

**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 Wednesday June 20, 2007.

**MEMBERS PRESENT:**

Legislator Lou D'Amaro - Chairman  
Legislator Elie Mystal - Vice-Chairman  
Legislator Tom Barraga  
Legislator Kate Browning  
Legislator Edward Romaine

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Gail Vizzini - Director, Budget Review Office  
Renee Ortiz - Chief Deputy Clerk of the Legislature  
Ben Zwirn - County Executive's Office  
Jacqueline Caputi - County Attorney  
Debra Alloncius - AME - Legislative Director  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 10:09 A.M.\*)

**CHAIRMAN D'AMARO:**

Good morning, Ladies and Gentlemen. Welcome to the Ways and Means Committee. I's ask if everyone would please rise and join the committee for the Pledge of Allegiance led by Legislator Mystal.

**SALUTATION**

**CHAIRMAN D'AMARO:**

Okay. Once again, welcome. We will start on the start on the Ways and Means Committee agenda this morning. Going to the public comments, I have one card that's been submitted, and I'll call that now. It's Debra Alloncius. Good morning.

**MS. ALLONCIUS:**

I'm again speaking on 1352, to have it die in committee. We've reached a good agreement with the County Exec's Office. I'm just hoping that we can table this again and keep tabling it. Everything has been worked out, everybody is happy. So just a little reminder. Thank you. Debbie Alloncius, AME Legislative Director. Thank you, gentlemen and Ms. Browning.

**CHAIRMAN D'AMARO:**

You are welcome. I have no other cards. Is there anyone else present who would like to address the committee this morning? If not, we'll turn to the next section of the agenda, which is Tabled Resolutions. I'll call the first.

**2413-2006, 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. (Co. Exec.)**

I'll offer a motion to table.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

**1350, Establishing a Taxpayer Friendly Health Care Benefits Policy for Suffolk County Water Authority. (Lindsay)**

There's a motion to table this resolution by our Vice-Chair, Legislator Mystal, I'll second the motion. Once again, this is something that I believe the authority is going to be doing on its own. And we're going to continue to table the legislation until we have some finality on the issue. So with that said, is there anyone else who would like to be heard on this motion? If not, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

**1352, Adopting Local Law No. 2007, 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. (Losquadro)**

I'll offer a motion to table this resolution subject to call. Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Barraga. All in favor?

**LEG. ROMAINE:**

Discussion.

**CHAIRMAN D'AMARO:**

Go ahead, please.

**LEG. ROMAINE:**

I recall that in the budget, all 18 Legislators voted to move the Department of Human Resources, Personnel and Civil Service to Audit and Control, specifically Risk Management among other things where it had been vested for many years before a squabble broke out between the former Presiding Officer and the then Comptroller. It is now something that we've weighed in the budget and we've moved back. We voted 18 to zero. This is something that we're now going to table subject to call. I don't see the wisdom in that. I think what we did in the budget was the correct thing, but let's proceed with the vote then.

**CHAIRMAN D'AMARO:**

Okay. Thank you. I'll call the vote. There is a motion pending to table subject to call. All those in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRMAN D'AMARO:**

One opposition, Legislator Romaine. Abstentions? And the motion carries. **TABLED SUBJECT TO CALL (VOTE:4-1-0-0 - Opposed - Legis. Romaine)**

**1407, Amending Resolution No. 2-2007, Rules of the Suffolk County Legislature. (Montano)**

I'll offer a motion to table.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Second by Vice-Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

**1496, Amending Resolution No. 1258-2006, authorizing the sale of Brownfield property tax liens at public auction. (Co. Exec.)**

**CHAIRMAN D'AMARO:**

Mr. Zwirn.

**MR. ZWIRN:**

We would just ask that this be tabled one more -- one more round if possible.

**CHAIRMAN D'AMARO:**

Okay. All right. I'll offer a motion to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

**1510, Adopting Local Law No. 2007, A Local Law to establish a prompt payment policy. (Viloria-Fisher)**

This has an open public hearing. I'll offer a motion to table subject to the public hearing, seconded

by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0)**.

**MR.25, Memorializing resolution in support of New York State Legislation to provide statewide voting system using paper ballots and precinct-based optical scanners. (Viloria-Fisher)**

Motion by Legislator Mystal to table, I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0)**.

Okay. That concludes the Tabled Resolution portion of the agenda. We will look at the Introductory Resolutions next.

**1517, Authorizing certain technical corrections to Adopted Resolution No. 349-2007. (Co. Exec.)**

**LEG. MYSTAL:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion to approve and place on the Consent Calendar. I'll.

**CHAIRMAN D'AMARO:**

Motion by Vice-Chair Mystal to approve and place on the Consent Calendar, I'll second the motion. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1518, Approving the appointment of a relative of an acting Supreme Court Judge in the Suffolk County Treasurer's Office. (Pres. Off.)**

**LEG. MYSTAL:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion by Legislator Mystal to approve. Is there a second on the motion?

**LEG. ROMAINE:**

Second.

**CHAIRMAN D'AMARO:**

Legislator Romaine. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**

**1535, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kenneth Van Essendelft and Deborah Van Essendelft, his wife (SCTM No. 0500-381.00-05.00-015.002). (Co. Exec.)**

This is a 16, which is a matter of right. I'll offer a motion to approve and place on the Consent Calendar.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1536, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Londonderry Holdings LLC (SCTM No. 0200-978.00-01.00-052.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1537, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert I. Toussie a/k/a Robert Toussie (SCTM No. 0200-973.80-03.00-045.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1538, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Daisy L. Phillips by Rita Phillips as Administratrix (SCTM No. 0100-205.00-03.00-043.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1539, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Neil J. Russell and Elizabeth M. Russell, his wife (SCTM No. 0200-892.00-04.00-016.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1540, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Patricia Curran (SCTM No. 0200-494.40-01.00-614.000). (Co. Exec.)**

Once again Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1541, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Greenstar Enterprises, Inc. (SCTM No. 0200-453.00-03.00-006.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1543, Approving payment to General Code Publishers for administrative code pages. (Pres. Off.)**

This is pro forma. I will offer a motion to approve, seconded by Legislator Mystal and place on the Consent Calendar. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1545, Sale of County-owned real estate pursuant to Local Law 13-1976 Kathleen Ennesser (SCTM No. 0200-975.90-05.00-023.000). (Co. Exec.)**

**LEG. MYSTAL:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion to approve by Legislator Mystal. I'll second the motion. Discussion? I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**

**1546, Sale of County-owned real estate pursuant to Local Law 13-1976 Juan Hernandez and Albina Hernandez, tenants by entirety (SCTM No. 0100-054.00-02.00-059.000). (Co. Exec.)**

I'll offer a motion to approve. Is there a second?

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1547, Sale of County-owned real estate pursuant to Local Law 13-1976 Karen Coio (SCTM No. 0200-952.00-05.00-025.000). (Co. Exec.)**

I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1548, Sale of County-owned real estate pursuant to Local Law 13-1976 John A. Cincotta and Monica Cincotta, tenants by entirety (SCTM No. 0200-810.00-03.00-025.006). (Co. Exec.)**

I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1549, Sale of County-owned real estate pursuant to Local Law 13-1976 Kelly Francis (SCTM No. 0200-810.00-03.00-025.008). (Co. Exec.)**

**LEG. MYSTAL:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion to approve has been made. I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1550, Sale of County-owned real estate pursuant to Local Law 13-1976 Satnarine Maharaj (SCTM No. 0100-058.00-04.00-050.000). (Co. Exec.)**

I'll offer a to motion to approve. Is there a second?

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1551, Sale of County-owned real estate pursuant to Local Law 13-1976 Kenneth Klapak and Gloria Klapak as joint tenants with right of survivorship (SCTM No.**

**0500-441.00-03.00-039.000). (Co. Exec.)**

I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?  
Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1552, Sale of County-owned real estate pursuant to Local Law 13-1976 The Way Back, Inc. (SCTM No. 0206-021.00-03.00-025.001). (Co. Exec.)**

I'll offer a motion to approve. Is there a second?

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0) .**

**1557, Sale of County-owned real estate pursuant to Local Law 13-1976 Nancy Saporito (SCTM No. 1000-078.00-09.00-078.000). (Co. Exec.)**

I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?  
Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1558, Sale of County-owned real estate pursuant to Local Law 13-1976 Emanuel Arturi and Marie Clarke Arturi, tenants by entirety (SCTM No. 1000-126.00-11.00-014.000). (Co. Exec.)**

Once again, a tiny strip of property. I will offer a motion to approve, seconded by Legislator Mystal.  
All in favor?

**LEG. ROMAINE:**

Discussion.

**CHAIRMAN D'AMARO:**

Go ahead, please.

**LEG. ROMAINE:**

I strongly oppose this. This is in my district. This is a right-of-way that people have used to the Peconic Bay for many, many, many years. This neighbor is trying to cut off water access for his fellow neighbors. He's already misused his property by driving down pilings and making all types of improvements. This is a right-of-way that has been traditionally used by this neighborhood for access to the water. We are seeing time and time and time again in Suffolk County private interests buy up waterfront to deny their neighbors access to that waterfront. This is a mistake for this County to sell. I adamantly oppose this. The neighbors would like to access to the bay. I think waterfront access is vanishing all too quickly in this County. And I strongly urge a no-vote on this resolution.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Legislator Romaine. Mr. Zwirn, or is there anyone here that would like to speak to that issue?

**MR. ZWIRN:**

Yeah. I think we were investigating this one as well at the request of Legislator Romaine's Office. So if we could get this tabled.

**LEG. ROMAINE:**

I'll accept the tabling.

**MR. ZWIRN:**

Absolutely.

**LEG. ROMAINE:**

But you should look at this. I think we sent you some photos of what these people had done to your right-of-way.

**MR. ZWIRN:**

Well, not my right-of-way personally.

**LEG. ROMAINE:**

That County's right-of-way.

**MR. ZWIRN:**

If it was my right-of-way --

**LEG. ROMAINE:**

You'd never give it up.

**MR. ZWIRN:**

There would be a tent there right now. We ask that this be tabled so that we can take a good hard look at it.

**LEG. ROMAINE:**

That would be fine. I'll make a motion to table.

**CHAIRMAN D'AMARO:**

It's only 10 feet wide.

**LEG. ROMAINE:**

Right.

**CHAIRMAN D'AMARO:**

But it does provide the access. All right. So there's a motion to table by Legislator Romaine.

**LEG. BARRAGA:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Barraga. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0).**

**1559, Sale of County-owned real estate pursuant to Local Law 13-1976 Paul J. McCormick and Beth McCormick, his wife (SCTM No. 0904-003.00-03.00-052.000). (Co. Exec.)**

Let's see if this one goes down to the water.

**LEG. ROMAINE:**

It doesn't. I checked.

**CHAIRMAN D'AMARO:**

This is a small strip as well. I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1560, Sale of County-owned real estate pursuant to Local Law 13-1976 Jacob Goldman and Andrea Goldman, tenants by entirety (SCTM No. 0400-276.00-01.00-050.000). (Co. Exec.)**

This is 50 by 100 parcel. The Goldmans were the successful adjoining-owner bidders for 15,000. Mr. Zwirn, I just assume that -- or maybe you speak to, you know, the 50 by 100 being vetted through the Workforce Housing Program.

**MR. ZWIRN:**

All of these Local Law 13s we've run passed the Affordable Housing Department where the towns permit us to have a house erected and we would consider a 72-H. When that's not the case, ultimately, they wind up as Local Law 13s. And the reason is we've gone -- in the past, we've mentioned that a lot of these parcels -- even though some of them get to be as much as 5000 square feet -- become dumping grounds in communities. And they're not maintained and people take their garbage and they become an eyesore in the neighborhood. And I think that was the original purpose of trying to get these properties sold to people in the community and often the adjoining homeowner so that at least they can maintain the property and have an incentive to do so. But with respect to this particular one, I'd ask Chris if he can respond to anything in particular with this parcel.

**MR. KENT:**

This lot is substandard and it's less than what's required in order to develop it as a buildable lot.

**LEG. MYSTAL:**

The question that I want to ask, what is the added value or acreage to the person who is buying. The property that the person has now is what, 100 by?

**CHAIRMAN D'AMARO:**

It looks like the adjoining owner lot is 150 by 100.

**LEG. MYSTAL:**

150 by 100. So it's going to add another 50 by 100 to his property.

**MR. KENT:**

No. I believe the adjoining lot is 100 by 100.

**LEG. MYSTAL:**

100 by 100. So it's going to be 150 by 200.

**MR. KENT:**

It will now be 200 by -- well, it will be an odd shaped piece. He'll have 50 foot of road frontage on Washington Drive or Truxton. I'm not sure which is the name of the street because it has two names there. He'll have 200 feet of road frontage on Cantor or Jackson Street.

**LEG. MYSTAL:**

My worry with this kind of parcel has always been the same thing. We get somebody who has a house or a piece of land who buys something for \$15,000, and five years into it, they turn it around. Now, they have a half acre lot that they can sell for a whole lot more money. I guess there's nothing we can do about that.

**MR. KENT:**

They have a house. This is an improved -- they're parcel is improved, if you look at the aerial photo. So, yes, of course --

**LEG. MYSTAL:**

Yeah, but you add the acreage to the house.

**MR. KENT:**

That's correct. That's the way they do it. They're adding acreage to their house. Their property will have more value. To us, though -- you have to look at what the value is to us.

**MR. ZWIRN:**

Their taxes will be -- they'll be paying taxes on the property. And the assessed value -- I don't know which town this is in, but the assessed value will go up as well.

**LEG. MYSTAL:**

I still feel queasy about it every time I hear it.

**CHAIRMAN D'AMARO:**

The successful bidder on this property resides on Land Place according to the information that I'm looking at. Tax lot -- no. I'm sorry. I'm looking at the wrong one.

**MR. KENT:**

The successful builder -- bidder is the Goldmans, Jacob and Andrea. If you look at the aerial photo, we have the names of the properties that are owned by the different -- by the surrounding neighbors.

**CHAIRMAN D'AMARO:**

Just to clarify, you know, the way this parcel is being attached to the successful bidder's lot, it's really not conducive to -- I mean, there is access, they do adjoin, but it's really not a good fit with the property. And it looks like a separate building lot if you could get the necessary variances. But just to clarify, when the property is conveyed from the County to the successful bidder, we put covenants on the property that prohibit any future development; is that correct?

**MR. KENT:**

That's correct. It merges with their neighboring parcel.

**CHAIRMAN D'AMARO:**

And the only way those covenants could be lifted would be through a vote again of the Legislature and by the County.

**MR. KENT:**

It would be through a subsequent written document that would require Legislative approval.

**CHAIRMAN D'AMARO:**

Okay. This is 1560 of 2007. All right. I'll offer a motion to approve, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0)**.

**1561, Sale of County-owned real estate pursuant to Local Law 13-1976 Jayprakash B. Mody and Deval J. Mody, as joint tenants with rights of survivorship (SCTM No. 0400-280.00-03.00-068.000). (Co. Exec.)**

I'll offer a motion to approve.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

**1573, Requesting legislative approval of a contract award for a complete examination and**

**analysis of telephone billing for the Department of Audit and Control. (Pres. Off.)**

**LEG. MYSTAL:**

Can I get an explanation from -- I don't understand what this is.

**MR. NOLAN:**

Legislator Mystal, Audit and Control issued an RFP regarding the County's telephone billing system. There was only one respondent, and what that happens, it has to come before the Legislature to approve. There will be no cost to the County, because the vendor will only receive a percentage of any money that is save by doing this.

**LEG. MYSTAL:**

Process of an RFP?

**MR. NOLAN:**

It resulted from an RFP. They got once response. And when that happens, when there's only one respondent to an RFP, by Local Law it has to come before the Legislature for approval, even when there's no cost to the County.

**LEG. MYSTAL:**

Thank you.

**CHAIRMAN D'AMARO:**

And what's interesting here is that the respondent, the one respondent to the RFP had agreed to be compensated only based on the amount of money actually saved on behalf of the County. So it's really not out-of-pocket from the County.

**LEG. MYSTAL:**

Can't beat it.

**CHAIRMAN D'AMARO:**

Thank you, George, for that. And I'll offer a motion to approve 1573-2007.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1584, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act GPN Ltd., a Delaware Corporation by John Vios, as President (SCTM No. 0400-077.00-02.00-042.012). (Co. Exec.)**

This is a 16. I'll offer a motion to approve and place on the Consent Calendar.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE:5-0-0-0).**

**1585, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles R. Ohrnberger and Cynthia E. Eagle, his (SCTM No. 0100-183.00-01.00-038.000). (Co. Exec.)**

Motion to approve place on Consent Calendar, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

**1595, Sale of County-owned real estate pursuant to Local Law No. 13-1976 John Bratta and Dominic Bratta (SCTM No. 0500-107.00-01.00-048.000). (Co. Exec.)**

Mr. Kent, once again, substandard under present zoning in the town, I would assume. It's a 50 by 100 lot?

**MR. KENT:**

For some reason, I don't have a copy of this resolution in my packet.

**LEG. MYSTAL:**

The buyers are adjoining owners.

**MR. KENT:**

50 by 100 --

**LEG. MYSTAL:**

It gives them a tennis court.

**MR. KENT:**

Minimum sized building lots in most towns is 6000 square feet. So this would be under the required size.

**CHAIRMAN D'AMARO:**

All right. This is a substandard lot. I'll offer a motion to approve. Is there a second.

**LEG. MYSTAL:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

**1598, Authorizing the conveyance of County-owned real estate pursuant to Section 215, New York State County Law to Thomas J. Haynia. (Schneiderman)**

**CHAIRMAN D'AMARO:**

I'll offer a motion to table this resolution. Is there a second?

**LEG. MYSTAL:**

I'll second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. We can address -- we can address the merits after. I think there is a correction in the form of deed that has to be acquired in order to fulfill this under the -- under the State Law.

**LEG. ROMAINE:**

If I may ask the Chairman, what deed are they calling for.

**CHAIRMAN D'AMARO:**

Let me ask the County Attorney's Office to respond.

**MR. BROWN:**

Thank you. For the Department of Law, Dennis Brown. This property was originally conveyed to the owners, Tom Haynia and Cedar Design, Inc. And it's held jointly -- I don't know if it's tenants in common or joint tenants -- I guess it has to be tenants in common. But in any event, it's held jointly as Cedar Design, Inc. and Thomas Haynia. Under the Administration Code under Reconveyance, there can't be a conveyance to a corporation, it has to be to a natural person. So one of the things that is looking to be worked out is to have the ownership interest of Cedar design conveyed -- conveyed to Thomas Haynia, and then this resolution if it's amended to reflect that, that should be -- that should be okay. The value is about \$23,500 dollars. The back taxes are about \$94,000. And I think that's the -- the repayment is satisfactory to the Real Estate Department.

**LEG. ROMAINE:**

So it's a natural-persons issue?

**MR. BROWN:**

That's correct.

**MR. NOLAN:**

I spoke to Legislator Schneiderman's Office this morning and advised them this was going to be tabled so we can clarify this issue and make it right.

**CHAIRMAN D'AMARO:**

Okay. I'll call the vote. Motion to table, all in favor? Opposed? Abstentions? Motion carries.

**TABLED (VOTE:5-0-0-0).**

**1616, Authorizing the sale of additional Brownfield property tax liens at Public Auction (Phase II). (Co. Exec.)**

For the purpose of discussions, I'll offer a motion to approve. Is there a second?

**LEG. MYSTAL:**

I'll second for purposes of discussion.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Mystal. Mr. Zwirn, how was Phase 1? Was it successful in selling these tax liens?

**MR. KENT:**

Phase I is scheduled for August 15th.

**CHAIRMAN D'AMARO:**

Okay. So we haven't completed the sale. This is lining up another round of property for sale at auction again, the brownfields?

**MR. KENT:**

Yeah. The second phase is tentatively scheduled for November 28th. So we're working -- this will get us -- once the Legislature approves these parcels to be in the next phase, we can start the necessary work to gather the information that we'll have to get out to the perspective bidders.

**MR. ZWIRN:**

If the committee would approve this, we would like to get these going so that the revenues that's generated from this can benefit the taxpayers of the County, especially in the next year's budget.

**CHAIRMAN D'AMARO:**

I recall when we were first looking at all of this, we were talking about making sure that whoever the successful bidders were that we were, in effect, not partnering, but ensuring that they had the wherewithal to really clean up these properties and eventually return them back to our tax rolls. Is that the procedure that you are following in your department?

**MR. KENT:**

Yes. We're requiring -- on the August 15th auction, we're requiring -- there's a mandatory pre auction meeting scheduled for August 1st where the perspective bidders will have to appear and provide information about who they are and their financial capabilities. So, yes, we are doing that. It's the same on the second phase, we'll be having a mandatory pre auction meeting probably November 14th.

**CHAIRMAN D'AMARO:**

Legislator Romaine, did you have a comment?

**LEG. ROMAINE:**

Yes. With the property in question, let me just ask a couple of questions, if I may. The property in question, whose name is currently on the deed filed in the County Clerk's Office?

**MR. KENT:**

Whoever the prior reputed owner is. The County did not take title to these pieces.

**LEG. ROMAINE:**

Okay. So let me just follow the steps if I may and lay them out. One, we have a contaminated piece of property that someone owns; two, the person doesn't pay taxes; three, the County realizing that there's a potential liability does not -- does not take the tax deed; but four, we feel because there's a liability that we can sell the tax liens. Okay. Despite the fact it's owned by someone else. So we're not selling --

**MR. KENT:**

We're selling the liens.

**LEG. ROMAINE:**

We're selling the liens, we're not selling the property.

**MR. KENT:**

That's correct.

**LEG. ROMAINE:**

So there is no guarantee that the person that purchases the lien who doesn't own the property will, in fact, clean up the property; is that correct?

**MR. KENT:**

Well, we are working on some language that we might put into the rules and the terms of sale that would require them to clean it up.

**LEG. ROMAINE:**

Despite the fact they don't own it?

**MR. KENT:**

That's correct.

**LEG. ROMAINE:**

I really want to go to this first auction, because I'd like to see who would bid to buy a lien on a property that he doesn't own, that he then has to foreclose on the lien, if he can, or work a deal with

the owner, and then be committed to clean up. What are our requirements as a County when we sell these brownfield tax liens to disclose the amount, source and scope of contamination on these properties?

**MR. KENT:**

We have no responsibility to disclose the amount. We do allow them -- and the reason we're having the pre auction meeting is we're going to have representatives from the Health Department and all other appropriate agencies of the County to be present so that they can fill out applications to review files to gather information to do their due diligence so that when they appear at the auction --

**LEG. ROMAINE:**

But we have no disclosure obligation.

**MR. KENT:**

No.

**LEG. ROMAINE:**

Suppose for example they buy a piece of property in Bay Shore and they discover that they have manufactured gas plant contamination on that property.

**MR. KENT:**

The types of bidders who are going to appear at these auctions are sophisticated bidders. These are people who are familiar with brownfields, they're familiar with environmental contamination and remediation processes that would be necessary to clean up these properties. So you're not talking your next door neighbor going down there to bid on this unless, of course --

**LEG. ROMAINE:**

I understand. You know, unfortunately, this will take time to see if it bears fruit, because obviously your first one is August 1, which is, by the way, the next date of this committee meeting. So your first is August 1st, your next is --

**MR. KENT:**

No. August 15th.

**LEG. ROMAINE:**

August 15th. Oh, your pre meeting August 1st. August 15th and then we will have the sale.

**MR. KENT:**

Right.

**LEG. ROMAINE:**

But then it may be years. Is there any time table that you are putting in any agreements for the clean up to take place?

**MR. KENT:**

We're working on the terms of sale right now with the County Attorney's Office. We are working on that --

**LEG. ROMAINE:**

Do you anticipate to have a time table for clean up so that we would know, okay, we sold the tax lien, you know, in the next five years this property will be cleaned up?

**MR. KENT:**

The people who are buying these liens are -- their incentive is through the State of New York, because if you make application to the DEC under the Brownfields Program, the property receives tax benefits perpetual, forever. So there are benefits to these buyers to get into the Brownfields

Clean Up Program through the State of New York because then they have certain tax credits that they will have for the life of the ownership of the property.

**LEG. ROMAINE:**

Well, that's very positive. And I was there Senator Marcellino and then Assemblyman DiNapoli announced this legislation. I think they did it in North Babylon.

**MR. KENT:**

What we have now are properties where the County has a lien, and they are contaminated properties.

**LEG. ROMAINE:**

We have not taken possession. Let me ask you something. Do we own any properties in our inventory that we've taking for failure to pay taxes that are contaminated that we actually own?

**MR. KENT:**

I don't know the answer to that question.

**LEG. ROMAINE:**

Could you get the answer by the next committee?

**MR. KENT:**

Yes.

**LEG. ROMAINE:**

And the second question is if the answer is yes, what are we doing to remediate our liability regarding the properties in our fiscal ownership?

**CHAIRMAN D'AMARO:**

You know, just -- thank you, Legislator Romaine. I remember when we were talking about this first round or debating whether to even go forward with this type of sale of tax liens initially. We did raise -- and these are very serious issues and they're legitimate issues, it was my understanding that, number one, just looking at it from a business perspective, right now these properties are contaminated, nobody wants to buy them, the County doesn't want to take title to them, and they can just fall into disuse and disrepair at this point. So what we have now are companies that understand this business that are going to come in, bid on these liens. There's going to be disclosure that you're buying a tax lien for a property that is contaminated.

**MR. KENT:**

It is in there already.

**CHAIRMAN D'AMARO:**

Right. And I would think that once a company like that who is actually looking for that kind of work, because that's what they do -- so there's a side benefit also. You know, it contributes to our economy, it keeps people working, that kind of thing. But the fact of the matter is I don't see and disincentive not to go forward with the clean up after you've expended the money to purchase the lien. Worst case scenario is if they do not go forward, we're exactly in the same position we were initially.

**MR. KENT:**

That's correct.

**CHAIRMAN D'AMARO:**

So why not see if we can get these properties cleaned, remediated, work with the State DEC and get them back on the tax rolls.

**MR. ZWIRN:**

That's found money.

**CHAIRMAN D'AMARO:**

But Legislator Romaine raises a valid point. We have to make sure that the terms of sale -- and, Mr. Kent, your predecessor spoke to this -- that the terms of sale at least set some guidelines and time tables to make sure that the properties -- the best we can as the seller, to make sure that the properties are actually acted upon and finally remediated

**MR. KENT:**

We're only selling the lien, so our ability to do that is something we're still looking into.

**LEG. ROMAINE:**

I would just say, first of all, I'm going to support this. The fact that I raised questions doesn't mean I'm not supporting it. But I'm raising those questions because I have concerns that this was -- I remember rolled with a lot of ballyhoo. I just hope that it works. Because if we don't have the ability to require clean up, we may be back in the same position, you're absolutely right, but we might of looked at other options as well. So I'm going to vote for this. But I have a great number of questions about its ability to work effectively. If it does, I'd be the first one to applaud the people that came up with this program.

**MR. KENT:**

I took your questions only as constructive. I understand the issues, we are looking to find the answers. But nothing ventured, nothing gained. So if we don't go down this road, we're going to be left in the same position we're in now.

**CHAIRMAN D'AMARO:**

Mr. Presiding Officer, I apologize, you did want to be recognized. Go ahead.

**P.O. LINDSAY:**

No, that's all right. I find this conversation very interesting. I mean, it doesn't hurt to put any kind of language in the contract if we can to mandate it, but if someone purchases the lien, first of all, they're paying us money and they're assuming liability of the property. What would the incentive for them not to clean it up?

**LEG. ROMAINE:**

They're not assuming liability for property. They don't own the property, they only own the lien.

**P.O. LINDSAY:**

Okay. So they own the lien. The lien only has value if you foreclose on the lien, and you then assume the liability. I don't -- it would be interesting to me to see how many bidders we have on this stuff, you know. And, you know, there might be a market here that we don't realize. And I don't think we have anything to lose by going down the path to see, you know, what it is.

You know, I have one answer. I know that the County own one site that's in my district that is contaminated. And it was in disrepair for years, it was off the tax rolls, it was an eyesore, it was a complaint of the neighbors. And we've invested some money to knock down the buildings, but the remediation isn't done yet. We're looking for some State aid to finish the remediation. And hopefully -- I hope one day it will be an excellent site for affordable housing. So we do have some of those in our inventory. I know one, for instance, in my district.

**LEG. MYSTAL:**

Just a final comment. I don't know why this is so complicated to anybody, because to me this called flipping. That's all these guys are doing. They just want to take the property and flip and sell it. In

order for them to flip it, they have to clean it up. In other words, they wouldn't invest the money. This is not a complicated piece of legislation, not is it a complicated thing to understand. You get the tax lien, you try to foreclose, you make a deal with the owner, you clean it, you flip it, you get money. Bam, end of story. If I wasn't a County Legislator, I probably would try to bid on it and try to clean it and get some money from the State to help me clean it and flip and make some money. Maybe I could retire.

**CHAIRMAN D'AMARO:**

Okay. Well, we're glad you're here, Elie. I'll offer a motion to approve and seconded. If there's no further discussion, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

**APPROVED (VOTE:5-0-0-0).**

**PM-08. Procedural Motion Resolution to study the feasibility of televising meetings of the Suffolk County Legislature.**

Legislator Barrage, please, go ahead.

**LEG. BARRAGA:**

I received yesterday a rather lengthy telephone conversation with the chief proponent of this particular resolution. In order to avoid ever getting a second phone call from the chief proponent of this resolution, I wanted to ask the sponsor, you made an amendment on this bill, was -- that amendment came through on this?

**LEG. ROMAINE:**

I believe we asked George to put in the specific State legislation that referred -- the State Law that referred to the section that would allow the televised -- if we get to that point. We're not at that point. This is just to look at it, the televised sessions to be broadcast through Cablevision or whatever television provider there is at the current time.

**LEG. BARRAGA:**

Did the amendment deal with the Clerk of the Legislature having to do some specific work on this resolution, George?

**MR. NOLAN:**

It always has from the beginning required the Clerk to do certain work really dealing with the feasibility of getting access to a station to televise our meetings.

**LEG. BARRAGA:**

That's not in conflict with State Law of anything like that?

**MR. NOLAN:**

No.

**LEG. BARRAGA:**

Okay. Fine. I guess my closing comment is that this person is a very nice individual, but obviously in her cultural mastery of the English language, the word goodbye has absolutely no meaning. It doesn't exist. Thank you.

**LEG. MYSTAL:**

Otherwise known as the Zabby rule.

**CHAIRMAN D'AMARO:**

Mr. Presiding Officer, did you want to add?

**P.O. LINDSAY:**

I just wanted to say that I do not have any objections to this resolution. We are -- have been studying this issue informally without a resolution and have acquired a great deal of information about it already. You know, if this passes, hopefully maybe before the end of the year we'll come back with some numbers on what it would cost and the difficulties and everybody could -- could chew on it and see what they want to do with it.

**CHAIRMAN D'AMARO:**

Legislator Mystal.

**LEG. MYSTAL:**

The only question I want answered on the feasibility is how much it will cost us, because there's no such thing as us doing something here that doesn't cost money.

**MR. ZWIRN:**

You can sell advertising on there.

**LEG. ROMAINE:**

That's why we're doing -- that's why I would only agree to a feasibility study and I would not legislate the active televising until that study was done and every member had an opportunity to weigh the merits or dismerits of the proposal in terms of cost, access, etcetera, etcetera. I'm sure the Clerk will work on that, and I'm sure he'll be getting the telephone calls from Zabby and all.

**P.O. LINDSAY:**

And the advertising could be how to clean up a brownfield.

**CHAIRMAN D'AMARO:**

If there's no further discussion, was there a motion?

**LEG. ROMAINE:**

I'll make a motion.

**CHAIRMAN D'AMARO:**

Legislator Romaine will make a motion to approve the Procedural Motion, I'll second. All in favor? Opposed? Abstentions? That motion carries. **APPROVED (VOTE:5-0-0-0)**.

I do not believe we have an Executive Session this afternoon, so we'll stand adjourned with a motion, seconded by Legislator Mystal. Thank you.

**(\*THE MEETING WAS ADJOURNED AT 10:50 A.M.\*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**