

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, December 14, 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
Roger Clayman - Long Island Federation of Labor
Kevin Peterman - Faculty Association - SCCC
Rebecca Mowl - Long Island Federation of Labor
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:57 A.M.*)

CHAIRMAN D'AMARO:

Okay. Ladies and Gentlemen, good morning and welcome to the Ways and Means Committee of the Suffolk County Legislature. I'd like to ask everyone to rise and join the committee in the Pledge of Allegiance led by Legislator Romaine.

SALUTATION

CHAIRMAN D'AMARO:

Okay. Once again, welcome and good morning. Looking at the agenda, the first thing that we come upon are public comments, and I do have two cards, so I'd like to go right into that and call the first speaker. Kevin Peterman.

MR. PETERMAN:

Good morning. Kevin Peterman, I'm with the Faculty Association at Suffolk County Community College. And I'm here too speak against Resolution 2413, campaign finance. I specifically take exception to the fact that the organizations mentioned here are organized labor. I'm very concerned about a bill that would prohibit us from exercising what I believe is our Constitutional right under the First Amendment to participate.

First of all, I'm not an attorney as you might know, but I do know that there was a recent Supreme Court decision this June, and it was {Randall vs. Surell}, and it had to do with Vermont. And it basically said that campaign finance statutes with limitations were a violation of the First Amendment. And again, as I said, I'm not an attorney, but I would hope that you would look into that provision of the bill that limits organizations' ability to exercise their free -- freedom of speech. And again, I would hope you consider some of those provisions in this bill. Thank you.

CHAIRMAN D'AMARO:

Thank you, sir. The second card I have is from Roger Clayman. Mr. Clayman, good morning and welcome. Please go ahead.

MR. CLAYMAN:

My name is Roger Clayman. I'm of Executive Director of the Long Island Federation of Labor. I'm here to address Bill 2413. The legislation before the committee has a worthwhile goal of creating a program for public financing of County campaigns. Organized labor has generally supported the concept of public financing as a way of removing the powerful influence of money from the political and Legislative process.

This legislation is flawed because it unfairly removes unions from the political process. The prohibition against contributions from unions representing County employees takes away from the employees and their organizations the ability to engage collectively and politically in Suffolk County. County employees with a long history of civic participation have a far different relationship to their government than the contractors that the County hires. Therefore, the Long Island Federation is opposed to this legislation, however, we are certainly willing at some point to discuss any other kinds of proposals that you may come up with.

CHAIRMAN D'AMARO:

Very good. Mr. Clayman, thank you very much.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes. Legislator Kennedy.

LEG. KENNEDY:

A very quick question for Roger.

CHAIRMAN D'AMARO:

Sure.

LEG. KENNEDY:

It's a pleasure to see you again, Mr. Clayman. Thank you very much for coming out. Just refresh my recollection again, the Long Island Federation of Labor represents approximately how many members?

MR. CLAYMAN:

There are 250,000 members on Long Island.

LEG. KENNEDY:

Okay. So you are speaking here before us on behalf of those members.

MR. CLAYMAN:

We speak on behalf of them, yes.

LEG. KENNEDY:

Okay. And it's your position that you aren't opposed to the concept of public finance in total, but you feel that there could be a more reflective type of a model put in place?

MR. CLAYMAN:

Yeah. I think generally public financing is a worthwhile goal, but it's got -- it would need to be broad-based enough to work, as you found out, which I think was the real -- was the motivation, otherwise it doesn't succeed. But when you single out groups, particularly unions, and say the can't participate in the process, then you are very likely running into first Amendment problems as well as the fact that it's just discriminatory.

LEG. KENNEDY:

Thank you. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy, thank you.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN D'AMARO:

Legislator Romaine, please.

LEG. ROMAINE:

Thank you. I'm going to debate the bill when it's before us, but the speaker raises a good question. And I'm going to direct this to Counsel. On its face, Counsel, and I realize it's a decision call on your behalf, does this resolution, by specifically excluding organized labor, violate or could potentially violate the First Amendment rights of those groups?

MR. NOLAN:

Short answer is I have not looked at that question yet. The thing -- this is a voluntary system. Somebody has to opt in to it and then agree not to accept contributions from certain groups, including labor unions that represent Suffolk County employees.

LEG. ROMAINE:

When does this legislation go into affect?

P.O. LINDSAY:

You have to pass it first.

MR. NOLAN:

Well, there's a couple of different effective dates. The section of law establishing the payment of a -- that establishes the payment of a contract service fee, which is the main mechanism to fund these campaigns --

LEG. ROMAINE:

No. The imposition on candidates to adhere.

MR. NOLAN:

January 1, 2010.

LEG. ROMAINE:

2010?

MR. NOLAN:

Applies to all elections conducted on or after January 1, 2010.

LEG. ROMAINE:

So it would not apply to the current election for County Executive that is scheduled for 2007?

MR. NOLAN:

No, it wouldn't. It has no application to that election.

LEG. ROMAINE:

How convenient. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Romaine. That concludes the public portion of the committee meeting. Before we go into the remainder of the agenda, the County Attorney's Office has requested a very brief Executive Session. So we'll adjourn into Executive Session at this time.

P.O. LINDSAY:

Before you do --

CHAIRMAN D'AMARO:

Yes. Mr. Presiding Officer.

P.O. LINDSAY:

I just want to put on the record that Legislator Montano was here and had to leave because he isn't feeling well for a doctor's appointment. He would have been here for the start of the meeting, but the meeting was delayed. It really wasn't his fault. I'd like that on the record.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Presiding Officer. I was just going to make the same announcement myself. I appreciate you doing that. What I'm going to do is offer a motion to go into Executive Session, seconded by Legislator Stern. And just on the motion, there's a brief explanation. There's one bill that is coming up that the committee will be considering today, specifically Number 2376, that doesn't directly involve litigation, but the committee's action on this bill may impact pending litigation. And as a result of that, the County Attorney has requested a brief Executive Session. I'll call the vote. All in favor? Opposed? Okay. We are adjourned to Executive Session. We'll be right back.

(*AN EXECUTIVE SESSION WAS HELD FROM 11:06 A.M. UNTIL 11:22 A.M.*)

CHAIRMAN D'AMARO:

ALL right. Ladies and gentlemen, I'd like to reconvene out of Executive Session at this time, Ways and Means Committee. Thank you for your patience. And we will turn to the agenda once again to Tabled Resolutions. And I'll call the first.

2188, Authorizing conveyance of parcel bearing Suffolk County Tax Map Number 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-h of the General Municipal Law.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by our Vice-Chair Mystal to table. I'll second. On the motion, Legislator Romaine, please.

LEG. ROMAINE:

Yes. I just want to raise a concern that the winter is coming, and the County, which has technical ownership of these roads has made no arrangements to plow these roads for the senior citizens that live on them. And I've asked Counsel to take a look at how that might be accomplished. But I am open to any suggestions that members of this Legislative Committee might have.

Many people there would find it extremely difficult in a heavy snow storm to get out of their property possibly for days. As you know now, they do not get mail delivery there because of the conditions of the roads, and the school buses are not using those roads to pick up children that live along them. And now the seniors -- anyone that lives along that road will not have any snow plowing done. And if any member of this committee has any suggestions, I certainly would be open to them. In the mean time, I just will end by saying I've asked Counsel take a look at that, how legislatively we may be able to resolve this problem, if only for the winter season, because it seems terribly unfair.

At this point, quite frankly, from when I hear from the residents and the Town Board, very little, if any, negotiations have taken place that they've conveyed to me, because I've stayed in touch with them. And it's a concern of mine. So if you have any suggestions, certainly privately, I'm available tomorrow in my office or later today or your aides could contact my aides of things that you might suggest to me that you might be willing to support so we don't leave these people in a pickle this winter. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. And I would say that I know that there was a lot of debate on this bill concerning the County taking liability once we exercise ownership and control of the road. So that would certainly be a factor in trying to work something out to address your concerns. The only thing I could suggest at this point is that the town step up to the plate and take ownership and plow them. Mr. Zwirn, I think there's been some negotiations. Would you like to update the committee?

MR. ZWIRN:

Yeah. Thank you, Mr. Chairman. I have spoken with the Supervisor of the Town of Southold, Scott Russell and Town Board member Dan Ross with respect to this. The Town Supervisor has told me directly that the town intends to do the paving on these roads. They are working out the details. One of the problems that they have in the town is that this situation with respect for these roads are not unique in the Town of Southold and that there may be as many as two dozen situations where this exist. Legislator Romaine shakes his head, but these are conversations that I've had with members of the Town Board in the Town of Southold. So I don't know for a fact, but that's what I'm relaying to the committee as what was told to me.

They have suggested a resolution with the people in the community where they would pay a third or half of a third toward the roads being finished. The Town Supervisor has asked me to continue to ask for this item to be tabled until they are ready to move forward. But I would agree with Chairman D'Amaro, that to have a resolution to this is that -- Legislator Romaine, you can talk to the Town Supervisor and ask him. They have the equipment out there to plow the roads. The County does not have DPW equipment out there to do it. There are no other County roads right in that vicinity. And all the town roads surrounding this including the stop signs on these roads are town stop signs. The town put them up pursuant to town public hearings. So this situation this winter will be unfortunately no different than it's been for the last 20 years for the people who live on these streets.

CHAIRMAN D'AMARO:

Mr. Zwirn, thank you. In your discussions with the members of the Town board, is there a now a willingness to take ownership from the County of these roads or not? And if so, when? You know, why are we still, you know, every cycle having the same basic discussion about this?

