

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, June 22, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

MEMBER NOT PRESENT:

Legislator Edward Romaine • Excused absence

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 10:30 A.M. *)

CHAIRMAN D'AMARO:

Thank you for your patience. Good morning and welcome to the Ways and Means Committee of the Suffolk County Legislature. I ask that everyone please rise and join for the Pledge led by Cameron Alden.

SALUTATION

CHAIRMAN D'AMARO:

Just note for the record that Legislator Ed Romaine is not here. He's not going to be joining the committee based on a personal matter. So please note there's an excused absence for Legislator Romaine. Looking at the agenda, we have no correspondence for the record this morning. So we will go right to the public comments. I'd like to remind each speaker that they will have three minutes to address the committee. And the first •• I have three cards this morning. The first speaker is Mark Klein. Mr. Klein, good morning.

MR. KLEIN:

I'm Mark Klein of the Long Island Progressive Coalition E•voting Committee. I call to your attention our letter date June 16th, which called upon the County Executive and members of the Legislature to cooperatively take three actions concerning the transition from the lever voting machine.

The three actions are: One, have the Legislature in conjunction with the Election Commissioners do a cost analysis of both the acquisition price and post acquisition operational maintenance cost of the DREs and Optical

Scanner voting systems; two, to hold public hearings regarding the cost analysis and the security, accuracy, reliability accessibility and cost effectiveness of both systems so as to help maintain voter confidence that their vote will actually be counted and at a reasonable price; three, conduct before selection for purchase a mock election, not just a demonstration, which is a talk•like show. Though let the public to have the opportunity to witness a performance of both systems to determine that the votes are actually counted if an actual cut and drop paper trail is produced and if disabled voters can actually vote.

In other words let the public see that the systems functions as they are supposed to rather than depend on descriptive claims and promises of vendors. The issue is a fancy prototype, looks attractive, but does it work? I take this opportunity to impress upon you the urgency of action at this time due to State of New York State's July•August calender decision constraints.

Real world experience has repeatedly demonstrated DREs are not cost effective. In addition to excessive initial costs, the DREs after acquisition costs are very substantial and wastefully unnecessary. These after acquisition costs will fall exclusively year in and year out on County and not be covered by HAVA funds. We urge you as guardians of the wallets of the taxpayers to take the above financially responsible three actions at this time. Thank you.

CHAIRMAN D'AMARO:

Thank you very much for your comments.

LEG. MYSTAL:

As many you know, I've been trying to stand in the forefront of this dilemma. In July, in mid July to the third week of July, we are going to have a public hearing, and we are going to invite, and I've already spoken with Commissioner •• the Democratic Commissioner for the Board of Elections, yes she has already said she will come. We are going to invite the Commissioners of the Board of Elections, we are going to invite all Legislators, we are also going to invite, I don't know if they except, all elected officials, that means Assemble people, State Senate people, Congressional people, because we all have a stake in this.

The hearing, we don't have a date for it yet, because we have to coordinate all the different calenders of those elected officials and also of the appointed official. And also, we are going to invite the vendors. And also we are going to invite all of you. So at the end of this meeting, if you want to be present at this meeting, Paul Perille who is sitting right here will take your name and address to make sure that you get some kind of a communication as to when this meeting takes place. This will be a full meeting of everybody involved so everybody can present their case.

We have promised that we will do that, we will do that to keep our promise. We have not made any decision, and by the way, I want you guys to understand this, this is very important, the Suffolk County Legislature by itself does not have any say so as to what machines are bought. Of course, because we are elected officials and because we do control a little bit of the budget, we do have some influence. But we do not have a complete •• we cannot say to the Board of Elections, buy this machine. We cannot. I know you think we can, but cannot. That's why we're having the hearing. So everybody can •• we're trying to make it transparent so everybody can see what's going on, the machines, hopefully will be here, because we are going to invite the vendors and the Board of Elections from the County would be here and vet the whole thing out, vet it out. That's what we're going to do.

MR. KLEIN:

I'm glad to hear you're going to have a public hearing, but I think we need to have a substantive body of material in front of us, a cost analysis before the hearing. And I think we need more than the machines here and the vendors here, we have to actually see that they work, have a mock election. I realize you cannot dictate to the Commissioners the selection of the machines, but you are going to have to live with the budget consequences year out in terms of maintenance and operation. And the sense of the Legislature from that point of view is extremely important.

LEG. MYSTAL:

I think a couple of months back I had asked Budget Review to do a cost analysis for me. Gail?

MS. VIZZINI:

Yes, you did. We touched upon in our review of the Capital Program when we talked about whether there going to be a capital project to purchase the machines, and it's not extensive. I'd like to have the opportunity to work on it a little bit more. You know, initially the DRE machine costs a little bit more than the Optical Scanner, there's about a \$2000 difference. But the Optical Scanner has a lot more paper requirements, and paper needs to be adequately stored. And as you are aware, the conditions at the Board of Election are less than optimal for, you know, paper storage, a full-faced ballot, etcetera. So before I released anything further other than what we addressed in the Capital Program, I'd like to have a little bit more of an opportunity to review it.

LEG. MYSTAL:

Well, hopefully you will have it the second week, third week of July. I'm saying if you can during that time, because I know you have to deal with the County budget.

MS. VIZZINI:

The College Budget.

LEG. MYSTAL:

And I know we will be probably imposing more time on you. But, please, if you can, some how by mid July if you have something for us examining both sides of it so when we have the public hearing we will some cost analysis of the machines, both the them, at the Legislature. Okay.

MR. KLEIN:

In terms of the paper and storage.

LEG. MYSTAL:

Sir, do me a favor. Don't get into that debate right now, because we will be here for two days. Let her do her job, let the BRO do its job. You know, when we have the meeting, we will sit down and it will not be something that we are going to keep to ourselves. We will give you whatever BRO gives us, we will show it to you, it's not going to be a secret, it will be very transparent, you will see whatever they come up with. Understand that BRO, first of all, is nonpartisan, number two, they are complete professionals.

Whatever they give us is going to be what it is. They don't any ax to grind. They're not elected officials, they don't care what machine you use. The only thing they care about is how much money we spend. Whatever they give us is going to be the real McCoy. So leave that discussion for another date in terms of, you know, whatever is going to go on. I just want to make sure that you understand that. We will have some kind of cost analysis.

