

WAYS & MEANS COMMITTEE

Of the

Suffolk County Legislature

A regular meeting of the Ways & Means Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 27, 2008.

Members Present:

Legislator Lou D'Amaro - Chairman
Legislator Brian Beedenbender
Legislator Cameron Alden
Legislator Lynne Nowick.
Legislator Vilorio-Fisher

Also in Attendance:

George Nolan - Counsel to the Legislature
Justin Littell - Aide to Legislator D'Amaro
Linda Bay - Aide to Minority Leader Losquadro
Paul Perillie - Aide to Majority Leader Cooper
Thomas Ryan - Aide to Legislator Vilorio-Fisher
Justin Littell - Aide to Legislator D'Amaro
Michael Cavanaugh - Aide to Presiding Officer Lindsay
Kara Hahn - Director of Communications/P.O. Lindsay's Office
Gail Vizzini - Director/Budget Review Office
Ben Zwirn - Deputy County Executive
Tom Vaughn - County Executive Assistant
Dennis Brown - County Attorney's Office
Debra Alloncius - Legislative Director/AME
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Kimberly Castiglione - Legislative Secretary

*(*The meeting was called to order at 9:40 A.M. *)*

CHAIRMAN D'AMARO:

Good morning. Welcome to the Ways and Means Committee. I would ask everyone to please rise and join everyone in the Pledge of Allegiance led by Legislator Vilorio-Fisher

Salutation

Start on the agenda with the public portion. I have one yellow card, Debra Alloncius.

MS. ALLONCIUS:

I'm just turning my phone off. With my luck I would get up there and it would ring.

CHAIRMAN D'AMARO:

Good morning.

MS. ALLONCIUS:

Good morning, Chairman D'Amaro and members of the Ways and Means Committee. I am here to request -- to just put our statement on the record on IR 1054. AME would like to go on the record stating we're having our attorneys review the language in the resolution and would like time to reserve decision on same. That's it.

CHAIRMAN D'AMARO:

1054 is -- it requires a public hearing, so the committee will be tabling it today procedurally.

MS. ALLONCIUS:

Okay, good. That's wonderful. Thank you.

CHAIRMAN D'AMARO:

Thank you. Is there anyone else who would like to address the committee this morning? If not, we'll go right to the agenda. Next section on the agenda is tabled resolutions.

Tabled Resolutions

The first is ***1006-2008, Adopting Local Law No. -2008, A Charter Law to streamline the process by which Resolutions and Local Laws are introduced. (Alden).***

And for purposes of discussion I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

I had a question on this bill. My concern was whether or not this was going to eliminate getting the packet at the Legislative meetings. George, if you know.

MR. NOLAN:

Not necessarily. What the law does is we recently changed our rules to allow Legislators to execute a waiver so that instead of getting a packet at the meetings they would receive it electronically. And I believe this law, at least the second part of it having to do with that issue, is basically saying that electronic transmission is equal to being laid on table.

So theoretically, and I think it's something that has to be worked out by the Clerk's Office, the electronic transmission might eliminate the necessity or the obligation to provide a hard packet for

Legislators who want it and that is inconsistent with the rules changes we made, because right now every Legislator is entitled to get the packet unless they waive their right to it.

CHAIRMAN D'AMARO:

Yes, okay. Legislator Viloría-Fisher.

*(*Legislator Alden entered the meeting at 9:43 A.M. *)*

LEG. VILORIA-FISHER:

Oh, there's Legislator Alden. Good, because I was trying to recall a conversation I had with him where I thought he was going to hold off on this because of the rules changes, but since he's here I can ask him. We're talking about your legislation on 1006.

LEG. ALDEN:

Actually, what we tried to do last year was reduce the paperwork and the rules covered a little bit of it, but there's still a Charter requirement that in order for legislation to be officially presented to a Legislator it had to be in paper form, laid on the table at a meeting. So even though we changed our rules that doesn't change the Charter, that's why this is a change, basically, of the Charter.

LEG. VILORIA-FISHER:

But correct me if I'm wrong, Counsel or Legislator Alden. I thought that that was covered by the fact that we could opt out of, you know, we had a form where we were asked whether or not we wanted to opt into the program of just receiving the electronic laid on the table. In fact, I opted into that so that I could cut down on paperwork. So doesn't that cover that issue?

