

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, November 30, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Elie Mystal - Vice-Chairman
Legislator Steve Stern
Legislator John Kennedy
Legislator Edward Romaine

MEMBER NOT PRESENT:

Legislator Rick Montano - Excused absence

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
Jacqueline Caputi - County Attorney
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:46 A.M.*)

CHAIRMAN D'AMARO:

Okay. Ladies and gentlemen, I'd like to call the meeting of the Ways and Means Committee of the Suffolk County Legislature to order and ask that you all please rise and join us in the Pledge of Allegiance led by Legislature Stern.

SALUTATION

CHAIRMAN D'AMARO:

I'd like to welcome everyone this morning to our committee meeting. And we're going to take a look first at our agenda. The second item on the agenda today is correspondence, and the committee has received one correspondence. It's dated November 28th, 2006, addressed to myself as Chair of the Ways and Means Committee. And it is sent to us from Legislator Lynne Nowick who is Chairing the Suffolk County Review Committee for County Siting of Memorials and Symbols and Naming of County Facilities, Parks and Roads.

And Legislator Nowick in that capacity as Chair of that committee has sent us a letter that has informed this committee that by unanimous vote, the Naming Committee has unanimously approved the naming of the Walter S. Commerdinger County Park. So that letter will be included in the record and considered along with the legislation that's pending before this committee.

LEG. KENNEDY:

Mr. Chair, if I can just for a moment on the correspondence.

CHAIRMAN D'AMARO:

Yes. Legislator Kennedy.

LEG. KENNEDY:

This correspondence comes about as a result of a resolution I had introduced to go ahead and name that County Park. We voted on the acquisition resolution at our last General Meeting. And I had the opportunity to go ahead and speak to the committee when they met, I believe it was on Monday.

And they were very gracious in entertaining me. I know that the committee is still working through some of their initial protocol, procedures and how they -- their criteria that they're going to work with going forward. But nevertheless, there were some extenuating circumstance with this request from the Executrix of the Estate that is the seller of this property to the County. And due to the time sensitive nature of the request and urgency, they very graciously went ahead and acted on it. So I appreciate that, and I appreciate the opportunity to have this matter go forward.

CHAIRMAN D'AMARO:

Okay. Thank you. Does anyone else at this time wish to address the correspondence that was placed into the record? If not, we'll move forward to the next item on the agenda, which is the public comments. We have one card this morning, and we will go to that portion now. It's issued by Sandy Sullivan who is the Legislative Director Of AME. Ms. Sullivan, good morning.

MS. SULLIVAN:

Good morning, Legislators, how are you?

CHAIRMAN D'AMARO:

Fine. Welcome. Please go ahead.

MS. SULLIVAN:

My name is Sandy Sullivan. I am the Legislative Director for the Association of Municipal Employees, and this is for the record. I'm speaking to you this morning on legislation put forth by County Executive Steve Levy, IR 2514, which is public financing of the County campaigns. The Association of Municipal Employees is opposed to this legislation in any form.

On December 5th, a public hearing -- I'm sorry, it's 2413 -- a public hearing will be held on 2413. And at this time, on behalf of AME, Executive Vice President Robert Tuerlings will be addressing the full Legislature with a public testimony on this introductory Resolution. Thank you for your time.

CHAIRMAN D'AMARO:

Okay. Thank you. Nice to see you. Is there anyone else present who would like to address the committee this morning? If not, we will move to next section of our agenda. There are no presentations, so we will go directly to tabled resolutions. I'll call the first resolution.

1792, Adopting Local Law No. 2006, A Charter Law to ensure a non-partisan, fair, and objective process by which Legislative Districts are reapportioned.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

There is a motion to table by our Vice-Chair Legislator Mystal.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Opposed? Motion carries. Resolution **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

1793, Adopting Local Law No. 2006, A Local Law prohibiting the impermissible use of copyrighted materials on County owned or operated facilities.

LEG. STERN:

Motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Motion to table by Legislator Stern, seconded by Legislator Mystal. All in favor? Opposed? Motion carries. Resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2217, Naming the Supreme Court Building in Riverhead the "Alan D. Oshrin Supreme Court Building".

CHAIRMAN D'AMARO:

We have a request from the County Attorney's Office who would like to address this bill. Ms. Bizzarro, I believe.

MS. BIZZARRO:

Thank you, Chairman D'Amaro.

CHAIRMAN D'AMARO:

Good morning.

MS. BIZZARRO:

Good morning. I've spoken to this committee before on this resolution. Just to apprise this committee that the -- this resolution basically looks to name a County facility. And under IR 1949 that was enacted in September, 2006, which amended Chapter 674 of the County code, there must be a written recommendation to the Ways and Means Committee from the Naming Committee in order to vote on this resolution. So I just wanted to make the committee aware of that again.

CHAIRMAN D'AMARO:

Right. And I believe that that resolution states that the Naming Committee, which is the short name we're using for the committee we're talking about, has 90 days from the date that the application has been submitted to report back to this committee with its recommendation. So we have not received that recommendation yet. Legislator Romaine.

LEG. ROMAINE:

Thank you. The committee -- my aide was at the meeting. The committee did consider at that time -- I believe Mr. Kennedy was there too for his resolution -- the resolution concerning Alan Oshrin, who was, as you know, the Administrative Judge of Suffolk County and died in office from -- from cancer.

The committee professed to have no knowledge of who Alan Oshrin was, which to any practicing attorney in this County, is far surprising. And when I heard that, I was surprised, obviously, being Clerk of the Court when I was County Clerk, everyone knew Alan Oshrin. He had been a practicing attorney in this County for a long, long time, a Supreme Court Justice before he was appointed Administrative Judge for Suffolk County.

So it was tabled. I'm hoping that the committee will meet again and take this up. We have reached out to the Oshrin Family to get a resume and a biography for Judge Oshrin. And what this would do, this would name the new annex in Riverhead, not the old court building, but the annex, just the annex would be named in his honor since he did die in office, and he is well known in legal circles.

If you wish, the legal community and the Suffolk County Bar Association has presented me with numerous signatures on a petition for Judge Oshrin, because they feel that that honor is merited. And I have -- I will be informing many of the petition signers that this has been tabled in the Naming Committee, and therefore, recommendation hasn't come forward. I won't pro or against, because it's only a recommendation. But I will follow the process and certainly wait for the naming Commission to make a valued judgment about Judge Oshrin. But apparently no one on the Naming Committee was familiar with Judge Oshrin. So I will make a motion to table this pending the Naming Committee's recommendation.

CHAIRMAN D'AMARO:

All right. I'll offer a second to that motion, and just on the motion state that as Chair of the Ways and Means Committee, I'm also a voting member of the Naming Committee. And I was not present at the last meeting, but a member of my staff was. And I did receive all the written submissions that you were kind of enough to put in to the committee.

LEG. ROMAINE:

Right.

CHAIRMAN D'AMARO:

I have heard, of course, of Judge Oshrin. And I appreciate the work that you are doing, Legislator Romaine, in trying to carry this forward. I just wanted to ask you, however, has an application been submitted to the committee?

LEG. ROMAINE:

Yes. My staff was there. It was presented. I believe Legislator Kennedy -- I wasn't at the meeting. Lisa Keyes represented me at the meeting, because, I believe I had another committee at the similar time or another meeting at the similar time. Legislator Kennedy, they did consider the application?

LEG. KENNEDY:

Through the chair, it's my recollection that there was discussion as a matter of fact. And as Legislator Romaine has indicated, his aide did, I believe, present the request in general to the committee. And then subsequently, we had the opportunity to have some discussion following that. And I guess I would just indicate to you, Mr. Chair, in my comments earlier as to the committee's acting upon my request for the Commerdinger property, which I sincerely and generally appreciate, it was an application, if you will, that was an application -- a de facto application, if you will, on my part, because I don't know that there's actually been a formal -- a form or an application process that's been adopted by the committee yet.

So in essence, through correspondence and through biographical reference, I believe, cobbled together the information that was necessary for the committee to go ahead and feel that they had enough in front of them to go ahead and make a decision. And also, as I said, there were extenuating circumstances here based on the terminal condition the grantee -- contract vendor on this matter.

So I would ask, I guess, on behalf of all of us as Legislators that you perhaps continue to have the dialog with the committee so that they are able to formulate whatever the process and protocol is going to be so all of us have an awareness.

CHAIRMAN D'AMARO:

That's my thoughts exactly. One of the issues or problems with the committee right now is that there are no standards, there was no form application. It's something that the committee is working on and now has come up with drafts of both. And we need to get that done expeditiously, because there are bills pending and waiting for a decision. So I'm mindful of that. I think Legislator Nowick has been working hard on that as well and she is mindful of it as well and will continue to do that.

LEG. KENNEDY:

Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

All right. On the motion, all in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**. All right. Moving to the next resolution that has been previously tabled.

2238, Sale of County-owned real estate pursuant to Local Law 13-1976 John D. Lightsey (SCTM No. 0200-973.90-03.00-017.000).

This committee had taken that up one other time, previously tabled this resolution.

CHAIRMAN D'AMARO:

Good morning.

MS. ZUCKER:

Good morning.

CHAIRMAN D'AMARO:

Yes. This motion had come up -- this resolution had come up previously. I believe there were some on the committee that had felt that the 5000 appraisal price was not -- was not sufficient.

MS. ZUCKER:

I am here to answer questions about its suitability for affordable housing. For price questions, let me ask Pat to join me up here.

CHAIRMAN D'AMARO:

Sure.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes. Legislator Kennedy.

LEG. KENNEDY:

While we're waiting for Ms. Zielenski to go ahead and come to the microphone, my recollection with the discussion on this last time was, I believe Legislator Montano and I had raised issues not only associated with the actually upset price on this parcel, but the fact that the adjoining parcel was vacant, and that by virtue of a nominal sum, that the owner would then be able to go ahead and realize a buildable lot, which would ultimately, as well all know in this market, have at least a market value of somewhere in the neighborhood of 150 to 200,000. So the issue again that we went to was the parcel, but more, I think, a question about process and where we're at this point. Hit and this was of the ones that kind of hit the mark, I believe.

CHAIRMAN D'AMARO:

Right, I agree. And just bear with me one moment. That was the discussion, so I guess the issue now on this particular resolution is how do we justify if at all the lower price. So for the purposes of discussion, I'll offer motion to approve to anyone wants to second that, and then we can ask our questions?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

All right. Seconded by Legislator Stern. Legislator Mystal.

LEG. MYSTAL:

The question that we had, Ms. Zielenski, was could we as the County buy the parcel next to the one we have. That was the question, buying it and making it -- turning it into an affordable home instead of selling it, selling our parcel to the guy next door. And now he has a buildable lot, which will be worth about 150,000. Why didn't we make an offer to buy his, then we will have an affordable lot where we can build something.

CHAIRMAN D'AMARO:

Before you answer that, just -- the second part of the question would be if not purchasing the adjoining property, then does the County have the authority to go and approach the perspective purchaser and negotiate a higher price in recognition of the fact that we might be selling this property and thereby creating a buildable lot.

MS. ZUCKER:

Okay. You have both of us up here. And between the two of us, I'm sure we can answer all your questions. One is a process question. Let me just give you some sense. When I see these parcels, when they come through Real Estate before they come to committee, I look whether the parcel is buildable or not. And I do look at whether the adjoining parcels are vacant.

Certainly if they're in town ownership or any municipal ownership, Housing Authority ownership or County ownership, I look -- I look at it to see whether or not it can be assembled into a site that we can do something with. If the site is in private hands, if the adjoining vacant lot is in private hands, I do not make the assumption that we can then go the adjoining owner and acquire the fee interest from him.

In order for us to do that, we'd have to first figure out how we are going to use the site, do planning steps resolutions, do an appraisal on that site, determine whether or not there was a willing seller, put together a program for what was going to happen with that site to transfer it to town, etcetera. The reason I go through all of those steps is that's what I do when I have a 22 unit subdivision, that's what I do when I have an 80 unit subdivision like we're working on in Patchogue. But to do that for scattered sites throughout the County, I think would be a large effort, and I'm not sure necessarily worth what we would get back in return for that.

In this particular neighborhood, the County has been transferring properties to town, which they in turn transfer to non profits on a very regular basis. The town has increasingly showed some reluctance -- not only shown reluctance, shown an unwillingness to take lots that don't meet their current building standards, which is why when I see a 50 by 100 foot lot, I know the town is not going to want to do anything with it. We've transferred in the last five plus years, nearly 100 lots to the Town of Brookhaven, most of those in this North Bellport area.

And in fact, in yesterday's Labor and Workforce Housing Committee Meeting, we approved another five properties to go there. And most of these end up either in the hands of Habitat for Humanity or Long Island Housing Partnership. So there's been an active building effort that has been going on in the community to address the needs of first-time homebuyers and for affordable housing.

The community has started to complain actually in some ways about what we're doing there. And so especially if I saw a site that my hope would be that the adjacent owner would build a house, whether or not it would be affordable housing, it seemed to me that it would be introducing into the community another element of housing production that wasn't not necessarily only coming from the non profits and that would be a positive for the community. So with that, that's my part of the process of how we come to this and why I have approved this for transfer.

LEG. MYSTAL:

Through the Chair.

CHAIRMAN D'AMARO:

Please.

LEG. MYSTAL:

I do understand the process. You know, what I think is sticking -- sticking us -- you know, we have the bill under our saddle right now, it's looking at the fact that this guy is going to acquire a piece of property for about \$5000, which he can add to, you know, to his property. Now, he is sitting on a lot that worth 150,000, and we are getting \$5000 for it. That's what I think the question that we had is, like, you know, why is it that we're giving this thing away.

LEG. KENNEDY:

There the Chair. Mr. Chair, I'm of the same mindset with Legislator Mystal, but I think I would go one step further. And if it is -- as you articulated the process, if what we need to do at this point is to request that a planning steps reso be introduced, I'm prepared to go ahead and do that. I'm also prepared to go ahead and make a motion to table while that process is underway, because while it's not my objective to attempt to go ahead and take up a finite resource, namely, yourself, in focusing on what may be disparate or discreet parcels, I will say to you that I think while we applaud the multiple unit efforts that you've put forward, and your office has done very good work in those areas, we're equally saying it's not enough.

We know that we consistently hear that there are people who need -- just yesterday in Newsday, Pearl Kamer spoke about the fact that young talented people are fleeing the Island and fleeing Suffolk County. And as we attempt to go forward, we're finding that Computer Associates and other high-end tech industries that we tend to want to promote, can't find the people they need to attract to come here to live here. So that being the case, I guess what I'm suggesting to you is while I appreciate and respect your philosophy and your mindset as you approach this, from where I sit, I guess I'm asking you to go wide and begin to start to consider the discreet and disparate parcels.

And more importantly, if the community is -- by the way, I saw the 72-hs that were being transferred, which is outstanding, I think it's excellent. In this day and age, I just think that there is absolutely no motivation on the part of any developer, spot builder or large entity to build something other than the maximum yield that a lot will produce. They're not going to build an 1800 square foot ranch. They are going to throw up a 3000 square foot two-car, five story -- I mean, five bedroom colonial no matter where it is, because their bottom line is yield, yield and profit.

Nobody is in the business today on the private side to be generous or a good guy. They're in it for one reason, and that's profit. So my request, I guess, if I would, Mr. Chair, and it may be presumptuous, but I would ask that we have a planning steps reso introduced on this lot for at least consideration. At the same time then, that we table the action to transfer until we at least that get that information back from the agency. I'll make the motion. I'll make the motion to table, and at the same time, through the Chair, I'm going to ask that Legislative Counsel draft this planning steps reso.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

All right. There's a motion to table and a second, which is taking precedence over the motion to approve. You know, the only -- I'm not opposed to the tabling motion so we can vet this out a little bit more and talk about it and think about a policy direction. And I think your point really is that, you know, are we then going to start in every instance where we have this type of situation approaching owners?

MS. ZUCKER:

Right. As you know, from the recent budget approval, I operate without an assistant. It is -- I appreciate what you say, Legislator Kennedy, I appreciate your passion for it. It's just that I try to spend my time where I think there's the most reward. And I don't think we have any indication that the adjacent owner is a willing seller in this regard. And to start this process as opposed to take this property, transfer it to the adjacent owner, bring it back on the tax rolls and see a new house built in a community to the benefit of the community, rather than us taking six months, trying to -- I don't know if we'd get anywhere with the adjacent owner. I don't know if we'd have anything to show for our efforts.

LEG. MYSTAL:

Through the Chair. Maybe, maybe we won't get anywhere with this new owner, maybe we would not get anywhere, but what is bothersome to me is the fact that I understand your good intention to build a community and they are -- you're going give to them, they will build a new house there, which will make the community better as a whole, that's fine. All I'm saying, let's up the process.

If that's the case, then let's get some money for the land. You know, \$5000 for that piece of land that will add to his, that's a windfall. That is a windfall. I don't think the County in the business of giving people windfalls. That is a windfall. Maybe if we keep tabling this and maybe introduce a reso or something, maybe he will ameliorate his price and give us a better price for this. Now if he doesn't want to, maybe we'll give it to a municipality. I do not want to enrich this person at this

point by giving him a piece of land for \$5000 when I know the day we sign the papers, that land is worth 150. To me that's bad business.

CHAIRMAN D'AMARO:

Just one moment. I agree, but how often does it occur where the parcel that we're actually proposing to convey results in the creation of a buildable lot? I mean, is this somewhat more unique? I mean, my limited experience here so far, we see a lot of parcels that irregularly shaped, smaller, maybe they're being added to a lot that's already been built or is buildable already. You know, is this -- is this something that we can be comfortable with maybe exploring some of the ideas we heard here today, because it's not something that's going to overburden you on a current or regular basis.

MS. ZIELENSKI:

In most instances -- I can't generalize as to how often this particular incident would reoccur, but I want to caution that when we talk about the value on these properties, this is a property that is sold with a full restrictive covenant of what cannot be done on the property. We're not selling a building lot. We're selling a piece of land, which coincidentally can be assembled with the land adjacent to it in an area where we already own a lot of property.

CHAIRMAN D'AMARO:

Can I interrupt you, though? When that covenant goes on the property to be conveyed, it's effective for that parcel only, or does it cover the entire resulting parcel?

MS. ZIELENSKI:

Oh, no, it's only effective for the parcel that we control.

CHAIRMAN D'AMARO:

So the parcel that's receiving the extra land area can use that in its calculations to create a buildable lot.

MS. ZIELENSKI:

That's correct.

CHAIRMAN D'AMARO:

And I think that's the point that we're making.

MS. ZIELENSKI:

Which is the only reason we can sell it at all. We've owned this property, this particular property, since 1992. We've been paying taxes on it since 1992. It's not a unique parcel. We have a lot of ownership in the North Bellport area. People don't pay their taxes there. When it comes to -- push come to shove, they let these properties go. And the Town of Brookhaven and the community organizations there constantly reiterate the fact that they don't want a community full of habitat houses. They want mixed use or vacant lots that we get to clean up when they dump their hedge clippings.

LEG. MYSTAL:

Through the Chair.

CHAIRMAN D'AMARO:

Well, let me -- Legislator Kennedy, I think, was waiting, Legislator Mystal.

LEG. KENNEDY:

I'll yield to wisdom.

LEG. MYSTAL:

Not to wisdom. The question I think the Chair asked is how unique is this problem whereby when we sell a lot and somebody who bought that lot can assemble it with another lot and become a buildable lot. What the Chair was asking is how unique is this particular lot. The reason why I think he was asking is because the was question raised if do this we are going to create a burden and then create a somewhat, you know, boondoggle. We are going to overburden you in your job. I think the question was how often does this come about, because we haven't seen this. I've been sitting on this committee for a while, I haven't seen this particular problem come up whereby we sell the land and the two land comes together and makes a buildable lot. I haven't seen this.

MS. ZIELENSKI:

Well, we have had it. I don't -- I can't tell how many or what the percentage -- overall percentage is. The other thing you have to remember, and this is a good example of that, this property was offered to all the adjoining owners. This is the only owner who bid.

LEG. MYSTAL:

I understand that.

MS. ZIELENSKI:

That the other adjoining owners who could also add to their property chose not to.

LEG. KENNEDY:

Mr. Chair. Now I'm going to ask to reclaim my time. A couple of additional observations, and I concur with Legislator Mystal in my desire not to go ahead and see any individual enjoy, I guess what we'd call -- what we all perceive as some unjust enrichment. But I think, Ms. Zuckerman (sic), you hit the nail on the head -- and I might even ask Mr. Zwirn to come up and join the dialog -- in that if you an army one, and we consistently, at this committee, struggle with, embrace and support the notion and the concept of affordable housing, and I believe the County Executive may even today be announcing some support for firefighters with preference for affordable housing, then I guess I'm to say we all need to walk our talk. Perhaps you need some help.

So that while we sit here and lob these requests at you, we also embrace the fact that with some assistance, you could broaden your ability to go ahead and consider these types of things that may be a little more unique. I think all of us continue to come back to the notion that by facilitating creation of a building parcel from a policy perspective, we perceive it as better to guarantee that it be affordable rather than market driven. Ben, what do you think?

MR. ZWIRN:

Okay.

LEG. KENNEDY:

Okay?

MR. ZWIRN:

Was it in the form of a question? I don't know. I think you lost me. You lost me at hello. I don't know.

LEG. KENNEDY:

Okay. Here's the question. Here's the question. Here's the question. Can the Affordable Housing Director get some assistance to help her in her job?

MR. ZWIRN:

I think there is assistance through the Planning Department, through Real Estate. I mean, it's --

LEG. KENNEDY:

I just heard about one person.

MR. ZWIRN:

Right.

LEG. KENNEDY:

Then I'm confused.

MR. ZWIRN:

There's one person in that department, but there's people that help.

LEG. KENNEDY:

Well, then help me understand.

MS. ZIELENSKI:

Can we just take issue with the town for just a moment?

LEG. KENNEDY:

Feel free.

MS. ZIELENSKI:

We can only turn over the town those properties they're willing to take.

LEG. KENNEDY:

But we've not discussed turning over to the town at this point. This particular matter right here, we've discussed our own acquisition. Now, I understand the County does not have the ability to go ahead and construct directly. I know that we have to under State Law move to a municipality and/or not-for-profits. And it actually might have to be the town, which then goes to the non profit.

I understand the process, but perhaps we also need to go ahead, if we're willing to move in this direction to create the buildables in the first instance, that might allow the town to come back to the discussion. We're not encouraging them now to embrace a 50 footer. We're talking about a full-sized 100 foot frontage lot. I'll yield.

CHAIRMAN D'AMARO:

You know, I appreciate all of your comments, Legislator Kennedy, and I agree with them, but that's why my question was, once again, is this an aberration, is this -- does this happen 5% of the time or 55% of the time or 95% of the time? You know, if we are here doing our oversight function looking at this and we cherry pick out two parcels a year, and we ask the Executive to go back and take a look at these parcels and see if we can put it together some other way, then we are doing -- we're all doing our job.

So I think it's important with all due respect to get answer to the question from the folks that are administering this program as to how often does this occur. Is it something that maybe we come up with our own program, it occurs often enough where it should be addressed with more personnel or however you want to put resources into this aspect of the Affordable Housing Program? Or is this something that's only going to happen twice a year where we can kind of, you know, take this direction, but it doesn't have to be formalized? So I think it's an important question to determine how often when we convey in this type of proceeding to an adjoining owner are we creating a resulting lot that is, in fact, buildable and may be usable in some other programs the County has a great interest in.

MS. ZIELENSKI:

Well, you might want to look at Number 2354, which is on the agenda today and see if that meets the criteria that you speak of.

CHAIRMAN D'AMARO:

Okay. We'll do that when we get to that -- to that bill. That's fine. But that's not really an answer to my question.

MS. ZIELENSKI:

Well, it would be another example.

CHAIRMAN D'AMARO:

Okay. There may be two examples today and none up until today. So I don't -- if you need time -- I mean -- you know what? It's not -- I'm not really trying -- I'm trying to get it informally from you just from your own day-to-day operation working in these departments. I'm not trying to make work for you.

MS. ZUCKER:

I know that I've seen more than just this one.

MS. ZIELENSKI:

If I had to guess, I'd guess at somewhere around 20%.

CHAIRMAN D'AMARO:

Twenty percent. Legislator Romaine, go ahead please.

LEG. ROMAINE:

I'm a little bit familiar with North Bellport. I worked in that community for five years from 1980 to 1985 as the Commissioner of Community Development for the Town of Brookhaven, and then I represented that community from 1986 to 1989. That is a community whose problems deal with ownership. I represented the two large minority communities in Brookhaven as its Legislator in the '80s, and that was Gordon Heights and North Bellport, but there was a world of difference between those two communities.

Gordon Heights was a far more stable community, because there was a higher degree of homeownership as opposed to rental ownership. The situation that you talked about that they would prefer to see another house not be Habitat for Humanity-type house, I think is incorrect. I think any type of homeownership would be extremely beneficial. And if that home ownership could be targeted to people who now can't afford homes, I think that would be even more beneficial.

Clearly, what we need to do and what I am prepared to do and support the County Executive, and hopefully he is prepared to do, is call for an amendment to the New York State Constitution that will allow counties to have housing powers to build or to enter into agreements with not for profits to build income restricted or affordable or workforce housing, however you term it. But we obviously need a change in the law, otherwise, all of our words, all of the photo ops about building affordable housing in Yaphank for firefighters that was held in Legislator Kennedy's District at the Smithtown Firehouse, all of those words, all of those photo ops mean nothing -- well, they do mean something politically, but, I mean, other than the gist of the mill.

We haven't had the ability to make a large enough dent in affordable or income-restricted or workforce housing to meet the needs. And I think Legislator Kennedy spoke about Ms. Kramer's comments, an economist renowned, that spoke about this problem. This is a resolution that clearly we should not adopt. There is a motion to table, it has been seconded. I'm not going to delay the debate. Let's just go forward

CHAIRMAN D'AMARO:

I had one more question before we do that. And thank you, Legislator Romaine, I want to move forward as rapidly as you do, but there's one other question that I had. Putting aside the whole debate about, you know, whether or not there should be some focus on this for other purposes where the County would acquire from the adjoining owner, we're proposing in this resolution to convey for \$5000 based on the highest and best use for an appraisal; is that correct?

MS. ZIELENSKI:

Correct.

CHAIRMAN D'AMARO:

Okay. How do we know the buyer won't pay 6000?

MS. ZIELENSKI:

I don't know.

CHAIRMAN D'AMARO:

I mean, it's our function to maximize what a willing purchaser would pay to the County. So is part of that analysis what is the value -- not only the appraisal, but then what is the value to the actual purchaser?

MS. ZIELENSKI:

That's a very complex way to go, to deal with just a certain -- on particular potential buyer. You know, we're looking at --

LEG. KENNEDY:

Highest and best use.

MS. ZIELENSKI:

We're looking at highest and best use, but we're also looking at our overwhelming amount of inventory that we're trying to get back on the tax rolls, which is the way I understand this process be directed.

CHAIRMAN D'AMARO:

Yeah, I think that's a positive thing, put it back on the tax rolls, have the lot cared for, cleaned up, developed.

MS. ZIELENSKI:

We offered it at auction -- to be auctioned to all of the adjoining owners. We do that because initially when everything went to public auction, the people who happened to be the adjoining, particularly in an undersized parcel or an irregular parcel, felt that it was unfair that these things were being sold at public auction, and then a speculator would buy it and attempt to -- to buy out the adjoiners and then build from a speculator. And that standpoint seemed that it was of higher social conscience maybe to sell first -- to offer it to the adjoining owners who had the direct connection to it. And many of these we offer to adjoining owners and there are no takers, which is why we have so many properties that we've held since 1989 or later.

CHAIRMAN D'AMARO:

I don't want to belabor it. I don't take issue with any of that. I understand the policy, I think it's a positive policy. I think we need to continue doing it. But my only question is when you get down to price, if you're not looking at the -- you know, real estate is unique, we all know that. And we also know that when you have a willing buyer, the word willing is the word you need to focus on, and at what point are they not willing. So what you're telling me then in that in this particular procedure, it's only based on appraisal, you don't look at the idiosyncrasies, if you will, of the particular transaction itself.

MS. ZIELENSKI:

No, we don't. And in a case -- there are many cases where this process has gone through and there are no buyers. And in those cases, when we have a public auction, those properties are then put on the public auction and often are not bid on, because the use of those properties really only attaches to the adjoining owners.

CHAIRMAN D'AMARO:

So functioning as a department then, you have to have your procedures in place, and it doesn't make room or allow for these nuances on particular lots that may have more value to a perspective buyer.

MS. ZIELENSKI:

Not from efficiency standpoint. And also, I would be concerned of the perception of that.

CHAIRMAN D'AMARO:

How is that?

MS. ZIELENSKI:

To make it an exception.

CHAIRMAN D'AMARO:

Why is that?

MS. ZIELENSKI:

To make a particular buyer, a potential buyer, an exception to an ordinary appraisal.

CHAIRMAN D'AMARO:

What would be the concern?

MS. ZIELENSKI:

The concern would be that they were being singled out.

CHAIRMAN D'AMARO:

Well, it's an arm's length negotiation between a willing buyer and seller. I don't really think we're singling someone out, I think that's probably pretty normal.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes. Legislator Kennedy.

LEG. KENNEDY:

If I can jump in to the soliloquy a little bit here. I think what I'm going to make a suggestion is two-fold, one, we do have a motion to table, and I've asked Legislative Counsel to go ahead and draft a resolution to do planning steps on this particular matter. I appreciate the quantification that Ms. Zielenski is giving us. And what I would suggest to you is perhaps we as a committee or several of us who would want to embrace this may need to fashion a resolution that addresses these types of issues. Because probably what Ms. Zielenski, I think, is articulating is policy that's been inbred over decades of time, particularly when it comes to auction. Let's face it. Surplus property in the '70s or early '80s was a much different entity than it is now.

And where we want to embrace that notion of not having relics languish in communities that attracted refuse and nuisances and things like that, time has cured much of that for all of us, in that, land now pretty much no matter where you go, even in some communities such as this that may be

marginally impacted, there is ever increasing interest, and I think we're just running out of product. So maybe we need to now give some concerted guidance to the department to bring some of these thoughts into the whole appraisal and evaluation process. Policy seems to be something that we need to go ahead and put forward.

CHAIRMAN D'AMARO:

Okay. That will be the last word. And there is a pending to table, which has been seconded. I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

CHAIRMAN D'AMARO:

Two things before we proceed. One, I failed to mention at the outset that Legislator Montano who is a member of this committee is not with us today, but does have an excused absence from the Chair. Second is there was one resolution that was left off out agenda. I'd like to go to that now. It's been distributed to the committee members. It's **Resolution Number 2188, and that resolution is authorizing conveyance of parcel bearing Suffolk County Tax Map Number 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-H of the General Municipal Law.**

And I believe this bill had been recommitted, if I'm correct, from the full Legislature at its last General Meeting back to this committee.

CHAIRMAN D'AMARO:

All right. I'm going to offer a motion to table this resolution, is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. Legislator Romaine.

LEG. ROMAINE:

Discussion. I'd like to discuss this resolution. And I see we have a representative from the County Executive's Office, and that's -- Mr. Zwirn, you know, I'm glad you are here. I would never ask you to comment because these are Legislative proceedings in which the Executive should have no voice unless asked a question, but I do have a question about Orient roads.

MR. ZWIRN:

I just don't feel the love any more. I don't know. No Christmas card, nothing.

LEG. ROMAINE:

Maybe a Hanukkah card. In any event, as far as the Orient roads project is concerned, I know that you made the -- you reversed yourself from the September Meeting in which you said you would not negotiate, you would not spend a penny, and in the November Meeting -- I believe it was the October Meeting, you said, "Well, we want this companion resolution -- my resolution -- not voted on at all, not tabled, not anything, just sent into the ethers." In fact, I'm still waiting for a legal opinion from Counsel, and I have to ask him about what happens when a Legislature doesn't act on a resolution on an agenda. I don't believe if dies, I believe remains on, even if they don't. But I will ask for that opinion.

Nevertheless, you said, "We want time so we can negotiate," after you said you would not negotiate, and "We want a deal." Could you give me a status of those negotiations, which I understand from several parties seem to be nonexistent, but maybe I'm not privy to all the discussions that are going on?

CHAIRMAN D'AMARO:

Mr. Zwirn, you've been asked a question, so you are now permitted to participate. Please go ahead.

MR. ZWIRN:

Thank you. The Town Supervisor in the Town Southold has met with members of the community. He asked them to get a petition together so that they can set up a special improvement district for the roads. They needed 25 signatures, because despite the fact that it was represented there were 138 families in this community, there are only 25 families that abut the roads that are in question. Those signatures were gathered by members of the community, and the Town Supervisor, as I understand it, has gone over what the cost will be for the people in that community.

He met with people in the community, and relayed to me that the Town Supervisor has represented that the Town will do the roads, they will do the roads in Orient, it will be a town project. I had suggested to the members the community of that perhaps we could ask the Town Supervisor to appear before this committee so that we get some more input, because in my conversations with other members of the Town Board -- and I will remind everybody who is not familiar with Town Government, I'm sure you all are -- the Town Supervisor may be the head of the Town Government --

LEG. ROMAINE:

First amongst equals.

MR. ZWIRN:

-- but he only has one vote. And members of the Town Board were not aware even from the beginning that the Town Supervisor had made a representation to try to bind the Town Board to put up 25% of anything with respect to doing these roads. And they asked me for copies of letter that you had supplied to the Legislature and to my -- to the County Exec's Office where that representation had been made. So there is apparently a lack of communication all over.

The town residents there have asked the County Executive's office to take a back seat for the time being until they can get a proposal from the town as to what is going to be done. Now, County Executive Levy has spoken with members of the communities and with members of the Town Board and the Town Supervisor and had softened his position, modified his position as to whether he would consider a contribution from the County in some regard, not to the roads themselves, because I think the County Attorney indicated at one of the General Meetings was that if we build these roads, we're going to be liable for any work that goes into these roads for the lifetime of the bonds. So there's a possibility that we could make a contribution. That has been relayed to the Town Supervisor, as I understand it.

We're waiting back now from the community and the Town Supervisor as to what their plans are. They were going through their budget process, members of the community have gone to the budget hearings and discussed this with the entire Town Board. The Town Board indicated, give them some time to go through their Capital Program to see how they can manage this. And that's where we stand. But I was prepared, through the Chair, through Legislator Romaine, to invite the Town Supervisor to the committee so we can get -- you know, get some discussions going, even here before the Legislature.

But members of that community who have testified before, Kim Agel -- I forget the other woman's name who I spoke with -- Miriam Bissu, have asked me just to sort of take -- say let's let us work this out. They've gotten petitions signed, the town seems to be moving forward. They said it was indicated to them at their homes by the Town Supervisor, who came out on a very rainy Saturday morning, that the town would take responsibility for this. That's my understanding.

So that's where we stand. I'm waiting to hear back from them before we proceed, but that was good news. So we were not pushing this bill. At some point, this hopefully will be resolved. But the word I got back from them, they were very hopeful. They're a little disappointed that the town has asked them to make a contribution to this -- to a special improvement district to pay a tax on these roads, but they did not get the requisite numbers of signatures together. I don't know if they've given them to the town yet, but they have gotten the signatures together. They need 25, I believe they said, and they had that.

LEG. ROMAINE:

And they've submitted that to the town or they haven't submitted that?

MR. ZWIRN:

I don't know if they have or not, but they indicated to me that they had numbers that were requested by the town. They have that.

LEG. ROMAINE:

I appreciate your on-record comments.

MR. ZWIRN:

Just one thing. They asked me for some information on Town Law as to what -- under what authority the town could set up these special improvement districts, and we relayed that information to them as well.

LEG. ROMAINE:

I appreciate that. I am meeting with the residents out there. Many of them were not aware that the County was involved in any negotiations. But again, that could be a communication problem. I hope to resolve any communication problems by doing a number of things for your benefit; one is to meet with the residents out there again and convey your words to them. Hopefully they are aware of it. If they're not aware of it, I'll refer them to you and you can inform them directly.

Two, I intend to meet not only with the Supervisor who, as you know, is a Minority Supervisor, he's a Republican, and the council people out there -- there's four Democrats on the board -- but I hope to meet with the Council people as well so that they are aware of this situation and ask their opinions on -- because you are right, Town Government requires the majority on this issue and how they would like to view it. And then I'll look at my Legislative options to assist these constituents and determine what the next course of action should be. Obviously, have a viewpoint on 72-H, but the Chairman has made a motion to table. And I'll end my comments at that. Thank you.

CHAIRMAN D'AMARO:

Motion to table is pending. All in favor? Opposed? Abstentions? And the motion carries. The resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2242, Adopting Local Law No. 2006, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County Contractors.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

2242, motion by Legislator Mystal to table, I'll second. On the motion.

LEG. ROMAINE:

On the motion, I'm obviously going to vote, because the Majority is going to vote to table it, but hopefully we can consider this bill versus the County Executive's, because I see he has submitted to bill, hopefully we can consider both bills and weigh their merits and debate them fully so that they

both can be considered together and we can choose and pick as we see sit based on our philosophical leanings. Thank you.

CHAIRMAN D'AMARO:

All in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2285, Adopting Local Law No. 2006, A Charter Law transferring certain selected functions of the Department of Human Resources, Personnel and Civil Service, Division of Human Resources, to the Department of Law.

CHAIRMAN D'AMARO:

Requires tabling due to public hearing. I'll offer a motion to table.

LEG. STERN:

Second.

MS. VIZZINI:

Excuse me, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes. Ms. Vizzini.

MS. VIZZINI:

This transfer would be inconsistent with 2007 adopted Operating Budget. The insurance and risk function was transferred to Audit and Control.

LEG. ROMAINE:

Motion to approve for the purposes of defeating.

CHAIRMAN D'AMARO:

Was there a second on the tabling motion?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

I mean, it requires a public hearing at this point.

MR. NOLAN:

Right.

CHAIRMAN D'AMARO:

All right. Motion to table has been seconded by Legislator Stern.

LEG. ROMAINE:

I'll withdraw my motion then.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. All in favor? Opposed? Abstentions? And the motion carries, but Ms. Vizzini, if I understand you correctly, you're saying this is inconsistent with what the 2007 Operating Budget --

MS. VIZZINI:

Correct.

CHAIRMAN D'AMARO:

And should run its course, so to speak. Okay. **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

M060. Memorializing resolution in support of the inclusion of a secure, transparent and economical voting system for New York State.

I'll offer a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2292, Authorizing certain technical correction to Adopted Resolution No. 352-2003.

I'll offer a motion to approve and place on the Consent Calender. Is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2293, Authorizing certain technical correction to Adopted Resolution No. 590-2006.

Same motion, same second, same vote without objection. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2294, Authorizing certain technical corrections to Adopted Resolution No. 743-2006.

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2295, Authorizing certain technical corrections to Adopted Resolution No. 916-2005.

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2296, Authorizing certain technical correction to Adopted Resolution No. 990-2005.

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2298, Adopting Local Law No. 2006, A Local Law to exempt certain positions from residency restriction.

It requires a public hearing. I'll offer motion to table subject to a public hearing.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED** for a public hearing (**VOTE:5-0-0-1 - Not present: Legis. Montano**).

2305, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Lindenhurst Fire Department)(SCTM No. 0103-003.00-03.00-007.000).

LE MYSTAL.

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve, I'll second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2308, Sale of County-ownwed real estate pursuant to Local Law 13-1976 Alwin James (SCTM No. 0100-151.00-01.00-045.000).

LE MYSTAL.

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Vice-Chair Mystal to approve, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2320, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carmen M. Leal, Ever Ortiz and Claudia Vaca (SCTM No. 0100-021.00-04.00-027.001).

LEG. MYSTAL:

Motion to approve and put on the Consent Calender.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Mystal, I'll second.

LEG. KENNEDY:

On the motion.

CHAIRMAN D'AMARO:

And to put on the Consent Calender. Legislator Kennedy.

LEG. KENNEDY:

As I seem to do sometimes get confused, this is not an as-of-right, this is an arm's length conveyance based on the bidding; is that correct?

MS. ZIELENSKI:

No. It's as-of-right.

LEG. KENNEDY:

Oh, it is as-of-right. Okay. Sorry.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2321, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas C. McNamee, as executor of the estate of Robert W. McNamee a/k/a Robert William McNamee (SCTM No. 0100-060.00-01.00-063.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2322, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act J.D. MacArthur Properties, Inc. (SCTM No. 0100-069.00-02.00-091.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2323, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Evelyn Flanagan, heir of John H. Flanagan, (deceased) being the sole heir at law of the estate of Augusta Caldwell (SCTM No. 0100-175.00-01.00-008.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2324, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Alfredo Campos and Ruth Campos (SCTM No. 0101-003.00-02.00-010.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2325, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Anton Peer and Carol Ann Peer, his wife (SCTM No. 0101-013.00-10.00-004.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2326, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Donald R. Stankalis and George A. Stankalis, as tenants in common (SCTM No. 0103-019.00-04.00-066.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2327, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Craig Larsen and Jennifer Larsen, his wife (SCTM No. 0200-035.00-02.00-028.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2328, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles Gregory Jones (SCTM No. 0200-852.00-03.00-030.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2329, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Walter J. Zombek, Jr. (SCTM No. 0200-980.70-07.00-049.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2330, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carmella Emanuele, Michael Emanuele and Richard Emanuele, as joint tenants with rights of survivorship (SCTM No. 0200-981.20-07.00-001.005).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2331, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Beralus Brunot and Mireille Brunot, his wife (SCTM No. 0500-140.00-03.00-019.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2332, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Rosa Solis, Inc. (SCTM No. 0500-382.00-09.00-003.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2333, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sun Bay Realty, LLC (SCTM No. 0900-220.00-01.00-098.007).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2334, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan M. Michelson (SCTM No. 1000-104.00-07.00-016.001).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2335, Authorizing certain technical correction to Adopted Resolution No. 1125-2006.

Everyone okay with same motion, same second, same vote? **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2349, Adopting Local Law No. 2006, A Local Law amending the Domestic Partner Registry Law.

Requires a public hearing. I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2350, Authorizing certain technical corrections to the 2006 Adopted Operating Budget for the contract agency Center Moriches Fire District.

LEG. ROMAINE:

Motion.

CHAIRMAN D'AMARO:

Motion is made by Legislator Romaine to approve.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. Just an explanation on the motion.

MS. VIZZINI:

It simply changes reference to this agency from department to district to conform with the other districts that are referenced as districts.

CHAIRMAN D'AMARO:

Thank you, Ms. Vizzini. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. Resolution is approved. As a technical correction, let's put that on the Consent Calender without objection. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2352, Authorizing certain technical corrections to the 2006 Adopted Operating Budget for the contracted agency Greater Middle Country Chamber of Commerce.

CHAIRMAN D'AMARO:

I'll offer a motion to approve, seconded by Legislator Mystal. Ms. Vizzini, same.

MS. VIZZINI:

This clarifies the legal name from Centereach Chamber to Greater Middle Country Chamber of Commerce.

CHAIRMAN D'AMARO:

Thank you. I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. Also on the Consent Calender as well. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2354, Sale of County-owned real estate pursuant to Local Law 13-1976 Bienvenida Javier (SCTM No. 0200-853.00-04.00-002.000).

CHAIRMAN D'AMARO:

That is a 13, 2354.

LEG. MYSTAL:

Ms. Zielenski, you wanted to say something about this particular property.

MS. ZIELENSKI:

In light of our further -- earlier discussion, I just wanted to know if any lot that combined with a neighboring lot fell under the area that we are trying to quantify. In this case, it's a 40 foot lot that's being sold to an adjoining owner who owns a 60 foot lot.

LEG. MYSTAL:

Unimproved.

MS. ZIELENSKI:

Unimproved. The property --

LEG. MYSTAL:

So in other words, they can combine the two and make a 100 foot lot.

MS. ZIELENSKI:

Yes, that's correct. So it would be in conformance with the 100 foot lot that's developed next door to it.

LEG. MYSTAL:

Then I will offer a motion to table so we can look at it.

LEG. KENNEDY:

I'll second that motion.

CHAIRMAN D'AMARO:

Okay. There's a motion to table, seconded by Legislator Kennedy. It's a 60 that's proposed to be transferred by the County and a 40 that it's going to?

MS. ZIELENSKI:

The other way around.

LEG. KENNEDY:

Vice a versa.

CHAIRMAN D'AMARO:

The other was around. He has the 60 and the County has the 40.

MS. ZIELENSKI:

And it was appraised for \$18,000. The bidder bid \$28,000. This is in the Mastic-Shirley area.

LEG. KENNEDY:

Mr. Chair, on the motion.

CHAIRMAN D'AMARO:

One moment. So it was appraised for 18 and the bid was, I'm sorry, how much?

MS. ZIELENSKI:

28,000.

CHAIRMAN D'AMARO:

The successful bid was 28,000. And do you know whether or not the two lots combined would result in a sufficient lot area for a buildable lot under the Town Code?

MS. ZIELENSKI:

The two lots combined are 100 by 100, and, yes, it conforms.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

I was going to say, Mr. Chair, I would not only obviously be in favor of the tabling motion, but I'd make the same request of Counsel, that we draft a planning steps reso on it. You know, again, I respect the work and the guidance and the advisement of the department, but nevertheless, I think it's important to empower them to go ahead and take the alternative perspective that we're seeking to go ahead and advance at least in these particular cases. So I'd make that request of Legislative Counsel as well as.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Kennedy. Ms. Zielenski, just one other thing here, one other question. If this resolution passed and was signed by the County Executive, you mentioned earlier it would be conveyed with a covenant prohibiting any type of development; is that true in this case as well?

MS. ZIELENSKI:

Well, not any type of development. But it prohibits --

CHAIRMAN D'AMARO:

Subdivision, further subdivision.

MS. ZIELENSKI:

It's the Second Resolved in the resolution, that it shall not be independently improved by erection of any structure.

CHAIRMAN D'AMARO:

Okay.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Obviously we're not prohibiting the creation of a buildable lot.

MS. ZIELENSKI:

No. We're just prohibiting it being perpetuated as a buildable lot as it stands -- the 40 foot lot as it stands.

CHAIRMAN D'AMARO:

Understood. Legislator Kennedy.

LEG. KENNEDY:

Yeah I think, Mr. Chair -- and as a matter of fact, again, I'm preaching to the choir in this case, because you know this process well, it's just a simple application for merger and retirement of the

existing tax map lots with issuance of a new tax map lot number, the newly created lot, which is a standard fairly ministerial act that apparently our CNRs do not bind.

MS. ZIELENSKI:

Well, it says there can no further subdivision of the merge parcel unless it's consistent with local town and village zoning codes, and it's --

CHAIRMAN D'AMARO:

Right, but, in fact, it anticipates the merger.

MS. ZIELENSKI:

And the standards of the Suffolk County Department of Health Services.

LEG. MYSTAL:

Ms. Zielenski, I don't know if you can answer this question. Would you have any idea what the combination of the merger of these two lots, what it would bring in an open market?

MS. ZIELENSKI:

No. It would just be --

LEG. MYSTAL:

A hundred by a hundred. And this is where? This is in the town of --

MS. ZIELENSKI:

Mastic.

LEG. MYSTAL:

This is Mastic. A 100 by a 100 lot, you know, you've been in this business for a long time, and you have been looking at appraisals for a long time, any ballpark figure what a 100 by 100 lot would bring?

MS. ZIELENSKI:

I think it certainly would be 100, 150.

LEG. MYSTAL:

A hundred, 150,000.

MS. ZIELENSKI:

Yeah.

LEG. MYSTAL:

I need to be in that business.

CHAIRMAN D'AMARO:

There's a motion pending to table this resolution, it has been seconded. I'll call the vote. All in favor? Opposed? Abstentions? The motion carries. The resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2361, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jacqueline A. Zetterholm a/k/a Jacqueline Bazata (SCTM No. 0200-056.00-06.00-029.000).

I'll offer a motion to approve and place on the Consent Calender.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2376, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Toussie (SCTM No. 0200-973.80-06.00-019.000).

LEG. MYSTAL:

Hello. Talk to me. Talk to me.

MS. ZIELENSKI:

It's an as-of-right redemption.

LEG. MYSTAL:

As-of-right redemption.

CHAIRMAN D'AMARO:

I'll offer a motion to approve the resolution and place on the Consent Calender. Is there a second?

LEG. MYSTAL:

I'll second it.

CHAIRMAN D'AMARO:

Seconded by --

LEG. KENNEDY:

On the motion.

LEG. MYSTAL:

I will leave that one on the regular calender.

CHAIRMAN D'AMARO:

Okay. That's fine. I'll modify my motion to approve only, and are you seconding?

LEG. MYSTAL:

I'm seconding.

CHAIRMAN D'AMARO:

Our Vice-Chairperson, Legislator Mystal has seconded that. Legislator Kennedy, on the motion.

LEG. KENNEDY:

On the motion, I'm going to Counsel to advise us just briefly. I don't want to go through all the painful process, but ordinarily when we speak of an as-of-right redemption, this means that the applicant is within what kind of time frame, and is there any daylight in this process?

MR. NOLAN:

Well, I'm going to -- I saw the County Attorney's approaching, I thought they might want to say something on this resolution.

MS. BIZZARRO:

I just wanted to advise the committee that our office looked very closely at this resolution. I believe the DA's Office was involved, had done it's own investigation, and nothing came out of that

investigation. And we're comfortable with the resolution going forward. Just to give you some level of comfort on it.

LEG. KENNEDY:

I'm certainly assured by the County Attorney's review of this, but nevertheless, I guess I'm going to ask you Counselor, knowledgeable of the Suffolk County Tax Act, is this something where clearly there's no -- this is ministerial only, merely by the fact that the owner applies, in within his absolutely rights to be able to go ahead and redeem?

MR. NOLAN:

Well, it is basically ministerial in nature. The statute lays out what the applicant has to do to redeem the property. That doesn't mean have to vote for it, because if it's before us, you have the discretion not to vote for it. But, as you know, the general practice is if somebody comes in here with a 16 and Real Estate has indicated that they -- the applicant has met the conditions required, we generally approve them.

LEG. KENNEDY:

Well, that usually is the case except when I'm named in a suit by the applicant, as is everybody else around this horseshoe in multiple proceedings. So I throw usual out the window with this one. Then I guess I would ask the Division of Real Estate, is this a vacant or improved parcel?

MS. ZIELENSKI:

It's improved.

LEG. KENNEDY:

It's an improved parcel. Is it owner-occupied?

MS. ZIELENSKI:

I don't know who the current occupant is.

LEG. KENNEDY:

Okay. Is there any requirement that when we're going through the redemption process, an as-of-right redemption, that in the case of an improved parcel, that it is a primary residence or that it be owner-occupied?

LEG. MYSTAL:

It doesn't make any difference.

LEG. KENNEDY:

It's immaterial?

LEG. MYSTAL:

It's immaterial.

MR. NOLAN:

Not when it's a 16, it doesn't make a difference, I believe.

LEG. KENNEDY:

I'm going to yield. I don't want to make a motion to table.

LEG. MYSTAL:

Through the Chair. Legislator Kennedy, I do understand your reluctance, but I do not want to set the precedent under Local Law 16 in singling somebody -- I would love to be able to, you know, but I don't know want to set that precedent whereby, you know, we will -- we are messing with our own policy on Local Law 16, as much as I would want to.

LEG. KENNEDY:

I'll yield.

LEG. MYSTAL:

I would like to do this one. Motion to approve.

CHAIRMAN D'AMARO:

Well, my only thought on that, just to pick up on Legislator Mystal, would be -- I'm not concerned about setting a precedent provided the precedent doesn't in any way negatively impact our position. And I guess I could ask Counsel that question or if the County Attorney is still here and had an opinion on that. Just to play devil's advocate, if the Legislature were deny this 16, does it open up a whole other area of inquiry or possible exposure to the County? And that would be my concern, not necessarily the precedent itself, but what is the impact or affect of the precedent.

MR. NOLAN:

On that question, I would defer to the County Attorney's Office since they're handling all the litigation with Toussie.

CHAIRMAN D'AMARO:

Ms. Bizzarro, would you care to address that? I don't know that you are prepared to do so, but if you have any thoughts on that.

MS. BIZZARRO:

Probably not, that I have many thoughts on it. I mean, obviously we're in litigation. And I'm very hesitant to speak on the record at all about whatever potential impact -- I believe your issue is what voting it down might do; is that correct?

CHAIRMAN D'AMARO:

Yes.

MS. BIZZARRO:

Yes. I don't know, but I can certainly look at it. But I'm hesitant to speak on the record about that.

LEG. KENNEDY:

Mr. Chair, in light of that, I think I'll make a motion to table. I'll make a motion to table until we have an opportunity to go ahead and hear from the County Attorney's Office as to some of the implication associated with this. That might be able to occur within two weeks.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

There's motion to table by Legislator Kennedy and seconded by Legislator Romaine. On the motion, Legislator Mystal.

LEG. MYSTAL:

Again, I do understand the somewhat -- I'm trying to find the right word since I'm on the record -- the reluctance, the reluctance to tackle this. My only concern is that this is a Local Law 16. And as a Local Law 16, we routinely approve them. Now, all of a sudden, now we are sitting and trying to find some way to get around it. And I don't think I want to support that. I don't think I want to support that kind of action.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Again, I seek to not establish any kind of new policy with the handling of Local Law 16s. I don't want to compromise what's a routine function for the committee nor for the Legislature. Nevertheless, I think the County Attorney's Office might have some additional information they can share with us. I don't think that a two week -- two week adjournment would work an undue hardship on any applicant. We've just considered some other matters here at great length that we've agreed to go ahead and table.

MR. ZWIRN:

Mr. Chairman, if I might. Since it's a County Executive-sponsored bill, because they all are with Local Law 16s, we have no objection to table it for one cycle so you have an opportunity to talk to the County Attorney just so you have a level of comfort, because the applicant is involved with lawsuits. I mean, it's certainly -- it's red flagged at this particular time. So I don't -- I don't thin we have any objection to it.

LEG. KENNEDY:

Well, I appreciate that, you know, as a representation of the County Executive's position.

MR. ZWIRN:

We still have time.

LEG. KENNEDY:

And I think information can only help, particularly when we have a matter that's a normal ministerial matter, but an applicant who again, has half a dozen suits against us as a body. That makes it unique in my opinion.

CHAIRMAN D'AMARO:

All right. Legislator Kennedy, as always, you're extremely persuasive in your arguments.

LEG. MYSTAL:

You have won us over.

CHAIRMAN D'AMARO:

But I did have that concern as well. You know, is there something more we need to know? You know, and if it's something that we're not prepared to discuss here today, then given -- especially in light of the fact that it's a short cycle, I will also support -- I'll withdraw my motion to approve. And there is the motion now to table, that has been seconded. I'll call the vote. All in favor? Opposed? Abstentions? And that motion carries. The resolution is **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

2381, Authorizing that Resolution No. 22-1998 be rescinded due to lack of payment of prior fee owner.

LEG. MYSTAL:

Explanation, please. Can somebody explain this one to me?

CHAIRMAN D'AMARO:

Okay.

MR. NOLAN:

This resolution -- there was a prior resolution where the County approved the Certificate of Abandonment of its interest in a piece of property. That was conditioned on payment by the prior owner, which the County has not received, and so this resolution seeks to repeal the prior resolution.

LEG. MYSTAL:

Do we get the property back?

MS. ZIELENSKI:

Yes.

MR. NOLAN:

That's essentially what it does, yes.

CHAIRMAN D'AMARO:

We've been waiting eight years. On the basis, I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2413, Adopting Local Law No. 2006, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest.

CHAIRMAN D'AMARO:

Requires a public hearing. On that basis, I'll make a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Mystal. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2416, Amending Resolution No. 612-2006, to provide further direction to the Suffolk County Attorney in regard to Public Service Commission Proceedings.

Before a motion, I would ask if we could have a brief explanation from Counsel.

MR. NOLAN:

Earlier this year, the Legislature approve a resolution authorizing the County Attorney's Office to intervene in the PSC proceedings that are considering the KeySpan-National Grid sale. In that resolution, the Legislature identified three areas that we wanted the County Attorney to advocate on. This would add a fourth, which -- that the County Attorney would advocate that ratepayers not be charged with the cost of remediating contamination caused by manufactured gas plants, which apparently will be an issue.

CHAIRMAN D'AMARO:

So really just expanding the scope of County Attorney's intervention in that lawsuit.

MR. NOLAN:

Right. We're authorizing the County Attorney to advocate this fourth ground.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

I guess I'm going to ask Counsel and/or County Attorney's Office --

CHAIRMAN D'AMARO:

Let's just get a motion on the record.

LEG. KENNEDY:

I'll make a motion to approve, and actually, I'll cosponsor.

CHAIRMAN D'AMARO:

Okay.

LEG. KENNEDY:

As I was cosponsor on the original resolution.

CHAIRMAN D'AMARO:

Okay. And that's seconded by Legislator Mystal. And on the motion, go ahead please.

LEG. KENNEDY:

Is this something designed to allow for review for Broadwater? A manufactured gas plant, what is this?

MR. NOLAN:

These manufactured gas plants go back a long time, 75, 80, 100 years. They're around -- there are a number of them on Long Island, old, but they've caused containment. They were LILCO plants, but then they became, you know, KeySpan. And now they would become National Grid's problem. And what we want to advocate is that they not try to pass on cost of remediating those -- - that contamination to ratepayers.

LEG. KENNEDY:

Makes sense.

CHAIRMAN D'AMARO:

All right. There is a motion to approve and a second. I'll call the vote. All in favor? Opposed? Abstentions? And please list me as cosponsor as well. **APPROVED (VOTE:5-0-0-1 - Not present: Legis. Montano).**

2436, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the Optical Disc Imaging System (CP 1751).

LEG. KENNEDY:

I'll make a motion.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to approve, seconded by Legislator Romaine.

LEG. KENNEDY:

On the motion, also, Mr. Chair.

CHAIRMAN D'AMARO:

Yes. On the motion, Legislator Kennedy, go ahead.

LEG. KENNEDY:

I would like to, through Mr. Zwirn, commend the County Executive, because this was an issues as a matter of fact that was raised recently as far as offset on another capital project, and has had been represented, we see the resolution before us. Thank you.

LEG. MYSTAL:

Through the Chair to BRO, what is the funding source for this resolution? Where is the money coming from? Where is the offset coming from?

MS. VIZZINI:

The offset is coming from the helicopter project.

LEG. MYSTAL:

The helicopter project.

MR. ZWIRN:

The second helicopter.

LEG. MYSTAL:

Oh, the second? Okay.

MR. ZWIRN:

This originally had been funded, but we took the funding as an offset for the security cameras at the jail, and then -- but with the promise that we would restore it.

CHAIRMAN D'AMARO:

Motion is pending to approve, it's been seconded. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. Resolution is **APPROVED (VOTE:5-0-0-1 - Not present: Legis. Montano)**.

There are no other items on the agenda. Motion by Legislator Romaine to adjourn, I'll second. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 12:11 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY