

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 16, 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
Jacqueline Caputi - County Attorney
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 11:06 A.M.*)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. I'm going to ask everyone to rise and join us in the Pledge of Allegiance led by Legislator Mystal.

SALUTATION

CHAIRMAN D'AMARO:

My apologies to those who are present for this committee meeting for the delay this morning, but it was unavoidable. It was caused by other hearings in the prior committee. So we will turn to our agenda first. And first, there's no correspondence. We'll go right to public comments. We do have one card this morning, individual wishing to address the committee. We'll go to that now, William A. {DiMaria}.

MR. {DIMARIA}:

Mr. Chairman, Members of the Committee, my name is William {DiMaria}. I have practiced as an attorney in Suffolk County for almost 25 years. It was during that time that I had the truly unique professional privilege to appear on numerous occasions before Supreme Court Justice Alan D. Oshrin. Those experiences prompted me to come before you this morning in support of Legislator Romaine's resolution, Number 2217, to name the new courthouse on Griffing Avenue in Riverhead in honor of Justice Oshrin who died in 2003 while serving as Administrative Judge of the Courts in Suffolk County.

I was not a personal friend of Judge Oshrin. We did not play golf together. We did not have dinner together after court. It was as a trial lawyer that I came to know Justice Oshrin as a fair-minded jurist with a passion for the law and a respect for the attorneys and for the litigants that appeared before him. I also came to respect him as a brilliant yet humble individual who did more -- and so did more than 100 of my colleagues who have signed a petition to support Mr. Romaine's resolution. And I would ask the Chairman, if I could hand that petition up to the committee for their consideration. Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Okay, sir, thank you. That resolution that the speaker referred to, of course, is before the committee today. It will be called in order on the agenda. But just as a point of information, it has been to be referred to a committee, a separate committee, in addition to this committee for review. There's a Naming Committee that the County maintains as well. So it would have to go through that process as well.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes. Legislator Romaine.

LEG. ROMAINE:

If I may ask a point of order.

CHAIRMAN D'AMARO:

Sure.

LEG. ROMAINE:

Who would refer it to that committee? How is that process established that once this resolution was introduced it was not automatically referred to that committee, which just meet recently earlier this week, I believe.

CHAIRMAN D'AMARO:

I would assume that the person sponsoring the designation or naming would refer it to the committee.

LEG. ROMAINE:

I believe we sent it over to the committee, and I haven't heard back from about their response. How would they communicate with us as to their action on it? Okay. I'm informed by our Legislative Assistant Linda Bay that the committee is not taking any action on anything for any reason because they haven't established their criteria. But then that delays this resolution until that committee decides what their criteria is.

I would strongly urge as the Chairman of this Committee to ask the Naming Committee to establish their criteria forthwith so this could be considered in a timely fashion, not that it's delayed for any unnecessary reason.

CHAIRMAN D'AMARO:

Consider me strongly urged.

LEG. ROMAINE:

Thank you.

CHAIRMAN D'AMARO:

Okay. All right. There are no other speakers who have filled out cards. Is there anyone here who would like to address the committee this morning before we proceed with our agenda? Okay. There's no indication of anyone else wishing to address the committee. We'll move on. What I'd like to do on our agenda, for committee members, if you look at the last two new resolutions are proposing to reappoint Commissioner of the Suffolk County Board of Elections, Anita S. Katz, and 2345, appointing Commissioner of the Suffolk County Board of Elections Cathy L. Richter Geier as well.

What I'd like to do is ask both of the nominees to come on up and have a seat at the table, and then I'm going to ask -- after any questions or statements, I'll ask the committee if we could take these two resolutions out of order on our agenda today. Commissioner Katz, good morning and welcome. And also to you, nominee Richter Geier, nice to see you here. Thank you for coming down today.

Both of you have resolutions pending before the Ways and Means Committee and then for referral to the full Legislature hopefully on Tuesday depending on what action this committee takes today to reappoint Commissioner Katz to her position, Suffolk County Board of Elections and to initially appoint the nominee, Cathy L. Richter Geier to the Suffolk County Board of Elections as well as the commissioner, the Republican appointee. So again, welcome to both of you. And would you -- Commissioner Katz, would you like to make any brief statement in support of your nomination.

COMMISSIONER KATZ:

Thank you very much, Legislator D'Amaro. I appreciate being called out of order. We're in the process of finishing our recanvas and trying to certify all our candidates, so we appreciate being moved to the front of the agenda.

I'll be glad to answer any questions. When I had spoken to you before the meeting, Legislator D'Amaro, just a quick update, because this is the HAVA Committee that we always come to, and a couple of Legislators had asked me the new date for getting a list of certified machines is not specifically, last week in February, first week in March now from the State Board of Elections. I say

nonspecifically, because they have not told us an actual new date. But we do know that they have met decided that accuracy and precision is more important than the timeline for them. So I'll more than happy to come back with Commissioner Geier at a later date and fill you in completely, but that's where we are as of this moment.

CHAIRMAN D'AMARO:

Okay. We appreciate that information. Ms. Richter Geier, would you like to address the committee in support of you nomination?

MS. RICHTER GEIER:

I'd just to thank the committee. And also, along with Anita, thank you for bringing ahead of the line. I've worked at the board for 30 years. I look forward to the challenges ahead. I feel I have a lot of knowledge and wisdom that I can bring to the board. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you. And we appreciate your statement as well. You know, not to belabor this process, but voting machines is very much on everyone's mind, as Commissioner Katz already brought up, because we all were wondering about that date. And I had heard the same information, that the state is now delaying, but for good reason, which machines will be actually certified by the state. We want to get it right the first time. I think it's important to do it right.

But voting machines are certainly at the floor at this point, at least in the public's mind. Just recently today in the New York Times, there was an editorial again pointing out some problems down on Florida with electronic voting machines. And the question I really have for both of you or whoever chooses to answer is this Ways and Means Committee has had public hearings, a special public hearing, just on the voting machine issue. The Commissioners were kind enough to attend that. We had the machines out here in our lobby. And even in the past election just a couple of weeks ago, there was intense media focus on voting machines and the process itself. And what I'd like to know is are the people being heard from your perspective as a Commission of the Board of Elections. Is it filtering through to the people that are actually making the decisions and have to implement those decisions, and what impact is it having on you?

COMMISSIONER KATZ:

It absolutely is, Legislator D'Amaro. I hear from certainly the members of the League of Women Voters three or four times a week. I am almost an honorary member of the Huntington Chapter now, you will be happy to know. Believe me, people are not shy. We get mail. Some of it, I will be honest with you, is form letters where people just sign the bottom of their name, but very often long impassioned letters where people have genuine concerns about does my vote count and will it be counted when these new machines come in. So believe me, it is something we take very, very seriously. And it will have a huge impact on our final decision.

CHAIRMAN D'AMARO:

Well, that's reassuring to hear, and I expect there to be impact, especially the voices are so uniform and loud now in the process. There are so many people who talk about the problems with the new technology. I personally believe that we have to move forward, not backwards. And part of that thinking -- or part of that statement, I guess, refers to there's a lawsuit pending now in Suffolk County on the lever machines. That was commenced, I believe, at the behest of the County Executive.

And the other question I had for you this morning is how viable are the lever machines in your opinion. Are they a viable alternative to moving forward maybe? Can we still using them while we're slowing down the process going into the electronic voting, or is it just not a viable option in your opinion?

COMMISSIONER KATZ:

I think there's two parts to the question; there's whether or not the machines physically work, and, yes, they do. We've just had an election. Yes, they work. I know there's a myth out there about that you can't get parts for the old machines. But frankly, they break, we buy parts, it doesn't seem to be an issue for us. That's separate from the County Executive's lawsuit. By the way, he did not sue the Suffolk County Board of Elections, he strictly sued the state. So we're not a party in it. We don't have a position on the County Executive's lawsuit.

But our job as Commissioners is to follow what the State Board of Elections interprets the law to be. It's our understanding that they have interpreted it to say that in 2007 we cannot use lever machines. That's what the State Law says. If that changes, even if the state changes it and moves it to 2008, obviously, that's the rule that we follow. So I think there's the issue of do the machines work? Yes. Does the State Law say we cannot use them. At this time, that's our understanding.

CHAIRMAN D'AMARO:

All right. Thank you for being so responsive. Is there any other committee member who would like to ask any question? Legislator Kennedy?

LEG. KENNEDY:

Yes. As a matter of fact, I'd like to, I guess, go in two areas, if I can. And the first question I pose to both Commissioner Katz and Commissioner-Elect Geier as to voting machine issues, I think the Chair hits the nail right on the head, we would have to be living in gofer holes not to be cognizant of the that there's a tremendous amount of controversy with this.

Rolling Stone just had an article by Robert Kennedy, Junior, read it yesterday, about the concern and the perception that some of the manufacturers, Diebold who was prominently named, commissioned personnel to go out and install patches, and I believe this was in Georgia, where the Secretary of State, I guess, was the agent who had ultimate authority over elections and more or less deferred all authority to this private entrepreneur to go ahead and to deploy the machines, supervise the counts, to tally, to audit.

It was amazing to see the divestiture, I guess, of public responsibility into the hands of a private entity. Having seen that in other states and cognizant of what our State Board of Elections is continuing to go ahead and embrace, how comfortable are you that when we even get a list that what we'll have is something that's not going to subject to this -- you know, the speculation or the manipulation?

COMMISSIONER KATZ:

I'll speak only for Suffolk, because for the obvious reasons, that's where I'm Commissioner, but also because Suffolk, Nassau and -- there are only two or three counties -- and Monroe have centralized Boards of Elections. Everything else in New York State, the Elections Commissioner is a part time job, sometimes there's a secretary, sometimes there's a deputy, and the towns runs the elections like a village. So I think we're in a unique position. So I think New York has a lot of issues that we are fortunate do not apply to Suffolk.

