

**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, **November 15, 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
Clark Gavin, Aide to Presiding Officer Tonna
Bill Faulk, County Executive's Office
Margaret Bermel, Suffolk County Labor Department
Jim Burke, Suffolk County Real Estate
Anita Katz, Suffolk County Board of Elections
Lance Reinheim, BRO
Christine Costigan, Suffolk County Real Estate
Tim Motz, Democratic Caucus Aide
Neal Kopp, Jamesport Manor Inn
Debbie Heitlebrand, Risk Management
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:

Okay. We'll call the meeting to order. Shall we start with the Pledge of Allegiance led by Legislator Towle.

SALUTATION

Okay. Having no correspondence to distribute, no presentations scheduled

and no cards filled out we will proceed to the agenda.

TABLED RESOLUTIONS

1800. Authorizing the sales of surplus property sold at the May 15 and May 16, 2002 Auction pursuant to Local Law 13-1976 (Toussie Parcels). ASSIGNED TO WAYS & MEANS (Guldi) My motion to table this resolution I'm still waiting for presentations by the putative purchasers.

LEGISLATOR TOWLE:

I'll second the motion (inaudible).

CHAIRMAN GULDI:

Counsel.

SPEAKER:

(inaudible)

MR. SABATINO:

No, not yet. The twelve months won't kick up until of the year.

CHAIRMAN GULDI:

Six months, December 25th, actually.

MR. SABATINO:

The end of the year it will expire.

LEGISLATOR FIELDS:

What was the reason for tabling this a couple of times?

CHAIRMAN GULDI:

These are the parcels that are – that I've asked Real Estate Division to look at the use of these in the affordable housing project. And I'm waiting for the successful bidders being among others the Chandler Property, Inc. and the like and similar organizations to demonstrate their bona fide use of the parcels.

LEGISLATOR FIELDS:

So we're tabling this?

CHAIRMAN GULDI:

Tabling it. Okay.

1847 Authorizing use of Blydenburgh County Park property by the Sierra Club, for fundraiser. ASSIGNED TO WAYS & MEANS AND PARKS, SPORTS & CULTURAL AFFAIRS (Crecca) This is moot.

Withdrawn?

LEGISLATOR FIELDS:

For the record, this was scheduled for about a month ago.

CHAIRMAN GULDI:

Right.

LEGISLATOR FIELDS:

And the reason that it was tabled was because Legislator Binder had some questions about whether the Sierra Club was a political organization. How they would use the fundraiser money and then what ended up happening was they were supposed to be invited back and weren't and the date came and went and they were unable to have their fundraiser.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Oh, on the first one 1800, my motion was to table.

LEGISLATOR TOWLE:

I second it.

CHAIRMAN GULDI:

Okay. And now we can record the vote all four of us were tabling it. **(Vote: 4-0)** The one thing I do want corrected that's come to my attention since then is that I've seen the correspondence inviting them to come to the meeting. It actually did go out and it was directed to them. So the situation is now moot I guess the proper motion would be to make a motion subject to call.

LEGISLATOR TOWLE:

And I'd also point out that I received about 25 letters, I guess we all did, you know, pretty much blaming us for their failure to appear before the committee.

LEGISLATOR FIELDS:

Then I would suggest that perhaps on behalf of the entire committee we or you as chairman write them a letter explaining that we did write a letter and we were waiting for you to appear, but you didn't appear and there was nothing else we could do. Not just ignore the letters. Thank you.

LEGISLATOR TOWLE:

Table subject to call.

CHAIRMAN GULDI:

Second. Okay.

1925. Authorizing that Resolution No. 276-2000 be rescinded due to lack of payment of prior fee owner. ASSIGNED TO WAYS & MEANS (Co. Exec.) Good afternoon, how are you.

MS. COSTIGAN:

Good morning. Mr. Chairman, you had asked us in regard to 25, 26, 27, 28 to check on whether the Legislators who – who ever the sponsor was for the initial certificate of abandonment had been notified of this rescinding resolution. All four of those resolutions were from the Presiding Officer and the County Executive; there were not individual Legislator.

CHAIRMAN GULDI:

And we have already undertaking this repeated notification to the punitive owners that they need to come forth and redeem their properties.

MS. COSTIGAN:

Repeated, multiply repeated and repeated.

1926. Authorizing that Resolution No. 707-2000 be rescinded due to lack of payment of prior fee owner. ASSIGNED TO WAYS & MEANS (Co. Exec.)

1927. Authorizing that Resolution No. 997-2000 be rescinded due to lack of payment of prior fee owner. ASSIGNED TO WAYS & MEANS (Co. Exec.)

1928. Authorizing that Resolution No. 998-2000 be rescinded due to lack of payment of prior fee owner. ASSIGNED TO WAYS & MEANS (Co. Exec.)

CHAIRMAN GULDI:

Okay. I'll make a motion to approve and place on the consent calendar #'s 1925, 1926, 1927, 1928.

LEGISLATOR TOWLE:

I'll second it, but I have a question.

CHAIRMAN GULDI:

Question by Legislator Towle.

LEGISLATOR TOWLE:

Good afternoon. How are you?

MS. COSTIGAN:

Well thank you.

LEGISLATOR TOWLE:

If you could just go over the locations of the four properties for the record.

MR. SABATINO:

26 is Fair Harbor, 27 is Bridgehampton, 28 is Bridgehampton and 25 I think is Riverhead.

LEGISLATOR TOWLE:

Thank you, that's all I had.

MS. COSTIGAN:

Thank you.

1960. Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes. ASSIGNED TO WAYS & MEANS (Co. Exec.) Do we have the town resolution, Counsel?

MR. SABATINO:

Yes. That's dated May 7th of 2002. The last time it was tabled was because Legislator Towle had questions which the town had apparently not answered. I don't know if they've done it in the intervening.

CHAIRMAN GULDI:

Legislator Towle.

LEGISLATOR TOWLE:

No, they have not. Actually, it's in reference to some properties that we transferred to them earlier this year that have become dumping grounds since they've gone to them and before I start giving them more properties I want to make sure that we resolve –

CHAIRMAN GULDI:

Whatever your motion is, I second it.

LEGISLATOR TOWLE:

Motion to table it again, but I have spoken to them about this so we'll actually resolve it.

CHAIRMAN GULDI:

All those in favor? Opposed? 1960 is tabled. **(Vote: 4-0)**

2030. Authorizing use of Indian Island County Park by Birthright of Peconic. ASSIGNED TO WAYS & MEANS AND PARKS, SPORTS & CULTURAL AFFAIRS (Co. Exec.)

LEGISLATOR TOWLE:

What is this (inaudible)

MR. SABATINO:

The reason it was tabled there was a need for a corrected copy to identify what the purpose of the fund or the raising of the money was going to be and there was no corrected copy filed.