MR. KLEIN:

We look forward then to working with you and supplying you with information and technical assistance. No cost, non profit, free.

CHAIRMAN D'AMARO:

Mr. Klein, before you go, just to follow up on that. You know, we welcome working with you. You have been and the organizations have been very, very vocal on this. And you know, this committee is as considered about the decisions that we're going to make about machines that we're probably going to have to live with for the next 30 to 40 years as you are. And certainly we actually have a vested interest as elected officials relying on the accuracy and the competency of the machines.

So I encourage you, please, be in touch with my office as we start to put this process together, and, you know, we can work together on that so at least all the information that folks want to have disseminated publically will be made available. I just wanted to ask you very quickly though, you said a mock election. You know, we talked about cost analysis, Legislator Mystal spoke about that, the public hearing we're looking forward to having. And a mock elections, how do you envision that, just very briefly. I don't want to take a lot of time.

MR. KLEIN:

Yes. I vision the DREs here, I vision the Optical Scanner here, I vision a group of people going up and actually voting, they're votes being projected on a screen and then see what happens.

CHAIRMAN D'AMARO:

Okay. I just wanted the concept.

MR. KLEIN:

Of course there should be a disabled person or two.

CHAIRMAN D'AMARO:

Right. We want to simulate a small sampling of what's going to happen out there during an actual election.

MR. KLEIN:

Do you have a paper trail from both machines? And can the public when they vote, actually, do they have bend down look at some little thing in the DRE that's almost invisible, small? Is it actually going to drop in? I'd like to see one of the machines that exist and functions.

CHAIRMAN D'AMARO:

Okay. Vice•Chair Mystal and then Legislator Montano have comments.

LEG. MYSTAL:

One more thing, and it's very important. I talk about Commissioner •• the Commissioner from Suffolk County talk with the Commissioner from the State. What we thought we were going to get, we thought we were going to get a list of certified machines. This is just what everybody thought we were going to get from the state. There were going to send us a list, this machine has been certified, blah, blah, blah, you can choose among them.

This is not going to happen. The State is not going to do that. The state is just going to give you a list of vendors. They are not going to certify any machine. They're just going to say, okay, this is a list of vendors who are selling different machines, the DREs or scanning machines. They are not going to certify anything. So ultimately, it is going to be on us.

CHAIRMAN D'AMARO:

Thank you. Legislator Montano.

LEG. MONTANO:

Yes. Actually you asked the exact question I was going to ask with respect to the mock election, and I liked the answer. But just very quickly. You're coming out with three points, and I know that you have done a lot of work on that, I know Marge has been to my office to discuss this. So with respect to

points one and two, your cost analysis and your public hearing, are you satisfied with the response that you have gotten from us in terms of meeting the •• what you would like to see happen? Is that okay with you?

MR. KLEIN:

It's vague. So I don't know •• what you are stating is what we're envisioning, but what we're envisioning is a cost analysis of both systems made publically available before any public hearing so people can prepare, the appropriate experts be brought in to comment on it, then a full public hearing, not holding people to two or three minutes. If a person has as an expert who's worked for every Fortune 500 Company, there's a computer expert, bringing such a person in, we expect that person gets more than three minutes.

LEG. MONTANO:

To be honest with you. I didn't think that we would purchase anything without a cost analysis. And I agree with you that we need to have some kind of an understanding of what we're purchasing, what the lifetime use of that item is, what the effectiveness is, whether or not it meets our needs. So, you know, I just thought we were already moving towards that direction. What you are asking is that once we complete this analysis that we have •• we open that up to the public so that people can get an idea of what is being said, and if they want to come and refute that they have an opportunity to do so, and if they need to counter based on new information that's presented, that's what you are asking for, and I think that reasonable.

MR. KLIEN:

Precisely.

LEG. MONTANO:

Okay. And the third one was what Legislator D'Amaro addressed, was the mock election. We can actually have that, you know, in a body such as this. That's what you're envisioning?

MR. KLEIN:

Yes.

LEG. MONTANO:

All right. I think that's reasonable. I don't have a problem with that. Thank you. So, you know, follow up with us. As the Chairman said, follow up with his office. I would like to see this go through also. I think it's a reasonable request.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Montano. Mr. Klein, thank you. We look forward to working with you and your organization on this very important issue. I will call the next speaker. Ms. Marge Acosta.

MS. ACOSTA:

Good morning. And first of all, thank you so much. As I had written, you know, freedom is when the people can speak and democracy is when the

government is listening. And as I was starting to write it anyway, I know you are listening. I appreciate all the effort you're putting into it.

I want to clarify too, last week is when I found out about these decisions having to be made, you know, in early August. I was at a meeting with Commissioner {Kellner}, who is the Co•Chair of New York State Board of Elections. What he said is that they are asking the commissioners to give their decision now so vendors can decide on what machines to prepare and what machines to manufacture, because none of these prototypes are working. But they will be certifying machines. It may take them, though, they said even into January or February. And they know that's too late if we're going to try to have elections with these new machines in 2007. So that's one of the reasons the Commissioners really don't want to do this ahead, because then the machine may not be certified. But anyway that's what they plan on doing.

I won't go into then asking you for these hearings since you are already doing that, and I really appreciate that. The second request, which we spoke about, and I just want to go into it a little more, is we had reiterated for •• your second request was for a comprehensive cost analysis with any reputable corporation investing millions of dollars in machinery to be used for many years solely on the word of the seller.

And wouldn't it first require references to determine the product's cost and performance history? And with that, I gave you just a couple of little cost analysis that the •• especially New York for Verified Voters has done. There have been many different cost analysis, and I will give you later some of the websites which go into actual states. And remember, some states who have had both types of machines have given over millions of dollars of the DREs because they found them so costly as well as not working as well. So I would like you to really look into that.

At the same presentation, Commissioner Kellner told us that because some disabled voters took anywhere from 20 minutes to an hour to vote on these touch screen or push button computers, the state would probably require at least two DREs for every lever machine. Remember if we have a DRE system in place, the disabled will use the same machine as the general voters. So, of course, lines would really back up if that were the case. So they think, therefore, you would need more, because the three minute limitation per voter has been abolished they said. The first estimate would be that we had done, we were looking at about 514 scanners and the same number of ballot markers, so about a thousand and \$6 million.