LEG. ALDEN:

In my reading of it that would come under the rules, but you still had the Charter requirement that, you know, a piece of paper had to be presented at the Legislature to make it an official laid on the table.

CHAIRMAN D'AMARO:

Just to jump in, is it possible we're talking about two different things? One is the official act of laying a bill on table, which now can be done electronically, as opposed to the less or informal act of how we actually get a copy of the bill.

LEG. ALDEN:

That's why -- we covered, I think, the less formal part of it in our rules change that allowed somebody to opt in or out.

CHAIRMAN D'AMARO:

Right. Getting the packet, let's say.

LEG. ALDEN:

Right.

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

The more -- and I'm going to say not onerous, but the, you know, the more embedded in law was the fact that in the Charter it said that the only way a bill could be laid on the table was to be physically presented to a Legislator at a Legislative meeting in paper form. So even though we changed our rules --

CHAIRMAN D'AMARO:

Right, right.

LEG. ALDEN.

-- you know, you still had the Charter requiring it.

LEG. VILORIA-FISHER:

But isn't that the packet --

LEG. ALDEN.

The packet, exactly. Exactly.

LEG. VILORIA-FISHER:

-- what you're getting in paper form?

MR. NOLAN:

I think the question is the Charter really just says bills have to be laid on the table, it doesn't say what that means. And I believe prior Counsel to this Legislature had always taken the position to be laid on the table and to start the clock running for the bill to become eligible to be voted on it had to be a paper copy laid on your desk at Legislative meetings, but I believe he was really relying on something in the Municipal Home Rule Law, which is State law and is not in the Charter.

So I just think this particular provision, not the one -- because this law has two provisions, one that says that if you want to file a bill you can do that electronically. And then the second part has to do with what laid on the table means. And what this is saying is you get an electronic transmission of the packet that's now being laid on the table. And it's somewhat inconsistent with what our rules say now, which is you are entitled to get the packet unless you say and execute a waiver, I don't want the packet.

LEG. VILORIA-FISHER:

Would this provide the ability to get a paper packet if you wished to?

MR. NOLAN:

It really doesn't address that. I'm assuming the Clerk's Office will provide a packet to anybody who wants it, notwithstanding what's in this law.

CHAIRMAN D'AMARO:

Legislator Beedenbender and then -- Dennis, did you want to offer something?

MR. BROWN:

Well, it's only that George had mentioned the Municipal Home Rule Law, and George is correct in that respect. It's Section 20 of the Municipal Home Rule Law and it does pretty much mirror what the Charter says in that in order for legislation to be adopted it has to be either -- it has to be laid in its final form and either upon the desk or tabled of the members at least seven calendar days prior to its final passage, or mailed to them in postpaid properly addressed and securely closed envelopes.

The only thing that I would add is, and if I understand George correctly, I think that what George is saying, and I think I would agree with him also, that it provides for an option, the way the law is currently written. It says that any proposed Local Law or resolution shall not be introduced unless first reduced to writing, which for purposes of this section shall be deemed to include an electronic version. So I think if I understand George correctly that it does not necessarily exclude the fact that there would be a written packet.

MR. NOLAN:

Well, the first -- the electronic filing is really a separate issue from the packet issue, of the laid on table issue. Presently if you want to file a law you have to really bring a hard copy to the Clerk's Office. This would actually allow electronic transmission to the Clerk's Office and that bill would be filed when they receive it.

CHAIRMAN D'AMARO:

But that's not laid on the table.

MR. NOLAN:

Which is separate from laid on the table. Laid on the table is important because that's when the clock starts running as to when you could approve that resolution because we have a seven day rule.

LEG. BEEDENBENDER:

I was just going to try to offer some clarification because in my former life this is what I used to do. When we file it, when the County Executive brings a bill over, even when the Counsel to the Legislature brings a bill over, they have to bring an actual paper copy and follow it up with an electronic copy. And one of the things that the Clerk's Office has to do now is take both of those copies and compare them against each other.

So if an electronic -- the first portion of this bill is that you can file a bill with the Clerk electronically. That may eliminate the need to take two pieces of paper and compare them for each bill filed, so that could really be a savings in time and effort and manpower. And also, just logistically easier to e-mail something over. You have a time stamp on the e-mail and it's easy to see that it was filed on time.

And I think the second section, I know we have some disagreement over the language, but, I mean, at least in my view, I think that, you know, my laptop sits right in front of me. Even though I receive the packet the laptop sits in front of us. If I get that that's on the table right in front of me.

I think this is a good bill that I would like to support and move forward because it can save the Clerk some manpower hours and also just logically make the operation of government a little bit easier and save some paper.

CHAIRMAN D'AMARO:

I have a question for the Clerk, and I agree with Legislator Beedenbender. I want to support this as well because I think we should be able to deliver a copy of a bill to the Clerk electronically and I think we should be able to formally and officially lay a bill on the table electronically, and this bill says we do that by electronic transmission to the regular mailboxes of each Legislator. So if that takes effect, can we still then ask the Clerk to give us the hard copy at the meeting? That's my concern.

MR. ORTIZ:

Absolutely. If you needed a hard copy we can make one available.

CHAIRMAN D'AMARO:

All right, we can get one. That's my first question. My second question is to Counsel. You mentioned an inconsistency between this bill and what the rules provide. What's the inconsistency and should we try and work that through before we go ahead and approve this?

MR. NOLAN:

The only inconsistency is that the way our rules are drafted the presumption is you are entitled to get a hard copy and -- but you can waive that right and receive the packet electronically. What this Local Law is saying is that laid on the table means electronic transmission. So that's where the inconsistency is. But as I mentioned, I'm sure that the Clerk will continue to provide a packet to -- for example, if a Legislator so far has indicated an intent to receive the packet, a hard copy of the packet, I'm sure the Clerk will continue to do that notwithstanding what we do with this law.

CHAIRMAN D'AMARO:

Legislator Alden, do you want to go forward today or do you want to take a look at that potential inconsistency and maybe do a revision for one cycle?

LEG. ALDEN:

I actually realize that there was a slight inconsistency, but I felt that what it does is put the onus on us to say I want a hard copy and so our normal operating procedures will be paperless unless a Legislator says I want paper. So I didn't feel it was -- I felt there was an intent of what the legislative body has done in the past with the rules change, that we wanted to try to go paperless, so I didn't feel it was, you know, whatever, I guess fatal to the bill. I thought it was, you know, what we wanted to go forward with.

LEG. VILORIA-FISHER:

I have no problem with it.

CHAIRMAN D'AMARO:

There's an offer -- there's an offer.

LEG. ALDEN:

We have a deal.

LEG. BEEDENBENDER:

We were talking about The Godfather before that.

LEG. VILORIA-FISHER:

Well, we can't refuse then.

CHAIRMAN D'AMARO:

There's a motion to approve and it has been seconded. I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries and the bill is approved. **(Vote: 5-0-0-0)**.

Next is ***1032-2008, Adopting Local Law No. 2008, A Local Law in relation to disposition of auction properties. (Browning)***

It requires a public hearing. On that basis I will make a motion to table.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Viloría-Fisher. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Next is Resolution ***1033-2008, Adopting Local Law No. 2008, A Local Law to establish a prompt contracting policy for not-for-profit organizations. (Montano)***

Once again, requires a public hearing. I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any Opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Next is Resolution ***1035-2008, Adopting Local Law No. 2008, A Local Law to establish a notification requirement for consultant contracts. (Montano)***

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

There's a motion to table. Second? I'll second the motion.

LEG. ALDEN:

Just on the motion.

CHAIRMAN D'AMARO:

Discussion, Legislator Alden.

LEG. ALDEN:

What's the current process right now that -- when we have consultant contracts, what's the notice to the Legislature?

CHAIRMAN D'AMARO:

George, do you want to answer?

MR. NOLAN:

When this bill came up last year -- there's no formal requirement that the Legislature be notified when a particular department hires a consultant. I believe last year, though, the County Executive's people were stating that this information was available on a hard drive of some kind and I --

LEG. VILORIA-FISHER:

The T drive.

MR. NOLAN:

Something along those lines. So that's what happened last year with it. The bill died, that was the discussion.

CHAIRMAN D'AMARO:

I went on the T drive yesterday in preparing for today's meeting and the information is on the T drive. The information that this bill is seeking, if you look at the wording on the second page, is all on the T drive and available to all of us.

LEG. NOWICK:

I have a question.

LEG. ALDEN:

Do we all have T drives?

MR. ORTIZ:

Yes.

MS. VIZZINI:

Yes, you do.

LEG. ALDEN:

All right.

LEG. NOWICK:

Just a question.

CHAIRMAN D'AMARO:

Legislator Nowick.

LEG. NOWICK:

How many, could you estimate, of these consultant contracts do we do a year? Is that a lot of them?

CHAIRMAN D'AMARO:

I don't know the answer to that.

MR. NOLAN:

I don't know how many consultant contracts are done by the various departments.

CHAIRMAN D'AMARO:

But I guess at this point you can go on the T drive and count them.

LEG. NOWICK:

Do we have the T drive?

CHAIRMAN D'AMARO:

Yes, you do.

LEG. ALDEN:

I already asked that question. I found out I do.

CHAIRMAN D'AMARO:

All right, any further discussion? Okay, there is a motion to table. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

Introductory Resolutions

Section six of the agenda is Introductory Resolutions. The first is Resolution ***1040-2008, Authorizing certain technical correction to Adopted Resolution No. 1148-2007. (Co. Exec.)***

The technical correction is changing the project number. I'll offer a motion to approve and place on the consent calendar.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Nowick. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

Next is Resolution ***1041-2008, Authorizing certain technical correction to Adopted Resolution No. 1232-2007. (Co. Exec.)***

Same change and I will offer same motion, same second, and same vote. **(Vote: 5-0-0-0).**

Next is Resolution ***1042-2008, Authorizing certain technical correction to Adopted Resolution No. 1414-2007. (Co. Exec.)***

Once again, this is changing the project number. Same motion, same second, and same vote. **(Vote: 5-0-0-0).**

Resolution ***1044-2008, Adopting Local Law No. 2008, A Local Law to require Legislative meetings at the County seat, Riverhead. (Romaine)***

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

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Resolution *1052-2008, Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Christine M. Ryan, Karen Crandall Sanford and Brian K. Smith (SCTM No. 0206-018.00-04.00-069.000)*. Legislator Viloría-Fisher, would you like to offer a motion on this?

LEG. VILORIA-FISHER:

No, because I haven't -- I was just trying to find the coffee.

CHAIRMAN D'AMARO:

It's your bill, it's a 215.

LEG. VILORIA-FISHER:

Oh, yes, thank you. I'll make a motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Viloría-Fisher to approve. I'll second.

LEG. ALDEN:

Just on the motion.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

They're within the time frames?

LEG. VILORIA-FISHER:

I have to go -- George can you answer that?

MR. NOLAN:

This is a 215. They are within the time frame for a 215 redemption.

LEG. ALDEN:

Is that a neighboring property?

MR. NOLAN:

No, this is past the six month Local Law 16 period, but within the three year period for a redemption where the applicant has to meet certain criteria. In this case it was based on health problems in the family and among the applicant. So these are the ones that are generally sponsored by individual Legislators when somebody has a particular hardship in their district.

LEG. ALDEN:

And that was fully documented, the medical hardship?

LEG. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Just for the record, I had an opportunity to review the backup to the bill and it details some real personal tragedies in the applicant's life, which then of course affected the applicant's health, and I was convinced that it met that criteria.

LEG. ALDEN:

Just one point of interest. How long a period of time do they have? Is it just the three years after that or is it -- it can be extended.

DIRECTOR KENT:

No, they have two-and-a-half years after the expiration of the six month period.

LEG. ALDEN:

And then that's like the final, final cutoff?

DIRECTOR KENT:

Yes.

CHAIRMAN D'AMARO:

There is a motion pending to approve. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. The resolution is approved. **(Vote: 5-0-0-0)**.

Next is Resolution No. ***1053-2008, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 20 Eastport Manor Road Corp. (SCTM No. 0200-686.00-01.00-021.000). (Co. Exec.)***

This is a Local Law 16, as we say, and it is as a matter of right. I'll offer a motion to approve and place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Next is Resolution ***1054-2008, Adopting Local Law No. 2008, A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers. (Eddington)***. This requires a public hearing. I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Resolution ***1055-2008, Adopting Local Law No. 2008, A Local Law to require notice to tenants of foreclosure proceedings. (Eddington)***

This requires a public hearing. I will offer a motion to table.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Vioria-Fisher. All in favor? Any opposed? Abstentions? Motion carries. (Vote: 5-0-0-0).

1056-2008, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Bennett (SCTM No. 0100-170.00-02.00-028.002 f/k/a P/O 028.001). (Co. Exec.)

I'll offer a motion to approve and place on the consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. (Vote: 5-0-0-0).

Resolution No. 1062-2008, Amending Resolution No. 728-2007, authorizing the sale of Brownfield property tax liens at public auction. (Horsley)

This bill would, I believe, remove a property from the auction process. Is that accurate, Mr. Kent?

DIRECTOR KENT:

That's correct. I would request that we table this one more time. We don't have an agreement in place yet where the prior -- actually in this case it's the mortgagee. The mortgagee is in the process of taking title from the prior owner. Once they do that they're going to deposit the 20% with us and enter into an agreement.

CHAIRMAN D'AMARO:

And we had this bill before us last year and I believe what's happening is we're waiting for a determination of what the final amount owed in back taxes?

DIRECTOR KENT:

We do have a determination at this point.

CHAIRMAN D'AMARO:

Oh, we do. Okay.

DIRECTOR KENT:

It's \$362,000. As a policy we have been requesting that the -- in order to enter into an agreement they have to enter a voluntary clean-up program with the DEC, which they have done, and they have commenced the clean-up. So this is a Brownfield that will be cleaned up. But the mortgagee in this case is the one that's moving, is driving the clean-up and the repayment of the back taxes. They're trying to take title before they enter into the agreement with us and pay the 20% down on the arrears. So we're looking for 72,000 as a down payment and then the balance paid over a certain amount of time.

CHAIRMAN D'AMARO:

All right. So they're making an investment in the property, they're doing the clean-up. It's just a matter of them obtaining the title through their foreclose I guess.

DIRECTOR KENT:

That's correct, and then they're going to borrow money. And then they will pay us the 20% down

payment.

CHAIRMAN D'AMARO:

I see. Yes, Legislator Alden.

LEG. ALDEN:

Why would it hurt us to take this out? We can go forward with the other ones if we take this out of that package.

DIRECTOR KENT:

Well, there's no pressing need to take anything out of the package at this point because we are going to present you with new rules and terms and conditions, so there is no time pressure on this. In the past we wanted a 20% down payment before we would agree to remove a property from the auction and we haven't received that yet.

CHAIRMAN D'AMARO:

And the auction, if we table this for a cycle the auction is not taking place in the next two weeks.

DIRECTOR KENT:

The auction is probably not taking place within -- for a couple of months.

MR. ZWIRN:

We did this last year. Legislator Losquadro brought a piece of property to us in the same manner that this has happened and we requested they put up 20%, so we're trying to also be consistent.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Zwirn. So I'll offer a motion on that basis to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

Resolution No. 1067-2008, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas J. Walsh a/k/a Thomas Walsh and Cheryl L. Walsh a/k/a Cheryl Walsh, his wife (SCTM No. 0200-403.00-05.00-043.000). (Co. Exec.)

LEG. VILORIA-FISHER:

It's just a Local Law 16, right?

CHAIRMAN D'AMARO:

Yeah. I'll offer a motion to approve and place on the consent calendar. Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

1068-2008, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Elizabeth Gregory and David Gregory, as joint tenants with the right of survivorship (SCTM No. 0103-020.00-03.00-014.000). (Co. Exec.)

I'll offer a motion to approve and place on consent calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries.
(Vote: 5-0-0-0).

Resolution *1081-2008, Authorizing conveyance of parcel within the Mastic Road Business District, Town of Brookhaven (Section 72-h, General Municipal Law). (Browning)*

I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. Legislator Alden.

LEG. ALDEN:

On the motion. Just so we realize it, there is a cost, though, on this, right, because we have been fronting the tax to this very taxing entity.

DIRECTOR KENT:

Yes, the County investment on this property is \$33,993.74, so we would be waiving that.

LEG. ALDEN:

Do we do that on every piece? Because I know in Islip we used to --

DIRECTOR KENT:

No, it's a decision of the Legislature whether you decide to waive the back taxes for the County investment or not. We do it as a matter of policy on affordable housing, any transfers of affordable housing, and then we do it on a case by case basis for purposes other than affordable housing.

LEG. ALDEN:

If we go back a few years I remember Islip having to pay some of the back taxes even for affordable housing parcels. So maybe that changed over the past ten years, but --

DIRECTOR KENT:

I don't know when the change occurred, but since I have been Director 72-h transfers to the town for affordable housing purposes have been done without consideration.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

Legislator Nowick.

LEG. NOWICK:

I know I probably should know this, but this just leads me to the question. Once that goes over to the Town of Brookhaven, is that not on the tax rolls or does the Town of Brookhaven then have to pay taxes on that.

DIRECTOR KENT:

No, it would be not on the tax rolls.

LEG. NOWICK:

Not on the tax rolls, okay.

CHAIRMAN D'AMARO:

Are there any other questions? There is a motion to approve pending. I'll call the vote. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Abstain.

CHAIRMAN D'AMARO:

One abstention, Legislator Alden. The motion carries. The resolution is approved. **(Vote: 4-0-1-0 Abstention: Legislator Alden)**

Next on the agenda is ***1084-2008, Authorizing technical correction to Adopted Resolution No. 1431-2007. (Co. Exec.)***

This is a technical correction to change the fund number in that bill. I offer a motion to approve and place on the consent calendar.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Nowick. All in favor? Yes, Legislator.

LEG. ALDEN:

I'm sorry. This one and the next one, I really didn't understand, you know, what the significance is going from Fund 001 to Fund 016.

MS. VIZZINI:

It really is a technical correction. This is a capital project. It's an IT project that benefits the whole County. The debt service for those projects are paid from Fund 16, which is the Interdepartmental Service Fund, so it clarifies what fund will be charged for the debt service. The other one before you is similar, but it clarifies that the debt service will be paid from 625.

CHAIRMAN D'AMARO:

And then, Ms. Vizzini, the third one coming up is just changing the capital project number. Is that technical in nature as well?

MS. VIZZINI:

Absolutely. It's a point number. There's quite a number of them, but it is simply a point number.

CHAIRMAN D'AMARO:

Okay. Very good. All right, the resolution pending was 1084 of 2008. We have a motion to approve and place on the consent calendar. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

1085-2008, Authorizing certain technical correction to Adopted Resolution No. 1232-2007. (Co. Exec.)

Same change and explanation. Same motion, same second, same vote. **(Vote: 5-0-0-0).**

Next is ***1086-2008, Authorizing certain technical correction to Adopted Resolution No. 671-2007. (Co. Exec.)***

Same motion, same second, same vote. **(Vote: 5-0-0-0)**.

Next is Resolution No. ***1107-2008, Authorizing an intermunicipal agreement with the Village of Lindenhurst for the improvement of CR 3, Wellwood Avenue, Town of Babylon. (Horsley)***

This resolution I believe would provide the funding with the town doing the actual road improvement work.

MR. NOLAN:

We passed a resolution last year providing the funding, appropriating the funds for this work with the understanding that the Village was going to do the work and this resolution authorizes the County Executive's Office to execute the intermunicipal agreement with the Village setting forth the terms.

CHAIRMAN D'AMARO:

Thank you, Mr. Nolan. I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0)**.

Resolution ***1114-2008, Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (County Executive)***.

This resolution involves 71 parcels that are adjoining our parkland. Mr. Kent, one, is that accurate? And two, what is the purpose of conveying the title over to Parks?

DIRECTOR KENT:

The purpose of conveying the title is to get it out of the ownership of the County. This will relieve us from tax obligations. Once it goes into Parks it becomes exempt from taxes, so we're trying to get these small parcels. This has gone through the Planning Department and through the Parks Department and they're interested in receiving all of these parcels.

