

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 March 12th, 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
Ian Barry - Assistant 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
Ryan Attard - Aide to Legislator Beedenbender
Greg Moran - Aide to Legislator Nowick
Michael Cavanaugh - Aide to Presiding Officer Lindsay
Michael Pitcher - Aide to Presiding Officer Lindsay
Kara Hahn - Director of Communications/P.O. Lindsay's Office
Lance Reinheimer - Assistant Director/Budget Review Office
Ben Zwirn - Deputy County Executive
Tom Vaughn - County Executive Assistant
Renee Ortiz - Chief Deputy Clerk/SC Legislature
Gail Lolis - County Attorney's Office
Christopher Kent - Director/Real Property & Acquisition
Debra Alloncius - Legislative Director/AME
Neal Lewis - Neighborhood Network
Herman Miller - Deputy CEO for Operations/SCWA
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Denise Weaver - Legislative Secretary

**The meeting was called to order at 10:04 A.M.*)*

CHAIRMAN D'AMARO:

Good morning, Ladies and Gentlemen. Welcome to the Ways & Means Committee. Please rise and join the committee in the Pledge of Allegiance led by Legislator Alden.

Salutation

Okay, once again, welcome. And we're going to start on the agenda with the public portion. Each speaker is asked to come up to the podium, state their name and address for the record, at that time you will have three minutes to address the committee this morning. I'll call the first speaker, Herman J. Miller. Mr. Miller, come on up and good morning.

MR. MILLER:

Good morning. My name is Herman J. Miller, Deputy CEO for Operations at the Suffolk County Water Authority, and I had indicated that I may or may not need to speak. We just had some concern about the language of the resolution on the bottled water where it talks about the possibility of a problem with public water on a County facility, and I just wanted to make sure and the Water Authority just wanted to make sure that the Legislators realized that the Water Authority was responsible for the water up to -- coming onto the property at the meter or the building. If there is any problem with the water beyond that point due to internal plumbing considerations or issues that the Water Authority's responsibility ended prior to that; not that we wouldn't be willing to work with the County on it, but just wanted to be clear that our responsibility ends on the property, coming into the property. That's my comment. Thanks.

*(*Legislator Viloría-Fisher entered the meeting at 10:06 A.M. *)*

LEG. VILORIA-FISHER:

Can I just --

LEG. ALDEN:

Can we have discussion?

CHAIRMAN D'AMARO:

Okay, Mr. Miller, thank you. And you're addressing the bill that's before the committee today which would prohibit, except under limited circumstances, Suffolk County from purchasing bottles of water of one liter or less; correct?

MR. MILLER:

Yes, sir.

CHAIRMAN D'AMARO:

All right. I think there are some questions, first from the sponsor, Legislator Fisher.

LEG. VILORIA-FISHER:

Yes, I'm not quite sure I understand what your point is regarding the bill.

MR. MILLER:

It's not directly responsible with the bill, it was just -- or not pertaining directly to the bill, but with the language of the resolution.

LEG. VILORIA-FISHER:

Okay, can you specifically --

MR. MILLER:

At the Water Authority there was just some concern in the section where it talks about a waiver, if testing reveals that the water may have a problem, the Water Authority just wanted to be sure that

everyone realized that we're responsible for the water up to the property; there was some concern that that wasn't clear.

LEG. VILORIA-FISHER:

Okay. If you recall, there was -- there had been an issue on Fire Island last year and a case like that, then you would -- when there's a question about the potability of the water in any particular place. I'm not putting blame on any particular person, you know, entity, but saying if there's a problem with the potability of the water, then there would be an exemption allowed to this particular legislation. But in fact, I would think that the Water Authority would have come out with a big hurrah saying that this indicates that there's a great level of trust in the Suffolk County Water Authority and our public water system.

MR. MILLER:

Yes, and I remember the Fire Island issue and I just wanted to make sure that the -- that particular case, it was the public side of the supply that was in question, fortunately it turned out to be no issue at all.

LEG. VILORIA-FISHER:

Right.

MR. MILLER:

You know, faulty testing. I just wanted to make sure that if there's an issue on the customer side, that the Legislative group is aware of that. And the Water Authority does appreciate the fact that the Legislature is indicating that they do have confidence in our water supply, we've long believed that the need for bottled water has been exaggerated in the press.

LEG. VILORIA-FISHER:

And certainly when you compare the cost of a bottle of our --

MR. MILLER:

Absolutely. We provide you with a thousand gallons of water delivered to your home for \$1.46 as opposed to spending that much for, you know, less than a gallon in the store.

LEG. VILORIA-FISHER:

Right, okay.

MR. MILLER:

So we just wanted to make sure we were clear on the language and we do appreciate the efforts and support the efforts of the Legislature on this issue.

LEG. VILORIA-FISHER:

Okay. There's another question, I believe.

CHAIRMAN D'AMARO:

All right. And Mr. Miller, thank you. If you don't mind answering a second question; Legislator Alden, did you have a question?

LEG. ALDEN:

No, actually that answered it.

CHAIRMAN D'AMARO:

Okay. Any other questions? Sir, thank you.

MR. MILLER:

You're welcome.

CHAIRMAN D'AMARO:

Thank you for taking the time.

All right, I have no other cards for people who would like to address the committee. Is there anyone else present who would like to address the committee this morning? Okay.

The next section of the agenda are tabled resolutions.

Tabled Resolutions

I'll call the first, **Resolution No. 1032-08, Adopting a Local Law in relation to disposition of auction properties (Browning)** And the Public Hearing has been closed and the sponsor, Legislator Browning, is with us. I'll offer a motion to approve. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. Any discussion?

LEG. ALDEN:

Yeah, just on the motion. Could we just -- just a brief explanation.

MR. NOLAN:

Yes. This -- presently, the County has a law on the books that when we auction a property that is habitable, that the person who purchases it must remain in the property, on the premises for five years. This law would extend the period to ten years, but also make the change that the person that -- the ownership requirement runs with the land, so that the original purchaser could sell the property during that ten year period, but the owner-occupancy requirement would be in place for ten years. So whoever owns the property must reside there for ten years.

LEG. ALDEN:

So a subsequent buyer would be bound by the ten years, and would they be able to tack on? So if somebody owned it for two years and occupied it and they sold it to someone else --

CHAIRMAN D'AMARO:

Maybe Mr. Kent can answer that.

DIRECTOR KENT:

My understanding is that it would be ten years from the date the County conveyed ownership to the person at a closing. The language as it says now, it says, "Successful bidder must occupy the premises," either the bidder or an immediate family member of the bidder must occupy the premises for five years from the date of closing; this would change it to, "The owner must occupy the premises for ten years." So the ten years would be from the date the County conveyed title out, is my understanding.

LEG. ALDEN:

There's a reverter right now?

DIRECTOR KENT:

Yes.

LEG. ALDEN:

So if somebody goes and bids, is successful and they stay there for four years and decide that they have to move, their job requires them to move, they have to sell it back to the County or they give

it back to the County?

DIRECTOR KENT:

Well, the way it's been done in the past, it hasn't -- this hasn't occurred since I've been there, but my understanding is this has occurred a couple of times, and we've reached agreements where they have to pay some money back to the County --

*(*Presiding Officer Lindsay entered the meeting at 10:12 A.M. *)*

LEG. ALDEN:

Okay.

DIRECTOR KENT:

-- based on a percentage of the sale price that they sell it for.

LEG. ALDEN:

Now, our original program is to discourage speculation on these properties, right? To get somebody to homestead it.