Certainly in Suffolk, we have our own computer technology. We do not intend, regardless of what machine we do choose, to allow programming to be done by the company who makes the machines. Oversight, testing -- we have many, many employees. Most of the state has two or three technicians, and that's it. They keep their voting machines in the school cafeteria sometimes. Certainly we have an infrastructure that allows us to not give our authority to anyone else. And regardless of what we choose, that is absolutely the way it would be done.

As I said earlier, we heard from the voters all the time, not even organizations, individual voters. I didn't read Rolling Stone, but people send me articles every day, every week, on my e-mail, in the mail. I am very aware of the problems that other states have had. One of the positions that New York State is taking is the fact that they would rather go slow and perhaps even jeopardize their

legal or financial position on HAVA money to make sure they got it right. And believe me, nobody is more frustrated than us. But they are taking their time to make sure that that certified list, and it is not going to be a large list, because from what I hear, a lot of people cannot make the cut. So it will be a list that I would feel comfortable choosing of, and then I think we have to take into account the feelings of the voters as to where to go as well as the Legislature.

LEG. KENNEDY:

Now, if I can just go along this line little bit more. And I don't want to monopolize, but I think it's important certainly for me to understand, you say that something that you would be comfortable in choosing. This is a choice that both of you will make as Commissioners ultimately as to what kind of machinery is selected?

COMMISSIONER KATZ:

The state set it up so that each -- local counties, two commissioners would have to decide. If there is a disagreement between two commissioners, what if they don't want the same machine, originally people thought it was the Attorney General who would break the tie, now it seems to be the consensus that the State Board of Elections would actually choose for a county who cannot find agreement, but I'm sure that considering all the input, both Commissioners in Suffolk can come to a conclusion.

LEG. KENNEDY:

I appreciate that. Now, of course, I'm going to shift the questioning to Commissioner-Elect Geier. What are your thoughts here and what can you tell me?

MS. GEIER:

I really can't tell you a lot more than what Anita has already said. Since I have not been the commissioner, I have not been involved in a lot of the meetings, etcetera, that have been going on. So I can't really go beyond what Anita has already stated.

LEG. KENNEDY:

But to what extent do you have -- you must have been briefed to a certain extent as far as the various manufacturers, you're cognizant, I guess, at least of the difference between the touch screen, I guess it is, and the optical scan --

LEG. MYSTAL:

DREs.

LEG. KENNEDY:

DREs

MS. GEIER:

DRE, yes.

COMMISSIONER KATZ:

In Suffolk -- just if I could add, Cathy -- we have deliberately not had manufacturers down until the certified list comes out. Obviously, we get a million phone calls. Even when the Legislature had all of those manufacturers, many of those people are not being to be on the certified list at all. We have had really steered away from having any manufacturer down to try to influence us in any way, if frankly, they're not going to make the cut in the end.

LEG. KENNEDY:

Which, I think is prudent, as a matter of fact. And again, I'll commend the Chair for hosting the public hearing that he had earlier in the year. I think it was an opportunity to have presentation from a variety of the business entities in a nonpartisan environment, I guess, without particular advocacy. It was pure information, and it was -- it was beneficial.

All right. Commissioner-Elect Geier then, let me shift and ask about some of the other things. It's ironic that, in fact, this is, I think, one of the only times I could remember where I'm actually asking somebody about a question that goes to the partisan side of things. Tell me a little bit about some of your experience, particularly when it comes to petitions and things along those lines. I presume you know them. We've talked on occasion. As a matter of fact, you recall, I guess, my first time out of the shoot. It involved a challenge and some other items.

MS. GEIER:

Yes. That is correct. I've been working, like I said, with the board for 30 years working through the petition process, accepting petitions, entering petitions into a data base, working with people that are reviewing petitions. It's a very long and tedious process. You must keep in touch with everybody within the board so that everybody knows what's goes on with petitions and objections and specifications. We have a bipartisan team that works together on the petition process accepting and going on through these objection and specification of objections.

LEG. KENNEDY:

Assure me, if you will -- and 30 years in any outfit in government is certainly -- you know, you learn, you absolutely learn. You know, it's baptism in fire. So I know that, you know, you've been in the trenches and you must know. But it's a fair characterization to say that you're pretty comfortable with Election Law, you know Election Law, you know Election Law independently, and there may be an occasion where you and Commissioner Katz disagree, but you're comfortable with your knowledge of it?

MS. GEIER:

Absolutely. Yes.

LEG. KENNEDY:

I hope so. My wellbeing is in your hands, I guess. Thank you. All right. I'll yield to the Chair.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN D'AMARO:

All right. Thank you. Yes. Legislator Romaine, please go ahead.

LEG. ROMAINE:

It's just is quick question for either of the Commissioners. Will the County Executive's lawsuit impact the Board of Elections' ability to comply with HAVA and State Law in terms of -- in a timely fashion in terms of whether we're going to convert to new machinery or not? Obviously that lawsuit has no impact on you, because the lawsuit hasn't been resolved, it probably will still be going on, but does it in any way impact BOE's ability to comply with HAVA or the State Law?

COMMISSIONER KATZ:

In a word, Legislator Romaine, no.

LEG. ROMAINE:

No.

COMMISSIONER KATZ:

It's my understanding it will be heard on December 8th. And as I said, they're talking about February and March to even get a list out, so.

LEG. ROMAINE:

And so his case is a due to be heard if it's not postponed on December 8th, and then there will probably be an appeals process, etcetera, etcetera. That's what I'm concerned about. But so far his lawsuit has had zero impact on the Board of Election's ability to comply with HAVA and State Law?

COMMISSIONER KATZ:

Because he has sued the State Board of Elections --

LEG. ROMAINE:

Right.

COMMISSIONER KATZ:

-- we take our input from the State Board. If the Legislature changes the law, either do it on the County Executive's lawsuit or on their own motion, then obviously we would act accordingly.

LEG. ROMAINE:

But to date, that lawsuit has had no impact.

COMMISSIONER KATZ:

Correct.

LEG. ROMAINE:

Thank you.

CHAIRMAN D'AMARO:

Okay. Just to follow up on that, however. Is the goal of that lawsuit -- and I understand it was directed at the state and not at the County -- but is the goal of that lawsuit to ultimately have determined that under HAVA that the County if it chose could remain with the lever machines?

COMMISSIONER KATZ:

Not under HAVA, Legislator D'Amaro. But the New York State Law that I referenced earlier that refers to the fact that in 2007, we have to get rid of the lever machines, there are two legal interpretations of that law as there always is; one is the State Board's, one is from the County Attorney's Office. They are interpreting a clause in the second part of the sentence that says it would not apply, that you could use a lever machine and a HAVA compliant machine in each Election District.

CHAIRMAN D'AMARO:

Right.

COMMISSIONER KATZ:

There always has to be one HAVA compliant machine, which means a severely handicapped person could vote independently.

CHAIRMAN D'AMARO:

So that lawsuit is unresolved, so obviously, it would not have any impact yet, but there is a potential if the process got delayed, if the County were to prevail in that lawsuit, that we could remain with the lever machines while working out going forward with the new technology.

COMMISSIONER KATZ:

If the County wins their lawsuit, that eventually would be the outcome, I assume.

LEG. ROMAINE:

As a follow-up, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, please.

LEG. ROMAINE:

If the County prevails -- if the County Executive -- let me be more clear about that -- prevails in his lawsuit, would we still not have to comply with HAVA in the fact that there should be in each Election District not only a lever machine, but a HAVA compliant machine?

COMMISSIONER KATZ:

I certainly wouldn't speak for the County Executive, but it's my understanding that the goal of the lawsuit is that every Election District when a voter goes into vote, they would see what we're calling the old lever machines --

LEG. ROMAINE:

Right.

COMMISSIONER KATZ:

And in the polling place --

LEG. ROMAINE:

Right.

COMMISSIONER KATZ:

-- there would one HAVA compliant machine, which would have to be electronic in one way, one per polling place.

LEG. ROMAINE:

So no matter who prevails, and I just want to understand this. No matter who prevails in that lawsuit, the County will have to buy new electronic HAVA compliant machines.

COMMISSIONER KATZ:

Yes. But obviously, a great deal less. And were he to prevail, the bulk of the voting public would be voting on lever machines.

LEG. ROMAINE:

Right. I understand that. Thank you very much.

COMMISSIONER KATZ:

You're welcome.

CHAIRMAN D'AMARO:

Thank you.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

I just have one other area where I need to follow up on this. The driver with this in many respects had been the federal funding, I guess, that is going to be made available for ultimate purchase of those machines.

Now, my recollection is that there was a Justice Department order that was issued that mandated, I guess, the state take some action. And there was also some language in there about the funding

that had been made available from the federal to the state level with a portion earmarked for the County. Have we received money? Do we have to give money back? Is any of that money in jeopardy? And where does that play in on the suit?

COMMISSIONER KATZ:

The Justice Department's consent decree affected this year's election, it's what we call the Plan B machines. If you went to, let's say, your local town hall, there would be a handicapped accessible machine. Suffolk had one in each town. That's what was covered by the consent decree for this year, because we were supposed to be completely HAVA compliant, and obviously New York is not. So then the judge said we could have one in each polling place and one at the Board of Elections, and that's what we did for this year for handicapped voters.

Going forward, we are supposed to, in 2007, be completely HAVA compliant in every Legislation District. The funding goes directly to New York State, it does not ever come to Suffolk. We draw down from the state money when we buy machines. I think there is some debate as to whether or not New York would jeopardize its own funding from HAVA, not based on the lawsuit, but based on the fact that now we're talking February and March and perhaps even later.

I don't think anyone is sure. I think the fact -- if I could have a partisan note just for a moment, Legislator Kennedy, we do have Senator Schumer and Senator Clinton, and perhaps they will be able to save the HAVA money for New York State. Since other states rushed and ran into difficulties, our position is we're taking our time so we don't run into difficulties. I think we're hopeful that we'll be able to hold on to the funding. Frankly, I don't think anyone really knows.

LEG. KENNEDY:

Okay. I guess it's just a matter that going to continue to be something that we here have to try and, you know, rely on you to come to us with and to advise us and, you know, it's -- I'm trying to --

COMMISSIONER KATZ:

I understand your frustration. I think we -- all of us who work at the board feel the same way. It's not something we can act on ourselves, we get to from the State Board. And we wait. And we come to every committee, and you ask us questions, and we try to answer. And then we say, "We'll get back to next time."

LEG. KENNEDY:

One other thing comes to mind. And again, from my prior life in the County Clerk's Office, I'm very familiar with the duality as far as a roll for a County elected official or an appointed official as an agent of the state or State Officer and as a County Officer. Tell me again, if you will, just so that I fully understand, you are Commissioners of the Suffolk County Board of Elections, you operate under the authority of the State Office of Elections?

COMMISSIONER KATZ:

Yes. We're a hybrid agency in a lot of ways. Obviously you vote on our appointments, we go by all the payroll rules, all the employees of the Board, they get the health insurance, the County holidays. We are a County agency, but we work directly for the Board of Elections as well and largely -- - for the State Board, excuse me.

LEG. KENNEDY:

Right. You have a state aspect to your --

COMMISSIONER KATZ:

Which is very -- a huge portion of it.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN D'AMARO:

And, of course, it's the State Election Law that governs your substantive workings day to day --

COMMISSIONER KATZ:

Yes.

CHAIRMAN D'AMARO:

-- not your administrative workings. I had a quick question for Ms. Geier -- - Richter Geier, I apologize.

CHAIRMAN D'AMARO:

You know, the important think, I guess -- not I guess, but I know, for the Board of Elections is to make sure that every vote is counted, make sure that there are no undue impediments to people casting their vote and make sure that the law is followed in every instance.

And I'd just like to know how you feel your background fits into that mandate and how going forward on a day-to-day basis what you foresee some of the things that you may do or continuing some of the policies that you know of now to help meet that very important mandate to make sure people's votes are always counted and that when decisions are being made, we're always cautious not to disenfranchise anyone on Election Day. If you could tell me a little bit more about your background and how you would approach that.

MS. GEIER:

I have worked in all of the departments at the Board. And I think one of the most important parts of it is getting people to register to vote. And then, secondly, making sure that they get out and they cast their vote on Election Day. There are programs that we have instituted in the past; voter information programs, that go out to different organizations throughout the County that teach people about voting, teach the young people about voting so that they're not intimidated when they go out to vote.

I think these programs are very important. They may be expanded upon to reach out to more people. We also have a Voter Registration Program where there are voter registration forms throughout the County that are available so that it makes it easier for people to register. The Motor Voter makes it easier for people to register to vote. All of that is, I think, very important. And I think we need to expand on some of those -- those items.

CHAIRMAN D'AMARO:

Okay. Very good. And you are committed to looking at those programs and perhaps expanding on those programs?

MS. RICHTER GEIER:

Yes.

CHAIRMAN D'AMARO:

That's going to be your mandate or part of your mandate as one of the Commissioners of this important board?

MS. RICHTER GEIER:

Yes.

CHAIRMAN D'AMARO:

Okay. I appreciate that response. Any other questions?

LEG. KENNEDY:

I have just a nuts and bolts, and then I'll yield to the chair. And I'll pose it to Cathy. Tell me a little bit about the role and the purging aspect of it, if you will, where we have individuals, I guess, who have moved out or voters that have passed away. Is there some process that the Board goes through that is a regular routine process when it comes to certifying the rolls for each legislation that will integrate where we have an individual -- I realize that there's got to be a cut off in the year, but is there some notification that you get? How do we deal with that?

MS. RICHTER GEIER:

We get notification from different departments throughout the County and the state telling us if people have passed away. If they have moved, the Post Office will return mail to us. We send out postcards every year, and they will come to us if undeliverable; if people have moved they'll -- you know, it will be noted on the card. That's how we purge. We also, if someone hasn't voted in a long period of time, they will be purged. That's how we keep the rolls up to date. And they are constantly updating the system, and we are current. In other words, there's no backlog and everything is pretty much, you know, up-to-date as we speak. And that's how we continue to keep the rolls.

LEG. KENNEDY:

Do you have any -- I guess the other thing that comes to mind is do you have any kind of routine connection with the Town Clerks or with the ME or anything like that? I don't appear to be morbid, but there's a reason for -- I know that there were absentee ballots generated --

P.O. LINDSAY:

We don't want dead people voting.

LEG. KENNEDY:

That's really what it gets down to. I mean, you know.

MS. GEIER:

We do get notification from the state. I'm not quite sure what the --

COMMISSIONER KATZ:

The Health Department.

MS. RICHTER GEIER:

The Health Department.

LEG. KENNEDY:

State Health Department. So they send out a roll where they have lists of, you know, death certificates and things like that?

MS. GEIER:

Yes.

LEG. KENNEDY:

Okay.

MS. RICHTER GEIER:

We also receive notices from family members, etcetera, that also tell us, you know, someone has passed away and that we can remove them from the rolls.

LEG. KENNEDY:

Okay. I appreciate it. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Thank you. Please note for the record that our Presiding Officer has joined us. Legislator Lindsay, welcome. And if you'd like to pose a question or make a statement, please go ahead.

P.O. LINDSAY:

First of all, I'm very pleased to hear these two ladies agree that we don't want dead people voting. That's a good start. And I'm sorry that I joined you late. It's good to see you again, Anita. And, ms. Geier, I congratulate you on your proposed appointment.

MS. GEIER:

Thank you.

P.O. LINDSAY:

And I'm impressed with you 30 years of experience at the Board. You certainly should know the operations of the Board, although I question timing to become a Commissioner just when all this HAVA stuff is breaking --

MS. GEIER:

I look forward to the challenge.

P.O. LINDSAY:

Well, you got one. But, you know, good luck to you.

MS. RICHTER GEIER:

Thank you.

P.O. LINDSAY:

You're welcome.

CHAIRMAN D'AMARO:

Thank you, Mr. Presiding Officer. Are there any other questions? Legislator Romaine.

LEG. ROMAINE:

One last question. I received an e-mail a few days ago from a constituent of mine that was shocked by her experience in voting this year, because it seemed as if no one was asked for any form of identification before voting. And I can forward you the e-mail that I received. And, in fact, I wrote the lady -- I actually printed it off my e-mail and wrote here back that I agree that there should be some form of ID; license; whatever. And many of the people that were voting apparently in her Election District were not asked to produce any form of ID.

These people may or may not have been known to the Board employees of that day that were recording the vote. And there was a concern on her behalf that there be some form of identification that would be mandatory, some type of pictorial form of identification like a drivers license or some other form of identification that would have to be presented before someone votes. I mean, that type of identification is required to buy an airline ticket today or to do a number of other things. And they were concerned that that did not seem to be a high priority on Election Day. And she e-mailed that. And, you know, as I thought about it, I said, you know what, that's extremely important right, and maybe there should be some type of pictorial identification that should be provided. So I'd just like to hear your thoughts on that.

COMMISSIONER KATZ:

I do often get e-mails and letters like that as well. It is not legal for a poll inspector to request ID. There was a small window with new registrants under HAVA where they had to show ID at the Board of Elections, mail of us a copy of their license. When someone comes in to vote, they sign the poll

roster book, the poll inspector is supposed to look and see that the signature matches the signature that is there when they registered.

That notwithstanding, I believe it is -- it may even be a violation of the Voting Rights Act to ask people for identification. I understand the underlying, and certainly not from you, but from the letters and the people that I've spoken to, the underlying question there of people who may not be citizens who are voting. But our job is to always presume regularity, that when someone comes into vote, if they sign the book and their signatures are within reason, because people's signature's change, people age, etcetera, we allow people to vote. If there's a question, obviously they vote on paper, and it gets looked up at a later time, but we do not nor would we ever allow a poll inspector to ask for ID at a polling place.

LEG. ROMAINE:

Thank you.

MS. GEIER:

There is also a challenge -- the opportunity for a voter to be challenged also.

LEG. ROMAINE:

One other technical question. If someone changes their place of domicile, but still lives in the same Election District and presents himself to vote, are they, in fact, eligible to vote simply because they've moved to another location?

COMMISSIONER KATZ:

Yes. But because -- if they aren't in the book at that address, they would vote on an affidavit ballot if there was a challenge.

LEG. ROMAINE:

Okay. And the reason I ask that is obviously it would apply to any sophomore, junior or senior that have chosen to register to vote at their college within Suffolk County, because they registered as a freshman most likely, and the next year, they're obviously in a different dorm room. And if their dorm room is going to be a docile, then a change of dorm room is a change of domicile.

COMMISSIONER KATZ:

For instance, Stony Brook University is one Election District. So if they move from dorm to dorm, they're still in the same ED.

LEG. ROMAINE:

That's right. That's why I raise that question.

COMMISSIONER KATZ:

And they still have the same voting pattern. So it's usually not an issue, because they are still registered in whatever ED number that is, and they would have the same voting ability.

LEG. ROMAINE:

All right. Thank you.

CHAIRMAN D'AMARO:

Well, I went to Stony Brook. When I went I from dorm room to the other, I didn't think I changed my domicile.

LEG. ROMAINE:

I know but, technically actually you did.

COMMISSIONER KATZ:

You changed your mailing address, that's the difference --

CHAIRMAN D'AMARO:

My mailing address, maybe.

COMMISSIONER KATZ:

-- so you wouldn't get the green card.

CHAIRMAN D'AMARO:

If I stayed in the same -- well, never mind.

COMMISSIONER KATZ:

I know. It's always a controversy.

CHAIRMAN D'AMARO:

All right. Legislator Mystal.

LEG. MYSTAL:

I was trying to get to vote so -- you know, we've beat this dead horse three times already. But I can't let Legislator Romaine's comment -- you know, your constituent who called you about voter ID. As a child of the '60s, and I went to school in this country, you know, in the '60s and participated in the Civil Rights Act and went down South and married. My first wife was a woman from Mississippi who was from the same county as a woman Fannie Lou Hamer, which you might have a little knowledge of.

And, you know, I find it -- it is something to me surprising that somehow people would not know what has happened in this country and why we are so adamantly opposed to the idea of asking people for ID at the voting booth -- at the voting poll, because it has been used over the years, over and over again to stop people from voting, not to encourage voting, but to stop them from voting, especially Black people, African-Americans in the South. And now here we are in the Northern most liberal state in this Union, and this question is coming up.

This is something right now they are to do again in the south. There's a move again in concern states to reestablish the voter ID, to reestablish some kind of a literacy program, to establish some kind of a -- anything they can do to thwart people from voting. And it's very political, and in my view, very racist, because it only applies to a concern group of people. I don't think we've had any kind of voter fraud in this County, because I have participated, as Commission Katz could tell you, in many recountings in the Board of Elections.

And I have to give kudos to the people who work there, they are very professional, and they do not take -- even though we have two-tier or two-stage thing where one is Democratic, one is Republican, that when it comes to the voting, they are professionals, they have no stake as to wins, except the way the voters voted.

And we have had -- not had any kind of problems in terms of people going and voting under another name or it's not them. We're trying to get them to vote. If you remember, you know, we've got like 30%, 35% of the people who vote on a regular election. You know, I always use the rule of 100. If this whole country was represented by 100 people, half of them are not registered. That leaves us with 50. Of the 50 that are registered, half of them don't vote. And that leaves us with 25. And the 25 that do vote, half of them vote for the other guy. So we have about 13% of the country -- people in this country making decisions for the rest of the country.

And I tell you what. I would love to see -- you know, because I went to South Africa to participate in the first election of Nelson Mandella. And let me tell you. People were voting for three days in

the sun at 100 degrees with a line that stretched from Johannesburg to the hills, and they're still there. I wish we had that kind of a thing in this country. And they didn't have any requirement for photo ID either. They didn't have -- they put an ink -- it's a little ink they put on their finger, that was it. So I am adamantly opposed to any idea that somehow we're going to bring photo ID and anything to this County.

LEG. ROMAINE:

I'm not suggesting that, I'm just --

LEG. MYSTAL:

I know, but I know your constituent is finding it odd that nobody asked for it. But somehow -- you know, if you want -- I write a letter saying, you know, this is the reason why.

CHAIRMAN D'AMARO:

Okay. Any other questions?

P.O. LINDSAY:

It's nice to see you wake up.

CHAIRMAN D'AMARO:

All right. If there are no other questions, two things I'd like to do now. First, I would like -- well, three things. First, just for a point -- for the committee members, there will be an Executive Session immediately following our regular agenda.

LEG. MYSTAL:

Is that why the lawyers are here?

CHAIRMAN D'AMARO:

Two things I'd like to do, first, I'd like to thank Commissioner Katz and Ms. Geier for appearing and being so forthright in offering your statements as well as answering our questions. We really do appreciate that. And the second thing I'd like to do is offer a motion to take both of these appointments out of order on our agenda. The first is Resolution Number 2344. I'll offer a motion to take it out of order on our agenda this morning.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

2344, Reappointing Commissioner of the Suffolk County Board of Elections (Anita S. Katz).

That's seconded by Legislator Stern. All in favor? Opposed? Abstentions. That resolution is now pending before the committee, and I will offer a motion to approve Resolution Number 2344.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. I'll call the vote.

LEG. ROMAINE:

Point of order.

CHAIRMAN D'AMARO:

Point of order, Legislator Romaine.

LEG. ROMAINE:

Is this a vote that the Republican members of this committee are eligible to vote on?

LEG. MYSTAL:

Yes.

LEG. ROMAINE:

Because it was my understanding that State Law provides that each caucus will vote for their respective -- but that may be incorrect, and I just wanted to clarify that before I cast my vote.

MR. NOLAN:

All members of the committee are eligible to vote.

LEG. ROMAINE:

Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Nolan. I'll call the vote, which is pending to approve 2344. All in favor? Opposed? Abstentions? The motion carries. The resolution is **APPROVED (VOTE:6-0-0-0)**.

Next I will offer a motion, 2345, to take that resolution out of order. 2345, Appointing Commissioner of the Suffolk County Board of Elections (Cathy L. Richter Geier).

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. 2345 **2345, Appointing Commissioner of the Suffolk County Board of Elections (Cathy L. Richter Geier)** is now pending before the committee.

I will offer a motion to approve that resolution.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries and the resolution is passed. **APPROVED (VOTE:6-0-0-0)**.

Congratulations to both of you. And that will now become before the full Legislature on Tuesday.

COMMISSIONER KATZ:

Thank you, all.

CHAIRMAN D'AMARO:

All right. Going back to agenda. Next on the agenda is Tabled Resolutions. Let's start with the first.

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.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion to table by Vice-Chair Mystal. This is still in public hearing, I believe. Seconded by Legislator Montano. All those in favor? Opposed? Abstention? Motion carries. The resolution is **TABLED (VOTE:6-0-0-0)**.

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

LEG. MYSTAL:

Motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to table, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED (VOTE:6-0-0-0)**.

1797, Authorizing the sale of Brownfield property tax liens at public auction.

I will offer a motion to approve, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Second by Vice-Chair Mystal. Anyone on the motion?

LEG. KENNEDY:

On the motion?

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

It's my recollection that we have heard from the County Executive's Office, I guess, about attempts to go ahead and make some changes. And I had asked about some clarifications. I know we have an amended copy that went back on this, but I don't think that it's addressed all of the items that we've raised -- or that I've raised. So I'll continue to have questions about it.

CHAIRMAN D'AMARO:

Okay. Thank you. Legislator Kennedy.

LEG. MONTANO:

Just a quick statement. I had posed some questions at the last meeting for the County Attorney with respect to two properties, but I'm going to ask, Lynne, is we can do that after so as not to tie up committee in terms of the agenda, because we got a late start. Would that be all right?

MS. BIZZARRO:

Fine.

LEG. MONTANO:

Okay. Is that all right with the Chair? You know what? Would it -- rather than delay it today, what I had asked for, is that going to take a long time in terms of the status of the brownfields and the Mackenzie and Liberty Plating?

MS. BIZZARRO:

No.

LEG. MONTANO:

Why don't you come up then.

CHAIRMAN D'AMARO:

Ms. Bizzarro, come on up.

MS. BIZZARRO:

Good morning -- rather afternoon. Chairman D'Amaro, thank you. Yes, and I apologize for the delay. I wanted to get back to you quicker on that, but it's taken some time. We had to reach out to some of the department.

Basically, in a nutshell, the Mackenzie property, the EPA has begun cleaning up that property. Therefore, it's considered to be basically an active clean-up site, and there's really nothing we can do right now. We've reached out to EPA, we've expressed our interest in purchasing the property or taking the property, and they know that. So they are working right now on, you know, doing what they have to do.

So there's really nothing to do right now with respect to that property. We haven't done, you know, the preliminary site investigation. Ultimately, we will do that, you know, if this is going to move forward. And we haven't determined whether the clean up is suitable for any use, because the clean up isn't finished. So, you know, we've reached out to Health Department, we reached out to all the departments, but everyone is sort of waiting for this to be done. We don't know how long it will take.

LEG. MONTANO:

Well, that's the question. Is there indication on how long it's going to for the clean up to be done, and is there any way to stay active on it so that we -- we ensure that's done as quickly as possible?

MS. BIZZARRO:

Absolutely. We call periodically and we let them know we're still interested, how are you doing. I don't have a window for, like, I don't know if it's going to be six months, a year or whatever. But we continue to call the office and, you know, keep them up and let them know that we're still interested. So we will continue to do that and we'll keep you in the loop as well on that.

LEG. MONTANO:

Maybe we can later separately on that and discuss exactly whether it's an active clean-up, whether or not it's -- you know, what they are doing specifically and get a time frame, because the Town of Islip has indicated the own adjacent property. And I met with Commissioner Murphy, he provided a letter to us last week indicating that the town has specific plans for the adjacent site, and they would like to include this site in a more comprehensive development with some affordable housing and some other components. So it's not something that really is -- it's something that's fairly active as far as the town is concerned. And I believe they already have some preliminary sites -- site plans for they -- they intend to do in terms of development. So we can talk about that further. And the other property was the Liberty Plating property, which is also in clean-up state.

MS. BIZZARRO:

Right now, that property, you know, Liberty Industrial owns it. The clean-up of the site is complete. My understanding is that EPA is not looking for any money. It has already received money from a responsible party, we don't know who that responsible party is. But they are fine.

We found out the State DEC has spent about one million, a little over one million dollars cleaning up the property. We don't know what their position is. We have contacted EPA numerous times by e-mail, by phone, you know, we've sent -- we've just communicates with them, and we have not gotten any return, you know, phone calls through our communications. You know, basically there are liens on the property, things need to be resolved, we're going to have to have a third-party agreement and an agreement with Similar Circuitron, you know, whereby the EPA, the State DEC and the County enter into an agreement. We just can't seem to get that going, and we don't know what is holding it up.

LEG. MONTANO:

Is it on the EPA or the DEC side?

MS. BIZZARRO:

It seems to be the EPA side, although, you know, we know probably in the back that DEC -- that DEC is going to want to be looking for some money, we don't know how much. So, you know, again, Suffolk County Health Department has not done its preliminary site investigation. They have not made they're determination as to whether the site would be suitable for the community resource center, which is referenced in the resolution. You know, because depending on what you go and you use the property for it going to be dependent on, you know, how good the clean up was or how deep into the ground they actually went. So sort of, again, the departments are sort of waiting for direction, and EPA just has not responded. I can't force them to respond, we just keep calling. So, you know.

LEG. MONTANO:

Okay. It's been a while back and I don't have my notes with me, but I did speak with counsel for DEC a while back and some other administrative personnel, and they indicated that they thought that something could be worked out. They were anxious to move this. I also did meet with Congressman Israel and spoke with members of his staff subsequent to that. And they're waiting for some indication from us as to what role they should play.

So I'd like to see particularly with respect to Liberty Plating -- and I know that the community resource is referenced in the bill itself. But in talking with the Town of Islip, they're Planning Department, there may be some modifications, there may -- we may need to do a modified bill in terms of some of the things that they're looking. But I think the main thing would be for the County to begin the process of acquiring somehow title to the property so that we could work in conjunction.

So those are the two items that we would like to, you know, to move on. And I'll be in contact with your office, and maybe we can get together in terms of comparing notes as to who we spoke to, what indications we're getting. Maybe we can prod the EPA to be more responsive through the Congressman's Office, which I'm -- you know, he's indicated personally that he's more than willing to do. And, you know, with that, I think satisfied the concerns that I had with respect to this bill. I want to thank you for that.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Montano. There is a motion pending to approve. On the motion, Legislator Romaine. Please go ahead.

LEG. ROMAINE:

Yes. I was looking at the resolution. And obviously, it's a very simple bill that allows the County to sell brownfield properties. Now, who are these brownfield properties identified by? Let's start that way.

MR. NOLAN:

I think -- Ed, if you don't mind. Looking at the resolution, I think it's going to probably be determined by the Department of Energy and Environment -- - or Environment and Energy.

LEG. ROMAINE:

The resolution clearly states that these properties were identified by the Suffolk County Treasurer. And my first question would be what expertise the Treasurer to make a determination as to the fact that these, in fact, are brownfield properties. So let me proceed from there. And I'll wait for Counsel's answer.

MR. NOLAN:

You are correct. The resolution in addition to broader language does have specific language identifying 12 properties, and it was the Suffolk County Treasurer that apparently identified them, according to the language of the resolution.

LEG. ROMAINE:

Well, that's what I'm trying to clarify. Who will identify brownfield properties of this resolution is passed? Is it the Suffolk County Treasurer?

MS. BIZZARRO:

If I may?

LEG. ROMAINE:

Sure. Absolutely.

MS. BIZZARRO:

I believe the Treasurer worked in conjunction with that department in making the determination of these 12. I don't know if you're referring to the 12 that are already here or ones in the future.

LEG. ROMAINE:

The ones in the future now, how would they be handled? Would they be handled through the Suffolk County Treasurer's Office making the recommendation?

MS. BIZZARRO:

Again, in conjunction with the Department of Environment and Energy.

LEG. ROMAINE:

Okay. Because that is absent in this bill. It doesn't say that the Treasurer did this in conjunction with the Department of Environment and Energy. And that provision is lacking. And what I want to know is who determines what a brownfield property is? Because apparently we have a moratorium in the County dating from 1972 that says we will not sell tax liens to third parties. We're looking to exempt that be saying anything that's determined to be a brownfield can now be sold.

But who makes that determination? This law, this resolution, is poorly written, because it doesn't spell that out. Who determines what a brownfield piece of property is. Hey, for all I know, you know, my next door neighbor might have put a five gallon gasoline tank outside, and it drifted into his ground, and that could be a brownfield. Who makes that determination? What are the standards for brownfields that are spelled out, because it's certainly not spelled out in this resolution that I just read?

MS. BIZZARRO:

Well, actually, it is. It's referenced that brownfields property as determined defined in the Environmental Conservation Law. So they will use that as guidance in determining what is brownfield properties.

LEG. ROMAINE:

And all of the properties listed by the Suffolk County Treasurer have met those guidelines?

MS. BIZZARRO:

Correct.

LEG. ROMAINE:

Okay. Next question. We're obviously selling this, not only to get a headache off our -- you know, we know that what we take -- when we take a tax lien to a property, unlike statements that appeared in the press from the County Exec's Office, we actually own that property and are liable for that property; is that not correct?

MS. BIZZARRO:

Not with respect to just owning the tax lien.

LEG. ROMAINE:

So we don't have liability?

MS. BIZZARRO:

We have not acquired the property until the deed is transferred to the County.

LEG. ROMAINE:

And when the tax deed is transferred, then we own the property?

MS. BIZZARRO:

Correct.

LEG. ROMAINE:

And then we are liable for the property?

MS. BIZZARRO:

Right.

LEG. ROMAINE:

Whether it's a brownfield or whether it's roads, we're liable for that property.

LEG. MYSTAL:

That's where he is going. Follow the bouncing ball. I know where you are going. When you started, I knew where you were going.

LEG. ROMAINE:

All right. Let me get back to brownfields now that I've made my little point. We want to escape the liability that brownfields might present to the County in cleaning up that property. That's the purpose -- that's one of the purposes of this resolution; is that correct?

MS. BIZZARRO:

I would -- I would state that that is one of the purposes, yes.

LEG. ROMAINE:

Okay. Is another purpose the fact that we would eventually like to see this property cleaned up?

MS. BIZZARRO:

Correct.

LEG. ROMAINE:

Okay. There is no deadline in this resolution for people buying these properties to clean them up. So how do we ensure, because, again, this resolution seems to avoid that issue, how do we ensure that these properties are going to get cleaned up at some point and not just flipped over? I buy it, I flip it over to someone else, you know, what is the guarantee that the person that we sell these tax liens to are going to hold the property and purchase it?

MS. BIZZARRO:

That could be made part and parcel to the contract of sale.

LEG. ROMAINE:

Why would it not be in a resolution, since that's one of the stated purposes of this resolution, but it seems not address it?

MS. BIZZARRO:

Well, I would think that all the properties are going to require difference stages of clean up. So put in, like, one particular time period in a resolution such as this, that might scare off some potential buyers of the property, because the clean up might be tremendous in one particular location and not so tremendous in another. So whereby it might take six months in one site, it may take a year in another sight. So that would be something that could be bargained for and put into the contract between parties.

LEG. ROMAINE:

But wouldn't it be better -- not a timeline, but wouldn't it be better to state that part of the purpose of this resolution is to ensure that who eventually buys this property will, in fact, clean it up in accordance with whatever DEC or, you know, the Environmental Protection -- EPA or whoever else might be involved within any agreements that they might have?

MS. BIZZARRO:

Again, that could be all -- that's something that going to be bargained for. And I don't see the need necessarily for it to be in the resolution.

LEG. ROMAINE:

All right. The next thing. The resolution states that we are only going to sell this to people with the financial means and expertise to resolve the clean-up problem; is that not correct?

MS. BIZZARRO:

What's the question? I'm sorry.

LEG. ROMAINE:

All right. I'll state it again. The resolution states that we are selling these properties only to people with the financial means and expertise to resolve and clean up the problem of the brownfields property; is that correct?

MS. BIZZARRO:

I don't know.

LEG. ROMAINE:

Would you take a minute to reflect on the resolution.

MS. BIZZARRO:

Would it be in the Whereas Clause or?

LEG. ROMAINE:

Yes, it probably would be in the Whereas Clause. I think it's third from the bottom of the -- or fourth from the bottom of the Whereas. I think it says, whereas --

MS. BIZZARRO:

Yes, I see it. Whereas it would be in the best interest to sell the liens to third parties who have the financial means and expertise to remediate the properties.

LEG. ROMAINE:

How would we define -- how would we define what the financial means and expertise is? How do you define that? If I'm voting on something, I want to know that when you do this, which is an exception to our current Tax law, that you are now going to sell the tax liens, how do you make the determination -- who makes that determination that a potential bidder has the financial experience -- the financial means and the expertise to do the clean up?

MS. BIZZARRO:

Well, you would present that information, and you will have another chance to vote on the resolution that would ultimately approve the sale.

LEG. ROMAINE:

Not of these properties. These properties apparently are being approved today; is that correct?

MS. BIZZARRO:

No.

LEG. ROMAINE:

No.

MS. BIZZARRO:

No.

LEG. ROMAINE:

So each of these properties will come back to us individually?

MS. BIZZARRO:

Correct. Right. And you can deal with it at that juncture.

LEG. ROMAINE:

That answers that question, because that gives me a level of comfort that as each resolution come up, I'm going to ask that question; how was the determination made that the bidder of the property that you decided to bid it out to, give it to, if we agree, has the financial ability -- and I'm saying this, because when it comes back, I'm going to repeat these questions -- has the financial ability and the expertise to clean it up? And obviously, most landowners don't, they contract out for that. And I just want to make sure that we know that.

Now, two last questions. One, what is the -- are we obligated in selling these tax liens to indicate what -- what we currently know of the contamination of each of these properties so that the bidder at least has a fair warning as to the level and depth of contamination?

MS. BIZZARRO:

Are we obligated to know what the level of contamination is?

LEG. ROMAINE:

No. Are we obligated to, one know, and, two, reveal to the potential seller out of the tax lien what the level of contamination is? Because I'd hate to sell a piece of property to someone where it turns out that it's far more contaminated than the person thought, and we didn't -- we did not reveal that information and then the guy just says, you know what, I'm not going to pay my taxes on the property.

MS. BIZZARRO:

Not to my knowledge. And it would be a purchase of as-is. And they could do whatever, you know, type of testing that they feel to get a comfort level with respect to what is on the property. I'm sure that we certainly share whatever information we have on the property to the potential buyer.

LEG. ROMAINE:

We will share the information. Because I understand there's a state law -- I know if -- I'm a homeowner, and I know that there's a potential problem with my home, I either have to pay \$500 or reveal that, correct me if I'm wrong. I'm not a real estate attorney. Are we obligated to follow the same property disclosure that I would as a homeowner?

MS. BIZZARRO:

I can absolutely look into that for you and, you know, find out the answer in terms of what has to be disclosed with respect to these type of properties.

LEG. ROMAINE:

Because this isn't revealed at all. As I look at this resolution, it's not revealed in the resolution at all. There's no mention of disclosure obligation by this County.

MS. BIZZARRO:

But, again, as I said, when it comes time to sign the property, you're going to have these properties before you, and there will be many questions, I'm sure, that come up, many things that will be in that resolution that you're not seeing.

LEG. ROMAINE:

Last question. I see the County has given -- the resolution gives the County up to two years to -- the sale of the property, otherwise it comes back to the Legislature; is that correct?

MS. BIZZARRO:

Shall be relisted for sale at public auction, right.

LEG. ROMAINE:

It would be relisted for sale at public auction.

MS. BIZZARRO:

Right.

LEG. ROMAINE:

So you hope that -- if this resolution passes -- let me ask the next question -- when do you expect the public auction to be held on these brownfield properties? If -- let's say -- let's be optimistic -- it passes out of committee, it passes next Tuesday, the 21st of November, and shortly thereafter, say before December 1st, the County Executive signs it into law, when -- and maybe this is a question for Real Estate as well as Law -- when do you expect to have the first auction for the brownfields?

MS. BIZZARRO:

I couldn't even guess. I don't -- I would be guessing.

LEG. ROMAINE:

Could I ask the Director of Real Estate to pose a guess? I'm sure she's prepared for the adoption of this resolution.

MS. ZIELENSKI:

The first auction --

LEG. ROMAINE:

Why don't you come forward.

MS. ZIELENSKI:

The first auction of Brownfields was held Tuesday.

LEG. ROMAINE:

I guess we don't count anymore.

MS. ZIELENSKI:

No. This was the Circuitron brownfields auction that was a result of the stipulation and resolution to auction.

LEG. ROMAINE:

But the property is listed in this resolution, for example, that the Suffolk County Treasurer has identified as brownfield properties. When do you suspect that the auction for these properties might be held if this resolution is adopted and signed into law on or before December 1st?

MS. ZIELENSKI:

I would have no idea, Legislator Romaine. There's a great deal of individualized information that's required on each one these properties.

LEG. ROMAINE:

Then let me proceed with my next question. Right now, you don't have an idea when the auction is held. I'm going to ask you to do a further stretch. My purpose will become clear in a moment. When do you think, if the auction was held and there were successful bidders who wanted to actually buy these properties, these properties would be purchased and the deed transferred to their name and the funds given to Suffolk County? Do you think that's possible within 2007 for all of these properties?

MS. ZIELENSKI:

I just have no idea.

LEG. ROMAINE:

Well, neither do, but obviously someone did, because revenues from the sale of these properties were included by the County Executive in the 2007 Operating Budget. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. I just want to ask the County Attorney, Ms. Bizzarro, this resolution --just so it's clear in my mind as to what we're actually voting on today -- is going to be lifting the moratorium only to the extent of these brownfields properties as defined under State Law; is that correct?

MS. BIZZARRO:

Correct.

CHAIRMAN D'AMARO:

All right. And the resolution -- I mean, Legislator Romaine does bring up some, I think, very important considerations. When these properties -- if this moratorium is lifted, there has to come a point where the properties are identified, a successful bidder has to have the wherewithal to clean the property or to remediate the property. What's the timing of doing that? There's a Resolved Clause in this resolution that states that the Commissioner of the Department of Environment and Energy and or his designee -- his or her designee will come up with regulations. Will that -- will some of those issues be addressed when the Commissioner promulgates regulations under this resolution.

MS. BIZZARRO:

I would say yes.

CHAIRMAN D'AMARO:

Now, can terms of sale be imposed as a condition of the auction?

MS. BIZZARRO:

I think they -- yes. I would say absolutely, yes.

CHAIRMAN D'AMARO:

My point is if you have a brownfield property, you know it's going to require remediation, can the terms of sale incorporate -- so the successful bidder is on notice -- incorporate some of these concerns and, you know, look, if you're going to come in and bid on this property, you have to have the qualifications to do it, here's the timeline for doing it, here's what's involved, here's the disclosure perhaps of the known environmental problem with the property as well?

MS. BIZZARRO:

Yes. We could do it at that -- at that time, yes.

CHAIRMAN D'AMARO:

Do you know if that's a standard procedure to formulate terms of sale as you go through the auction process for specific properties or is this -- are we breaking new ground here?

MS. BIZZARRO:

If I could defer to Ms. Zielenski.

MS. ZIELENSKI:

On the Circuitron auction, we had a mandatory preregistration meeting where anyone intending to bid on the properties had to register. And the meeting ran about an hour and a half, at which time, representatives from the EPA were questioned extensively by the potential bidders as to the problems -- this is a cleaned-up property, though there are still monitoring wells and other restrictions under the stipulation that a new buyer has to abide by with the EPA until 2010. So there was a lot of mandatory pre information provided to the potential bidders. And they came to the auction with their registration cards, and only those cards were allowed to bid.

CHAIRMAN D'AMARO:

Okay. So despite that fact that there aren't any regulations yet, this is probably an indication or a window into the future as to how these auctions will probably be conducted; is that correct?

MS. ZIELENSKI:

Yes. We listed in the auction booklet the same as the traditional auction booklets that the department has used that lists the terms of sale and the regulations that reflect that in some cases, our policy, in this case, we determine that they had to attend this pre meeting, that it would be mandatory, because we felt it important for them to be informed buyers about the circumstances of the property. And I think that worked well.

CHAIRMAN D'AMARO:

When you have an auction, and auction require terms of sale, does the Legislature suggest those terms of sale, or are they normally issued by the department overseeing the sale?

MS. ZIELENSKI:

We present -- in the first part of every calender year, we present auction rules for that calender year to the Legislature for their approval.

CHAIRMAN D'AMARO:

Well, that's the rules of the auction, but what about the actually terms of sale per property, on each parcel.

MS. BIZZARRO:

Probably a combination. If I may. I know that the contracts are negotiated by the Real Estate Department, from the Law Department. You know, each one is done separately, so.

CHAIRMAN D'AMARO:

Correct. That's my understanding as well. So to say that this resolution has to be the vehicle to carry the terms of sale, I think is not something that we've ever done in the past; is that correct?

MS. ZIELENSKI:

That's true.

CHAIRMAN D'AMARO:

Was the bid successful, was the auction successful on that first property?

MS. ZIELENSKI:

Yes, I think it was.

CHAIRMAN D'AMARO:

Are you at liberty to disclose what the successful bid was, how much it was for?

MS. ZIELENSKI:

I don't know that I am until the paperwork and so on has been processed.

CHAIRMAN D'AMARO:

Okay. There was a successful bidder at the auction?

MS. ZIELENSKI:

Yes. There was. Okay. Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. There's two parts of this that I need to go into, I guess, and ask. One is specifically, as I have this amendment up in front of me, I see there's three properties that are in the Town of Smithtown. And, I guess, I'd ask Ms. Zielenski if you're familiar with those parcels? They're in section 42, Tax Map District 0800-42 --

MS. ZIELENSKI:

I'm not sure which are which on these parcels, but I can tell you that --

LEG. KENNEDY:

Do you know generally in nature? I mean, are they properties in the industrial park, or?

MS. ZIELENSKI:

None of these are properties -- there's nothing new here. These are properties that have been in tax arrears in the Treasurer's Office for some time.

LEG. KENNEDY:

Well, okay. That's -- I'm not familiar directly with them, and I don't have a tax map in front of me so I thought that I would just ask if you knew about them specifically.

MS. ZIELENSKI:

I would not.

LEG. KENNEDY:

There's another important thing, I think, that we need to go ahead and distinguish with this bill though. And now I'm going to counsel, our Legislative Counsel, to go to the first Resolved, because it's the County Attorney's statement that this resolution is affecting only these brownfield properties that we've looked at, and I go specifically to the amendment that's made, now, therefore, be it Resolved. And I'm going to ask Legislative Counsel, are you convinced that this change of wording from transfer to sale is limited only to brownfields properties or if, in fact, are we giving greater latitude to tax liens properties across the board to be able to be handled in a different manner?

MR. NOLAN:

Reading this together with the Whereas Clauses, I believe it is limited to brownfield properties as defined under that State Law. And also, if there's a concern about whether it go beyond brownfield properties, these potential sales have to come before the Legislature. So the Legislature would get a chance to look at the proposed sales, the properties that would be sold, the tax liens on and make your own determination if you're satisfied that they are indeed brownfield properties. But in my opinion, it is limited to brownfield properties as defined by the Environmental Conservation Law when you read it all together.

LEG. KENNEDY:

Because you'll agree that that language does take the word transfer and eliminate it and now put it to sale, and that's an end of a particular sentence. I guess, I'm wondering if now we would be looking at the ability to go ahead and transfer tax lien properties for other types of, you know, purposes to not-for-profit agencies or other things like that. If you're convinced that this is limited to brownfield only by reading it in total, fine. But it clearly -- what happens is that language is broken across a couple of sentences. The other thing I think that's it's important to point out here is, and I'll ask Ms. Zielenski, was the Circuitron property an auction of fee or was it an auction of lien.

MS. ZIELENSKI:

Fee.

LEG. KENNEDY:

It was fee. So that really is irrelevant to what we're contemplating here, because here, all we're talking about is bending the lien, which a third party then ultimately has to go into court to perfect. They then stand in the shoes of the County and have to foreclose in order to go ahead and perfect their lien.

So we're not talking about acquiring title here at all. All we're talking about is vending the superior right that the county has taken all along in taking a tax lien, putting it in the hands of another party to go ahead and perfect that right. They do not necessarily have to go ahead and ultimately acquire fee. They may be able to go ahead and work out terms with the underlying owner during the subsequent court proceeding. To suggest that we go from assigning the right to another to perfect a security interest to somehow that they're ultimately going to take title, I think is beyond what we can control.

MS. BIZZARRO:

Again, it goes to the terms of the sale and it goes to the term of the contract between the two parties.

LEG. KENNEDY:

But again, what are we vending? All we're vending is the right for a third party to perfect our security interest, ie, tax.

MS. BIZZARRO:

The tax lien.

LEG. KENNEDY:

Tax, tax lien. That's the amount that's being acquired. Ten thousand dollars taxes on a million dollar property may mean that the ultimate owner elects to go ahead and settle with whoever acquires us. We can't control the ultimate disposition.

CHAIRMAN D'AMARO:

Sure we can.

LEG. KENNEDY:

All we can control is perfection of the lien.

MS. BIZZARRO:

And we can control it through the contractual provisions and what is negotiated between the parties.

CHAIRMAN D'AMARO:

Well, if I could just pick up on that. In other words, can the County, as a term of sale of the tax lien -- because we're looking at qualifications of companies, and it's important that these properties ultimately wind up with these companies for clean-up purposes, and that's in the public interest, can the County include in the terms of sale that the successful bidder has to clean up property if not take title to the property?

MS. BIZZARRO:

Yes.

CHAIRMAN D'AMARO:

Yes. Okay. All right. Any other questions or comments? Legislator Romaine.

LEG. ROMAINE:

Motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

All right. A motion to table takes precedence over the motion to approve. Motion to table by Legislator Romaine, seconded by Legislator Kennedy. All in favor? Opposed?

LEG. MYSTAL:

Opposed.

CHAIRMAN D'AMARO:

Opposed.

LEG. STERN:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRMAN D'AMARO:

Two in favor, three opposed, no abstentions? The motion does not -- four opposed, I apologize. Motion does not carry. I will offer motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. I'll call the vote. All in favor? Four. Opposed?

LEG. ROMAINE:

Opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN D'AMARO:

Two. Abstentions, none. 4-2, the motion carries. The resolution is **APPROVED (VOTE:4-2-0-0 - Opposed - Legis. Romaine and Kennedy)**.

LEG. ROMAINE:

With your permission, Mr. Chairman.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

I just would simply say the reason I opposed it is not that I oppose the concept at all, I just think this resolution is poorly worded. It leaves a lot of open questions. And I think Mr. Kennedy's point was absolutely valid, that we cannot control the ultimate disposition. Even through a sale -- a contract of sale, we cannot ultimately control the disposition of these properties. And I think more work needed to be done on this resolution. It is not a well worded resolution.

CHAIRMAN D'AMARO:

All right. Next on the agenda under Tabled Resolutions is

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice-Chair Mystal to table, seconded by Legislator Montano. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:6-0-0-0)**.

2196, Authorizing certain technical corrections to Adopted Resolution No. 535-2006.

LEG. MYSTAL:

Motion to approve

CHAIRMAN D'AMARO:

Motion to approve by Legislator Mystal and to place on the Consent Calender, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6-0-0-0)**.

2197, Authorizing certain technical correction to Adopted Resolution No. 988-2006.

CHAIRMAN D'AMARO:

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2198, Authorizing certain technical correction to Adopted Resolution No. 878-2005.

CHAIRMAN D'AMARO:

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

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

Is there a motion?

LEG. KENNEDY:

I'll make a motion. Well, Legislator Romaine.

CHAIRMAN D'AMARO:

It has to be tabled.

MR. NOLAN:

It has to be tabled.

LEG. ROMAINE:

My understanding is that there has to be a motion to table, which I will do. But I must say that this was referred to the Naming Committee. Criticize the fact that they haven't adopted a criteria at this point should not be a delay in this resolution. So I will certainly table for one cycle, but by the second cycle, I would hope that the Naming Committee will have at least reviewed this provision so that -- and we're talking not about the Supreme Court Building, but the new annex building, which the resolution should spell out, it's the annex, the new annex building, not the building -- the Supreme Court Building itself. But I will move to table for one cycle. I would hope the Naming Committee would make that decision and review this resolution as quickly as possible.

MS. BIZZARRO:

Legislator Romaine, I just want to highlight for you, they do have a timeline to get back to you on that. They have 90 days to issue their recommendation. So there is a timeline in the statute right now.

LEG. ROMAINE:

Okay. So you know what? I'll leave the tabling in place, and on the 90th day, I hope that the Naming Committee will have dealt with this issue. Thank you.

CHAIRMAN D'AMARO:

All right. Motion to table by Legislator Romaine, I'll -- Legislator Kennedy seconds. All those in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED** pending decision from the Naming Committee **(VOTE:6-0-0-0)**.

2219, Authorizing the transfer of certain properties to Suffolk County Department of Public Works (SCTM No. 0200-975.90-02.00-032.001).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve, I'll second. Ms. Zielenski, would you like to give us some information on this particular property?

MS. ZIELENSKI:

Yes. This is a small parcel on Montauk Highway that has a need to be used for drainage on Montauk Highway. It's a parcel that we own by tax default that we've been asked to transfer to the Department of Public Works.

CHAIRMAN D'AMARO:

Okay. There's a motion pending to approve. On the motion, anyone? Okay. I'll call the vote. All in favor? Opposed? Abstentions? **APPROVED (VOTE:6-0-0-0)**.

2224, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Linda Pedro and Nathan Dukes, Jr. (SCTM No. 0100-054.00-04.00-025.000).

Ms. Zielenski.

MS. ZIELENSKI:

This is an as-of-right redemption.

CHAIRMAN D'AMARO:

Okay. I'll offer a motion to approve, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

And place on the Consent Calender, seconded by Legislator Mystal. All those in favor? Opposed? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2225, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 130 Suffolk Avenue Corporation (SCTM No. 0500-119.00-01.00-083.000).

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve and place on the Consent Calender, I'll second. Ms. Zielenski, anything you'd like to add on this one?

MS. ZIELENSKI:

No. It's also an as-of-right redemption as are all of the resolutions through Number 2235.

CHAIRMAN D'AMARO:

Okay. Thank you. I'll call the vote. All those in favor? Opposed? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2226, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Brent Boyce and Lyris Canton, as joint tenants (SCTM No. 0302-004.00-02.00-008.000).

CHAIRMAN D'AMARO:

I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. And place on the Consent Calender. All those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2227, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carl Brouard (SCTM No. 0200-982.10-03.00-027.001).

CHAIRMAN D'AMARO:

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2228, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carlton H. Seay (SCTM No. 0600-102.00-03.00-031.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2229, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Daniel P. Christopher (SCTM No. 0200-973.20-04.00-050.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2230, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edwin Morales and Sandra E. Morales, his wife (SCTM No. 0500-204.00-03.00-049.000).

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve and place on the Consent Calender. I'll second. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2231, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Frank Grasso administrator of the estate of Jeanne Courmettes (SCTM No. 0800-177.00-02.00-007.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**

2232, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John J. McCluskey, as Administrator of the estate of John P. McCluskey (SCTM No. 0100-135.00-03.00-068.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2233, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lamin Brewer (SCTM No. 0100-083.00-01.00-009.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2234, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas Moran (SCTM No. 0500-368.00-01.00-064.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2235, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 130 Suffolk Avenue Corporation (SCTM No. 0500-119.00-01.00-081.000).

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve and place on the Consent Calender. I'll second the motion.

LEG. MONTANO:

Quick question.

CHAIRMAN D'AMARO:

On the motion.

LEG. MONTANO:

Pat, do you have any street addresses for this location?

MS. ZIELENSKI:

This is 130 Suffolk Avenue Corporation.

LEG. MONTANO:

That's the owner, but I mean the street address of the property. If you have it.

MS. ZIELENSKI:

We should have it on the tax map.

LEG. MONTANO:

I'm looking at it here, but I can't determine the street address.

MS. ZIELENSKI:

I don't think the number is given.

LEG. MONTANO:

Okay. Can you get me that later?

MS. ZIELENSKI:

It's all done by -- it's all done by tax map number.

LEG. MONTANO:

Okay. Not a problem.

CHAIRMAN D'AMARO:

Thank you. I'll call the vote. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2236, Sale of County-owned real estate pursuant to Local Law 13-1976 Vincent Schmitt and Licia Schmitt, his wife (SCTM No. 0400-077.00-02.00-055.000).

For discussion purposes, I'll offer a motion to approve. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. Ms. Zielenski, do you have any information?

MS. ZIELENSKI:

This is a direct sale for \$12,100 of a piece of property in Huntington. The size of the property is 50 by 194.

CHAIRMAN D'AMARO:

So this is a sale to an adjoining owner?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Is that correct.

MS. ZIELENSKI:

Uh-huh.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Looking at the tax map, this is a landlocked parcel?

MS. ZIELENSKI:

Yes -- well, yes. It's on a flag -- it's an addition to a flag lot. And it's not technically landlocked, but it -- because it adjoins the flag pole of the flag lot.

LEG. KENNEDY:

But clearly it's embedded in parcels that are much larger around it, and obviously, would not be deemed buildable or any of that.

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

Okay.

CHAIRMAN D'AMARO:

All right. Thank you. There is a motion pending to approve. I'll call the vote. All those in favor? Opposed? Abstentions? Resolution is **APPROVED (VOTE:6-0-0-0)**.

2237, Sale of County-owned real estate pursuant to Local Law 13-1976 Pawal Wojdat and Aldona Wojdat, his wife (SCTM No. 0103-012.00-01.00-049.002).

CHAIRMAN D'AMARO:

I'll offer a motion to approve, seconded by Legislator Stern. Ms. Zielenski, just some of the characteristics of this parcel as well; location.

MS. ZIELENSKI:

This is a tiny little triangle. It's 20 by 21 by 10. It's appraised and bid at \$500.

CHAIRMAN D'AMARO:

Okay. And that parcel is indicated on the tax map that was submitted in our backup as well. There is a motion pending. I'll call the vote. Any objection placing this on the Consent Calendar? Okay. I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

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).

I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal.

LEG. KENNEDY:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Kennedy, please go ahead.

LEG. KENNEDY:

Okay. This is one where I'm going to go ahead and start asking the same questions I've asked throughout the whole year. This parcel appears to be a 50 by 100?

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

Okay. And it appears to be in conformity with one, two, three, four, five, six lots that are immediately contiguous to it, front and back. I'm confused. No interest any place, anywhere by anybody to go ahead and put anything on this?

MS. ZIELENSKI:

I have the same answer for you that answers the same question. The Town of Brookhaven does not wish to issue building permits on 50 foot lots. However, in this particular case, the purchaser, the bidder, is lot number 18, which is immediately to -- facing -- this is to the east, which makes that 100 -- which would make that a 100 lot. The property to west of it is a 125 foot lot. So it does make the bidder's lot more confirming in that sense.

LEG. KENNEDY:

And you have given us assurances throughout the year. I'm sure that we know the same thing about this lot, that it is not going to be able to be merged with the existing lot, it's not going to be able to be divided, there's a CNR that says that it's going to have to remain nondevelopable, all those types of things?

MS. ZIELENSKI:

Yes. It can't be independently developed. He could put a garage.

LEG. KENNEDY:

In other words, 18, if they sought to expand an existing dwelling or something like that, they might get the benefit of that property.

MS. ZIELENSKI:

Right. He could use it for accessory use; put a garage on or something like that, but it can't be independently or separately done.

LEG. KENNEDY:

All right. I just don't understand, but I'll yield.

CHAIRMAN D'AMARO:

Legislator Romaine, please go ahead.

LEG. ROMAINE:

Could you tell me if the successful bidder of this property, the adjoining property owner, who also has a 50 by 100 lot has a structure on his lot?

MS. ZIELENSKI:

No.

LEG. ROMAINE:

No. So he under the current zoning rules that you just explained to me, would not be allowed to build on his current lot, yet by buying this property, he is now capable of putting a structure and making his useless property useful. And for that, he bid \$5500?

MS. ZIELENSKI:

Yes, sir.

LEG. ROMAINE:

And what was the appraisal on this property?

MS. ZIELENSKI:

Five thousand.

LEG. ROMAINE:

Does anyone give consideration to the fact that the bidder by bidding what we determined was a fair property all of a sudden has taken his own property and added tremendous value? Because under the current regulation that you just explained to me, his vacant 50 by 100 parcel, he cannot bid on. And we are selling our adjoining 50 by 100 parcel, which we can't build on, to him for \$5000. And now he has a buildable lot that even in the worst neighborhoods in Suffolk County has to be worth, in my opinion, more than \$5000.

MS. ZIELENSKI:

We offered the property for sale to all the adjoining owners. We had no other bidders. This does facilitate getting these properties back on the tax rolls. We've been sitting with it --

LEG. ROMAINE:

And certainly a tremendous benefit to the adjoining property owner. I mean, if he can't build on the property, maybe the better pursuit for us is to take some money -- and correct me if I'm wrong, and Budget Review will tell me, how much do we have in the Affordable housing Program in the budget that's unspent at this time? Just a rough number approximately. How many millions of dollars remain in that fund unspent?

MR. REINHEIMER:

I'm not sure, but it's several million dollars.

LEG. ROMAINE:

Several millions of dollars. Do you think that someone that a 50 by 100 lot like the next door neighbor might be willing to sell it. Obviously he won't ask \$5000 for it, he might ask a higher price. If we purchased that and joined the two lots, we might have an affordable housing lot that we could allow a not-for-profit to build on?

I mean, it's just a policy question that I have on this, because obviously we're about to enrich someone. And I'm not saying -- you know, but it seems terribly unfair when we have millions of dollars in an affordable housing pot that remains unspent that we would not attempt to purchase his lot. Obviously, he's not going to sell it to us for \$5000 like we're selling our lot for, but, you know what? It's something to think about. I certainly will make a motion to table this one for further consideration of this committee.

LEG. KENNEDY:

I'm going to second that motion and -- for the same purpose, that I would want to have some kind of dialog from Ms. Zuckerman (sic) or somebody else in the Affordable Housing --

MS. ZIELENSKI:

She has been appraised of this lot. All these properties have been vetted through Affordable Housing.

LEG. KENNEDY:

I understand that, but not to the extent of Legislator Romaine question I'm sure as to not whether this lot would be, you know, a candidate for affordable housing, but, in fact, could we rather than sell, buy and merging and then put it out there for building purposes and achieve what we consistently talk about here as far as try to promote affordable housing attempts.

MS. ZIELENSKI:

It would be your direction to have Ms. Zucker look at it.

LEG. KENNEDY:

Well, I seconded the tabling motion. I guess, you know, we'll have to see where that one goes. But if I had the opportunity to share it, absolutely, positively, through the Chair, I'd ask that Ms.

Zuckerman (sic) come back and provide some kind of guidance to us about what efforts that the department made reaching out to the adjacent property owner, soliciting what price he would seek so that we could then go ahead, merge and get it buildable.

I still go back to the whole concept that I've had as far as compatibility and use and development. But I'll step off that where we have adjacent vacant. To me, as Legislator Romaine is saying, it is unfathomable that we will enable an adjacent property owner for \$5500 to achieve gaining a buildable lot with a marketable value in excess of \$100,000. That does not make sense.

CHAIRMAN D'AMARO:

Okay. There is a motion pending to table. I'll call the vote. All in favor? Any opposed? Abstentions? **TABLED (VOTE:6-0-0-0).**

2239, Sale of County-owned real estate pursuant to Local Law 13-1976 Karen Osborne (SCTM No. 0100-058.00-06.00-038.000).

CHAIRMAN D'AMARO:

Ms. Zielenski, information on this property briefly. Description.

MS. ZIELENSKI:

This is 2360 square feet. It was appraised for \$2000. We had one bid by an adjoiner at \$2000. It's a very -- it's a 20 foot wide strip between 260 -- between a 60 and an 80 foot lot. Both are joining properties are developed.

CHAIRMAN D'AMARO:

Both adjoining lots are developed, did you say?

MS. ZIELENSKI:

Yes, they are.

CHAIRMAN D'AMARO:

The contiguous lots are developed. What were the dimensions of the subject parcel here, 60 by 100, did you say?

MS. ZIELENSKI:

No. It's 20. Twenty foot on the road.

CHAIRMAN D'AMARO:

Street frontage is 20 feet?

MS. ZIELENSKI:

Yeah. By somewhere around 119.

CHAIRMAN D'AMARO:

Oh, I see. Okay. Offer a motion to approve, seconded by Legislator Montano and to put on the Consent Calender. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0).**

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:

Public hearing is mandating tabling. Motion to table by Legislator Mystal. I'll second. All those in favor? Opposed? Abstentions? **TABLED (VOTE:6-0-0-0)**.

2282, Authorizing transfer of ten (10) surplus County computers to Family Service League.

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to approve, I'll second. On the motion? I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:6-0-0-0)**.

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 a public hearing. I'll offer a motion to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE:6-0-0-0)**.

2341, Authorizing certain technical corrections to Adopted Resolution No. 1021-2006.

I'll offer a motion to approve and place on the Consent Calender, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDER (VOTE6-0-0-0)**.

2343, Authorizing the Office of the Suffolk County Executive to act as a signatory on a Shared Services Agreement with the State of New York for snow removal on certain Long Island Expressway service roads.

CHAIRMAN D'AMARO:

Motion to approve, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carried. **APPROVED (VOTE:6-0-0-0)**.

That concludes the agenda. We do have Executive Session for committee members, so we're going to recess now for Executive Session. Thank you.

(*AN EXECUTIVE SESSION WAS HELD FROM 12:45 A.M. UNTIL 1:10 P.M.*)

CHAIRMAN D'AMARO:

Okay. We're out of Executive Session. I'll offer a motion to adjourn, second by Legislator Mystal. We're adjourned.

(*THE MEETING WAS ADJOURNED AT 1:10 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY