

**WAYS & MEANS, REAL ESTATE TRANSACTIONS AND
FINANCE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways & Means, Real Estate Transactions and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **April 15, 2003**.

MEMBERS PRESENT:

Legislator George O. Guldi - Chairman
Legislator Andrew A. Crecca - Vice Chairman
Legislator David Bishop
Legislator Michael J. Caracciolo
Legislator Ginny Fields
Legislator Vivian Vioria Fisher
Legislator Martin W. Haley

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Tom Donovan - Aide to Legislator Guldi
Eben Bronfman - Aide to Legislator Guldi
Carl Yellon - Aide to Legislator Crecca
Frank Tassone - Aide to Legislator Crecca
Ray Zaccaro - Aide to Legislator Bishop
Virginia Suhr - Aide to Legislator Fisher
Ivan Young - Presiding Officer's Office
Ellen Martin - Aide to Legislator Binder
Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature
Christine Costigan - Director of Real Estate
Jim Burke - Real Estate Department
Tom Isles - Director, Planning Department
Bill Faulk - County Executive's Office
James Burt - Budget Office
Fred Pollert - Director, Budget Review Office
Jim Spero - Budget Review Office
Basia Braddish - Department of Law
Theodore Sklar - County Attorney's Office
Bill Jones - Deputy Commissioner, Department of Social Services
Terry Allar - Real Estate Division
Robert Cabble - Deputy County Attorney
Kristine Chayes - Civil Service Department
Margaret Bermel - Labor Department
Joseph Sanseverino - Suffolk County Community Development
Glenn Murphy
All other interested parties

MINUTES TAKEN BY:
Ana Grande- Court Stenographer

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(THE MEETING WAS CALLED TO ORDER AT 9:50 A.M.)

CHAIRMAN GULDI:

I'd like all Legislators to come to the horseshoe. Let's call the Ways & Means Committee meeting to order for April 15th, tax day. What a great day to have a meeting.

LEG. HALEY:

By the way, I haven't done my taxes yet, so we need to get out of here before the post office closes.

CHAIRMAN GULDI:

Marty, I don't want to talk about your taxes, especially not on the record. Let's have the Pledge of Allegiance to the Flag led by Legislator, file your taxes, Haley.

(SALUTATION)

CHAIRMAN GULDI:

Do we have any cards? Fill out a card, please. Glenn Murphy is here for the appointment to the Sixth District Court.

LEG. FISHER:

Glenn, when did you get the glasses? Is that for effect?

LEG. CRECCA:

I just said that, is that to make you look more judicial?

MR. MURPHY:

Several years ago when I turned forty.

CHAIRMAN GULDI:

Explain that to me so I can understand.

MR. MURPHY:

Do I sit anywhere?

CHAIRMAN GULDI:

You can sit anywhere to use a microphone. This is Resolution 1271 for anyone who wants to look at the back-up.

MR. MURPHY:

Good morning, ladies and gentlemen.

LEG. CRECCA:

Make sure it's on, pull the switch towards you, please.

CHAIRMAN GULDI:

Tom, can you get me a copy of Resolution 1271, please, since I don't have one. Wait a minute, there's some out of order. Mr. Murphy, you're here to fill a vacancy according to the provisions of the District Court Act. A copy of your resume is annexed to the resolution. We have Legislator Sabatino spoke, he has at least a copy of the resolution.

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MR. SABATINO:

I got what I received.

CHAIRMAN GULDI:

Do you want to make an opening statement?

MR. MURPHY:

Sure. First of all, I'd like to thank this distinguished body for the opportunity to be before you this morning. This is a great honor for me, this is something that I've looked forward to, should I be successful through this process, since 1984 when I first entered a Courtroom in District Court in 1984 when I was hired by then District Attorney Patrick Henry.

I served in that capacity until the succeeding District Attorney, James M. Catterson, Jr., in a variety of bureaus. A majority of my experience was in the Rackets/Organized Crime Bureau doing investigations, although prior to getting there I had extensive experience in the District Court serving before a variety of Judges in trials and dispositions.

Through my experience in the Rackets Bureau, I had the opportunity to actually be on loan to the United States Attorney's Office for approximately a year in 1993 where we tried a case for about three months before then Chief Judge Platt in the Eastern District in Uniondale.

Upon returning back to the District Attorney's Office, I was given the opportunity to work for now County Court Judge Randall Hinrichs in the Case Advisory Bureau where we supervised young Assistants who just became felony prosecutors in teaching them how to present cases to the Grand Jury and in what they call the D-35, the Felony Screening Part. And also, I worked closely with the Domestic Violence Unit and those prosecutors. At that time, everyone was in one particular courtroom.

And upon becoming employed by the Town, I was able to get firsthand experience in the outlying parts with respect to Town Code violations, dangerous dog hearings and all the things that the outlying District Court Judges did then and currently do and was able to supervise Assistant Town Attorneys in that capacity as well as prosecute some matters in the Supreme Court, code violations in the Supreme Court prosecutions.

I am a father of three boys, twelve, ten and four. I used to coach Little League kid wrestling and do those things. And I think one of the things that besides being the lifelong dream that I have to become a District Court Judge, it will also hopefully provide me some more time to see them grow up, as all of you know with children that those times are precious, so I'd like to get back to doing some coaching as opposed to, although I do love my position right now with respect to change of zone amendments and Town Code amendments, but with some of the proposals we made lately in the Town with respect to Code amendments, you have to take -- you feel like you take your life in your hands sometimes with people shooting at us, but thank you for the opportunity.

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CHAIRMAN GULDI:

Explain that to us so we can understand it. Any questions on this side? Over here? I have a couple.

MR. MURPHY:

Sure.

CHAIRMAN GULDI:

Two comments. Okay? As a District Court Judge, obviously there's a vast volume of unfortunately criminal practice, there's also, however, a civil division. I understand the Judges rotate through both divisions. I note from your resume you have a distinguished service career of public service with the lack of private practice experience and there's nothing that indicates any civil experience.

Could you address those? I mean granted there's still the vast bulk, there's no shortage of work for experienced Criminal Court Judges, but could you address your experience and background in those areas?

MR. MURPHY:

Some of the civil experience that I do have actually the farm system for the Rackets Bureau was called the Civil Forfeiture Bureau, which we actually sued { cars } under the Public Health Law and the Penal Law and sued for the proceeds with respect to gambling and drug cases.

I was able to on a Town level as Deputy Town Attorney along with the now Chief Deputy Town Attorney, we tried some Supreme Court actions

actually before the Honorable J. J. Jones three or four, actually it was about a six week hearing on an Order to Show Cause.

As the deputy town attorney who would oversee the Assistant Town Attorneys in District Court, as you may know that the original calenders would be the landlord/tenant as well as the small claims actions, so often times waiting for the Town calenders to be called, I would sit there just and watch actually several different Judges who came through the Sixth District Court to see how they handled their calenders.

And I've also been in touch with some of the Judges that have done it now and have sought their advice and counsel, as well as a continuing legal education. My most recent opportunities that I've had were nuts and bolts of landlord tenant work and those types of things. So I think, you know, should I be fortunate enough to get through this process, I think I'll be able to concentrate on that and pick it up relatively quickly.

CHAIRMAN GULDI:

All right. And this is one of my trick questions that I always throw at Civil Court Judge nominees, because I am an East End Legislator and I'm an East End practicing attorney.

MR. MURPHY:

Fordham Law School, I believe.

CHAIRMAN GULDI:

Yes.

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LEG. HALEY:

That's two strikes against him. All three, he's a democrat.

CHAIRMAN GULDI:

But I don't have to get red in the face about it, do I, Marty? The question, the trick question I always throw is what's the jurisdiction of the District Court over civil actions arising in connection with residents of the eastern end of Suffolk County?

MR. MURPHY:

Say that -- the Sixth District Court jurisdiction?

CHAIRMAN GULDI:

No. What is the District Court jurisdiction in any district with respect to civil actions and East End residents? This is a trick question.

MR. MURPHY:

I believe it's monetary up to three thousand dollars.

CHAIRMAN GULDI:

No. Ding, ding, ding. The answer is lack of subject matter jurisdiction. The Justice Courts have the civil jurisdiction there and the District Court has no subject matter jurisdiction over non-residents of the district. So I got you.

MR. MURPHY:

You're absolutely correct. Mr. Chairman, you got me.

LEG. CRECCA:

That means you don't have to deal with George or the East End constituents.

MR. MURPHY:

Some people say the East End have their own system out there, we have an East End Bureau out there.

CHAIRMAN GULDI:

Some say the East End should have their own County, some say the East End should have their own country, some say they should have their own planet. What do you think, Mike?

MR. MURPHY:

It's still a beautiful place, though.

LEG. HALEY:

You got my vote.

CHAIRMAN GULDI:

Notwithstanding your score on the test, I'll be supporting your nomination.

MR. MURPHY:

Thank you, Mr. Chairman.

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LEG. CRECCA:

I just want to add and I'll be brief, Mr. Chairman, that I've known Mr. Murphy a long time, both when he was with the District Attorney's Office and strictly in a professional capacity then, when he was Supervisor of the Case Advisory Bureau I had dealt with him as a private attorney on several occasions. When he was with the Town, he still is with the Town, but whether it was the Chief of Staff or Deputy Supervisor, he's very professional to deal with and it's nice to have a nominee before us with such qualifications. So, I'll certainly be supporting his nomination to District Court.

CHAIRMAN GULDI:

Any other questions? Motion to take out of order by Legislator Haley, second by myself. All those in favor? Opposed? 1271 is now before us.

1271. Confirming the appointment of Glenn A. Murphy District Court Judge for and of the Sixth District Court to fill a term ending December 21, 2003. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (County Executive)

CHAIRMAN GULDI:

All those in favor? Actually, we need a motion.

LEG. HALEY:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Haley, second by Legislator Caracciolo. Discussion on the motion? I mean, Andrew, you didn't talk me out of it, I'm still going to support him. All those in favor? Opposed? Approved unanimously, but I don't think we can slide it by on the consent calendar, it will be before the full Legislator on Tuesday. (VOTE: 6-0-0-1) (ABSENT: BISHOP) APPROVED

MR. MURPHY:

Thank you very much.

LEG. FISHER:

Does he have to appear?

CHAIRMAN GULDI:

I think -- didn't we pass a rule amendment that provides that appointees be at the first --

LEG. FISHER:

They can appear at 9:30. I'm sorry, this is an evening meeting, it's at four o'clock.

CHAIRMAN GULDI:

Right. So what I would suggest is since you don't have to sit through the interminable meeting, that you be there at four -- what is it, four o'clock?

MR. SABATINO:

Four o'clock.

CHAIRMAN GULDI:

At four o'clock in the event that any of my colleagues want to dwell on this further.

MR. MURPHY:

Thank you, ladies and gentlemen. Thank you, Mr. Chairman.

LEG. FISHER:

Thank you, Glenn. Nice to see you.

MR. MURPHY:

Nice to see you. Mr. Chairman, one thing I forgot is when I was Deputy Town Attorney we were allowed to do some private cases, so just to keep my hand in, I did represent several clients in District Court over the last couple of year.

CHAIRMAN GULDI:

Great.

MR. MURPHY:

Thank you very much for your consideration.

CHAIRMAN GULDI:

Thank you. Okay. We have a card. Mary Terry. You can sit at the table or whatever you prefer.

MS. TERRY:

This is fine.

CHAIRMAN GULDI:

You do need to get very close to the microphone, though.

MS. TERRY:

Okay.

CHAIRMAN GULDI:

You want to talk about supporting the Birthright Walk-a-thon?

MS. TERRY:

Yes. This will be our fifth annual walk-a-thon. I want to thank the Legislators for allowing us to be at Indian Island Park. It's a two mile walk-a-thon, non-political, we don't collect any funds and it's the only fund-raiser that Birthright has for the year. And I'm asking for permission to be back there again September 13th.

CHAIRMAN GULDI:

Legislator Fisher has a question. Tom, what resolution number is this?

MR. DONOVAN:

1199.

LEG. FISHER:

I'm sorry, you just said we don't collect any funds, but then you said a fund-raiser.

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MS. TERRY:

Not at the walk-a-thon, we do the mailing for the funds. This is just a walk.

LEG. CRECCA:

I have a question, Mr. Chairman.

CHAIRMAN GULDI:

Mr. Crecca.

LEG. CRECCA:

I'm sorry, can you just explain your organization?

MS. TERRY:

Yes. Birthright is strictly volunteer ministry of love to women who are pregnant, think they're pregnant and in stress.

LEG. CRECCA:

Thank you.

CHAIRMAN GULDI:

Any questions by any member of the Legislature? Motion to take out of order by myself.

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo.

1199. Authorizing use of Indian Island County Park by Birthright of Peconic for their annual walk-a-thon. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (County Executive)

CHAIRMAN GULDI:

Discussion?

LEG. CRECCA:

I'll make a motion to approve.

CHAIRMAN GULDI:

It's 1199. It's on page two of the agenda. On the motion to take out of order, all those in favor? Opposed? Approved. Motion to approve by Legislator Crecca, second by Legislator Caracciolo. Discussion on the motion? All those in favor? Opposed? Shall we consider -- is

that a motion to approve or approve and place on the consent calendar?

LEG. CRECCA:

Approve and place on consent.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Crecca, second by Legislator Caracciolo. Legislator Bishop, this is 1199. It's a fund-raiser, use of a County park for a fund-raiser walk-a-thon. All those in favor? Opposed? Approved and placed on the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

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LEG. CRECCA:

Thank you good luck to your organization.

MS. TERRY:

Thank you very much.

CHAIRMAN GULDI:

No further cards? I did -- we had a discussion previously about, in the correspondence category, Tom, please, we had asked the Comptroller pursuant to discussion because of the payment history on one of Cashin Associate's contracts, I had asked for a printout of the contracts with them and the status on those. The Comptroller's Office has provided us the break down in detail. I'm distributing it to all members of the Legislature now. We'll take that up at -- we'll take up discussion of that today if anyone wants to later in the meeting.

We have no scheduled presentations. We're done with cards. We're going to go for the record, tabled resolutions.

TABLED RESOLUTIONS

1021. Adopting Local Law No. -2003, a Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions.
ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE.
(Caracciolo)

LEG. CARACCIOLO:

Motion to table 1021.

CHAIRMAN GULDI:

Hold on, I've got to get the book. Tom, on the resolution we just voted on, unfortunately the resolution in the book doesn't correspond with the subject matter we just discussed. Counsel just pointed out to me that the Resolution 1199 is a March of Dimes fund-raiser.

MR. DONOVAN:

It was switched at the last one. The Clerks made a numerical error with 1198 and evidently it didn't make it to the website where this was downloaded from. It was a correction from the last meeting.

CHAIRMAN GULDI:

All right. Could you get a copy from the Clerk's Office of the corrected 1199 and bring it into the auditorium so that if necessary we can reconsider it.

MR. SABATINO:

The bill that's actually filed is March of Dimes, I have it in my book.

LEG. CRECCA:

Was it amended, in other words, or no?

MR. SABATINO:

There's no corrected copy, that's why I'm puzzled. I was having a hard time following the discussion, but I just double-checked my book, it's March of Dimes.

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CHAIRMAN GULDI:

What's 1198 in your book?

MR. SABATINO:

1198 was adopted, so it's already been adopted.

CHAIRMAN GULDI:

Tom, go get us both and we'll come back to this issue. Thank you, Counsel, for pointing out that, we'll sort this out. Back to the top of the agenda. Legislator Caracciolo has made a motion to table 1021.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Fisher. Discussion? All those in favor? Opposed? 1021 is tabled. (VOTE: 6-0-0-1) (ABSENT: HALEY) TABLED

1041. Adopting Local Law No. -2003, a Charter Law to establish 19th Suffolk County Legislative District. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Fisher)

CHAIRMAN GULDI:

1041.

LEG. FISHER:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fisher, second by myself.

LEG. CARACCIOLO:

On the motion.

CHAIRMAN GULDI:

On the motion by Legislator Caracciolo.

LEG. CARACCIOLO:

As I've indicated previously, Mr. Chairman, I think 1041, 1094 and 1095 should be acted upon in the affirmative or otherwise by this Committee so that the voters of this County will know well in advance of the November election, because now all three resolutions reflect rather than a special election in April, an opinion to be cast by the electorate in November.

So that said, if we don't want to take the issue up today, that's fine, but I think in short order we should so that it can make it a timely entry on to the ballot in November and let's let the voters decide as to the size, scope and course of their County legislative body. That's a reasonable proposition, I don't know why anybody would not favor that.

And as we know, based on what Counsel has indicated in each of the Rule 28's that accompany each of these resolutions, at least stated on the record as well, that at the end of the day if all three are on the ballot, the one of the three that receives the largest plurality of

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votes would be the one that would prevail.

Now, I know we have reapportionment coming up. If it's the pleasure of the Committee and the Legislature to wait till the reapportionment issue is addressed so that the two are not confused, I can understand that. But if not this month, then in May, hopefully after reapportionment, we can take these up.

LEG. FISHER:

That's precisely the issue, that we don't confuse the two issues, because the issue of reapportionment is so important and there is so much discussion surrounding that.

LEG. CARACCIOLO:

Okay.

LEG. FISHER:

Further to that, there's the issue that I believe Counsel brought up

at the last Ways & Means Committee and I wanted clarification on that, whether or not the three propositions could appear together, and I believe that there was a problem, that that could be problematic. So after the reapportionment discussions are done and we've set the lines, the redistricting lines, then we can focus on the intricacies of putting this on the ballot, all three issues, because I believe that there were details that were problematic that Counsel had pointed out. So after the redistricting, I would like to revisit this issue.

CHAIRMAN GULDI:

Thank you, Legislator Fisher and Legislator Caracciolo, it's clear you oppose the tabling. I think that we'll deal with the tabling motion since that's what's before us.

LEG. CARACCIOLO:

No, I don't oppose it.

CHAIRMAN GULDI:

Any further debate on the tabling? All those in favor? Opposed?
1041 is tabled. (VOTE: 6-0-0-1) (ABSENT: HALEY) TABLED

1078. Adopting Local Law No. -2003, a Charter Law to establish a fully independent County Department of Real Estate. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Binder)

CHAIRMAN GULDI:

1078. Motion to table by myself, second by Legislator Fisher. Discussion? All those in favor? Opposed? Tabled.
(VOTE: 6-0-0-1) (ABSENT: HALEY) TABLED

1094. Adopting Local Law No. -2003, a Charter Law in connection with reduction of number of County Legislature Districts to eleven. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Caracciolo, Tonna)

CHAIRMAN GULDI:

1094.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator Fisher. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-1) TABLED

1095. Adopting Local Law No. -2003, a Charter Law in connection with reduction of number of County Legislative Districts. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Alden, Haley,

Towle, Binder)

CHAIRMAN GULDI:

1095. Same motion, same second, same vote. (VOTE: 7-0-0-1) TABLED

1113. Requiring exit interviews for all County employees. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Postal)

CHAIRMAN GULDI:

1113. Motion to table by myself at the request of the sponsor.

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. Discussion? All those in favor? Opposed? (VOTE: 7-0-0-1) TABLED

1134. Authorizing the extension of a lease of premises located at 1140 Motor Parkway, Hauppauge, NY for the Department of Social Services. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (County Executive)

CHAIRMAN GULDI:

1134.

LEG. CARACCIOLO:

Explanation.

CHAIRMAN GULDI:

Ms. Braddish is here. Are you still waiting for the Department?

MS. BRADDISH:

I understand that they weren't notified.

CHAIRMAN GULDI:

I can't hear you and either can the Stenographer.

MS. BRADDISH:

It appears they weren't notified to come.

CHAIRMAN GULDI:

Well, they certainly -- it is certainly not going to be able to address the concerns of this Committee without being here.

MS. BRADDISH:

Do you want me to see if they can get here before the meeting's end or

do you want to keep it tabled?

CHAIRMAN GULDI:

I suspect that they have less than an hour. We'll skip over it for now. Actually, you know what, we'll table it. I'll make a motion to table it now, second by Legislator Crecca. In the event that they appear, we can reconsider the tabling, but we won't have the hole in the agenda. All those in favor? Opposed? Tabled.

1135. Adopting Local Law No. -2003, a Local Law to restrict purchase of sports utility vehicles (SUV) by Suffolk County. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Binder)

CHAIRMAN GULDI:

1135.

LEG. HALEY:

Table.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca, second by --

LEG. BISHOP:

On the motion.

LEG. FISHER:

On the motion.

CHAIRMAN GULDI:

Is there a second on the motion? Is there a second? Motion to table fails for lack of a second.

LEG. FISHER:

I would like to make a motion to approve.

LEG. CRECCA:

I didn't make a motion to table, though, just so the record can reflect that.

CHAIRMAN GULDI:

I'm sorry. I heard a voice from this side, sometimes they all sound the same.

LEG. CARACCILOLO:

On the motion.

LEG. BISHOP:

I make a motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Fisher, second by Legislator Bishop.
On the motion.

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LEG. CARACCIOLO:

Counsel, has this bill undergone any further changes, and if so, what is the actual import of what this would accomplish?

MR. SABATINO:

The bill has gone through several changes, but in its current form no sports utility vehicle could be purchased or leased by the County of Suffolk under these amendments unless a couple of things happen. One, there has to be a written justification for the use and assignment of the vehicle prepared by the relevant department in which the vehicle is going to be assigned.

That's got to be filed with the Purchasing Division, with the County Executive and each member of the County Legislature. And that justification and rationale is supposed to have a cost benefit analysis demonstrating why there is some cost benefit to doing that.

The second restriction is that the vehicles have to be assigned to people whose job titles would match what the explanation or rationale for the vehicle is. So if the rationale is that you're going to use it to go to a sewage treatment plant and do sewage treatment plant work, the person who is assigned the vehicle has to be somebody who does sewage treatment plant work, not somebody who's got a white collar job.

The next restriction is that the purchase or the lease would be subject to approval by resolution of the County of Suffolk. And the other item that was put into the last corrected copy is to have that same cost benefit analysis applied to all vehicles that are being acquired by the County of Suffolk, not just the SUV's.

LEG. CARACCIOLO:

Okay. So when will this evaluation be conducted or completed, because obviously we have a fleet of SUV's in the County, is this something that is prospective or is it retroactive, people using them now would have to basically justify their use?

MR. SABATINO:

Well, there's two components to it. One is it would apply to the acquisition of the SUV's on a prospective basis, meaning that you wouldn't be purchasing the SUV's or leasing the SUV's in the future

without complying with these provisions.

The second part, which is the assignment portion of it, would begin immediately. Well, it would begin once the law took effect, because the assignments of the vehicles occur as you're moving forward. So there's two components, one is the acquisition by lease or purchase obviously would only be for vehicles that are coming down in the future, but the assignments, because they're occurring on an every day basis, would begin immediately.

LEG. CARACCILO:

I think maybe, correct me if I'm wrong, I don't know if the legislation addresses this, but I would prefer to see an annual certification by a department head, because what can happen, a vehicle can go from one department to another department and the new

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department head may say I wasn't even aware of this local law. So if you made it a certification process, I think everybody would be aware of that. And if they're not, shame on them, let them explain why they weren't aware of it. And I'd like to talk to the sponsor about making that, giving that consideration.

I make a motion to table. I don't have a problem with the resolution, but I think it could use some refinement.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

Motion to table and second by Legislator Caracciolo.

LEG. CRECCA:

On the motion.

CHAIRMAN GULDI:

On the motion, Legislator Crecca.

LEG. CRECCA:

Counsel, would you explain the Provision B-2 which is talking about the pooling of the vehicles, vehicles that are assigned with a work station? I'm really not familiar with that.

MR. SABATINO:

B-2 is pre-existing language, that's the law on the books, that's the Levy Law that's already on the books.

LEG. CRECCA:

It's Subsection 5.

MR. SABATINO:

Yes. The ones that are -- paragraphs, I'm sorry, subparagraphs 5 and 6 are the add-ons.

LEG. CRECCA:

And then so 5-B, is that saying that -- does that apply to vehicles purchased in the future?

MR. SABATINO:

Right. If you look in the applicability clause in Section 3, if you look a little further down, the law would apply to -- in other words, the portion it talks about acquiring the SUV's in the future by lease or by purchase would be as they're being acquired in the future. That's the prospective part.

LEG. CRECCA:

I guess my question is, and I apologize I'm not being clear, do we need to have a separate resolution every time we assign an SUV?

MR. SABATINO:

No. It's for the purchase.

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LEG. CRECCA:

Don't we do that now anyway?

MR. SABATINO:

Well, it's purchase or lease. On the leases you don't get to see them because there's a way to circumvent legislative approval by leasing. That's why the whole car leasing program in 1994 was designed to avoid legislative approval. So leases, you don't. And purchases, what happens with the purchases is that you lump sum, you lump sum, appropriate money for purchases, but you don't necessarily unless you --

LEG. CRECCA:

You don't break out the SUV's?

MR. SABATINO:

You don't necessarily, you could, but it hasn't happened in the past.

LEG. CRECCA:

This requires us to do it?

MR. SABATINO:

This says that if you're going to either lease or purchase, then you're going to have to specifically explicitly approve that acquisition.

LEG. CRECCA:

Okay. Again I apologize, but during the budget process, it's all part of omnibus, we couldn't -- it wouldn't -- that wouldn't be part of omnibus anymore or would it just be a separate line? I apologize, I just don't understand. I don't want to bog down, I like, obviously I'm a co-sponsor.

LEG. BISHOP:

I guess one of them should answer, because it's a technical question.

LEG. CRECCA:

I don't care, anybody can answer it.

LEG. BISHOP:

I was about to, but I'm not going to.

CHAIRMAN GULDI:

Your question is?

LEG. CRECCA:

My question is when we go to purchase or lease SUV's right now, it's part of the omnibus. So, in other words, we're getting a hundred vehicles and it's in the omnibus as a budget line.

CHAIRMAN GULDI:

It's part of the budget, part of the omnibus.

LEG. BISHOP:

It's a lump sum for vehicles.

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LEG. CRECCA:

Does this mean it has to be a separate line for the SUV's or does it mean it has to be a separate resolution for the SUV's?

CHAIRMAN GULDI:

Neither.

LEG. CRECCA:

I'll direct the question to Counsel first.

CHAIRMAN GULDI:

Counsel, can you please answer the question.

MR. SABATINO:

In the absence of this law, I hypothesize that there is no legislation. Right now vehicles are acquired either by leasing, which you don't get to see because that's not a legislative vote, or they're

purchased through the Operating Budget, in which case it may be part of the budget as submitted, it may be something you add on as an omnibus amendment, it might be a stand-alone amendment or it might be something down in the middle of the year.

The third way that they're acquired is sometimes you'll use capital money which is you're going to the Capital Budget and Program. That again could be in the budget as submitted or could be by virtue of amendment.

So what happens in all of those categories is you're never specifically voting on the purchase of an SUV, clearly not the lease, but the purchase, unless you specifically -- unless you specifically say this resolution is going to be for one hundred SUV's and we appropriate the money. I haven't seen that done, but it could be done that way. Without this law, you could do it that way.

LEG. CRECCA:
Correct.

MR. SABATINO:
This law says that given all of the situations I just described, if SUV's are going to be part of any one of those funding mechanisms, whether it's Capital, Stand-alone Amendment, Operating Budget or lease, you as a Legislature will have to explicitly approve the purchase of whatever it is or the lease of, whatever it is, six vehicles, a hundred or ten. So there will be a specific, explicit, separate vote.

LEG. CRECCA:
So we can't do -- we couldn't approve the Capital Budget without an add-on resolution, is what you're saying?

LEG. BISHOP:
No, I don't think that's what he's saying, Andrew, if I can.

LEG. CRECCA:
I apologize.

LEG. BISHOP:
Money is still going to come from the pool. So if you have a budget line that exists now which says one million dollars for vehicles, you would still next year if you wanted to continue that program have a one million dollar vehicle line. However, when they wanted to dip into that budget line for an SUV, there's added burdens placed on the process. And those burdens are, one, there has to be a justification. And, two, there has to be an explicit vote of the Legislature on the purchase.

LEG. CRECCA:

Or the lease?

LEG. BISHOP:

Or the lease, I'm sorry, on the acquisition.

LEG. CRECCA:

So, in other words, right now if they went to go buy it, they wouldn't need to do anything. If they went to go buy a Ford Taurus, they would just do it because we've approved it budgetarily. This puts an additional burden for a new resolution to come over and say we're actually appropriating the money to buy twenty SUV's and that resolution would have to say and here is where they're being assigned?

LEG. BISHOP:

And here's the justification, here's where they're being assigned and you need to approve it if we're going to go forward.

LEG. CRECCA:

Okay. That's an accurate description, Counsel, correct?

MR. SABATINO:

Yes, it is.

LEG. BISHOP:

Moreover, the justification aspect applies to all vehicle purchases. So if you want to, correct, Counsel, they have to go do a justification now on all vehicles, although we don't need a vote on all vehicles, is that --

CHAIRMAN GULDI:

No.

MR. SABATINO:

No. The change that was made was that they have an explicit approval for all of the acquisitions. That was the second, that was the most recent amendment. The SUV's are going to get the specific rationale justification, all the steps you just described, and the vote. The other vehicles are just going to get the -- they have to be -- there has to be legislative approval by resolution.

LEG. CRECCA:

So every time we buy cars we have to have a separate resolution now?

CHAIRMAN GULDI:

Yes.

LEG. CRECCA:

I don't really -- in other words, if we buy twenty fleet cars --

CHAIRMAN GULDI:

They have to be specifically approved as a purchase.

LEG. CARACCIOLO:

That's good.

LEG. CRECCA:

And they have to be laid out where they're being assigned? I'm just asking.

MR. SABATINO:

The assignment provision is only for the --

LEG. CRECCA:

The SUV's?

MR. SABATINO:

SUV's

LEG. CRECCA:

Okay.

CHAIRMAN GULDI:

Legislator Fisher is next.

LEG. FISHER:

Yes. This is in response to the tabling motion by Legislator Caracciolo. Because we have --

CHAIRMAN GULDI:

He made a motion to table. There's a pending motion to table that's been seconded.

LEG. FISHER:

It was because of accountability I believe you were saying to be certain that they do this. But, however, because of the language here that says Legislative approval before SUV's may be purchased or leased by the County of Suffolk, it's right in the resolution, I don't think that we need to put that added language if it's coming back to us for a vote with the rationales and justifications.

LEG. CARACCIOLO:

I would agree with that. I've taken a look at that provision and I would agree. So I'm going to withdraw the tabling motion, Mr. Chairman, however -- I'm going to withdraw the tabling motion.

CHAIRMAN GULDI:

The tabling motion is withdrawn.

LEG. CARACCIOLO:

I do have a question for Budget Review.

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CHAIRMAN GULDI:

But Legislator Haley was next.

LEG. CARACCIOLO:

Marty, would you just yield for one question to BRO?

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Jim, do you have an inventory or a number of SUV's in the County fleet?

MR. SPERO:

I'm sure we can find out without too much difficulty.

LEG. CARACCIOLO:

Okay. If you could and then just fax it to my office, I'd appreciate it. By department.

CHAIRMAN GULDI:

Thank you. Legislator Haley is next and then Legislator Crecca. Legislator Haley, the tabling motion has been withdrawn. Do you still want to speak?

LEG. HALEY:

Yes, please. I just want to know what the definition of an SUV is.

CHAIRMAN GULDI:

Counsel, do you want to address that?

LEG. HALEY:

Try to find a definition of SUV.

MR. SABATINO:

There's no definition in the statute.

LEG. HALEY:

We have a practical problem here because, you know, there's SUV's of nanny different sizes and shapes allegedly called SUV's, there are mini ones, small ones, big ones, you know, minis. I think you have no choice but to table it until such time as you can ascertain what an

SUV is. How you could you pass legislation when you don't even know what an SUV is?

CHAIRMAN GULDI:

Is a four-wheel-drive pickup truck an SUV or is it a truck?

LEG. HALEY:

That's correct. What is it?

CHAIRMAN GULDI:

Legislator Crecca is next.

LEG. CRECCA:

No, I wasn't on the list. I wanted to just see a copy of the bill.

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CHAIRMAN GULDI:

Okay. Legislator Fisher.

LEG. FISHER:

I understand when the {cafe} laws on the federal level were being addressed in Congress, there is a standard definition of SUV vehicles.

LEG. CARACCIOLO:

Is that in the resolution?

LEG. FISHER:

Pardon?

LEG. CARACCIOLO:

Should we put it in the bill?

LEG. FISHER:

I don't believe it has to be put in the resolution, because there is a standard in the automobile industry, there's a standard definition. I mean I know colloquially we use SUV loosely, but there is a technical standard in the automotive industry.

LEG. CARACCIOLO:

Mr. Chair?

LEG. FISHER:

It's up to the sponsor whether or not he wants to table it for that reason.

CHAIRMAN GULDI:

Well, the sponsor, the lead sponsor is Legislator Binder.

LEG. BISHOP:

I was the co on that, it was Binder and Bishop initially. There have been co-sponsors added subsequently.

CHAIRMAN GULDI:

Counsel, do you want to address, before we get to Legislator Caracciolo, Counsel, do you want to address the definitional question raised by Legislator Haley and/or whether the --

LEG. CARACCIOLO:

He did that already, George.

CHAIRMAN GULDI:

No, Counsel hasn't addressed it.

LEG. CARACCIOLO:

He did.

LEG. FISHER:

Yes.

CHAIRMAN GULDI:

Whether or not the statute should incorporate by reference a specific alternate definition if that's what's being relied on or intended.

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MR. SABATINO:

I'm not an expert in vehicles, quite frankly. I didn't know that there was some kind of definitional standard that would distinguish one vehicle from another. If somebody has that kind of information, I'd be willing to look at it, but to me SUV's are a colloquialism which I think everyone understands and recognizes. But if there's some distinction out there I'm not aware of, but I don't own one, I've never looked at one.

LEG. HALEY:

Consumer Reports could help us out with that.

CHAIRMAN GULDI:

Legislator Bishop is next, then Legislator Haley.

LEG. BISHOP:

I would say that if there's one hallmark of this piece of legislation it's transparency and if there are any shenanigans pulled by anybody in the government, it would be seen and obvious. So I don't know what you're trying to guard against and I suppose hypothetically it's that rather than purchase an unnecessary SUV as a status symbol, are you trying -- are you hypothesizing that the -- that instead a large pickup truck would be purchased and that we wouldn't be able to stop

that? I mean that seems to be a rather unlikely scenario.

Furthermore, it's ironic that people who spend most of their time arguing that any legislation is unnecessary then take a position that the legislation that needs to be passed has to be hyper-specific and it couldn't be dealt with on a common sense standard. Again I feel that the critical thing to understand is that transparency runs throughout this bill, so we'll see what's going on and that will be the ultimate guard to protect the taxpayers.

CHAIRMAN GULDI:

Legislator Haley is next, then Legislator Crecca.

LEG. HALEY:

Yes. Is a standard-sized Jeep Cherokee with two-wheel drive an SUV?

LEG. BISHOP:

There will be a justification with that vehicle.

LEG. HALEY:

Well, is it an SUV?

LEG. BISHOP:

All vehicles purchased under this legislation will be transparent and justified. So we'll make the determination. If that's the issue, if you're going to run down a list of vehicles that potentially are or not, we can deal with it when the list comes out.

LEG. HALEY:

Dave, the specificity that I ask is just so that people can efficiently enact legislation which I don't think we have a need for anyway, but at least if you're going to enact it, be specific enough

so people know exactly where they're standing. You can spend literally hours going through every single vehicle and everybody trying to come up with ten votes whether or not that is an SUV or it's not an SUV, the whole thing is transparency, it's not transparent, it's ambiguous.

LEG. BISHOP:

Why would you need that predictability? Give me the scenario that would require the purchaser of a vehicle to understand whether it's an SUV or not unless their game is to get around the law.

LEG. HALEY:

Why don't you just pass legislation that says you can't have a vehicle that has to meet certain mileage standards, what difference does it make otherwise? You're going to start going through a bureaucracy.

This approach to the County government has a practical effect of slowing down County government for what it's originally intended for is to limit services, instead we have every department coming up with tons of justifications day in and day out not only for vehicles, but for a whole lot of other things.

LEG. BISHOP:

I would suggest that that's good government.

LEG. HALEY:

No. It's slowing government down.

LEG. BISHOP:

I would further suggest that you address my challenge, which is describe a scenario wherein the purchaser, wherein the purchaser needs to know the predictability of whether something is an SUV or not unless their game is to try to get around the requirement that the Legislature approve it. Let them come out with their list of what they want to purchase, and if it's deemed an SUV, then it comes for a vote. And if it's not deemed an SUV, it doesn't require a vote. But I don't think it's a burdensome issue to simply say that SUV's require the additional vote.

LEG. HALEY:

What are going to do when someone comes and wants to know if this vehicle they're interested in is an SUV or not? Then you'll fit in the definition that you think is appropriate at the moment?

LEG. BISHOP:

There's plenty of guidance in the free market and in the realm of common sense that can help direct them.

LEG. HALEY:

First and foremost, take my name off as a co-sponsor. I don't know how it got on there.

CHAIRMAN GULDI:

Surprise.

LEG. FISHER:

Because you yelled, "co-sponsor."

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LEG. HALEY:

Take my name off of that, please.

LEG. BISHOP:

They can surf the internet and find out --

LEG. HALEY:

You know what, now that you brought it up, you know, we were always worried about big brother, but it appears to me now we have big sister.

CHAIRMAN GULDI:

Marty, what you needed was a big sister who was really mean. Legislator Crecca is next.

LEG. CRECCA:

I'm going to yield for a moment.

CHAIRMAN GULDI:

For a moment? A moment?

LEG. CRECCA:

A long moment, how's that, of my time to Legislator Caracciolo.

CHAIRMAN GULDI:

This is going to be a moment, a Mike moment, record moment, go ahead.

LEG. CARACCIOLO:

Okay. My esteemed friend and colleague from the 14th District, David, you have the distinction among several Legislators of not utilizing a County vehicle.

LEG. BISHOP:

That's correct.

LEG. CARACCIOLO:

Now I understand why, you know, having a law practice, there's a lot of things you have to do during the course of the day besides legislative business, so it's very prudent not to be in the position of logistically changing vehicles.

LEG. BISHOP:

You wouldn't want to credit me with good behavior, you have to come up with some rationale.

LEG. CARACCIOLO:

But consistent with the Local Law that Legislator Levy initially sponsored that required written reports of vehicle assignments, would you be in support of an amendment, if not in this resolution, in one that I'll sponsor, that requires the justification of vehicle use by elected officials in the County, including County Legislators, and have a threshold limit, which, Mr. Spero, is what annual amount of mileage qualifies on a cost effective or break even basis for use of a County vehicle?

LEG. HALEY:

See what you started?

LEG. CARACCIOLO:

We were in tough fiscal times and we should be addressing issues like that. Jim, could you answer my question?

MR. SPERO:

I'm trying to remember what the break even point was.

LEG. CARACCIOLO:

It was about twelve thousand dollars.

MR. SPERO:

That was my recollection as well.

LEG. CARACCIOLO:

Because my survey of County --

CHAIRMAN GULDI:

Legislator Caracciolo --

LEG. CARACCIOLO:

No, Mr. Chairman, I have the floor.

CHAIRMAN GULDI:

This is not on this issue.

LEG. CARACCIOLO:

Yes, it is. We're talking about --

LEG. FIELDS:

No, no.

LEG. CARACCIOLO:

Mr. Chairman, with all due respect, Chapter 186 deals with County-owned vehicles. I'm just by extension talking about County owned vehicles -- I touched a nerve, haven't I? And I will look up the records and I will sponsor legislation, we'll see how many people will put their money where their mouths are.

CHAIRMAN GULDI:

I would love to discuss that legislation when it's before us, that's not the legislation before us.

LEG. CARACCIOLO:

Okay. On the legislation before us.

CHAIRMAN GULDI:

Thank you.

LEG. CARACCIOLO:

Mr. Spero, do you have access where you're at to the internet?

CHAIRMAN GULDI:

Wait a minute.

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LEG. CARACCIOLO:

No, we can get a definition to the sports --

MR. SPERO:

We're not supposed to use it, though.

LEG. CARACCIOLO:

Jim, that's connected right?

MR. SPERO:

I could try. Yes, I'm on the County Intranet right now.

LEG. CARACCIOLO:

Perhaps you can go into Google or one of the other search engines and look up sports utility vehicles and see if there's a definition that's utilized by either Kelly Book, Consumer Reports or some other --

LEG. FISHER:

My Aide is out doing that right now.

LEG. CARACCIOLO:

Okay. Very good. Jim, maybe while we're waiting, you can do it as well.

CHAIRMAN GULDI:

Legislator Crecca, do you want to claim your time back? You're not allowed to yield anymore.

LEG. CRECCA:

Yes. My question is the three -- the amendments that were made to the bill, Counsel, on 3/21, I have them in front of me, I just want to know what the difference was, what was added, because that's the part I haven't seen until today. And my other question is it looks like the way I read the bill, I just want to clarify it, that they can -- the SUV has to be assigned by a Commissioner with a written justification or a department head, but that written justification is not coming back to us. That's not what the bill says or am I reading it incorrectly?

MR. SABATINO:

You're not voting on the justification, but because you're going to have the written justification, it will be part and parcel of the review process that you undertake when you vote to approve the purchase of the -- or the lease of the vehicle, because the logic would be that if there's a proposal in front of you hypothetically to purchase or lease twenty SUV's and you have statute that says they can only be assigned based on a written justification, this bill presupposes that the Legislators before voting would then want to have that justification in front of them.

But you're not per se, you're right, you're not per se voting on the justification, but the sponsors want that information to be part of the process before you cast the vote.

LEG. CRECCA:

Okay. And that would happen under this resolution, that information

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would have to be before number six?

MR. SABATINO:

Yes. That was what the two sponsors communicated to me when they asked for the bill to be drafted.

LEG. CRECCA:

Okay. And the only other thing I would ask is I think this can be resolved as a scrivener's error, but it repeatedly refers to the acronym SUV, I would just ask that we just change that to sport utility vehicle. It's a minor change and again at least it makes a little more clearer, the classification of the type of vehicle, than SUV. Again, I don't think it's --

MR. SABATINO:

I mean your point is well taken, but the acronym SUV was created at the beginning of the bill where it mentions right at the top, sports utility vehicle, we put the acronym there on the first page.

LEG. CRECCA:

That's fine.

MR. SABATINO:

Your point is well taken, you're absolutely right, but we did get it.

CHAIRMAN GULDI:

All right. We have a motion to approve before us. On the motion, all those in favor? Opposed?

LEG. CRECCA:

Is this a motion to table or approve?

CHAIRMAN GULDI:

This is a motion to approve. Opposed?

LEG. HALEY:

Opposed.

CHAIRMAN GULDI:

Marty Haley. Abstentions? Approved.

(VOTE: 6-1-0-0) (OPPOSED: HALEY) APPROVED

CHAIRMAN GULDI:

Okay. In the time it took us to debate that weighty issue, the Social Services Department, which had not had notice that it needed to be here, has arrived. And they are here to enlighten us regarding a resolution that we discussed hours ago, the one immediately prior to this on the agenda, 1134, which we tabled.

I'll make a motion to reconsider, seconded by Legislator Fisher. All those in favor? Opposed? It is now before us. Mr. Jones.

MR. JONES:

Happy spring time, members of the Ways & Means Committee. Happy Easter, happy Easter. The sun is shining, the time for renewal and rebirth.

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CHAIRMAN GULDI:

Yes. I want you to know that I defy you to give us a rational explanation of what this resolution is and why it's before us. And I want to warn you that this is, since I'll be flying to Disney with my children, this is my first opportunity to step through the looking glass. Okay? So would you care to make a presentation?

MR. JONES:

An appropriate allegory, both literal and figuratively. There really is a very simple explanation.

CHAIRMAN GULDI:

Go ahead.

MR. JONES:

In the minds of the Space Management Committee --

LEG. CARACCIOLO:

Excuse me just one moment, I can't resist. Boy, you two Sag Harbor boys know how to mix it up.

MR. JONES:

I always thought that the water was stranger on the North Fork, though.

CHAIRMAN GULDI:

It's all of those pesticides.

LEG. HALEY:

Wait a minute, are you looking for votes?

MR. JONES:

Yes, as a matter of fact. So, I'll retract that last statement. The Space Management Committee after, that was set up, of course, by resolution through the Legislature and in the County Executive's Office, took a look at this particular situation and realized that we have the ability to save some money for the County even given the somewhat unpleasant history with regard to the extension of where we are now at 1140 Motor Parkway, decided that unanimously that it was in the best interest of the County to attempt to renegotiate that extension with the landlord which was successful by the Division of Real Estate and which you have before you today.

There's a lease that would extend for three years from September of 2002 at a savings to the County should we remain there for the extended three years or given the possibility of us actually finding, negotiating and ending up in a new location within two years, the ability to get out of it at the end of two years. And this was a unanimous decision by the Space Management Committee.

CHAIRMAN GULDI:

Was I at the meeting?

MR. JONES:

I believe you were, yes.

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CHAIRMAN GULDI:

But explain, for the benefit of my colleagues, we had a three-year lease at this premises, we had a termination right, we exercised the termination right, we then held over past our termination, the landlord increased our rent to the penalty rent rate.

MR. JONES:

He has not.

MS. BRADDISH:

He has.

MR. JONES:

He has, I'm sorry.

CHAIRMAN GULDI:

We then, we negotiated an abatement of that to the base rent, we're now negotiating for yet a new lease for another three years at the same building we previously exercised our termination right and in the new lease we're providing for yet another termination right. Is that a fair and accurate summary?

MR. JONES:

The sum and substance of exactly what's going on, yes.

CHAIRMAN GULDI:

Okay. All right. But one of the features that you have not presented on are what are the financial terms of the extended lease, dollars per square foot, rent survey?

LEG. CRECCA:

I have it. It's about seventeen dollars a square foot now and it goes up.

CHAIRMAN GULDI:

Ms. Allar is here, I need a presentation on this.

MS. BRADDISH:

It's actually --

CHAIRMAN GULDI:

Your mike is not on.

MS. BRADDISH:

Terry will give you the exact numbers, but they exercise the penalty provision, it's twenty some dollars per square foot right now.

MS. ALLAR:

Good morning. The lease that we negotiated, renegotiate is at seventeen dollars eighty-five cents per square foot. The penalty, which would be the 13th year, is twenty dollars fifty cents per square foot. Over the life of the three-year period, the new lease terms and then what we would have had to pay in the 13th year at twenty dollars fifty cents per square foot, we have a total savings of about nine hundred thousand dollars.

CHAIRMAN GULDI:

In terms of the planning management, why are we in the lease cancellation holdover extension renegotiation with cancellation right posture, what is our long term plan for the personnel at this space?

MR. JONES:

We have been, as you know as being a member of the Committee are aware that we have been planning for this relocation, and unfortunately through the long series of varying factors, unfortunately did not find a suitable relocation spot for this to replace this current center.

Where we are now is that at the last Space Management Committee meeting a presentation was made by Real Estate with regard to the cost of the possibility of moving to I think we're at six potential sites. And based on that and some further instructions from the Space Management Committee, it is hopeful that at the next meeting, which is on the 24th I believe of this month, we will be able to make a recommendation both from Real Estate's side and from the Department side a recommendation for the first two priorities, priority one, a priority one site and priority two site.

If we're able to do that, we should be able to move quickly. And it's the feeling of all those, because we've sat around the table, everybody involved, including the Department of Public Works, that based on the time line of securing a new location and plans, etcetera, that this particular lease that's before you today should get us to that point where we should be able to move into a new location and then either fulfill this lease in three years or exercise the one year -- the two year option to get out.

CHAIRMAN GULDI:

Do you have your market survey on the rents to substantiate this rent available to distribute to the members of the Committee, Ms. Allar? Please look for that. Legislator Fisher has questions next and then Legislator Crecca. When you find that, give it to one of my Aides and we'll make copies and distribute it.

LEG. FISHER:

Terry, you mentioned that we will realize a saving of nine hundred thousand dollars. Based on what, a savings as compared to what? I'm confused by that statement.

MS. ALLAR:

We're in a hold-over position. As a hold-over under the original lease, and Basia can attest to this, we have to pay the 13th year rent, which is when it was negotiated back I believe around 1999, was twenty dollars. Well, it is twenty dollars and fifty cents per square foot.

This lease renewal was renegotiated instead to allow Suffolk County to save some money. And the renegotiation, the terms was negotiated at seventeen dollars eighty-five cents per square foot. The second year is slightly higher at eighteen dollars thirty-one cents per square foot. And the third year, eighteen dollars seventy-seven cents per square foot.

Calculating these totals, the renegotiated lease in front of you, the three years, if we are there for the next three years, we will be paying a total of one million seven hundred eighty-five thousand dollars. As a hold-over for the next three-year period at twenty dollars fifty cents per square foot, the total amount is approximately or just shy of two million five hundred thousand dollars.

LEG. FISHER:

I wanted to understand where you were getting the nine hundred thousand dollar figure. Okay. Thank you, Terry.

MS. ALLAR:

You're welcome.

LEG. CRECCA:

Terry, how much are we paying right now today?

MS. ALLAR:

Currently we're paying twenty dollars fifty cents per square foot.

LEG. CRECCA:

Now the lease that's before us goes back to October 1st of 2002, correct?

MS. BRADDISH:

Yes, it would. But we have not -- we just commenced paying the penalty, the first payment will go in May and it will be retro to January. So assuming we execute this, we'll just owe the difference between the lower rent that we were paying and this new rent as opposed to the penalty rent. We haven't paid, they've demanded the penalty amount.

LEG. CRECCA:

We haven't paid it, though. What we have been paying?

MS. BRADDISH:

They didn't demand it until last month, I think last month, because they were expecting this --

LEG. CRECCA:

To be approved.

MS. BRADDISH:

-- to be approved. It was laid, one was Laid on the Table several months ago and then it was pulled. So they were being very patient and then their patience ran out.

LEG. CRECCA:

My question for you is this, if we approve this, will the new rent go retroactive to October 11th?

MS. BRADDISH:

Yes.

LEG. CRECCA:

Okay.

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MS. BRADDISH:

To October 1.

LEG. CRECCA:

I'm sorry, October 1, I don't know where I got 11 from. So, in other words, and if we don't, then the penalty will kick in. So we're not really paying the twenty dollars right now, we should be paying the twenty dollars?

MS. BRADDISH:

Right. And they've been advised to start paying it in May's rent, it will be included in May's rent.

LEG. CRECCA:

Will we get a credit then back if we pay that?

MS. BRADDISH:

Right. Towards the difference yes.

LEG. CRECCA:

Based on the lease approval?

MS. BRADDISH:

Right.

LEG. CRECCA:

Okay. My other question is, this is a three-year lease and I think Terry had mentioned something earlier on it, but can we get out of this before the end of the three-year period, and how?

MS. BRADDISH:

We can get out of it by exercising a cancellation privilege in March of next year. That privilege can only be exercised upon written notice and payment of three months rent. There's a termination fee.

LEG. CRECCA:

And if we don't exercise it in March of 2004, we can't exercise it at all after that?

MS. BRADDISH:

Right. But we could exercise it and remain as a holdover. There's a provision for us to exercise it.

LEG. CRECCA:

Okay.

MS. BRADDISH:

And remain as a holdover.

LEG. CRECCA:

How much is the rent as a holdover?

MS. BRADDISH:

The first six months would be a hundred and ten percent of whatever is -- so it would be a ten percent increase. If we stay over six months, then it would be a hundred and fifty percent.

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LEG. CRECCA:

Wow, we better get out if we do that.

MS. BRADDISH:

Right. Well, that was added actually because of the situation they're in right now.

LEG. CRECCA:

What is located at 1140 now?

MR. JONES:

It is a client benefits center and Medicaid center. We have our fair hearings located there and our HEAP Central, so it's all Department of Social Services.

LEG. CRECCA:

And we're looking at other locations to replace this one still?

MR. JONES:

Yes. And as I said, though, we're down to -- the Space Committee, Space Management Steering Committee has been presented with six viable sites and hopefully at the next we'll be able to --

LEG. CRECCA:

If you did find a site that would -- you'd probably exercise the March termination?

MR. JONES:

It's possible, Legislator Crecca, but as you know the question comes down to whether or not ultimately what is chosen for the next site is,

quote, a build to suit, which means it's a vacancy plan that we go forward with that needs site plan approval.

LEG. CRECCA:

Right. You'd have to stay here.

MR. JONES:

That would be a longer process. If we choose an existing structure that doesn't need as much, as many approvals, then we could, we think that we might in fact be able to get out of 1140 sooner.

LEG. CRECCA:

And the longer this binds us for even if we don't exercise the termination would be October of 2005, correct? I have no further questions. Anybody else have any questions?

LEG. FISHER:

Actually, that was my question. Do we have enough time to find a suitable site? Because now we have two and a half years left on this lease and you're saying if we find something that's already existing, not a build to suit, this would give us enough time?

MR. JONES:

Legislator Fisher, if all goes well under either scenario, a build to suit or refurbishment of an existing building, this lease should get us there.

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LEG. FISHER:

Okay.

MR. JONES:

Barring any strange things. And since I've been involved in this process, a lot of strange things happen when it comes to leases.

LEG. CRECCA:

I don't have enough Legislators here to take a vote or to continue on the agenda. Ginny's here, I'm sorry.

LEG. FISHER:

Ginny's here, we have enough.

LEG. CRECCA:

Yes, we do.

LEG. HALEY:

Motion to reconsider 1134.

LEG. FISHER:

I think we already made that motion.

LEG. CRECCA:

No, I don't think we did.

LEG. FISHER:

Second that motion.

LEG. CRECCA:

Second by Legislator Fisher. All those in favor of reconsidering 1134? Opposed? 1134 is back before us.

1134. Authorizing the extension of a lease of premises located at 1140 Motor Parkway, Hauppauge, NY for the Department of Social Services. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (County Executive)

LEG. HALEY:

Motion to approve.

LEG. CRECCA:

Motion to approve by Legislator Haley, second by Legislator Fisher. All those in favor of approving 1134? Opposed? 1134 is approved.

LEG. CARACCILOLO:

Opposed.

LEG. CRECCA:

Vote of four to approve, one opposed and two absent.

(VOTE: 4-1-0-2) (OPPOSED: CARACCILOLO) (ABSENT: BISHOP, GULDI)
APPROVED

1148. To authorize and empower performance-based audit of all County Departments, Offices and Agencies. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Bishop)

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LEG. FISHER:

Can I ask a question about 1148?

LEG. CRECCA:

Yes, I recognize Legislator Fisher on 1148, which is now before us.

LEG. FISHER:

On 1148, I thought I asked this question at the last meeting, but I don't have the answer in my notes, how much would it cost for us, what would be the financial impact be to have these performance-based audits of all County departments?

MR. SPERO:

Unfortunately the FIS is not on-line, it would be substantial because certainly we don't have the in-house staff to perform all these studies.

LEG. CRECCA:

We're on 1148, Legislator Bishop.

LEG. BISHOP:

Which is?

LEG. FISHER:

The auditing bill.

MR. SABATINO:

I've got the FIS here. It says four hundred and twenty thousand dollars.

LEG. FISHER:

It's four hundred twenty thousand dollars.

MR. SABATINO:

But that's on a rotating basis, so that would not be a one-year cost.

LEG. CRECCA:

Do you have the annual cost in that financial impact statement?

LEG. BISHOP:

That's for every department?

LEG. FISHER:

Yes.

LEG. CRECCA:

I recognize Legislator Bishop -- why don't you let Fred explain the FIS first, since he's here. Is this all right, Fred?

MR. POLLERT:

Sure.

LEG. CRECCA:

Then David certainly you can address any questions.

MR. POLLERT:

The Budget Review Office contacted Ernst & Young, which is the County's auditors. They couldn't give us a hard and fast number, but the general rule of thumb that they charge at are rates that range up to five hundred dollars now or depending upon the mix of employees

that they would throw at a program audit. The best analogy we could come up with is when we contacted the State of New York, which does do program audits, it costs them about four to five hundred thousand dollars to do a program audit.

A program audit would be something like one portion of the Medicaid expenses for the State of New York. If you put everything on a rotating basis and because the legislation requires it to be done by outside vendors, the cost could range from five to ten million dollars annually.

LEG. CRECCA:
Annually?

MR. POLLERT:
Yes.

LEG. CRECCA:
Hello, I think there's a motion to table by Legislator Bishop.

LEG. BISHOP:
I don't think we have the right -- somewhere, somehow there's been a lack of communication. The City of New York does this, they just post -- they certainly -- I'll talk to you afterwards. Table it.

LEG. HALEY:
Second.

