause there's nothing indicated on the site plan about that.

**MR. MARTELL:**

There is no planting plans shown on the site plan. That will be developed in the final drawings which are the construction drawings which go to the town for the building permit approval and the planting plans are regulated by the local jurisdiction and the codes since it's a privately owned building.

**LEGISLATOR TOWLE:**

Our responsibility or the landlords?

**MR. MARTELL:**

Landlords.

**LEGISLATOR TOWLE:**

Obviously, we'll have an opportunity to comment if we agree with the landlords plan or disagree or believe that more plantings are needed at this location I'm assuming.

**MR. MARTELL:**

Yes, we can, but bound basically by the local jurisdiction at a minimum.

**LEGISLATOR TOWLE:**

And as a local jurisdiction in many instances that require more plantings or less plantings depending on what the circumstances are; I've never heard of less I guess, but the have definitely have done more. Obviously, the committee always from my perceptive would appreciate you updating us on the landlords process when they are appearing before the town for the purpose of a building permit particularly in light of the plantings because I'd like to see some plantings throughout the parking lot to try to make this as pleasantly looking building in appearance as opposed to just a stark, you know, governmental type of building. The loading stalls, just explain there usage in the back, I guess it's only by Health. You have no loading stalls by the Department of Social Services?

**MR. MARTIRANO:**

They're required by the town; they basically go by amount of loading stalls required per square footage of any building now submitted to the Town of Brookhaven. So that's just a requirement of the town.

**LEGISLATOR TOWLE:**

Okay. Do we need the loading stalls?

**MR. MARTELL:**

Unfortunately, whether we need them or not it's required by the town --

**LEGISLATOR TOWLE:**

-- we can ask the town for a waiver, but I'm not even going to get into that. I'm assuming we need the loading stalls. There's three of them here I see?

**MR. MARTELL:**

That's correct.

**LEGISLATOR TOWLE:**

Does the Department of Social Services need loading stalls for any materials that you're going to receive? Record pick-ups, drop offs, archiving the records, I mean, if there's no access between the two buildings and the loading stalls are only in the Health Department side, what if you get deliveries or something outside in the winter?

**MR. JONES:**

We're find with the design if that's a requirement to have them we have no objection to them.

**LEGISLATOR TOWLE:**

It's not a question of whether you're find, the question is wouldn't it have made more sense to put the loading stalls, you know, where the buildings join in the middle are the back of the plan as opposed to the far corner so that both departments would have had access to the loading bays. God forbid if you need to use or have something delivered to Social Services. I mean, I don't know what, but I imagine, you know, if I was sitting here with the Director of Social Services and one of the facilities they've gotten deliveries.

**MR. MARTIRANO:**

I believe, Mr. Towle, that our discussions in the meetings that we the Health Department had asked for them due to the amount of deliveries they received. It was designed around the meetings we've had with Social Services and Health and Health getting much more deliveries they wanted them there and Social Services really didn't require.

**LEGISLATOR TOWLE:**

I appreciate that, but that's not what he just told us. What he told us is they were put there because they were required by the town and that's obviously different than what you just said.

**MR. MARTIRANO:**

Their location they were put there because of requirement of the town. The

reason they are located where they are was do to meetings that we had.

**LEGISLATOR TOWLE:**

Okay. So I guess, Jeff, let me ask you the stupid question, would it have made sense to have access to both buildings? I mean, what happens if two years from now or three years from now or four years from now Social Services is out of there and we decide to put whatever in there? You know to me this would've seemed to make sense the way the loading base so that both parts of the building would have had access to that. You've got three loading bays and the only place they can access it is the Health Department.

**MR. MARTELL:**

Can we do that? Yes, we can.

**LEGISLATOR TOWLE:**

It would seem to have made sense. I mean, you know, I can't predict what you're going to use the space for, but we've closed Social Services facilities before so --

**MR. MARTELL:**

-- actually, the loading stalls are areas that there's no parking permitted so it does give a clear access to the building.

**LEGISLATOR TOWLE:**

Well, there's parking right in front of it and right on the side of it.

**MR. MARTELL:**

Yes. There's parking on either side of it.

**LEGISLATOR TOWLE:**

All three sides, actually.

**MR. MARTELL:**

Yes. So, you know, it's a loading stall, it's an access. Can we change the location? Yes. This is the location that was basically approved and accepted by the departments.

**LEGISLATOR TOWLE:**

Yeah, I'd be curious why we would not want to do that. So maybe between now and Tuesday you could research that. I don't have any other questions on the site plan. I'll probably have a lot of questions on the lease, but I haven't seen that yet cause as I said we just got it.