MR. ZWIRN:

Because the -- they're trying to get the people who live on these roads -- there are about 25 families, even though there are 138 families that live in this development, there are only 25 families that live on these particular roads. And they wanted to get enough signatures from the -- the town did -- wanted to get enough signatures on these roads to set up a special improvement district within the town to help pay for the upkeep and the paving of these roads. And they have reached -- from what I gather from the people who live in the community, they did get the requisite number of signatures. Now, whether they had been filed with the town -- but the individuals who live there say they have had enough signatures. And the question was how much money was this going to cost them. Some of the people there have a hardship, and any amount of money in addition to their taxes would be difficult for them to pay. But the town was looking at this hoping to resolve this shortly, but keeping in mind setting a precedent for the other situations that they have in the Town of Southold as well.

CHAIRMAN D'AMARO:

But that to me sounds like it's really not moving along expeditiously.

MR. ZWIRN:

Well, we've done everything that we could do from our end. It's now up to the Town of Southold to get their end resolved. And I know that Supervisor Russell has had conversations with the County Executive about participating in some way to try to help this happen. We're just waiting back from the Town of Southold.

CHAIRMAN D'AMARO:

All right. And it's your representation, however, that the Supervisor has requested based on these ongoing negotiations that this bill be tabled --

MR. ZWIRN:

Until they are ready to move forward.

CHAIRMAN D'AMARO:

And there are negotiations between the town and the County -- and the County Executive's Office right now as to how deal with this more expeditiously than perhaps the resolution with the residents?

MR. ZWIRN:

The town and the County have -- the County Executive and the Town Supervisor I think are on the same page. They have had reached an informal agreement between them as to what they thing would be a good resolution, the County's perspective, what their participation would be. Also in mind -- keeping in mind the County Executive

and both -- and the Supervisor do not want to set a precedent in any way whatsoever. So the County and the town I don't think are the problem. It's the town now working this out with the residents, and the town moving forward. And then I think the differences between the County and the town, if there are any, they're very minor.

CHAIRMAN D'AMARO:

Thank you. Legislator Romaine.

LEG. ROMAINE:

Yes. I have no questions for Mr. Zwirn, but I do have some information for the committee. Number one, there are other roads in Southhold that the County owns, they are all dirt roads. This is the only improved road in the entire County of Suffolk that the County has ownership to. No one on those dirt roads are asking for anything, because they're dirt roads.

MR. ZWIRN:

I just want to make it clear that the situation -- I did not mean to indicate that it was the County --

LEG. ROMAINE:

Point of order, Mr. Chairman. I thought I had the floor. I don't need to be interrupted by a member of the audience.

CHAIRMAN D'AMARO:

Mr. Zwirn, if you would just refrain from comment, please.

MR. ZWIRN:

I apologize. I thought Legislator Romaine was finished.

CHAIRMAN D'AMARO:

Okay. Thank you. Go ahead, Legislator Romaine, please.

LEG. ROMAINE:

These two roads are the improved paved roads that were up to standard when the County accepted them in the County system. And there's maybe a half of dozen other roads that are dirt roads or farm roads, in which there are few occupants and no one's been asking for anything, because I'm fully aware and I have the inventory list, which I got from Real Estate many, many months ago. So I'm fully aware of the inventory of roads in Suffolk County that are in ownership. And I'm working on a bill that would prevent the County from taking anybody from back taxes again. I mean, the stupidity of that, of taking sumps, of taking roads, thing of that nature, mind boggling. And we hope to resolve that problem.

As far as negotiations are going on, you know, we all know that the County Executive's representative had indicated they had no desire to pay any money toward the problem despite the fact that the County has the deed to this property. But we have an obligation to people. And there was agreement where the County would pay three-quarters and the town would pay one-quarter, the town would immediately accept it, it would be off our plate, the maintenance forever would be a town responsibility, and it would be done.

But in their wisdom, this Legislature passed over that settlement. And it passed over it with the assurance that the Executive would work on a better settlement. It's been at least two months and no settlement is forthcoming. I would strongly suggest to this Chairman who is competent, capable and knowledgeable of the law, that he take upon himself to call Supervisor Scott Russell. And if you wish, we'll give you a couple of names of the residents, some who have shown up, Marian Bissu and others, that you can call. But I would start with Supervisor Russell, because I believe there is -- I don't want to say a miscommunication, but something isn't adding up in the information that has been presented to this committee today. And I think it would be incumbent on you to do that, because your leadership would give us the ability as a Legislature to make a decision what we wish

to do. We may wish to reconsider an agreement with Southold where maybe we reduce our contribution to two-thirds and they increase their's to one-third.

But it's something that I think we should do. And I'm ashamed that we're doing it now in late December. The winter has been mild so far, but I have no idea what January and February will bring. And I would encourage the Chairman, and I know your schedule is busy, to make a call to the Supervisor and to the residents to confirm whether discussions have taken place and where those discussions are, because you would be getting it from the horse's mouth. And I think that would be -- there would be no lack of understanding or communication at that point. Thank you.

CHAIRMAN D'AMARO:

Thank you. I appreciate your comments. And just to respond very briefly, I think we share a goal. The goal is that this involves real people in their day-to-day lives. And this has been pending for quite some time before the committee. I think I'm a little more convinced than you are that the resolution really lies more at the town level than at this level. But nonetheless, nonetheless, because that is meaningless to the people who are affected by this. And given the length of time that this has been pending, I would be -- I will take it upon myself to see if I can interject into the situation, get some information and see if I can't help to expedite a resolution as well, working along with the County Executive's Office as well as working along with the town.

MR. ZWIRN:

I want to make just one thing clear. When I said there are other roads in this town that had a problem, it's not that they were County roads that had the problem, it was within the town itself, where the town apparently had released the bond and has not maintained the roads over all these years. It's not a County issue, it's a town issue. And the town has other situations that they will have to address at some point down the road. But I would welcome the Chairman talking to the Town Supervisor. But the people in the community, the town, I think everybody understands that this resolution has to come now between the town residents and the town. The County -- they were happy with what the County had offered to try to resolve this. The Supervisor had no problem with that. He just asked for some more time to resolve this with his own residents.

CHAIRMAN D'AMARO:

Okay. There is a motion pending before the committee. If there's no further discussion, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries, and the resolution is **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano)**.

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

CHAIRMAN D'AMARO:

I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. On the motion, Legislator Romaine, please.

LEG. ROMAINE:

As you know, this resolution has been with us for quite some time, and the Naming Committee does not seem able to make a written recommendation. In fact, from my understanding of their deliberations, the Naming Committee believes that it is within their power to decide a name should appear next to a building or not, which I thought was within the power of the Legislature, not the committee. I think that they've -- perhaps don't understand that their nature is purely advisory in terms of making recommendations, and it is the ability of this committee and eventually the entire Legislature to make those decisions.

So this has been tabled again in this committee. I don't want to attribute any motives to anything. However, I will agree with the tabling motion one more time, and then I will ask this Legislature, this is not a partisan resolution or one that you're going to put in a news bulletin or anything like that, but this is a resolution that was done out of my respect for the late Chief Administrative Judge who died in office and who served in Riverhead to have just the annex named for him. So I will table this.

LEG. KENNEDY:

Mr. Chair? If I could interrupt the sponsor for just a second on this motion, and if I could offer maybe what might be somewhat of a compromise, I had the opportunity to be at the Parks Committee yesterday. My recollection is that the Naming Committee was supposed to be meeting, I believe, this morning at 9:30 a.m. this morning.

LEG. ROMAINE:

They tabled it this morning, John.

LEG. KENNEDY:

They did table it again?

CHAIRMAN D'AMARO:

Well, if I could just interject there. As a member of the Naming Committee, unfortunately it was scheduled at the same time as this committee, so there was overlap. I did attend this morning the opening of the committee. And this resolution was on the agenda. It was tabled previously. And I know that Legislator Nowick, who is Chairing that committee, felt that the committee had come along far enough with setting some standards and procedures and application process that the committee was prepared to start taking action. And I believe they did take some action today, although I do confess sitting here right now, I don't know what happened on this particular resolution.

LEG. KENNEDY:

So what I was going to suggest is if it would be possible, perhaps maybe we could pass over it and just see if the committee --

CHAIRMAN D'AMARO:

I have no problem with that. I also want to just respond to Legislator Romaine that as a member of that committee, because by virtue of Chairing this committee, I can assure that Legislator Nowick has made it very clear that it's an advisory committee only, it makes a recommendation to this Legislature after vetting the application through the standards that the committee has adopted and which were also set forth in the resolution creating the committee itself. So I think we are mindful of the role that that committee is going to play. But again, I'd be happy to pass over this until we get some more information.

LEG. KENNEDY:

It may be possible. Thank you.

CHAIRMAN D'AMARO:

All right. So let's hold that in abeyance.

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).

CHAIRMAN D'AMARO:

This is a resolution that had tabled previously. There's been quite a bit of discussion on this. And is anyone here from Real Estate today? Ms. Zielenski, if you could please approach the committee, I would appreciate it. I'm going to offer a motion to table this resolution. Is there a second?

Seconded by Vice-Chair Mystal. Ms. Zielenski, good morning and welcome.

I was in touch with your office extensively yesterday on this resolution, especially coming up on the end of the year, and I thought this might be a good time to try and see if we can get any resolution to any of these tabled IRs. This particular resolution involves property that the committee had expressed in the past needed to be assured that it was vetted through the Affordable Housing aspect in the County Executive's Office as well as we were questioning the appraised amount, whether or not it was a sufficient amount going through the auction process to the adjoining owner. And in my communications with your office yesterday, I expressed that, just in my own opinion, I would like to see the appraisal be reexamined, and I'd like to see this property offered perhaps at a higher amount. And are we moving in that direction? What can you tell the committee as an update on that?

MS. ZIELENSKI:

Well, initially, the appraisals that were done on these properties were set in such a way that we were in a position to just accept them. And so I have -- because we now have a professional review staff, I've made arrangements for any incoming appraisals that are done on adjoining-owner parcels, the base price on these adjoining-owner parcels, will be reviewed by our internal staff prior to putting them up for auction.

But that being said, this particular area and this particular parcel is in a very distressed area. As you know, what we didn't see properly on the aerial was that the winning bidder, an adjoiner here, rather than getting a wind fall by a win, has -- actually has developed parcel. This is an adjacent to an existing house. So it does not provide a new building lot or anything other than the ability for the adjacent owner to possibly expand the house that he has, or at the very least, have a larger side yard.

And as I said, in defense of the appraisals, though at first blush, I agree, it's looks a low number, this is not a highly desirable lot under any circumstances. It's of value only to the adjoiners, and it's in a very distressed neighborhood.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I appreciate the efforts you've made. As a matter of fact, you and I have shared, I guess, questions, concerns and a desire to see some possible use when it comes to this. I guess -- so then let me just ask the question. In other words, the map that I have that accompanies this resolution is not accurate, is that what you're saying?

MS. ZIELENSKI:

Oh, no. It is accurate.

LEG. KENNEDY:

Well, so the visual here then shows 16 -- Tax Map Lot 16 is improved with a dwelling, with a residence?

MS. ZIELENSKI:

The property to the south. I don't have the map in front of me as to verify the number. But the property immediately to the south is improved. The aerials very poorly represent that.

LEG. MYSTAL:

Jack, let me just interject.

LEG. KENNEDY:

Sure.

LEG. MYSTAL:

Is the bidder's property, the winning bid, the person won the bid, is his property improved?

MS. ZIELENSKI:

Yes.

LEG. MYSTAL:

So there's a house there already?

MS. ZIELENSKI:

Yes. It actually shows on both the 2004 and the 2001 aerials that we had available to us. But yesterday, I sent our agent to the property to view it directly. It's obscured by the trees on the aerials.

LEG. MYSTAL:

And the covenant we would have then will say that --

MS. ZIELENSKI:

The covenant is the same.

LEG. MYSTAL:

-- he cannot build on that piece of land that we're giving him.

MS. ZIELENSKI:

Absolutely. It must be combined with his property. It can't be subdivided, and it can't be independently developed.

CHAIRMAN D'AMARO:

Ms. Zielenski, the process, just so I understand it, is that if an appraisal comes in at 5000 or \$5500, that is the floor at which the County can accept. It doesn't mean if someone bids that amount that we need to accept it, nor does it mean that we can't offer for sale for a higher amount. And if I -- is that accurate?

MS. ZIELENSKI:

Not really. The way it was structured was that that value would be -- would be the base price, the upset price if you will, to the auction, but that that number would be provided to the bidders.

CHAIRMAN D'AMARO:

Okay. Let me ask you maybe another way. You say now we have a committee within your department that can look at these situations and the appraisals and determine whether or not the value in the appraisal is sufficient, so we would be raising the floor, so to speak.

MS. ZIELENSKI:

Or rejecting the appraisal, whatever is appropriate.

CHAIRMAN D'AMARO:

Or rejecting the appraisal itself, which would be redone, and we would see if a second appraisal would confirm, increase, decrease, what have you. Is this property going to go through that process?

MS. ZIELENSKI:

If it's the wish of this committee.

CHAIRMAN D'AMARO:

Okay. You're willing to put this property through that process?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Speaking for myself, I would be inclined to say, yes, I would like to see that happen in this particular case.

MS. ZIELENSKI:

Yes. We can do that.

LEG. KENNEDY:

Mr. Chair, if I can go ahead and echo, I guess, I would like to see that process go on as well. Again, we are very, very late, so I'm not going to go through the question or the series of questions that I usually pose which would be, you know, have we made any determination about single and separateness. I know we understand that, you know, Brookhaven's recent, you know, prohibition against 50 foot frontage. I find, again, we're presented with something that, you know, kind of defies logic in that the immediately adjacent lot is a residential lot with 50 foot frontage. That notwithstanding, if we can go ahead and at least have the appraisal rerun to go ahead and see if there's something we can do to get some additional value out of this. My ultimate objective as with all of ours is to get buildable and developable parcels, but nevertheless, we should also get value.

CHAIRMAN D'AMARO:

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

I'd like to go back to **2217**.

CHAIRMAN D'AMARO:

I have been advised that, in fact, the Naming Committee -- there's a much longer name to that committee, but we call it the Naming Committee -- did meet this morning and take a vote to table this resolution in the Naming Committee, therefore, it is not ripe for a decision here today. I also want to point out that the Naming Committee has 90 days from the date of application in which to act, and the committee is still within those 90 days. So with that said, again, I'll offer the motion to table.

LEG. ROMAINE:

I'll second.

LEG. MYSTAL:

Seconded by Legislator Romaine. I'll call the vote. All in favor? Opposed? Abstentions? And the motion carries, the resolution is **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano)**.

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice-Chair Mystal to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. Anyone on the motion? I would just like to state that I am a cosponsor of this bill, but I do think that this is type of legislation that must go through a comprehensive committee process. We are just now starting to get comments on the bill. The resolution as drafted is --

LEG. MYSTAL:

This is the Schneiderman Bill.

CHAIRMAN D'AMARO:

Okay. I apologize. Well, take all those comments and move them down the agenda a little bit. I apologize. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano).**

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table, I'll second. All in favor?

LEG. ROMAINE:

Discussion.

CHAIRMAN D'AMARO:

I'm sorry. Go ahead, please.

LEG. ROMAINE:

I believe that this amendment is appropriate since this simply reflects what we accomplished --

MR. NOLAN:

Wrong bill.

LEG. MYSTAL:

Wrong bill. Bye.

CHAIRMAN D'AMARO:

How could you make such a mistake? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano).**

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

CHAIRMAN D'AMARO:

I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice-Chair Mystal to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

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

This is a tabled resolution. Ms. Zielenski, anything further to add on this particular bill?

MS. ZIELENSKI:

Yes. I have an aerial here that may be better than the ones that were originally distributed with the packet. And one of the issues here -- I'm happy to have this tabled for a cycle, but one of the issues is the fact that this is on a paper street. And so the \$28,000 that was bid on this property is more reasonable taking into consideration that to develop the adjacent parcel in conjunction with the sale parcel does require the opening and paving of the street.

CHAIRMAN D'AMARO:

The subject parcel is a 40 by 100?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

And the successful bidder, the adjoining owner, is lot three on the Tax Map?

MS. ZIELENSKI:

Which is a 60 by 100.

CHAIRMAN D'AMARO:

Which is a 60 by 100 and is developed?

LEG. MYSTAL:

No.

MS. ZIELENSKI:

No.

CHAIRMAN D'AMARO:

It's vacant.

MS. ZIELENSKI:

It's vacant.

LEG. MYSTAL:

That was the problem.

CHAIRMAN D'AMARO:

Right.

LEG. MYSTAL:

Although to me, the money is more substantial, because I think a 60 by 100 plus 40 by 100 gives you 100 by 100 -- 100 by 200.

MS. ZIELENSKI:

A hundred by a hundred.

LEG. MYSTAL:

A hundred by a hundred? Okay. So that would be different, it would be buildable.

MS. ZIELENSKI:

Yes. It would be buildable.

LEG. MYSTAL:

He's also paying \$28,000, right.

MS. ZIELENSKI:

However, it's a much more expensive lot to develop.

CHAIRMAN D'AMARO:

Wouldn't the 40 by 100 lot also be subject to the standard covenant, however?

MS. ZIELENSKI:

Yes, it would.

CHAIRMAN D'AMARO:

That it could not be separately build.

MS. ZIELENSKI:

That's correct.

CHAIRMAN D'AMARO:

Does that prohibition apply, let's say, if you have 100 by 100, you subdivide it to two 50s, could -- what happens in that circumstance?

MS. ZIELENSKI:

It doesn't matter what the dimensions are. Our deed says it may not be resubdivided.

CHAIRMAN D'AMARO:

Even after a merger? So once it's merged, you cannot subdivide all or any portion of the subject parcel out --

MS. ZIELENSKI:

That's correct.

CHAIRMAN D'AMARO:

-- from the original parcel?

MS. ZIELENSKI:

Yep.

LEG. ROMAINE:

Quick question.

CHAIRMAN D'AMARO:

So this actually went to bid because it's above the threshold of \$20,000?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

So there were other competing bidders for this lot?

MS. ZIELENSKI:

Actually, no one else bid on this lot.

CHAIRMAN D'AMARO:

That was the original bid, but the successful bid.

MS. ZIELENSKI:

But the original bidder bid considerably over the upset price or the floor price of the appraisal.

CHAIRMAN D'AMARO:

Bedford Avenue is a paper street as you stated?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

That was going to be my question. All of Bedford Avenue is a paper street?

MS. ZIELENSKI:

All of Bedford Avenue in front of this -- in front of these parcels. I can't speak for other blocks of Bedford. There are parts of it that are developed, but in this particular area, it is not.

LEG. ROMAINE:

And to develop this lot they would have to get permission from the Town of Brookhaven in terms of paving that road?

MS. ZIELENSKI:

Yes, sir.

LEG. ROMAINE:

And they would have to install public water?

MS. ZIELENSKI:

I don't know what the water situation is, but --

LEG. ROMAINE:

Well, they probably have to install public water.

MS. ZIELENSKI:

They may be able to deal with a well. I don't know that.

CHAIRMAN D'AMARO:

And it could only be developed then as a 100 by 100 lot should the conveyance go through because of the covenant on the 40 foot parcel.

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Legislator Kennedy, did you have anything else?

LEG. KENNEDY:

Yeah. I apologize, Mr. Chair. As a matter of fact, I do not have this one in my book. But I do recall the discussion associated with this. And my experience has been while I have never represented an application directly, a minor subdivision or a single-lot development in the Town of Brookhaven does not necessarily require a 30 foot wide paved roadway in order to go ahead and access to a lot. As a matter of fact, lots on a minor subdivision can be accessed through a gravel surfaced graded 20 foot right-of-way. I recorded the deeds for them out to the Clerk's Office. I know I have seen them.

MS. ZIELENSKI:

I can't speak for the town.

LEG. KENNEDY:

But again, I guess the question, the threshold question --

CHAIRMAN D'AMARO:

I think that's a function of the Highway Law. You know, I don't know off the top of my head, but I'll defer to you if you're telling me that's the case.

LEG. KENNEDY:

It's something that I've seen. So here again, where we're trying now again to weigh and balance the validity or legitimacy of the ability to go ahead and have this be a developable lot, I'll take it on myself in order to go ahead and get the determination, a firm determination, as to the access issue on this. So based on that, I'd ask -- you know, that I want to perpetuate these tablings, but I just want to make sure we make the decisions on solid info. So I'll ask to table it one more cycle.

CHAIRMAN D'AMARO:

Okay. There's a motion by Legislator Kennedy to table, I'll second. All in favor? Opposed? Abstentions? Motion carries.

TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano).

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

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Based on the advice of Counsel, I'm going to ask that the Clerk note that I cast no vote on this whatsoever and that I absent myself from this discussion.

CHAIRMAN D'AMARO:

Okay. Legislator Kennedy has recused from the consideration of this particular resolution. I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Mystal. All those in favor? Opposed? Abstentions? And the motion carries.

APPROVED (VOTE:4-0-0-2 - Not Present - Legis. Montano and Kennedy).

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice-Chair Mystal to table.

LEG. STERN:

Second.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine.

LEG. ROMAINE:

I'd like to second this one in particular.

CHAIRMAN D'AMARO:

Just again, as I began to say on the wrong resolution, you know, once again, I am a cosponsor of this bill, and I think it's a long time in coming to have campaign finance reform. I do agree with the concepts, as one of the prior speakers during the public portion had mention, but I also feel that this has to be carefully considered and not just rushed through. And we are just starting now to begin to take reaction to this and testimony about this. So on that basis, I'm willing to support the tabling motion at this time. Anyone else? All right. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano).**

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

I'll offer a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair Mystal. All in favor? Opposed? Abstentions? And the motion carries.

TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano).

2442, Adopting Local Law No. 2006, A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Service, Division of Human

Resources, to the Department of Audit and Control.

CHAIRMAN D'AMARO:

This needs to be tabled for a public hearing. I'll offer a motion to table, is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

2455, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gayle Mastromonico (SCTM No. 0200-051.00-09.00-003.000).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Vice-Chair Mystal, I'll second. Call the vote.

LEG. MYSTAL:

As-of-right?

CHAIRMAN D'AMARO:

16. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:5-0-0-1 - Not Present - Legis. Montano)

2486, Authorizing the sale of Brownfield property sold at the November 14, 2006 auction pursuant to Resolution No. 413-2005.

I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chairman Mystal. Ms. Zielenski, just if you could fill us in on the auction properties and -- prior to the vote.

MS. ZIELENSKI:

This was a single remediated brownfield property that was sold at auction for \$480,000 under -- sold under a stipulation with the EPA and the DEC who will all share in the process and the proceeds. The County will get nine and a half, I think, percent of the sale price. Just as point of information, the EPA has already invested in excess of \$14 million to clean this property up. They have another -- they are anticipating additional cost. The State of New York has contributed over a million dollars. And we're into this for somewhere just under 600,000 in back taxes and penalties.

CHAIRMAN D'AMARO:

Okay. Legislator Romaine.

LEG. ROMAINE:

Just a quick question. We are conveying fee simple title to this property, or are we just selling the tax lien or what are we doing with it?

MS. ZIELENSKI:

We're conveying fee simple with a simultaneous closing. We haven't taken the title. It will be concurrently.

LEG. ROMAINE:

The successful bidder will be the owner of the property, not of the lien?

MS. ZIELENSKI:

Yes, that's correct.

LEG. ROMAINE:

Thank you.

CHAIRMAN D'AMARO:

Okay. Any other questions? If not I'll call the vote. All in favor? Opposed? Abstentions? Motion carries, the resolution is **APPROVED (VOTE:5-0-0-1 - Not Present - Legis. Montano)**.

2490, Authorizing the conveyance of parcel bearing (SCTM No. 0500-002.00-01.00-002.001) to the State of New York pursuant to Section 850 of the County Law.

MR. ZWIRN:

Mr. Chairman, could we ask that this be tabled one cycle? The County Attorney still needs a document or two to make this complete?

CHAIRMAN D'AMARO:

Sure. I'll offer a motion to table based on that request, seconded by Vice-Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-1 - Not Present - Legis. Montano)**.

2507, Authorizing the sale of County-owned real property pursuant to Section 72-H of the General Municipal Law to the Town of Islip, (SCTM No. 0500-491.00-01.00-033.000, 69.00, 70.00, 71.00, 72.00 and 73.00, 0500-491.00-02.00-82.00, 83.00, 84.01, 84.02, 85.01 and 85.02 and 0500-491.00-03.00-67.01, 68.01, 67.02 and 68.02).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice-Chairman Mystal to approve, I'll second. Just on the motion, this is a 72-h. Just a brief description of the property, if you would.

MS. ZIELENSKI:

These are roadways on Fire Island in Kismet that the Town of Islip has requested from us, because they have certain works that they need to have those properties in order to do that involve improving the roadways and the water system.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

Yes. These are County roadways?

MS. ZIELENSKI:

No. These are tax deed properties that we have taken.

LEG. ROMAINE:

Tax deed that the County -- that the town has. Okay. Thank you.

MS. ZIELENSKI:

Yeah. Back when the Treasurer used to take all of the roadways.

LEG. ROMAINE:

Right. Well, they still do until my new resolution is forthcoming.

MS. ZIELENSKI:

We haven't actually taken roadways in many years.

CHAIRMAN D'AMARO:

Okay. With that said, please note for the record that Legislator Montano had joined the committee at this time. There is a motion pending on this resolution. I'll call the vote? All those in favor? Opposed? Abstentions? Motion carries, the resolution is **APPROVED (VOTE:6-0-0-0)**.

2538, Sale of County-owned real estate pursuant to Local Law 13-1976 122 Flanders Blvd. Corp. (SCTM No. 0900-145.00-02.00-022.000).

LEG. MYSTAL:

Ms. Zielenski, some -- motion to approve.

CHAIRMAN D'AMARO:

I'll second.

LEG. MYSTAL:

Some explanation, please.

MS. ZIELENSKI:

Yes. This is an adjoining owner sale where the appraised value on this 40 foot lot was \$3000. There was active bidding with all the surrounding owners, and the winning bidder was at \$40,000. It's a good example of how little the appraised value means if the market decides there's value.

LEG. KENNEDY:

Mr. Chair, again, I apologize. I'm just scanning now to get a look at this, and I guess I'll go through my similar list of questions. So the successful bidder is 122 Flanders Boulevard Corp., who is an owner of Tax Map lot 23?

MS. ZIELENSKI:

Correct.

LEG. KENNEDY:

Is that a vacant or a developed lot?

MS. ZIELENSKI:

It's developed.

LEG. KENNEDY:

It is a developed lot?

MS. ZIELENSKI:

Yep. Twenty-three is developed.

LEG. KENNEDY:

Um, all right. You know, so then there's no opportunity to go ahead and develop a new building lot

out of this. The best that bidder could do is possible expand an existing structure?

MS. ZIELENSKI:

He will have all the attending CNRs.

LEG. KENNEDY:

CNRs as far as no ability to go ahead and split or -- but they will be able to have the ability to go ahead and go through merger. Okay. I'll yield.

CHAIRMAN D'AMARO:

Okay. Motion pending to approve. No other discussion, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:6-0-0-0)**

2545, Authorizing certain technical corrections to the 2006 Adopted Operating Budget for the contracted agency League of Women Voters.

I'll offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. Just very briefly, if Counsel or BRO would explain the resolution.

MR. REINHEIMER:

It's a budgetary resolution. It changes the agency from Board of Elections to Economic Development and Workforce Housing. The amount that's in the budget is \$2000. It transfers those appropriations over to the new department.

CHAIRMAN D'AMARO:

And also as Counsel advises, a name correction as well. Okay. Any other questions? If not, I'll once again call the vote. All in favor? Opposed? Abstentions? The motion carries, the resolution is **APPROVED (VOTE:6-0-0-0).**

LEG. MONTANO:

I got here late because I had a medical emergency, but would you mark me as voting with the majority, if that's permissible, on the resolutions that I missed.

CHAIRMAN D'AMARO:

Can we do that.

MR. NOLAN:

No.

LEG. MONTANO:

No. Then let it go. Thank you.

CHAIRMAN D'AMARO:

All right. With no other business before the committee, we're adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 12:07 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY