

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

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, **July 29, 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
Robert Cabble, Suffolk County Attorney
Todd Johnson, County Executive's Office
Eben Brofman, Aide to Legislator Guldi
Marion Zucker, Director of Affordable Housing
Christine D. Costigan, Suffolk County Real Estate
Basia Braddish, Suffolk County Law Department
Bill Jones, Deputy Commissioner of Social Services
Jim Burke, Suffolk County Real Estate
Ann Marie Carbonetto, Suff. Cty. Dept. of Health
Carrie Mason-Draffen, Newsday
Brian Hardy, County Resident
Theodore Sklar, Suffolk County Attorney
Thomas Isles
David Grier, Suffolk County Attorney
Joseph D. Sullivan, Newsday
Ray Charles, Gordon Heights Revitalization Project
Maxine Wilson, Gordon Heights Revitalization Project
Frank Persid, Gordon Heights Revitalization Project
Jeff Martell, Suffolk County DPW
Chris E. Hove, Self
Beverly Sanchez, Self
Jim Spero, BRO
Ellen Martin, Aide to Presiding Officer Tonna
And all other interested parties

Minutes taken by:

Eileen Schmidt, Legislative Secretary

(The meeting was called to order at 1:50 P.M.)

CHAIRMAN GULDI:

I apologize for the delay we're not going to call the meeting to order because we do not have a quorum nor is one anticipated, but what we will do is take testimony on the issues that were scheduled to well, hold on a minute. Mr. Sklar, could you come forward for a minute? Mr. Towle is one of the Legislator's who has insisted upon the review of the litigation that's before us that you have brought at our request today. I fear that if you make a presentation today you will none the less be asked to do it again. I therefore will give you the option of doing it today against that risk or doing it at our next scheduled meeting.

LEGISLATOR FIELDS:

(inaudible)

CHAIRMAN GULDI:

She'd rather she'd like to hear it twice, I wouldn't. I would defer to you sir.

MR. SKLAR:

I'd defer to the committee. I'm here today --

CHAIRMAN GULDI:

-- we're divided equally.

MR. SKLAR:

I can do it once I can do it twice, whatever is convenient for the committee. I don't have an objection one way or the other.

CHAIRMAN GULDI:

You have to use the mike.

MR. SKLAR:

I mean, we're going to be in executive session on it.

CHAIRMAN GULDI:

Actually, it'll be on the record with minutes. We could always suggest that those who were going to be here could review the minutes if you'd like to go forward, it's up to you. Will it be in exec. session or will it be in public session or some of both?

MR. SKLAR:

Since it's pending litigation I think it would be executive session.

CHAIRMAN GULDI:

Okay, in which case we got to do it at the end of what we do in public. All right.

MR. SKLAR:

(inaudible)

CHAIRMAN GULDI:

Yeah, we can go into executive session cause we can't vote that's a small problem.

MR. SKLAR:

Okay. So we'll see you in three weeks?

CHAIRMAN GULDI:

Yes. I guess. Legislator Fields would like to speak to you and look at your maps before you go.

MR. SKLAR:

All right or would you like to come over to my office (inaudible)

CHAIRMAN GULDI:

Okay.

MR. SKLAR:

(inaudible)

CHAIRMAN GULDI:

All right, one down.

MR. SKLAR:

I have the materials the committee asked for; I'll just leave those here.

CHAIRMAN GULDI:

Okay. You're going to leave those here for --

MR. SKLAR:

(inaudible)

CHAIRMAN GULDI:

Okay. Secure with the Clerk or else Legislator Fields will borrow your hand truck and bring them back.

LEGISLATOR FIELDS

(inaudible)

CHAIRMAN GULDI:

I don't have any cards. Did anyone fill out any cards? Maxine Wilson from Coram, New York. Maxine Wilson. Maxine Wilson here? All right someone tell her to come in and we'll talk about it. Basia, do you want to talk about the Coram Health Center lease? I mean, I think what we should do and why don't the Health Department and so on. What I intend to do is prepare a {pull it} an omnibus discharge petition of those matters that should come out committee today. The approval of the Coram Health Center lease is one that is critical so I would like you to give us a brief presentation and tell us why

this is a good idea.

MS. BRADDISH:

Well, it's a 30 year lease. We have landlord/tenant responsibilities basically, landlord is responsible for the building and grounds subject to damage cars by the tenants, it's guest and invitees, employees and so on. I believe the rental amount is incorporated in the lease. You can see it there and there is a 3% bi-annual increase. The HVAC which seem to be the major concern is the landlords responsibility subject to reasonable use by the tenant including, you know, we'll make our best effort to make sure that when it's in operation people aren't opening the windows. There will be one inspection I believe and that is by an engineer to I forget what year, I think the 15th year to insure that maintenance is where it should be and to make recommendations as to the HVAC and the structure to make sure that both and that's for the benefit of both parties to make sure that the landlord and the tenant are both keeping up there ends of the bargain.

LEGISLATOR FISHER:

I just want to thank you for communicating things as they were going along to keep us informed.

MS. BRADDISH:

Oh you're welcome. Well, I knew it was a concern and I felt that badly because we were running into quite a few hurdles at the end there and we had made a representation, but I have to say the Martirano's were wonderful to work with. You know we spent that Saturday on the phone beforehand trying to and Christine really missed a lot of classes and they really went of their way to try to meet the deadline and we just really weren't able to. So we apologize for that. Thank you.

CHAIRMAN GULDI:

Basia, just not for nothing, but sometimes we whisper things back and forth up here and one of the things that was just whispered is this lease ought to be a model for what we do in the future.

MS. BRADDISH:

It actually – that's well –

CHAIRMAN GULDI:

Congratulations.

MS. BRADDISH:

Obviously, we take some things out of it, but it is; we worked a lot and very hard on it, it mattered a lot of good provisions. Thanks.

CHAIRMAN GULDI:

Thank you. Okay. The other tabled resolution the next tabled resolution I think 1116 and 1219 which were tabled should be continued to be tabled. The Coram Health lease 1393 should be discharged. We'll put in the

discharge petition. The 72-h to the Town of Brookhaven 1532 I don't remember why that was tabled, Counsel, could you refresh my memory?

MR. SABATINO:

Yes. Legislator Towle was waiting for Legislator Caracappa to respond on the list of properties. He was circulating that list amongst other Legislators in the town.

CHAIRMAN GULDI:

So we'll continue to table that. 1585 was tabled because we were waiting for correspondence. Did we receive that?

MR. SABATINO:

That's not eligible for discharge right now.

CHAIRMAN GULDI:

Okay. 1596 we were -- Legislator Postal's resolution we were waiting for--

MR. SABATINO:

1596 was waiting for the Siting Committee to make a recommendation.

CHAIRMAN GULDI:

Has it been received yet?

MR. SABATINO:

No. The Siting Committee met this morning, but it wasn't on their agenda so you have to wait.

CHAIRMAN GULDI:

Okay. So we'll wait on that and the Living Wage implementation bill 1640.

MR. SABATINO:

It's ready now; there's been multiply corrected copies, but obviously it's a controversial bill.

CHAIRMAN GULDI:

You want to put that on the discharge list, it's ready now, Legislator Fields. We'll put that on the discharge lease with the Coram Health list -- Center lease. Going to 1744 transferring paratransit van. I think that should be discharged there are no issues on that. Agreed?

MR. SABATINO:

No issue.

CHAIRMAN GULDI:

The surplus computers 1748 we'll put that on the discharge list. Civil Court renovation courtrooms 1750.

MR. SABATINO:

These are planning steps, but this is really into the whole issue of other

people are proposing capital budget process changes. I don't know where that fits into the overall picture.

CHAIRMAN GULDI:

That's the Civil Court renovation it's not, well, wait a minute.

MR. SABATINO:

Civil Court renovation in Riverhead that's correct. This would appropriate the money to get the ball rolling.

CHAIRMAN GULDI:

Except that we don't have Civil Courts in Riverhead. Does it mean civil parts of the Supreme Court, civil parts of the County Court?

MR. SABATINO:

It means the Supreme Court.

CHAIRMAN GULDI:

It means the Supreme Court civil, civil parts. I think though there's real bonafide pressure on moving that work forward in order to accomplish it by '05 and '06. It was one of the items that we sustained in terms of moving it into later years. I think (audible) -- Legislator Fields. Okay. 1750 we will put on a petition for discharge list. 1770 --

MR. SABATINO:

Local Law public hearing.

CHAIRMAN GULDI:

Tabled sorry, so that won't go on. 1777 is a Local Law 16 to Hassell and Hassel. Was this a matter of right redemption?

MR. BURKE:

Yes.

CHAIRMAN GULDI:

Yes. Okay, we'll put that on the discharge list. 1778 same which is to Licata -

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MR. SABATINO:

All the way to 1783 is redemptions.

CHAIRMAN GULDI:

Through 82 are they all of right?

MR. BURKE:

Yes.

CHAIRMAN GULDI:

Okay, so through 82 we will move to discharge or we'll put on the discharge petition. 1783 Local Law 13 to Seastone in 0500. The 13 on that how many

bidders did we have on that one?

MR. SABATINO:

Just one.

MR. BURKE:

One bidder.

CHAIRMAN GULDI:

At the --

MR. BURKE:

Over the --the appraisal it was for \$800. The bid was for 1173 I believe. It's a small lot piece --

CHAIRMAN GULDI:

We're not talking about a mammoth section of land here a \$800 appraisal.

MR. BURKE:

It's a little piece of land that's land locked and the only interest would be is the (inaudible)

CHAIRMAN GULDI:

Yeah, we'll put that on the discharge list. 1784 I need to --

MR. SABATINO:

Public hearing, Mr. Chairman.

CHAIRMAN GULDI:

Well, we'll skip that for the public hearing. 1785 --

MR. SABATINO:

That's not on this agenda that's a typographical. It's really in Environment Committee.

CHAIRMAN GULDI:

Okay.

MR. SABATINO:

It's correctly assigned just somehow got typed on this.

CHAIRMAN GULDI:

1786 authorizing a lease of vacant, that also --

MR. SABATINO:

That also has to wait for public hearing.

CHAIRMAN GULDI:

All right. 1790 surplus cars, there's no reason to wait on that one is there?

MR. SABATINO:

That one wait, only because there was an inquiry made to my office on -- by one of the co-sponsors on behalf of the school district to maybe make some changes, but we haven't finalized it so should really hold.

CHAIRMAN GULDI:

Well, should we hold it or should we table it if they want to make the changes?

MR. SABATINO:

The problem is that today would be the file -- the dead --

CHAIRMAN GULDI:

The deadline for making changes.

MR. SABATINO:

But I haven't gotten a finalized request. The answer is I'm not sure.

CHAIRMAN GULDI:

Yeah all right. Let's discharge it, it can always be tabled on the floor since none of this is going on the consent calendar any ways. So 1790 we will add to the discharge list. 1791 Bellport Against -- that's another car that's the same situation. 1792 is cars, we will discharge that. 1793 is cars. 1794 is cars. So we'll discharge all of those. 1800 Local Law 13 let see this is -- all right --

MR. SABATINO:

To do with the auction.

CHAIRMAN GULDI:

Yeah. 1800 is the bulk of it and 1801 is the separate items, is that correct, Counsel?

MR. SABATINO:

1801 is the bulk 1800 is the --

CHAIRMAN GULDI:

Let's put 1800 on the --

MR. SABATINO:

1801 I think -- 1801 is the big list. The long list with one correction because Legislator Foley --

CHAIRMAN GULDI:

Yes, I got that correction.

MR. SABATINO:

It will be done today.

CHAIRMAN GULDI:

Okay. With that correct let's put 1801 on the discharge list.

MR. SABATINO:

That correction will be to delete District 0200 Section 977.80 Lot 01 Lot 002.001 which was property successfully bid on, but which is going to be deleted from that --

CHAIRMAN GULDI:

All right. Deleted from 1801 added it back to 1800 so that we can deal with any issues with respect to it and consider it at a later time. 1800 we will leave in committee at this point cause there's someone here to testify on it. Yes.

MS. COSTIGAN:

I'm sorry you got by me on the first one which was 1219 this was a direct sale that you asked for did we have any evidence from the Village as to its interest and we have a letter from the Village that it is not.

CHAIRMAN GULDI:

It's not interested, so there's no reason -- we can't defeat it in committee so we'll leave it in committee and we will deal with in the next cycle. The Sense Resolution we may as well discharge that with the rest. Counsel, could you prepare a single discharge petition for each of the bills that were indicated in committee so that we can -- so we who are here can sign it and it can be circulated for the -- among other Legislators so that the agenda is --

MR. SABATINO:

-- you want just one not one for each --

CHAIRMAN GULDI:

Yeah. I think that it would be unduly burdensome to ask you to prepare what 20 and people wouldn't sign 20. So prepare one. Okay. Is there anyone else who wants to address the committee on any issues before us? We can hear your testimony and put it on the record. Any other comments? There being none, oh, Maxine Wilson are you back in the room? Come on down we we're looking for you earlier. We unfortunately lack a quorum. You have an opportunity to address an all democratic version of the Ways and Means Committee. There being only Democrats present. So you have the floor, your comments will be made part of the record though we are not able to transact business because we are missing two of our four members. You can certainly come back another time if you want to address all of us, but -- you can do both.

MS. WILSON:

No, that's okay. I can tell you what it is and I will be willing to tell you what it is that my concern is about and my frustration that I've brought here with me today and it has to do with the Toussie Properties. I am frustrated on a number of levels for a number of reasons most of all I am frustrated because Mr. Toussie keep fighting and insisting to spend more money to obtain more

property when he has left such a disaster throughout this County. I am frustrated because on the human side of what has happened and my attorney's have told me I can't touch the legal side of it, but on the human side of what has happened. I see hunger children. I see African American male and Hispanic male who are feeling inadequate as father and as providers because it's a choice between taken care of their families and trying to pay a mortgage that was criminally inflated. Because to keep a roof over their families head they have to starve their children. That is making me frustrated.

I am frustrated because over a year ago we filed a suit and there has been no movement. The courts won't make a ruling one way or the other everything is being held up, but I've seen appraisers who've plead guilty and who've been sentenced to whatever they got recently had their licenses renewed without any problems. I am frustrated about that. I am most frustrated because everyone else is surviving living normally except for the homeowners whose intention only intention was to obtain a piece of the American dream to have a roof over their head. I know that Mr. Toussie flex using lawsuits. I know that Mr. Toussie flex using money. I was forced to have to flex using a little bit of a lawsuit and I don't have the caliber of money to spend, but I am hoping that justice will prevail. And I am hoping that these 250 named homeowners and the other hundreds identified, but unnamed will get that justice.

It would be a disaster to allow Mr. Toussie to continue to buy more properties. When I look at Gordon Heights and I see those opened foundations siting there; when I look in there and see the grass that is growing up over these foundations and I look at children playing in the community I freak out everyday hoping that one of our children do not fall in those foundations that Mr. Toussie left in that community. When I look at the amount of property that he still owns in that community and intend to develop in that community without addressing the disaster that he's left in that community I go beyond frustration. I look at anger. I am angry because our homeowners are the only ones who are struggling they are suffering. We have police officers, correction officers, nurses, teachers who can't take a vacation with their families. We have taxes in Gordon Heights that are climbing towards \$7,000 a year. We have homeowners in here who are getting tax notices saying that their property taxes have been assessed at 5% appreciation per year when already the values on the properties were over assessed. When we have agencies, government agencies that have done appraisals that have confirmed that these properties have been over appraised by as much as \$66,000 and these homeowners are still required to pay taxes on that. And Mr. Toussie is running around fighting and forcing and paying attorneys and changing them like Dixie cups just so he can obtain more property so he can continue to build his wealth and his empire because our lives are not worth anything because we are minorities -- because this is African Americans and Hispanics -- because all we wanted was to own a little bit of the American Dream. That is my frustration, that is my anger. The fact that I get up each day wonder which day my bank is going to walk into my house and demand something that is not even located in a correct

town.

When title companies says you are in Middle Island and the Town of Brookhaven says, no you live in Coram. I question how these transaction ever happened and I question how Mr. Toussie continue to be permitted to do business in Suffolk County the way in which has always done business in Suffolk County. And I know money and power and affiliations goes a long way, but I am hoping that justice, justice is what is going to prevail in this case because I am tired of seeing Mr. Toussie in the papers fighting. I am tired of seeing him at auctions hoping and wishing that we are dumb enough not to know the connections. So he forms companies and he change his name and he uses different family members to do his bidding. I am not impressed with that and I am putting it in your hands and in your committee to say to you to send a message to Robert Toussie and his friends and the people who have colluded him over the years and who continue to gain over criminal activities. I urge you to tell Mr. Toussie that he needs to clean up the mess that he has left in Suffolk County before he start fighting to spend his money because these are just not disposable people these are real people with real lives with real families who are just trying to survive.

I take exception and I'm frustrated with the fact that Mr. Toussie think he can actually target police officers and people who put their lives on the line everyday to serve and to protect that he can rip them off and just walk away and say, oh well, it just another set of people. I urge you, you tell Mr. Toussie he's not permitted he is not permitted to buy and build anything else until he's cleaned up the mess that he has left and that today Mr. Chairman is my frustration and that is my wish and it would be a little piece of justice and a little piece of hope for the homeowners who sit day by day not knowing what to do or where to turn. Thank you.

CHAIRMAN GULDI:

Legislator Fields, first.

LEGISLATOR FISHER:

I thank you for the eloquence that you have given us on the testimony that you've given us. I would ask that when this bill comes before the committee and we have a quorum, which should be in two weeks, do we know the date?

MR. SABATINO:

There's -- one of the bills is missing, 1730 was the one that the County Executive submitted. It was tabled at the last meeting. It should be on this agenda even though --

CHAIRMAN GULDI:

-- it's a tabled resolution --

MR. SABATINO:

-- yeah, it should just be put on the list, but the next meeting would

August 19th.

CHAIRMAN GULDI:

August 19th of this committee?

MR. SABATINO:

This committee, right.

LEGISLATOR FISHER:

I would ask that you come back again. I know that it's difficult, but I think that if you can give the same testimony again to the two Legislators who are not with us today it would be I think helpful and as far as I'm concerned I believe that you will see in my vote that we will be agreeing with you or at least I will and I thank you for your testimony.

MS. WILSON:

Thank you.

CHAIRMAN GULDI:

I thank you for your remarks. You do realize there are some constraints upon what we can comment on and can not comment on. Given Mr. Toussie litigious nature, but the one thing I can say is that the 1730 resolution which is all of the parcels that were the subject of the last auction was prepared and filed by the County Executive's Office. I requested that that resolution be withdrawn and the two resolutions be prepared. I was advised that that would not occur so I instructed Counsel to prepare them with me as the sponsor separating those ordinary transactions from those with which there are unresolved questions.

Today what you've noticed given the informality of our proceedings we have Legislator Fields and I have requested Counsel to prepare and circulate a discharge petition of a number of bills including the one that has the unquestioned ordinary parcels in it. The other matter will be retained in this committee until our questions are answered and we are satisfied. Okay.

MS. WILSON:

I believe you'll never be satisfied until the litigation aspect is over.

CHAIRMAN GULDI:

I am constraint to not help predict the future with you, but I wouldn't be surprised by such a result. But I just want to clarify for those people who sat here what we we're doing today and what we are doing as we are only seeking the discharge of the other parcels and not with the resolution that was submitted that included them could not find any support in this committee.

MR. WILSON:

Thank you.

CHAIRMAN GULDI:

Okay. And thank you for your remarks and certainly if you have any questions or if you wish to appear before the committee again.

MS. WILSON:

If I might just add --

CHAIRMAN GULDI:

Go ahead.

MS. WILSON:

All the people who are here with me today are in fact homeowners who did purchase their homes from Mr. Toussie. Those are the people represented here today.

CHAIRMAN GULDI:

Well, we share -- I thank you for your remarks and I share your concerns. There being no other business before this non-committee meeting we can adjourn because we didn't convene, but we are quite finished. We stand concluded and not adjourned.

The meeting was concluded at 2:30 P.M.