CHAIRMAN D'AMARO:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

In the past I remember that this type of resolution would be called dedication to parkland. Is this essentially what this is, we're dedicating these as parkland?

DIRECTOR KENT:

Yes, but this is not -- this is coming from the County to the County. It's not being dedicated from a private individual.

LEG. VILORIA-FISHER:

Okay. I will make a motion to approve.

CHAIRMAN D'AMARO:

Okay. There's a motion to approve. Just for purposes of discussion I will second. Legislator Nowick, go ahead, please.

LEG. NOWICK:

I'm just curious, it's very interesting. So it's -- when it's in the County, as Legislator Alden was just explaining to me, if it is in the County the County is paying the taxes on it. So we're going to transfer it to the County Park's Department so the County Parks Department doesn't pay taxes on it.

DIRECTOR KENT:

Once it's dedicated parkland it's always restricted, then. It can't be used. It's very difficult to then take it out of County parkland because it requires two successive adoptions by State Legislature.

CHAIRMAN D'AMARO:

Which is also appropriate here because I believe that most, if not all, of these parcels have some environmental sensitivity to them as well as wetlands or what have you.

LEG. NOWICK:

So just to finish my question. So that means that -- it's interesting because then the County is not paying the 19,000. It's kind of a wash, right, because then the Parks does not pay into the County anymore, right? The Department of Parks now is not going to pay County property taxes.

DIRECTOR KENT:

Right. It's also not going to pay school district taxes or local town taxes or special district taxes.

LEG. NOWICK:

Oh, that's what would be interesting. Okay, thank you.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

Just for one more point of clarification. There's other categories where the County can own property and we don't pay property tax. If it is for purely municipal purposes then that comes off the tax rolls also.

DIRECTOR KENT:

We generally still see tax bills in our division for special districts, water district, sewer districts. Special district taxes are quite often still paid even after we have ownership.

LEG. ALDEN:

Well, the special districts, that's very important to keep the money flowing to them.

CHAIRMAN D'AMARO:

Especially if you are a lawyer. Okay. Well, these are contiguous to existing County parks. They are environmentally sensitive parcels and also by virtue of becoming part of the parkland should any adjoining property owner be affected, the bill does provide a mechanism to continue to provide access to privately owned parcels.

All right. There is a motion pending to approve. I will call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0-0-0).**

The final resolution is ***1134-2008, Authorizing the sales of surplus property sold at the October 15th and October 16th, 2007 auction pursuant to Local Law 13-1976 as per Exhibit "A" (Omnibus Resolution). (Co. Exec.)***

This is an omnibus resolutions that was made available to all the members of the committee. I believe this is the -- confirming the sale of properties from our last auction, about 3.1 million. Mr. Kent, is that correct?

DIRECTOR KENT:

No, the total sales were in excess of 8.9 million.

CHAIRMAN D'AMARO:

So what's the 3.1 million total?

DIRECTOR KENT:

The 3.1 million was the County's investment in these parcels.

CHAIRMAN D'AMARO:

Oh, okay. I looked at the wrong column.

DIRECTOR KENT:

So we're going to realize about 5.9 million from the sale of these parcels.

CHAIRMAN D'AMARO:

Okay. I looked at the wrong column. Okay. I will offer a motion to approve. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Beedenbender. Legislator Alden.

LEG. ALDEN:

Could I ask for about a one minute recess about this one?

CHAIRMAN D'AMARO:

Of course.

LEG. ALDEN:

Thanks.

CHAIRMAN D'AMARO:

Sure. Okay. We'll stand adjourned for a minute or two. Thank you.

*(*Brief Recess Taken: 10:13 - 10:14 A.M. *)*

CHAIRMAN D'AMARO:

We're back on the record, taking a look at legislation. Resolution Number 1134-2008 is before the committee. I've offered a motion to approve. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries, the resolution is passed. **(Vote: 5-0-0-0)**.

There's no other items on the agenda for the committee to address today. I'll take a motion to adjourn, seconded by Legislator Beedenbender. We stand adjourned. Thank you.

*(*The meeting was adjourned at 10:14 A.M. *)*