**CHAIRMAN GULDI:**

Legislator Fields, do you have anymore questions? Legislator Foley would you like to have prints for the discussion?

**LEGISLATOR FOLEY:**

No, sir.

**CHAIRMAN GULDI:**

Legislator Foley has the floor.

**LEGISLATOR FOLEY:**

Thank you. Just to say it and have it plain for the record, there's a distinction between floor plans and site plans. What the Coram Health Center Advisory Board had seen was final site plan, is that not correct and that's what they agreed to at the Stony Brook meeting, correct?

**MR. MARTIRANO:**

That's correct.

**LEGISLATOR FOLEY:**

And so all right, so they saw the final site plans.

**MS. BRADDISH:**

Subsequent to that they had a meeting with the commissioner they did see revised floor plans.

**LEGISLATOR FOLEY:**

And they also saw the revised floor plans.

**MS. BRADDISH:**

Yes.

**LEGISLATOR FOLEY:**

So they have, actually have seen final iteration if you will of both the site plan and the floor plan?

**MR. BRADDISH:**

Yes.

**LEGISLATOR FOLEY:**

Okay. Thank you.

**CHAIRMAN GULDI:**

It is clear that it is in the interest of the County that we move forward with this project as expeditiously as possible. Ms. Barci indicated that she can complete the lease and its terms by our meeting on Tuesday. Braddish - Barci, I'm sorry. I got a B - Barci is at the Board of Election. I'm having iteration --

**LEGISLATOR TOWLE:**

-- Commissioner of the Board of Election is handling leases now?

**CHAIRMAN GULDI:**

I'm having iteration difficulties today. I'm sorry it's been a long morning. In order to approve the lease we need to resolve the appendix to the lease, which is going to be the drawings. Now those drawings for approval purposes need not be completely finished notations for amendments to them would be

adequate because they would be known on what those notations are, but we will need substantially complete drawings of every design respect including both departments comments by Tuesday. In the event, that we miss Tuesday's deadline we are delaying progress on this project another month a alternative that is not acceptable to any member of this Legislature. We approved the expeditious completion of this lease on March 21st of 2001, 15 months ago. I think that's it.

**LEGISLATOR TOWLE:**

Actually, I just have two other things.

**CHAIRMAN GULDI:**

Legislator Towle has a comment.

**LEGISLATOR TOWLE:**

I just wanted to correct you. We haven't delayed this process at all first of all. We've continued repeatedly to ask for information and to be updated number one. Number two, the other issue that struck my mind is as Legislator Guldi was so eloquently pointing out the process and the time line was the issue of the fencing in the back. Has that been resolved with the community? I know that was one of the issues that was brought up at the meeting with Bill Jones and Bob Mimoni.

**MS. CARBONETTO:**

She did bring it up on the 31st too. She was concerned about the type of fencing and that it was --

**LEGISLATOR TOWLE:**

-- something that's pleasantly appealing as opposed to barbed wired fence in the back of the building --

**MS. CARBONETTO:**

-- something that they wouldn't destroy.

**LEGISLATOR TOWLE:**

Yeah.

**CHAIRMAN GULDI:**

Eight-foot high chain link with ribbon wire that's what the FAA is (inaudible) at the airport.

**LEGISLATOR TOWLE:**

-- (inaudible) airport. Have we resolved that?

**MR. MARTELL:**

I don't know how to say this without sounding simplistic about it, but the fencing is regulated by the town. The fencing that's going to go in is going to be something that is, I know the comment that was made was that we wanted vandal proof.

**CHAIRMAN GULDI:**

There's no such thing.

**MR. MARTELL:**

Thank you. There is no such thing. I believe what is going to be proposed is going to be a chain link and with some kind of a screening or with something in it.

**MR. MARTIRANO:**

And if I could just speak briefly with reference to this property; the big concern seems to be the back of the property that everybody is concerned with people coming into. The back of the property has a big retention pond in the back of it as well as a sewage system contained for the housing project that is behind. You cannot get to the back of this fence. This figure will not be able to get to the back of this property's fence unless you're on the property going to the back. The only access really the public will have to the fence would be down both the right and left side. Our intention would be to as per what the town is going to require install a fence that they're going to ask us to put in.

**LEGISLATOR TOWLE:**

Well, I've been before the town and I can never recollect them telling me it has to be a chain link fence, a metal chain link fence with barb wire on it, but none the less I'm not looking at my notes from the meeting, but I'm sure that was unacceptable in a discussion that we had. So that's clearly going to be something that I want to see resolved so someone better give a call to the Town of Brookhaven and fine out what we're going to be required or not required to do. I find it hard to believe that the town is going to be that picayune in what type of fence we put in the back of this building, but I'd like to resolve that because obviously the tree line is going to be on one side of the fence and there needs to be some plantings on our side of the fence. So that the fence is there and it prevents the kids from getting in and out because obviously no matter what we've done at the other facility there's been an enormous amount of vandalism with kids in the community and that is a concern of the residents in that area. So it's clearly something I'm going to want to address before we approve the lease on Tuesday. And I gotta tell you, I mean, we were born early in the morning, but it wasn't this morning. We're all going to look at this lease; if there's problems that you can find we surely will find them as well between now and Tuesday. So come prepared on Tuesday. I mean, I don't want to be sitting here on Tuesday asking where is Ann Marie or where is Bill or where is Jeff or where is the person from the County Attorney's Office or whatever. Be prepared if we're going to be doing this bill on Tuesday to be able to answer any and all questions that we may all have.

**CHAIRMAN GULDI:**

I'm going to recognize people that responded in the order that I saw hands go up Legislator Foley.

**LEGISLATOR FOLEY:**

Legislator Towle's point is well taken. As you know there are other kinds of chain link fence that have like the grass, you know, the plastic grass or the green screen sought to speak that can lend itself quite nicely; that's something to look at. But also just for the members of the committee and Miss Braddish, Mr. Chairman before the end of the week the final lease language of the lease should be available by Friday. Miss Braddish, if you could just come up to use the microphone that if you feel that within the next day or two by mid-week which would be Wednesday that the language could be finalized, how quickly can you get the finalized lease to the committee members and to all the whole Leg.?

**MS. BRADDISH:**

I just want everybody to understand what I deem the final document and what I'm talking about the lease document I'm talking about the legal terms. The flag pole, the fence, any of those issues those are not in this legal document. Those are in the plans and specifications. They're an attachment that are made part of the lease by being attached to it.

**CHAIRMAN GULDI:**

And what's the state of the attachment; is that relatively complete because all I see is prints I don't see any spec.? Do you have the spec. in readable form?

**MR. MARTELL:**

I do.

**CHAIRMAN GULDI:**

You have to use the mike, I'm sorry.

**MR. MARTELL:**

Yes. I have the specification, which I have been reviewing and I'm waiting for another part of the specification.

**CHAIRMAN GULDI:**

What part are you waiting for and when do you anticipate having it?

**MR. MARTIRANO:**

The reason he hasn't received the final spec. is because I'm here right now. I have another hour or two to get this specifications wrapped up and get it over to them. The only part there was a couple of things that were not written properly that have already been fixed. The only part of the specifications that is missing was part of the HVAC spec. for the DSS side.

**CHAIRMAN GULDI:**

Okay. I understand that. I've got other hands that I'm going to recognize before -- I'll get back to you. Let's do it in the order that I had. Legislator Foley does that address your concern fully or are you done for the moment?

**LEGISLATOR FOLEY:**

When could we then expect the lease?

**CHAIRMAN GULDI:**

Lease without the spec. is inadequate.

**LEGISLATOR FOLEY:**

All right.

**SPEAKER:**

(inaudible)

**LEGISLATOR FOLEY:**

Well, then let's put it this way then can the lease and the specs be available by Friday?

**MR. MARTELL:**

Yes.

**CHAIRMAN GULDI:**

Yes, Mr. Martell indicated for the record.

**MR. MARTELL:**

Yes, delivered.

**LEGISLATOR FOLEY:**

Delivered to the district offices.

**MR. MARTELL:**

The specifications and the drawings will be delivered to the County Attorney's Office for attachment to the lease.

**CHAIRMAN GULDI:**

Yes and?

**LEGISLATOR FOLEY:**

Will they be available to, particularly to -- delivered to legislative district offices, particularly those of this committee and myself as Chair of the Health Committee?

**MR. MARTIRANO:**

If it's necessary for these plans and spec's to be run to each one of the Legislators I will make sure that that's done.

**LEGISLATOR FOLEY:**

Okay.

**CHAIRMAN GULDI:**

You know that when you say that I'm confident that when you what you mean is that you personally will see to it that that's done.

**MR. MARTIRANO:**

That's right. I will make sure that's done.

**LEGISLATOR BINDER:**

Sure, put him on the payroll.

**MR. MARTELL:**

You see I don't deliver --

**CHAIRMAN GULDI:**

-- and why not he's willing to and you're not and I want to know why not?

**MR. MARTELL:**

Because he's his own boss and I'm not that's why.

**CHAIRMAN GULDI:**

You know I understand that; he's his own boss, but I think you're suppose to work for us aren't you?

**MR. MARTELL:**

No. I actually work for the Commissioner of Public Works.

**CHAIRMAN GULDI:**

Yeah, and he works for the County Executive who works for -- yeah, I understand.

**MR. MARTELL:**

Yes, yes. If I could --

**CHAIRMAN GULDI:**

-- I thought maybe that we were on the same side I forgot.

**MR. MARTELL:**

No, we are. We are all on the same side and that's why I'm getting the drawings and the specs to the County Attorney's Office by Friday.

**CHAIRMAN GULDI:**

Yeah. Actually, Counsel just points out -- is that you're wrong we all work for the County of Suffolk. So we are all on the same thing. The next hand I saw go up was Mr. Jones. Then you whatever your name is and then we go back to Legislator Towle. By then I'm sure Legislator Foley and Legislator Fields who's already holding a mike will have her hand up again. So you're next. Take it away.

**MR. JONES:**

Thank you, Mr. Chairman. Actually, mine will be short because you brought it up and that was I didn't hear earlier when you asked the question, what needs to get attached to the lease as attachments? And you noted a site plan the architecture drawings and what was left out at that moment in time which you now brought full circle was the written specifications...and they are

clearly as important as the architectural's are because they define in black and white what is going to be provided for the cost that, you know, for the price that we're paying for this building and they are absolutely critical which we have not, the departments have not, reviewed those the final specifications as we're --

**CHAIRMAN GULDI:**

When will the departments have reviewed those?

**MR. JONES:**

Correct.

**CHAIRMAN GULDI:**

When?

**MR. JONES:**

I'm sorry.

**CHAIRMAN GULDI:**

When, when will DSS and Health -- you can answer for one or both have reviewed the specifications?

**MR. JONES:**

When they are provided to us.

**CHAIRMAN GULDI:**

If you get them Friday will they be reviewed on Monday morning?

**MR. JONES:**

Yes, of course. If I get them tomorrow I can actually get them reviewed by Wednesday or Thursday.

**CHAIRMAN GULDI:**

Okay. The next hand was County Attorney's Office. You are next. You had something to say earlier, do you remember what it was? Legislator Towle was next.

**LEGISLATOR TOWLE:**

Do you want to add any more to this mess before I talk?

**CHAIRMAN GULDI:**

Come around again.

**MS. BRADDISH:**

I wasn't trying to be difficult when we were trying to decide on when we were going to get it to you. Since it's a bunch of pieces I think I'm the one who's responsible to getting it to the Legislature and will I have my piece done, yes.

**CHAIRMAN GULDI:**

But will we have all the pieces and have the photocopies and the messenger

deliver them -- I understand --

**MS. BRADDISH:**

-- I do not photocopy I'm putting that on the record.

**CHAIRMAN GULDI:**

I understand that. Legislator Towle's next.

**LEGISLATOR TOWLE:**

Well, first of all I do photocopy, all right and one, two, three, four of you better get your acts together for Tuesday. And I don't care if you gotta sit the four of you on a photocopy machine and your County vehicles to each one of our offices because I'll be clear on this, Jeff, I am going to have to vote on this on Tuesday and if the four of you don't have your act together you can get your boss Charlie Bartha and the County Executive to vote for this because I won't. All right? And I've had enough of this absolute nonsense. We've got to have a property owner commit to run packages to a Legislature. I mean, this is the most ridiculous thing I've ever possibly heard of. One of you needs to take the ball and make sure this get done and gets done right and that these questions get answered. I don't want to see a lease on Friday without the attachments. What's the point of that? There's no commitment in the lease document as to who's going to do what and who's going to be responsible for what and when it's going to be done. We are not giving you a blank check on Tuesday. This lease will not be approved on Tuesday if you do not provide this information. Over my dead body with all due respects to Legislator Foley.

**CHAIRMAN GULDI:**

I second it.

**LEGISLATOR TOWLE:**

All right. With all due respect to Legislator Foley who's trying to move this forward and I respect the fact that he wants to do that, but we're not going to move this forward at the cost of not doing it right the first time because that's the mess we're in now.

**CHAIRMAN GULDI:**

Okay. Thank you Legislator Towle and that's with respect to deliver to our district offices that would be to those of us Legislators who have (inaudible). Legislator Fields is next.

**LEGISLATOR FIELDS:**

I just want to acknowledge on the public record that or on the record that Legislator Towle and I actually visited this facility, the old facility which opened up this whole can of worms and what we found then was the lack of scrutiny on the County's part for leases. And so what you're seeing now is this, you know, scrutiny of a lease now and I just want to commend Mr. Martirano for being a good landlord or trying to be and accommodating us for every single question that we ask and response that we need and I hope that from this point forward all of the leases in the County are given this kind of,

you know, scrutiny.

**CHAIRMAN GULDI:**

You want to follow her, you're mouths open.

**MR. MARTIRANO:**

If I can, please.

**CHAIRMAN GULDI:**

Go right ahead. You're having second thoughts now, aren't you?

**MR. MARTIRANO:**

No, not at all. My one big question is still Legislator Towle with regards to the fence and reflects with the comment Legislator Foley mentioned. I will make sure that I have the requirements from the County I mean, from the Town with what they're looking for. It sounds obviously we're looking to put a fence in probably -- there probably going to come to me with -- I don't know what there requirement is at the moment. The code book I have is actually about two years old. I know that one says a six-foot high chain link fence. What I've gathered from this meeting is that that's not going to be acceptable to the Legislature. If you're looking for me to come in with a six-foot high chain link fence with the green slat through it I'm looking for direction at this point so that one item is not an issue at the meeting on Tuesday.

**LEGISLATOR TOWLE:**

The direction would be I don't know what the requirements are either from the Town of Brookhaven, but I find it hard to believe that they're that specific as to what type of fence, but if it is, if it is, if it is, you said he recollects from the book, if it is I'm sure that between Legislator Foley and myself we can get on the phone with the Town of Brookhaven and informed them that, you know, the community has had some concern about this fencing and would like a specific type of fence done. I don't have the specific type, but something that is, you know, appealing as opposed to looking like a prison camp.

**MR. MARTIRANO:**

I understand. I do own other properties here in the Town of Brookhaven. I do know the requirement up till a couple of years ago what it was. I do have six-foot high chain link fences on other sites. A handful of them I have put, a majority of them I have put normally the brown slats seem to look better because they seem to blend in better with the trees and what not as they come in. I guess what I'm looking for is again, is a type of direction to go to if you're looking for me to bring you something in terms of a sample here? Are you looking for me say what I'm going to put in there?

**LEGISLATOR TOWLE:**

Description, description more so.

**MR. MARTIRANO:**

Okay.

**LEGISLATOR TOWLE:**

And as I said base your conversation with the Town of Brookhaven between now and Friday, if you want to call my office and let us know what the direction was that you got from the Town of Brookhaven preferably before Friday giving me some time to get a hold of the Supervisor and asking him what we can do to approve that and between Legislator Foley and myself I'm sure we'll talk to the community groups to get a handle. I mean, I don't like chain link period if I had my druthers, but that's not going to be completely my call, but I think whatever type of fencing you do there the more planning's we do in the back of the building the more evidentially that that fence will be blocked and covered up anyway. So I'm not looking for you to spend, you know, \$12,000 on a decorative fence in the back of the building that evidentially covered. I'm not unrealistic. That's why I said we were born early in the morning, but it wasn't this morning. I mean, the questions we're asking clearly are not unreasonable.

**MR. MARTIRANO:**

No, not at all.

**LEGISLATOR TOWLE:**

They're information that we should be able to get and it should be accessible. I mean, when you're appearing before us this stuff should be rolling off of somebody's tongue. You guys have been working on this thing for how many months now? Yeah, over a year.

**CHAIRMAN GULDI:**

Okay. First of all we're down to three members so we are not going to -- it is not eligible to be approved cause the attachments aren't referred to in the resolution are not before us so I think that a discharge even a discharge without recommendation motion is not -- isn't going to be supported. I think a motion to table is appropriate.

**LEGISLATOR TOWLE:**

Second.

**CHAIRMAN GULDI:**

Second by Legislator Towle. The resolution is tabled here with every intention that it will be ready for discharge and approval on Tuesday. If there's a problem, if something's not going to happen I urge the parties responsible, Mr. Martell for Public Works, Mr. Jones for DSS and I just blanked on a name again for Health Department I'm sorry to call Legislator Foley, Legislator Fields, Legislator Towle and myself if you have a reason that it's not going to be complete and correct. Okay. Any of those who need them we will provide the numbers off the records. We stand adjourned.

**(Having no further business the Ways and Means Committee was adjourned at 4:25 P.M.)**

**{ } denotes spelled phonetically.**