LEG. CRECCA:
Motion to table by Legislator Bishop, second by Legislator Haley. All those in favor? Opposed? 1148 is tabled.
(VOTE: 6-0-0-1) (ABSENT: GULDI) TABLED

1158. Adopting Local Law No. -2003, a Charter Law to reduce number of County Legislative Districts to eleven. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Caracciolo)

LEG. CRECCA:
1158.

LEG. CARACCIOLO:
Motion to table.

LEG. CRECCA:
Motion to table by Legislator Caracciolo, second by Legislator Haley. All those in favor? Opposed? 1158 is tabled.
(VOTE: 6-0-0-1) (ABSENT: GULDI) TABLED

1160. Adopting Local Law No. -2003, a Charter Law to require action on annual County Operating Budget on week before Election Day.

LEG. CRECCA:
1160.

LEG. CARACCILO:
Motion to approve.

LEG. CRECCA:
Motion to approve by Legislator Caracciolo. Is there a second? 1160
fails for a lack of a second.

LEG. CARACCILO:
Wait a minute, Mr. Chairman. Here's where the hypocrisy on this
horseshoe is just so salient.

LEG. FISHER:
Oh, give people a minute to read the title.

LEG. CARACCILO:
Okay.

LEG. FISHER:
Before you go on the soapbox, my goodness.

LEG. CRECCA:
All right. Legislator Caracciolo.

LEG. CARACCILO:
I have a motion to approve.

LEG. CRECCA:
Keep the soap to a minimum. There was a motion to approve by
Legislator Caracciolo. I didn't call the vote, but there was no
second.

LEG. HALEY:
Yes, you did. You called the vote.

LEG. CRECCA:
There being no second, it fails for lack of a second.

LEG. CARACCILO:
Okay. We'll refile it with an omnibus resolution for Legislators.

LEG. CRECCA:
1199 was already approved earlier. 1210.

MR. SABATINO:

What happened on 1199, just for the record, something just got circulated.

LEG. CRECCA:

I'm going to make a motion to reconsider 1199, because there was some question about the wrong title before us, so even if it's just for a formality. Do you want to tell us, do we have the right bill before us now?

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MR. SABATINO:

The right bill has now been circulated, so I think what has to happen is that has to be filed as a corrected copy. There's still enough time, because the deadline is Monday. So if that gets filed as a corrected copy and distributed to all eighteen Legislators --

LEG. CRECCA:

It wasn't filed as a corrected copy?

MR. SABATINO:

No. It's --

CHAIRMAN GULDI:

If I may, Counsel? My information from the Clerk's Office is that it's not a corrected copy, it's that the 1199 version that was handed out now was the correct version and what you had is a numbering error, and that's why I handed 1198 out, which was misnumbered as 1199 in the copy that's been distributed.

MR. SABATINO:

Your book is consistent with mine, which is that --

CHAIRMAN GULDI:

One of my Aides go down to the Clerk's Office and see if Mr. Barton is available to come address this, because we need to resolve it like right now.

LEG. CRECCA:

That's where we left off, George. We're on -- we were just at 1210.

CHAIRMAN GULDI:

Okay.

LEG. CRECCA:

We'll come back to 1199.

CHAIRMAN GULDI:

We'll come back to 1199 when we get someone from the Clerk's Office to

explain this on the record to us so we can rectify it. It's clear we want to approve it and we have approved it, we just need to straighten it out.

1210. Adopting Local Law No. -2003, to amend living wage law for transition to full implementation. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:

1210. Legislator Bishop.

LEG. BISHOP:

Motion to table.

LEG. FISHER:

Second.

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CHAIRMAN GULDI:

1210. Amending the living wage. Motion to table by Legislator Bishop, second by Legislator Fisher. All those in favor? Opposed? 1210 is tabled. (VOTE 7 -0-0-0) TABLED

2101. Direct Budget Review to prepare leases database. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Fields)

CHAIRMAN GULDI:

2101.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by Legislator Crecca. All those in favor? Opposed? Tabled. (VOTE 7 -0-0-0) TABLED

2105. Adopting Local Law No. -2002, a Charter Law to expand prior written notice of defective condition requirements. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

2105.

LEG. FISHER:

Explanation.

CHAIRMAN GULDI:

This has been on the agenda for a long time. The concern -- I've been

approached -- what this is --

LEG. CRECCA:
Spit it out, George.

CHAIRMAN GULDI:
It requires actually -- the concern I have about it is that the notice requirement under Municipal Law prohibits filing of claims by individuals unless the notice to the County has been given, Section 50 of the Municipal Law requires for a notice provision.

The concern that was brought to my attention about this bill is that it spans and duplicates requiring essentially two notices to the County, one to the Department of Law and one to the department involved. And it's -- and the Bar Association told me they were very concerned about it. I asked them for their comments on it and have not received them. That's where we are.

LEG. CRECCA:
One of the other things I just want to add that I found a problem with the bill is some of the definitions, and I think the County Attorney conceded somewhat on this, are just so broad that they're almost, they border on ridiculous on what they have to give notice on. Generally, I think that it could even be challenged, you know, you have to give notice on a defective thing under the bill, you know, and I don't know how you define a thing.

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And really what it does is it limits the ability of residents to sue the County. And again, while that may save us money in the long run, certainly if we create a dangerous condition or have a dangerous condition that we haven't maintained properly, we don't want to exclude people from the ability to be adequately compensated for our neglect, you know, if there's no, if it's appropriate. So, I'm going to make a motion to approve for the purpose of failing, because it's just been on the agenda for like six months.

LEG. HALEY:
Second.

CHAIRMAN GULDI:
Motion to approve by Legislator Crecca, second by Legislator Haley.

MR. SABATINO:
Just for the record, the public hearing was recessed.

CHAIRMAN GULDI:
It's not eligible for a vote?

MR. SABATINO:

Well, no, it's not eligible to be approved, but also the bill is going to expire if it doesn't get adopted at the next meeting, just so you know.

LEG. CRECCA:

I'll withdraw and just make a motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca, second by Legislator Fisher.
All those in favor? Opposed? Tabled. (VOTE 7 -0-0-0) TABLED

2146. To establish limitation on contract agency/academic institution indirect costs. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Alden)

CHAIRMAN GULDI:

2146. There was some discussion about a corrected copy on this. Counsel, has anything been filed?

MR. SABATINO:

No, there has not been one forthcoming.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca, second by myself. Discussion?
All those in favor? Opposed? Tabled. (VOTE 7 -0-0-0) TABLED

2210. Appropriating Start-Up Funds in connection with the reconstruction of C.R. 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

2210. Why was this tabled, Counsel?

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LEG. FIELDS:

It needed a corrected copy.

MR. SABATINO:

This was tabled for a corrected copy.

CHAIRMAN GULDI:

Has it been filed?

MR. SABATINO:

No.

CHAIRMAN GULDI:

Motion to table by myself. Is there a second?

LEG. CRECCA:

I'll second that.

LEG. FIELDS:

I'll second the motion.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Tabled.
(VOTE 7 -0-0-0) TABLED

2233. Adopting Local Law No. -2002, a Charter Law to change the County Tax Stabilization Reserve Fund Policy. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Haley)

CHAIRMAN GULDI:

2233.

LEG. CARACCILO:

Table.

CHAIRMAN GULDI:

Legislator Haley. Motion to table, second by Legislator Fisher. All those in favor? Opposed? Tabled. (VOTE 7 -0-0-0) TABLED

2252. To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:

2252. Legislator Bishop?

LEG. BISHOP:

I still haven't received a response from the -- I still have not received a response from the auditor selected by the Benefit Management Committee. I had raised issues with that company that was selected because they had, in fact, taken the side of the pharmaceutical company against government in several other circumstances in Court testimony, so it seemed to me to be counterintuitive that we would select them to pursue this. But I haven't received the response, so I'm just going to ask it be tabled one more cycle.

CHAIRMAN GULDI:

Motion to table by Legislator Bishop, second by Legislator Fisher.

All those in favor? Opposed? Tabled. (VOTE 7 -0-0-0) TABLED

2312. Authorizing waiver of interest and penalties for property tax for Nick Poulos (SCTM No. 0200-686.00-04.00.019.000,019.001;0200-686.00-04.00-019.002;0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Towle)

CHAIRMAN GULDI:

2312. Counsel, this is the one I'm working on with you in East Moriches. Motion to table by myself for corrections.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Fisher. All those in favor? Opposed? (VOTE 7 -0-0-0) TABLED

INTRODUCTORY RESOLUTIONS

REAL ESTATE

1224. Enforcing reverter clause for 72-h real estate transfers. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Postal)

CHAIRMAN GULDI:

IR's. 1224.

LEG. CRECCA:

Can we get Real Estate up here?

CHAIRMAN GULDI:

Mr. Isles, Ms. Costigan, Mr. Burke, I think you should come up for these few. 1224. Counsel, explanation.

MR. SABATINO:

This bill does two things. One is it directs the Real Estate Division to prepare a written list of all parcels for its reverter clause, must be invoked because the reverter clause has not been complied with by the relevant entity to which the property has previously been transferred.

And the second part is to direct the Law Department then to take whatever actions necessary to get that title back to the County if there's a situation where the reverter clause has not been complied with.

CHAIRMAN GULDI:

Does the Department have any comment on the resolution, or the

Division?

MS. COSTIGAN:

Yes. The Division does feel fairly strongly about the proposed

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resolution. The logistics of this is what concerns me, not -- I've spoken before in favor of tightening up our reverter clauses, so for instance, they have a time period so they have some specificity. But as to this particular resolution speaks not only to future reverter clauses, but past ones.

For one thing, things are not filed by whether or not they have a reverter clause. To inventory the past reverter clauses would be a daunting task. We would -- I mean it would imply to all 72-h's, it would apply to all occupied dwellings that were sold at all auctions. All of these files would have to be unearthed, all of them would have to be inspected just to find out, for instance, who is living in the houses for the reverter clauses. When we auction an occupied house, there's a reverter clause.

LEG. CRECCA:

Ms. Costigan, it only says, I think it's only 72-h's, unless I'm reading it wrong.

MS. COSTIGAN:

I think that's what the title says, but the first resolution doesn't speak to 72-h's, it speaks to any resolution heretofore adopted.

CHAIRMAN GULDI:

Could I ask you to do this, I understand your concern about the retroactive and the effect, I'd ask your Division to talk to the sponsor to, because the whereas clause clearly indicates the sponsor's intent to affect future 72-h's, what I'd ask you to do is undertake, to go to the sponsor and to work out the language that you need to incorporate that intent from the whereas clause into the resolve clauses so that we can go forward with this. It's not a programmatic or substantive concern, it's an implementation and resources concern.

MS. COSTIGAN:

And a resources concern, yes.

CHAIRMAN GULDI:

Which frankly could be addressed by amendment to the bill given the apparent intent of the sponsors. So I'd ask you to do that during the next cycle and I'll make a motion to table to facilitate that. Second by Legislator Crecca. (VOTE 7 -0-0-0) TABLED

CHAIRMAN GULDI:

Mr. Barton, you joined us. We have this 1198, 1199 problem before us. We unfortunately have in the books filed a copy of 1199 with a handwritten numbering on it that appears to be, in fact, substantively identical to 1198. While it's our intention to approve the substance of 1199, and that is the walk-a-thon for Birthright, could you, and Counsel is suggesting that perhaps a corrected copy of 1199 needs to be filed because of the erroneously numbered 1199 that we have before us. Could you explain what's going on?

MR. BARTON:
Sure.

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CHAIRMAN GULDI:
And let's figure out how we're going to fix it so that we get it approved.

MR. BARTON:
The County Executive has presented to the Legislature two requests to use the Indian Island County Park for annual walk-a-thons. The one by the March of Dimes, their request was approved by Certificate of Necessity on March 11th to allow them to use the park on April 27th.

CHAIRMAN GULDI:
That Certificate of Necessity addressed bill number what?

MR. BARTON:
1198.

CHAIRMAN GULDI:
Okay.

MR. BARTON:
And it's been approved, signed by the County Executive. It was deemed to be time sensitive if you recall from the March 11th meeting, because of the need to allow the group to advertise.

This second -- where we made our error was we reported it out as 1199 because of the similarity in the titles. Your staff removed it from the agenda for Birthright. When the group came to the last Ways & Means Committee meeting, they left believing that they had gotten approval because we had reported it as approved.

CHAIRMAN GULDI:
I see.

MR. BARTON:
So I spoke to the County Executive's Office and to the Parks Department. Since this organization's event isn't until September, they felt there

was time to come back to the Committee, so I requested that your staff put Birthright back on the agenda.

CHAIRMAN GULDI:

Right. So I put it back on the agenda, everyone photocopied 1199 off the internet, which is the original copy that says it's March of Dimes.

LEG. CRECCA:

What was actually filed, though, with the Clerk?

MR. SABATINO:

It's really simple. Physically the bill that was filed is March of Dimes. What we want to accomplish is the adoption of this walk-a-thon group. So just file the walk-a-thon group as a corrected copy to 1199. We have plenty of time, because Monday is the deadline, and the vote will be okay.

LEG. CRECCA:

My question is --

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MR. SABATINO:

The bill that was physically filed and distributed was March of Dimes. There was never a substitution or a corrected copy filed to get March of Dimes converted to walk-a-thon, but we have enough time to do it, so simply take walk-a-thon --

LEG. CRECCA:

I think it's a great idea, I just want to make sure, it was my understanding earlier that Birthright was filed as 1199 and they reported it out wrong. If that's the case and there was -- if that's the case, just let me finish, then we can approve 1199, but I don't know if that's the case, that's what I wanted to ask the Clerk. What was filed,

LEG. CRECCA:

Is that what was filed with the Clerk's Office?

MR. BARTON:

That's what we just printed out. I have --

MR. SABATINO:

Somebody must have made a change. Just back up.

CHAIRMAN GULDI:

Henry, you just need to answer the question asked, which was is that what was filed in your office, not what was reported out, but is that what was filed?

LEG. CRECCA:

Don't you keep a record of what was filed, stamped in?

MR. BARTON:

Hold on. Yes, Counsel is correct.

LEG. CRECCA:

Okay. That's all. That's what I wanted to know.

CHAIRMAN GULDI:

Okay. So will your office undertake the filing corrected 1199? Now, Counsel, since we have already taken a vote on 1199 to approve it and place it on the consent calendar, is this record sufficient or is that vote defective?

MR. SABATINO:

Just make the motion to reconsider and then just say that, have a separate vote on the new one.

CHAIRMAN GULDI:

I'll make a motion to reconsider 1199, second by Legislator Crecca. I have before us a corrected copy of 1199 provided by the Clerk's Office that is being filed simultaneously. Okay. I'm going to -- I believe it

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was Legislator Crecca's motion to approve and place 1199 as corrected on the consent calendar, second by Legislator Caracciolo. All those in favor? Discussion? Anyone want to discuss this further? All those in favor? Opposed? Approved and placed on the consent calendar. The administrative tasks will be taken care of by Mr. Barton. Thank you very much. (VOTE 7 -0-0-0) APPROVED CONSENT CALENDAR

1231. To implement space Management Reform. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Fields)

CHAIRMAN GULDI:

1231. Legislator Fields?

LEG. FIELDS:

I'm going to make a motion to approve.

CHAIRMAN GULDI:

Can you or the Counsel give us an explanation, please?

LEG. FIELDS:

Counsel, I guess, Paul.

CHAIRMAN GULDI:

Counsel, an explanation of 1231.

MR. SABATINO:

This is a bill to direct Real Estate to provide a complete list of all real estate brokers and/or contractors to be considered by the Space Management Steering Committee in connection with any acquisitions of real estate interests.

CHAIRMAN GULDI:

Space Management only does leases, though. So it would be broker, a list of brokers and developers.

LEG. FIELDS:

Well, they do leases.

CHAIRMAN GULDI:

Oh, you mean principal landlords?

LEG. FIELDS:

Even after they've purchased land to build, like the Coram Health Center, for instance.

LEG. HALEY:

You had to bring that up.

LEG. BISHOP:

What is it we're trying to reform? I don't understand the bill.

CHAIRMAN GULDI:

That's the question.

LEG. FIELDS:

I think that what we were dealing with was that Budget Review had given

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us an explanation of what they have to go through and how the information is not always available and after speaking and listening to all of these lease problems that come before us, we just or I just thought that perhaps it would be better if we had more information so that they would be able to determine where leases should go and what they should do and so forth. So I thought this would be a better way of trying to implement leases and business with real estate brokers.

LEG. CRECCA:

How does it do that, though?

CHAIRMAN GULDI:

Legislator Crecca.

LEG. CRECCA:

I'm sorry. I'm asking the sponsor how providing a complete list of real

estate brokers and contractors accomplishes that goal?

LEG. FIELDS:

Part of the problem I think is that the Division doesn't always seek all of the real estate brokers or contractors that they could and this way it gives us or gives the Space Management Committee more information that everyone has been sought out and that there isn't just a small list of people.

We ran into this problem with the Bay Shore Health Center where we have heard that there are no spaces available and yet I've actually come across people that have said, yeah, I have space available. So this would be a way of making sure that all of those people are sought out.

LEG. CRECCA:

I'm sorry, wouldn't it be better then to have some way the public or the Space Management Committee, I should say, publish, like somehow put something out as to what they're looking for? Because the whole real estate market the way it works especially with the brokers is, it's a competitive market, if they know that somebody is looking for space, believe me, you can't stop them from coming in. It can actually be quite annoying, I'm sure, you know, with the brokers. So the list isn't going to help as much as it would be to make sure that brokers know.

And also my experience has been whenever there's significant commercial space being looked for, you know, the scuttlebutt travels through the real estate broker market anyway and you end up getting, that's how you end up getting offers, but I'll defer to either -- to the Chairman.

CHAIRMAN GULDI:

I actually have a question and then I want to go to Real Estate. The question I have is this and it's I understand that the purpose is, the purpose of the bill is to seek transparency to see that there's a comprehensive list.

LEG. FIELDS:

The problem also in the first resolve I think it explains it a little bit too where it says, "the list is to be developed in a manner that includes administratively established professional criteria for the selection of such brokers or contractors and which insures that all of the information

and data generated by the solicitations of such brokers and contractors is made available automatically to all members of the Committee."

CHAIRMAN GULDI:

Well, the concern I have is this, and that is it's a reality in the real estate market, the broker who may have the best deal on the space you need could literally be the newly minted sixteen-hour classroom take the

exam broker who happens to have a listing on the price and property. They may not have been there the day you started to seek the property, but they may be the broker and have the transaction that's in the best interest economically for the County. The trouble is they didn't exist when you started looking for the space.

So by requiring publication on the list, you are essentially closing a process in which it's a very open and free wheeling market place.

LEG. FIELDS:
What if they did exist?

CHAIRMAN GULDI:
There's a balance problem in terms of, yes, you want to solicit generally and one of the issues I've addressed with Real Estate about who are we using for our brokers, why the list is so narrow, that's why Real Estate, but if you close the process, no matter how you close it, I think that that's a mistake because you're going to preclude the opportunity to do transactions that are financially advantageous and in the best interest of the County.

However, there's got to be a way to promote disclosure and transparency without closing the process. So I'd like to talk further about that. Real Estate do you have a comment on this, on this proposed legislation or on the entire situation?

MS. COSTIGAN:
From the get-go I agree we can do our -- handle our leasing matters better. But having said that, there's two concerns. The one is, just as Mr. Crecca said, getting out the fact that we need space, getting it out to the real estate community broadly. I don't know that we do that as well as we could.

My, and this is why I think you and I have a meeting coming up or it's supposed to be scheduled, I'm thinking internet advertising, I'm thinking putting ads in Newsday, I'm thinking putting it in the Long Island Business News.

The trouble is when you open that Pandora's box, you have the other side that you now have a flood of people who did take the seventeen hour course and think that they're uncle's garage would be a good place to put a methadone clinic and are sending you things that are just inappropriate. So you need to be able to screen what you're now going to get as a landslide of inappropriate places.

We don't know in advance who's going to submit a site, so there is no, in that sense once you open the gate, we don't have a list of, you know, of accepted brokers. Frankly, the County doesn't deal with brokers, we put out a space and they come in. This can be improved.

LEG. FIELDS:

What do you mean the County doesn't deal with brokers? Terry Allar does.

MS. COSTIGAN:

We don't pay, we don't pay brokers, so the broker is working for the landlord. So right there it's a reverse dynamic, we're not approving them, their client is approving them, they're coming to us. I don't think we could say we're not going to deal with you even though that's a good space. I mean that's -- it's like a subset of the problem is whether the broker is qualified.

We can advertise the space better, for sure. Having advertised it, we can screen it better and more fairly so that every space gets a fair shot. Frankly, this is a people thing. We handle leasing here as a hobby, we do it on a part-time basis, although we spend millions of dollars on it. There should be somebody in charge of leases and it's part and parcel of this whole problem. And I would enjoy discussing this with you.

CHAIRMAN GULDI:

Yeah, I think that actually the bill makes a good point, but I think we need a much more comprehensive approach to this and I'd be certainly --

LEG. FIELDS:

So let's --

CHAIRMAN GULDI:

So I'd be willing to work with you toward that end.

LEG. FIELDS:

I'm going to make a motion to table just to keep it out in the open so that we will continue to discuss it.

CHAIRMAN GULDI:

Okay. Motion to table by Legislator Fields, second by myself.
Legislator Bishop.

LEG. BISHOP:

When you say that there needs to be someone in charge of the leases, wasn't there somebody in charge of the leases when you needed a district office, for example, who was it that you had to get --

LEG. FIELDS:

Roy {Pagoda}.

LEG. BISHOP:

No.

LEG. FIELDS:

Yes.

LEG. BISHOP:

Somebody else.

CHAIRMAN GULDI:

Before Roy it was just Jeff Martell.

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LEG. BISHOP:

Martell.

CHAIRMAN GULDI:

He was in charge of not getting district offices.

LEG. BISHOP:

Right.

CHAIRMAN GULDI:

But I do have to share one thing with Ms. Costigan, it's been my experience that the newly minted real estate broker who's there to get the County to lease his uncle's garage for a methadone clinic doesn't have the authority to offer the space. And he's the six hundredth broker on-line to discuss it with you. So, it is an area that I look forward to working with, doing continued work on, but it's one that really does need a systematic approach. And I think while this is part of it, it needs to be broader in scope. So on the tabling motion, all those in favor? Opposed?

LEG. BISHOP:

I didn't finish my point, it wasn't just a trivia question.

CHAIRMAN GULDI:

It wasn't?

LEG. BISHOP:

What I want to know is that there -- when you say there's nobody in charge of leasing for the County, is that a literal statement?

MS. COSTIGAN:

Yes.

LEG. BISHOP:

Yes. Okay. Who has Mr. Martell's position?

MS. COSTIGAN:

The aspects of leasing are not just the beginning part of finding a space, that is the one part of leasing. But then once you have a lease,

of enforcing the terms of that lease, of anticipating its expiration, that sort of thing.

LEG. BISHOP:

So we need a subdivision of real estate or something that's --

MS. COSTIGAN:

Well, I mean you're asking Social Services to enforce a lease, that's not what they do for a living.

LEG. BISHOP:

I guess what I'm looking for is some guidance, you know.

MS. COSTIGAN:

That's what I think --

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LEG. BISHOP:

So you think the County Attorney's Office needs to have a leasing division, where should this entity exist and what should it be?

LEG. FIELDS:

But that was also the reason for the lease database, to try -- because no one knows when a lease is up, you know, or that we need to go looking for property, it's all part and parcel of this real problem of not having somebody in charge that knows what's going on with all of the holdings and what we need.

LEG. BISHOP:

So where should that somebody be? Describe this mythical somebody. Who should it be and where should they exist?

LEG. HALEY:

May I?

LEG. BISHOP:

Yes.

LEG. HALEY:

Department of General Services Division.

CHAIRMAN GULDI:

Well, I agree, Marty, but we could do that, but we could also do it if we had a County Executive too. That was a shot.

LEG. BISHOP:

Shots aside, in a perfect world, what would the structure be?

MS. COSTIGAN:

Well, I mean again it needs to be talked out, but in my initial thinking, I mean we do all the initial work in finding the space and making the space appropriate and dealing with all the financial terms. DPW gets what exists in a lease database in DPW, because they're the ones who end up doing the repairs or supervising the repairs or that sort of thing.

It seems to me if you could find an experienced real estate person who was competent in both those areas, it wouldn't even matter where you stuck them, whether you stuck them in DPW or County Attorney or in Real Estate, it's the competence.

LEG. HALEY:

I might be available as a consultant.

LEG. BISHOP:

Thank you very much.

CHAIRMAN GULDI:

Legislator Haley.

LEG. HALEY:

Having managed property, you have ownership in the property, the Department of Public Works is, for lack of a better expression, is almost like a vendor, right, that you would hire to deal with all of your

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properties, whether you're leasing or you're purchasing or you're going to own.

So I don't necessarily think that DPW needs to be in that part of the real estate business, I think they just need to provide the services as necessary and the ownership, if you will, of the properties should be with one, and it could be in real estate or it could be, you could put it anywhere you want, but when you're, when you're dealing with rental property as everybody else becomes a tenant, whether they're in owned space or they're in leased space, Real Estate is in charge of finding properties through Space Management, finding properties, approving properties and putting in tenants, whether the tenants are Social Services, Health, DPW or anybody else.

So when Social Services has a problem with their building, they have to go back to the landlord per se, which is going to be a central person or office that's dealing with property management in the County of Suffolk. To go to the Department of Law may not be necessary because some of those issues on a day-to-day basis can be handled by somebody who is just simply administrative. I use the value of the attorney's office as if you were a landlord yourself, only when you need to.

MS. COSTIGAN:

I think -- may I?

CHAIRMAN GULDI:
Go ahead.

MS. COSTIGAN:
You put your finger on it, that someone needs to take ownership of the problem from the beginning to the end.

CHAIRMAN GULDI:
Yeah. And, Marty, you'll enjoy hearing me say this, property management, though, is a function that's done notoriously poorly by attorneys. Property management involves the leaky roof, the air conditioning, the maintenance issues, keeping the lights on, keeping the hallway clean. Lawyers tend to look at, you know, tend to have a different perspective and not the eclectic background that necessarily makes for efficient property and effective property management, although the legal aspects of it, so it clearly doesn't belong in the Law Department function. It is really a General Services function for a department we don't have.

Anyhow, on the motion to table, all those in favor? Opposed? Tabled.
Good discussion. (VOTE: 6-0-0-1) (ABSENT: CRECCA) TABLED

1285. Sale of County-owned real estate pursuant to Local Law 13-1976, E.L. Capital, Inc. (0100-226.00-01.00-022.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:
1285. Number of bidders and appraisal value?

MS. COSTIGAN:
The appraisal value was seven thousand dollars. There were two qualified bidders, only one of them bid. The parcel is sixty-one by a hundred and

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plus or minus feet.

CHAIRMAN GULDI:
And the bidder bid eight thousand dollars, a thousand over appraised value.

MS. COSTIGAN:
Correct.

CHAIRMAN GULDI:
Motion to approve by myself.

LEG. CARACCIOLO:
Where is this located?

CHAIRMAN GULDI:

This is 0100, which would be in Lindenhurst. Motion to approve and place on the consent calendar by myself.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Fisher. All those in favor? Opposed?

LEG. BISHOP:

Which --

CHAIRMAN GULDI:

David, you need a moment on this? This is 1285. It's your district.

LEG. BISHOP:

It just says 13, right?

CHAIRMAN GULDI:

It's Local Law 13 for a sixty-one foot lot.

LEG. BISHOP:

Thank you.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved and placed on the consent calendar. The buyer is E.L. Capital, Inc.

(VOTE: 6-0-0-1) (ABSENT: CRECCA) APPROVED CONSENT CALENDAR

1286. Sale of County-owned real estate pursuant to Local Law 13-1976, Lawrence G. Flynn & Mary Ann Flynn, his wife (0800-015.00-04.00-013.000) ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1286. 0800 is the Town of Kings Park.

MS. COSTIGAN:

This is a twenty by sixty-five foot stub of property appraised at thirty-two hundred dollars. The Flynn's bid thirty-three hundred dollars.

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There were five qualified bidders, they were the only ones who bid.

CHAIRMAN GULDI:

Motion. Same motion, same second.

LEG. CARACCIOLO:

Are they the adjacent property?

CHAIRMAN GULDI:

Yes. They have to be an adjacent property owner in order to qualify to bid.

LEG. CARACCIOLO:

Very good.

CHAIRMAN GULDI:

Same vote. (VOTE: 6-0-0-1) (ABSENT: CRECCA) APPROVED CONSENT CALENDAR

1291. Rescinding authorizing to sell County owned property pursuant to Local Law 16-1976, Victor E. Pavelko, as Surviving Tenant by Joint Tenancy (0200-494.30-01.00-558.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1291.

LEG. CARACCIOLO:

Where in Brookhaven?

CHAIRMAN GULDI:

The answer to your question, Legislator Caracciolo, is --

MR. SABATINO:

They haven't paid the money debts.

CHAIRMAN GULDI:

The question is location. I don't have the map.

LEG. FISHER:

What town?

CHAIRMAN GULDI:

It's -- I don't have the address. Do you have the address in the file, are you getting it?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Here we go. 114 Birch Road, Coram.

MS. COSTIGAN:

Bretton Woods, Coram.

CHAIRMAN GULDI:

Pardon?

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MS. COSTIGAN:

It's a condominium in Bretton Woods.

CHAIRMAN GULDI:

It's a condominium in Bretton Woods. And we didn't get the money and we've communicated by certified mail?

MS. COSTIGAN:

Yes. Mr. Pavelko paid the initial back taxes, he didn't pay the subsequent back taxes or the use and occupancy fees.

LEG. CARACCIOLO:

How much was that?

MS. COSTIGAN:

He paid nineteen, he owes thirteen.

CHAIRMAN GULDI:

And we've been in communication with him or we've --

MS. COSTIGAN:

We've been in voluminous communication with him.

CHAIRMAN GULDI:

And we have heard from him, so he's aware we're doing this?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

In the event that we rescind this, does he have any further redemption rights or is this final?

MS. COSTIGAN:

This is final.

LEG. CARACCIOLO:

Is it nineteen thousand or thirteen hundred?

MS. COSTIGAN:

He paid nineteen thousand, he owes thirteen thousand. The taxes on this unit are -- were over four thousand dollars a year.

CHAIRMAN GULDI:

Why hasn't he paid the thirteen thousand? I mean you say you've been in communication, I'm just concerned. Given the finality of this, I'd like

some detailed background. Fill me in a little bit on the communication with the taxpayer and the history.

MS. COSTIGAN:

Well, we took the taxes for the failure to pay the '95, '96 taxes, so at that point he was already considerably behind. He did not pay during the three years that the Treasurer then held the deed, that's what put him into the nineteen thousand dollar hole, if you will. He's retired, he has very little money.

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LEG. FISHER:

How old is he?

MS. COSTIGAN:

He's older.

LEG. CARACCIOLO:

Where is he living?

MS. COSTIGAN:

He lives here, that's why there is the rent. During the time that you live -- when you don't pay your taxes and you live in the house for three years, you pay use and occupancy fees.

LEG. CARACCIOLO:

Mr. Chair?

CHAIRMAN GULDI:

Yes, Legislator Caracciolo.

LEG. CARACCIOLO:

Is this the only individual that's situated in this situation, I mean? Because I'm thinking of a case and, Jim, you'll remember this one, it's some folks that live in a very nice home in Mattituck.

MR. BURKE:

Right.

LEG. CARACCIOLO:

And the house is worth a lot more than the rent we're collecting on it, but we don't want to kick them out of the house essentially, so we accept the rent. What's different in that case than this, are they similar? I mean maybe the circumstances might be a little bit different, but we're talking about an individual who's failed to pay taxes and we essentially have taken a deed, but we have been reluctant to evict them, if you will, because of circumstances, I think there's a handicap issue with the one that I'm referring to, if I remember it correctly. I just don't want to have a situation where we're giving different treatment to similarly

situated individuals.

MS. COSTIGAN:

This is not the first one even you've had in front of me while I've been here. Mr. Pavelko hasn't paid his condominium charges either, we're not the only ones to whom he is deeply in debt. The condominium has been in touch with us, they were trying to buy out the unit essentially, so they could make themselves whole.

LEG. CARACCIOLO:

Do you know what his arrears are as far as that goes?

MS. COSTIGAN:

No.

LEG. CARACCIOLO:

No.

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MS. COSTIGAN:

But he hasn't paid them in years.

LEG. CARACCIOLO:

So, in effect, if we rescind this --

MS. COSTIGAN:

He's going to be foreclosed by the condominium.

LEG. CARACCIOLO:

Counsel?

MR. SABATINO:

Just for an observation too, which is to alleviate your concern, if this is truly a hardship situation, the person would have another two years under Chapter 27 of the Code to meet one of those hardship circumstances. So if he or she truly does have one of those categories, he'll have another two years. But you'll never get finality if you don't at least cut off the redemption period.

LEG. CARACCIOLO:

Whose legislative district does this fall within, is this Legislator Caracappa?

CHAIRMAN GULDI:

Yes. It's Brookhaven.

LEG. CRECCA:

I believe so, yes.

CHAIRMAN GULDI:

Have you had any communication with the Legislator?

MS. COSTIGAN:

No. We don't cross reference these to the Legislator.

LEG. CARACCIOLO:

Maybe we should table this, Mr. Chairman.

CHAIRMAN GULDI:

Obviously one cycle is not going to impact this process, it's only been going on since 1995, we're still in our first decade. So, Legislator Caracciolo has a motion to table, I'll second that. Legislator Haley is the next one who signed up to speak. Do you have questions, Legislator Haley?

LEG. HALEY:

No, I'll pass.

CHAIRMAN GULDI:

I have one question I'd like to ask, and that is that you raised the issue of condo charges. Condo charges are a charge that would be cut off by the County taking though, aren't they? Because our tax lien is a superior lien, we would cut off condo charges just as we would a mortgage.

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MS. COSTIGAN:

Yes and no. Condo charges fall separately under the County law. We don't pay condo charges, but as such time as -- put another way, if we charged him an amount equal to the condo charges to cover the same things, we would have to then pay the money to the condominium association.

CHAIRMAN GULDI:

As rent, you mean?

MS. COSTIGAN:

Yes. If our rent included his condo charges, we would have to rebate that to the condominium.

CHAIRMAN GULDI:

Right.

MS. COSTIGAN:

At the time that we close, if there is any excess monies, we would be paying the condominium.

CHAIRMAN GULDI:

As any lienholder would.

LEG. CRECCA:
Right.

CHAIRMAN GULDI:
But the question I have and what I'm concerned about is if we take this condo unit and hold it for that additional three years, that additional period of years, when we take it, assuming we ultimately liquidate the property as auction, when we take it to auction, are we auctioning the condo subject to the arrears on the condo charges or are we auctioning it free and clear of those deficiencies, whatever they might be?

MS. COSTIGAN:
It's free and clear as long as we haven't collected that money, but it would be ready to auction as of when you rescind.

CHAIRMAN GULDI:
Although albeit still occupied?

MS. COSTIGAN:
Yes.

CHAIRMAN GULDI:
Okay. On the motion for table, all those in favor? Opposed? We'll table it, we'll discuss it further. (VOTE: 7-0-0-0) TABLED

LEG. FISHER:
George, I just have one question.

CHAIRMAN GULDI:
Sorry. I wrote it down, but forgot to look.

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LEG. FISHER:
I just had one more question about this. Is my mike on?

MS. COSTIGAN:
Yes.

LEG. FISHER:
Okay. If we were to approve this, but then the person had a hardship situation and we extend it for the two years, wouldn't he still be in the position of being foreclosed by his, by Bretton Woods for lack of payment of the charges, of their maintenance charges?

MS. COSTIGAN:
I think he would.

LEG. FISHER:

Okay. So we really wouldn't be helping him. Okay. Thank you.

FINANCE

1226. Adopting Local Law No. -2003, a Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Fields)

CHAIRMAN GULDI:

Moving on to Finance. Thank you. We're in the Finance section of our agenda. 1226. Legislator Fields? Does this need to be tabled for public hearing, Counsel?

MR. SABATINO:

Public hearing, Mr. Chairman.

CHAIRMAN GULDI:

Motion to table for public hearing by Legislator Fields, second by myself. Discussion? All those in favor? Opposed? (VOTE: 7-0-0-0) TABLED

1238. Amending Resolution No. 1081-2002 and Resolution No. 1082-2002 for the town portion of the 2002-2003 tax levy for the Town of Brookhaven. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Presiding Officer)

CHAIRMAN GULDI:

1238.

LEG. CARACCIOLO:

Explanation.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

Explanation of Counsel. Motion by Legislator Haley to approve and place on the consent calendar, second by myself. Explanation.

MR. SABATINO:

I'm not familiar with the details other than there was a mistake made by the Town with regard to the Star Program calculations in the amount of fifteen thousand five hundred seventy-seven dollars and four cents and this and the companion resolution, which is 1239, have to be adopted to get Brookhaven Town records reconciled. It doesn't effect the County,

it's really, it's internal within the town and the school, it's between the town and the school district.

CHAIRMAN GULDI:

All those in favor to approve and place on the consent calender?

Opposed? APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1239. Authorizing amended tax warrant for the Town of Brookhaven.
(PRESIDING OFFICER)

CHAIRMAN GULDI:

The companion resolution, which is the tax warrant for the same adjustment, same motion, same second, same vote. APPROVED. It's also on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1254. Accepting and appropriating a 100% reimbursed grant from the US Department of Housing and Urban Development and authorizing the County Executive to execute agreements. (COUNTY EXEC)

LEG. CRECCA:

Motion to approve and place on the consent calendar.

CHAIRMAN GULDI:

Motion to approve and place on the consent calender by Legislator Crecca, seconded by Legislator Fisher. Discussion? All those in favor?

Opposed? APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1255. Accepting and appropriating a 100% reimbursed grant from the US Department of Housing and Urban Development for a Home Investment Partnership Program and authorizing the County Executive to execute agreements. (COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, same second. Discussion? Same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1256. 1255. Accepting and appropriating a 100% reimbursed grant from the US Department of Housing and Urban Development for an Emergency Shelter Grants Program and authorizing the County Executive to execute agreements. (COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1263. Accepting and appropriating 100% grant funds from the New York State Department of Labor for the Workforce Investment Act Program.
(COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1287. To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #699-2003. (COUNTY EXEC)

CHAIRMAN GULDI:

This one is the town of?

MR. SABATINO:

Babylon, Brookhaven, Huntington and Riverhead.

CHAIRMAN GULDI:

These are the same situations, STAR adjustments or are these --

MR. SABATINO:

No, no. These are -- these are where there are arithmetical errors made by the assessor. There is another one where the partial exemption was not acted on by the assessor. Another one is a transcription error. Another one is a non improvement -- I'm sorry, there's an improvement that doesn't really exist, but it was taxed as though it was.

CHAIRMAN GULDI:

Okay. Same motion -- motion to approve and place on consent calender by myself, seconded by Legislator Haley. Discussion? All those in favor? Opposed? APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1288 To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #165-2003. (COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, which is to again, charge-backs. Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1289. To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #166-2003. (COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1290. To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #700-2003. (COUNTY EXEC)

CHAIRMAN GULDI:

Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1218. Making certain technical corrections to Resolution No. 964-2002.
(ALDEN)

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CHAIRMAN GULDI:

Technical correction is --

LEG. CARACCILO:

Explanation.

CHAIRMAN GULDI:

Hold on, I have to catch up.

MR. SABATINO:

This is just putting a correct pseudo code number into the Omnibus Resolution that dealt with Senior Citizens Touro Elder Care. It's just a code number that they need in the budget document.

LEG. FISHER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Fisher to approve and place on the consent calender, seconded by myself. Discussion? All those in favor? Opposed? APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1220. Authorizing certain technical corrections to Resolution No. 103-2003. (COUNTY EXEC)

CHAIRMAN GULDI:

1220.

MR. SABATINO:

That just changes a position number on a reclassification that was done in the salary plan for the Police Department.

CHAIRMAN GULDI:

Same motion, same second, same vote. APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1225. Adopting Local Law No. -2003, A Local Law to authorize County registry for domestic partners. (POSTAL)

CHAIRMAN GULDI:

1225.

MR. SABATINO:

Public hearing, Mr. Chairman.

CHAIRMAN GULDI:

Motion to table for public hearing by myself, seconded by Legislator Haley. Discussion? All those in favor? Opposed?

TABLED (VOTE: 7-0-0-0)

1229. Authorizing use of Dennison Building Parking Lot by Showtiques Crafts, Inc., for the benefit of the Kings Park Heritage Museum. (NOWICK)

CHAIRMAN GULDI:

1229.

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LEG. CRECCA:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Crecca to approve and place on the consent calender, seconded by myself. Legislator Caracciolo?

LEG. CARACCIOLO:

What is the fee reimbursement?

LEG. FIELDS:

\$750.

CHAIRMAN GULDI:

\$750 is the answer to the question. All those in favor? Opposed?

APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1235. Adopting Local Law No. -2003, a Charter Law to reform membership of Suffolk County Ethics Commission. (GULDI)

CHAIRMAN GULDI:

Motion to table for public hearing.

LEG. FISHER:

Second.

CHAIRMAN GULDI:

Seconded by Fisher. All those in favor? Opposed?

TABLED (VOTE: 7-0-0-0)

1241. Making certain technical corrections to Resolution Nos. 1215-2002 and 151-2003. (GULDI)

CHAIRMAN GULDI:
1241.

MR. SABATINO:
These are capital project numbers in the first instance, and a capital project number in the second instance.

CHAIRMAN GULDI:
Motion to approve and place on the consent calender by myself, seconded by Legislator Crecca. Discussion? All those in favor? Opposed? APPROVED and placed on the CONSENT CALENDER. (VOTE: 7-0-0-0)

1245. Authorizing certain technical corrections to Adopted Resolution No. 808-1998 and Resolution No. 315-1999. (Presiding Officer)

CHAIRMAN GULDI:
1245.

MR. SABATINO:
This is just correcting a resolution number, transcription or error.

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CHAIRMAN GULDI:
Transcription error in resolution, motion to approve and place on the consent calendar by myself, second by Legislator Crecca. All those in favor? Opposed. APPROVED and placed on the CONSENT CALENDAR. (VOTE: 7-0-0-0)

1247. Adopting Local Law No. -2003, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan I). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Crecca)

CHAIRMAN GULDI:
1247. Motion to table for public hearing by Legislator Crecca.

LEG. FISHER:
Second.

CHAIRMAN GULDI:
Second by Legislator Fisher.

LEG. CRECCA:
How does it get to the floor for the 29th today, it get's approved on the --

CHAIRMAN GULDI:

It's got to be discharged.

LEG. CRECCA:

It has to be discharged?

MR. SABATINO:

What's going to happen is you can't vote on it until you close the hearing. The hearing is on the 21st.

LEG. CRECCA:

So you can take the vote or discharge it after that?

CHAIRMAN GULDI:

You can't take the vote at the hearing, you have to discharge on the 29th.

MR. SABATINO:

A discharge petition as late as the 28th.

LEG. CRECCA:

Okay. And the discharge petition can't be filed until after the public hearing?

MR. SABATINO:

You have to close the hearing first.

CHAIRMAN GULDI:

Motion to table for public hearing. All those in favor? Opposed?
Tabled. (VOTE: 7-0-0-0) TABLED

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1248. Adopting Local Law No. -2003, a Charter Law amending the Suffolk County Charter with respect to reapportionment of Suffolk County Legislative Districts (Plan II). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Crecca)

CHAIRMAN GULDI:

1248. Same motion, same second, same vote. (VOTE: 7-0-0-0) TABLED

1249. Adopting Local Law No. -2003, a Charter Law amending the Suffolk County Charter with respect to reapportionment of Suffolk County Legislative Districts (Plan III). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Fisher)

CHAIRMAN GULDI:

1249. Same motion, same second, same vote. (VOTE: 7-0-0-0) TABLED

1251. Authorizing certain technical correction to adopted Resolution No. 188-2003. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE.

(Nowick)

CHAIRMAN GULDI:
1251.

MR. SABATINO:

This was a contract agency, the designation is from VA Medical Center to VVA Chapter 11. It's the same dollar amount, the two thousand dollars remains the same.

LEG. FISHER:
Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Fisher, second by myself. Discussion? All those in favor? Opposed? On the consent calendar. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

CHAIRMAN GULDI:

1271 was previously approved.

1278. Approving a settlement of litigation between EII CAP 91-Greenwood Village, LLC and the County of Suffolk. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (County Executive)

CHAIRMAN GULDI:

1278. Look who's here. Mr. Sklar, welcome. Why do we have a resolution on this and not the usual discussion and sensational litigation settlement? Let's start there.

MR. SKLAR:

If you want to go into executive session, we can do that.

CHAIRMAN GULDI:

Let's discuss the resolution first. Why is it here before us and what's --

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MR. SKLAR:

In 1994 the County acquired by tax deed three improvements in the Greenwood Village Senior Citizen's Development.

LEG. FIELDS:

Can you talk into the microphone?

MR. SKLAR:

Can you hear me now, Legislator Fields?

LEG. FIELDS:

Yes.

MR. SKLAR:

Greenwood Village is located off of County Road 111 in Manorville and it's a senior citizen retirement community. It's an unusual arrangement whereby the developer of the community owns the land and then has a long-term lease for the concrete platforms and structures that are built on the land. So there's tenants, the tenancy is separated from the fee ownership.

In 1994 the County acquired by tax deed ownership of three of the residences as opposed to the land underneath the residences. So then we became -- we wound up in a typical tax deed landlord tenant relationship with whomever we could rent the premises to.

The owner of the fee sued the County for non-payment under the land lease to the premises. One of them, the landlord was correct, we had not paid. Although we rented it and earned income from it, we did not pay the Greenwood Village under the land lease for that property. The two others were rented to Greenwood Village itself, so there was no rent to pay to them, they were paying us rent.

I think the determination was essentially made in the Division of Real Estate as a matter of policy that we didn't want to be involved in the ownership of this type of property with the common charges and having the land separated from the house. So appraisals were done by Frederick Wood to appraise the fair market value of the property and every single one of the settlements amounts were the exact same fees recommended by Frederick Wood in his appraisals.

CHAIRMAN GULDI:

So the settlement amount recommends that the County accept in settlement the appraised value of the property in exchange for the deeds and settlement of the litigation?

MR. SKLAR:

Yes, yes.

CHAIRMAN GULDI:

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

LEG. CRECCA:

Second.

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CHAIRMAN GULDI:

Seconded by Legislator Crecca. Discussion? Do you have copies of those appraisals to distribute just to confirm that?

MR. SKLAR:

Mr. Burke has them.

LEG. CRECCA:

Is it forty-nine nine for each parcel or that's the total?

CHAIRMAN GULDI:

No, that's the total. It's in the stip.

MR. SKLAR:

One was fourteen, one was seventeen-five, another was thirty thousand. The one for thirty thousand is being credited for the amount of rental we were collecting on it.

LEG. CRECCA:

Okay.

CHAIRMAN GULDI:

Okay. Further discussion? All those in favor? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

SENSE RESOLUTIONS

SENSE 29-2003. Memorializing resolution calling for the Governor and State Legislature to Cap Medicaid now. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (Postal)

CHAIRMAN GULDI:

Tabled Sense Resolutions, none. Sense 29.

LEG. CRECCA:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve. Do you want to place this on the consent calendar?

LEG. CRECCA:

No.

CHAIRMAN GULDI:

Motion to approve. Okay. Motion to approve by Legislator Crecca, second by Legislator Fisher. Discussion? All those in favor? Opposed? Approved. (VOTE: 7-0-0-0) APPROVED

LEG. CRECCA:

List me as a co-sponsor, please.

LEG. CARACCILOLO:

Ditto.

SENSE 30-2003. Memorializing resolution calling on the President and the United States House of Representatives to support and increase in Federal Medical Assistance Percentage (FMAP) to provide New York counties with Medicaid relief. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (P.O. Postal)

CHAIRMAN GULDI:

Sense 30. Motion to approve by Legislator Fisher, second by Legislator Crecca. Discussion? All those in favor? Opposed? Approved.
(VOTE: 7-0-0-0) APPROVED

TABLED HOME RULE MESSAGES

HOME RULE MESSAGE 2-2003. Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to convey certain parklands to Jopal Enterprises, LLC, in exchange for conveyance of certain lands to be dedicated as parklands. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE. (P.O. Postal)

CHAIRMAN GULDI:

Tabled Home Rule Messages. Counsel, why was this tabled previously?

MR. SABATINO:

It was tabled because you wanted a more detailed explanation, I believe. The explanation is that the County had acquired a certain piece of property, about an acre and a half in the year 1970 by condemnation for parkland purposes. Over this period of time apparently the property has become a dumping ground.

This particular entity, Jopal Enterprises, is proposing to convert that property into a senior citizen's complex and is willing to give the County 3.1 acres of wetlands at the headwater of Carlls Creek at Belmont Lake in exchange for it. In order to do that, they need special State legislation. They've apparently gotten the State Legislature to at least file a bill to accomplish that. This will be a Home Rule Message in support of that request.

LEG. CARACCILO:

Question.

LEG. FISHER:

Is this an alienation of parkland?

LEG. CARACCILO:

Well, that's my question.

LEG. FISHER:

Sorry.

LEG. CARACCIOLO:
I'm sorry.

CHAIRMAN GULDI:
Go ahead, answer somebody's question.

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LEG. BISHOP:
Do you have arials on this?

LEG. FISHER:
I'm sorry, can I get an answer to my question? Was this an alienation, Counsel?

MR. SABATINO:
That's the only way it can be done, that's why it would require State legislation. This would be just the first, the second step in a four or five step process.

CHAIRMAN GULDI:
Yeah. It will ultimately require a referendum approval too, will it not, as an alienation parkland?

MR. SABATINO:
No. What it will require is, it will have to be -- it has to be approved by the State Legislature, but it won't require a referendum.

CHAIRMAN GULDI:
Okay.

LEG. CARACCIOLO:
Counsel, is that two, two successive --

MR. SABATINO:
Two successive is for the parks but no referendum. Referendum is when you have nature preserve property, this is not nature preserve property.

LEG. CARACCIOLO:
Mr. Chairman, if I might just continue with that?

CHAIRMAN GULDI:
You could continue once I recognize you.

LEG. CARACCIOLO:
Okay.

CHAIRMAN GULDI:

You didn't get recognized, you jumped in. The question I have for Real Estate that I'd like them to file with us is the relative value of the two parcels, if this is a straight land swap, we're giving -- are we giving up unbuildable wetland for prime commercial property? What's the relative value? Do we have that information and do we have it in appraisal form? I think that's an important issue to --

MR. ISLES:

We certainly don't have an appraisal at this point.

CHAIRMAN GULDI:

Do you have an opinion as to value, relative value of the parcels?

MR. ISLES:

Yes. I can't give you a number, but I can tell that you that the, number one, we -- the administration does generally support the concept of this

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exchange, the proposal is that there be wetlands transferred to the County of Suffolk adjacent to other land that we owned, own. The land to be dedicated or swapped with the property owner, Jopal, is land that has been disturbed, it is currently cleared and vacant primarily.

The subject, the wetlands appear to not have much in the way of value, we don't have an appraisal, but we would certainly suggest that that be done.

CHAIRMAN GULDI:

I'd want to know the relative value of the parcels if we're considering a swap.

LEG. CARACCIOLO:

Mr. Chairman?

MR. ISLES:

I met last week with Jopal, I've had conversations with the sponsor's staff on this, we're putting together further information for this Committee. The piece that would be dedicated, swapped from the County to Jopal would support upwards of sixteen additional dwelling units, so therefore, there would be a difference in value that would have to be adjusted.

And one comment on the bill is that the bill states that if there's a difference in value and requires an adjustment by the State Legislature in terms of insuring that the park interests is protected, it would be our suggestion that, number one, Jopal pay for that difference, and, number two, that if they pay for the exchange of value in the land, that that would go towards the County's park programs, so there's a

reinvestment back to the County programs. So we're sorting that out at this point. We met with them on -- I met with them on Thursday and did a site visit on Friday.

CHAIRMAN GULDI:

I'm going to make a motion to table and recognize Legislator Caracciolo. Legislator Caracciolo is next and then Legislator Bishop.

LEG. CARACCIOLO:

I'll second your motion, Mr. Chairman. And I want to follow-up, Mr. Isles, on your last comment. The changes that you seek, are they incorporated in this Home Rule Message?

MR. ISLES:

They are not at this time. My apologies, we have --

LEG. CARACCIOLO:

I understand.

MR. ISLES:

We'd like to transfer this to the sponsor.

LEG. CARACCIOLO:

I think that would be imperative to those who would be inclined to support this, that that language be included in the Home Rule Message so it's clear to the State Legislature what our interests and intents,

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intentions are with respect to this transfer.

Counsel, the question I had going back to the State Legislature, if they choose to act affirmatively, it does require two successive State Legislatures, so that the earliest, taking that into account, we'd be looking at the current Legislative body, which is a term of office through next year, and then the Legislature that reconvenes in '05, correct?

MR. SABATINO:

Right, because they're running.

LEG. CARACCIOLO:

Okay. So there's no immediacy to this, Mr. Chairman, so tabling it, you know, is not a problem.

And finally, Mr. Isles, does this require County Parks Trustees' approval?

MR. ISLES:

I'm not certain of that. We talked about that yesterday internally in

the Department and it's possible, but I don't have the answer, I'd have to check.

CHAIRMAN GULDI:

Whether it's required or not, I'd want -- I'd want at least an advisory sense. I suggest you go ahead and propose it.

MR. ISLES:

Okay.

CHAIRMAN GULDI:

Legislator Bishop is next, then Legislator Fisher.

LEG. BISHOP:

The land that we're receiving, is that buildable or is that wetlands?

MR. ISLES:

It is wetlands, it is not buildable.

LEG. BISHOP:

But the end result of this swap would be sixteen additional buildable units for the developer?

MR. ISLES:

Potentially that. When I asked the owner, the Jopal, the additional number of units that they think they can get if they got the County land, the answer she gave me was sixteen units.

LEG. BISHOP:

Okay. Since no one is paying attention then, we escape me. That's why this is troubling to me. I also would ask if you would contact Tom McMahon in Soil and Water District. He did a memo for me on this development a while back. It's not in my district, however, so I would take it as sort of a hands off on it, but I guess now it hands in my lap.

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MR. ISLES:

So he did a memo and you want me to contact Tom McMahon to do --

LEG. BISHOP:

You know what, don't do that. I will transmit to you the information I have.

CHAIRMAN GULDI:

Legislator Fisher is next.

LEG. FISHER:

Tom, as I look at this aerial, it seems to me that the area that we're giving them is closer to a body of water than the land we're getting,

then wouldn't that also be -- it looks like wetlands to me, what they're getting, according to this map, I'm not sure if I'm looking at the map correctly.

MR. ISLES:

The map is large scale, but we were concerned about the same thing. There's no question that the land proposed to be given to the County is wetlands, and it was flagged as recently as the beginning of this month by New York State DEC.

In terms of the land that we currently own that's proposed to go to Jopal, there's no question also that a large part of that has been disturbed. I took photographs of it, or my staff did, and we can present that to you at the next meeting. So most of that land is fill, there's not much on it at all.

Towards the north part of it as you get closer to Carlls River, it does appear to get the fringe of the wetlands and we would suggest that that not be transferred and also that a hundred foot buffer area be provided along that area.

Keep in mind too that the map that you have before you, the survey was prepared by the, by Jopal, it wasn't prepared by the County at this point.

LEG. FISHER:

Okay. Second question, will Maxine be filing a corrected copy before the next meeting?

MR. ISLES:

I can't speak for her. We have put together some suggestions --

LEG. FISHER:

You'll be providing her the information?

MR. ISLES:

We'll provide comments to her on what we would suggest. There's some errors with the acreage and so forth, so we will provide that to her probably by the end of this week.

LEG. FISHER:

Okay. Good. Thank you, Tom.

MS. COSTIGAN:

One of the comments we have suggested is that in the proposal it's anticipated that Real Estate will appraise the three properties, there's no budget to do that, there's no funding for those appraisals, so we would want that included.

MR. ISLES:

It would seem fair that if Jopal is getting a benefit, that they should pay for it, including the cost of the appraisals.

LEG. FISHER:

Sure. Thank you.

CHAIRMAN GULDI:

On the motion to table, all those in favor? Opposed? We're tabling this. We need a ton more information, this whole thing smells like a swamp to me. (VOTE: 5-0-0-2) (ABSENT: CRECCA, HALEY) TABLED

LEG. FIELDS:

Motion to adjourn.

CHAIRMAN GULDI:

We don't need that, I can do that unilaterally. We are adjourned.

(THE MEETING WAS ADJOURNED AT 12:00 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY