

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, May 11, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Marian Zucker • Director of Affordable Housing

Jacqueline Caputi • County Attorney

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 10:23 A.M.)

CHAIRMAN D'AMARO:

Okay. Ladies and Gentlemen, we're going to call the meeting of the Ways and Means Committee to order. I will ask everyone to please rise and join Legislator Kennedy in leading the Pledge of Allegiance.

SALUTATION

CHAIRMAN D'AMARO:

Welcome. And looking at our agenda this morning, we have no correspondence to place on the record this morning. We will go the public comments portion on our agenda, and I do have one card today for Terry Marrone. Terry Marrone, please step up. He's here to discuss voting machines. Mr. Marrone, welcome, good morning. And I just want to remind each speaker •• well, Mr. Marrone, you're the only card, you will have a three minute limit on your comments. So, please, go ahead. Good morning and welcome.

MR. MARRONE:

Hi. My name is Terry Marrone. I'm a physicist. I want to speak about voting machines. I'm sorry to hear that the resolution was tabled. But I first learned about computer programming in graduate school in 1958. And the professor, I recall, was very excited about the fact that a digital computer had a stored program in it, a sequence of instructions. For example, add the number and memory location 100 to the number and memory location 200 and store the result in memory location 300. And wonder upon wonder was the branch instruction that if a certain number is greater than ten, don't execute the next instruction, jump down 25 instructions and execute another

instruction.

Now, this has great bearing on voting machines, because of the great flexibility of programming. For example, an instruction might be if you receive a signal from a transmitter, take all the Democratic votes and subtract 10,000 and take all the Republican votes and add 20,000 or whatever. This is very possible. And in fact, for experienced computer programmers like myself, it's trivial.

So here we have a case where cheating is trivial. And if we're going to have an honest election, we have to trust that the corporations that make these machines are not going to cheat, even though there might be •• for example, in a national election, there might be billions and billions of dollars at stake. So, you know, I wonder if •• you know, our country was not built on trust. Our Forefathers had the foresight to put in a bunch of checks and balances into the Constitution because they didn't trust government, and they wanted one branch checking up on the other.

Now, I ask you, who's going to check up on these corporations? Now, can we •• well, what about the integrity of a corporation since we're going to let them count our votes? I know that there are many cases where corporations had lied. For example, in the tobacco industry where executives said that nicotine was no problem. You know, their track record is not good. I myself was involved in a lawsuit. My company was suing General Electric, and I remember sitting in a courtroom and hearing respectable scientists, who I had great admiration for one after another commit perjury, and I asked my company lawyer, and I said, what about •• I hope that doesn't mean my time is up.

CHAIRMAN D'AMARO:

Actually, it does. So if you could up and conclude, I would appreciate it.

MR. MARRONE:

All right. It's much easier to cheat with a DRE than it is with a card reader. The best of all is paper ballots where they're counted by hand. I have great respect for local election officials and the local workers, volunteers. My mother was a volunteer, and I know that those elections were honest. When they opened up the machines and counted the voted and wrote them down and everything, those elections were honest. And we're going to a system where we have to trust, trust in big corporations that have lied to us many times. And the bottom line, where people are •• the people who run these things are so insulated from ordinary people ••

CHAIRMAN D'AMARO:

Mr. Marrone, I'm going to ask if you could just conclude.

MR. MARRONE:

Thank you.

CHAIRMAN D'AMARO:

Thank you, sir.

MR. MARRONE:

I find this so interesting. If I represented a \$20 billion corporation, I'm sure you would be much more attentive. Thank you.

CHAIRMAN D'AMARO:

Mr. Marrone, Legislator Mystal had a question if you don't mind answering it for us.

LEG. MYSTAL:

This is a statement followed by a question. Back here I've been introduced to computers when I was in •• when I was an under grad back in the 60's, and I'm a programmer. I am favoring any particular machine, but I am astounded, I am completely astounded that anybody who knows anything about computers, and I've seen more people of your ilk coming in and saying that the machine that we get, the DREs, if we were to get DREs, are so easily compromised. Do you have any idea that we have over a thousand election districts. Somebody would have to go into the Board of Elections, because, you see, we don't know how the Board of Elections are going to be on any given election, that's number one.

Somebody will have to break into the Board of Elections and manually open every machine and reprogram every machine before an election. What you are talking about, sir, you're saying, like, you know, when they leave the manufacturing plant, they can preprogram them to do certain things before they get to the Board of Elections, which is absolutely asinine. Okay. I'm not trying to be factitious nor am I trying to be flippant. It is the most ridiculous thing I have ever heard that somehow a company wherever the company, some in California, say, "I'm going to fix the Elections of 2012. And I'm

going to do that since I'm going to sell DREs to Suffolk County, I'm going to program the machine, though I don't what position anybody is going to be in the ballot. I'm going to put the program in," •• because you see, those machines are not networkable. They are not networkable. So each one will have to be done. And I don't know where this false information is coming from. I'm not supporting DREs and I'm not supporting scannable machines. I'm not supporting any of those machines. Where you get that information that somehow •• you say you are programmer, could you explain to me how you would do that?

MR. MARRONE:

First of all, the program can be flexible. And it's very easy to hide a transmitter in a machine. And there have been cases where ••

LEG. MYSTAL:

It's a conspiracy. Now we're going to hide a transmitter in every machine that we buy.

MR. MARRONE:

All right. But there have been cases where companies have been caught. They said there was no wireless capability in the machine, and it was found that there was wireless capability in the machine. Plus that there's one election here where 1400 •• 1450 out of 7000 machines were adjusted •• examined •• they were examined by technicians on Election Day, where they came in, the machines weren't working right, they changed them, they changed something.

LEG. MYSTAL:

That's not in-house. See, what you are saying is that the companies who are selling those machine will do that before the machine get to us. That's what you are implying, that this big corporation, big conspiracy, is coming in •• is going to come in and mess up our election before they even give us the machine. Come on.

MR. MARRONE:

Right. That's exactly what I'm saying, and I think that experience has proven me right. The last two elections •• you know, there's many ways to cheat an election, DREs are just one of them, but it's the easiest most convenient way.

LEG. MYSTAL:

And there's nobody who can do that with a scanner?

MR. MARRONE:

It's harder with a scanner.

LEG. MYSTAL:

Oh, wait now. It's harder with a scanner, but you can do it with a scanning machine?

MR. MARRONE:

Yes.

LEG. MYSTAL:

Why didn't you say that too? Why is that it's always attacking the DRE? Why didn't you say that it is just as easy to mess up with a scanner?

MR. MARRONE:

My first preference ••

LEG. MYSTAL:

I paid attention to you, Dr. You did not say anything about scanning machines. You said DRE. Why don't you say that it is just •• if a company can do something with the programming in a DRE, they can do the same thing a scanner? Because I can mess up a scanner. I can mess up a scanner any time I want to.

MR. MARRONE:

It's harder, because the program is hardwired in there.

LEG. MYSTAL:

Oh, it's harder. Excuse me. It's harder, but not impossible.

MR. MARRONE:

That's right.

LEG. MYSTAL:

Sherlock Holmes, after you remove all that is impossible, whatever it leaves must be the truth.

MR. MARRONE:

That's the stupidest statement he ever made, because you can never tell what's impossible ••

LEG. MYSTAL:

Doctor, I hope I never you see you under the knife.

MR. MARRONE:

Look if I could just say this, my first choice is paper ballots. I think it would be ••

LEG. MYSTAL:

You can't have paper ballots. You can't.

MR. MARRONE:

They do it in Europe all the time.

LEG. MYSTAL:

We are not European, we are American, excuse me.

MR. MARRONE:

Yeah. They're technology is superior.

LEG. MYSTAL:

Check the flag.

MR. MARRONE:

Except for making weapons, they're technology is better than ours and they count paper ballots.

LEG. MYSTAL:

Move to Europe then.