CHAIRMAN GULDI:

So it still needs a corrected copy indicating the purpose.

MR. SABATINO:

In other words, the purpose of the fundraiser and what the money is going to be use for.

LEGISLATOR TOWLE:

When is the event going to be held?

CHAIRMAN GULDI:

That is scheduled –

MR. SABATINO:

-- actually, October 12th.

CHAIRMAN GULDI:

Saturday, October 12th 2002.

LEGISLATOR TOWLE:

Okay.

LEGISLATOR FIELDS:

Motion to table subject to call.

CHAIRMAN GULDI:

Second.

LEGISLATOR TOWLE:

On the motion, Mr. Chairman.

CHAIRMAN GULDI:

Yeah.

LEGISLATOR TOWLE:

You know the problem here is despite popular belief the four of us are coming out to be the bad guys in all of these events that we continue to table because of outstanding questions. And what appears to be the case is that the policy regarding events at County facilities is extremely loose, I guess, and depending on what event, what location, what facility whatever different requirements are made and I'm going to ask Counsel to start formulating a clearly written policy that we could put forward in a resolution maybe even tightening it up requiring as much data as possible and requiring a representative from each of these organizations to appear before whatever it may be that wants to sponsor this event. So if there's questions we can ask them; we can actually tell someone that we need certain documents or information and get that to us in a timely manner. I mean, all of these groups are obviously being led down the yellow brick road that, oh, the resolutions in and your events going to be held and oh my god the Legislature killed the resolution and now you can't hold an event and that just not the case at all.

CHAIRMAN GULDI:

Okay. Let's continue down the agenda cause Legislator Binder's constraints I

want to stick with the agenda until we complete it and then we'll move on.
2032, 72h –

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Oh. All those in favor? Opposed? 2030 is tabled subject to call. **(Vote: 4-0)**

2032. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal law (Town of Riverhead) (0600-101.00-03.00-002.000). ASSIGNED TO WAYS & MEANS AND Health (Co. Exec.)

Counsel, we're still waiting for?

MR. SABATINO:

This was tabled because there was no determination as to what the specific use the land was going to be used for. The backup letter just said that its going to be use for municipal purpose, but the – generally it says recharge basin or parkland or something.

CHAIRMAN GULDI:

Does the Real Estate Division or the County Exec. have any information to that subject?

MR. BURKE:

I believe this property is near the Town of Riverhead waste management, dump essentially and informed me that they're using this as access like an access road to their dump facility.

CHAIRMAN GULDI:

I'm looking at the backup a second.

MR. FAULK:

We did file additional backup letter from the Town of Riverhead stating the purpose with using a right of way.

CHAIRMAN GULDI:

Hold on one second. You filed it with the Clerk's Office? We haven't seen it. You know on that representation if it surfaces by Tuesday I'll second the motion to approve. Let's make sure that that letter is circulated. All those in favor? Opposed? 2032 is approved. **(Vote: 4-0)** Should we place that 72h on the consent calendar?

LEGISLATOR TOWLE:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Towle second by myself. All those in favor? Opposed? On the consent calendar. **(Vote: 4-0)**

2033 Authorizing extension of a lease of premises located at 689 Jericho Turnpike, Huntington, NY for the Department of Social Services. ASSIGNED TO WAYS & MEANS AND SOCIAL SERVICES (Co. Exec.)

MR. SABATINO:

That was done, it had to be discharged on the floor. There were some kind of time constraint.

CHAIRMAN GULDI:

Okay. So that's already done. Tabled subject to call we don't have to address.

LEGISLATOR TOWLE:

Mr. Chairman.

CHAIRMAN GULDI:

Legislator Towle.

LEGISLATOR TOWLE:

Wasn't there another lease we had tabled on something?

CHAIRMAN GULDI:

Yeah, that was withdrawn, that was the Oser Avenue lease was withdrawn and I understand they're back at the negotiating table. I'm sure we haven't heard the last of that.

LEGISLATOR TOWLE:

Do we have a status report on that from the County Executive's staff?

CHAIRMAN GULDI:

Is the Real Estate Division involved in those negotiations or is that being done by the Law Department?

MS. COSTIGAN:

Are you talking about the extension?

CHAIRMAN GULDI:

The Oser Avenue extension.

MS. COSTIGAN:

The three year?

CHAIRMAN GULDI:

Yes. The mess.

MS. COSTIGAN:

We believe we have a resolution of that.

MR. REINHEIM:

Resolution 2091 is on the agenda.

CHAIRMAN GULDI:

2091 is further on the agenda. We'll get to that.

LEGISLATOR TOWLE:

Okay. Great.

INTRODUCTRY RESOLUTIONS

2052. Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Ellen M. Novotny. ASSIGNED TO WAYS & MEANS (Towle)

LEGISLATOR TOWLE:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Towle.

MS. COSTIGAN:

Ordinary redemption.

CHAIRMAN GULDI:

Is as of right. Approved and placed on the consent calendar, second that motion. All those in –

MR. SABATINO:

-- Oh, this is a 2/3 vote. This is a Chapter 27 conveyance 2/3 vote needed.

LEGISLATOR BINDER:

If it's unanimous consent any everyone votes for it then you'll get 2/3.

CHAIRMAN GULDI:

2/3, yeah.

MR. SABATINO:

We generally haven't put 2/3 on the consent calendar.

LEGISLATOR FIELDS:

I would rather let it go forward. I don't think we have to.

CHAIRMAN GULDI:

You don't want to put it on the consent calendar?

LEGISLATOR FIELDS:

No.

CHAIRMAN GULDI:

Well, since we need unanimity it's approved and not on the consent calendar. How's that, 4-0. **(Vote: 4-0)**

2054. Approving the reappointment of John Armentano as a member of the Suffolk County Ethics Commission. ASSIGNED TO WAYS & MEANS (Tonna) Is Mr. Armentano here? Actually, I don't think he's been invited, but I'd certainly would like to hear from him. We have to invite him. I'll make a motion to table so we can invite him so we can invite him for the next meeting. He'll continue to serve until this issue is resolved, is that not right, Counsel?

MR. SABATINO:

That is correct.

CHAIRMAN GULDI:

Motion to table by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

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

2060. Accepting and appropriating 100% New York State local government records management improvement fund grant for disaster recovery purposes. ASSIGNED TO WAYS & MEANS (Pres. Off.) Motion to approve and place on the consent calendar by myself.

LEGISLATOR FIELDS:

I'll second that.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approve and place on the consent calendar. **(Vote: 4-0)**

2063. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-375.00-03.00-014.000 (Item No. 0002233450) pursuant to Section 40-D of the Suffolk County Tax Act. ASSIGNED TO WAYS & MEANS (Co. Exec.) I'm looking for the identity of the owner and I don't see that.

MS. COSTIGAN:

The owners are Kevin Daily and Lisa Clancy.