CHAIRMAN D'AMARO:

Just sum up if you would.

MS. ACOSTA:

Compared to 1500 DREs at about 13 million. Now, the comparison be more like op scan machines as opposed to 3000 DREs. That's just replacing on a two to one, and they said it could be more. That's six million compared to 26 million just for the initial cost which Commissioner Kellner would never be covered by HAVA funds. And that also means additional costs for programming, maintaining, replacing, storing and transporting 3000 much heavier and larger machines. Since we're going to pay for this whether in operating costs or capital expenses, it's only reasonable that the comprehensive cost analysis should be done publically.

So we stand here before you to ask for these very reasonable requests, which I'm glad to hear that you are considering doing. And we ask that when is this

freedom more important to speak out then now. How ironic it would be to have us two, three or even four times more for machines we feel will put our vote in jeopardy. Thank you so much for listening. I do have a cost analysis survey that New York for Verified Voting gives out to use as a basis to finding out the cost of machines also, which I'll give to you.

CHAIRMAN D'AMARO:

Thank you, Ms. Acosta. We appreciate our time and your efforts all through the process, and we look forward to working with you when we get to our hearing.

MS. ACOSTA:

Thank you. One last request. If it's possible, I know you guys have such a long day, but many more people would be here if it wasn't during working hours, if you could possibly make the hearing later in the day that people who work would also have an opportunity to come.

CHAIRMAN D'AMARO:

Okay. We will think that through as well.

CHAIRMAN D'AMARO:

Okay. The final speaker is Patricia Valluzzi.

MS. VALLUZZI:

I won't be making a speech. Thank you.

CHAIRMAN D'AMARO:

Thank you. Now, we have an item that's not on the agenda, but we're just going to take up very briefly. Mr. Zwirn, I think we are now at a position where we can consider a County Executive nominee to the Suffolk County Ethics Commission, is that accurate?

MR. ZWIRN:

Yes. And because of the recent resignation, the Commissioner needs another member badly. And Michael Kennedy is here •• no relation, I think to Legislator John Kennedy •• who is here today to be interviewed by the committee. And the County Executive will offer a CN at Tuesday's meeting before the full Legislature so they have an opportunity to make the Commission of Ethics whole and get back to it's good work.

CHAIRMAN D'AMARO:

Very good. And I do have a copy of Mr. Kennedy's resume before me as should the rest of the committee members. And is Mr. Kennedy here?

MR. ZWIRN:

I believe so.

CHAIRMAN D'AMARO:

Okay. Mr. Kennedy, good morning and welcome to the Ways and Means Committee. And by way of introduction, just so you know, we all have a copy of your resume in front of us. And I believe here this morning as a potential •• or as a candidate for the Suffolk County Ethics Commission. So I'd like to invite you to make a brief statement and tell us a little about yourself and why you would like to serve on this important commission.

MR. KENNEDY:

Good morning and thank you for the invitation to speak before the committee. Well a little background first. I'm married, I have four kids, I have two stepchildren and two children in high school and middle school. I've been a local practicing attorney for approximately 25 years, been with one version or another of the same firm for 23 of those. Some of you know me through work, member of the Grievance Committee with the Bar Association. Prior to that, I was on the Fee Dispute Committee. I've been a speaker through the Boy Scouts Explore Program for the past 17 or 18 years, going out to high schools.

I've been a judge through New York State Bar Mock Trials for a number of years. Always found that very gratifying. I ride with a local ambulance company. So if I seem a little tired, I rode a 12 hour shift last night from 6:00 p.m. to 6:00 a.m. But the reason I'm here and the reason I put my name into the ring so to speak, I think it's a very, very important slot. If you look at any of the things in the local newspapers, the scandals really are almost always ethics driven.

I wasn't born in the County, but I've lived here in Sayville for the past 20 years. I reside in the County, I work in the County. I have an interest in the process, and I think the combination of my life experience, my professional experience and insights, I'll be able to function well with •• the Executive Director I've know, George {Llama} for more than 20 years. Questions?

CHAIRMAN D'AMARO:

Okay. Very good, I appreciate your comments. Are there any questions of Mr. Kennedy from any committee member or any other Legislator present. Yes. Legislator Montano please, then Legislator Kennedy.

LEG. MONTANO:

Good morning, Michael. I just want to state that I worked as an associate in the firm with Mike Kennedy back, I think it was 1988 to '89, so it's a long time removed. But he is an excellent attorney, certainly one of high standards. But I did want to put on the record that we were once associated in the same firm. And I think there's been sufficient time to allow me to, you know, vote on this nomination with pleasure. But at least it's on the record, mike. You know, we have worked on cases together from that time. And I just want to say that. Thanks for volunteering. You're an excellent candidate for this.

CHAIRMAN D'AMARO:

Thank you, Legislator Montano. Legislator Kennedy, please.

LEG. KENNEDY:

Thank you, Mr. Chair. As Mr. Zwirn did point out, we have no familial relation unless, you know, ancestors that go back to County Mayo or what have you. I have known Mr. Kennedy previously with my work out in the County Clerk's office. He is an active real estate practitioner. I've always found him to be very much above board and an excellent representative.

We have had occasion to go ahead and have some contact regarding Social Security referrals and things of that nature, but I think that this is something •• an individual who I admire for seeking to go ahead and take this position on. It's my opinion that this is not exactly a walk in the park as far as sitting as an Ethics Commissioner. As you stated in your statement, it seems that we have ethical dilemmas and issues that present themselves almost on a daily basis. I guess I just want to hear from you that you understand the role and the importance of the confidentiality, and, I guess, the importance of a balanced view for matters that are presented to the board and just some thoughts on that.

MR. KENNEDY:

Ethics should be very easy. I think the definition is telling right from wrong. The problem sometimes becomes that people are too close to the forest, to the trees, and they lose site of whether or not something should be nudged a little bit one way or a little bit the other. This certainly is not the Attorney General's office, it's not the District Attorney's Office, it's not the US Attorney's Office. If I was on the committee •• I'm not a prosecutor •• but we are there I think •• if I was on the committee to sort of step back and give a little guidance to people that sometimes are just too close to the issue to help them with maybe a nudge in the right direction one way or the other to see perhaps what they just aren't seeing. And that, I think, is how the committee should function.