CHAIRMAN D'AMARO:

Okay. Just a note for committee procedure, just to remind committee members, we are going to have a very brief Executive Session right after the public portion. All right. That was last card that was filled out •• the only card that was filled out for today's hearing. Is there anyone else in the audience, anyone else present who would like to address the committee at this time? Thank you. We will move on to our agenda. I'd like to move now to the tabled resolutions portion of the agenda.

1969, adopting a Charter Law to create a consolidated Department of Audit and Financial Management.

The public hearing on that Charter has been recessed, so I'll offer a motion to table 1069, is there a second.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

All in favor? Opposed? Abstentions? Carried. **TABLED (VOTE:6•0•0•0).**

1070, a Charter Law to promote honest budgeting and efficient operation of government.

CHAIRMAN D'AMARO:

And I understand that this public hearing has also been recessed to May 16th.

MR. NOLAN:

I have it as closed.

CHAIRMAN D'AMARO:

Oh, it's closed? My notes were wrong, I apologize. Is there a motion on 1070?

LEG. ROMAINE:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Romaine.

LEG. KENNEDY:

I'll second it.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. Are there any other motions?

LEG. ROMAINE:

If I can address it.

CHAIRMAN D'AMARO:

Please, go ahead.

LEG. ROMAINE:

This is a simple resolution that has certainly some •• whacks an impact on how this County government does business. It essentially says two things. It establishes a procedure to fill vacancies in this County government ••

MR. ZWIRN:

Mr. Chairman, could we just check to make sure that this •• our records show that this public hearing is still in recess, that it was not closed.

LEG. MONTANO:

All right, then motion to table.

LEG. ROMAINE:

I thought I had the floor.

CHAIRMAN D'AMARO:

We'll check that out, but go ahead, Legislator Romaine.

LEG. ROMAINE:

I happen to know that this was closed, because I moved to close it. So with that •• and I think the minutes will reflect that. However, this is a simple resolution that does two things; the first thing, establishes a procedure for filling vacancies in County government. Vacancies would take approximately about 90 days, generate about a 30% turnover savings for vacancies that were fills. It also empowers the County Executive to determine whether those vacancies should be filled or not. If he chooses not to fill those vacancies, those vacancies would then be abolished.

Why is this somewhat significant? Well, for the first time, one, you establish a procedure to fill vacancies; two, and far more importantly, this is a government that has relied too far and too much on vacancies in terms of creating fund balance reserves. Fund balance reserves should not be done through vacancies. Fund balance reserves should be done through an

operating reserve placed in the Operating Budget. If you want to have an operating reserve, put it in the Operating Budget. Do not rely on vacancies. This is a government that now has somewhere between a thousand and 1200 vacancies in its county government.

We are putting positions in the budget, we are funding those positions, we are taxing people for those positions, and we are not providing the services of the positions that the budget is intended to provide. This is a dishonest method of doing budgeting. Yes, it's been done. Why do we do this? Because it's always been done that way. Well, let's do it a little bit differently.

First of all, the County Executive should not have the sole discretion and control over the budget. That is the power of the Legislature. If we do not rely on vacancies to balance our budget or to create fund balances, then we put an operating reserve in. What's the problem with an operating reserve? Then the Executive has to come and deal with the Legislature at all aspects of the Operating Budget, which is the way this Charter intended to have this County government run. Balancing this budget on a thousand, 1200 vacancies is the wrong way fiscally to run this government. That's why this bill is here.

It has long range affects for the way we budget. And it provides for the taxpayers of this County transparency in budgeting, which we don't have now. The Executive holds all ability, if he chose to fill no vacancies, he can create whatever fund balance reserves he wants. That's not the way this government should operate. If the Executive want to ensure that the Operating Budget has a reserve, put an operating reserve right in the Operating Budget. And every time you draw on it, you would have to come to the Legislature to get their approval to do so. Then we are partners as the Charter intended in managing the Operating Budget. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Romaine. Are there any other comments?
Legislator Kennedy.

LEG. KENNEDY:

I would say that my seconding in support for this resolution goes to not only the aggregate types of principles that Legislator Romaine laid out, but also one who comes with a perspective of what life is like in the departments day in and day out. And while we talk the need to go ahead and be fiscally conservative and the need to go ahead and preserve some of the larger budget items, I'll once again reiterate that department after department after department is being •• the expectation is that they're going to continue to deliver all of the ranges of services that we provide, be they mandated or permissive, and the people are just not there to do it. So I see it as a way to go ahead and try to implement what it is that we adopt each year when we adopt the Operating Budget. And so that's my purpose for support.

P.O. LINDSAY:

Mr. Chairman.

CHAIRMAN D'AMARO:

Presiding Officer Lindsay.

P.O. LINDSAY:

First of all, being a great deal of the responsibility for filling positions or not filling positions falls on the Executive Branch, I think we should give an opportunity to the Executive's representative to comment on this.

CHAIRMAN D'AMARO:

Of course. Go ahead, please.

MR. ZWIRN:

Thank you, Mr. Chairman. I was just being patient, waiting my turn. The County Executive has called this, I think, the most irresponsible bill that he's seen come before the Legislature. The County Executive is the Chief Budget Officer of the County, whether Legislator Romaine, you know, acknowledges or not. To have department heads making these decisions, first of all, they're not elected, and two, they are not aware of competing requests from other department heads across the County.

The County Executive is elected by everybody in Suffolk County to make those kinds of judgements and to balance the needs of all the departments across the County. There is turnover savings taken into effect when we do our budgeting. And when there is money left over that's not used to hire positions, which we ask for those positions to be kept in the budget generally to have the flexibility in case there are needs that arise during the year, but the County Executive as the Chief Budget Officer has to have that kind of control.

The Legislature makes requests, we can argue, the department heads will come in here and say they need more help, but the bottom line is that any money that's left over goes into the fund balance and is returned to the taxpayers. It doesn't go to anybody else but the taxpayers. That money goes back to them, any money that we save. And the key is not to hire as many people as you can in Suffolk County, but to hire the people •• the right amount. And people that we have to balance from an economic point of view •• when people say that we don't have enough police officers, well, you could argue that we should put a police officer on every corner, but somebody has to pay for that. Somebody has to come up with an answer. And it's going to be out of the taxpayers' pockets. So I think to take this kind of power away from the County Executive is just demeaning to the office, it's •• I would think it would be illegal, and the County Attorney can talk to that. And we also have •• we have the head of AME, Cheryl Felice spoke here, and she said that she doesn't like this bill in its entirety. And this would be helpful to her, I mean, she testified to that, put in a letter to the effect.

LEG. MONTANO:

Who said that?

MR. ZWIRN:

Cheryl Felice.

LEG. ROMAINE:

I have a letter of support from her.

MR. ZWIRN:

I heard her testify, I was here. We also have the County Attorney, who I think would like to weigh in on, and we also have Kristine Chayes from Civil Service who could weigh in on this as well. But I think it's probably a good idea that this thing come up for an up and down vote instead of tabling and keeping it around. And just put it out of it's misery and save the taxpayers of this County some more hardship.

LEG. ROMAINE:

Could I ask a question?

CHAIRMAN D'AMARO:

Legislator Romaine, please, go ahead.

LEG. ROMAINE:

First of all, the excess fund balance that we rely on, was that criticized by any of the rating agencies recently? My understanding is that specifically in the bond upgrading that we did, and kudos to the County Executive on that and to the Comptroller, specifically criticized our reliance on this one •• on these excess fund balances. Plus which, I don't know what power I'm taking away from the County Executive since the County Executive is going to be left with the power to essentially either decide whether to fill the position or not fill it. And if he chooses not to fill it, the position is abolished and the savings are going back to the General Fund in any event. Finally, I would argue •• I would argue this. Why blow the budget with excess •• if we're not going to fill them, why put them in the budget to beginning with? That's dishonest. You're not running a transparent government.

MR. ZWIRN:

That's just not true. First of all, there are lines in there for turnover savings, so some of that is already recognized in the budget and used. The other is to have the ability to have the flexibility when the Legislature comes in after department heads make requests, saying we want more positions filled at a particular •• we want more positions filled at the Health Department, to have the kind flexibility to do that. Otherwise during the year, you cannot add anybody to the budget.

LEG. ROMAINE:

The County executive can amend or put in amendments to our budget 365 days a year. So that's a very simple procedure that he can do if he was to add more positions. He could bring it forward on a CN. He has a tremendous amount of power at any time to manage this budget, and we certainly want to give him all that flexibility.

MR. ZWIRN:

That's not what this bill does.

LEG. ROMAINE:

What this bill does, in fact, is encourage the County Executive not to put excess positions in the budget that are unneeded, will never be filled ••

MR. ZWIRN:

But the Legislature puts in positions as well.

LEG. ROMAINE:

Yes, and we expect them to be filled when we put them in.

MR. ZWIRN:

Well, you're going to have to provide all the funding for it to be done.

LEG. ROMAINE:

You go to town government, every town government in this County doesn't have the type of vacancies we have. They argue about creating the positions to begin with. But once they're created, they move to fill them. The argument is about creating them, not leaving them vacant. If we need an operating reserve, Let's budget an operating reserve right into our Operating Budget.

CHAIRMAN D'AMARO:

All right. Legislator Montano.

LEG. MONTANO:

With respect to the last comment Legislator Romaine made, this should

probably be taken up in the budget process as opposed to a separate resolution. Whatever positions we're going to fill is a budgetary issue. The departments make their requests, we look at the fiscal appropriateness of each request, we do it in a total package. This is an item that really should be handled in the budget, not by a separate resolution. Would you concur with that, Ben?

MR. ZWIRN:

Absolutely. That's absolutely true if the Legislature wants to eliminate positions in the budget.

LEG. MONTANO:

That's the appropriate place to do it. That's when we can look at all positions, look at our fiscal position as a County and see what we can and cannot do. Once we •• once we put the positions in the budget, it becomes an Executive function as to when it's appropriate based on the financial situation as it may change from the time we do the budget and based on the availability of applicable or eligible candidates. That's the way it's been done and it's the way it should be done. I don't see the need for this particular resolution at this point. If we want to eliminate some positions that are vacant, we can do so in the budget process.

MR. ZWIRN:

Let me just add to that. The financial situation of the County is fluid. You have sales tax revenues coming in, not coming in. I mean, in the middle of this year I know there's going to be a bill probably before this Legislature in the next couple of months if not sooner about capping gasoline taxes, because now it's passing up in Albany, at two or \$3 a gallon. And that

happens •• well, that's going to change the amount of revenue that's going to come into the County in the middle of the year.

The County Executive has to have the flexibility with respect to the workforce as to when to hire and when not to hire, and that's often why you see toward the end of the year, when we have a much more real outlook on when revenues are coming, that hirings some times take place in the later part of the year as opposed to the early part of the year when revenues are more speculative.

LEG. ROMAINE:

Mr. Chairman, let me just end by reading into the record, and I'll give this to Mr. Zwirn later, what the credit rating agencies said about Suffolk County. "Credit limitations include the County's regular use of the unreserved General Fund balance as a revenue source for recurring annual operating expenses. The lack of traditional fund balances and reserve policies and sizeable ongoing capital requirements and financial plans," and then it goes on to say, "Even though the County has demonstrated prudent and proactive budget management, it does not have a traditional fund balance reserve policy or formalized multi-year financial planning. These two management initiatives could be important factors in future credit decisions." And that's from Standard and Poors, and I'll give this to Mr. Zwirn afterwards. Thank you.

MR. ZWIRN:

The good news is that we got a credit increase, and I believe it's the highest in the County's history.

LEG. ROMAINE:

As I said, kudos to the Executive and the Comptroller and, of course, to my colleagues.

P.O. LINDSAY:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes. Legislator Lindsay.

P.O. LINDSAY:

Yeah. Just to comment on Legislator Romaine's remarks about the credit agencies. The credit agencies would probably even upgrade us more if we were to raise taxes.

MR. ZWIRN:

Absolutely true.

P.O. LINDSAY:

Because they want more revenue. But that doesn't serve the best interest of our constituents. So I think it's a delicate balance of playing to the credit agencies, but at the same time, doing justice to the constituents that

we represent.

MR. ZWIRN:

If I might add, Mr. Chairman. I have gone before the credit agencies with my own town when I was a Town Supervisor, and what Presiding Officer Lindsay says is absolutely true. The higher your taxes, the happier they are, because that's guaranteed revenue. So the balance is important as the Presiding Officer stated. And that's what the County Executive does as the Chief Budget Officer of the County.

CHAIRMAN D'AMARO:

Very good. Any other comments? All right. Motion by Legislator Romaine to approve IR 1070, and it was seconded by Legislator Kennedy. I'll call the vote at this time. All in favor, aye. Opposed?

CHAIRMAN D'AMARO:

Opposed.

LEG. MYSTAL:

Opposed.

LEG. MONTANO:

Opposed.

LEG. STERN:

Opposed.

CHAIRMAN D'AMARO:

Motion fails 4•2. **FAILED (VOTE:2•4•0•0 • Opposed • Legis. D'Amaro, Mystal, Stern and Montano)**

1152, directing evaluation of privatization of Suffolk County Off Track Betting Corporation by the Legislative Office of Budget Review.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Mystal, I'll second. All in favor? Opposed? Abstentions? **TABLED. (VOTE:6•0•0•0).**

I've been notified that the next resolution, 1187, has been withdrawn. Just mark your agenda accordingly, please.

1214, a Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services.

My understanding is that the public hearing has been recessed to May 16th, so I'll offer a motion to table, seconded by Vice•Chair Mystal. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0).**

1276, adopting a Local Law to amend the Charter to enhance public hearing process.

The public hearing has been closed. This legislation is ripe for a vote. And I think at this point, we'd like to defer to Counsel for a brief explanation.

MR. NOLAN:

This law would amend the Charter C2•12 to require that if a public hearing is held on a proposed Local or Charter Law and that hearing has been closed and thereafter there is a substantial change made to that Local or Charter Law, then the public hearing needs to be reopened and a further public hearing held before the law can be enacted. Right now the way the Charter reads is if the public hearing is held and thereafter the law is changed, there is no requirement that a further public hearing be held.

CHAIRMAN D'AMARO:

Thank you, Mr. Nolan. All right. I'll offer a motion to approve 1276, seconded by Legislator Montano. All in favor?

LEG. ROMAINE:

Quick question.

CHAIRMAN D'AMARO:

Sure. Go ahead.

LEG. ROMAINE:

Who determines substantial?

MR. NOLAN:

Determined by the Legislature.

LEG. ROMAINE:

As a whole?

MR. NOLAN:

As a whole. You might ask me for my opinion, but ultimately that's a determination by the Legislature if it's a substantial change.

LEG. ROMAINE:

Okay.

LEG. MONTANO:

My question then would be in terms of a law that was amended, if a statement were made that the amendment substantially changes the •• okay. Just explain the process to me with respect to substantial. Once someone says •• once an amendment is made to a bill where a public hearing has been closed, one of Legislators would have to say that there's been a substantial change and then we would have to vote on that?

MR. NOLAN:

I think we would have to schedule a new public hearing on the bill, recommit it for a public hearing, reopen the public hearing, and that would require an action by the Legislature.

LEG. MONTANO:

What if there was a debate as to whether or not the change was substantial?
I mean, that's really the issue.

P.O. LINDSAY:

Could I comment on that being that I'm the sponsor of this bill? We implemented a rule this year that if there were substantial changes after the public hearing process, you had to start over with the whole process. This shortens that process a little bit. It just •• you have to recommit it for another hearing instead of refiling of bill and going through everything else. So it shortens the process. As far as determining whether or not the changes are substantial or not, I would envision that would be a ruling from the Chair. And if the ruling is challenged, the full Legislature would vote on it. And, you know, you can make your case that it isn't substantial.

LEG. MONTANO:

Thank you. I actually misunderstood. I'm clear.

CHAIRMAN D'AMARO:

Okay. There is a motion pending for the committee to approve the resolution. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•0).**

• **1976 Charles R. Denninger.**

MR. ZWIRN:

Mr. Chairman, we have •• pursuant to the request of Legislator Montano and the Committee, we have asked the Director of Affordable Housing, Marian Zucker to review the tabled Local Law 13s and the ones that will be on the calender today. And if I can ask her, if it's okay, if she can come up and speak to some of these that the committee had questions on at the last meeting and were tabled.

MS. ZUCKER:

Good morning.

CHAIRMAN D'AMARO:

Good morning.

MS. ZUCKER:

I'm Marian Zucker, Director of Affordable Housing. I'm in the Department of Economic Development and Workforce Housing.

CHAIRMAN D'AMARO:

Please, go ahead.

MS. ZUCKER:

As Ben said, I've been ask to review IR 1297, which is transferring a parcel to an adjacent owner. This parcel is hard up the Long Island Railroad tracks. There's no access to the site, there's no road access. It's not a site that consider appropriate for workforce housing development.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Ms. Zucker, thank you for coming. Both Legislator Montano and I have had •
• as the rest of my colleagues have had questions throughout the course of the year when these Local Law 13s are before us. As a matter of fact, I have questions on some of the ones that are the agenda for us today in Babylon and Lindenhurst. My first to you is, I guess, I would direct your attention to the tax map that's supplied as backup associated with this resolution. Do you have that in front of you?

MS. ZUCKER:

Yes •• not in front of me. Just bear with me a sec. I'm sorry, I'm looking at the wrong area.

LEG. KENNEDY:

No problem.

LEG. KENNEDY:

I do not have the aerial in front of me, all I have is the tax map. I guess a part of what I'm going to ask you is just informational for my purposes and also, I guess, a need to have some understanding or explanation from your department's perspective. Tax map lot 28 and block 5 is the subject lot. Immediately adjacent to it is tax map lot 26, which is of the same configuration, and immediately in front of it is tax map lot 29. Do you know if 26 or 29 are developed parcels?

MS. ZUCKER:

Twenty nine is, 29 has road access, 26 is not developed.

LEG. KENNEDY:

All right. Twenty nine, I would imagine, has road access by the virtue of the fact that it fronts on Patchogue Avenue; is that correct?

MS. ZUCKER:

Yes.

LEG. KENNEDY:

Okay. So I would take that Pine Place then is something that we would call a paper street?

MS. ZUCKER:

Exactly.

LEG. KENNEDY:

Is it not something that's routinely done for the purposes of seeking permit to construct that a developer will go ahead and also do the improvements necessary associated with the paper street?

MS. ZUCKER:

Yes. But I would say the following, especially with respect to affordable housing. Opening a street and paving a street is an expensive proposition. And for one house, it becomes a very expensive proposition. We have transferred properties throughout the County that are on paper streets, but we tend to aggregate them. We have a number of sites so that the opening of the road is something that would make it worth our while. In this case, we have one lone lot, and I don't think the economics are there.

LEG. KENNEDY:

Your familiar with the Town of Brookhaven, though, that oftentimes where you are talking about minor subs or single lots, that the requirements from the building department may be less than a fully improved road. It's possible that the town might entertain a half •• half bed wet, 25 foot width. As a

matter of fact, it's not uncommon to go ahead and have flags, 20 foot flags that will allow for excess for off•street lots.

Again, I just defer to my colleagues, but I personally find it difficult to understand that there is no agency out there, be it Habitat for Humanity or any of the other not•for•profit agencies that are routinely in the business of developing affordable housing, that they may not go ahead and agree to be able to undertake that aspect of getting a lot for development.

MS. ZUCKER:

Right. And we certainly work with Habitat for Humanity throughout Suffolk County. In fact, we were here before the Labor and Workforce Committee yesterday to transfer three lots to Habitat for Humanity. You have asked for my opinion. I'd be happy to share this aerial with you.

LEG. KENNEDY:

Again, I'd be interested in seeing the aerial, but I guess then I need to know a little bit more about the process. Are you telling me that use •• utilize your expertise to evaluate the lots to make a determination whether or not they'll put out for a 13 or explored for affordable housing, or do you routinely solicit input from the agencies concerning the viability of a lot and then make your decisions based on that response or lack thereof?

MS. ZUCKER:

I would say actually. To the extent that I think a parcel is marginal, I'll reach out to the appropriate town. I didn't consider and I don't consider this parcel

to be marginal. I think the appropriate use for this parcel is to offer it for sale to the adjacent owner. I don't see it as a viable candidate for workforce housing. It's small, it's right up against the railroad tracks, and there's no road access.

LEG. KENNEDY:

Again, I think •• you know, I'm going to defer to my colleagues on this. I don't want to get into an extended soliloquy as to whether or not it is viable economically or to achieve the philosophical goal that we strive to get additional affordable housing parcels. But I will disagree with you as far as the ability to go ahead and implement access for that lot. I think it can be done, and I think it can be done, you know, in a reasonable economic fashion. And certainly I would wonder about the wherewithal for Brookhaven Town to also be supportive of something less than 50 foot of asphalt for 160 foot deep.

MS. ZUCKER:

I appreciate your support of all of our affordable housing efforts. I mean, I appreciate your diligence, I appreciate your concern.

LEG. KENNEDY:

Thank you. I appreciate, you know, the fact that all my colleagues share that same perspective. Certainly I'm not unique in that, but I think what I would ask you is •• and perhaps maybe this goes to Legislator Montano's resolution, I certainly need to be educated a little bit more as to the standard policy of the department to seek input from agencies in particularly what I would call perspectives here where we have an identical lot immediately adjacent that is developed.

MS. ZUCKER:

No. The identical lot immediately adjacent is not developed.

LEG. KENNEDY:

I'm sorry, then I misunderstood. I thought you said that lot 20 ••

MS. ZUCKER:

Lot 26 is not developed. I would consider that to be the identical lot. That's also a lot without road access that's hard up the railroad tracks. It's also approximately 60 by 100 lot. They're both not developed. It's the lot that fronts of Patchogue Avenue that's developed.

LEG. KENNEDY:

Again, I guess, perhaps maybe what I need to do is do this by way of correspondence. But I would feel comfortable, I guess, if I had some kind of input from either a town or an agencies that indicates that in their opinion this is not viable.

MS. ZUCKER:

I'm also happy to come to your office and share these aerials with you and go through them.

LEG. KENNEDY:

I'd be happy to see them if you'd like, but again, I don't know that that's going to add to this particular lot. I want to defer to my colleagues.

CHAIRMAN D'AMARO:

All right. Legislator Montano, please.

LEG. MONTANO:

Marian, just very quickly. Is there a process, a formalized process, that you go through in determining the feasibility of whether a lot should go through some kind of housing development or simply be put on a list of 13s, other than just a lot•by•lot analysis? I mean, is there a process that you go through, or you just look at individual lots and say, I think this one, yes, I think that one no? That's really the question. Just simple.

MS. ZUCKER:

I do it on a lot•by•lot basis.

LEG. MONTANO:

Okay. Thank you.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

Ms. Zucker, if I may, how familiar are you with this area, or should I direct that to Director of Real Estate.

MS. ZUCKER:

I would say moderately.

LEG. ROMAINE:

Then you are aware that there are a number of houses that back up to the railroad where they have an unimproved road that they use as access to that lot that backs up to the railroad?

MS. ZUCKER:

No, I wasn't aware of that.

LEG. ROMAINE:

There are. I'm very familiar with the street.

MR. ZWIRN:

Could you tell us which ones they are?

LEG. ROMAINE:

Not off the top, because I'm just familiar with having driven that road many times and noticing as I look to the north as I'm driving west on that road that there are number of houses that use a dirt road access and •• off Patchogue Avenue that do back up to the railroad track. I'd just point that out from just general observation.

MS. ZUCKER:

Okay. Thank you.

CHAIRMAN D'AMARO:

Is there a motion on this, I don't recall? No?

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Mr. Zwirn, is it your understanding that we were going to continue while you are doing further communication with some of the Legislators on these procedures? Where we going to table these resolutions? Was that your understanding?

MR. ZWIRN:

No. I think they can be judged on the merits. But I know we wanted to bring the Director of Affordable Housing down to just let the committee know that all these parcels are being looked at and scrutinized carefully. I know as we get to some of the other ones that are on the agenda where I think they were marginal, I think that Marian reached out to the different towns to get their input.

CHAIRMAN D'AMARO:

All right. And I think that, you know, looking at the aerial map and also the tax map, I think Legislator Kennedy and Montano are bringing up some legitimate questions here on this particular lot. That's why it was tabled in the past[.|.|.]. If the committee were inclined to table this, would your department take any further action investigating whether or not this could be somehow utilized other than through a 13?

MS. ZUCKER:

Yes. I would, actually, based on Legislator Kennedy's suggestion and Legislator Romaine's observation. I would reach out to the Town of Brookhaven to see if they were interested. I do want to say though with respect to the Town of Brookhaven, I don't always get a timely response to my offers of parcels to them. So I would hope to have a response by the next cycle on this particular lot, but I cannot assure that that will happen.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Ben or Pat, do you have any idea of how many •• what the inventory is, because these 13s come up every month? I'm assuming that at some point we're going to sell off all the adjacent lots; am I correct in that?

MS. ZUCKER:

I would imagine we would keep taking them in tax foreclosures.

LEG. MONTANO:

So this is an ongoing process, we pick up a lot and then we get rid of it right away?

MS. ZUCKER:

Well, we try to get rid of it, otherwise •• it generally takes •• the Director of Real Estate is speaking about how it generally takes a couple of years until they're ••

LEG. MONTANO:

They're ready for a 13.

MS. ZUCKER:

They're ready to go forward or for a transfer to affordable housing. In the mean time, the County is paying taxes on them. So I would imagine you would want us to try to move these as quickly as we could.

LEG. MONTANO:

So it's not as if we have an inventory that we're trying to unload, it's more that we're unloading as they come in; is that correct?

MS. ZUCKER:

I defer.

MS. ZIELENSKI:

We have an inventory as well.

LEG. MONTANO:

How extensive •• if you know, how extensive is the inventory? I mean, how many ••

MS. ZIELENSKI:

I hate to generalize, because it would affect parcels that wouldn't be at issue here as well as parcels that may be at issue.

LEG. MONTANO:

Well let me ask you this question. If we put a hold on all the new properties that we pick up through the tax delinquency, how long would it take us to unload the existing inventory?

MS. ZIELENSKI:

I have no idea.

MR. ZWIRN:

If I can. This piece was acquired in 1987 by the County. It's taken a long time.

LEG. MONTANO:

1987?

MR. ZWIRN:

Yes. It's been offered before in '94 and '95. And they received no bids at auction. You have to understand, a lot of times the Local Law 13s we try to move these because what happens is these parcels become eye sores in the community. They wind as local dumping grounds. People put their grass clippings.

CHAIRMAN D'AMARO:

Mr. Zwirn, I think we had this full blown conversation and dialog at the last committee.

MR. ZWIRN:

I'm just trying to remind committee members why we're here sometimes in the first place.

CHAIRMAN D'AMARO:

Right. Right. You know, I think my statement at the time very briefly was that, you know, the process is that we look at them on a case by case basis. And we've had an indication here today that maybe further investigation may be warranted. So with that said, I'll offer a motion to table this resolution. Is there a second •• oh, I'm sorry. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I'd be happy to be ahead and second that motion, but on the motion then, I'm specifically going to request, and I think I'll take note of the fact that notwithstanding the fact that previously there may have been, you

know, a delay in response from the Town of Brookhaven or whatever it might have been, several significant things have occurred recently, not the least of which is a new Town Planning Commissioner, I believe, which was just appointed in the past couple of days. Perhaps maybe there'll be some difference as far as, you know, evaluation or review.

But in support of the tabling motion, I'm specifically going to ask that you do a written query to the Town of Brookhaven and that you also in like kind fashion do a letter of inquiry to •• again, you know the agencies far better than I, but I mean Long Island Affordable Housing Partnership, Habitat for Humanity. Just give us a sample. And, you know, let us see •• let me see, I don't want to speak for my colleagues, let me see that these agencies that are charged with this in their opinion say they don't seem to think it's viable.

MS. ZUCKER:

I'm happy to do that. I would just say that I would then hope that you'll use that as an indication of my decisions in the future so that each parcel that comes up doesn't necessarily require this huge paper trail.

LEG. KENNEDY:

Well, I'll tell you, I'd like to be able to say yes to that, but I'm going to reserve my decision on that request if for no other reason, because then I think you and I would have to talk a little bit further so that we have a mutual understanding. Dirt is valuable no matter where you go. And a spot builder will take a lot and put something up on it in a heartbeat if they can grab it. So with that private sector mentality out there, I believe that our non•for•profit and municipal ventures are also of a like kind and a like mind.

MS. ZUCKER:

I mean •• I'm hearing that this lot was offered at auction to the private sector twice and no bids were received on it.

LEG. KENNEDY:

Just if I can. I believe that the economic climate has changed substantially from 1994 and '95 to 2006. People build on postage stamps now. So what may not have been deemed profitable 12 years ago, I can almost guarantee you now a spot builder will grab in a heartbeat.

CHAIRMAN D'AMARO:

Legislator Romaine, please.

LEG. ROMAINE:

A quick question for real estate. If this resolution is voted out and the transfer occurs to the property owner, the adjacent property owner, will there be a provision in the deed that the property owner that takes possession of this lot will not •• will incorporate it into his lot and therefore not make it suitable for sale as a separate lot?

MS. ZIELENSKI:

That's correct.

LEG. ROMAINE:

All right. Well, then I have a different mind on this resolution. With that •• because my fear is that the guy would purchase it and then sell the lot as a separate lot, because it could be done.

MS. ZIELENSKI:

All of the 13s that are on the agenda today would be transferred with restricted deeds.

LEG. MONTANO:

That's always the case?

LEG. ROMAINE:

Okay. Thank you.

CHAIRMAN D'AMARO:

But I think the concern more on this particular lot was about the workforce housing, which would be investigated if we hold it. So there's a motion pending to table this resolution, seconded by Legislator Kennedy. All in favor of the motion? Any opposed? Abstentions? **Tabled (VOTE:6•0•0•0).**

1349, Sale of County•owned real estate pursuant to Local Law 13

• 1976 Donato Ambrosio.

Would you like to comment on this? Please, go ahead.

MS. ZUCKER:

I would. I'd like to share the aerial, because I think the aerials really tell quite a story. This is not even close to having any road access, and it's in the middle of ••

CHAIRMAN D'AMARO:

The tax map shows an intersection Johns Avenue and Putnam.

MS. ZUCKER:

Yeah. They're both paper streets.

CHAIRMAN D'AMARO:

I guess the yellow dot is the lot.

MS. ZUCKER:

It's the lot. Hard to justify, again.

CHAIRMAN D'AMARO:

Which adjoining owner has successfully bid?

MS. ZIELENSKI:

Lot 40.

CHAIRMAN D'AMARO:

Lot 40.

MS. ZIELENSKI:

Which is a 250 foot lot on Johns Avenue to the east.

LEG. ROMAINE:

Quick question.

CHAIRMAN D'AMARO:

Legislator Romaine, please.

LEG. ROMAINE:

The person that bid on this, he owns a current lot, and how large is his lot?

MS. ZIELENSKI:

His lot is 100 by 250 feet.

LEG. ROMAINE:

And does his lot have road access?

MS. ZIELENSKI:

No. It's all paper. No developed road access.

LEG. ROMAINE:

No developed road access. But he was prepared to bid \$5000 on this lot.

MS. ZIELENSKI:

Yeah.

LEG. ROMAINE:

Okay.

CHAIRMAN D'AMARO:

Legislator Kennedy.

MS. ZUCKER:

I do want to just add a few more comments, because I think part of it is for you to understand the thinking that we go through. If this particular lot was surrounding by other County-owned lots, that might be something worth considering, but this is one County lot in a donut of private owners with no road access. The same with the other lots. If there's •• you know, it's my job to make housing. You know, so I'm always looking for opportunities. If I thought there was a viable opportunity, I would grab it. In both this case and the prior case, it is my opinion that there was •• is no such opportunity.

LEG. KENNEDY:

Not to muddy the waters further here, but why not? Your familiar with 335 of Real Property, abandonment process for paper streets?

MS. ZUCKER:

No.

LEG. KENNEDY:

Ms. Zielenski.

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

Very well, right? You know that the County, as a matter of fact, can go ahead and abandon without the requirements of notice and some of the assertions that ordinarily private owners have to do, it's a lesser burden in order to achieve, and you know that when you abandon paper streets, you have the opportunity to the aggregate for the purposes of enhancing the subject lot?

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

Okay. So we've got a •• well, again, from the tax map, I can't see what the width of Johns Avenue is. But I'm going to take a stab and say that it's probably a 50 footer.

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

So theoretically we can abandon and expand that subject lot then by 100% to make it 100 foot lot.

MS. ZIELENSKI:

No.

LEG. KENNEDY:

We don't necessarily have to throw to both sides when the County abandons. When the County abandons, you can abandon for the whole to revert to the County.

MS. ZIELENSKI:

But we can't ••

LEG. KENNEDY:

You're not cutting off access, it's not developed.

MS. ZIELENSKI:

We can't cut off potential access either.

LEG. KENNEDY:

Again, we're talking about things, I guess, that begin to get into certain aspects of the law that it's •• I shouldn't necessarily be going to this level of detail in committee. However, I think what I'm trying to bring out is in an effort to enhance the opportunity associated with the lot or even look at it as something that would be viable perhaps for auction purposes, some of the those tasks can be undertaken by us to take a lot and enhance it so that it may •• you know, may be of more value, whether it be affordable housing or even something out there, you know, like the auction process.

MS. ZIELENSKI:

I think it needs to be noted that one of purpose of Local Law 13, the Legislative intent was to get properties that we take on tax default back on to the tax rolls.

LEG. KENNEDY:

How long has this one been off?

LEG. MYSTAL:

Since 1987.

LEG. KENNEDY:

Because if it's like the last one, we have to revisit the process.

MS. ZIELENSKI:

It was acquired in 1997.

LEG. KENNEDY:

This was acquired in '97, it's now 2006. Nine years doesn't seem to be working under the 13 process.

MS. ZIELENSKI:

We attempted to sell them at public auction and other ways prior to this process.

LEG. KENNEDY:

Okay. I merely point out some of the steps that could be taken to go ahead •
•

CHAIRMAN D'AMARO:

I would suggest in case by case analysis, if you look at that aerial map, it's understandable why one perhaps building lot would not sell at auction. You'd have to invest X amount of dollars to buy the lot and then probably hundreds of thousands of dollars to put a road leading to it.

So although on a tax map it looks like a great lot that could be developed, as a practical matter, I don't see how this would have any value even to a spot builder who probably couldn't afford to open up area as opposed to the successful bidding who appears to be trying to purchase surrounding properties so that at one •• at one time it may become economically viable then to do this as a subdivision and provide housing. I mean, does that make sense to you?

MS. ZUCKER:

I would urge the committee to pass this resolution.

CHAIRMAN D'AMARO:

On what basis?

MS. ZUCKER:

That the sale to adjacent owner is the most promising strategy for the County. It gets the parcel back on the tax map, it doesn't have another alternative that seems to makes sense.

CHAIRMAN D'AMARO:

Legislator Mystal.

LEG. MYSTAL:

Two observations. Although I do enjoy the lively debate on those parcels, we have six more to go on. The other observation is that as a Legislature we're going to have to at some time trust the people we entrust in doing this business. If we want to micromanage every parcel in the County, then the Legislature will have a long, long session. And also, we will have to get more informed as to what's going on with them.

You know, I don't disagree with my colleagues when they question, you know, the viability of the parcel, but I do want to make the point that these two people sitting in front of us are the people who are responsible for what we do in the County, and we have to give them a certain level of deference in terms of what the expertise are and what they are saying in terms of them knowing what they are doing.

We may disagree from time to time, but in general, we're going to have to give them benefit of the doubt that they know what they're doing. Then we should err, if we are going to err in their favor as to what they're saying to us. And the final point is that if we're going to debate every parcel that we sell in this County, I suggest that we do something in the Charter Laws and have a committee meeting just on parcels, and schedule it for one morning ay nine o'clock at to end at the next evening at 9:00 p.m. If you all have this kind of time, I don't.

CHAIRMAN D'AMARO:

Me either. Legislator Stern.

LEG. STERN:

I just had a very quick question. In your comment urging us to pass this resolutions and the reasons why, where your comments directed towards the reasons behind passing the resolution on this particular parcel or more a more general statement regarding all of these 13s?

MS. ZUCKER:

I would say in general, but I'm only speaking right now on this one.

CHAIRMAN D'AMARO:

Okay. The resolution •• there's no motion pending. I'll offer a motion to approve 1349, seconded by Vice•Chair Legislator Mystal. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

LEG. ROMAINE:

Opposed.

CHAIRMAN D'AMARO:

APPROVED. (VOTE:4•2•0•0).

1392, instituting a six month moratorium on Local law 13 sales.

I'll offer a motion to table, seconded by Legislator Stern. On the motion.

LEG. MONTANO:

I'm sponsor of the bill. I'm concurring in the tabling.

CHAIRMAN D'AMARO:

Okay. All in favor? Opposed? Abstentions? The bill is **tabled (VOTE:6•0•0•0)**.

1393, adopting a Local Law to amend the membership of the Hispanic Advisory Board.

Public hearing has been closed.

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•0).**

1395, adopting a Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law.

CHAIRMAN D'AMARO:

The public hearing was also closed on this resolution. I'll offer a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions?
Tabled (VOTE:6•0•0•0).

1397, adopting a Local Law amending the composition of the Suffolk County Space Management Steering Committee.

Is there a motion?

LEG. KENNEDY:

Mr. Chair, I'm the sponsor of this resolution, and I have some requests from DPW to engage in some further dialog regarding it, so I'm going to make a motion to table. Nevertheless, my purpose for introducing this resolution is so that each one of us, all 18, have ample opportunity and notice for significant leasing activity in our districts.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Kennedy. I'll second your motion to table. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0).**

M•002, Memorializing Resolution in support of a secure, transparent and economical voting system for New York State.

Motion by Vice•Chair Legislator Mystal to table, is there a second on the motion? Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0).**

1407, authorizing certain technical corrections to Adopted Resolution No. 1267•2005.

I'll offer a motion to approve. Is there a second? Seconded by Legislator Mystal and to place on the Consent Calender as part of the motion. All in favor? Opposed? Abstentions? **Approved** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0)**.

1408, authorizing certain technical corrections to Adopted Resolution No. 169•2006.

I'll offer a motion to approve and place on the Consent Calender, second by Legislator Mystal. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0)**.

1410, Adopting a Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors.

MR. ZWIRN:

Mr. Chairman, I know this has to be tabled for a public hearing. I just the irony in this that Legislator Schneiderman has a bill, I think, I think it's to limit \$500 on contributions from County vendors. And we look through •• periodically, we look at everybody's campaign filings because it's •• when we get a bill like this •• no, we do •• because the irony of this bill is that

Legislator Schneiderman has violated his own •• this must be a bill in self control, because ••

CHAIRMAN D'AMARO:

Okay. Let's hold it for the public hearing and thereafter. I'll offer a motion to table the resolution subject to public hearing, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE:6•0•0•0).**

1415, establishing a policy and procedure for the naming of County facilities.

Motion by Vice•Chair Mystal to approve, I'll second. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•0).**

1435, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, pursuant to Section 40•D of the Suffolk County Tax Act.

I'll offer a motion to approve, is there a second? Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•0)** and part of that motion on the **Consent Calender.**

1436, Authorizing certain technical corrections to Adopted Resolution No. 1087•2005.

I'll offer a motion to approve and place on the Consent Calender, is there a second? Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0)**.

1450, authorizing waiver of interest and penalties for property tax for John Clement and Mary Kay Clement.

I'll offer a motion to approve, is there a second? Seconded by Legislator Mystal. On the motion.

LEG. KENNEDY:

Just a quick question to Counsel. Just a measure of reassurance. The criteria on this waiver is that there is some type of particular hardship, medical hardship, something to that affect?

MR. NOLAN:

No, this is different. This is under Section 30 of the Tax Act. It's when there's •• the assessor from the town says that there's an error, some type of error. In this particular case, there is a letter from the assessor saying that they sent the tax bill to the wrong address.

LEG. KENNEDY:

Thank you.

CHAIRMAN D'AMARO:

Thank you. There's a motion pending which has been second by our Vice •Chair. All in favor? Opposed? Abstentions? **APPROVED (VOTE:6•0•0•0•0).**

1466, adopting a Local Law to amend and strengthen requirements for fiscal impact and revenue impact statements.

This has to be tabled for a public hearing. As the sponsor of the bill, I'll offer a motion to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0•0).**

1468, Sale of County•owned real estate pursuant to Local Law 13•1976 Daniel W. Hofmann, Sr. and Jackie Hofmann, his wife.

MS. ZUCKER:

This is 40 by 100 in size. I spoke to the head of the Community Development Agency in the Town of Babylon, and she told me she was not

interested in this lot for affordable housing, that it was too small.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN D'AMARO:

Legislator Kennedy. Again, I don't want to beat a horse, but I'm going to go through the same kind of query that I went through just before. It's a 40 footer. The successful bidder is the party immediately adjacent, I believe, Hoffman, that's a developed lot and it's a 40 footer; is that correct?

MS. ZUCKER:

Yes. And Legislator Kennedy, that's actually why I reached out to Ms. Sabatino to discuss this lot with her, because I looked at the development pattern in the area, and saw that there was building on 40 foot lots. She told not me that she was not interested. That's my direct contact for transferring lots for affordable housing to the Town of Babylon.

LEG. KENNEDY:

Again, I would defer to my colleagues that I know that there is a very active not•for•profit in the Wyandanch area that does development, and •• please don't misunderstand me. I'm not questioning your efforts or your due diligence, but nevertheless, I find it hard to shut up and not defer to my colleagues. So I will.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Mystal.

LEG. MYSTAL:

By way of answering you, the Town of Babylon will not, will not give a permit on a 40 foot lot. They have not done that in the past, you know •• I don't know how long. They will not give a permit to build anything on a 40 foot lot.

LEG. KENNEDY:

Notwithstanding the fact that you have adjacent developed 40 footers?

LEG. MYSTAL:

Notwithstanding that fact that in the past they have done that. And the Chair who has been on the Zoning Board of the Town of Babylon is very familiar with that •• with that covenant between the town •• in the town board. They will not give anybody a permit on a 40 foot lot.

LEG. KENNEDY:

I'll defer to the wisdom of my colleagues.

LEG. MYSTAL:

I don't know if it's wisdom, it's just that they're not doing it.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve 1468, I'll second. All in favor? Opposed? Abstentions?
Approved (VOTE:6•0•0•0).

**1469, Sale of County•owned real estate pursuant to Local Law 13
•1976 Gregory C. Sesto.**

I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. On the motion.

LEG. KENNEDY:

One more time, I guess I'm going to go at it. Yes, they won't give you a permit on 40s. This is a footer and there are other 50 foot lots in the same tax map area. Is that the same policy with Babylon Town for 50 foot lots as well?

CHAIRMAN D'AMARO:

Well, there's not really a policy, it's more of a case by case discretionary matter, I guess for the Town Zoning Board. But just my experience has been that 40 footers were never successful. Fifty footers had a potential to be successful.

LEG. KENNEDY:

Okay. So then how goes the discussion with this.

MS. ZUCKER:

Vacant lot, paper street. Same dynamics. It's adjacent to what appears to be industrial storage facilities. It does backup to the north to a residential house. There is just no development on that whole •• I'm looking at the aerial, just bear with me, I'll tell you the street name. There's •• as you can

see. There's no development to the west of that site along 41st Street.

CHAIRMAN D'AMARO:

Was this parcel ever put for public auction, do you know?

LEG. MYSTAL:

On the picture I'm looking at, is that a paper street in front •• on the back of it?

MS. ZUCKER:

To the south. The street is unpaved.

LEG. MYSTAL:

Is that 41st Street?

MS. ZUCKER:

Yes.

LEG. MYSTAL:

41st Street in not a paper street.

MS. ZUCKER:

It's not paved there.

LEG. MYSTAL:

It's not paved? Ms. Zucker, did you offer this parcel to Ms. Terry Sabatino also?

MS. ZUCKER:

I didn't because it's in the Village of Lindenhurst.

LEG. MYSTAL:

In the Village of Lindenhurst, and the Village has jurisdiction over the zoning on that.

MS. ZUCKER:

(Shaking head yes).

LEG. MONTANO:

Can I ask a question.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Marian, I'm sorry. Just in conversation, I have question. I thought you said earlier that the reason that we take the 13 is to •• we put them back on the tax map, and in the interim we are paying taxes for that. Who are we paying taxes to, is it town?

LEG. MYSTAL:

School board.

MS. ZUCKER:

Town, school board, fire districts, etcetera.

CHAIRMAN D'AMARO:

Everyone except ourselves.

LEG. MONTANO:

We pay that to the town?

MR. KOVESDY:

The Treasurer pays our bills. For the three years we have an exemption. The tax deed comes in, we have a three year exemption from town and county and some special district.

LEG. MONTANO:

And school board.

MR. KOVESDY:

No. School board always gets their money. After three years we go back full on the records. The town gets the money, everybody else gets the money, which the Treasurer must pay for us.

LEG. MONTANO:

Okay. I got you. Thank you.

CHAIRMAN D'AMARO:

You know, on the affordable or workforce housing issue, I guess the County needs to make a policy decision whether or not it would consider working with spot building in effect on all of these lots there we are seeing, working with, I guess, not-for-profit companies or developers. It's a different approach to the issue, I would think, then having large tracks of land where you put up entire work workforce projects or a percentage being workforce housing.

MS. ZUCKER:

Could I interrupt a second, because I come before a different committee in my normal course of business, the Legislators here may not know that the County has a very active 72•H Transfer Program to the towns and villages of lots that are buildable and that are appropriate workforce housing. We have transferred hundreds of lots over the years. They are oftentimes spot lots. We have active programs with the Town of Brookhaven, the Town of Babylon, the Town of Islip and virtually anywhere that we can identify a lot that's appropriate for workforce housing.

CHAIRMAN D'AMARO:

And a lot like this has been rejected based on the criteria for the 72•H.

MS. ZUCKER:

Because it doesn't have road access. And it's been my experience in working Habitat for Humanity and working with the Long Island Housing Partnership and other endeavors that where we need to open up road where it's only one lot it's very costly.

CHAIRMAN D'AMARO:

All right. I appreciate your statement, because I don't have that experience that you have, so, you know, you're giving me more comfort here today that these other considerations are part of your process. And they're winding up here after having gone through many of those considerations and not met the criteria.

MS. ZUCKER:

Exactly.

CHAIRMAN D'AMARO:

Okay. I appreciate that. Legislator Kennedy, do you have a comment?

LEG. KENNEDY:

Again, I appreciate the wisdom that you're sharing with us and your experience. It is not easy to go ahead and put up affordable housing at all. I know that we have been a major proponent of it vis a vis the 72•H Program. I just •• I think I need to have a conversation perhaps maybe with Pete Elkowitz or some of the other folks out there in the communities so that I can understand why it is that when we look at lots like this they are taking a step back from it. If there is a method to go ahead and get some access here other than a full blown 50 foot wide fully curved asphalt road. We all know that there are homes throughout the County that get access other than through that methodology.

MS. ZUCKER:

Why don't you allow my to set that meeting up.

LEG. KENNEDY:

I talk to Pete all the time, but I'd be happy to go ahead and chat with you with him as well.

CHAIRMAN D'AMARO:

By the way, just to follow up on that comment. You know, based on my experience when you have these other methods of access, they become problematic sometimes also as to who maintains them, liability issues, the towns will not dedication of a substandard road that doesn't meet the highway criteria or code. You know, so there are a lot more issues then meet of eye in unconventional access as opposed to a dedicated street. And again, that all builds on the cost ultimately of developing this type of parcel. I would assume, again, through your expertise and your department in your review that you are considering all of these factors. Right. Okay. There's a motion to approve pending before the committee. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'm going to abstain on this one.

CHAIRMAN D'AMARO:

Legislator Kennedy abstains. **APPROVED (VOTE:5•0•1•0 • Abstention • Legis. Kennedy)** Carried.

1470, Sale of County•owned real estate pursuant to Local Law 13 •1976 L.C.R. Cronos, Inc.

MS. ZUCKER:

This is a very small landlocked parcel. The aerial is coming up to you. There is no way to shoe horn a house in here.

CHAIRMAN D'AMARO:

All right. I'll make a motion to approve 1470, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal and to place on the Consent Calender. All those in favor? Opposed? Abstention? **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not Present • Legis. Montano)**

**1471, Sale of County•owned real estate pursuant to Local Law 13
•1976 Ralph B. Adams.**

MS. ZUCKER:

It's 40 by 100.

CHAIRMAN D'AMARO:

All right. I'll offer a motion to approve, seconded by Legislator Mystal. On the motion.

LEG. KENNEDY:

Why not be consistent. Thirty eight is the subject lot, what about 37?

MS. ZUCKER:

It's developed.

LEG. KENNEDY:

46.3.

MS. ZUCKER:

Bear with me one sec.

LEG. KENNEDY:

Sure. Thirty three and 48, all of them were 40 footers in the block. Is this a policy where now we're in the Town of Brookhaven and the Town of Brookhaven will not give a consent to build to on a 40 footer?

Notwithstanding the fact that's it's affordable housing. I'm not talking about somebody who's a spot builder out there seeking a permit where we know there's been an amendment to the code concerning substandard lots. I'm wondering if there's wherewithal on the part of the board when the applicant is a not-for-profit entity seeking to develop affordable housing. That's the question.

MS. ZUCKER:

Ben and I are discussing the fact that •• it's our understanding that the Town of Brookhaven has a 7500 square foot minimum lot size.

MR. ZWIRN:

There's been a town board resolution passed to that effect.

LEG. KENNEDY:

Tom, so in other words, they've got the road frontage restriction as well as the area lot restriction?

DIRECTOR ISLES:

Just to clarify and add to that, obviously the Town of Brookhaven has zoning like every other town. Most of their zoning districts have lot sizes that far exceed 6000 or 7000 square feet. In the case of the Town of Brookhaven, they have actually passed a resolution some time ago to •• directing Suffolk County or requesting Suffolk County, please do not sell lots less than 7500 square feet, we consider those to be inappropriate for development in the Town of Brookhaven. Obviously, it's their request. And we can provide you with a copy of that. But in terms of what they view as an appropriate density of development for their communities, for neighborhood character, they have made that request of Suffolk County.

LEG. KENNEDY:

Again, I guess it means probably that each of us if we're going to do any exploration or advocacy we have to do it at the town level, because that's where the zoning powers lie. You know, the only thing that I go back to one more time is in that same block we're looking at, you know, a half dozen parcels that are developed parcels on 40 feet.

DIRECTOR ISLES:

Sure. There may be many cases, having dealt with this myself a lot, where there are substandard lots, where the towns are trying to get away from that, where there are problems with those with sanitary waste disposal, with drainage, affects adjoining properties, overdevelopment of the community in terms of on•street parking congestion and so forth.

Every single case you're seeing is a case that's substandard in terms of zoning. That's a mandatory application of the Board of Appeals. Certainly it's

a judgment as to whether that fits into the nature and character, qualifies for a variance and would be appropriate. But as Marian has indicated, there are literally hundreds of lots, I guess, over the past few years that are transferred every day practically for buildable lots that are used for affordable housing. We're dealing with that bottom layer right now, and obviously respecting that policy decision as to whether we should offer for sale, let them go to the Board of Appeals, fight their battle with the town, maybe they'll get approved, maybe they won't, maybe we work with Affordable Housing, which certainly Marian has looked at every single one of these cases. But here again, in terms of defining that floor, the Town of Brookhaven, they've been very clear saying, please, don't go below 7500.

CHAIRMAN D'AMARO:

Right. And if I can add to that, you know, just taking a look at the tax map here, going back to, again, my experience on a zoning board, this is the type of application where you would have probably, if it were a private developer, come in with their Counsel and you probably would have about 75 people in the room in opposition to it, because if you look at character of this area, although there are a few developed 40 footers, it's certainly not in keeping with the overall character of this neighborhood.

And in my opinion what the residents would look at, they would look at this and say, you know, we've already had some destruction to the character of our neighborhood and we don't want it to continue. I agree with you that this is really a marginal property, not only from a zoning perspective, but, you know, we have a need for workforce housing, but we also have a need to balance that need against the preservation of the character of the community. And I think that's what we should be doing here. And, again, I tend to agree you with now and see that there is a process before they come here where these considerations were made and criteria not met, and therefore, that's not here in front of this committee. You know, I would not want to see •• I can state pretty much unequivocally that I would not want to

see •• I would rather see this lot adjoined and restricted through a deed covenant then call this a lot that would be conducive for any type of workforce housing given the overall character of the surrounding community here.

LEG. KENNEDY:

Again, Mr. Chair, I think we all agree that we're looking at, you know, an issue that's a complex and difficult issue. We all know that there's an overwhelming need in order to go ahead and get more stock and more inventory. Nevertheless, we don't want to go ahead and disrupt neighborhoods in an effort to go ahead and achieve that goal. I understand that. I don't know what the ultimate outcome or resolution for this is going to be.

CHAIRMAN D'AMARO:

Well, in this particular lot, you know, you put it back on the tax role and it gets it out of the County's hands and now you have an adjoining owner who can't develop the lot. And it actually fits into more of the character of the neighbor then takes away from it by going through the process. So, you know, case by case, I'm looking at this lot only.

LEG. KENNEDY:

Again, I appreciate the comments about the particulars associated with the town. I'm somewhat familiar with them. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you. There's a motion pending to approve 1471. All in favor? Opposed? Abstentions? **Approved. (VOTE:5•0•0•1 • Not Present • Legis. Montano)**

1491, adopting a Local Law implementing redemption of real property acquired by Suffolk County pursuant to the Suffolk county Tax Act.

This requires a public hearing. I'll offer a motion to table 1491, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **Tabled. (VOTE:5•0•0•1 • Not Present • Legis. Montano)**

M•21. Memorializing Resolution in support of legislation that will empower the Waterfront Commission to deny licensing or registration of persons associated with organized crime and terrorist groups.

I will offer a motion to approve, seconded by Legislator Stern. On the motion, all in favor? Opposed? Abstentions? **APPROVED (VOTE:5•0•0•1 • Not Present • Legis. Montano).**

We do have a brief Executive Session to follow, and I'll offer a motion to go to Executive Session, seconded by Vice•Chair Legislator Mystal. All those in favor? Opposed? Abstentions. Thank you, everyone.

**(* AN EXECUTIVE SESSION WAS HELD AND THE MEETING WAS
ADJOURNED IMMEDIATELY FOLLOWING*)**

_ _ DENOTES BEING SPELLED PHONETICALLY