CHAIRMAN GULDI:

And this is abandonment because of lack of notice?

MS. COSTIGAN:

Lack of notice to one of them.

CHAIRMAN GULDI:

There was notice to the other?

MS. COSTIGAN:

Yes. That's right; they're tenants in common.

CHAIRMAN GULDI:

Oh, okay. Motion to approve Legislator Towle.

LEGISLATOR TOWLE:

Where?

CHAIRMAN GULDI:

The exact address?

MR. SABATINO:

The only point I – if you look at the backup the certified letter that was sent as notification was signed by Kevin Daley.

MS. COSTIGAN:

It's in Middle Island.

CHAIRMAN GULDI:

Could Kevin Daley --

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Is one of the two tenants in common owners.

MS. COSTIGAN:

You have to notify both.

MR. SABATINO:

They're both living at the same address though it was signed – I was just looking at the backup the point being we may not necessarily have to give back the property, I'm not sure.

CHAIRMAN GULDI:

Well, what do we have as documentation that Lisa Clancy wasn't at that address since the return receipt was 3200 Parkway Blvd. in Levittown?

MS. COSTIGAN:

We believe that Clancy did not live at that address.

CHAIRMAN GULDI:

Okay. And we have something in our – what has the department done to satisfy them to that fact?

MS. COSTIGAN:

I don't know the basis of the note in the file, but we have to serve her anyway whether she lived there or not because she's the owner.

CHAIRMAN GULDI:

So then tenants in common notification rather than doing separate, we should be doing separate notifications rather than combined notification as was done in this case.

MS. COSTIGAN:

Exactly.

CHAIRMAN GULDI:

Okay. Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? 2063 is approved. **(Vote: 4-0)**

2064. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-154.00-02.00-043.000 (Item No. 221903000) pursuant to Section 40-D of the Suffolk County Tax Act. ASSIGNED TO WAYS & MEANS (Co. Exec.) Another certificate of abandonment. No, Babylon.

MS. COSTIGAN:

Yes. Certificate of abandonment due to lack of adequate notice to prior owner.

CHAIRMAN GULDI:

And the owner receiving the –

MS. COSTIGAN:

Paula Cybula –

CHAIRMAN GULDI:

-- pardon.

MS. COSTIGAN:

Her name is Paula Cybula.

CHAIRMAN GULDI:

Okay. Any questions. Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? 2064 is approved and on the consent calendar. **(Vote: 4-0)**

2065. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Riverhead, Suffolk County Tax Map No. 0600-047.00-02.00-003.000 pursuant to Section 40-D of the Suffolk County Tax Act. ASSIGNED TO WAYS & MEANS (Co. Exec.)

MS. COSTIGAN:

Again, there was lack of notice to the prior owner. It's the mortgagee who's paying the taxes.

CHAIRMAN GULDI:

Oh, it's a notice to the mortgagee was the failure?

MS. COSTIGAN:

No.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

That's 2065, sir.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

You're Mr. Kopp?

MR. KOPP:

Yes.

CHAIRMAN GULDI:

Come forward, Mr. Kopp and sit down. I don't think they're any questions. This was being redeemed by the mortgagee for lack of notice the departments satisfied the notice was deficient.

MS. COSTIGAN:

That's right.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar –

MR. SABATINO:

-- there being one correct, the whereas clause refers to Babylon, but I believe the property is in Southold. So that should just be corrected.

CHAIRMAN GULDI:

Well, it says the caption says Riverhead.

MR. KOPP:

It's Riverhead.

CHAIRMAN GULDI:

Well, it's Riverhead, all right, but not Babylon.

MR. SABATINO:

Well, it shouldn't be Babylon the first whereas clause.

CHAIRMAN GULDI:

That's a Scribner's error.

MR. SABATINO:

Well, just on the record I'm saying it should be corrected that's all.

CHAIRMAN GULDI:

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

2067. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Mel Goldstein and Lynn Goldstein, his wife) (0103-010.00-01.00-071.000). ASSIGNED TO WAYS & MEANS (Co. Exec.) This is a?

MS. COSTIGAN:

Redemption by the prior owner.

CHAIRMAN GULDI:

Redemption by a prior owner, of right?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

A motion to approve and place and consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? Approved and on the consent calendar. **(Vote: 4-0)**

2068. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Victoria E. Phillips, John Flanagan and Erin Flanagan, each as to a 1/9 interest; Marie Philips and Christina Philips, each as to a 1/3 interest) (0300-189.00-01.00-004.000). ASSIGNED TO WAYS & MEANS (Co. Exec.) Again, a redemption of right?

MS. COSTIGAN:

Yes. That's right.

CHAIRMAN GULDI:

Redemption of right for Victoria E. Phillips and John Flanagan and Erin Flanagan each as to a 1/9 interest, oh boy. Marie Philips and Christina Philips. Motion to approve and place on the consent calendar by my self.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. Discussion? All those in favor? Opposed? Approved and on the consent calendar. **(Vote: 4-0)**

2069. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (George Lord and Ann Lord, his wife) (0500-163.00-04.00-002.000). ASSIGNED TO WAYS & MEANS (Co. Exec.) Brookhaven?

MR. BURKE:

It's Islip.

CHAIRMAN GULDI:

Islip Town. Again, of right?

MS. COSTIGAN:

Yes, it is; they're the prior owners.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? Approved.
(Vote: 4-0)

2070. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Florence Nixon, as Surviving Tenant by the Entirety) (0500-164.00-02.00-061.000). ASSIGNED TO WAYS & MEANS (Co. Exec.) Again, in Islip. Of right?

MS. COSTIGAN:

Yes, it is.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved and place on the consent calendar. **(Vote: 4-0)**

2071. Sale of County-owned real estate pursuant to Local Law 13-1976 (Lloyd Gerard) (0900-376.00-01.00-048.002). ASSIGNED TO WAYS & MEANS (Co. Exec.) This is in Speonk actually Town of Southampton.

MS. COSTIGAN:

This is somewhat an unusual situation. The appraised value of the property in this direct sale – the appraised value for the property involved in this direct sale was \$6,000. The selling price was \$46,000. The next bid was \$45,500.

CHAIRMAN GULDI:

They did bid it up a bit didn't they?

MS. COSTIGAN:

They did bid it up a bit, but it's very unusual piece of property that would not be sold at otherwise at auction.

CHAIRMAN GULDI:

Well, for the record I want to point out that I only know three of the four adjacent property owners involved in this. I don't have any conflicting relationship with any of them. Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? It's on the consent calendar. **(Vote: 4-0)**

2072. Sale of County-owned real estate pursuant to Local Law 13-1976 (Glen Wayne) Ritter & Gloria Ritter, his wife (0500-171.00-02.00-013.002). ASSIGNED TO WAYS & MEANS (Co. Exec.)

MS. COSTIGAN:

This is a direct sale. Also the appraised value of the piece is 10,000 the final bid was 18,000.

CHAIRMAN GULDI:

Yes, that bid up substantially. Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. All those in favor? Opposed? **(Vote: 4-0)**

2073. Sale of County-owned real estate pursuant to Local Law 13-1976 (Alex Zsikai, Frances Zsikai and Bella Zsikai, Joint tenants with rights of survivorship) (0500-063.00-03.00-020.000). ASSIGNED TO WAYS & MEANS (Co. Exec.)

MS. COSTIGAN:

Zsikai's bought this property at \$3600 the appraised value was 3,000.

CHAIRMAN GULDI:

Pardon me, again, the appraisal. Mr. Hamburger, we get to you shortly, okay?

MS. COSTIGAN:

The appraised value was 3,000 the bid was \$3600.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Second by Legislator Towle. **(Vote: 4-0)**

2074. Sale of County-owned real estate pursuant to Local Law 13-1976 (Robert J. DeLeo Jr. & Janette S. DeLeo, his wife) (0100-201.00-02.00-064.022). ASSIGNED TO WAYS & MEANS (Co. Exec.)

MS. COSTIGAN:

This again is an unusual instance. The property appraised value was \$500 the final bid was –

CHAIRMAN GULDI:

Oooh.

MS. COSTIGAN:

-- was 87,000.

CHAIRMAN GULDI:

Why is this so unusual why can't –

MS. COSTIGAN:

-- the second bid was 85,000.

CHAIRMAN GULDI:

Why can't we do more of this?

LEGISLATOR FIELDS:

Why?

MS. COSTIGAN:

Well, what it turned out was that it was – I mean, you couldn't figure it out. The appraiser did not – there was a part of a building on the property. This was a right of way which cut off a little corner of the building, but you wouldn't be able to tell that without a true survey of the premises. So both the owner of the building and the owner next store wanted this piece and because there was a piece of building on it, it bid it up. They were both content with the auction.

CHAIRMAN GULDI:

So I'm I. Motion to approve and place on the consent calendar –

LEGISLATOR FIELDS:

We should have a press release on that one.

CHAIRMAN GULDI:

Do we have a second?

LEGISLATOR FIELDS:

I'll second it.

CHAIRMAN GULDI:

All those in favor? Opposed? **(Vote: 4-0)** Take the money.

2075. Sale of County-owned real estate pursuant to Local Law 13-1976 (Narender Kohli) (0400-273.00-03.00-088.000). ASSIGNED TO WAYS & MEANS (Co. Exec.)

MS. COSTIGAN:

This was a much closer auction. The appraised value was \$3500. The winning bid was \$3501.

CHAIRMAN GULDI:

There were no buildings on this parcel were there?

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Approve and place on the consent calendar by Legislator Fields. Second by myself. All those in favor? Opposed? Approved and place on the consent calendar. **(Vote: 4-0)**

2089. Amending the 2002 Operating Budget, transferring funds within Fund 038 – Self Insurance, and appropriating funds from the Adopted Fund Balance for Fund 038 – Self Insurance to pay the County’s insurance premiums and claim expenditures. ASSIGNED TO WAYS & MEANS AND FINANCE & FINANCIAL SERVICES (Co. Exec.)
Counsel.

MR. SABATINO:

First of all there’s technical problem with the bill which is the third resolve clause which trying to make amendment. It doesn’t have the line items that are being appropriated, but basically this the third time this year where the transfer management is trying the draw down from that \$11.5 million of appropriations that were left in the budget as you recall because of a lack of sufficient detail from the Department of Human Resources last year. So there’s two things, one you need documentation as to what, you know, this portion is going to be expended for and secondly, the third resolve clause which is lacking technical line item changes.

LEGISLATOR TOWLE:

Is there anybody here to address this for Insurance and Risk Management?

CHAIRMAN GULDI:

The primary question is there any time sensitivity to this that we need to prove this in this cycle that would preclude it being amended before we act on it to correct the minor deficiencies just indicated by Counsel.

MS. HIEDBURN:

Right. If we don’t have the funds – oh, I’m sorry. My name is Debbie Hiedleban from Risk Management.

CHAIRMAN GULDI:

You don’t have the funds this month instead of next month.

MS. HIEDLEBAN:

Exactly. Money is running very low. The funds are running very low.

LEGISLATOR FIELDS:

We have another meeting.

MS. HIEDLEBAN:

These funds are needed for the – this is court ordered payments that you're paying for the worker's comp cycle indemnity payments, court ordered worker's comp.

LEGISLATOR FIELDS:

But you're not putting that in the bill so if we had a more complete bill then we could pass this at the next meeting.

MS. HIEDLEBAN:

We did have backup on this.

MR. SABATINO:

Normally, when you do an amendment to the budget is you're transferring money from something to something. I've never seen it done this way before so quite frankly I don't know.

CHAIRMAN GULDI:

Well, it's within Fund 38. Are we moving lines within Fund 38 on this stuff.

MR. SABATINO:

When you're doing transfers I mean, you have to –

LEGISLATOR TOWLE:

Why don't we do this, Mr. Chairman if you wouldn't mind? Obviously, if the bill can be corrected between now and the time we meet the County Executive's Office can give it a C/N and you as the chairman of the committee waives the rules or we could discharge it, but at this point obviously –

SPEAKER:

(inaudible)

LEGISLATOR TOWLE:

-- yeah, but obviously I can understand the time sensitivity. It gives them almost a full work to get the bill fixed.

CHAIRMAN GULDI:

Yeah, when is the corrected copy deadline, Counsel?

MS. HIEDELBUN:

Well, it's also legally necessary.

MR. SABATINO:

It's on the for the 19th, the next one will be the 26th of November for the December 5th –

LEGISLATOR TOWLE:

-- I mean, Debbie, with all due respect if it's legally necessary then the bill

should have come here correctly done.

MS. HIEDELBUN:

Okay. I do understand.

LEGISLATOR TOWLE:

That's not our responsibility to file corrected bills on behalf of the County Executive that's obviously his responsibility.

CHAIRMAN GULDI:

Yeah. If it's truly time urgent you need to correct the resolve clause, show the fund transfer and get a C/N for it for the next meeting.

MS. HIEDELBUN:

C/N for the next meeting and when is the next meeting?

CHAIRMAN GULDI:

Tuesday.

MR. SABATINO:

The next meeting is the 19th of November. The meeting after that would be the December 5th.

CHAIRMAN GULDI:

Okay. And if you don't get it corrected for the November 19th you're looking at the December 5th meeting.

MS. HIEDELBUN:

Okay. I'll try to do that today. Thank you.

CHAIRMAN GULDI:

Okay. Motion to table by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Tabled. **(Vote: 4-0)**

2091. Authorizing the extension of a lease of premises located at 415 Oser Avenue, Hauppauge, NY for the Department of Social Services. ASSIGNED TO WAYS & MEANS AND SOCIAL SERVICES (Co. Exec.)

MR. SABATINO:

2091 is withdrawn.

CHAIRMAN GULDI:

2091 is withdrawn.

LEGISLATOR TOWLE:

Okay. How come? I heard a second ago it wasn't withdrawn. Did I imagine that or –

CHAIRMAN GULDI:

-- County Exec. what's going on with 2091?

MS. COSTIGAN:

What I know is that we have negotiated a new transaction with the landlord. I suspect that this does not –

CHAIRMAN GULDI:

-- it doesn't reflect in fact, is not reflected in this bill.

MS. COSTIGAN:

I don't see all the details in this. This was negotiated yesterday so I can't think that this possibly reflects it.

LEGISLATOR TOWLE:

I asked before –

MR. SABATINO:

-- we were notified on October 31st it was withdrawn, but obviously –

CHAIRMAN GULDI:

-- okay, if it's withdrawn it's withdrawn, okay.

LEGISLATOR TOWLE:

I don't care if it's withdrawn or not that's irrelevant. I had asked earlier what their resolution on here, their response from Real Estate was, yeah, it is 2091. I wanted to know the status of that was regardless if there's a resolution or not. You opened the can of worms you can't put it back in once you open the can. You open the can of worms, the office filed the resolution. We asked a lot of questions; there was a Newsday article and now there's no resolution. I wanted to know what the status of this is, I'm asking as a committee member.

LEGISLATOR BINDER:

Can I ask that we do that after we finish the agenda so –

CHAIRMAN GULDI:

-- Legislator Binder has a time constraint.

LEGISLATOR TOWLE:

Not a problem.

CHAIRMAN GULDI:

Lets skip over well, lets come back to this issue. We also have to Mr. Binder, Mr. Hamburger is here to speak on behalf of the Toussie properties and we're

going to have to take him after 2 o'clock unless you object to your unavailability and we want him to come back.

LEGISLATOR BINDER:

Yeah. I'd like to here.

CHAIRMAN GULDI:

Mr. Hamburger, could you come forward for a moment, please. Mr. Binder as a member of this committee because of the scheduling error and sunset coming he has to be out of here shortly. He as well as I would like very much to hear your remarks, but unfortunately he's not going to be here after 2 o'clock. I'm sure he'd have questions for you. Would you have any objections to coming back to our next meeting and doing this at that time?

MR. HAMBURGER:

When is your next meeting?

CHAIRMAN GULDI:

The next regularly scheduled meeting for this committee is –

MR. SABATINO:

-- is the 24th which is – no the 25th is a Monday.

CHAIRMAN GULDI:

25th, can you come then, sir?

MR. HAMBURGER:

That's doesn't work there are some time constraints here. I have a copy of my remarks which I could leave and Mr. Binder can take it with him.

CHAIRMAN GULDI:

Well, I think we'll give him the opportunity to speak, but frankly I'm going to want Legislator Binder's input as a member of this committee before we act. So if you'd –

MR. HAMBURGER:

-- I'd like to be heard on the public session of the calendar and I do have a copy for Mr. Binder which he could.

CHAIRMAN GULDI:

Well, if you could provide it to him now and we'll finish the agenda in the next few minutes and I'll speak to Mr. Binder before he leaves and we will let you address the committee.

LEGISLATOR TOWLE:

You should be advised though that if you are unable to make the next meeting when he'll be here you losing 25% of the committee regarding the vote right off the bat. Just so you understand that.

CHAIRMAN GULDI:

Yeah. It takes three members --

LEGISLATOR TOWLE:

If you push this point today and one of us don't agree the bill will fail. Just so you understand that.

CHAIRMAN GULDI:

Yeah. It takes three members of this committee to approve anything.

MR. HAMBURGER:

Yes, I understand -- you don't have anything before you concerning this issue --

CHAIRMAN GULDI:

Okay.

MR. HAMBURGER:

-- today. There's nothing pending.

CHAIRMAN GULDI:

All right, fine. Let's finish the agenda and we'll get back to you, sir.

2097. Authorizing transfer of surplus computer equipment to project LINCT. ASSIGNED TO WAYS & MEANS (Co. Exec.)

LEGISLATOR TOWLE:

Motion.

CHAIRMAN GULDI:

Motion to approve and placed on the consent calendar by Legislator Towle second by myself. All those in favor? Opposed? **(Vote: 4-0)**

MR. SABATINO:

Just so you know it a 2/3 vote resolution.

CHAIRMAN GULDI:

Yeah, fine.

MR. SABATINO:

I only mention it because once we only at 10 people on the consent calendar and anything with 2/3 failed.

CHAIRMAN GULDI:

Yeah. I understand that.

2101. Direct Budget Review to prepare leases database. ASSIGNED TO WAYS & MEANS (Fields)

LEGISLATOR FIELDS:

I'm going to table this at the request of the County Executive.

CHAIRMAN GULDI:

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

**2102. Authorizing conveyance of parcel to the Town of Brookhaven, Town of Brookhaven (Section 72-h, General Municipal Law).
ASSIGNED TO WAYS & MEANS (Haley) Legislator Towle.**

LEGISLATOR TOWLE:

I'm going to make a motion (inaudible).

MS. COSTIGAN:

Excuse me, Mr. Chairman.

CHAIRMAN GULDI:

Yes.

MS. COSTIGAN:

We believe that there's a significant amount of input in this that you don't have which is brand new. We very much want to appraise this piece of property to let you know the significance of your vote. It was thought until very – until last week as a matter of fact that this was a land locked piece and I believe Legislator Haley thought that because looking at this caused us to look at the back deeds. Do a search of the titles and I believe there's a significant misunderstanding of this piece that it is not land locked.

CHAIRMAN GULDI:

All right. I'm going to request that the Real Estate Department take those concerns and advise Legislator Haley of them immediately at your earliest possible convenience.

LEGISLATOR TOWLE:

Mr. Chairman. I spoke to Legislator Haley yesterday and he never mentioned this to me. Just two questions, did the town ask for the property? Have they requested it? I'm assuming they have.

MS. COSTIGAN:

I think they did.

CHAIRMAN GULDI:

Do we have a town resolution on it, Counsel?

LEGISLATOR TOWLE:

So the town asked for it; the Legislator sponsored it and the problem is what now?

CHAIRMAN GULDI:

The problem is it isn't what we thought it was.

LEGISLATOR TOWLE:

Well.

CHAIRMAN GULDI:

It's a different kind of parcel.

MS. COSTIGAN:

Exactly.

MR. SABATINO:

It's a town resolution, it goes back –

MS. COSTIGAN:

-- it is hugely different from what you thought you were transferring.

LEGISLATOR TOWLE:

It what sense, just like quick synopsis.

MS. COSTIGAN:

It was valued as a land locked parcel. It did not even receive a bid on the last auction. Indeed we found out that the deeds were filed incorrectly or misinterpreted whatever, but this goes way back and this is a perfectly – and this parcel has unobstructed access to Route 25A and CR 83. It's probably worth almost a half a million dollars.

LEGISLATOR TOWLE:

Okay. So it's worth more money than originally anticipated, but the town still wants it. Is that good or not.

CHAIRMAN GULDI:

Well, actually Fred, I think what she's saying is the town thought that they were asking for a land locked parcel and this isn't; this is something else. And I think we should clarify that before we act on it with both the town and the sponsor and I'd ask the department to undertake to do that promptly. Okay. And if possible by Tuesday if Legislator Haley wants to discharge I will entertain that so if you can contact him today.

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Thank you. Motion to table by myself. Second by Legislator Towle. All those in favor? Opposed? **Vote: 4-0)**

2105. Adopting Local Law No. –2002, A Charter Law to expand prior written notice of defective condition requirements. ASSIGNED TO WAYS & MEANS (Co. Exec.) Counsel?

MR. SABATINO:

Public hearing, this is the court reform.

CHAIRMAN GULDI:

Motion to table for a public hearing. Second by Legislator Binder. All those in favor? Opposed? Approved. **(Vote: 4-0)**

2116. Appointing Commissioner of the Suffolk County Board of Elections (Anita S. Katz) ASSIGNED TO WAYS & MEANS I'll make a motion to approve Anita Katz.

LEGISLATOR FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved. **(Vote: 4-0)**

2117. Re-appointing Commissioner of the Suffolk County Board of Elections (Robert L. Garfinkle) ASSIGNED TO WAYS & MEANS Motion by –

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder. Second by Legislator Towle.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

We appointed him to an unexpired term; this is the renewal, the re-appointment for the next term. All those in favor? Opposed? Abstentions? Approved. **(Vote: 4-0)** Okay, that concludes the matters on the agenda. Oh, 2091 hold on, we skipped it? 2091 is tabled, but we want – it's been withdrawn –

LEGISLATOR TOWLE:

-- tabled, withdrawn, both it's been –

CHAIRMAN GULDI:

-- Legislator Towle wants to discuss it, but I think that we'll go back to the card that was handed up while we were doing the agenda for Mr. Hamburger and then we'll go to the status on the lease. Ms. Costigan, do you any objection to us taking Mr. Hamburger first before we discuss the lease.

MS. COSTIGAN:

No.

CHAIRMAN GULDI:

Okay. Thank you. Mr. Hamburger you have the floor.

MR. HAMBURGER:

Thank you.

CHAIRMAN GULDI:

If you have prepared remarks please provide them to the stenographer, you'll get a much better transcript. Since she's the most important person in the room it's important to make her happy.

MR. HAMBURGER:

Good afternoon Mr. Chairman and members of the Committee. My name is Richard Hamburger. I'm an attorney with Hamburger, Maxson, Yaffe, Wishod & Knauer, LLP in Melville. I'm here today representing Robert Toussie and Chandler Property, Inc.

The purpose of my appearance is twofold: to provide the Committee with updated information and to make certain inquiries of this committee regarding the status of sale of parcels to Mr. Toussie and Chandler for which they were high bidders at the May 2002 auction of surplus Suffolk County properties. I understand that resolutions concerning these sales have been tabled by the Committee.

There have been two recent Court decisions favoring Mr. Toussie. On September 6, 2002, United States District Court Judge Dennis Hurley denied a motion to add approximately 400 new plaintiffs and 55 new defendants to a pending class action lawsuit alleging shoddy and defective home construction. Judge Hurley essentially concluded that there was no basis to proceed on the theory that Mr. Toussie was engaged in a vast predatory lending conspiracy with various lenders, builders, appraisers, abstract companies and attorneys. As a result of this ruling, the lawsuit remains a garden variety action by three sets of homeowners against a builder disputing the quality of construction.

On September 27, 2002, United States District Court Judge Joanna Seybert denied Suffolk County's Motion to Dismiss Equal Protection, Bill of Attainder, First Amendment and other Civil Rights claims alleged by Mr. Toussie and Chandler against the County with regard to the Suffolk County Legislature's disapproval of the sale of surplus properties to Robert Toussie in connection with May 2001 auction of surplus Suffolk County properties. Mr. Toussie had submitted the highest bids for these properties, collectively in the amount of nearly \$1 million. The bottom line of Judge Seybert's decision is that the County's refusal to close the May 2001 auction sales constitutes unlawful discrimination and punishment, smears Mr. Toussie's good name and reputation, and effectively shuts down his business.

I have brought with me copies of Judge Hurley's and Judge Seybert's decisions which I will give to the Clerk for distribution to members of the Committee. I previously gave a set to Mr. Binder on his way leaving the committee room this afternoon.

Following these decisions, on October 5, 2002, Chandler Property Inc. and

Rod Staten Corp., corporations which Mr. Toussie owns and controls, closed with the Division of Real Estate on 21 parcels for which Mr. Toussie was the high bidder at the Suffolk County auction held in November 2000. The total sales price was \$365,000.

Although a relatively small transaction, I also want the Committee to know that Rod Staten Corp. won a mini-auction conducted by the Division of Real Estate on September 5, 2002. The winning bid was \$8,000, five times the County's appraised value of \$1,600, for an unbuildable parcel. The next highest bid was \$1,650. We hope this sale will be approved by this Committee and the Legislature.

With respect to the auction of surplus Suffolk properties held in May 2002, Robert Toussie purchased two parcels for a total purchase price of \$238,000. One parcel is commercially zoned and the other is vacant residential land. At that auction, Chandler purchased four parcels for a total purchase price of \$577,000. One parcel is already developed with a commercial industrial building, and the other three parcels are residentially zoned vacant land. I have here differentiated between the residential parcels and the commercial / industrial parcels because whatever controversy has been created by the media regarding Robert and Isaac Toussie, no one has ever alleged any impropriety regarding commercial or industrial properties. There is, therefore, even with the logic of the Committee's and the Legislature's own specious concerns, no basis for blocking the sale of the commercial and industrial parcels.

By not approving these residential and non-residential sales to Mr. Toussie and Chandler, the Legislature is depriving the County of \$737,000 not counting auction fees. In addition, it is my understanding that the Legislature is also holding up the sales of other parcels to Toussie family member, relatives, and third parties which aggregate \$799,500, again excluding auction fees.

What is means is that the total amount of sales which the Legislature has either disapproved or which this committee has tabled is in excess of \$2.3 million, at a time when the County is by all accounts financially strapped and in dire fiscal circumstances. These sales have been blocked notwithstanding that the terms of sale are all cash and the purchasers are prepared to close; and notwithstanding that the statutes and rules that govern the disposition of surplus Suffolk County properties at auction do not include any pre-qualification requirements or require that the winning bidder satisfy any responsibility, character or fitness standards.

The questions I have for the Committee are these: When is the Committee going to act with respect to approving or disapproving the sale of the parcels to Mr. Toussie and Chandler Property, Inc.? For financial reasons, these sales must close by the end of this calendar year or Mr. Toussie will sustain significant additional damages. What can Mr. Toussie do in order to obtain the approval of this Committee and the Legislature? He offers again, for example, as he did with respect to the May 2001 auction, to enter into a

binding agreement and covenant precluding any residential development and barring Isaac Toussie from being involved with the land in any manner. In other words, Mr. Robert Toussie will provide enforceable assurances that the vacant residential parcels will be held for investment and sold to unrelated third parties at arms length.

I would also like to know if this Committee plans to continue to withhold approval of future sales of surplus properties to Mr. Toussie or his corporations, as it is pointless to tie up significant sums of money for the required 20% down payment and fees. Here, for example, the County continues to hold more than \$115,000 of funds deposited by Mr. Toussie and Chandler. If this Committee and the Legislature are going to effect an indefinite ban on approving the sales of surplus Suffolk County properties to Mr. Toussie by indefinitely tabling sales resolutions, Mr. Toussie must consider whether he is willing to continue to tie up significant funds while the pending lawsuit against the County, and future lawsuits against the County, work their way through the court system.

If Mr. Toussie sits out of future auctions, the County can also expect that there will be a significant drop in the funds secured through the auction process. This is because Mr. Toussie has for many years been the largest purchaser of surplus properties at these auctions and, even with respect to those properties for which he is not the highest bidder, his participation in the bidding process drives up the price. At the May 2002 auction, I personally witnessed this phenomenon when a commercial parcel on Montauk Highway with an upset price of \$98,000 sold for approximately \$800,000 to a third party after a bidding war between Mr. Toussie and that third party.

It is, to say the least, ironic that the County validated Mr. Toussie's participation in the auctions and benefits from Mr. Toussie's bidding to increase the sales price it receives from third parties who overbid Mr. Toussie, but when Mr. Toussie is himself the high bidder, the County refuses to close with him.

To recap my questions, I would like to know first, when does this Committee intend to take action with respect to the parcels sold to Mr. Toussie and Chandler Property, Inc. at the May 2002 auction? That is, when does this Committee plan on approving or disapproving those sales? Second, what if anything else can Mr. Toussie do to convince this Committee to approve those sales? Third, for how long does this committee intend to either table or disapprove the sales of surplus properties to Mr. Toussie for which he may be the highest bidder at future auctions? Thank you.

CHAIRMAN GULDI:

I have a couple of questions, sir. First question I have is that I looked briefly at Judge Seybert's decision and Judge Seybert's decision seems to me with respect to the County to be a denial of their motion to dismiss the complaint for failure to state a cause of action. Not by any stretch of the imagination a finding of the validity of the claims in that complaint.

MR. HAMBURGER:

I've supplied you with a copy and you say you've read it.

CHAIRMAN GULDI:

I just glanced at it, but you did in your remarks states that it constituted a finding of denial of contractual rights and equal protection. It does not does it?

MR. HAMBURGER:

I think that the opinion speaks for itself as to the legal conclusions it draws.

CHAIRMAN GULDI:

Yeah, I know. What's your opinion?

MR. HAMBURGER:

My opinion is what I said in my announcement in my remarks.

CHAIRMAN GULDI:

All right, and the one question I have that comes up from your remarks --

MR. HAMBURGER:

I welcome you, Mr. -- I welcome you, Mr. Chairman to take the time to read the decision.

CHAIRMAN GULDI:

I will.

MR. HAMBURGER:

And draw your own conclusions.

CHAIRMAN GULDI:

I will draw my own conclusions I trust you. You can trust that. The one question that I do have is from your remarks is, is Mr. Toussie asking for a refund of the deposits that are on the matters still pending?

MR. HAMBURGER:

No. Mr. Toussie is asking for approval of the sales.

CHAIRMAN GULDI:

The --

MR. HAMBURGER:

-- is the committee in a position to answer any of the questions I posed this afternoon?

CHAIRMAN GULDI:

No. Actually, we have a fairly consistent policy as in that in the public portion that the Legislature doesn't answer questions here. We ask them.

LEGISLATOR TOWLE:

This isn't a court room, you know, despite popular belief you're not cross examining us.

CHAIRMAN GULDI:

And further we're not all here. You asked us to express a consensus and frankly it's an extraordinary thing for us to do even when we are all here. The one thing that I can tell you about our procedural rules which are public record is that bills that are filed and are not acted upon within six months of the date of their filing expire by virtue of the six month rule.

MR. HAMBURGER:

Okay. Thank you very much.

CHAIRMAN GULDI:

Legislator Towle.

LEGISLATOR TOWLE:

Actually, I have two points.

CHAIRMAN GULDI:

Questions not points.

LEGISLATOR TOWLE:

Yeah, yeah, two things that he mentioned which I consider points and/or questions. You asked, you know, and I'm going to paraphrase your statement I won't use exactly, but we could obviously have it read back. But your point was when is the County going to do something. When the County going to do something, obviously, Mr. Toussie was tying up his money. You mentioned something about friends and family; did those friends and family purchased this property from Mr. Toussie or they're independent on their own and you're only here on behalf of Mr. Toussie and not the friends and the family?

MR. HAMBURGER:

As I indicated, I'm here on behalf of Mr. Toussie and Chandler Property Inc.

LEGISLATOR TOWLE:

So not the friends and family members that apparently also purchased properties?

MR. HAMBURGER:

That's correct.

LEGISLATOR TOWLE:

Okay. Well, I mean, one other question or response to one question you asked, you know, I think if Mr. Toussie that concerned about what we're doing and what he could possibly do he ought to come down to the committee himself that would be my advise just from my perceptive.

MR. HAMBURGER:

Again, if there is anything that you'd like to say or to communicate to Mr. Toussie I am his attorney and --

LEGISLATOR TOWLE:

-- I'd be happy to communicate that to him in person not to you.

MR. HAMBURGER:

-- and I'm fully authorized to hear and accept your comments and to communicate them to him. So there's really no reason to have Mr. Toussie come down here for a direct dialogue.

LEGISLATOR TOWLE:

You can communicate my invitation.

MR. HAMBURGER:

I will do that.

CHAIRMAN GULDI:

No. Actually, the reason that he should come down here to communicate himself is because one of the members of the Legislature has asked him to and probably wants to look him in the eye and ask him questions.

MR. HAMBURGER:

I understand your comments.

CHAIRMAN GULDI:

The -- I have a couple of follow-up questions, if I may and that is you only represent Mr. Toussie himself that it would be Isaac Toussie?

MR. HAMBURGER:

Mr. Robert Toussie and Chandler Property Inc.

CHAIRMAN GULDI:

You only represent Mr. Robert Toussie, okay, and Chandler Properties. Chandler Properties Inc.?

MR. HAMBURGER:

Chandler Property INC.

CHAIRMAN GULDI:

Who are the beneficial owners of Chandler Property INC?

MR. HAMBURGER:

Mr. Robert Toussie.

CHAIRMAN GULDI:

Who owns 100% of it. Who are the officers and directors of it?

MR. HAMBURGER:

To the best of my knowledge Mr. Robert Toussie.

CHAIRMAN GULDI:

Is now or has Mr. Isaac Toussie ever been an officer or director of Chandler Properties?

MR. HAMBURGER:

I'm not going to get into these issues with you here today. I believe the answer to those questions is no.

CHAIRMAN GULDI:

Well, I've seen many documents signed by Mr. Isaac Toussie as an officer and director of Chandler Properties INC.

MR. HAMBURGER:

I can't comment Mr. Chairman on what you may have seen or not.

CHAIRMAN GULDI:

Do you know who the Toussie Land Acquisition and Sales Corp. is?

MR. HAMBURGER:

I'm not going to answer those question here today, Mr. Chairman. I'm here for Mr. Toussie --

CHAIRMAN GULDI:

-- do you know who Arthur A. Arenstein Corp. is?

MR. HAMBURGER:

I'm not going to answer those questions, Mr. Chairman.

CHAIRMAN GULDI:

Who is Michael I. Toussie?

MR. HAMBURGER:

He is Mr. Toussie's brother.

CHAIRMAN GULDI:

Okay. Who's Elizabeth Toussie?

MR. HAMBURGER:

Mr. Toussie's daughter.

CHAIRMAN GULDI:

And Laura Toussie?

MR. HAMBURGER:

Mr. Toussie's wife.

CHAIRMAN GULDI:

And Joseph J. {Quartoussio}?

MR. HAMBURGER:

I don't know.

LEGISLATOR TOWLE:

Mr. Chairman.

CHAIRMAN GULDI:

Mr. Towle.

LEGISLATOR TOWLE:

I think it's obvious that Mr. Toussie's representative today only wants to answer what he wants to answer and then expects us to answer questions as well which I find real ironic. But since he's opened the door lets open it a little further. Why don't we direct Counsel to send a letter on behalf of all four committee members inviting Mr. Toussie to the committee to discuss this issue in an open public forum?

CHAIRMAN GULDI:

Fine.

LEGISLATOR TOWLE:

Since that appears to be what they want to do I'm more than willing to engage them in then in that process.

CHAIRMAN GULDI:

Okay. I have one other question with respect to Chandler Properties Inc. who you are here representing. Has Chandler Properties Inc. ever to your knowledge transferred property to or received property from Mr. Isaac Toussie?

MR. HAMBURGER:

I don't know, Mr. Chairman.

CHAIRMAN GULDI:

Any other questions? Any other statements, Mr. Hamburger.

MR. HAMBURGER:

No. I said what I had to say today.

CHAIRMAN GULDI:

Thank you for coming down.

MR. HAMBURGER:

Thank you very much. Have a nice day.

CHAIRMAN GULDI:

Ms. Costigan, could you come back up, please. With respect to our favorite property on Oser Avenue, you indicated and I want a caveat on this that there's been an agreement reach that is being memorized between the County and the landlord. However until that agreement is approved by this

legislative body are we not still in lease negotiations technically?

MS. COSTIGAN:

We are.

CHAIRMAN GULDI:

As such should not the subject matter of leases under negotiations be a subject only discussed in executive session, Counsel?

MR. SABATINO:

It's not mandatory, it's -- executive session is always discretionary. Lease negotiations is not one of the categories, but it would be --

CHAIRMAN GULDI:

-- especially, here --

MR. SABATINO:

-- it would be a category that it would be relevant if it were in the context of litigation.

CHAIRMAN GULDI:

Litigation and here we are a holdover and I believe we received a notice of a legal proceeding, is that not correct?

MS. COSTIGAN:

There had been a prior dispossess proceeding which was suspended.

CHAIRMAN GULDI:

The reason is a suspended dispossess proceeding; because there is a suspended dispossess proceeding and we're negotiating under the threat of litigation I'll make a motion to adjourn to executive session to discuss the status of negotiations and litigation with respect to the Oser Avenue property. Approving the presences of Counsel to the Legislature, legislative staff, Budget Review, County Executive and Real Estate Department personnel and indicating that we will notify the stenographer the time that we will reconvene for adjournment purposes since there will be no formal business before this committee.

LEGISLATOR TOWLE:

Mr. Chairman, I'll second your motion, but on the motion if I could?

CHAIRMAN GULDI:

Legislator Towle.

LEGISLATOR TOWLE:

Let me ask two things before I vote on that because this will obviously determine whether or not we really have to go that far.

CHAIRMAN GULDI:

Okay.

LEGISLATOR TOWLE:

Is there a timeframe of when the County Executive's Office plan to bring a lease over to the Legislature?

MS. COSTIGAN:

I don't know the answer to that. I think your point is well taken on suspending the need for executive session in that I can tell you that as of yesterday there was an agreement arrive at which was within the parameters that was set by the Space Management Committee. Each and every detail of that I'm not even privy to and I think they're forming all – they're doing it as quickly as they can.

LEGISLATOR TOWLE:

The second issue was I'm assuming because you sit on the Space Management Committee you just happen to know the conversation, not that you've actually taken part and are negotiating the lease. I just kind of sensed that you wanted to fill me in on a question that I had. I didn't get the impression that you knew all the intricate details. And before we go through all this executive session to start asking you questions about the lease and why was the bill withdrawn and blah, blah, blah you may not be able to answer any of those questions.

MS. COSTIGAN:

You have it exactly. I mean, it is someone on my staff who's doing the negotiations. She advised me that they've come to an agreement that will make everyone – will be acceptable to the Space Management Committee parameters.

CHAIRMAN GULDI:

All right. I look forward to hearing that at a later date since we don't have those people here.

LEGISLATOR TOWLE:

Yeah. Anything from the County Executive's Office on this. I mean, someone should be prepared whether the lease is ready or not at our next meeting to answer questions about what's happened with this and where it's going.

CHAIRMAN GULDI:

Especially, if we haven't heard before then, okay.

LEGISLATOR TOWLE:

Either from your office or the County Executive's Office or the staff person whatever happens to be.

CHAIRMAN GULDI:

Absolutely. Okay. I'll withdraw my motion. You can't withdraw your second I withdraw my motion. so there. There being no other business before us we stand adjourned.

(Having no further business the Ways and Means Committee was adjourned at 2:40 P.M.)

{ } denotes spelled phonetically.