

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Ways & Means, Real Estate Transactions & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, 11787, on **September 3, 2003**.

Members Present:

Legislator George Guldi - Chairman
Legislator Andrew Crecca - Vice-Chair
Legislator David Bishop
Legislator Michael Caracciolo
Legislator Ginny Fields
Legislator Vivian Fisher
Legislator Peter O'Leary

Also In Attendance:

Tom Donovan - Aide to Legislator Guldi
Eben Bronfman - Aide to Legislator Guldi
Ivan Young - Chief of Staff to Presiding Officer Postal
Linda Burkhardt - Aide to Presiding Officer Postal
Meghan O'Reilly - Aide to Presiding Officer Postal
Frank Tassone - Aide to Legislator Crecca
Carl Yellon - Aide to Legislator Crecca
Ray Zaccara - Aide to Legislator Bishop
Lisa Keys - Aide to Legislator Caracciolo
Stephanie Mitchell - Aide to Legislator Vilorina-Fisher
Maria Ammirati - Aide to Legislator O'Leary
Jim Spero - Deputy Director/Budget Review Office
Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature
Ken Knappe - Chief Deputy Clerk/Suffolk County Legislature
Bill Faulk - Intergovernmental Relations/County Executive's Office
Robert Cabble - County Attorney's Office
Thomas Isles - Director/Suffolk County Planning Department
Christine Costigan - Director/Division of Real Estate/Planning Dept
Jim Burke - Deputy Director/Division of Real Estate/Planning Dept
Leslie Baffa - Department of Civil Service/Insurance & Risk Management
Brian Conneely - Rivkin, Radler, LLP
Leslie Farris - Rivkin Radler, LLP

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:43 A.M.*)

CHAIRMAN GULDI:

Let's call the meeting to order with the Pledge of Allegiance to be led by Legislator Viloría-Fisher since they won't let her do that in school today and I'm sure she misses it, we just want to make sure she doesn't forget how.

LEG. VILORIA-FISHER:

I'm retired for those who are wondering, so it's my first day of not going to school the first day of school.

Salutation

LEG. BISHOP:

Can I go get a drink of water?

CHAIRMAN GULDI:

No, you cannot. Sit down, get back in your seat and behave. And you know, most of us when we leave school they call it graduation, not retirement.

LEG. CRECCA:

We're all in preschool here.

CHAIRMAN GULDI:

I don't think some of us are ready for that.

LEG. VILORIA-FISHER:

Actually, in Spanish the word for retirement is {cube lacione} which I think is much more appropriate than retirement, jubilation.

CHAIRMAN GULDI:

All right, we have one card; we have a gentleman here from the law firm of Rivkin Radler, Mr. Brian C. Connelly I believe. For some reason -- I hope you -- come on up and use the microphone. I hope you're getting paid to do this because we're going to victimize you.

MR. CONNEELY:

Okay. It's Conneely.

CHAIRMAN GULDI:

Conneely, I'm sorry.

MR. CONNEELY:

Two N's, two E's.

CHAIRMAN GULDI:

Send this man back to penmanship.

MR. CONNEELY:

We represent several child care providers in Suffolk County and wanted to address you today with respect to Executive Gaffney's bill, 1729 on your agenda to repeal Local wage-- Living Wage Law.

2

We agree with Executive Gaffney that that wage policy should be repealed but at a minimum it should be repealed with respect to child care providers because of the unique issues facing child care providers in Suffolk County, those are both funding issues and regulatory issues. It's no accident that those jurisdictions which have passed living wage bills in other states or other counties have either exempted child care providers or provided for direct subsidies to all child care providers, recognizing that those child care providers have limited funds with mandates by both Federal and State agencies. With respect to the Federal law, it says that no child shall be left behind; and unfortunately, the impact of this law might be or will be that several children will be left behind by artificially increasing the cost of child care providers with limited funds.

The other problem with respect to that is our understanding, based on conversations with people in the industry and Social Services, there currently -- there may be as many as 200 children who are unplaced as of this time. If one child being unplaced would be enough, if there were that many which I think can be confirmed by the Social Services Committee or the Social Services Department, that's a fact that this committee and/or the Legislature should be able to have a handle on before they go ahead and extend this provision of the law to a whole set of other employers. The child care providers are subject to this October 1st. There are a number of other procedural issues which have arisen which would require or suggest that a further extension of the provision with respect to child care providers be adopted.

Therefore, again, we request that the provisions of the living wage law with respect to child care providers be repealed or extended and would urge the committee to examine whether or not a child is being left behind, whether people are being unplaced and the impact that this law might have on them, as well as the potential fiscal impact which I understand under the original law was apparently negligible, the fiscal impact statement that accompanied the initial bill. But subsequently, it's my understanding that there has been substantial expenditures and this is a Ways & Means Committee, certainly it should be aware of what those expenses are, again, before it extends it to a whole other set of private employers. Thank you.

CHAIRMAN GULDI:

Question by Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Good morning, Mr. Conneely.

MR. CONNEELY:

Yes.

LEG. VILORIA-FISHER:

My question to you is regarding the quality of child care center providers, the people who work at those centers. Several years ago I introduced a child care enhancement bill which provided salary enhancement for those providers who remained employed in the child care center for more than six months who worked on training and education. Isn't -- don't you think there's an importance in

3

providing a living wage or a somewhat competitive salary to those people who are providing the care and education of those young children and that that might also be an important piece when we're looking for the quality of the education of individual children?

MR. CONNEELY:

I believe that there's an extensive framework of Federal and State regulation as to those issues by people who study that as their only -- as their only issue. And with respect to the Federal funding, that came up in the Legislative history in the Federal level and they said we want to make this available to as many people as possible, and if you do anything, if anybody does anything to increase the costs of that, that less children may be getting health care, that conflicts with that Federal policy.

LEG. VILORIA-FISHER:

Actually the Federal and State regulations for child care centers don't provide for the quality of the individuals who are providing that care. They do provide for the ratios, they seek certification, they provide standards for health and safety, but the individuals who are being hired at minimum wage as assistants in the child care centers, as -- on an entry-level, the Federal government guidelines don't cover those people, and what we had tried to do in the child care enhancement was to raise that bar. When we are offering people minimum wage, we're competing with flipping burgers at Burger King or working at a local convenient store at minimum wage and we're trying to provide people the quality of service that children deserve and should have. And so providing a living wage for those people who are working child care centers I believe is very, very important in addressing the quality of child care that we provide our children.

CHAIRMAN GULDI:

Mr. O'Leary.

LEG. O'LEARY:

Good morning, Mr. Conneely. I just have two questions for you. One is are you here representing what group or entity?

MR. CONNEELY:

I have been retained by a number of child care providers with respect to this law, just very recently.

LEG. O'LEARY:

Okay. And my second question is you alluded to the possibility that the children who are under child care might be impacted or affected by this living wage policy that we've adopted; can you be more specific? Have you had any experience or have you been told of any incidents where the child care has been impacted with respect to the living wage policy?

MR. CONNEELY:

Well, simply because of the fact that certain child care providers are not on the County list at this point in time, those children that previously were displaced it's, again, my understanding -- and the Social Services Committee and the Social Services Department can verify this fact -- is that there are a number of unplaced children at

4

this time because of the lack of approved and certified providers under this living wage law.

LEG. O'LEARY:

And is that because they do not wish to comply with the policy that the County has adopted?

MR. CONNEELY:

Some have not submitted to comply, others have attempted to comply and filed requests for exemption but have been given the wrong paperwork, so there have been delays in connection with that, so it's a mixture of both.

LEG. O'LEARY:

But it's not a situation where they're not making application for purposes of avoiding paying the living wage that has been adopted.

MR. CONNEELY:

That is correct.

LEG. O'LEARY:

Okay. Now, specifically you were saying that to your knowledge there have been no children that have been impacted as a result of the adoption of this policy; correct?

MR. CONNEELY:

No; I'm sorry about that.

LEG. O'LEARY:

Well, you alluded in your opening statement that the children who are under the care of the child care providers will be impacted as a result of this living wage policy, and I've asked you to be a little bit more specific as to how they're going to be impacted.

MR. CONNEELY:

Well, if a provider does not opt to comply with the living wage law --

LEG. O'LEARY:

Uh-huh.

MR. CONNEELY:

-- those children have to find alternative services. And if there are insufficient services to provide care for them to be placed, then they are going to be without child care.

LEG. O'LEARY:

But you're specifically talking about providers who are not in the current living wage policy plan within the County, correct?

MR. CONNEELY:

Some are, some are not and some are applying for exemption.

LEG. O'LEARY:

To your knowledge, is there any provider who is in the County policy of the living wage, has any children been impacted as a result of that, of them being in this living wage policy?

MR. CONNEELY:

I'm not aware of those facts.

LEG. O'LEARY:

Okay, thank you.

LEG. BISHOP:

I have one question.

CHAIRMAN GULDI:

Legislator Bishop.

LEG. BISHOP:

Hi, good afternoon. Are you at liberty to discuss which child care providers have retained Rivkin Radler? Is it Rivkin Radler; which firm are you?

MR. CONNEELY:

Rivkin Radler.

LEG. BISHOP:

Yes, thank you.

MR. CONNEELY:

I was just retained on this recently. I don't believe --

LEG. BISHOP:

You don't know who hired you?

MR. CONNEELY:

-- I am authorized to disclose that, but if the committee feels that that's a critical and central point, I'll get the consent of my clients and I'll submit it to you in writing.

LEG. BISHOP:

Sure. Could you also see if your clients will allow you to release what you're being paid an hour, what the firm is being paid an hour?

MR. CONNEELY:

I think that's --

LEG. BISHOP:

Because I think probably one hour of work would take care of an entire child care center in terms of raising a salary from \$7 an hour to \$7.75 for ten of its employees.

MR. CONNEELY:

Mr. Bishop, you're an attorney, I think that you realize that attorney/client privilege would not go into those areas.

LEG. BISHOP:

No, I didn't realize that.

CHAIRMAN GULDI:

Except that, Mr. Rivkin, I want to point out --

MR. CONNEELY:

I'd like to be Mr. Rivkin.

CHAIRMAN GULDI:

-- this was not a court.

LEG. BISHOP:

It's not a court, right.

CHAIRMAN GULDI:

Yeah, this is not a court, there is no attorney/client privilege here, this is a Legislative body.

MR. CONNEELY:

With all due respect, sir, I disagree. Anything else?

LEG. VILORIA-FISHER:

Okay, yes. Mr. Chair, if I may? Earlier, Mr. Conneely, you mentioned that there were 200 children who were currently being impacted by the number of centers that were not yet in compliance. Last month at my Human Services meeting there were similar numbers thrown around and Social Services did verify that the number was much lower and that centers are still coming into compliance, the contracts are continuing to be negotiated and centers are seeing that they can indeed with the amended living wage law can come into compliance and remain afloat and remain in business. At this point there are only six centers who have not responded to the contract, resulting in a grand total of 25 children. And although those 25 children are very important to us, we still have the opportunity to continue to negotiate with those six centers to make sure that they understand the full extent of the law and the amendment that we voted on last month, and I am very hopeful that those 25 children will have placement. So the 200 child number is erroneous, I wanted to put that on the record.

MR. CONNEELY:

Well, I think that was --

LEG. VILORIA-FISHER:

I'm reading from notes that I have from DSS.

MR. CONNEELY:

As of what date, ma'am?

LEG. VILORIA-FISHER:

As of the 30th.

MR. CONNEELY:

Of August.

LEG. VILORIA-FISHER:

Of August, yeah. I'm sorry, was that --

MS. BRANDEAU:
Yesterday.

7

LEG. VILORIA-FISHER:
Yesterday, as of yesterday, I'm sorry, September 1st.

MR. CONNEELY:
Okay.

LEG. VILORIA-FISHER:
Thank you.

CHAIRMAN GULDI:
We don't have any other cards. Any other volunteers? Let's go to the agenda. I think we're setting a record. At the beginning, at the beginning.

Tabled Resolutions

1224-03 - Enforcing Reverta Clause for 72-h real Estate transfers (Postal). I have a note from the Presiding Officer that she's ready to move this. Real Estate Division, I know you've asked -- wait a minute, we've got another card. Leslie Farris?

MR. CONNEELY:
That's okay, we got it.

CHAIRMAN GULDI:
It's the same firm? Okay. Let's -- I'll make a motion to approve this. Is there a second?

LEG. O'LEARY:
Second.

LEG. CRECCA:
Second.

CHAIRMAN GULDI:
I hear a second from Andrew Crecca.

LEG. CRECCA:
Yeah, on the motion. Christine, can you just tell us if you've worked on this with the Presiding Officer and is the Real Estate Department now satisfied with the bill?

DIRECTOR COSTIGAN:

We have had extensive communications with the Presiding Officer. I think we have exhausted the opportunities to be heard. I won't go so far as to say we're happy with the bill, but it is what it is.

LEG. CRECCA:

She's very good at this. Could you tell me what your -- what, if any, concerns are contained in the bill.

DIRECTOR COSTIGAN:

The focus of my concern is the first RESOLVED paragraph A where it refers to invoking all reverts clauses heretofore adopted. We had suggested that that be changed to hereafter adopted in that having studied all the previous revert clauses that were adopted, numerous

8

of them are unenforceable. There are 900 of them, it would take a great deal of time to pursue all these horses that have already gone out of the barn and run into the next country. But I saw it as a proactive, you know, perspective.

LEG. CRECCA:

Right. Yeah, that was one of the things you initially raised as a concern, or if we could have limited the time back to a couple of years.

DIRECTOR COSTIGAN:

Yes, yes. I mean, we did discuss that exhaustively and I gather that it was not warmly received.

LEG. CRECCA:

Do you have the resources to do this, to go back retrospectively?

DIRECTOR COSTIGAN:

No, something else will stop.

LEG. CRECCA:

In an already over burdened Land Acquisition Program.

LEG. CARACCILOLO:

Who said that?

LEG. CRECCA:

I don't know, I said that -- I look at Dave when I say that because that is his forte.

LEG. CARACCILOLO:

You just put the staff where you need it, that's all. We've got a budget coming up, that's where we add it.

LEG. CRECCA:
Dave, I yield to you.

LEG. BISHOP:
Yeah, on the -- there is a motion, right?

CHAIRMAN GULDI:
Yes, there is a motion and a second.

LEG. BISHOP:
What is the impetus behind this bill; are there a lot of reversion clauses that are eligible to be enforced?

DIRECTOR COSTIGAN:
Well, I sort of started this ugly ball rolling around the field in that we have the responsibility to monitor not only properties which are in the surplus County auction but the disposition of properties. And I can't tell you what the disposition of all the properties you've given away over the years is in that nobody has ever checked and there isn't any central, you know, inventory of them, and it's a good thing to do frankly. But having said that, your old reversion clauses were sort of loosely worded and many of them say for general municipal purposes.

9

They've been sitting there fallow; is that a general municipal purpose? I don't know. So each of these will take some investigation but it's something, frankly, that if we had the manpower I wouldn't be talking anymore.

LEG. CRECCA:
But the reality is we shouldn't sit here and enact a bill that can't realistically be enforced the way it's worded. And without the budget -- well, without -- I think we should do it prospectively or without the budgetary -- or provide the staff members strictly to do this because it's that much work. So I won't -- I support the bill in concept but I can't support it in its present form, and I would make a motion to table.

LEG. BISHOP:
Didn't we discuss --

LEG. CRECCA:
I know, that's what we were -- what was supposed to happen was it was supposed to be --

LEG. BISHOP:
Didn't we discuss just sending out letters to the municipality saying

what's the status?

LEG. VILORIA-FISHER:

Yes, and put it on them.

DIRECTOR COSTIGAN:

We did and that suggestion was incorporated vis-a-vis the affordable housing revertas which already report annually to Marion Zucker as to their status; the final bill, though, doesn't really incorporate that idea.

Frankly, I mean, we can live with this, we just won't meet the 120 day deadline and you're not going to smack me if we don't. So, you know, we'll just stagger along and when we find one that's --

LEG. BISHOP:

Why don't we remove the 120 day deadline so you don't have --

CHAIRMAN GULDI:

We're not the sponsor of the bill, it has to be taken up with the sponsor.

LEG. CRECCA:

But that's my --

CHAIRMAN GULDI:

My point, though, and response to Legislator Crecca --

LEG. BISHOP:

Then I make a motion to table.

LEG. CRECCA:

Second.

10

CHAIRMAN GULDI:

There's already a motion to table.

LEG. VILORIA-FISHER:

Oh, there is?

CHAIRMAN GULDI:

Yes, Legislator Crecca made it a few minutes ago. The point I want to make is while Legislator Crecca makes a good point that, you know, we shouldn't be acting in a vacuum; in fact, we're not acting in a vacuum. If we enact this as a matter of policy that we should follow up on our reverta clauses and enforce them to the extent that we're transferring property from municipal -- specified municipal purposes and they're not being used for that. For us to say that, you know,

that we don't have the resources, it's going to be hard to do, it's not going to be -- I mean, if we approached all policy matters from how effectively could we police it, there wouldn't be laws against drunk driving.

Realistically, this is good public policy. This is difficult to do, it's something we've been remiss in doing in the past. And yeah, the 120 day deadline with the current fiscal situation and our current staffing levels isn't realistic, it's still a goal that's reasonable that we should pursue even though we're likely to come up shorter than that.

LEG. CARACCIOLO:
Mr. Chairman?

DIRECTOR COSTIGAN:
Yes, I mean, I note that the second RESOLVED which has the 120 day deadline says that I have to give you a list within 120 days; I'll give you a list, I won't say it will be -- you know, to comply with that I have to give you a list, it doesn't have to be an exhaustive list of all 900 pieces, but we can get started.

May I ask what is the date of the draft that you're dealing with because I've seen four drafts of this from the PO's Office and I don't know which one you have.

(*Legislator Fields entered the meeting at 10:03 A.M.*)

CHAIRMAN GULDI:
I don't know if the one I'm looking at is the most current one or not and I don't have Counsel here who tracks that or his memo.

DIRECTOR COSTIGAN:
Are we all dealing with just the original resolution?

LEG. VILORIA-FISHER:
That's what I'm looking at.

DIRECTOR COSTIGAN:
That really was the best of the litter, frankly.

LEG. CRECCA:
It was supposed to be amended. Can we get somebody from the PO's staff?

LEG. CARACCIOLO:
Not the PO's staff.

LEG. CRECCA:
Well, it's her bill.

LEG. CARACCIOLO:
Legislative Counsel.

LEG. CRECCA:
He's not here.

LEG. CARACCIOLO:
No, but his staff is here.

LEG. BISHOP:
Why don't we skip over it and go back.

DIRECTOR COSTIGAN:
All right. Then I don't think we're all dealing with the same draft,
there's another --

CHAIRMAN GULDI:
Yeah, all right. Actually, someone just went to Counsel's Office to
get the latest version of the bill. Let's move down the agenda and
come back to this.

LEG. VILORIA-FISHER:
Well, actually I wanted to just discuss one more issue regarding this.
Several times in this committee we have discussed the issue of lists
and inventory and I think that that's a critical policy piece in this
piece of legislation, that we want to have -- in that second RESOLVED,
creating the list of such parcels which have the reverts clause. I
recall a piece of legislation by Legislator Fields referring to lists
of real estate where we have leases. There's just such a need to have
a database where we can have some control and oversight over what kind
of real estate we have, the status of that real estate and have some
master list and information to which we can refer when we need to have
that oversight.

DIRECTOR COSTIGAN:
I certainly don't disagree with you. My first effort when I came was
to set up a database and we do now have a fairly functioning inventory
list. You have to remember, the County has changed its entire
database mechanisms, it used to have the IPP system and they've
totally scrapped that and we've now gone to our own access database.
And MIS is working very hard to incorporate Penny LaValle's Office's
records with the Treasurer with ours. But you know, to the extent
lists give you comfort, unless they're correct, they're more
misleading than not having a list. And the County's records have not
been kept in that way, it hasn't been useful in the past. So for
instance, reverts; nobody -- when you passed a 72-h, nobody put that

in a separate column that says this has a reverts clause, so to find out where these things are, the Clerk has very kindly done a database search but it too goes back into records that were never categorized that way. So even finding out what are the correct 72-h transfers over time, we'll do a -- it won't be correct. I mean, they just aren't filed that way, you have to read every transfer to a town and find out if it had a reverts clause in it. And there over -- as I said, there are over 900 of them and then you find out a lot of them aren't 72-h's, you know, they were transferred for other reasons.

So yes, we'll end up with a list, it's good to have lists. The way information has been handled in the County, though, hasn't lent itself to deriving a list

LEG. VILORIA-FISHER:

Well, it's good that we've changed the direction then.

DIRECTOR COSTIGAN:

And we have the computers now and we have ways to do these things.

CHAIRMAN GULDI:

Yeah, and realistically somebody's got to look at the 900 transactions to put them into the database.

DIRECTOR COSTIGAN:

Yeah.

CHAIRMAN GULDI:

Which is true when you create any database.

LEG. CRECCA:

Can this be done with --

CHAIRMAN GULDI:

Legislator Fields is next, then Legislator Crecca.

LEG. FIELDS:

You and I had had a discussion about software that's available out there to do I think exactly what your needs would be; is that still an option?

DIRECTOR COSTIGAN:

Well, the software you and I talked about is on the lease side, lease management, that has nothing to do with this.

LEG. FIELDS:

And it can't be utilized for this also; is it the same structure?

DIRECTOR COSTIGAN:

It's really not designed for this at all, no.

LEG. FIELDS:

Okay.

CHAIRMAN GULDI:

Okay? We're getting --

13

LEG. CRECCA:

If I could just -- one quick question for Christine. Christine, if you could just let us know what, if anything, you need to do the job right here. I don't know if you need additional staff, a clerical person or what you need, but if you could pass that information on because we're starting soon, we'll be examining the County Executive's budget and looking at staffing and positions for next year. And I would just ask that separate of the one that you've already submitted from the department to the County Executive, you let us know if there are any other specific needs including for this particular purpose if this bill moves forward.

DIRECTOR COSTIGAN:

Thank you.

CHAIRMAN GULDI:

Basically I've got Counsel's notes, there have been eight corrected copies on this bill, I have the most current version being photocopied so that we will distribute it and be able to consider it in a moment. Let's go down the agenda while we're waiting for that to be accomplished.

1226-03 - Adopting Local Law No. 2003, A Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings (Fields).

LEG. CARACCILO:

Explanation.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by myself; is that sufficient explanation for you, Mr. Caracciolo?

LEG. CARACCIOLO:

Yes, absolutely.

CHAIRMAN GULDI:

Okay, all those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

1231-03 - To implement Space Management Reform (Fields).

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

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

1422-03 - Adopting Local Law No. 2003, A Charter Law to reform Charter Revision Commission for good government purposes (Viloria-Fisher).

14

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN GULDI:

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

1477-03 - To reform oversight of Suffolk Employee Medical Health Plan (EMHP) (Guldi). Motion to table by myself.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

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

1485-03 - Implementing Brownfield Policy for Poulos Property in Eastport, Town of Brookhaven, (SCTM Nos. 0200-686.00-04.00-019.000; 0200-686.00-04.00-019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000; 0200-723.00-02.00-029.000) (Caracciolo).

LEG. CARACCIOLO:

Mr. Chairman, before we take up my resolution, just go back to 1477.

CHAIRMAN GULDI:

Yes. I'm waiting for the final audit which has just come out, so I want to review that and then I want -- and frankly, at this point the

State Comptroller has indicated an audit and I think it's incumbent upon us to wait for his action before we determine what course we should take.

LEG. CARACCIOLO:

Okay. What I'd like to have a discussion on, just very briefly, with regard to this resolution, and more importantly the issue of EMHP, is the fact that it is repeatedly, erroneously reported in the media that the County has experienced a multi-million dollar loss in this program without any clear indication to the public that reads that information, that's exactly -- this took place over many years, was well within the normal range that these programs, ours and others operate. And I would like to see this Chairman and this committee hold a press conference to clear this issue up once and for all as to exactly what happened, what took place here as opposed to what is repeatedly and erroneously being reported in the press. Will you do that?

CHAIRMAN GULDI:

I don't think I'm inclined to do that, but if you want to have a press conference, Mike, I mean --

LEG. CARACCIOLO:

That's fine, George.

CHAIRMAN GULDI:

While we're all prepared to do that, I think the issue is complex and

15

doesn't lend itself to press conferences or sound bites and I don't think it can be solved by that, so I'm not inclined to do that.

LEG. CARACCIOLO:

Well, Mr. Chairman, I think then perhaps I will do that and I would encourage and invite others to join me when I do it. Because I think it reflects poorly on the County as a whole, on the County administration and on all elected officials who fail to do so to let a lie be continually perpetrated in the press that doesn't bare out the facts of what happened here over a decade.

LEG. O'LEARY:

Mr. Chairman?

CHAIRMAN GULDI:

Mr. O'Leary, you have something to add on this subject?

LEG. O'LEARY:

Yes, I do.

CHAIRMAN GULDI:

Go ahead.

LEG. O'LEARY:

As you can probably imagine, I'm well aware of the situation involving EMHP having been the Co-Chair of same for almost eleven years. And I have to agree with Legislator Caracciolo with respect to his position on how the facts of the matter have been distorted somewhat and I would support his endeavor to make this known to the public.

There is a situation there where the matter has been under investigation by several entities, the District Attorney's office, Earnst & Young conducted an audit, this body conducted hearings as well with respect to the administration of the plan. And I think when it all outs and it becomes the bottom line, finish, complete, if you will, it will be determined that the plan is well administrated, well run and certainly within the percentage comparisons of other plans throughout the not only metropolitan area but the country as well. It's important to bring this information to light because for too long now, almost a year-and-a-half, the public has been misled with respect to the administration of the EMHP. Thank you.

CHAIRMAN GULDI:

You're welcome. Moving right along, back to the agenda.

LEG. CARACCIOLO:

Motion to table 1485.

CHAIRMAN GULDI:

Motion to table 1485, second by myself. Discussion? All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

All right, the reverta clause resolution has been passed out and is in front of everyone at this point; do you have one, Christine?

16

DIRECTOR COSTIGAN:

I do.

CHAIRMAN GULDI:

Okay. Now that we're all -- let's go back to that now that we're all literally on the same page. Resolution 1224, we have various motions. The version that's before us --

DIRECTOR COSTIGAN:

I have seen this version before.

LEG. CRECCA:

Can I -- on the motion. It's got Director of the Division of Affordable Housing; why do we have that person doing it and not the Director of Real Estate?

CHAIRMAN GULDI:

Because the Director of the Division of Affordable Housing keeps an inventory of those parcels transferred for affordable housing purposes.

DIRECTOR COSTIGAN:

It's just not so fast, it's not -- what they did was in -- they took the baby and the bath water and the pail and threw them all out of the water. In the first RESOLVED it used to say the Director of Real Estate shall do all of this, and in our earlier discussions I suggested that it would make more sense for the Director of Affordable Housing to do affordable housing since she already has a list. Instead of adding that they changed the Director of Real Estate to the Director of Affordable Housing, so the first RESOLVED now says the Director of Affordable Housing shall do everything.

LEG. CRECCA:

Which is wrong.

DIRECTOR COSTIGAN:

Then in the second RESOLVED it says the Director of Affordable Housing should do everything in 180 days. The third RESOLVED says the Director of Real Estate shall do everything that happened in the last five years; it doesn't make sense to me.

CHAIRMAN GULDI:

Motion to table --

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

-- by Legislator Crecca, second by Legislator Bishop. Discussion? All those in favor? Opposed? Fix it. Tabled (VOTE: 7-0-0-0).

Back to page two of the agenda, we're on 1568-03 - Authorizing the sale of surplus county car to Long Island Gay and Lesbian Youth (LIGALY) (Postal).

LEG. CRECCA:

Motion to table subject to call.

LEG. VILORIA-FISHER:

We're doing 1585, aren't we?

CHAIRMAN GULDI:

No, it was tabled.

LEG. CRECCA:

Motion to table subject to call. I would ask my colleague, bills that we don't think are going to move forward, I would just -- you know, because we have a long tabled agenda.

LEG. VILORIA-FISHER:

That's to table subject to call?

CHAIRMAN GULDI:

Motion to table subject to call by Legislator Crecca.

LEG. VILORIA-FISHER:

Alison, can you put me on the prevailing side on that vote?

CHAIRMAN GULDI:

Second by Legislator Caracciolo; that motion takes precedence anyway. Motion to table subject to call by Legislator Crecca, second by Legislator Caracciolo. Discussion? All those in favor? Opposed?

LEG. BISHOP:

Isn't this -- I have discussion.

CHAIRMAN GULDI:

Okay.

LEG. BISHOP:

Is it not true that the cars are going to be used to transport suicidal youth to desperately needed -- I mean, wasn't that what was maintained to us, psychiatric care?

CHAIRMAN GULDI:

Yes, one car; one Ford Suburban with 101,000 miles on it is what we're talking about. And frankly, you know, I'm chagrined, as I hope my colleagues are, with respect to the purpose of this. And you know, while we had substantial discussion about changing our policy, this has been here since June.

LEG. CRECCA:

Yeah, but it's been tabled at the sponsor's request.

LEG. BISHOP:

I'll tell you what I'm chagrined at. I mean, I'm chagrined that, you know, a cranky newspaper editor who doesn't have command of the facts is setting policy around here. Now, we all know -- nobody said a word

about this until suddenly Suffolk Life manipulated this story.

18

LEG. CRECCA:

I didn't even know it, but please share it with us.

LEG. BISHOP:

You know full well these went through as a matter of course that we had a policy of providing not-for-profits cars that departments have deemed surplus; we're not deeming them surplus, the department says we're going to get rid of this. And what we said is as a policy, well, we're going to allow them to be transferred to not-for-profit agencies, and that is a policy that serves the taxpayers well because those agencies which are often primarily funded by the County do not have to come back to the County for additional resources to cover new transportation the following year. So it works, it works for the not-for-profits and it works for the taxpayers.

This policy had been in effect for years. In the last couple of weeks there's been this -- Legislator Alden raised the issue and it got played up in Suffolk Life and suddenly everybody believes that it's a bad policy and wants to change course. You know, we were right all along, you should defend it, and if you're changing your mind you should put on the record why you're changing your mind in the least. But to simply, you know, change course without explanation suggests to me that people don't have the backbone to do the job properly.

LEG. CRECCA:

May I respond?

LEG. CARACCIOLO:

You sound like Paul Tonna.

LEG. CRECCA:

Well, there are a lot of similarities between the two of them, but Dave definitely has more hair. Dave, just so you -- I think I made my position clear. My reasons for tabling --

LEG. BISHOP:

Give me my car.

LEG. CRECCA:

Right, exactly. I think I made that pretty clear that I thought all bills that were pending should move forward since that was the policy, but that I would support it in the past; this is one that's pending. I have consistently tabled this bill --

LEG. BISHOP:

On the record, I appreciate it.

LEG. VILORIA-FISHER:

Why are we tabling it subject to call?

LEG. CRECCA:

Because it's been sitting on our agenda for six months, or whatever it is, and let's either pass it out if you want to pass it out, I'm not telling people not to vote for it. I don't support this bill, I wasn't satisfied with the explanation that was given for it and I haven't supported it.

19

LEG. BISHOP:

(Inaudible).

LEG. CRECCA:

So it's a different reason, it has nothing to do with an article that existed in Suffolk Life that I wasn't aware of. Last time we were at the full horseshoe and the issue came up, you know, think that we should have one consistent policy and I said I would support a resolution --

LEG. VILORIA-FISHER:

And you did.

LEG. CRECCA:

Yeah, that in the future that we do only fair market value on these. But for now, I'm willing to move all the bills that are currently existing since that has been our policy.

CHAIRMAN GULDI:

Just to correct the record, the bill was laid on the table June 24th, it's September 3rd, that's nine weeks, not six months.

LEG. CRECCA:

Same thing.

CHAIRMAN GULDI:

Okay? Legislator Caracciolo.

LEG. CARACCIOLO:

The reason why I would be in favor of a table subject to call until we adopt a policy which is now being pursued by Legislator Carpenter and others, we should hold these in abeyance. I don't know what the urgency is. Legislator Bishop alluded to transportation needs of a particular agency; whether it's this one or any one, from my perspective, until the County is fairly compensated for surplus

vehicles, I won't support any of them.

CHAIRMAN GULDI:

On the question.

LEG. BISHOP:

And I would ask my colleagues who are adopting that position about the fair compensation, what is the difference between providing a vehicle and providing a County grant? You're opening the door up to cutting off all County grants for not-for-profits; it's just another form of providing a grant. And it happens to be the most efficient way to provide a grant because it's surplus, it's material that we have deemed unnecessary to carry out our County function and it's necessary for the not-for-profit. So it's a rather efficient way to provide a grant for a not-for-profit, so I don't understand what the attack is on the program.

LEG. CRECCA:

Well, but the bottom line is that, Dave, you know, we have consistently not funded or provided grants to taxing jurisdictions, you know, and that's been your policy on the Budget Committee.

20

LEG. BISHOP:

We've got a lot of fire departments (inaudible).

LEG. CRECCA:

I'm just saying, so that's the idea behind it; that's Carpenter's idea and Alden's idea. You know, I'm actually willing to take it a step further and say all surplus property should be sold at fair market value or auction, you know, just to maximize the dollars and also just as a policy that we don't give stuff away. I think that is different, though, than contract agency grants and things like that.

CHAIRMAN GULDI:

All right, I think we've belabored this enough. On the motion to table subject to call, all those in favor? Two, three. Opposed?

LEG. VILORIA-FISHER:

Opposed.

CHAIRMAN GULDI:

Four. Motion to table subject to call fails (VOTE: 3-4-0-0
In Favor: Legislators Crecca, Caracciolo & O'Leary).

LEG. FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Fields.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloría-Fisher. Shall we discuss it all over again?

LEG. BISHOP:

Well, I'd like to just ask one question. Can I -- I went out on a limb before and I said that this was being used to transport people in need of --

LEG. FIELDS:

That's the truth.

LEG. BISHOP:

Do we have any --

CHAIRMAN GULDI:

Is there anybody here who knows that; is that the question?

LEG. CRECCA:

We were supposed to get that in writing.

LEG. BISHOP:

I'm recalling that from a debate months ago.

21

LEG. VILORIA-FISHER:

Yes, I remember that.

LEG. BISHOP:

Do we have something that says that?

MR. YOUNG:

No, but that is the purpose.

LEG. BISHOP:

Are they just going to learn the purpose after you tell them what it is or is that truly the purpose?

LEG. CARACCILOLO:

You're like the Jewish wife, David.

MR. YOUNG:

That is truly the purpose.

LEG. BISHOP:
All right.

CHAIRMAN GULDI:
Further discussion?

LEG. BISHOP:
Why don't we discharge without recommendation pending this --

CHAIRMAN GULDI:
Motion to discharge without recommendation; I don't hear a second to that. On the motion to approve.

LEG. O'LEARY:
On the motion.

CHAIRMAN GULDI:
Yes, Mr. O'Leary.

LEG. O'LEARY:
Just a question just for clarification and my mind. Is the base issue here fair market value as opposed to the listed price in the resolution?

CHAIRMAN GULDI:
Yes, but -- and just by way of history, the Charter has a provision that permits the Legislature in its discretion to go to \$200 when transferring surplus properties to contract agencies and to other taxing jurisdictions. So the Charter -- historically there's been a debate on this in all of the ten years I've been here and the debate really comes down to whether or not the County's into dumping its junk cars for the biggest buck it can get or to transferring them to other jurisdictions who can still get good service out of them, and there's a bona fide disagreement as to which way we should be going. The Charter does expressly provide for it. Legislator Caracciolo.

22

LEG. O'LEARY:
So the answer to my question is yes, that's the base issue.

CHAIRMAN GULDI:
That's the base issue.

LEG. CRECCA:
There's another issue with this bill, though.

LEG. VILORIA-FISHER:

There's another issue which Dave talked about, the use of the vehicle. And knowing the work that Legal Aid does, counseling youngsters and this would be transporting youngsters to centers where they would have counseling and support, etcetera. And gay teenagers being among the highest group in terms of suicide, it is not a stretch by any account to think that kids who are being brought to counseling are involved in suicide prevention. So it's certainly not a stretch of the facts, it's not a stretch of the imagination, Legal Aid does that kind of work, Legislator Bishop. So I believe it had come up in a discussion and I believe it's a justifiable reason for supporting this.

LEG. FIELDS:

I made a motion to approve.

LEG. VILORIA-FISHER:

I second it.

CHAIRMAN GULDI:

We've got a motion to approve and a second. All those in favor? One, two, three, four. Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. CRECCA:

Opposed.

LEG. O'LEARY:

Opposed.

CHAIRMAN GULDI:

One, two, three opposed; it's approved (VOTE: 4-3-0-0 Opposed: Legislators Caracciolo, Crecca & O'Leary).

1569-03 - Authorizing the sale of surplus county car to Wyandanch School District (Postal). Same motion, same second, same vote, or do we have to have a debate again, guys?

LEG. VILORIA-FISHER:

I would go for it.

LEG. CRECCA:

Why was this tabled, Mr. Chairman?

CHAIRMAN GULDI:

It was --

LEG. CRECCA:

You have the little cheat sheet over there.

CHAIRMAN GULDI:

Yeah, hold on; I've got to find it to do that, I have to figure out how these things work. 1569, surplus -- there's no comment here, it was tabled two weeks in committee, there's no comment here at all as to why we tabled it.

LEG. CRECCA:

Motion to -- I'll support a motion to approve this one.

CHAIRMAN GULDI:

Motion to approve by Legislator Crecca, second by myself. Discussion? All those in favor?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN GULDI:

Opposed? One opposed, approved (VOTE: 6-1-0-0 Opposed: Legislator Caracciolo). You keep changing the number of members of this committee, it's confusing.

1589-03 - Authorizing certain technical corrections to Adopted Resolution No. 195-2003 (County Executive). This one is a lot of money is the reason that it was tabled, I think at my request last time. You've got some information on this?

MR. FAULK:

It was withdrawn.

CHAIRMAN GULDI:

Withdrawn, okay. 1589; why did you withdraw it?

LEG. CRECCA:

What do you care?

MR. FAULK:

The Treasurer's Office requested it be withdrawn.

CHAIRMAN GULDI:

Oh, okay.

1602-03 - Establishing Commission to study Alternative Form of County Government (Binder). Motion to table subject to call by myself,

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor?
Opposed?

LEG. CARACCIOLO:

Opposed.

24

CHAIRMAN GULDI:

One opposed, tabled subject to call (VOTE: 6-1-0-0 Opposed:
Legislator Caracciolo).

1604-03 - Establishing review policy for honest documentation of
campaign expenditures by Suffolk County Board of Elections (Cooper).

LEG. CRECCA:

Motion to table subject to call.

CHAIRMAN GULDI:

By Legislator Crecca, second by myself. Discussion? All those in
favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. BISHOP:

Opposed.

CHAIRMAN GULDI:

Tabled subject to call (VOTE: 5-2-0-0 Opposed: Legislators
Caracciolo & Bishop).

1608-03 - Authorizing conveyance of parcel of Town of Babylon for
transfer to NU-OP Association Corp., Inc (Section 72-h, General
Municipal Law) (Postal). Motion to table by myself at the request of
the PO.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloría-Fisher. Discussion? All those in favor?
Opposed? Tabled (VOTE: 7-0-0-0).

1664 was previously approved at the General Meeting by CN or -- no, by
resolution.

LEG. BISHOP:
Discharged.

CHAIRMAN GULDI:
It was discharged, yes.

1716 is withdrawn which was a transfer of computer equipment.

1727-03 - A Charter Law to create -- this was withdrawn by me.

LEG. CRECCA:
Which one, 1727.

CHAIRMAN GULDI:
1727 was withdrawn at the last meeting.

25

1729-03 - Adopting Local Law No. 2003, a Local Law to repeal Living Wage Policy for the County of Suffolk (County Executive).

LEG. BISHOP:
Motion to approve for the purpose of defeating.

CHAIRMAN GULDI:
Second the motion to approve for the purpose of defeating.
Discussion? Okay. We got a sigh.

LEG. VILORIA-FISHER:
All in favor?

LEG. CARACCIOLO:
Why don't you just table it subject to call?

LEG. BISHOP:
I don't want to table it subject to call because it lingers out there and creates the --

LEG. FIELDS:
I'll second that.

LEG. BISHOP:
It is in a controversial program and I think it's important for us --

LEG. CRECCA:
Subject to call though gets it off -- I'd rather -- I'll make a motion to table subject to call.

CHAIRMAN GULDI:

Motion to table subject to call takes precedence.

LEG. VILORIA-FISHER:
Opposed.

CHAIRMAN GULDI:
Motion to table subject to call takes priority.

LEG. VILORIA-FISHER:
Opposed.

CHAIRMAN GULDI:
On the motion to table subject to call, is there any further debate?
Okay, there being none, all those in favor? One, two; Pete are you up
or down on the table subject to call? Three, three in favor.

LEG. O'LEARY:
No, I'm down; George, I'm down.

CHAIRMAN GULDI:
You're down, it's two. Okay. All those opposed? Four, five.
Motion to table subject to call fails (VOTE: 2-5-0-0 In Favor:
Legislators Caracciolo & Fields).

26

Motion to approve by Legislator Bishop that's before us, the second on
the motion to approve. All those --

LEG. CARACCIOLO:
For the purpose of?

CHAIRMAN GULDI:
All those in favor?

LEG. O'LEARY:
What is your motion doing?

LEG. BISHOP:
My motion is forcing an up or down vote on the bill to repeal.

LEG. CRECCA:
Just don't make a motion. Don't make a motion.

CHAIRMAN GULDI:
No, that won't -- that's not as clear. Pete, the difference is
that what he wants to do -- and correct me if I'm wrong -- he wants to
vote it down, he wants an opportunity to vote it down. He's making a
motion to approve but announcing essentially that he's not supporting

it, he doesn't think it has the votes and wants to be on record as having voted against it versus not --

LEG. VILORIA-FISHER:
So now it's off the page.

CHAIRMAN GULDI:
Versus letting it fail which is another tactical way to get it off the page; but that's the distinction, okay? So on the motion to approve, all those in favor? I see no hands. All those opposed?

LEG. VILORIA-FISHER:
Opposed.

CHAIRMAN GULDI:
Any abstentions?

LEG. CRECCA:
I'll abstain.

CHAIRMAN GULDI:
One abstention, six opposed, it fails (VOTE: 0-6-1-0 - Abstention: Legislator Crecca).

Introductory Resolutions: Real Estate

Resolution 1736-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Scott M. Surdi and Kristin Y. Surdi, his wife (0500-356.00-03.00-001.002) (County Executive). Pete, has anyone talked to you about the proforma Real Estate resolutions yet? Because I'll take a minute on the record and tell you what each of the major categories are.

27

LEG. BISHOP:
Good, that will help me.

CHAIRMAN GULDI:
If it will help, and it will probably help Legislator --

LEG. O'LEARY:
Just make sure it's not Bishop who talks to me, okay.

CHAIRMAN GULDI:
Okay. The first resolution we have is a Local Law 13; a Local Law 13 is a disposition of surplus property by the County. In order to qualify for treatment under a Local Law 13, the property must appraise for less than \$20,000. It frequently deals with gore strips and

slivers of property that the County has come into title on from the non payment of taxes. In a Local Law 13 auction, it is conducted by mail and only to the adjacent property owners so that those slivers and gore strips will ultimately merge with the adjacent lots. So each of these resolutions comes with backup that tells us the number of bidders or rounds of bidders who were in the auction and each minimum price is the appraised value that the parcel has come up for. So this first one, 1736, is in 0500 which is the Town of Islip?

LEG. FIELDS:
Sayville.

CHAIRMAN GULDI:
It's in Sayville. If you look at the third page of the backup, there are four adjacent land owners, only one bid, it bid \$9,010; the appraised value on this one was the 9,010 or 9,000?

DIRECTOR COSTIGAN:
Nine thousand.

CHAIRMAN GULDI:
It was 9.000 even. So I'll make a motion to approve and place this on the consent calendar.

LEG. CARACCIOLO:
Second.

LEG. FIELDS:
Can I just ask a question?

CHAIRMAN GULDI:
Certainly.

LEG. FIELDS:
Christine, on the backup map where the -- it's hard to see where the arrow is, so the next page, the property is the own one that says 1.2?

DIRECTOR COSTIGAN:
That's right.

28

LEG. FIELDS:
And the owner is the one that owns the 1.1 or the two or the 12 or the --

DIRECTOR COSTIGAN:
No, the successful purchaser is the 12.

LEG. FIELDS:

Is the 12, and the 12 owns how much property?

DIRECTOR COSTIGAN:

Twelve is 115 by 107.

CHAIRMAN GULDI:

A quarter of an acre.

LEG. FIELDS:

And is there a house on that one?

CHAIRMAN GULDI:

That's really not -- I don't know if --

LEG. FIELDS:

I'm confused about buying a large piece of property like this for \$9,000.

CHAIRMAN GULDI:

It's landlocked.

LEG. FIELDS:

And I'm wondering if --

CHAIRMAN GULDI:

Is it landlocked?

DIRECTOR COSTIGAN:

The property is landlocked, it's only of value to the adjacent owners.

LEG. FIELDS:

Okay, I wanted to know why the reason for that large of parcel to go so little. Okay, thank you.

CHAIRMAN GULDI:

The answer is that when you can't get to it it's not worth as much as it would be if you could get there. So on the motion to approve and place on the consent calendar, all those in favor? Opposed? It's on the consent calendar. Approved and placed on the consent calendar (VOTE: 7-0-0-0).

The next one is 1737-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Salvatore and Maureen Dell'Isola, his wife (0100-138.00-04.00-116.000) (County Executive).

DIRECTOR COSTIGAN:

This parcel was appraised at \$3,000, it's a 20 by 100 foot parcel,

there were three potential bidders, only one bid by the Dell'Isola's of \$3,000.

CHAIRMAN GULDI:

Motion to -- same motion, same second, same vote.

Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1739-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Charles Parisi and Jane Filoteo (0600-027.00-01.00-030.002) (County Executive).

DIRECTOR COSTIGAN:

This parcel was appraised at \$15,000. Of the four bidders, one bid was submitted for 17,500.

LEG. CARACCIOLO:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Caracciolo, second by Legislator O'Leary. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1759-03 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, W&C Auto, Inc (0400-095.00-03.00-100.000) (County Executive). Local Law 16's are different than Local Law 13's. Local Law 16's are redemptions of property that have been taken for taxes, they are done in situations where there is still a redemption right by either the former owner or a mortgagee to pay the taxes with penalties and interest and redeem the property.

LEG. CRECCA:

Thank you, professor.

CHAIRMAN GULDI:

Correct me to the extent that I'm blowing this, Christine, feel free.

LEG. VILORIA-FISHER:

And I thought it wasn't my first day of school.

LEG. CRECCA:

That's right.

LEG. O'LEARY:

Well, for me it is.

CHAIRMAN GULDI:

On this one where we're getting \$45,000 in arrears --

DIRECTOR COSTIGAN:

Fifty-five thousand, the taxes have been open since 1999.

30

CHAIRMAN GULDI:

I'll make a motion to approve and place on the consent calendar.

Is there a second?

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

By Legislator Crecca. Discussion? All those in favor? Opposed?

Abstentions? Approved and placed on consent calendar

(VOTE: 7-0-0-0).

1763 --

LEG. VILORIA-FISHER:

Excuse me, Professor, while we're still in the tutorial stage.

CHAIRMAN GULDI:

Yes?

LEG. VILORIA-FISHER:

Christine, why would this one be so long, from '99 till now; isn't it usually three years?

CHAIRMAN GULDI:

Three years plus the time it takes us to process the paper.

LEG. VILORIA-FISHER:

Okay.

DIRECTOR COSTIGAN:

Well, remember we didn't get any deeds last year, there were no deeds transferred last year at all.

LEG. VILORIA-FISHER:

Okay.

DIRECTOR COSTIGAN:

So you're going to get many of these that are actually more than three years.

LEG. VILORIA-FISHER:

Why didn't we get any deeds last year?

DIRECTOR COSTIGAN:

The Treasurer had some problem with the computers.

LEG. VILORIA-FISHER:

Oh, okay.

LEG. CARACCIOLO:

Marty is there now so.

LEG. VILORIA-FISHER:

Oh, Marty's going to straighten it out.

31

DIRECTOR COSTIGAN:

So this year we got two years worth of deeds in one year.

LEG. VILORIA-FISHER:

I see. Thank you.

CHAIRMAN GULDI:

Which will result in more redemptions particularly given the increase in value of the real estate market, because heavily leveraged properties still have equity in them.

Okay, 1763-03 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General municipal Law to the Town of Brookhaven for affordable housing purposes (County Executive). 1763 is a 72-h, 72-h's are a different kind of transfers. 72-h's are intramunicipal transfers where we are transferring a parcel from us to another level of government for municipal purposes. Now, one of the anomalies here -- and this is where your head will get stretched a little bit -- when we don't get taxes on a town -- on a parcel of land, we the County are the collecting agency and depending on where, in what town it is, it's from five to 10% of the tax bill is County share. We, however, have the privilege, since we are the County, under the tax law of advancing to the school district, the town, the village, the fire district, the water district and any other special taxing district the amounts of tax on land that we don't get. And when it's residential property, we get to do that for three years when -- whereupon we get title, when it's non residential property it's a one year period where we get to take the deed.

When we do these 72-h's, sometimes but not always the issue is are we getting back from the level of government that we're giving the land to the taxes that we've advanced to them for the years that we weren't

getting them from the taxpayer. I mean, ordinarily we recover that tax money when we liquidate the parcels. But in 72-h's, this one, for example, in 1763, it's going to the Town of Brookhaven for affordable housing.

LEG. CARACCIOLO:
In Bellport.

LEG. VILORIA-FISHER:
I'm going to make a motion on that then.

LEG. O'LEARY:
Motion to approve.

CHAIRMAN GULDI:
To be used by Habitat for Humanities and I don't believe we are getting the reimbursement of the taxes we've advanced. But that's a policy matter that we get to decide on a case by case basis; I'm looking at the financial impact, yeah. Since the municipal purpose that is being promoted here is one we want to promote, I'll make the motion to approve this and place it on the consent calendar.

LEG. O'LEARY:
Second.

32

DIRECTOR COSTIGAN:
Mr. Chairman, I would simply note --

CHAIRMAN GULDI:
Second by Mr. O'Leary. Yeah?

DIRECTOR COSTIGAN:
In your discussions yesterday you had asked the question about in 72-h transfers, what is it which burdens the town with controlling the rents of the people to whom they, you know, will occupy. And if you look on page two under the WHEREAS, there are the limitations for owner occupied housing and for rental housing and it specifies that the rent has to -- cannot exceed the HUD established home low rent limit based on bedroom size. So it's right in your resolution, as well as the deed.

LEG. VILORIA-FISHER:
I had referred to that yesterday on the record and I'm glad you're pointing that out; this was in ELAP yesterday we discussed this and I had mentioned the HUD guidelines.

CHAIRMAN GULDI:

Okay? All those in favor? Opposed? 1763 is approved and placed on consent calendar (VOTE: 7-0-0-0).

1764-03 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-879.00-03.00-023.000).

LEG. VILORIA-FISHER:
Motion.

CHAIRMAN GULDI:
Motion to approve and place on the consent -- oh, it's in your district, Bill, you want to make the motion? Pete, it's in your district, you want to make the motion to approve and place on the consent calendar?

LEG. O'LEARY:
Certainly I do, yes.

LEG. VILORIA-FISHER:
Second.

CHAIRMAN GULDI:
Second by Legislator Fisher. Discussion? All those in favor? Opposed?

LEG. CRECCA:
I just want to state on the record that I'm always in favor of better drainage.

CHAIRMAN GULDI:
Well, that figures. Approved and placed on the consent calendar (VOTE: 7-0-0-0). ***SEE CHANGE IN VOTE ON PAGE 38***

33

1765-03 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-859.00-01.00-027.000). This one is?

MS. FISCHER:
{Terrel} River.

LEG. O'LEARY:
This is in your district, Mr. Guldi.

CHAIRMAN GULDI:
No, I don't think so.

LEG. O'LEARY:

Flight 800 Memorial Park.

CHAIRMAN GULDI:

Actually, I think it's in Legislator Foley's district but I'll make the motion to approve and place on the consent calendar.

LEG. VILORIA-FISHER:

I will second it.

DIRECTOR COSTIGAN:

Mr. Chairman, I just point out in both of these instances, both of these resolutions lack the three year reverts clause that you said you were going to put in every 72-h from now on.

CHAIRMAN GULDI:

Can I suggest that you take that up with the County Executive since, as the sponsor of this resolution, they're the one with the authority to amend it before the General Legislative meeting?

LEG. VILORIA-FISHER:

Then it shouldn't be put on the consent calendar.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table for?

LEG. FIELDS:

For a reverts clause.

LEG. VILORIA-FISHER:

No, why don't we discharge without recommendation rather than putting it on the consent calendar.

CHAIRMAN GULDI:

Well, you know, frank -- hold on.

LEG. CRECCA:

It's in here that it's restricted, the use is restricted to solely exclusive to the addition of the flight. It's not in the deed, is that what you're saying?

DIRECTOR COSTIGAN:

No, you passed a resolution just a little bit ago that it had to specify three years.

LEG. FIELDS:

Why are we not being consistent?

DIRECTOR COSTIGAN:

The reverta clause couldn't be general, it had to say specific.

CHAIRMAN GULDI:

Yeah. But I think that, however, in both of these cases -- if I may?

LEG. FIELDS:

You said reverta clause.

DIRECTOR COSTIGAN:

There is a reverta clause, it just isn't the reverta clause that you said it should be.

LEG. VILORIA-FISHER:

It doesn't specify three years.

CHAIRMAN GULDI:

It's not a three year reverta clause. This resolution has a reverta clause and specifies that it should be used for memorial fund -- for memorial purposes. I think that unlike the affordable housing resolutions, this one is virtually self-executing since it's adjacent to the memorial. And I believe that the reverta in it is sufficient. But there is a motion to table; was there a second on that? Motion to table going once, going twice. Okay, all those in favor of approval and placing on the consent calendar? Because that was what the motion was.

LEG. VILORIA-FISHER:

Opposed.

CHAIRMAN GULDI:

All those opposed? If there's opposition --

LEG. VILORIA-FISHER:

I'm opposed.

CHAIRMAN GULDI:

All right, so two opposed, that means that it is approved but not on the consent calendar because there is opposition in the committee (VOTE: 5-2-0-0 Opposed: Legislators Guldi & Fisher).

LEG. VILORIA-FISHER:

Okay. And Mr. Chair, although it's very clear how it's going to be used, what the municipal use is going to be, I believe that we have set policy to have in our reverta clauses the three year reverta clause. So could we ask the County Executive to put that in?

CHAIRMAN GULDI:

The County Executive can still amend the bill whether it's on the

35

consent calendar or not from committee until the meeting and the meeting is not --

LEG. VILORIA-FISHER:

It's two weeks.

CHAIRMAN GULDI:

It's two weeks so they've got literally a week to do it in.

LEG. VILORIA-FISHER:

Okay. And you're nodding your head so you think it will be okay?

DIRECTOR COSTIGAN:

I will speak to them.

LEG. VILORIA-FISHER:

I was looking behind you actually, Christine, at the audience, but okay.

LEG. FIELDS:

Just to flag this, could we just discharge it without recommendation so that when it comes up we remember that it needed a change and we make sure that the change is done so that we're consistent about what we're doing?

CHAIRMAN GULDI:

I think that this -- frankly, our memories are sufficient and that we'll certainly remember it since it's a 72-h, it's not on the consent calendar, that's plenty of flag.

LEG. BISHOP:

What the heck is going on here today?

CHAIRMAN GULDI:

We're now transitioned from the Real Estate agenda to the Finance Committee agenda.

LEG. CRECCA:

How exciting.

Introductory Resolutions: Finance

CHAIRMAN GULDI:

And the first resolution there is 1697-03 - Amending the 2003 Capital

Budget and Program and appropriating start-up funds in connection with the reconstruction of County Road 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516) (County Executive).

LEG. BISHOP:

This is the one that got reassigned back?

DIRECTOR COSTIGAN:

Yes.

CHAIRMAN GULDI:

Yes, this was assigned back to Ways & Means. You have this?

36

LEG. BISHOP:

It was my motion at the General Meeting and it was an opportunity to provide the new Legislator the opportunity to review the proposed legislation to see if he had any objection to it.

LEG. O'LEARY:

I have and I make a motion to approve.

LEG. BISHOP:

Fine. Second.

CHAIRMAN GULDI:

Motion to approve by Mr. -- Capital Budget, it's a bond on this one? Yeah, so it has to be on the general calendar. Motion to approve by Legislator O'Leary, second by myself. Discussion? All those in favor? Opposed? Approved (VOTE: 7-0-0-0).

LEG. VILORIA-FISHER:

Mr. Chair, I just want to go back to Real Estate for just a moment. 1764, was there the three year reverts clause on that, Ms. Costigan?

DIRECTOR COSTIGAN:

No, that had -- it does have a reverts clause but the reverts clause is not specified as three years.

LEG. VILORIA-FISHER:

Okay, so it's both 1764 and 1765 that should not have been on the consent -- been put on the consent calendar.

CHAIRMAN GULDI:

1764 --

LEG. CRECCA:

Make a motion to reconsider.

CHAIRMAN GULDI:

You have to make a motion to reconsider.

LEG. VILORIA-FISHER:

Yes, I'm making a motion to reconsider.

CHAIRMAN GULDI:

Is there a second?

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Motion to reconsider and a second. All those in favor? Opposed?

I'm opposed. 1764 is reconsidered (VOTE: 6-1-0-0 Opposed: Legislator Guldi). It's now before us.

1764-03 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-879.00-03.00-023.000).

37

LEG. VILORIA-FISHER:

1764, motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Viloría-Fisher, second by Legislator Fields.

LEG. CRECCA:

It was approved already.

CHAIRMAN GULDI:

No, the motion to reconsider was just successful, it's now a motion to approve. All those in favor?

LEG. VILORIA-FISHER:

Andrew, it had been approved to the consent calendar.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved (VOTE: 7-0-0-0). Okay?

Back to finance, 1738-03 - To readjust, compromise and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control #709-2003)(County Executive). Pete, this is a resolution from the Treasurer's Office based on corrections of prior tax bills, it's essentially a correct -- mathematical corrective

resolution that's proforma. This one involves --

LEG. CRECCA:
For \$40,000.

CHAIRMAN GULDI:
Yeah, \$40,000, taxes ranging from four to \$15,000. Motion to approve and place on the consent calendar by myself.

LEG. O'LEARY:
Second.

CHAIRMAN GULDI:
Second by Legislator O'Leary. All those in favor? Opposed?
Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1748-03 - Authorizing the County Comptroller and County Treasurer to close certain Capital projects and transfer funds (County Executive). This one is a little more esoteric, these are closed completed projects that have available balances from the bonds and there's a schedule of them next to the resolution. They aggregate nearly a million dollars in available balance with cash of \$600,000 because one of them is in the deficit, there's a \$300,000 deficit on one project, but these are slight differences in projects. Our function is to review them and make sure that it's not that material like the \$71,000 deficit in groundwater testing is one that we would be familiar with because we've engaged in additional testing, that sort of thing. I'll make a motion to approve and place on the consent calendar.

LEG. O'LEARY:
Second.

38

LEG. BISHOP:
You can't place this on the consent calendar.

CHAIRMAN GULDI:
Huh; you don't want it on the consent calendar?

LEG. BISHOP:
Capital closeouts? No.

CHAIRMAN GULDI:
You don't want it on the consent calendar, all right.

LEG. VILORIA-FISHER:
No, I agree.

CHAIRMAN GULDI:

Okay. So I'll change the motion to a motion to approve. Is there a second? Second by Legislator Bishop. Discussion? All those in favor? Opposed? Capital account closeouts is approved (VOTE: 7-0-0-0). Legislator Bishop?

LEG. BISHOP:

I need further education on this. These are Capital Projects that are completed in which there are surplus funds or deficit funds.

CHAIRMAN GULDI:

Right.

LEG. CRECCA:

No, no, but understand that this is -- remember in 2002 we approved a resolution, my resolution, after five years to close them out automatically? According to this, these are the ones that have automatically been closed, that's why it can go on the consent -- if you look at the second WHEREAS clause, it says, "Capital Projects with no expenditure activity that have automatically expired on the fifth year should be closed."

LEG. BISHOP:

Okay. So now these were Capital Projects that the Legislature contemplated occurring; did they all occur or did some of them just simply not happen?

LEG. CRECCA:

It doesn't matter.

LEG. BISHOP:

I know, but I would like to -- you know, wouldn't you like to know which policy choices that you participated in that have been ignored? That's what I'm trying --

LEG. VILORIA-FISHER:

Well, there is a list.

LEG. CRECCA:

There is a list attached.

LEG. BISHOP:

And some of them show zero, right?

LEG. VILORIA-FISHER:

Some show zero, yes.

CHAIRMAN GULDI:

Yeah, the parking lot at the Cohalan Complex shows zero, the air-conditioning at the Board of Education and warehouse -- Board of Elections, Warehouse 1 shows zero, the rehab parking lots, driveways and curbs --

LEG. VILORIA-FISHER:

I passed him my list.

CHAIRMAN GULDI:

Thank you, etcetera, etcetera, etcetera, ad nauseum.

LEG. BISHOP:

Right. So, I mean, is this the equivalent of a pocket veto, in other words? I mean, is the administration ignoring --

LEG. CRECCA:

No. These are projects that either have been -- there's two things, it's housekeeping; they've either been completed the projects or they've exceeded the five years with no expenditure activity.

LEG. BISHOP:

Well, that's what I'm asking about; no expenditure activity suggests that --

LEG. FIELDS:

It could have been ignored.

LEG. BISHOP:

Ignored.

LEG. CRECCA:

It absolutely could have been.

LEG. BISHOP:

Let's take the Long Island Sound Lobster Study, which I'm sure was very important to somebody, probably Legislator Cooper if I recall correctly.

CHAIRMAN GULDI:

And if you look closely at it, you'll see that we spent \$50,000 that we hadn't allocated.

LEG. BISHOP:

Okay, so that one we're over. So what about the next one, equipment for health centers?

LEG. CRECCA:

But David --

LEG. BISHOP:

I just want to understand how to read the list, that's what I'm asking.

LEG. CRECCA:

Okay, that's different then, because these are automatically expired anyway.

LEG. BISHOP:

I got that point, I understand that.

CHAIRMAN GULDI:

Could you address Legislator Bishop's concerns on this bill for us?

LEG. BISHOP:

It's not concern, I want to be educated, please.

MR. KNAPPE:

The Legislature was doing a good job --

CHAIRMAN GULDI:

David, enough with the straight lines, there's only so much restrain I can show.

MR. KNAPPE:

If you look at the backup to the resolution there's two addendums, addendum one and addendum two.

LEG. BISHOP:

Right.

MR. KNAPPE:

Legislator Crecca is exactly right, addendum two which is where some of your issues were probably being pointed to, are projects that never had any activity for five years. Because the Legislature passed a resolution back in 2002, these projects must be closed to comply with the resolution passed in 2002 because they had no activity for five years; I can't speak specifically why there was no activity on those, that would be the department that is in charge.

LEG. BISHOP:

So now helping -- just looking at addendum two, available balance verse cash balance; what is that?

MR. KNAPPE:

Okay, for example, if we looked at the reconstruction of various courtrooms in Riverhead?

LEG. BISHOP:

Right.

MR. KNAPPE:

There was a hundred thousand --

LEG. BISHOP:

Where is that? Right, okay.

41

MR. KNAPPE:

The bonding took place, however, there was no activity taken so that money will be going back to debt proceeds; for some reason the project did not go forward in the last five years.

LEG. BISHOP:

Did we borrow the money for it or we just authorized the borrowing of the money?

MR. KNAPPE:

We authorized the borrowing of the hundred thousand.

LEG. BISHOP:

But it never --

MR. KNAPPE:

If we bonded the money there would be some type of cash balance there.

LEG. BISHOP:

I see. So on some of these we actually borrowed the money but we never used it, on others available balance, that's like an authorization.

MR. KNAPPE:

That would be correct, there were two different parts to that.

LEG. BISHOP:

So read available balance is authorization, read cash balance as cash balance after appropriation.

MR. KNAPPE:

Correct, and the cash balance would roll back to pay bond proceed, you know, the outstanding debt service, bond proceeds.

LEG. BISHOP:

Okay. And these are the automatics that Legislator Crecca described.

MR. KNAPPE:

Correct, there are two different cases, as you just pointed out.

LEG. BISHOP:

Now, on addendum one what am I looking at?

MR. KNAPPE:

Addendum one is basically the normal housekeeping type of Capital closeout list that we bring forward every year. We solicit from the departments what projects are ready to be closed, which ones are you're not going forward with anymore, which ones are completed, etcetera. And based on our response from the departments and the Budget Office itself went through it, these are the ones that are being closed out.

LEG. BISHOP:

All right.

42

MR. KNAPPE:

There's a lot of different purposes for each individual one, most of them being the PPU probably expired on them or the projects themselves have been completed.

LEG. VILORIA-FISHER:

There's one that really seems to jump out at you and that's the improvement of roads where the balance --

MR. KNAPPE:

Let me just see where it --

LEG. VILORIA-FISHER:

Cash balance column is -- let me go down a page. It's one that jumped out because the numbers were so disparate. Where was that, Ginny, I showed you, the 48? 480,000 as opposed to the available balance was --

MR. KNAPPE:

Can I just ask if it was on page one or page two?

LEG. VILORIA-FISHER:

It was on page one. David, can I have my list back?

LEG. BISHOP:

I'm sorry.

LEG. VILORIA-FISHER:

Thank you.

MR. SPERO:
5014.

MR. KNAPPE:
Capital Project 5014.330, strengthening and improving of County Roads.

LEG. VILORIA-FISHER:
Strengthening and improvements, yes. We're looking at --

MR. KNAPPE:
Without knowing the specifics but knowing other projects similar to this, there's probably State --

LEG. VILORIA-FISHER:
Is that from offsets and things?

MR. KNAPPE:
Well, there was probably State aid that came in after the appropriations where only probably the County portion that was spent and then the State aid --

LEG. VILORIA-FISHER:
Oh, grants that might have been used for the --

MR. KNAPPE:
Correct, if it was like a 90% State aid from ISTEPA project or

43

something like that; without knowing the specifics, I would take a guess on that.

LEG. VILORIA-FISHER:
Okay. Thank you.

LEG. CRECCA:
And how does a project like Motor Parkway at Exit 55, how does that close automatically; are you telling me they haven't spent money on that in five years?

MR. KNAPPE:
Are we talking addendum one or addendum two?

LEG. CRECCA:
Addendum two. I'm still supporting the motion, I'm just saying, they just completed that.

LEG. BISHOP:
It's automatic.

MR. KNAPPE:

That specific -- there are various Capital Projects for Motor Parkway.
It's the same Capital Project, different point numbers --

LEG. CRECCA:

Gotcha.

MR. KNAPPE:

-- doing different portions of the road itself.

LEG. CRECCA:

Thank you for that clarification.

LEG. O'LEARY:

On the question.

CHAIRMAN GULDI:

Yes, Mr. O'Leary; jump right in.

LEG. O'LEARY:

Sir, I need a little clarification just for my own edification.
The \$600,000 cash balance?

CHAIRMAN GULDI:

In which?

LEG. O'LEARY:

In addendum one; what happens with those monies?

MR. KNAPPE:

Those cash balances go back and pay off our existing debt service
costs.

LEG. O'LEARY:

Okay, thank you.

44

LEG. CARACCILOLO:

One question.

CHAIRMAN GULDI:

Mike; Legislator Caracciolo.

LEG. CARACCILOLO:

Capital Project, what is it, 2028 on one, second from the bottom?

CHAIRMAN GULDI:

2028?

LEG. CRECCA:
Where is that?

LEG. CARACCIOLO:
Ground water testing? Oh, I'm sorry, I'm looking at item number, I'm looking at the item number. It's 8228.110, the bottom of addendum one.

LEG. CRECCA:
It's 8225, Mike.

LEG. FIELDS:
No, 8228.

LEG. CRECCA:
Not on mine.

MR. KNAPPE:
8225.110; I know which one you're talking about.

LEG. CARACCIOLO:
Okay. You have a negative cash balance there.

MR. KNAPPE:
Yes.

CHAIRMAN GULDI:
Right.

LEG. CARACCIOLO:
Because? You exceeded the --

MR. KNAPPE:
There were several Capital Projects from a couple of years ago where it was part of the pay-as-you-go program that the cash balance from the Treasurer's Office was not transferred into the Capital Program. We discussed this in front of the Legislature last year during the Capital closeout as well.

LEG. CRECCA:
You mean Finance last year.

MR. KNAPPE:
Correct.

LEG. CRECCA:

Yeah, we did that last year.

LEG. CARACCIOLO:

Jim, could you just clarify that?

MR. SPERO:

Well, what's happening is the Treasurer is not making the timely transfers as the resolutions are being adopted. So when it comes time that the department spends the money, the cash balance is not there and the project runs a negative balance.

MR. KNAPPE:

The only point I want to make out was that what Jim said is correct for points in the past; point forward this procedure is being corrected.

LEG. CARACCIOLO:

All right, but that's really the issue I wanted to address; there are now internal controls to make sure that this is done in a timely manner?

MR. KNAPPE:

That is correct.

LEG. CARACCIOLO:

Okay.

LEG. CRECCA:

And that's why we have Legislator Haley there now at the Treasurer's Office to correct these deficiencies?

MR. KNAPPE:

Former Legislator Haley.

LEG. CRECCA:

Yes, that's true.

CHAIRMAN GULDI:

Budget Review, have you had an opportunity to review this bill and verify the propriety of the closeouts of each of these Capital Projects on behalf of the Legislature?

MR. SPERO:

We have not, but if you like we'll take a look at it. Just glancing at it, I don't see any particular problem. One project you'll notice the mammography van, \$300,000; the Health Department -- the County Comptroller borrowed the money for the mammography van at the request of the Health Department and the Health Department subsequently decided they didn't want to have a second mammography van, so that's why you'll see the full balance of \$300,000 is being closed out, no

expenditure.

CHAIRMAN GULDI:

Well, you know, there's another one here. I'm looking at Paul Sabatino's notes which he's provided and a couple of things to note.

46

In addition to Budget Review looking at it -- by the way, I'm reading -- that includes the purchase of a showmobile for Parks which can't be right if you don't approve the resolution that's sitting in the Parks Committee which is important to note.

LEG. FIELDS:

We did buy a showmobile.

CHAIRMAN GULDI:

You did buy a showmobile but why are we closing out a project that --

MR. KNAPPE:

Can I ask what project?

LEG. FIELDS:

Where are you, George?

CHAIRMAN GULDI:

I'm looking -- as I just said, I'm reading from Counsel's notes.

LEG. CRECCA:

Does it give a project number?

CHAIRMAN GULDI:

He doesn't give a project number but says it's listed.

MR. SPERO:

It's on page two of addendum one.

MR. KNAPPE:

It's \$504 that we're closing out, but we did purchase a previous snowmobile years ago.

LEG. CRECCA:

Showmobile.

MR. KNAPPE:

Showmobile.

LEG. CRECCA:

The snowmobile, you're not supposed to say that on the record.

MR. KNAPPE:

I don't think that would be in compliance with the 5-25-5 anyway. But the showmobile was purchased years ago, there's \$504 left from the Capital Project and that's why we're closing out that \$504.

CHAIRMAN GULDI:

So exactly how many of these do we have; do we know? Do we need to have --

MR. KNAPPE:

This might be the showmobile without knowing --

CHAIRMAN GULDI:

-- a showmobile investigation?

47

MR. KNAPPE:

Without knowing how old the showmobile is, it might be the one that is out of use.

LEG. FIELDS:

We just bought it. It's brand new, we just bought it like a year ago.

CHAIRMAN GULDI:

How many do we have, Ginny?

LEG. FIELDS:

We have a brand new one and one that's been somewhat disabled that Legislator Guldi is trying to --

LEG. CARACCIOLO:

Surplus.

LEG. FIELDS:

-- give to Southampton.

MR. KNAPPE:

Regardless, though, the showmobile was purchased in this Capital Project.

CHAIRMAN GULDI:

When?

MR. KNAPPE:

I do not know when but there's \$504 left outstanding.

CHAIRMAN GULDI:

Have we called the vote on the motion to approve this yet, do you

know?

MS. MAHONEY:

No.

CHAIRMAN GULDI:

No, I don't think so. I'm going to make a motion to table because I want Budget Review's analysis. This isn't time critical --

MR. KNAPPE:

I believe this was -- I think you guys did do a vote to approve this and then called me up after the fact.

LEG. VILORIA-FISHER:

Yes, I think he's right.

CHAIRMAN GULDI:

Okay. Then I'll make the motion to reconsider and table.

LEG. FIELDS:

Second.

LEG. CRECCA:

On that motion, Mr. Chairman?

48

LEG. VILORIA-FISHER:

And I still have a question, Mr. Chair.

CHAIRMAN GULDI:

Legislator Vioria-Fisher, then Legislator Crecca.

LEG. VILORIA-FISHER:

I'd like to go back to Project No. 4076 which is the mammography van, because that did really send up a red flag for me with regards to what Legislator Bishop had earlier said about a kind of de facto veto; I'm not sure if that's the term that he used. But if we had as policy maker, makers, budgeted the money for two mammography vans and administratively there was a decision made to provide only one mammography van and we have a balance because of that decision, then isn't that what David was referring to as a pocket veto where we set policy but that money was never expended because administratively it was decided not to have a second mammography van?

MR. KNAPPE:

I would not want to use the term pocket veto because I do not know any of the implications behind this. It might have --

LEG. VILORIA-FISHER:

I never knew it before either, but it sounds good.

MR. KNAPPE:

It might -- it was a decision made by the Health Department to go forward with the Capital Project and then the Health Department decided not to go forward with the actual purchase of the mammography van. Without knowing the specifics, it might be that the current mammography van was enough to handle the County's operations, that would be something that would have to --

LEG. VILORIA-FISHER:

I think Budget Review has a comment on that; Jim, did you want to comment?

MR. SPERO:

Well, in addition to what Ken just said, I believe that the mammography services are now being provided more and more in the health centers and part of it was that the department didn't feel they needed a second mobile mammography van for the testing.

LEG. VILORIA-FISHER:

But they -- we had that \$300,000 in the budget.

MR. SPERO:

That's right.

LEG. VILORIA-FISHER:

In the Capital Budget.

MR. SPERO:

The money was borrowed and then the department subsequently decided not to actually purchase it.

49

LEG. VILORIA-FISHER:

The money was borrowed.

MR. SPERO:

Yes.

LEG. VILORIA-FISHER:

And so we --

MR. SPERO:

That's why you see a \$300,000 balance in each column, there's a cash balance and then an appropriation balance of \$300,000.

LEG. VILORIA-FISHER:

So we paid interest on that money and it was never used.

MR. SPERO:

That's right.

LEG. VILORIA-FISHER:

Okay.

CHAIRMAN GULDI:

On the motion to reconsider and table for one cycle, Budget Review, I'd like you to just look at the closeouts and advise us if there's any; it's a one cycle motion. Kenny?

MR. KNAPPE:

Could I just offer a suggestion also?

CHAIRMAN GULDI:

Yeah, go ahead.

MR. KNAPPE:

If the Legislature would like the Budget Review Office to discuss the list with the Budget Office so it can be cleaned up with any type of questions that they may have --

CHAIRMAN GULDI:

Sure.

MR. KNAPPE:

-- we'd be more than willing to do that to get this passed in this fiscal year.

CHAIRMAN GULDI:

Okay? On that motion, I'd like to call the vote.

LEG. VILORIA-FISHER:

I'm sorry, I just want -- okay, call the question.

CHAIRMAN GULDI:

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

LEG. VILORIA-FISHER:

Okay, I'm not finished with the mammography van just yet. Jim, what

happens with that money now, that \$300,000, where does that go? We're paying interest on that money, that's bonded money, where is it now?

MR. SPERO:

By law, if the funds are borrowed -- it depends on the source of the funding. If they're borrowed funds then any excess balances have to be returned to pay the debt.

CHAIRMAN GULDI:

I'm going to ask Legislators to hold questions.

MR. SPERO:

We're paying interest on the money for something we never bought.

CHAIRMAN GULDI:

I'd like Legislators to hold questions on specific projects until after Budget Review has had an opportunity to do the research and has the information since --

LEG. VILORIA-FISHER:

Okay, but that was a straightforward issue.

CHAIRMAN GULDI:

I understand.

LEG. VILORIA-FISHER:

We bonded and we're paying interest.

CHAIRMAN GULDI:

I understand that, I'm going to ask that we hold further questions until we have an opportunity to review this and consider it.

LEG. CARACCIOLO:

Are we tabling the resolution?

CHAIRMAN GULDI:

It's already been tabled for one session. We'll continue with it when it comes back before us, okay?

Moving on, 1775-03 - A resolution authorizing the issuance of not exceeding \$9,100,000 budget notes of the County of Suffolk, New York, to pay additional costs of the County's Employee Medical Health Plan for which insufficient provision was made in the annual budget of said County for the current fiscal year (Caracappa).

LEG. CARACCIOLO:

On the motion.

CHAIRMAN GULDI:

Motion to approve by myself.

LEG. CARACCIOLO:

Mr. Chairman? Go ahead.

CHAIRMAN GULDI:

Is there a second on the approval motion? Second by Mr. O'Leary.
On the question, Legislator Caracciolo.

LEG. CARACCIOLO:

As cosponsor, could you just explain the resolution? Because I want to make sure it's consistent with your earlier position on EMHP.

CHAIRMAN GULDI:

It is absolutely consistent with my earlier position.

LEG. CARACCIOLO:

Okay.

CHAIRMAN GULDI:

What this resolution does, Legislator Caracappa and I have sponsored this resolution and have worked it up together with Budget Review to correct, if you will, budgeting deficiencies that were put into this year's budget that failed to make adequate provision for the plan rate, if you will, budget cuts for the Employee Medical Health Plan for 2003; the purpose of this bill is to fill that gap.

LEG. CARACCIOLO:

Okay.

LEG. CRECCA:

Don't we have to amend the budget amendment? How can you fill a gap if there's no budget amendment?

MR. SPERO:

Legislator Crecca is correct. A companion resolution will be laid on, it will actually appropriate the \$9.1 million. It couldn't be laid on simultaneously because of the Davis Law requirement that says the Legislature can't lay on budget amendments until September, four times a year, September being one of those months.

LEG. CRECCA:

And this is bonding something we would normally pay out of the Operating Budget, correct?

MR. SPERO:

We're not actually going to issue the notes, the Comptroller is specifically prohibited from issuing notes.

LEG. CARACCIOLO:

Yeah, the second --

MR. SPERO:

This is a mechanism for the -- a legal mechanism to create additional appropriations.

LEG. CRECCA:

Oh, okay.

MR. SPERO:

By authorizing the budget note we can create the appropriations.

52

LEG. CRECCA:

But we never actually --

MR. SPERO:

We don't have to issue the note because we're going to have excess sales tax revenues from the imposition of the sales tax on clothing which we didn't anticipate.

LEG. CRECCA:

We have to do this in order to amend the budget?

MR. SPERO:

Excuse me?

LEG. CRECCA:

We have to issue the notes to amend the budget?

MR. SPERO:

Right, issue the notes; it's like a Capital Resolution; you issue one resolution as the bond, the other as the appropriating resolution. That appropriating resolution will be laid on September 16th.

LEG. CRECCA:

I'm sorry, and I apologize, folks, because I know -- I'm the one who wants to get the meeting moving, but I want to understand this. We can't just go in and amend the budget from 162,000 to -- I mean 162,000,000 to 171 million?

MR. SPERO:

No, you can't. The budget note resolution is the mechanism that will allow you to do that.

LEG. CRECCA:

All right. I will --

MR. SPERO:

You just can't create appropriations.

CHAIRMAN GULDI:
Yeah, otherwise --

LEG. CRECCA:
Oh, right, because then the budget's not balanced.

CHAIRMAN GULDI:
Right.

LEG. CRECCA:
Sorry. That's right, I remember this now.

LEG. BISHOP:
We have to create both spending and money, right?

CHAIRMAN GULDI:
Right.

53

LEG. BISHOP:
And this is creating the spending.

LEG. CRECCA:
Correct.

LEG. BISHOP:
Okay.

CHAIRMAN GULDI:
Otherwise you'll have to be --

LEG. BISHOP:
My question --

CHAIRMAN GULDI:
-- doing one-sided budgeting and we've had enough of that this year.

LEG. BISHOP:
My question of the sponsor is this was a problem created by the administration.

LEG. CRECCA:
Correct.

CHAIRMAN GULDI:
Absolutely.

LEG. BISHOP:

So why would you take it upon yourself to go out front and correct their problem before they even acknowledge the problem?

CHAIRMAN GULDI:

Very, very simply, and I'll explain absolutely why and that is to assure that the Employee Medical Health Plan doesn't run out of the funds necessary to meet the medical needs of the employees of Suffolk County.

LEG. BISHOP:

And you don't believe that the administration is capable of having a handle on that? Why don't we wait for them to come forward with such a bill?

LEG. CRECCA:

Because last year they did it at the very last minute and it became a problem. I mean, I'm just saying because I was heading up Finance last year and it became a huge problem at the end and we had to do finagling and CN's.

LEG. CARACCIOLO:

Finagling?

LEG. CRECCA:

Well, not finagling, that's a bad word. We had to jump through a couple of hoops and stuff, so I assume that's why Mr. Caracappa and Mr. Guldi have done this.

CHAIRMAN GULDI:

Frankly, the reason behind the bill is to put it on the table as soon as possible and to deal with the issue because the money is not there. And there was a conscious decision, on behalf of myself at least, to not wait for the administration, they've had a year to do this and haven't.

LEG. O'LEARY:

I have a question, Mr. Chair.

LEG. BISHOP:

They're working on a solution. You know, you don't know if they're working on something.

CHAIRMAN GULDI:

Well, I -- we're here, they're representatives are here, I don't hear anything about that.

LEG. BISHOP:

Well, I'm sure they're happy to have you bail them out.

LEG. O'LEARY:

I have a question.

LEG. VILORIA-FISHER:

Ken was fixing his mike to answer that.

LEG. O'LEARY:

Question, Chair?

CHAIRMAN GULDI:

Yes, Mr. O'Leary.

LEG. O'LEARY:

Jim, I'm curious as to how you came to the number or how this resolution came to the number of 171 million; have there been any reports submitted indicating projected costs to exceed the 162 number?

MR. SPERO:

Well, what's happening is the auditors are reviewing the Employee Medical Health Plan and are now accruing expenses that had not been accrued previously. You know what's called the runout or --

LEG. O'LEARY:

IBNR.

MR. SPERO:

Incurred But Not Reported --

LEG. O'LEARY:

IBNR, yes.

MR. SPERO:

-- expenditures are now being accrued back which is going to create a shortfall; we'd like to plug that shortfall with the extra sales tax revenues we're anticipating getting in.

LEG. O'LEARY:

Okay. But that has always been the case in previous years, the IBNR was always --

MR. SPERO:

Now they're catching up, they're catching up.

LEG. O'LEARY:

So that's what this does.

MR. SPERO:

Actually, it will put the plan on a more firm financial footing because we'll have theoretically enough cash reserves on hand to pay for the runout.

LEG. O'LEARY:

So does this, in effect, satisfy the IBNR going into the next fiscal year?

MR. SPERO:

That's right, the plan should be current, the expenses reported should be current; in other words, all the claims incurred should be accrued back to the year that the service was actually provided.

LEG. O'LEARY:

So going into the next fiscal year, the plan will be at a zero balance.

MR. SPERO:

That's the objective.

LEG. O'LEARY:

That's the purpose of this?

MR. SPERO:

Right.

LEG. O'LEARY:

All right, thank you.

LEG. CARACCIOLO:

Mr. Chairman?

MR. SPERO:

Mr. Chairman?

CHAIRMAN GULDI:

All right, go ahead.

MR. REINHEIMER:

This helps correct the problem that happened in 2001 when they slid about \$6 million in 2001 appropriations and costs into 2002 which created the appropriation shortage in 2002. So this makes up for past deficits and properly funds the health insurance program for this year. And based on -- this is based on the {Mercer's} estimates of this year's expenditures and revenues.

LEG. CRECCA:

Right.

LEG. BISHOP:

Mr. Chairman, I think that --

CHAIRMAN GULDI:

You done?

LEG. CARACCIOLO:

I think I was next.

CHAIRMAN GULDI:

You are next. Legislator Caracciolo is next, then Legislator Bishop.

LEG. CARACCIOLO:

Thank you. A couple of questions, the first question to the Chair. Are you comfortable, as cosponsor of this resolution, that the plan rate adjustments for this year are reasonable and justifiable?

CHAIRMAN GULDI:

I'm confident that the 9.1 million is the necessary amount to adjust for the plan rate for this year together with, you know -- whether it's -- it's not just this year, some of the money is makeup because of the 2001 problem Lance just put on the record. So I can't give you a simple yes, but I'm -- with the concurrence of Budget Review, I'm convinced that this is the right amount.

LEG. CARACCIOLO:

Okay. My next question is for Budget Review; Lance, are you the analyst that's overseeing the EMHP plan?

MR. REINHEIMER:

Yes, that's correct.

LEG. CARACCIOLO:

Okay. Could you just quickly in a very short fashion give us a synopsis as to this number that is repeatedly reported in the newspaper about the County having a \$34 million deficit in its Employee Medical Health Program? Number one, what does that number relate to and how many years does it relate to? And finally, the third question is how consistent is that differential plan rate adjustments for a decade compared to other similar plans of similar size and monetary value?

MR. REINHEIMER:

Okay, I'll start with the third question because that's the one I can

remember the best. I'm not prepared to answer that question because we don't do comparisons to other plans, other sizes; Mercer might but Budget Review doesn't have the expertise to do that.

The \$34 million is a hypothetical savings or cost as compared to the Empire Plan, it has nothing to do with budgetary deficit or funding or anything of that nature. It's a hypothetical number that is supposed

57

to compare the self-insurance plan to the Empire Plan if we were to stay in the Empire Plan and it's -- it has nothing to do with the budget or funding.

LEG. CARACCIOLO:

Okay. The plan rate adjustments for this year, are they similar to past plan rate adjustments? And to go back to 2001 and the \$6 million figure that was mentioned and the concern by Legislator Bishop that the administration should be stepping up to the plate today and making this -- sponsoring this resolution. You know, we're a coequal branch of government, if Mr. Bishop forgot, and it's nice to see in a bipartisan way there's a Republican and Democratic sponsor of this resolution. It's the right thing to do, it's the same thing you did last week, Dave, when you voted to extend the sales tax and it's being responsible. Thank you.

CHAIRMAN GULDI:

Dave, your turn, before you burst.

LEG. BISHOP:

I guess -- I don't know if I forgot or chose to ignore coequal branch. What I do remember is that if you make a mess you clean it up, and the administration made this mess and I know that it's their obligation to at least offer a plan to clean it up. And they have control of the facts, that's how this mess began. We don't sit on the board, we don't have a handle on what goes on there, we're excluded, so along comes Legislators who are going to clean it up for them. Let the process go forward as it naturally does which is later in the year when they have a handle on what the expenditures are, they'll put forward the budget modification at the very least; at the very best they should offer a plan up-front now on how to get out of this mess.

CHAIRMAN GULDI:

Okay?

LEG. CRECCA:

Let's take a vote, please.

CHAIRMAN GULDI:

Mr. O'Leary, are you holding your mike or you want to jump in or you had enough?

LEG. O'LEARY:

Just one comment. I don't want to get into the history on it of the EMHP, but just a quick point. Over the years it was clear to several of us who were very involved in EMHP that during the budget process the funds, the appropriate funds weren't allocated to -- for the anticipated costs incurred during the calendar year. But one of the things I wanted to clarify here, Lance, is Jim just explained to me that the purpose of this resolution is to address something that hasn't been done in the past; is this a change in policy where going into the budget process we are going to be addressing IBNR for purposes of allocating and approving the budget? Because that's something that hasn't been done in the past.

58

MR. SPERO:

That's right. We have an opportunity this year to address it in the current year because of the excess sales tax revenues that we're going to be receiving through the imposition of the sales tax on clothing. So we'll have these excess revenues and we create the appropriations and recognize the expenses all this year, we can still have a balanced budget because we'll have all the -- we have this unanticipated revenue to back it up. It's an opportunity we have to plug the hole this year, we're not raising taxes.

LEG. O'LEARY:

Okay. But there's no indication that this is going to be the case in future years.

MR. SPERO:

Well, if we continue to budget --

LEG. O'LEARY:

This is just a one-time plight?

MR. SPERO:

This should be a one-time adjustment.

LEG. O'LEARY:

For purposes of satisfying the IBNR.

MR. SPERO:

That's right.

LEG. O'LEARY:

Okay.

CHAIRMAN GULDI:

Okay? All those in favor? Opposed? Abstentions?

LEG. BISHOP:

Abstention; I abstain.

CHAIRMAN GULDI:

Approved six --

LEG. FIELDS:

I abstain.

CHAIRMAN GULDI:

5-0-2.

LEG. VILORIA-FISHER:

Yes, me too.

CHAIRMAN GULDI:

4-0-3. Going once, going twice, approved (VOTE: 4-0-3-0 - Abstentions: Legislators Bishop, Fields & Viloría-Fisher).

Moving right along, we're now into category known as other.

59

Introductory Resolutions: Other

1749-03 - Authorizing use of Blydenburgh County Park Property by the Crohn's & Colitis Foundation of America (County Executive). Motion to approve and place on the consent calendar by Legislator Fisher, second by myself. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1752-03 - Authorizing the Director of the Division of Real Estate to enter into contracts for appraisal services (County Executive). This bill has annexed as backup a list of appraisers to expand the number of appraisers on the available approved County appraisal list to try to get some more speed, really; is that the objective, speed for our appraisal process?

DIRECTOR COSTIGAN:

It's also compliance, Mr. Chairman. The County Code requires that we have 30 appraisers on our approved list; from the time I came here there's only been a maximum of 22 and that number has shrunk, one died I think and one moved to Florida. So indeed, we haven't been in compliance with that for some time, this would bring us up to compliance with the statute. And moreover, a persistent reason for

our failure to move ahead has been that we simply don't have enough depth of appraisal skills, they're all booked up, and this would help us in the speed department as well.

The way that we arrived at this list is that we did a solicitation to every appraiser in the Suffolk County phone book and the people who were invited to respond are those who are Certified General Appraisers. And from those responses, we then sent them a list of questions and asked them to submit a sample of their work; they did. These are the persons after review by our Certified General Appraiser, these are the persons who were found to be qualified and I've listed their associations, qualifications and preferences.

CHAIRMAN GULDI:

With respect to the chart, the professional designations, you have three columns; an MAI column, an SRPASA column and other; please describe to the members of the committee what those --

LEG. CRECCA:

It's right on the bottom.

CHAIRMAN GULDI:

Oh, I see.

DIRECTOR COSTIGAN:

The code is at the bottom of the page. Indeed, the MAI is the highest level of qualifications from the Appraisal Institute, the others are all recognized qualifications, levels, sometimes they have different associations with them.

CHAIRMAN GULDI:

Well, I notice, for example, that you have a number of appraisers -- three of them to be precise -- that have none of those qualifications.

60

DIRECTOR COSTIGAN:

The qualifications are, if you will, industry qualifications; these people all are General Certified Real Estate Appraisers so they do hold the highest level of license. They may have their own reasons for not being in the professional associations.

CHAIRMAN GULDI:

All right. I have -- in looking at the list for disclosure on the record, I'm going to be required to abstain on this resolution since I have acted as Counsel for at least one of these appraisers and have engaged the services of at least two of these appraisers.

LEG. CRECCA:

I should, too.

CHAIRMAN GULDI:

And I think that as a result I should be abstaining on the resolution. Legislator Fields, you want wanted to be recognized.

LEG. FIELDS:

I just wanted to ask, does this now bring us up to 30?

DIRECTOR COSTIGAN:

Yes.

LEG. FIELDS:

Exactly?

DIRECTOR COSTIGAN:

If all of these are adopted we'll have 30.

LEG. FIELDS:

Exactly; not 31 or 29?

DIRECTOR COSTIGAN:

I think we'll have 31.

LEG. FIELDS:

Okay. Thank you.

LEG. CRECCA:

And for the record, I just wanted to disclose for the record that I, too, in my capacity as a private attorney, have at least one of these enlisted their services on behalf of clients. I do not believe that there's any conflict of interest as I've never represented any of them, so I will be voting on the bill but I wanted to disclose that I have hired at least Breslin Appraisal Company in my professional capacity as an attorney.

CHAIRMAN GULDI:

Okay. All those in favor? Opposed? Approved with one abstention (VOTE: 6-0-1-0 Abstention: Legislator Guldi).

LEG. BISHOP:

Let's go.

DIRECTOR COSTIGAN:

Thank you.

CHAIRMAN GULDI:

1756-03 - Authorizing certain technical corrections to Adopted Resolution No. 451-2003 (County Executive).

LEG. BISHOP:
Motion.

CHAIRMAN GULDI:
Motion to approve and place on the consent calendar, motion by myself --

LEG. O'LEARY:
Motion.

CHAIRMAN GULDI:
-- second by Legislator O'Leary. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

LEG. BISHOP:
1760 was done by CN.

CHAIRMAN GULDI:
1760 was approved by CN? Previous done.

1779 --

MR. FAULK:
Mr. Chairman?

CHAIRMAN GULDI:
Yes?

MR. FAULK:
1760 wasn't done by CN.

CHAIRMAN GULDI:
Oh, that's right, we referred it to committee.

1760-03 - Authorizing the temporary placement of the Mahatma Gandhi Monument and exhibits in the lobby of the H. Lee Dennison Executive Building (County Executive).

LEG. BISHOP:
Motion to approve.

CHAIRMAN GULDI:
Motion to approve by Legislator Bishop, second by Legislator Crecca. Yeah, I think the Sitings and Review Committee has met.

LEG. FIELDS:
Legislator Caracappa said he would like to --

LEG. CRECCA:

Motion to discharge without recommendation.

LEG. VILORIA-FISHER:

Right, okay.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Motion to discharge without recommendation and seconded. All those in favor? Opposed? Discharged without recommendation (VOTE: 7-0-0-0).

1779-03 - Authorizing the sale of four (4) surplus County cars to Village of Patchogue (Foley)., in the sum of \$250 a piece.

LEG. VILORIA-FISHER:

Foley, no wonder.

CHAIRMAN GULDI:

Motion to approve by myself.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Fisher. As long as Legislator Foley doesn't discuss it, all those in favor? Opposed?

LEG. CARACCIOLO:

Opposed; no, no, no, no.

LEG. O'LEARY:

Abstain.

CHAIRMAN GULDI:

One abstention.

LEG. CRECCA:

He voted four times.

CHAIRMAN GULDI:

One no but voted four times; still counts as one, Mike.
Approved (VOTE: 5-1-1-0 Opposed: Legislator Caracciolo -
Abstention: Legislator O'Leary).

1781-03 - Authorizing certain technical corrections to Resolution Nos. 188-2003 & 445-2003 (Crecca).

LEG. BISHOP:
Motion.

CHAIRMAN GULDI:
These are changes really in spelling; what is this? Account number changes.

63

LEG. CRECCA:
How come I'm the sponsor? Oh, yeah, this is -- okay. I'm aware of this.

CHAIRMAN GULDI:
You are aware of it?

LEG. CRECCA:
Yes, because someone had to sponsor it and some of it is my corrections, so.

CHAIRMAN GULDI:
Okay. All those -- motion by Legislator Crecca to approve and place on consent calendar.

LEG. CRECCA:
Yes.

CHAIRMAN GULDI:
Second by myself. All those in favor? Opposed?
Approved and placed on the consent calendar (VOTE: 7-0-0-0).

Tabled Sense Resolutions

Sense 34-2003 - Memorializing Resolution requesting the State of New York to authorize a public health and human services safety transfer tax for Suffolk County (Presiding Officer Postal).

LEG. BISHOP:
Motion to table.

LEG. FIELDS:
Second the motion to table.

CHAIRMAN GULDI:
Motion to table by Legislator Bishop, second on the motion to table by Legislator Fields.

LEG. CARACCIOLO:
Motion to table subject to call.

LEG. CRECCA:
Yeah, second on that.

CHAIRMAN GULDI:
Motion to table --

LEG. BISHOP:
That's fine, I withdraw my motion.

CHAIRMAN GULDI:
-- and motion to table subject to call. Geez, I guess I'm the only one here who wants to approve this. All those in favor? Opposed? Tabled subject to call (VOTE: 6-1-0-0 Opposed: Legislator Guldi).

64

Introductory Sense Resolutions

Sense 57-2003 - Memorializing Resolution requesting the State of New York to enact Long Island Workforce Housing Incentive Program (Fields).

LEG. FIELDS:
Motion to approve.

LEG. CARACCIOLO:
Explanation.

CHAIRMAN GULDI:
Explanation; you want me to read Counsel's explanation or do you want to do it by the sponsor?

MS. BURKHARDT:
He doesn't do Sense Resolutions.

CHAIRMAN GULDI:
It's not in his notes.

LEG. FIELDS:
This was changed, there was some wording that was changed; let me see if I can find it. There was a Senate bill. If you look at the first RESOLVED, it says that the State of New York, "The Legislature hereby requests the State of New York to enact Senate Bill S-4899A for the purpose of amending the New York General Municipal Law to require that when five or more residential units or mixed use development with five

or more residential units is proposed to be built on Long Island, the pertinent town or village shall, via duly enacted ordinance, require as a condition of approval for such site plans and subdivisions the provision of affordable workforce housing in an amount equal to at least 10%."

CHAIRMAN GULDI:

Okay. So it's a motion to approve?

LEG. FIELDS:

Uh-huh.

CHAIRMAN GULDI:

Second the motion to approve. Further discussion?

LEG. CARACCIOLO:

But the sponsor just read from the resolution.

CHAIRMAN GULDI:

Right.

LEG. CARACCIOLO:

Tell me what that means.

CHAIRMAN GULDI:

It means 10%.

65

LEG. FIELDS:

There was a backup that I don't see here.

LEG. BISHOP:

Come on, Ginny, I've got to go.

LEG. FIELDS:

Then can I discharge it without recommendation and then I will have the backup and the explanation at the next meeting?

CHAIRMAN GULDI:

Motion to discharge without recommendation, second by myself. Discussion? All those in favor? Opposed? Discharged without recommendation.

LEG. CRECCA:

Abstain.

CHAIRMAN GULDI:

We have one abstention.

LEG. CARACCIOLO:

Abstain.

CHAIRMAN GULDI:

Two abstentions, it's still 5-0-2, discharged without recommendation (VOTE: 5-0-2-0 Abstentions: Legislators Caracciolo & Crecca).

LEG. CARACCIOLO:

Mr. Chairman?

CHAIRMAN GULDI:

Sense 58-2003 - Authorizing resolution --

LEG. CARACCIOLO:

Whoa, whoa, I'd like to go back and reconsider 1775.

LEG. FIELDS:

Can't we move on with the agenda and then go back when we're finished?

CHAIRMAN GULDI:

In what section was 1775?

LEG. VILORIA-FISHER:

It's on page four, the top of the page.

LEG. CARACCIOLO:

Yeah, it's right above where we are.

LEG. VILORIA-FISHER:

The \$9 million.

CHAIRMAN GULDI:

You want to make a motion to reconsider?

66

LEG. CARACCIOLO:

Reconsider; we're going to play politics, we'll play it all the way around here.

CHAIRMAN GULDI:

What are we going to play politics about?

LEG. CARACCIOLO:

Well, there was 4-0-3 vote.

CHAIRMAN GULDI:

Right?

LEG. CARACCIOLO:

Okay? I know the Chairman voted for it because he's responsible, but obviously other people want to play politics with the issue, so we'll play politics. I make a motion to reconsider.

CHAIRMAN GULDI:

Motion to reconsider; I don't hear a second.

LEG. VILORIA-FISHER:

Why are we seconding? I'm not going to second that.

CHAIRMAN GULDI:

Motion to reconsider going once, going twice?

LEG. VILORIA-FISHER:

I don't want to play politics.

LEG. O'LEARY:

I'll second it for the purpose of --

LEG. CARACCIOLO:

Thank you.

CHAIRMAN GULDI:

Motion to reconsider. I don't understand, what are we --

LEG. CARACCIOLO:

Just reconsider, let's have the vote again.

CHAIRMAN GULDI:

Okay. All those in favor? Opposed? I'm opposed to reconsideration.

LEG. VILORIA-FISHER:

I'm opposed to reconsideration.

LEG. BISHOP:

I will oppose reconsidering.

LEG. FIELDS:

Opposed.

LEG. CARACCIOLO:

Very good.

CHAIRMAN GULDI:

Okay, that's 4-3 opposed to reconsidering.

LEG. CARACCIOLO:

So when it gets to the open meeting on the 16th I will change my vote.

CHAIRMAN GULDI:

We can discuss it.

LEG. CARACCIOLO:

No, I'll change my vote because you want to play politics.

LEG. VILORIA-FISHER:

Okay.

CHAIRMAN GULDI:

Huh? Okay.

LEG. BISHOP:

Thanks for coming with a report.

LEG. CARACCIOLO:

Go have your press conference.

CHAIRMAN GULDI:

I don't understand; that was the funding.

LEG. VILORIA-FISHER:

There's one more Sense Resolution.

CHAIRMAN GULDI:

We have Sense 58 and then we have an exec session, people; we have two more Sense Resolutions.

Sense 58-2003 - Memorializing Resolution requesting the State of New York to create Suffolk County Government Facilities Agency (GFA) (Guldi). I'm going to make a motion to table 58 this cycle.

LEG. VILORIA-FISHER:

I'll second that.

CHAIRMAN GULDI:

Motion and a second by Legislator Fisher. All those in favor?
Opposed? Tabled (VOTE: 7-0-0-0).

Sense 59-2003 - Sense Resolution designating the September 2004 "American-Jewish History Month" in Suffolk County (Presiding Officer Postal). Motion to approve --

LEG. BISHOP:

Second.

CHAIRMAN GULDI:

-- and place on the consent calendar by myself, second by Legislator Bishop. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

68

Motion to go into executive session to consider litigation of settlements; we have one matter to discuss. Approving the presence of Legislative staff, the County Exec's Office, Counsel. And we will come back from executive session only to inform the stenographer what time we came back to public meeting. To take no further business, we'll stand adjourned at the end of the exec session. All those in favor? Opposed? We stand in exec session, turn off the mikes.

(*The meeting was moved into executive Session at 11:26 A.M.*)

(*Executive Session ended and meeting was adjourned at 11:40 A.M.*)

Legislator George Guldi, Chairman
Ways & Means, Real Estate Transactions
& Finance Committee

{ } - Denotes Spelled Phonetically

69