DIRECTOR KENT:

That's correct.

LEG. ALDEN:

And part of that is it goes back to old studies that show that if you can get somebody to live in a neighborhood for five years, that kind of anchors -- that's where that five year period originally came in.

DIRECTOR KENT:

Yeah, they tend to take better care of the property if you're owner-occupied rather than a tenant, rather than having tenants in there.

LEG. ALDEN:

So now we're going to extend that same program ten years, so if they live there for nine years and they have to move because of a job or they go to the --

DIRECTOR KENT:

Under the new proposal, if they sold it after nine years they would have to sell it to somebody who was going to owner-occupy it. It wouldn't mean it would revert back to the County.

LEG. ALDEN:

Okay, so it would tack on.

DIRECTOR KENT:

Correct.

LEG. ALDEN:

So that the time period --

DIRECTOR KENT:

It would be ten years -- it would be ten years from the time the County conveys it out.

CHAIRMAN D'AMARO:

If I could jump in.

DIRECTOR KENT:

That's my understanding; is that correct, George?

CHAIRMAN D'AMARO:

So the -- the effectiveness of the covenant is for ten years from the time the County conveys the property.

DIRECTOR KENT:

That's correct.

CHAIRMAN D'AMARO:

Irrespective of how many owners you have in-between those ten years.

DIRECTOR KENT:

Right, it would be in the deed, it would run with the land and it would require owner-occupancy.

CHAIRMAN D'AMARO:

Right. And it doesn't prohibit you from selling the property, it's just whoever purchases the property would have to adhere to the covenant with a start date from when the County first sold the property.

DIRECTOR KENT:

Yes.

CHAIRMAN D'AMARO:

Okay.

DIRECTOR KENT:

We probably, in theory -- or in practice, excuse me -- we probably would want some type of requirement of notice to the County at the time it's sold, that way maybe we could get an affidavit at the subsequent closing that the purchaser is going to owner-occupy the premises. Much like a mortgage, much like banks do when they lend money, they require you to sign an affidavit that says it's going to be owner-occupied. We should probably require that also, maybe in the deeds we can do that.

LEG. ALDEN:

Yeah, because -- can I offer just a little bit on practicality here? Because I kind of did that for ten years.

We don't know when the property gets sold, unless you put something in the deed that would trigger a release. So -- and that's kind of how we handled it over in Islip, so that we didn't have to continually police, you know, the properties, either by visual inspection or even by going to the Clerk's Office and looking for deed turnovers, because that's not something you're going to be able to do and you haven't done in the past, right?

DIRECTOR KENT:

Yeah, we don't have the staff to go out and confirm. We have done it recently, I've asked our inventory inspector to go out just to check on some of the properties we sold in the last few auctions, which there haven't really been that many, to try to determine if they're owner-occupied, and the way we do it is we knock on the door and find out who's living there; that's about it, that's what the extent we can do.

LEG. ALDEN:

Yeah, and that's a little tough. So I don't know if it should be an amendment to the -- to your piece of legislation that would require something to be imbedded in that deed other than just the restriction, because just a restriction doesn't work. And we had tons of property in Islip where we ended up in lawsuits because by accident we would find. The only person that's going to find it is the purchaser's title company and a lot of times they'll just -- they'll give them a blanket okay on it and they'll exclude it, so -- or even insure against it. So just the way we've been doing it is not

really the most practical way to do it, it doesn't work.

And whether it's a five year period or a ten year period to require owner-occupied, that's -- you know, that's debatable whether it's going to work any better by having it as a ten year period, in some neighborhoods it would and other neighborhoods it probably wouldn't. But, you know, I don't have a problem with the time restriction for owner-occupied because I do believe that that's a good way of anchoring your neighborhood, but you've really got to put something that's going to trigger a release in that that deed where the title company is going to come back to us and get a release on it or a renewal on the restriction, but something has to trigger them to generate the document.

LEG. BROWNING:

You know, I'd like to -- again, I think you know the reason why I'm doing this. We have had a lot of problems in the Shirley/Mastic area, North Bellport and Gordon Heights that speculators come in, bought them up and turned them into rentals and that's why now we're faced with these slumlords, and I know you have some in your district probably. And I know that we have the 72-h process that we've been using quite a lot and so I know that the number of homes that we're going to have, you know, through the auction is going to be very minimal. And I'm hoping that Real Estate will be able to keep an eye on it because of the 72-h process, that we're being able to take them off for that purpose rather than putting them in an auction.

It's a major problem in my district. You know, I have a constituent sitting here right now in the room that has been working with me. I can't tell you how important it is, you know, I can talk to George about doing something later. I would like this bill to pass as it is right now for my community and I know for yours and for all of us.

LEG. ALDEN:

Well --

DIRECTOR KENT:

George, I don't know if requiring a notice to the County of a sale would be substantive that would require another public hearing. I just -- a notice provision, just that if an owner is going to sell property with this continuing restriction in the deed, whether a notice to the County -- or whether requiring a notice to the County, an affidavit at closing would be substantive enough to require a public hearing. That's something that --

CHAIRMAN D'AMARO:

All right. Well, while our Counsel ponders that, Mr. Presiding Officer, go ahead, please.

P.O. LINDSAY:

Yeah, I just want to echo Legislator Alden's comments. And I'm not sure whether the bill has to be changed, I think it can be done in the paperwork of the transfer of the properties.

But I remember 20 years ago the Town of Brookhaven having some kind of homesteading thing where they were giving away homes in Bellport to -- for owner-occupied and geez, within a short period of time like 20 homes wound up in the hands of speculators. They didn't do anything to the homes at all except turn them around and rent them to the Social Service clients and it was absolutely substandard housing, we were paying the price and speculators were make a fortune. So I think the program is a great program.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

But I, too, would like to see some safeguards to make sure that the profiteers don't wind up making a lot of money off of your good intentions.

LEG. BROWNING:

Thank you, Bill.

CHAIRMAN D'AMARO:

Okay, Legislator Beedenbender.

LEG. BEEDENBENDER:

Chris, I was just going to ask, is this something that needs to be in the bill or could you just do this as a matter of practice, rules or regs in the office?

LEG. BROWNING:

Yes.

DIRECTOR KENT:

I think if I'm going to include language and a restrictive covenant that's going to be contained in the deed that requires notice, that way the title company will pick it up when they pull the deed, I think that should be in the bill, only because usually the restrictive covenants that I put in deeds come right out of the language of the legislation. That's why I'm working hard to amend legislation so that the restrictive language in the bill is in the bill so that way it gets into the deed.

LEG. BEEDENBENDER:

Okay, thank you.

*(*Legislator Nowick entered the meeting at 10:20 A.M. *)*

CHAIRMAN D'AMARO:

Legislator Alden, go ahead.

LEG. ALDEN:

Under our current situation, don't we try to take almost any type of property that you can build a single-family home on or it does have a single-family home, don't we try to go through, as we said before, some kind of community development or some kind of -- even a not-for-profit that would provide that as affordable housing?

DIRECTOR KENT:

We've been pretty good -- our division, working with Affordable Housing, we've been offering properties to the Affordable Housing Division and they've been offering them out to the towns, giving them the first crack at them before we sell them at auction, and the town has been exercising the right to take some of those properties through resolution from the towns. When they don't, when they tell us they don't want the properties, then we put it into our inventory for the next auction.

LEG. ALDEN:

Are we made whole on those? Where, for instance --

DIRECTOR KENT:

No, the policy has been that when we convey properties to the town for affordable housing purposes, we waive the County investment.

LEG. ALDEN:

That's changed then somehow, because ten or eleven years ago when we were getting property, we were making the County whole from the Islip CDA. So in that ten --

DIRECTOR KENT:

That was the case from the River -- I used to work in Riverhead and we also used to make the County whole.

LEG. ALDEN:

Right.

DIRECTOR KENT:

But I don't know how many years ago but it was prior to my coming on with the County, there was a policy change that allowed the property to be -- for the County to waive the money due if it's going to be used for affordable housing purposes.

LEG. ALDEN:

Okay. Now, in Riverhead you did the same thing, restrictive covenants in the deed, right?

DIRECTOR KENT:

Yes.

LEG. ALDEN:

Okay, that needed release.

DIRECTOR KENT:

That's correct.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Alden.

LEG. VILORIA-FISHER:

May I?

CHAIRMAN D'AMARO:

Yeah, sure; Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Is it possible to flag these particular auction properties? And at a time when they are -- they have a transfer of ownership, they have to go to our Clerk's Office; could they be flagged there at the Clerk's Office when there's any kind of transfer of ownership?

DIRECTOR KENT:

I just think the best way to police this would be to put it in the deed, that way when the title company pulls the prior deed, they will raise it as an exception in the title report that would have to be omitted in order for the bank to be willing to lend the money and go forward with the closing. I just think that would be the best way to go.

LEG. VILORIA-FISHER:

So you think it wouldn't be as smooth to have our own County employees in the Clerk's Office do that?

DIRECTOR KENT:

I'm not saying anything against County employees, but I just think that if you put it in the title it will get raised and then you'll have everybody looking at it. You'll have the seller's attorney being aware of it, the buyer's attorney --

LEG. VILORIA-FISHER:

It's a harder look, you're saying.

DIRECTOR KENT:

-- the bank attorney; there will be multiple parties aware of the covenant.

LEG. VILORIA-FISHER:

Okay, okay. Thank you.

CHAIRMAN D'AMARO:

Yeah, that the -- the theory is that as every other insurance company, they want to take no risk.

MR. MILLER:

Correct.

CHAIRMAN D'AMARO:

So if it's in the covenant that you require a notice, then, you know, Mr. Kent and I and I think Legislator Alden have enough experience with doing this that the title companies will look at that and say, "You don't close unless we are assured of compliance with that provision," and that's probably the most effective way to achieve it. And it really helps the County to track the properties as they get sold, they might be sold multiple times over the course of those ten years, so you're really enlisting the title companies in helping you to enforce that covenant.

So the sponsor is here; would you like some time to contemplate a revision?

LEG. BROWNING:

No, I understand where Cameron's coming from and we can table it for the one cycle to make that amendment. And I know we have worked -- we've spent a lot of time working with Chris on this and I'm a little disappointed that, you know, we have to table it again, but I agree.

LEG. ALDEN:

Legislator Browning, you might not need to. If we hold off to the end, I think that because that's almost administrative in nature, I think it could just be included in the bill. It doesn't change the flavor of the bill --

LEG. BROWNING:

No, no. Well, we don't have to go through a Public Hearing again.

LEG. ALDEN:

I don't think so.

MR. NOLAN:

No, it's my opinion we can make the amendment that Mr. Kent is talking about. We won't be able to vote on it Tuesday making that change, but we won't be required to reopen the Public Hearing either. So probably the right move is to table it now and make the amendment.

LEG. BROWNING:

Okay.

CHAIRMAN D'AMARO:

Okay. And with that said, 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 (***Tabled - VOTE: 5-0-0-0***).

Resolution 1033-08, Adopting Local Law No. -2008, A Local Law to establish a prompt contracting policy for not-for-profit organizations (Montano). It needs to be tabled for the recessed 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
(Tabled - VOTE: 5-0-0-0).

1035-08, Adopting Local Law No. -2008, A Local Law to establish a notification requirement for consultant contracts (Montano). We've discussed this resolution several times now. This is information I believe that is now available on the County computer system and accessible to all the Legislative offices.

LEG. ALDEN:

You said Y drive?

CHAIRMAN D'AMARO:

T drive.

LEG. VILORIA-FISHER:

T drive.

LEG. ALDEN:

T drive?

CHAIRMAN D'AMARO:

T drive.

LEG. VILORIA-FISHER:

It's on the T drive now.

LEG. ALDEN:

I couldn't find it, but that might just be me.

LEG. BEEDENBENDER:

I found it in my office on the T drive.

CHAIRMAN D'AMARO:

I think we gave you the Y drive instead, actually.

LEG. BEEDENBENDER:

I'll make a motion to table subject to call.

CHAIRMAN D'AMARO:

I'll second. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

I'm opposed.

CHAIRMAN D'AMARO:

Legislator Alden, if you talk to IT, they can -- they'll find it for you.

LEG. ALDEN:

I'll change my vote later on.

CHAIRMAN D'AMARO:

Okay, next is -- that motion carries. *(Tabled Subject to Call - VOTE: 4-1-0-0 Opposed: Legislator Alden)*.

Next is *Resolution No. 1044-08, Adopting Local Law No. -2008, A Local Law to require Legislative meetings at the County seat, Riverhead (Romaine)*

LEG. BEEDENBENDER:

Motion to table.

LEG. ALDEN:

Doesn't this require a Public Hearing?

MR. NOLAN:

It's closed.

LEG. BEEDENBENDER:

Oh, it's closed?

LEG. ALDEN:

Shouldn't we send it back for a Public Hearing?

LEG. BEEDENBENDER:

You know what, I'll withdraw my motion and make a motion to table subject to call.

CHAIRMAN D'AMARO:

Yeah, we -- I'll second the motion. Just on motion, we had recently passed a resolution I believe at our last session requiring us to head east for at least a few meetings until the renovations are complete.

P.O. LINDSAY:

Mr. Chairman?

CHAIRMAN D'AMARO:

Yes.

P.O. LINDSAY:

I was hoping to change this to make the requirement eight meetings a year in Riverhead.

MR. ZWIRN:

I'll second that.

LEG. ALDEN:

Actually, I will support that but it would have to be after all the renovations are done next year. So maybe eight or twelve meetings out there would be --

LEG. BEEDENBENDER:

Some time in -- after he's gone, I think that's what he's saying.

LEG. ALDEN:

Exactly.

CHAIRMAN D'AMARO:

All right. Well, there is a motion pending to table subject to call, It has been seconded; if there's no more discussion, I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries *(Tabled*

subject to call - VOTE: 5-0-0-0).

Resolution 1054-08, 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 (**Tabled - VOTE: 5-0-0-0**).

Resolution 1055-08, A Local Law to require notice to tenants of foreclosure proceedings (Eddington).

LEG. BEEDENBENDER:

Motion to approve.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Motion by our Vice-Chair, Legislator Beedenbender, to approve. Seconded by Legislator Viloría-Fisher. On the motion, Legislator Alden.

LEG. ALDEN:

And maybe I missed the discussion on this, but someone would be served with papers on a foreclosure and they would be required to notify their tenants?

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

Well, did anybody go into foreclosure law and what the requirements are now when you foreclose on a property?

CHAIRMAN D'AMARO:

George?

MR. NOLAN:

As far as we know, the landlord, the owner has no obligation to tell his tenant that there is a foreclose on the property, either before entering the lease or during the term of the lease. Apparently this is a problem across the country and that's why the sponsor has proposed this law.

LEG. ALDEN:

All right. And I did read it back in the office, but I don't remember a hundred percent, who's going to police this? Because the procedure would be the bank would foreclose and that takes, you know, traditionally around a year, maybe a little bit longer because it's usually Chapter either 7 or 11 or 12 or 13 -- or a bankruptcy comes in, that postpones it a little bit longer. So by the time it actually gets to be, you know, an auction, the people, whoever is buying it would buy it subject to a tenancy. They're not getting it broom-clean and vacant at auction.

MR. NOLAN:

Well, under the law it's a misdemeanor, so it's not a particular department that's going to be

enforcing the law. It would be -- it's a criminal violation.

LEG. ALDEN:

I'm at a loss for how this would actually happen because, you know, if you -- I don't know, Lou, if you've done a --

CHAIRMAN D'AMARO:

Well, I'm just thinking that if you think through a foreclosure proceeding there's now this County requirement that anyone who owns property and gets notice of the foreclosure would have to then within five days of the notice give a tenant that notice of the fact where probably, when it proceeds to sale, would be a condition that purchasers, as well as the foreclosing bank, would be concerned with and would want to comply with.

LEG. ALDEN:

But I'm just saying --

CHAIRMAN D'AMARO:

Because they wouldn't want to cloud the foreclosure sale any more than maybe the liens that you're taking subject to.

LEG. ALDEN:

But on the other hand, what you might be doing is wiping out the tenant's ability to claim that they should be allowed to remain in their tenancy, because now they've got notice of an adverse action and it might actually wipe out their ability to stay in there.

CHAIRMAN D'AMARO:

I don't think so. And also, the bill in Section B says: "The remedy shall be in addition to and shall not preclude any action that an individual may have under common law, local law, State law." So it's not in substitution of whatever rights you already have, it's in addition -- it's a further requirement on a landlord. I don't think it affects the rights of a tenant.

LEG. ALDEN:

No, but it's going to provide notice to the tenant. And unfortunately, if the tenants put -- you know, notice has been put on that tenant, then that creates a different legal situation when that property is going to auction. And actually it might even be interpreted -- this is the way I was -- and I read it back in the office quickly. It might even be interpreted that now the duty would have been thrown on the tenant to actually do something affirmatively to -- consistent with this tenancy, his wish to remain as a tenant.

CHAIRMAN D'AMARO:

Well, there's no doubt that if the law is complied with the tenant would not -- would no longer be in a position to claim that they did not receive notice of the foreclosure, and then whatever rights flow from there. But wouldn't you rather have the tenant know about the foreclosure so those rights arise and they can take whatever actions they have to protect themselves?

LEG. ALDEN:

Well, actually, I think the tenants -- and maybe this is debatable, but -- actually, it is debatable. If a tenant is put on notice right after the auction, and that would be at the time when the bank goes to secure the property and that's the only --

CHAIRMAN D'AMARO:

Well, no, it's not at the time of auction. I'm sorry to interrupt, but it's when the landlord gets notice of the proceeding which would probably be service of the summons, or publication in the paper.

LEG. ALDEN:

No, I'm talking about under current law.

CHAIRMAN D'AMARO:

Oh, okay.

LEG. ALDEN:

The tenant, the first time usually they find out that there's some kind of action would be when the bank or whoever is a successful bidder comes to take possession of their property and finds a tenant there. Then they have to go to landlord/tenant and actually go through the whole procedure --

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

-- and establish a case and serve the tenant who would then have his time or her time to come and answer that and establish whether tenancy should be continued.

CHAIRMAN D'AMARO:

And they have some breathing room because --

LEG. ALDEN:

Right, they have breathing room.

CHAIRMAN D'AMARO:

Right, right.

LEG. ALDEN:

This actually might wipe that out because notice would be given at an earlier date.

CHAIRMAN D'AMARO:

I don't think so. Yeah, I understand your point and the concern and it's a legitimate concern, but I don't think that the notice provision in this County Law imposed on a landlord is going to affect the rights of a tenant; that's my opinion. We could ask, you know, Counsel also.

LEG. ALDEN:

If I was a successful bidder, I would argue that they're on notice that I was -- you know, I'm going to assert my rights.

CHAIRMAN D'AMARO:

Well, you're always on notice because they're published in the paper. You always have notice.

MR. NOLAN:

No. I mean, the protections afforded a tenant under State Law would not be affected by the passage of a County Law.

LEG. ALDEN:

Okay. And that was -- all right, if that's your opinion on it, but that was my primary concern.

The secondary concern is how does this affect the foreclosing institution's rights? This is just going to be one other trick or whatever you want to call it, that a landlord -- not a landlord -- yeah, a landlord or the owner of the property can use to extend out for another year, or possibly even longer period of time, the time it would take the foreclose when they're not actually performing under the contract that they've signed.

MR. NOLAN:

Again, I don't believe that the notice requirement of this Local Law would affect the bank's rights after it takes the property back, at all.

LEG. ALDEN:

Do you think it could be used as another tactic, similar to bankruptcy, to extend the period of time that a bank could foreclose?

MR. NOLAN:

No, I really think that what happens in the foreclosure is going to happen. This is just giving the tenant a head's up, before they enter into a lease, if the property is subject to a foreclosure proceeding, so maybe they say, "We're not going to enter it, we're not going to live here because it might be foreclosed upon, then I'm going to have to be moving out." It's just really a head's up, a notice. And I don't think it affects, you know, State Law and Federal Law; it won't.

LEG. ALDEN:

I'm just going to point that, you know, years ago bankruptcy, that requirement that extended the period of time where you could actually foreclose, they didn't realize how much that would be taken advantage of. And actually, the Federal government went back and revisited that within the last four or five years and has cut out some of that time considerably; they've changed bankruptcy law quite a bit because of some of the tactics that were being used to avoid getting it to the final judgment.

So I'm not a hundred percent convinced that this wouldn't hurt, number one, the tenant; and number two, a person that was trying to, you know, foreclose.

CHAIRMAN D'AMARO:

Okay. Well, just to -- I understand that concern as well, but looking at the bill, it imposes the obligation on the landlord. If the bank takes a deed in foreclosure, what the bill requires the landlord to do is notify the tenant that a foreclosure proceeding has been initiated, so that would be -- that would be an obligation not on the bank but on the landlord. And as our -- as Mr. Nolan points out, I don't think this in any way will affect the foreclosure proceeding itself because the obligation is on the landlord and not on the bank, even though the bank may come into a deed.

LEG. ALDEN:

But wouldn't you make -- say, for instance, you were hired then by the bank, "Now get rid of this tenant"; I'm going to come and in and I'm going to argue that they were on notice a year ago that this foreclosure was going through. And the normal procedure under foreclosure gets, you know, it gets pushed out because they try every tactic they can to push it out. So now you're going to have a tenant sitting there that was possibly put on notice or probably -- even if they comply with the law, okay, they were put on notice, and now a year later, a year-and-a-half later the foreclosure is going to go through and the bank is going to say, "You knew, get out."

CHAIRMAN D'AMARO:

Yeah, I don't think this would rise to the level of the notice requirements in State Law.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

I just don't think it would. Legislator Browning, did you want add something?

LEG. BROWNING:

Yeah, I appreciate it. I know I'm not on this committee, but I did cosponsor this with Jack; again, everything is based on experience and what you've experienced in your district.

I can tell you that I've had Section 8 clients who find out there's a foreclosure when the Sheriffs came to the door. And I know that this is probably what Jack's intent is, to protect people like that because these landlords, they're not paying their mortgages, they're collecting the rent from, you know, the Section 8 vouchers, but they're not paying their mortgage and then the tenant finds out

when the Sheriff shows up that they're on the street. So that's what the intent is.

LEG. ALDEN:

No. Actually, the Sheriff -- how could the Sheriff put them out on the street without notice? You can't.

LEG. BROWNING:

They get notice, but it's not that much notice.

LEG. ALDEN:

How much notice do they get?

LEG. BROWNING:

I mean, when the owner forecloses on his property he doesn't notify his tenants, and that's when they find out is when the Sheriff shows up.

LEG. ALDEN:

But the Sheriff can't show up to put a tenant --

CHAIRMAN D'AMARO:

Yeah, you need an eviction proceeding.

LEG. BROWNING:

Yeah.

LEG. ALDEN:

They have to do an eviction proceeding.

CHAIRMAN D'AMARO:

Correct.

LEG. ALDEN:

And then they would give notice, they would get the opportunity to go to court, make their point, whether they've been paying their rent, haven't been paying their rent, what their tenancy is, and then they would have to go through the whole thing. The Sheriff can't just show up because there's a foreclosure.

CHAIRMAN D'AMARO:

Right, but this bill is not going to change any of that.

LEG. ALDEN:

No, but I don't -- then I'm -- now I'm puzzled as far as what the -- you know, what we're trying to protect.

LEG. BROWNING:

It's saying that the landlord has to notify the tenant and the problem is it's not until there's an eviction notice being sent --

CHAIRMAN D'AMARO:

Right.

LEG. BROWNING:

-- that they find out they're going to be on the street, And it's protecting the least fortunate people from being thrown out on the street.

LEG. ALDEN:

But who sends in the eviction notice, the foreclosing bank, institution?

CHAIRMAN D'AMARO:

If they've taken the deed.

LEG. ALDEN:

Right, they would actually have to notify them --

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

-- that we're having a landlord/tenant.

LEG. BROWNING:

But the eviction notice doesn't always come to the address of the home, it will go sometimes to the address of the owner.

LEG. ALDEN:

I can testify to this; the Sheriff is very careful about who he puts out in the street. As a matter of fact, when they go to a house and they find squatters in the house --

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

-- they won't even put the squatters out, it's got to be --

CHAIRMAN D'AMARO:

All right, I think we're getting a little past the bill here --

LEG. ALDEN:

But no --

CHAIRMAN D'AMARO:

-- into the eviction -- this is how I visualize this bill.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

A single parent is living in a home with four children, okay, and renting and paying that rent, the landlord is not paying the mortgage, okay. But -- and a foreclosure -- without this law, a foreclosure proceeding can go all the way to a final judgment, the bank can take a deed, the bank goes to its attorney and says, "Okay, now we want that property vacant," an eviction notice and proceeding is commenced by serving the single parent.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

With this law, that single parent will know almost a year in advance of the foreclosure proceeding and can plan accordingly. You see, to me, giving that advanced notice is a good thing, it's a positive step and I think that's the intent of the bill.

LEG. ALDEN:

To add on to the notice requirement under the law right now as it's present on landlord and tenant.

CHAIRMAN D'AMARO:

I think that would be a practical affect. I don't think it does that as a legal function, but I think that would be a practical affect, to give tenants who need to plan their affairs, especially if they're dealing with children, that they have notice of a proceeding, I'd rather give it to them sooner rather than later.

LEG. ALDEN:

Oh, okay, now we're getting to the crux of it then.

CHAIRMAN D'AMARO:

Okay.

LEG. ALDEN:

A notice that would go out on a potential foreclosure, because most foreclosures don't actually go to the auction, most foreclosures are worked out, whether it be through bankruptcy or whether, you know, you renegotiate the loan.

CHAIRMAN D'AMARO:

I don't know, I've signed a few deeds in my day, but okay.

LEG. ALDEN:

No, but let's take -- if you look at the number of lis pendens and then you look at the number of actual foreclosure sales, there's a huge number of lis pendens and there's a very small number of actual sales; you know, comparable.

CHAIRMAN D'AMARO:

Right.

LEG. ALDEN:

So we're trying to give more notice to somebody as you described, the single --

CHAIRMAN D'AMARO:

Yeah, whatever.

LEG. ALDEN:

-- parent.

CHAIRMAN D'AMARO:

The tenant.

LEG. ALDEN:

All right, at least I understand now.

CHAIRMAN D'AMARO:

Okay. With that exciting and engaging discussion --

LEG. VILORIA-FISHER:

Actually it was.

CHAIRMAN D'AMARO:

Is there a motion pending?

LEG. BEEDENBENDER:

Do I get three credits for that discussion?

LEG. ALDEN:

I think you'll get a demerit if somebody gets hurt by it.

CHAIRMAN D'AMARO:

To the Clerk, was there a motion pending? I apologize. And a second?

MS. ORTIZ:

Yes, there was.

CHAIRMAN D'AMARO:

There was a motion to approve and a second. I'll call the vote; all in favor? Any opposed? Abstentions?

LEG. ALDEN:

Abstain.

CHAIRMAN D'AMARO:

One abstention, Legislator Alden. Motion carries. ***(The resolution is passed - VOTE: 4-0-1-0 Abstention: Legislator Alden).***

Resolution 1062-08, Amending Resolution No. 728-2007, authorizing the sale of Brownfield property tax liens at public auction (Horsley). Once again, this resolution has been brought up a few times before the committee. Mr. Kent, how about a quick update; are we ready to go.

DIRECTOR KENT:

We're still not ready to go on this. I've been negotiating with the attorney for Deja Vu, Inc., which is the mortgagee on the property.

We have been requiring in the past that in order to enter an agreement that the -- 20% of the tax arrears are received at the time we enter the agreement. They're not prepared yet to put the 20% down and we are negotiating, as part of the agreement, the receipt of installment payments in order to reach the 20% and we haven't agreed yet on the installment payments.

CHAIRMAN D'AMARO:

Okay. And it's also my understanding that the sponsor of the legislation agrees with you and has requested that the resolution be tabled. 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. ***(Tabled - VOTE: 5-0-0-0).***

Introductory Resolutions

1148-08, Ban the purchase of bottled water by Suffolk County. (Viloria-Fisher). This would apply to the County's purchase of bottled water of one liter or less with some exemptions and a waiver provision.

LEG. VILORIA-FISHER:

Yes.

CHAIRMAN D'AMARO:

Legislator Fisher.

LEG. VILORIA-FISHER:

Yes, Mr. Chair, and I'm going to make a motion to approve. But I just wanted to point out to everyone that serendipitously in today's Newsday there's an article, "[Water On Tap For British Government.](#)" The British Government will no longer be buying bottled water, and what it states in the article is that tap water uses 300 times less energy than the production of bottled water and cuts out bottled waste. So this is really a good way for us to go in Suffolk County.

CHAIRMAN D'AMARO:

As Britain goes, so goes the nation?

LEG. VILORIA-FISHER:

Well, I think they copied my law.

CHAIRMAN D'AMARO:

They copied your law; very good.

LEG. ALDEN:

On the motion?

CHAIRMAN D'AMARO:

Let's have a motion first. Legislator Fisher?

LEG. VILORIA-FISHER:

I have a motion to approve.

CHAIRMAN D'AMARO:

I'll second. And on the motion, Legislator Alden.

LEG. ALDEN:

And to the sponsor, how much bottled water do we actually buy with public funds?

LEG. VILORIA-FISHER:

You know, it's not just the individual purchased water. Actually, a lot of departments do buy bottled water and keep them in their departments for people to drink. When I first started in this --

LEG. ALDEN:

I'm in a bind here.

LEG. VILORIA-FISHER:

Why?

P.O. LINDSAY:

I'm going to get a bottle of water.

LEG. ALDEN:

Yeah, because I go into the -- and I don't know if I should admit this, but I go into the Presiding Officer's Office when he's not there and I help myself to a bottled water.

LEG. VILORIA-FISHER:

But I don't think he's buying that with County money. However, I would like to see us go back to what we used to do when you and I were in the Legislature, probably before most of the other people around the horseshoe, is that there would be pitchers of water around the horseshoe and cups where we could pour water for ourselves rather than go back for bottled water. Think of all of the plastic we're putting into our ecosystem, think of the energy it takes to deliver that water, to bottle it, and that water is not as thoroughly tested as our Suffolk County water, as our public water.

LEG. ALDEN:

Well, some of it's not, but, you know, we do have a requirement in Suffolk County that there are certain things that they have to include as far as origins and what's in the water and things of that nature. But so you really don't have like a number as far as how many bottles are being purchased by Suffolk County?

LEG. VILORIA-FISHER:

No, I don't have that number because it's hard -- there are so many departments and they may be doing it out of their petty cash and, you know, I don't have that number.

CHAIRMAN D'AMARO:

Okay. Legislator Nowick, please go ahead.

LEG. NOWICK:

Yeah, just a fast question for the member of the Water Authority. Somehow, did I remember that the Water Authority has bottled water and it says on it "Suffolk County Water Authority"; are you still doing that?

LEG. ALDEN:

Yeah, they brought it for us.

LEG. NOWICK:

Yeah, because I think what Legislator Viloría-Fisher is most worried about is the bottle itself, right?

CHAIRMAN D'AMARO:

Right.

LEG. VILORIA-FISHER:

And the water too, it costs a lot of money in diesel to transport all that water to us. It's just counter to green policies on many levels.

CHAIRMAN D'AMARO:

Well, Mr. Miller, you've been invited back up to the podium. Thank you for staying, and Legislator Nowick had a question for you, if you care to answer.

MR. MILLER:

Yes, we still have it bottled and generally that's done in the event of a main break where we're not going to be able to restore water for a few hours to one of our customers, we will provide them with some bottled water to tide them over while the main break is being repaired.

At one point we did offer it for charitable organizations. In fact, we still have water buffalos that we acquired from the Army that we first offered prior to bottling water, we would roll the water buffalo up to, you know, some sort of fund-raising event or something like a breast cancer awareness rally for water. But the public's preference was for the bottled water, or the offering group that was promoting the rally or the sporting event was looking to make money on selling the bottled water, so they shied away from taking our free water by buffalo.

LEG. NOWICK:

So if somebody for some reason or another is down, their water main is broken, you bring them the little bottles or do you fill them up in big gallons or what do you do there?

MR. MILLER:

We bring them the small bottles. We do still have the water buffalo; in fact, when we were doing some work on MacArthur Airport at one time, we hooked up the buffalo to the FAA building so they can continue to have water while we were working on the water supply. But it's generally only, you

know, if there's a couple of homes out of water we'll provide them with a few bottles of water to get them over the fact that the public water wasn't available for a short time.

LEG. NOWICK:

And Legislator Viloría-Fisher, does this -- does your bill affect this as well?

LEG. VILORIA-FISHER:

No.

LEG. NOWICK:

No, okay. Thank you.

LEG. ALDEN:

Just one other quick thing.

LEG. VILORIA-FISHER:

Neal Lewis just indicated to me that he has an answer to some of Legislator Alden's questions.

CHAIRMAN D'AMARO:

Okay. And Legislator Alden, go ahead.

LEG. ALDEN:

Okay. Right, and I agree with you as far as getting rid of the plastic. But I would also ask, if maybe through this committee or the Health Committee, we can get our water tested here? Because to be quite honest with you, I've had three kinds of cancers in the past 20 years and I don't want to get another one from drinking water, because if they use the wrong kind of solder, again, when they put in our water supply and that's what we're going to be drinking, if we're going to go back to those -- you know, and I think maybe it is a nice idea to put the pitchers out, but I would want to be assured that, you know, what we're drinking is not something that's contaminated or we're going to offer more problems than the plastic out of these.

LEG. VILORIA-FISHER:

Mr. Chair, if I may just respond to that.

CHAIRMAN D'AMARO:

Please go ahead.

LEG. VILORIA-FISHER:

We could also put a filter right here in our tap, which is what I do at home, I also have the additional filter.

LEG. ALDEN:

Even if after it's filtered, I would like -- and I think they could do it for us fairly cheaply, the Health Department.

LEG. VILORIA-FISHER:

Sure, that can be done in the Health Department.

LEG. ALDEN:

Or even the Suffolk Water Authority, you know, might want to do that for us. Thanks.

MR. LEWIS:

If I could -- first of all, Neal Lewis, Executive Director of Neighborhood Network, and I did pass out bottled water facts.

In regards to the last question, in our office what we did was we switched the -- everyone talks about going to the water cooler; well, we still have the water cooler, it looks pretty much the same,

it has the warm -- the blue color and the red, so you've got the hot and the cold. Except that where the bottle used to be, those big bottles, it's not there and it's just a flat surface there; otherwise it looks just like the water cooler.

Now, in the back of it it has a filter and there was a little plastic tube run to the bathroom up through the ceiling, it took them about an hour to install it and we found that we've cut our price on what we were paying for bottled water by about a third. But if we didn't spend more, it was actually cheaper to switch to this, they come and change the filter twice a year.

All the offices really could go this route, you wouldn't have to have those big bottles of water sitting in your kitchen areas or different parts of your office. And if you think about the truck traffic that's involved in actually bringing that water from Maine to your office, wherever it may be, because those -- they can't even put these bottles, by the way, on 18 wheelers because the water is too heavy. It's just an extraordinarily inefficient way to be delivering water from an energy-efficiency point of view. And you could actually envision every bottle of water that is consumed as essentially equivalent to a quarter of that bottle being filled with oil, because that's how much oil it takes to get that water to you when you consider making the plastic and transporting it and keeping it cold, which is some 17 million barrels of oil a year that's been estimated. So the fact sheet that I gave you has some of those numbers, it gets even higher when you do take the transportation numbers in. So it's just -- it's energy-draining to make the bottles. We do see the bottles turning up on the sides of the roads increasingly.

And we're not saying that there should never be bottled water. There's appropriate uses, if you're running out to a game or, you know, the kids are in the car or there might be some places, but we got to a point now where this has become a trend that is sort of out of control. It's a half a billion bottles just on Long Island every year. And what we're saying is that government could lead by example and set the message that in the office environment, there's no reason you couldn't set it up so that you could -- the filter largely is dealing with the chlorine taste; once you filter the water you don't have the chlorine taste, that's mainly its big accomplishment. It does give you that extra level of protection to the extent that you're concerned about chemicals in the water. However, as it was pointed out, the drinking water standards are actually higher than bottled products, which is how bottled water is handled. It's not really handled as a water, it's handled like a soft drink, which actually have a lower standard for testing and such.

CHAIRMAN D'AMARO:

All right. All right, thank you, and thank you for the handout. You know, as I just glance at it very quickly, you know, it talks about energy-wasted, water-wasted, money-wasted, trash-stream increased and that we actually have pretty high water standards here in Suffolk County. These are all objectives that all of us work on every single day in County government; you know, how do we save energy, how do we save money in government?

And if this -- I think your point is well made, if this County can lead by example and send two messages; one, that there are ways to fight energy-waste and water-waste and money-waste through this kind of legislation, and I think that's an important message. But I think it's also important to let people know that the water in Suffolk County is just fine. We're not limiting choices, we're not limiting access, consumers still have choices. But the water in Suffolk County is just fine and if we decide as a County not to purchase all of our water in the form of bottled water, we can save energy, we can save money and we can help to clean up our roadsides and I think that's a positive step. Legislator Alden.

LEG. ALDEN:

And I'm glad you made those distinctions because I agree with you a hundred percent and that's why I can support a bill like this. But as was pointed out by the Water Authority's testimony a little bit earlier, they're delivering clean water to -- not your door but, you know, if you want to use that

phrase, they're delivering it to the door. So as a consumer, don't just take that as, you know, I've got perfectly clear water, go look at what you've got as far as your house; and in my instance, it's a house that was built in 1910 and that's when the water supply was put in there.

So, you know, there's some problems that people can come and have in their houses and they should take that into consideration when they're just getting rid of the bottled water and going with -- and like what Legislator Viloría-Fisher said before, that filters can work and take out whatever impurities that, you know, we as a County of maybe -- maybe we didn't do everything a hundred percent right when we laid the water line. And a house, maybe over the course of a century or 25 years, maybe that's deteriorated to the point where it presents some kind of a hazard. So people shouldn't just take it as face value that, yeah, the water is clean, but also look at what you've got going on with your supply in your house that you have control over. Good.

CHAIRMAN D'AMARO:

Okay, there is a motion pending before the committee to approve.

MS. ALLONCIUS:

Can I speak?

CHAIRMAN D'AMARO:

What's that? We really don't allow that, that's during the public portion, Debra.

MS. ALLONCIUS:

Okay.

CHAIRMAN D'AMARO:

All right? Unless a Legislator has a specific request, so I ask you to indulge us. There is a motion to approve and it has been seconded; I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries **(Approved - VOTE: 5-0-0-0)**.

The next resolution on the agenda is **1158-08, Naming the Supreme Court Building in Riverhead the "Thomas Stark Supreme Court Building". (Romaine)**. This requires a motion to table, I think it needs to go through what we euphemistically call the Naming Committee.

LEG. ALDEN:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Alden to table, I'll second. All in favor? Any opposed? Abstentions? Motion carries **(Tabled - VOTE: 5-0-0-0)**.

Resolution 1159-08, (A Charter Law to change the Legislative term of office) (Cooper), for the record, has been withdrawn.

Resolution 1165-08, Sale of County-owned real estate pursuant to Local Law 13-1976 Budget Estates, Inc. (SCTM No. 0100-039.00-03.00-082.000) (County Executive Levy). I have filed the requisite recusal notice with the Presiding Officer's Office. I will turn our proceedings over for the purposes of this resolution to our Vice-Chair, Legislator Beedenbender.

VICE-CHAIRMAN BEEDENBENDER:

Do you have any comments on the motion?

CHAIRMAN D'AMARO:

You need a motion.

VICE-CHAIRMAN BEEDENBENDER:

I'll make the motion to approve.

LEG. VILORIA-FISHER:

I'll second.

VICE-CHAIRMAN BEEDENBENDER:

Seconded by Legislator Viloria-Fisher. On the motion, Legislator Alden?

LEG. ALDEN:

Yeah, just from Real Estate, can we get a brief explanation of what went on here?

DIRECTOR KENT:

This is a direct sale of property that was taken for nonpayment of taxes, it was offered to adjacent property owners. The property was appraised at \$20,000. We've received an offer for \$20,001 which is in excess of the appraised value, and this is a resolution to approve the sale.

LEG. ALDEN:

Can you build on that? Can you build on that?

DIRECTOR KENT:

They will be able to build on it in conjunction with other properties they own; Budget Estates owns the two adjacent parcels. If you look at some of the supporting documents attached to the resolution, they own the two parcels surrounding the piece.

LEG. ALDEN:

When it was appraised by the County we took into consideration what it would be used for, to upgrade the possible economic development of other parcels?

DIRECTOR KENT:

The appraisal was an in-house appraisal by one of our certified appraisers. We have three certified appraisers on staff.

LEG. ALDEN:

So 20,000 is stand-alone on that, or 20,000 would be the value by combining it with --

DIRECTOR KENT:

It has to be stand-alone because if we sold it to someone else --

LEG. ALDEN:

They couldn't develop it.

DIRECTOR KENT:

-- they couldn't build on it alone.

LEG. ALDEN:

Okay.

DIRECTOR KENT:

You'd have to assemble property in order to build.

LEG. ALDEN:

That's fine. Thank you.

VICE-CHAIRMAN BEEDENBENDER:

If there are no other comments on the motion, all in favor? Opposed? Abstentions? And for the record, note that Legislator D'Amato recused himself on that vote **(Approved - VOTE: 4-0-0-1**

Recusal: Legislator D'Amaro).

CHAIRMAN D'AMARO:

Thank you, Legislator Beedenbender. Next resolution is **No. 1166-08, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sylvia Strong (SCTM No. 0200-980.60-07.00-026.000) (County Executive Levy)**. This is a 16, as we say, a matter of right. I'll offer a motion approve and place on the Consent Calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor?

LEG. ALDEN:

But on the motion?

CHAIRMAN D'AMARO:

Oh, I apologize, go ahead.

LEG. ALDEN:

Real Estate; they're within the timeframes and --

DIRECTOR KENT:

Yeah, we wouldn't offer the resolution if it wasn't within the timeframes. The application was received within six months of our taking title, they've paid all past taxes and the current 07/08 taxes will be collected prior to the deed being conveyed.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Okay, thank you, Legislator Alden. I'll call the vote; all in favor? Any opposed? Abstentions? Motion carries **(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)**.

Resolution 1167-08, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Secretary of Housing and Urban Development (SCTM No. 0200-907.00-05.00-025.000) (County Executive Levy). 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?

LEG. ALDEN:

Just an explanation, please?

CHAIRMAN D'AMARO:

Oh, apologize. Go ahead, please.

LEG. ALDEN:

If we could have an explanation, because this looks like a sale to, what, the -- HUD?

DIRECTOR KENT:

This is a redemption.

LEG. ALDEN:

By who?

DIRECTOR KENT:

Again, it's paying the prior taxes that were due at the time we took title. I'm not entirely clear why the --

LEG. ALDEN:

Yeah.

DIRECTOR KENT:

-- Secretary of Housing & Urban Development made the application, other than they have an interest in the property; they would have to have an interest in the property.

LEG. ALDEN:

Okay. So they'd have to be in title, actually.

DIRECTOR KENT:

Not necessarily; let me take a look. Yes, in this case -- not necessarily they have to be in title. An application could be received by someone other than the prior owner, it could be a mortgagee, someone with interest in the property. In this case, they are the prior reputed owner.

LEG. ALDEN:

Okay. That's a little weird, right?

DIRECTOR KENT:

Maybe they foreclosed and I'm not sure if they gave notice to the tenants or not.

CHAIRMAN D'AMARO:

Okay, let's not go there. All right, there is a motion pending, I'll call the vote. All in favor? Any opposed? Abstentions? And the motion carries.

MR. NOLAN:

And that is on the Consent Calendar?

CHAIRMAN D'AMARO:

And that was on the Consent Calendar also, yes ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

1168-08, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jafria Association of North America (SCTM No. 0500-160.00-01.00-017.000). (County Executive Levy). I'll offer the same motion, same second.

LEG. ALDEN:

Just as --

CHAIRMAN D'AMARO:

Go ahead.

LEG. ALDEN:

For an explanation; this is as-of-right, they're within the timeframes? And what did they pay, 9%

interest on this?

DIRECTOR KENT:

Interest wise? No, they pay penalties and interest, it's 1% a month, which is 12%, which becomes due starting one month after the failure to pay the first-half taxes. They don't pay interest, once we take it -- after one year, there are really no penalties after that. That's really through the Treasurer, you're talking Treasurer questions, not mine. I don't collect the -- I only collect the money, it goes to the Treasurer; they do the computations, they provide us the numbers. We act as their agent in collecting the -- receiving the application, collecting the money.

LEG. ALDEN:

So if somebody owes us money for more than a year, we don't charge interest on it?

DIRECTOR KENT:

No, I don't believe we do.

LEG. ALDEN:

That's an interest-free loan for --

LEG. NOWICK:

Well, just --

CHAIRMAN D'AMARO:

Well, you don't believe we do.

DIRECTOR KENT:

No, excuse me, we charge interest, we don't charge penalties. Penalties are only in the first year --

LEG. ALDEN:

Right.

DIRECTOR KENT:

-- interest is accrued thereafter.

LEG. ALDEN:

At 9% or 12%?

DIRECTOR KENT:

I don't know the rate.

LEG. NOWICK:

I can help, probably.

CHAIRMAN D'AMARO:

Legislator Nowick, sure.

LEG. NOWICK:

June 1st, if your taxes aren't paid, what it is is you're slapped with an 11%; 5%, I guess is the -- 11%. You're late, plus the 5%, so it's plus the month, so it starts at 11% on June 1st; on July 1st it's 12% and it keeps growing.

LEG. ALDEN:

Okay.

DIRECTOR KENT:

So I'm sorry, I apologize, we do collect interest; we stop collecting a penalty after the first year. The penalty is the first year --

LEG. ALDEN:

But the penalty stays there --

LEG. NOWICK:

Yes.

LEG. ALDEN:

-- it's just we don't add another penalty for the second year.

DIRECTOR KENT:

That's correct.

LEG. ALDEN:

Okay.

DIRECTOR KENT:

The penalty is only in the first year, the interest continues to accrue.

LEG. ALDEN:

Good. Thank you.

CHAIRMAN D'AMARO:

Okay. As there were questions, I'll offer a motion to approve and place on the Consent Calendar. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

1169-08, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ovlasid Realty LLC (SCTM No. 1000-089.00-03.00-001.001) (County Executive Levy). Once again, this is Local Law 16. I'll offer a motion approve and place on the Consent Calendar. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender.

LEG. ALDEN:

And just --

CHAIRMAN D'AMARO:

On the motion?

LEG. ALDEN:

Through the Chair, this is as-of-right, within the timeframes?

DIRECTOR KENT:

Yes. This is actually an application by a mortgagee, though; a mortgagee came in, made the application, paid the prior taxes.

LEG. ALDEN:

As long as it's as-of-right for them and then it's within the time.

DIRECTOR KENT:

It is as-of-right.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Okay. All in favor? Any opposed? Abstentions? Motion carries ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

1194-08, Sale of County-owned real estate pursuant to Local Law 13-1976 Maya Karablina and Sofia Krucher as tenants in common (SCTM No. 0200-974.80-01.00-002.000) (County Executive Levy). Mr. Kent, this is an adjoining owner sale; is that correct?

DIRECTOR KENT:

That's correct.

CHAIRMAN D'AMARO:

Give us a brief description of the transaction.

DIRECTOR KENT:

This is a 20 X 100 -- let me just confirm that.

CHAIRMAN D'AMARO:

It looks like the successful bid was \$6,002.

DIRECTOR KENT:

Yeah, this parcel's 20 X 100.

CHAIRMAN D'AMARO:

Right.

DIRECTOR KENT:

And the appraised value was \$6,000.

CHAIRMAN D'AMARO:

Okay.

DIRECTOR KENT:

And they're paying in excess, they're paying in excess of the appraised value.

CHAIRMAN D'AMARO:

Very good. All right, I'll offer a motion to approve. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries ***(Approved - VOTE: 5-0-0-0)***.

Resolution 1195-08, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Helmuth Woehncke and Ellen Woehncke, his wife (SCTM No. 0500-163.00-01.00-027.000) (County Executive Levy). This is a Local Law 16. I'll offer a motion to approve and place on Consent Calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender.

LEG. ALDEN:

Just the same --

CHAIRMAN D'AMARO:

Legislator Alden, go ahead.

LEG. ALDEN:

-- question; is it as-of-right and within timeframes?

DIRECTOR KENT:

Yes. This is a prior reputed owner that made the application and they are in contract to sell the property and we're going to collect our monies at the closing.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? Motion carries ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

1196-08, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Stamoulis (SCTM No. 0200-029.00-12.00-035.001) (County Executive Levy). Once again, a Local Law 16, as a matter of right. I'll offer motion to approve and place on Consent Calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

LEG. ALDEN:

Wherever these people live, I wish my taxes were this, \$399.78; what happened there?

DIRECTOR KENT:

It's a small piece of property.

CHAIRMAN D'AMARO:

Vacant, a small vacant land.

DIRECTOR KENT:

Yeah, vacant land, and all taxes are paid and they've all ready paid the 07/08 taxes also.

CHAIRMAN D'AMARO:

I'll call the vote; all in favor? Any opposed? Abstentions?

Motion carries ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

1197-08, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Philip Marcario a/k/a Joseph Marcario and Marien Ronea Marcario, his wife (SCTM No. 0200-453.00-04.00-005.000) (County Executive Levy). I'll offer a motion to approve and place on the Concent Calendar.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender.

LEG. ALDEN:

Just the same question.

CHAIRMAN D'AMARO:

The Same question, Mr. Kent?

DIRECTOR KENT:

A prior reputed owner within the timeframe, received all monies including current taxes.

LEG. ALDEN:

Great.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? Motion carries ***(Approved & Placed on the Consent Calendar - VOTE: 5-0-0-0)***.

Next is ***1198-08, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jeffrey A. Citera and Angela M. Citera, his wife (SCTM No. 1000-070.00-10.00-005.001) (County Executive Levy)***. Mr. Kent, size of the parcel, if you have it handy, please?

DIRECTOR KENT:

Irregular shape, 50 X 76, cannot be built upon unless -- on its own, it can't be independently developed.

LEG. ALDEN:

I'm just making sure that you're --

DIRECTOR KENT:

No, I'm answering your questions and I'm anticipating them now.

LEG. ALDEN:

I appreciate it.

DIRECTOR KENT:

Cannot be independently developed, is being purchased by an adjacent owner, In excess -- at or in excess of the appraised value.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Okay, I'll call the vote; all in favor? Any opposed? Abstentions? Motion carries ***(Approved and placed on the Consent Calendar - VOTE: 5-0-0-0)***.

Resolution 1230-98, Adopting Local Law No. -2008, A Charter Law to formalize the vacancy procedure relating to board, commissions and agencies (Presiding Officer Lindsay). 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? And that motion carries ***(Tabled - VOTE: 5-0-0-0)***.

There is no executive session requested today. There's no further business before the committee. I'll offer a motion to adjourn, seconded by Legislator Beedenbender. Thank you, everyone, for attending.

(*The meeting was adjourned at 11:07 A.M. *)

{ } Denotes being spelled phonetically.