LEG. KENNEDY:

Good luck to you, sir. Thanks for stepping up. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy, Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. Good morning, Mr. Kennedy. I too have had the opportunity to have dealings with Mr. Kennedy in the legal community and know this his clients have always had the utmost confidence in him. He has always served as a very strong advocate. And I think that his experience in working with the Grievance Committee and the County Bar Association will be a tremendous asset he can bring to the commission.

CHAIRMAN D'AMARO:

Okay. Any other comments at this time? Mr. Kennedy, thank you very much for appearing this morning. There's no formal resolution before the committee at this time, so we will not be voting today. But as Mr. Zwirn noted, the County Executive intends to bring you forward formally on Tuesday. You can be here if you'd like •• or actually it's out in Riverhead •• but if you choose not to appear, that's okay too. It's up to you.

First I'd like to turn, of course, to tabled resolutions. The first resolution to

be called is **1069, a Charter Law to create a consolidated Department of Audit and Financial Management.**

That requires •• there was a continued public hearing on that, so I will offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator stern. All in favor? Any opposed? Abstentions? Motion carries. That bill is **tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

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

Again, I will offer a motion to table.

LEG. STERN:

Second.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. The resolution is **tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine)**.

All right. Next is resolution **1214, a Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services.**

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. On the motion, Legislator Alden.

LEG. ALDEN:

I'm not on your committee, but is it all right if I just address this?

CHAIRMAN D'AMARO:

Of course. Go ahead, please.

LEG. ALDEN:

I'm not going to speak exactly to this resolution, because I'm not sure what testimony has been developed, but I have spoken to the issue. And I believe that the issue of cancer awareness, while there is a component that could be environmental, it does belong with health professionals. So I would hope that in the future, you know, maybe the near future, we could give some serious thought to either reestablishing this in the Health Department with a component that would, you know, trace back to environmental causes and routes. Something along those lines.

But I don't know if this does it or another type of resolution would be needed, but I think we should give serious consideration to going back to the old model where the Health Department with health professionals, physicians,

were the primary and lead organization in looking at causes of cancer. And then, of course, bringing in environmentalists to see if there is any branch or something like that to be looked at. Thank you for allowing me to speak.

CHAIRMAN D'AMARO:

Of course. All right. Anyone else on the motion? All right. There's a motion pending to table the resolution. It has been seconded. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. The resolution is **tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine)**.

Next is **1392, Instituting a six month moratorium on Local Law 13 sales.**

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion by the sponsor to table, seconded by Vice•Chair Mystal. All in favor? Any opposed? Abstentions? Motion carries and the bill is **tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine)**.

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

I will offer a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

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

LEG. KENNEDY:

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

CHAIRMAN D'AMARO:

Motion by the sponsor to table, I'll second the motion. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1410, 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. Is there a second? I'll second the motion. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

Next is **1491, A Local Law implementing redemption of real property acquired by Suffolk County pursuant to the Suffolk County Tax Act.**

I'll note that the public hearing on this resolution has been closed, and I will offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice•Chair Mystal. All in favor?

LEG. MONTANO:

On the motion.

CHAIRMAN D'AMARO:

On the motion.

LEG. MONTANO:

Can I just have a brief explanation from Counsel on this while I pull up the resolution?

MR. NOLAN:

This Local Law is going to amend the Administrative Code, the section that relates to redemption of property under the County Tax Act. Specifically, the law is going to clarify that the payment of taxes and interest at a rate of 6% assessed after the date of a property's tax sales is a condition for redemption.

According to the law's legislative intent section, this requirement was once explicit in the County's original redemption statutes and was dropped inadvertently when the County's redemption procedures were revised by Local Law 4 of 1988. And the law has given retroactive application back to

1988.

LEG. MONTANO:

It doesn't change anything really in terms of the process, it just ensures that we get the interest due?

MR. NOLAN:

Right. My understanding is the Treasurer has been doing this, and this codifies it.

CHAIRMAN D'AMARO:

Okay. Anyone else on the motion? I'll call the vote. There is a motion to approve pending. All in favor? Any opposed? Abstentions? The motion carries. The resolution is **approved (VOTE:5•0•0•1 • Not present, Legis. Romaine)**.

1629, Granting permission to the Shanti Fund to use Suffolk County Seal for Mohandas Karamchand Gandhi Commemorative Coin.

Motion by Vice•Chair Mystal to approve, is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. I'll call the vote. All in favor? Any opposed? Abstention? The motion carries. **APPROVED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1653, Adopting a no frills budget plan to stabilize property taxes in 2007 by securing Suffolk County's equitable share of Homeland Security funds for MacArthur Airport.

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to table, seconded by Vice•Chair Mystal. I'll call the vote. All in favor? Opposed? Any abstentions? Motion carries. **TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

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

Motion by Vice•Chair Mystal to table, I'll second. All in favor? Any opposed? Abstentions? Motion carries. **TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1663, Authorizing certain technical correction to Adopted Resolution No. 46•2006.

Okay. Motion by Vice•Chair Mystal to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano and also to place on the Consent Calendar. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

1667, Authorizing certain technical corrections to Adopted Resolution No. 1037•2005.

Motion by Vice•Chair Mystal to approve, I'll second, all in favor? Any

opposed? Abstentions and that's on the Consent Calendar as well. **APPROVED** and placed on the **Consent Calendar (VOTE:5•0•0•1 • Not present, Legis. Romaine)**.

Okay. Next is **1681, Authorizing certain technical correction to Adopted Resolution No. 426•2006.**

Same motion, same second. All in favor? Any opposed? Same vote and that's Consent Calendar as well. **APPROVED** and placed on the **Consent Calendar (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

1688, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the Integrated Land Information System (CP 1758).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator stern. On the motion?

LEG. KENNEDY:

Mr. Chair, yeah, just a quick question. The •• some of the references that I see in the resolution talks about the 5217. And I know our Director of Real Property Tax Service Agency is here. I just •• my question, Penny, is that this system will allow for an electronic version of the 5217 to be downloaded? This is not an attempt to go ahead and sell the data that's captured from the 5217, is it?

MS. LAVALLE:

Thank you for your question and interest. Currently, we're licensing that data right now, the information that we collect from the 5217. What this will provide is the vehicle to download, have a title company or an attorney in their office actually reach into our data warehouse and populate that form and print the form, put a bar code on the form and bring it into our office. We'll scan that when we verify the tax map information on the legal document, and then it will download the corrected information or their new information into our system. It's just a matter of streamlining government and providing •• we had passed •• two years ago the Legislature passed a subscription fee for them.

LEG. KENNEDY:

I guess the thing I'm trying to reconcile or understand is how this intergrades with the initiative that the Clerk's Office has been promoting as far as their subscription program. But also, my recollection was that there was a whole subscription service through Real Property Tax Service Agency for vending of the data associated with the transfer instruments. It was like a 60 or '90 day latency period where anybody can go ahead and acquire that information as far as parties, location, all that other stuff. Will this be supplanting that? Will this be standing in place of that, or is this something in addition?

MS. LAVALLE:

I'm not sure what you're reference to the 60 or 90 days is. We have the subscription •• we refer it to as areas of the advanced real estate information system. That's currently now becoming available to ••

LEG. KENNEDY:

So that's the vending of the tax map and then the ownership information associated with that parcel?

MS. LAVALLE:

That's correct. This is just another tool, but a convenience tool, for not only for government, but for individuals and their offices to download •• access the information and download it. I'd like to make a distinction between what Real Property does and offering as a subscription and what the Clerk is. We are the tax maps and the ownership information related to that tax map. The Clerk is definitely the documents that are related to that parcel. The deed, the mortgage, the satisfaction of mortgage, you understand that.

LEG. KENNEDY:

Yes, I do.

MS. LAVALLE:

Very well. Documents, tax maps.

LEG. KENNEDY:

So in other words, from this system, from the subscription, then, a party, any individual could acquire a copy of the tax map and just the data associated with the ownership history for that subject parcel.

MS. LAVALLE:

That's correct.

LEG. KENNEDY:

Would not vend any transfer instruments or any other recordings associated with that parcel?

MS. LAVALLE:

No documents that the Clerk scans and provides on their subscription. The information from the state form the E&A 5217 that you referred to is

currently part of the Aries System.

LEG. KENNEDY:

Right. And I guess the only other question is, and this is just something that it's been a while since I was associated this stuff ••

MS. LAVALLE:

Not that long.

LEG. KENNEDY:

I know. It seems like a lifetime. I was always under the impression that Real Property was vending that from up in Albany, but they're supporting this initiative then and it's something that they're in agreement with?

MS. LAVALLE:

With the 5217, yes. Anything electronic we're in discussion with and we're sending the information up to them now.

LEG. KENNEDY:

Great. Okay. Good. Thank you very much then. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Legislator Montano.

LEG. MONTANO:

Penny, I just want to be sure that this doesn't bring us back to that issue that we had with the personal data that was inadvertently subject to disclosure in the Clerk's Office. Remember that issue that came out? This is nowhere near and that doesn't have the kind of information that should not be disclosed, am I accurate?

MS. LAVALLE:

We don't even look at Social Security numbers.

LEG. MONTANO:

You just have tax map numbers, name and address of the registered owner and that's it?

MS. LAVALLE:

That's correct. I'm very cautious about ••

LEG. MONTANO:

Okay. Thank you.

MS. LAVALLE:

People's privacy.

CHAIRMAN D'AMARO:

Okay. Thank you very much. There was a motion pending to approve, I'll call the vote. All in favor? Any opposed? Abstentions? Motion carried and the resolution is **approved (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

Okay. We now have a series of Local Law 16 resolutions coming up.

The first to be called is **1690, Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles A. Funderburke (SCTM No. 0100•055.00 •01.00•131.000).**

LEG. MYSTAL:

Motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve, seconded by Legislator Montano.
Any comments on this?

LEG. ALDEN:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Alden.

LEG. ALDEN:

In the past we put just testimony as far as whether it was of right or something along those lines.

CHAIRMAN D'AMARO:

Would you like to do that again?

LEG. ALDEN:

No. That's the prerogative of the Chair, but it makes it a little easier, because sometimes, you know, we do have that lawsuit on some of these redemptions.

CHAIRMAN D'AMARO:

Okay. Maybe just brief •• this is a redemption as a matter of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Okay. Thank you. Okay. There is a motion pending to approve. All in favor? Any opposed? Abstentions? And that's to place on the Consent Calendar as well, and the motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

Okay. **1691, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carmine T. Agnello (SCTM No. 0100•078.00•02.00•052.000).**

Same motion, same second ••

LEG. MYSTAL:

As of right.

MS. ZIELENSKI:

Yes. What I was going to say is from 1690 to 1697 are all as of right redemptions.

CHAIRMAN D'AMARO:

Same motion, same second, same vote on the Consent Calendar.

APPROVED and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

CHAIRMAN D'AMARO:

1692, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mark S. Strum and Sally A. Strum, his wife (SCTM No. 0200•872.00•04.00•045.000).

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

1693, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Olney M. Gardiner (SCTM No. 0300•184.00•06.00•008.000).

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

1694, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act

Eileen Werner (SCTM No. 0400•165.00•03.00•002.000).

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

1695, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Patricia Murphy (SCTM No. 0500•063.00•01.00•004.000 and 0500•063.00•01.00•005.000).

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

1696, Authorizing the sale, pursuant to Local Law 16•1976, of real

property acquired under Section 46 of the Suffolk County Tax Act Willie Lee Williams and Ora Williams (SCTM No. 0500•290.00•01.00 •141.000).

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

Next is **1697, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act**

Richard E. Albrecht as executor of the estate of Luella Albrecht (SCTM No. 0500•346.00•03.00•059.000).

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

1698, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act

Richard E. Albrecht as executor of the estate of Luella Albrecht (SCTM No. 0500•346.00•03.00•065.000).

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

CHAIRMAN D'AMARO:

1699, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard E. Albrecht 50% interest and Richard E. Albrecht as executor of the estate of Luella Albrecht 50% interest (SCTM No. 0500•346.00•03.00•067.001).

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

CHAIRMAN D'AMARO:

Resolution number 1700, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Christina Zaloga (SCTM No. 0904•003.00•02.00•001.010).

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

All right next is a Resolution Number **1701, Sale of County•owned real estate pursuant to Local Law 13•1976 Elisa Cornell (SCTM NO. 0200•787.00•04.00•031.000).**

Anything to add on this resolution?

MS. ZIELENSKI:

This is a 40 foot unbuildable lot that's between two developed parcels in Moriches that sold in a mini auction for six thousand dollars.

MR. ZWIRN:

And I'll just add for the record that the Marian Zucker, who is the head of our affordable Housing Division looked at this lot and examined it for use for affordable housing and said that it was not a lot that they would recommend.

LEG. KENNEDY:

If I may, thank you. Again, I can't help but ask these questions. I know that Legislator Montano has the question on occasion. I look at the tax map, I hear the representations, I see a lot across the street that's a 40 footer, tax map lot 43. I don't know whether it's in an improved lot or not, and I guess I'm just going to continue to go ahead and ask why it is that we don't examine or look at, you know, whether there's an opportunity to try and render some of these things buildable.

MR. ZWIRN:

Well, as Pat says, this is a 40 foot lot in the Town of Brookhaven. They won't approve it, and we have a Town Board resolution to that effect that goes back sometime. But we just can't get these approved. I mean, we look for every possible way to find affordable housing sites. I mean Marian Zucker has worked with the towns, we've asked the towns to make recommendations to the County, we do 72Hs whenever we have an opportunity to do for affordable housing.

The questions I understand and we appreciate the questions and concern of the Legislature, but the County Executive's Office also is in favor and has committed a great deal of money to build affordable housing. Yesterday, we had Patchogue development where there's a substantial contribution on the part of the County to support the efforts of the Village of Patchogue. These individual lots, you know, we're trying to get them to be cleaned up, have people take responsibility for them so they don't become dumping grounds.

There was a reason long before the County Executive came on board to have these Local Law 13s to try to get these properties back on the tax rolls and to be maintained by people in their neighborhoods. And if we can't get the approval from the towns to do this, then we're just leaving these properties available for, you know, just to be dumping grounds.

LEG. KENNEDY:

Again I don't want to take up the committees time. We're moving along, we should continue to move along. I guess I'll have the discussion with you afterwards as to some of my other thoughts with some of this stuff.

CHAIRMAN D'AMARO:

Right. And I think to sum it up, you would find if you did bring that lot before the town for the required variance, I think the response like, "We don't want to be like Queens."

LEG. MYSTAL:

Get out of here.

CHAIRMAN D'AMARO:

There's a difference between building on a substandard lot and granting high density. Big difference. One, when you build on a 40 foot lot, you'll find that the surrounding community doesn't want it as opposed to where you have larger lots and go to higher density which preserves some open space, and it's managed. There's a huge difference, and I think you would find, as I've stated on the record previously, that although we have to look seriously at the workforce housing problem and resolve it, this is not the method to do so.

LEG. KENNEDY:

Mr. Chair, I do respect, you know, the perspective that you bring, but I guess I'll suggest that nobody seems to be coming forward and talking about wanting to voluntarily jump in and cure the affordable housing dilemmas that we have, and my town notwithstanding. Sometimes the only way to go ahead and to be able to get a home built in a particular area is through some of the tools you know very well, like a single and separate or request for variances.

And a particular community may not necessarily want to see a small ranch in a neighborhood full of five and six bedroom three •• you know two story, three car garage homes. Nevertheless, that's what it takes sometimes in order to go ahead and find someplace for a young starter home •• young starter family to live. And it's a matter of what we decide to go forward with.

CHAIRMAN D'AMARO:

Right. And that's within the purview of the towns. By the way, you'll also find that no town code has a single and separate dispensation for 40 foot lot, they start at 60.

LEG. KENNEDY:

I respectfully disagree.

CHAIRMAN D'AMARO:

Unless you go back to the single and separate back in the '50s.

LEG. KENNEDY:

As a matter of fact, you can build on a 40 by 80 in Smithtown.

CHAIRMAN D'AMARO:

Right. Very rare. I stand corrected. But the point I'm making is that the •• you know what? I don't want to restate what I already stated. I just think that we do have to •• we're not going to debate here and now how we're resolving the affordable or workforce housing issue, but just from my experience as a Chair, a former Chair of a Town Zoning Board, I can tell you that •• and I think the communities are right in stating that when you look at the tradeoffs, you might be providing one affordable home in a community, but the ripple effect through that community is simply not the proper way to do this, to resolve that issue. Yes, Legislator Mystal.

LEG. MYSTAL:

I'm going to enjoy this argument, because no offense to you, Legislator Kennedy I'm getting sick of it. Let me tell you why. Every time we have those little pieces of land 40, 50, why can't we build on them, blah, blah, blah, blah, blah. In the meantime, every time a big parcel of land comes up, seven acres, ten acres, 12 acres, what I'm hearing, oh, let's buy it, let's conserve it. I don't hear anybody here coming and telling me let's buy •• and when I ask the question why can't we build on them, what is the reason why we don't build them? Oh, well, you know, the neighborhood •• basically everybody wants a backyard •• wants a park in the backyard.

But yet we spend so much time talking about 40 foot parcels. At the same time, I'm looking at the Environment, Planning and Agriculture Committee, we have seven acres, ten acres. Why can't we build on them? Why can't we build on them? You know why? Because nobody wants to build on them because the neighbors don't want them. So I'm sick of the argument over 40 foot parcels when we can build maybe one house that's substandard that we have all these big pieces of land that everyone wants to buy for their constituent.

CHAIRMAN D'AMARO:

Of course, that doesn't include environmentally sensitive land, but we get your point. Yes, Legislator Alden, go ahead, please.

LEG. ALDEN:

With your indulgence, I'd like to make just one point, and I do agree with

your comments and you build on substandard and that pretty much what you get, and there's a reason for our zoning laws. But the only thing I would point out is that sometimes there's an opportunity, and we took advantage of this over in Islip at the Community Development Agency, if you had a 40 foot lot and you could purchase from either one of the neighbors to put together a standard type of lot, those opportunities should be explored. I'm hopeful that you are exploring them.

CHAIRMAN D'AMARO:

If I could just respond to that, Legislator Alden. That's a great idea. And I know at least in my experience working in my town, that was always something that the board would consider and encourage applicants to try and do, to piece together parcels to make something more palatable, you know, to the community as well as provide some housing as well. Yes, Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. I mean, although I enjoy the back and forth of the overall debate, I think for me, the issue is spending what sometimes appears to be an inordinate amount of time asking the Administration and the Real Estate Department about what efforts if any have been made towards looking at the substandard lot and the viability of some type of affordable housing. And I would hope that perhaps we could work with the Administration and come up with some kind of definitive analysis, perhaps something similar to what we do in other committees when we're talking about whether or not particular properties score well enough or meet certain criteria when we're buying up properties for purposes of preserving. Perhaps that kind of an analysis is something that we would have the opportunity to look at to be sure the Administration has made X, Y and Z efforts in pursuing it as affordable housing that we could be comfortable and passing on these individual resolutions in a much more, I guess, a more economical effective

manner.

MR. ZWIRN:

With the permission of the Chair, we do. This isn't done in a haphazard way. This goes through rigorous process before it's done. It's reviewed by Planning, it's reviewed by Real estate, it's reviewed by the Affordable Housing Department. I mean, this is the last step, you know •• you know, the last stop on the train. And that's when we recommend them. We don't take these lightly. All the ones that you asked us to review, we went back and reviewed them, we did site reviews, and we came up with the same conclusion every time.

You know, we talk about one lot. I mean, with all due respect to Legislator Kennedy, his district has done nothing for affordable housing. You talk about Kings Park, I'm not suggesting they do, but you're looking at thousands of units that could be built. We're talking about one undersized parcel outside his district that he wants to, you know, either push into affordable housing when the people in the community aren't asking for it and the Town Board will not give us approval to do anything.

And I think Pat will tell you that they do approach, I think, the neighbors to see if they can build a larger parcel to do that. So I think our commitment •• when we bring it here, we have gone through a rigorous process and a lot of scrubbing has been done before it gets here. But we're always •• you know, we're here to enjoy the debate and take part in the dialogue and explain what measures have been taken, and we look forward to it.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy, go ahead, please.

LEG. KENNEDY:

Thank you for that assessment, Ben, and thank you for expanding my district too, but Kings Park is not in my district. Nevertheless, in my town, you are right, there has not been a propensity of affordable housing initiatives, which is why I joined with Legislator Nowick and got support from the administration to expand the sewerage to try and actually get an opportunity to do some affordable housing there.

I'm not focusing on, you know, a parcel in any particular Legislator's district or any particular community, I continue to go ahead and just personally struggle with this issue associated with what is and what isn't deemed buildable, knowing that I've seen similar types of circumstances. Ask I'll go back to that 60 footer that was out in Mastic that we took a walk on. I still believe that that's something that ultimately could have been built out.

Nevertheless, so that I do not monopolize, and in deference to Legislator Mystal, who I consider a mentor with many years of experience, and Legislator Stern's request, a letter, something simple included in a packet here. If there was a reject from the Town of Brookhaven, I'd be able to see that and say, hey, I'm not in the business of housing, I'm just opposed to, you know, voting on resolutions. It would help me personally if I saw something like that.

LEG. MYSTAL:

Just one •• let me just say, I am just as guilty as doing that what other Legislators have done to preserve anything in their district that the community would like to be preserved. As an example, so I can let people know, I have a piece of property I'm trying to get acquired by the County, which used to be a used car lot. And there is no reason for it not to be a housing development, except it's in the Village of Amityville, and the Mayor of Amityville just told me point•blank they're not going to give anybody a permit to build anything on there, except, you know, they want to use it for a park.

Now the place •• the piece of land sits right in the middle of a busy street, Montauk Highway, which you call Merrick Road in Amityville. It used to be a used car lot. Why couldn't we put, you know, some housing development in there? There's no reason why we couldn't, except for the fact that the Village of Amityville whose responsible for the zoning will never give anybody a permit to build on it. And so, therefore, to come to me, I'm the Legislator, and say could you, please, see if the County could acquire that piece of property? My first reaction was no, because it's a used car lot. Why don't we develop it for whatever industrial use or put some housing on there? And the board passed a resolution that will not give them any kind of permit to build anything on there. So, therefore, I am following the wishes of my constituents by trying to acquire a used car lot to make a park, like I need another park.

MS. Zielenski:

Could I just add that when we deal with affordable housing, we have to turn that property over to a town, and the town then turns it over to a not•for•profit for build out. The town has to pass a resolution saying they will accept the property. In a town like this property in the Town of Brookhaven,

we already have Brookhaven Town's criteria of what they're not going to approve. So go through the exercise of presenting each individual undersized lot to Brookhaven to have them generate more paper to reject it seems somewhat redundant. They've told us clearly what they're criteria is. They have to accept it. If they won't accept it, there's no sense even talking about it.

LEG. KENNEDY:

Fine, then to •• again, Mr. Chair, if you could forward me a copy of whatever Brookhaven has sent to you as far as the minimum for lot size or frontage or things like that, I'll be happy to read it. And when I see something that's under that, I'll shut up.

MS. ZIELENSKI:

Okay. I know that Tom Isles has also requested a similar written statements from other towns. I don't think they're all in yet. But when they are, we'll compile it as an all town bulletin.

LEG. KENNEDY:

Thank you.

MS. ZIELENSKI:

Okay.

CHAIRMAN D'AMARO:

Okay. Where were we?

LEG. KENNEDY:

Motion to approve on 1701.

CHAIRMAN D'AMARO:

Yes. Thank you. Okay there is a motion pending to approve 1701, I will call the vote. All in favor? Any opposed? Abstentions? And the motion carries. The resolution is **APPROVED** and placed on the **Consent Calender (VOTE:5 •0•0•1 • Not present, Legis. Romaine)**.

Next is **1707, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, Suffolk County Tax Map No. 0900•178.00 •02.00•018.000 pursuant to Section 40•D of the Suffolk County Tax Act.**

I'll offer a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice•Chair Mystal. All in favor? Any opposed? Abstentions?
Motion carried. **APPROVED (VOTE:5•0•0•1 • Not present, Legis.
Romaine)**

**1710, Requesting Legislative approval authorizing the Chief Deputy
County Executive to be the representative to act on behalf of Suffolk
County pursuant to the Clean Water/Clean Air Bond Act of 1996
relating to the site formerly known as Eastern Resources.**

CHAIRMAN D'AMARO:

I would like to just request a brief explanation on this one from our Counsel,
if that's possible.

MR. NOLAN:

The backup to the resolution states that this is required by the State
Department of Environmental Conservation for the site to be accepted into
the brownfield clean up program. This is going to be 90% reimbursed by the
state. The eastern resources site, it's been in tax arrears.

MR. ZWIRN:

They just have to have somebody to deal with on •• they have to have
somebody identified on the County level to be able to deal with, and that's
the only reason that •• and Chief Deputy Paul Sabatino is the one they're

dealing with. So they just have to have a designation so they know that they're dealing with somebody who is •• the question was earlier, why do we have to do this? And they're requiring us to do it. So that's unusual, but in this case.

CHAIRMAN D'AMARO:

Just formalizing the representative that they're dealing with anyway.

LEG. MYSTAL:

They're going to reimburse 90% of his salary?

CHAIRMAN D'AMARO:

Mr. Minei, did you want to add something?

MR. MINEI:

Good morning. I'm Vito Minei, Director of Environmental Quality. We're coming back to you with these resolutions. There was quite a bit of discussion when we offered similar resolutions back in December, and there was several pertinent questions, because we actually named the person the state had asked us for, and I recall Legislator Montano and the Presiding Officer asking us. Unfortunately, we were on verbal directions from staff at DEC. We have written instructions, as Ben than indicated. But not only do they want a formal indication of an official in Suffolk County who is authorized to sign, but there was another clause that was missing from our first resolutions, and that was the County committing to the work, and that

you see as one the clauses in.

So now there we're dealing with written instructions. I apologize for the effort that we have put in. I also apologize beforehand, because another question came us, will we need this for each brownfield project, and the answer is yes. That's why you have three before you today. Thank you.

CHAIRMAN D'AMARO:

Thank you. There is no motion pending, so I will offer a motion to approve 1710, seconded by Vice•Chair Mystal. I call the vote. All in favor? Opposed? Abstention? **Approved (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1711, Requesting Legislative approval authorizing the Chief Deputy County Executive to be the representative to act on behalf of Suffolk County pursuant to the Clean Water/Clean Air Bond Act of 1996 relating to the site formerly known as Ronkonkoma Wallpaper Factory.

Same motion, same second, same vote. **Approved (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1712, Requesting Legislative approval authorizing the Chief Deputy County Executive to be the representative to act on behalf of Suffolk County pursuant to the Clean Water/Clean Air Bond Act of 1996 relating to the site formerly known as Blue Point Laundry.

Same motion, same second, same vote. **Approved (VOTE:5•0•0•1 • Not present, Legis. Romaine) .**

1730, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the creation of a web fee application (CP 1682.110).

MR. ZWIRN:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Mr. Zwirn.

MR. ZWIRN:

We would ask that this be tabled at this time until the 5•25 waiver goes into effect.

CHAIRMAN D'AMARO:

Cannot do anything without the 5•25.

MR. ZWIRN:

It would not be eligible.

CHAIRMAN D'AMARO:

Sure. I'll offer a motion to table, seconded by Vice•Chair Mystal. All in favor? Opposed? Abstentions? **Tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine).**

1731, Authorizing certain technical corrections to the 2006 Adopted Operating Budget and transfer of contract agency funding to their proper departments and agencies.

LEG. MYSTAL:

Motion to approved put on the Consent Calender.

CHAIRMAN D'AMARO:

Motion to approve, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

1741, Authorizing certain technical corrections to Adopted Resolution

No. 711•2005 (CP 5377).

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

1749, A Local Law amending the procedures for disposition of property acquired through the Suffolk County Tax Act.

This requires a public hearing. Motion by Legislator Montano to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?
TABLED (VOTE:5•0•0•1 • Not present, Legis. Romaine)

1750, Authorizing certain technical corrections to the 2006 Adopted Operating Budget for contracted agencies in the Department for the Aging.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve and place on the Consent Calender.

CHAIRMAN D'AMARO:

Motion as stated. I'll second. All in favor? Opposed? Abstentions? Motion carried. **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

1754, Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act the Bidwell Family Limited Partnership (SCTM No. 1000•096.00•04.00•004.003).

I'll offer a motion to approve. As•of•right.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Second by Vice•Chair Mystal. Motion carries, and that's also Consent Calender. **APPROVED** and placed on the **Consent Calender (VOTE:5•0•0•1 • Not present, Legis. Romaine)**

1792, A Charter Law to ensure a non•partisan, fair, and objective process by which Legislative Districts are reapportioned.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

This requires a public hearing. Vice•Chair Mystal made a motion to **table**. I'll second. All in favor? Opposed? Abstention? **TABLED (VOTE: 5•0•0•1 • Not present, Legis. Romaine)**

1793, A Local Law prohibiting the impermissible use of copyrighted materials on County owned or operated facilities.

Also requires a public hearing. Vice•Chair Mystal offers a motion to table, I'll second. All in favor? Opposed? Abstentions? **Tabled (VOTE:5•0•0•1 • Not present, Legis. Romaine) .**

1797, Repealing in part Resolution No. 1010•1972 and lifting the ban imposed thereby on all assignments of real property tax liens by the County of Suffolk to third parties so as to permit assignments to third parties of those tax liens acquired by the County of Suffolk on properties commonly referred to as brownfield properties.

LEG. KENNEDY:

Motion to table.

MR. ZWIRN:

We would support that.

CHAIRMAN D'AMARO:

Motion to table, seconded by Vice•Chair Mystal. All in favor? Opposed? Abstentions? Motion carried. **TABLED (VOTE: 5•0•0•1 • Not present, Legis. Romaine).**

There are no other items. No request for Executive Session for this hearing. We stand adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 11:43 A.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY

