

WAYS AND MEANS
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on August 13, 2008.

MEMBERS PRESENT:

Legislator Lou D'Amaro, Chairman
Legislator Brian Beedenbender, Vice-Chair
Legislator Cameron Alden
Legislator Lynne Nowick
Legislator Vivian Vilorio-Fisher

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Gail Vizzini, Director of Budget Review Office
Lance Reinheimer, Assistant Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Barbara LoMoriello, Deputy Clerk
Ben Zwirn, Deputy County Executive
Debra Alloncius, AME Legislative Director
Christine Malafi, Suffolk County Attorney
Lynne Bizzarro, Suffolk County Attorney's Office
Paul Perillie, Aide to majority leader
Linda Bay, Aide to minority leader
Justin Littell, Aide to Leg. D'Amaro
Terrence G. Pearsall, Chief of Staff
Tom Ryan, Aide to Leg. Vilorio-Fisher
Allen Kovesdy, Budget Office
Greg Moran, Aide to Leg. Nowick
Christopher E. Kent, Director of Real Property Acquisition & Management
Thomas Young, Esq.
All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:03 AM

CHAIRMAN D'AMARO:

Welcome to the Ways & Means Committee. Please rise and join us for the Pledge of Allegiance led by Legislator Nowick.

SALUTATION

Okay. Once again good morning and welcome. We'll look at our agenda this morning, first to the public portion. And the Committee has received one card this morning. I'm going to call that person Mr. Thomas Young, please, come on up. You'll come up to the podium. You'll be given three minutes to address the committee. And Mr. Young, good morning and welcome.

MR. YOUNG:

Good morning, Mr. Chairman.

CHAIRMAN D'AMARO:

We're just going to turn that microphone on for you.

MR. YOUNG:

Good morning, Mr. Chairman, members of the board. My name is Thomas Young. I'm an attorney practicing law in Deer Park, New York. I'm here on behalf today Mr. Of Gerald Pallotta to discuss the last item on the agenda. Mr. Pallotta was the successful bidder on district 500 section 441, block two, lot 44.

CHAIRMAN D'AMARO:

Mr. Young, just if I can interrupt you for one moment, that for the Committee's information is resolution 1747 of 2008 which is the last resolution listed on today's agenda. Please go ahead.

MR. YOUNG:

And in support of the bill before you today. The property may be known to some of you as the Old Beef Steak Charlie's in Bay Shore. Mr. Pallotta bid on the property in good faith expecting to receive clear and marketable title without any clouds on the title.

Mr. Pallotta promptly ordered a title search which revealed serious defects in title, most notably that a necessary party had not been given the required notice. The defect was revealed to the County by the title company SCTIC Inc an agent of Fidelity Title. The title company requested proof of service of notice and the County has and remains unable to provide the proof and cure the defect, nor have they denied the defect.

The case law is clear and goes as far as the United States Supreme Court decision in the case of Jones verses Flower, which states before a state may take property and sell it for unpaid taxes, the due process clause of the 14th amendment requires the government to provide the owner notice and opportunity for hearing appropriate to the nature of the case.

The County here has no proof of any notice being given to the owner or its designated agent. Proof of notice must satisfy due process. But here the County acknowledges that they cannot show any proof that notice was given.

The issue here has also been addressed by New York State Court of Appeals in the case of McCann verses {Scadudo} in 1987. In the opinion of Justice Jay which stated -- stands for the proposition that each current owner of real property affected by a tax lien shall be entitled to notice.

The County has been unable to provide proof of notice of service for the unpaid taxes for the year 1994 and 1995 which is the subject of this sale. The issue of the cases cited and the facts here are that the due process must be adhered to or to do anything else, anything less would put in jeopardy the ownership of every citizen's property. No one should lose the property without due process and no one should be forced to purchase property that was taken without due process.

Should Mr. Pallotta be forced to close on this property, the County would be selling property that it does not have title to having failed to afford due process to the owner, who, in fact, still is the owner.

The property further would be -- would set a precedent that would encourage governmental agencies to disregard due process. Should Mr. Pallotta purchase the property as it stands, he would be irreparably harmed since the County does not have title to the land and the issue would be raised by any title company for subsequent purchases.

What you're not obligated to follow what prior companies have said, Mr. Pallotta intended to develop the land and greatly increase its value which would increase the tax base. But this property would be unsellable and unmarketable. An insurance company, county or any entity cannot sanction the taking of land without due process. The County has not produced any documentation or proof to dispose or contradict the position of the purchaser's title company. It should be kept in mind that this was not created by Mr. Pallotta but by the County and is not a minor nature but a fatal defect.

Another key to consider here is that this would create a cloud on the title. If we can put aside the court decisions and whatnot, that any future development of this property, any sale would be subject to this defect and would make it unsalable. If a company were to come forward and insure this, it would just be assuming a business risk which would not in any way protect the owner. The owner would have a difficulty if they came forward and put in a claim because they are taking this knowingly -- knowing that there is a defect in title.

CHAIRMAN D'AMARO:

Okay. Mr. Young, I'm just going to ask you if you would sum up quickly.

MR. YOUNG:

All right. Well, this property clearly has a cloud on title which has not been addressed or corrected by the County. The property is unsalable.

CHAIRMAN D'AMARO:

Right.

MR. YOUNG:

And to attempt to forward -- to pass this property onto anybody at this point in time --

CHAIRMAN D'AMARO:

Well, what we're seeing -- thank you.

MR. YOUNG:

-- would be putting them in jeopardy.

CHAIRMAN D'AMARO:

Thank you. What we have before us is a -- it's the last resolution on our agenda that would cancel the auction sale.

MR. YOUNG:
That's correct.

CHAIRMAN D'AMARO:
Your client was, I presume, the successful bidder.

MR. YOUNG:
That's correct.

CHAIRMAN D'AMARO:
And has now found through a title search that there was some issues with the title creating a question with respect to the title now. If your client -- the purpose of your client buying the proper was to make an investment in the property; is that correct?

MR. YOUNG:
To make an investment, to develop it, which would greatly increase the tax base and make the property far, far more valuable than it is now which would not be covered under any circumstance.

CHAIRMAN D'AMARO:
Right. Which you would not have insurance against --

MR. YOUNG:
That's correct.

CHAIRMAN D'AMARO:
-- if your client every went to sell the property. So the bottom line here is you're asking us to approve a resolution cancelling the conveyance on the grounds that there is a defect with title.

MR. YOUNG:
That's correct.

CHAIRMAN D'AMARO:
All right. Does anyone have any questions for Mr. Young? Or, Vivian, did you want to speak --

LEG. VILORIA-FISHER:
No, because he clarified what he said. Thank you.

CHAIRMAN D'AMARO:
All right. Thank you.

LEG. ALDEN:
Through the Chair, if we could have somebody from Real Estate?

CHAIRMAN D'AMARO:
Yeah.

LEG. ALDEN:
Come up to answer --

LEG. VILORIA-FISHER:
Or the County Attorney.

CHAIRMAN D'AMARO:
I think the County Attorney -- Mr. Young, thank you. If you could have a seat, I'd appreciate it. Yeah, come on up, please. Legislator Alden had a question.

LEG. ALDEN:

What are the terms of our sale? Do we tell people that you're buying as is, where is, so to speak? Or do we -- we tell them that we're going to give them some kind of insurable title?

MS. MALAFI:

Yes, but I will say that if we had known that the notice was defective here in anyway, we would have brought a bar claim and cleared the title before we held the auction.

LEG. ALDEN:

Do we admit that we don't have insurable title?

MS. MALAFI:

You'd have to ask Chris Kent that. I'm not an expert on the title issues, but I do know that whenever there's a question of proper notice being given to the original owner, we bring bar claims before we put the items -- the properties on the auction list.

LEG. ALDEN:

Good. That was good.

CHAIRMAN D'AMARO:

Okay. All right. All right. Thank you, Ms. Malafi. Why don't we take it out of order?

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

All right. I'm going to -- since the buyer's attorney is present, I'm going to offer a motion to take resolution 1747 of 2008 out of order. Is there a second?

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? The motion carries and the **resolution 1747 of 2008 is now before us. (Canceling auction sale of property) (PO Lindsay)** I'm going to offer a motion to approve and send it to the Legislature. Is there a second?

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

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

Okay. All right. Is there anyone else here this morning who would like to address the committee?

TABLED RESOLUTIONS

Okay. We'll turn to the section of the agenda dealing with tabled resolutions and I'll call the first.

1158 - 2008, naming the Supreme Court Building in Riverhead the "Thomas M. Stark Supreme Court Building" (Romaine)

LEG. NOWICK:

Motion to table.

CHAIRMAN D'AMARO:

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

Resolution 1324 - 2008, creating the Asset Evaluation Review Board for the sole purpose of soliciting and reviewing proposals for the sale/lease back of the H. Lee Dennison Building. (Romaine) 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)**

1343 - 2008, adopting local law number - 2008, a Charter Law to change the Legislative term of office. (Cooper) I'll table for public hearing purposes, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1483 - 2008, sale of County-owned real estate pursuant to Local Law 13-1976 James A. Smith, Sr. (CE Levy) This is a 50 by a hundred lot located in the Town of Islip. And I believe the discussion -- the tabling discussion last time was resolving around Legislator Alden had requested an opportunity to contact the town. Legislator Alden.

LEG. ALDEN:

Yeah. The Town of Islip CDA, Executive Director Paul Fink, is in the process of re-reviewing this parcel with the town and the Planning Department to see if it does fit into affordable housing. So I would ask that it be tabled at least one more cycle.

CHAIRMAN D'AMARO:

Thank you for your efforts, Legislator Alden. I'll offer a motion to -- I'll second the motion to table by Legislator Alden. All in favor? Any Opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1563 - 2008, amending the Rules of the Legislature of the County of Suffolk, Rule 6 (B) (PO Lindsay) This has been pending before the Committee for several cycles. We discussed another amendment which I believe has been made. I'll defer to Counsel to give us a brief explanation.

MR. NOLAN:

Yes. The bill has been amended since the last committee meeting. And, I think, it's been simplified to this degree that a question was raised what would happen if the Presiding Officer came into a meeting, let's say a five-member committee. You had six people. There was an abstention, a 3-2-1 vote, would the bill be discharged. Under Robert's Rules, it would be.

Legislator Viloría-Fisher expressed some difficulty with that. So we have amended the resolution to be that if a member cast an abstention in committee, they will be counted. So that if there are six members, with the Presiding Officer, it will always require four votes to be discharged from committee, a majority of those present and voting. So I think it's a -- it's a little simpler now. That was the change.

LEG. VILORIA-FISHER:

George.

CHAIRMAN D'AMARO:

Legislator Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. George, I was just looking at the -- where is that in the resolution? Maybe I'm --

CHAIRMAN D'AMARO:

Do you have the amended copy?

MR. NOLAN:

It was amended --

LEG. VILORIA-FISHER:

8/11, yeah.

MR. NOLAN:

The last sentence "for the purposes of this rule the term members present" --

LEG. VILORIA-FISHER:

I found it. Thank you. I'll make a motion to approve.

CHAIRMAN D'AMARO:

Okay. I'll second. All in favor? Any opposed? Abstentions? Excuse me. Motion carries. **(Vote: 5-0)**

1584 - 2008, establishing Legislative oversight of County funds expended for advertising and marketing. (Kennedy) I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

LEG. ALDEN:

This seems to make sense, but the sponsor wanted it tabled last time?

CHAIRMAN D'AMARO:

Yes.

LEG. ALDEN:

Okay. So, I'll go along with tabling this time.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1605 - 2008, adopting local law number - 2008, a local law amending the County Legislature organizational meeting date requirement. (Losquadro)

LEG. VILORIA-FISHER:

I'll make a motion to approve.

CHAIRMAN D'AMARO:

There's a motion by Legislator Viloría-Fisher to approve. I'll second the motion. On the motion?

LEG. ALDEN:

This is confusing.

CHAIRMAN D'AMARO:

It's confusing? My understanding of the bill is, should the organizational -- should New Year's Day fall on Thursday and the organizational meeting fall on Friday, it would be put off 'til Monday. That's the effect of this bill. The theory, I guess, being that if you have New Year's Day on a Thursday and --

LEG. ALDEN:

Who's going to want to go to the meeting on Friday?

CHAIRMAN D'AMARO:

And then to have a meeting on Friday before the weekend interferes with school schedules and vacations -- not vacations of Legislators but other vacations of family members, teachers.

LEG. ALDEN:

We give up our vacations.

CHAIRMAN D'AMARO:

We do.

LEG. ALDEN:

We give up July's, we're supposed to have off. Now I can get behind this.

CHAIRMAN D'AMARO:

Okay. Well, then I'll call the vote quickly.

LEG. VILORIA-FISHER:

Then we may call a special meeting on that Friday.

CHAIRMAN D'AMARO:

I don't -- the other way I look at this bill is, you know, I don't see any harm in saying instead of organizing on Friday we'll organize on Monday. I don't see any harm. Disadvantage to the public for doing that. So I'm going to support the bill, yeah. All right? There is a motion pending. Anyone else like to speak on the motion before I call the vote? Legislator Beedenbender.

LEG. BEEDENBENDER:

I understand the sponsor's intent. I just have, I guess, I sense a poor looking editorial on this bill so I'm going to abstain on this.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Any opposed? Abstentions? Brian?

LEG. BEEDENBENDER:

Abstain.

CHAIRMAN D'AMARO:

Legislator Beedenbender abstains. Motion carries. **Resolution is approved. (Vote: 5-0)**

1608 - 2008, adopting local law number - 2008, a local law to add hardship caused by military deployment as a basis for a Section 215 conveyance. (Beedenbender) Brian?

LEG. BEEDENBENDER:

I'll make a motion to approve.

LEG. VILORIA-FISHER:

Second.

LEG. ALDEN:

Can you just explain?

CHAIRMAN D'AMARO:

On the motion. Yeah, Legislature Beedenbender, would you like to explain?

LEG. BEEDENBENDER:

Right now under section 215 County residents are allowed to redeem their property outside of the normal six months, I believe, if they can prove that there was error in government notice, they were -- that an illness or they were out of a job for an extended period of time, all this would add is that if you are deployed during the year, you could also apply to redeem your property with the thought being that if one of the providers of a household is overseas, their income is often severely diminished. And a case like that, they really could fall behind on their taxes. So I just wanted to give them an additional opportunity to redeem their property should that happen and they lose it for no other reason that they were overseas serving the country.

LEG. ALDEN:

Through the Chair.

CHAIRMAN D'AMARO:

Yes, Legislator Alden.

LEG. ALDEN:

Maybe we can ask our County Attorney, there was a lawsuit brought by the former Comptroller. And we lost the lawsuit. So what is the ramification of that? Can we add this as a hardship? Something that we can consider?

LEG. BEEDENBENDER:

I think the lawsuit was brought because we waived the interest and penalties and we just said they didn't have to pay them.

MS. MALAFI:

Yeah. The lawsuit was that you waived things that by statute that could not be waived. And he won that. So you can't waive fees and penalties that are required to be put in place by the statute.

LEG. ALDEN:

But this is waiving a statutory period of time, then, isn't it? Or is that -- was that the intent?

LEG. BEEDENBENDER:

Well, it's extending the period of time from six months to two years.

LEG. ALDEN:

So the prior lawsuit didn't speak to this specific time period or the ability of Legislators to allow an additional period of time to redeem?

MS. MALAFI:

No. The county law permits this.

LEG. ALDEN:

So we're okay. Good.

MS. MALAFI:

Yes.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

Legislator Nowick.

LEG. NOWICK:

The interest and penalties do not keep adding up with this?

LEG. BEEDENBENDER:

They add up under the same situation they would under any other. I guess I would have to defer to Counsel.

MR. NOLAN:

Right. The penalties and interest they'll have to pay those but it just gives them the --

LEG. NOWICK:

So if they're deployed and it's two years and they're not paying their taxes, the interest -- well, penalty's only a one shot but the interest then keeps adding?

MR. NOLAN:

Right. And that we can't do anything about because that was our computer lawsuit, you know.

MS. MALAFI:

Yes.

LEG. BEEDENBENDER:

On that note, though, we are working and actually Assemblyman Sweeny has a bill that might change that. So we might be able to go a bit further at the state level. We can't do it here but --

LEG. NOWICK:

They get deeper in debt.

LEG. BEEDENBENDER:

But -- yeah, because the idea would be, you know, that we would be able to waive those if we could for this specific situation, but they're working on it at the state so hopefully at some point there'll be enabling legislation that we could opt into as well.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

All right. Thank you. I'll call the vote. All in favor? Any opposed? Abstentions? **Motion carries.**
(Vote: 5-0)

1614 - 2008, sale of county-owned real estate pursuant to Local Law 13-1967 Joseph J. Donlon and Simone M. Donlon f/k/a Simone M. Biegel, as joint tenants with rights of survivorship. (CE Levy) This is a forty by one hundred lot in Brookhaven sold to an adjoining owner for \$6500 as a successful bidder. We had tabled this in the past based on some corrections that were required. Mr. Kent, good morning.

MR. KENT:

Good morning.

CHAIRMAN D'AMARO:

Were the corrections made?

MR. KENT:

In looking at this, again, we feel it be best to withdraw it and to resubmit it. There was an error that was not able to be corrected with an amended resolution.

CHAIRMAN D'AMARO:

Okay. That's fine. I'll offer -- so you're just going to withdraw the resolution?

MR. KENT:

Withdraw the resolution and we'll resubmit.

CHAIRMAN D'AMARO:

All right. We'll table it also. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 5-0)**

1633 - 2008, requiring Legislative approval to consider the sale of John J. Foley Skilled Nursing Facility. (Kennedy)

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Vice Chair Beedenbender to table. I'll second. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Opposed to table.

CHAIRMAN D'AMARO:

Legislator Alden votes no on the tabling motion. Motion carries. Resolution is approved.

LEG. ALDEN:

Change my vote to tabling.

CHAIRMAN D'AMARO:

Okay. So it's unanimous. The motion carries unanimously and the **resolution is tabled. (Vote: 5-0).**

Section Six of the agenda Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

1659 - 2008, authorizing certain technical corrections to adopted resolution number 434-2008, authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk. (CE Levy)

LEG. VILORIA-FISHER:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Viloría-Fisher to approve. Would you like to place on the consent calendar?

LEG. VILORIA-FISHER:

If Counsel agrees that it's --

CHAIRMAN D'AMARO:

He says it is appropriate.

LEG. VILORIA-FISHER:

Approve and place on the consent calendar.

CHAIRMAN D'AMARO:

All right. Legislator Beedenbender seconds the motion. On the motion Legislator Alden. But before you go ahead, it's my understanding, Mr. Kent, that this resolution is correcting several tax map numbers and removing one parcel that should not have been included because it was not approved by the Agricultural and Farmland Protection Board. Is that correct?

MR. KENT:

This is not my resolution, but that is what the resolution does do. This was -- came out of the Planning Department, yes.

CHAIRMAN D'AMARO:

All right. Legislator Alden.

LEG. ALDEN:

That was pretty much my question was how this came about. Good.

CHAIRMAN D'AMARO:

All right. I'll call the vote. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0 and placed on consent calendar)**

1660 - 2008, authorizing the sale pursuant to Local Law number 16-1976, of real property acquired under section 46 of the Suffolk County Tax Act Joseph Licata and Laura Licata, his wife. (CE 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? Any opposed? Abstentions? **Motion carries. (Vote: 5-0 and placed on consent calendar)**

1661 - 2008, authorizing the sale, pursuant to Local Law number 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Monica Dituri. (CE Levy) Offer the same motion, same second and without objection same vote. **(Vote: 5-0 and placed on consent calendar)**

1662 - 2008, sale of county-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Riverhead. (CE Levy) This parcel was originally conveyed for affordable housing to the town from the County. And now the town is requesting that the purpose or use of the property be permitted to change to parking purposes or municipal purposes. Mr. Kent, would you like to add to that?

MR. KENT:

Yes, this property was originally conveyed to the Town of Riverhead in 2005 with a condition that it be put into affordable housing use within three years. The Town of Riverhead conveyed back the original deed to the County within the three year period. And the County was then negotiating with the town to acquire land from the town for additional parking behind the Cooperative Extension building on Griffing Avenue. So the town and the county have now agreed to a swap of land. The County would get the town's land behind the Cooperative Extension building for additional parking

for the County building located there. And in exchange the County would convey the -- this property to the town that's adjacent to their municipal parking lot between Osborne and Hamilton Avenue. There's a municipal parking lot there. So this is an exchange of properties for parking purposes.

CHAIRMAN D'AMARO:

Okay. And there would be a deed restriction into the conveyance out limiting the use to parking or municipal purposes.

MR. KENT:

On both deeds, yes.

CHAIRMAN D'AMARO:

On both deeds. Legislator Alden.

LEG. ALDEN:

Is there approximately \$52,000 worth of property that we're getting?

MR. KENT:

There is county -- well, there's a difference here. The property that's behind the Cooperative Extension building was owned by the town so there was no taxes.

LEG. ALDEN:

No, no. But how much worth value?

MR. KENT:

Oh, I don't know about value on this. But the 52,000 is representative of what the County paid in back taxes on the property that's being conveyed to the town.

LEG. ALDEN:

So that's the property that we're giving them? So we're giving them something that you could conceivably put a \$52,000 price tag on. And are we getting back approximately \$52,000 worth of value?

MR. KENT:

Well, we're getting a piece of property that we're going to install parking. I believe it was 22 parking spaces. I don't know what the value of that piece would be. It's a 50 by 150.

LEG. ALDEN:

All right.

MR. KENT:

I'm not an appraiser and we did not have the property appraised. But a 50 by 150 piece for parking purposes behind a commercial building is probably, you know, worth something. I would say maybe \$100,000.

LEG. ALDEN:

Okay.

MR. KENT:

I would not say that the market value of the piece that's being conveyed to the town is 52,000. That's our investment. That's the amount of back taxes that the County has paid.

LEG. ALDEN:

No, but traditionally the County could recoup that and had recouped it up until a certain point. Even when we conveyed for municipal purposes, we like to get out --

MR. KENT:

Right. The only time we -- in the past the policy has been to waive the County investment when the parcel's being conveyed for affordable housing purposes.

LEG. ALDEN:

Okay.

MR. KENT:

That's what happened in this instance where it was conveyed to the town, but the town did not feel it was an appropriate location for affordable housing being next to a municipal parking lot. The location is not that good. They prefer to do parking. That's why they conveyed the deed back to the County.

LEG. ALDEN:

Good. Thanks.

CHAIRMAN D'AMARO:

Okay. There's a motion pending. I'll call the vote. All in favor? Any opposed? Abstentions? Did someone have a question?

LEG. VILORIA-FISHER:

She's asking what the motion was.

CHAIRMAN D'AMARO:

Oh, there was no motion? I apologize. 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)** Sorry about that.

1663 - 2008, sale of county-owned real estate pursuant to Local Law 13-1976 Mark Bakker. (CE Levy) 50 by 125 lot sold to an adjoining owner or proposed to be sold for \$19,000 roughly in the Town of Brookhaven, part of a residential subdivision. Mr. Kent, would you like to add anything to that?

MR. KENT:

No, other than it was appraised at 19,000. The offer was \$19,006. It's being sold to an improved adjacent property owner.

CHAIRMAN D'AMARO:

I had a question about this. The lot proposed to be sold looking at the tax map is lot four. And it would be going to the owner of lot five, tax lot five, I believe. Tax lots 3.2 and 3.1 I would assume have those numbers because they were subdivided and developed. Do we know if those were developed lots? Well, you know, looking at the aerial, they are developed.

MR. KENT:

Yeah, they are developed. If you at the aerial, the aerial's kind of backwards of the tax map. So if you turn it over, you can see that the lot being sold in the photo is going to the neighbor with the wider lot to the left on the photo.

CHAIRMAN D'AMARO:

Right. Okay. Now, this is a 50 by 100 lot. Looking at the tax maps, lots 41, 43, 44, 9, 10, 8, 7, 6

are all 50 by 100 lots that are developed. So this is a residential neighborhood, a residential subdivision with a character of the neighborhood across the street, there are many 50 by 100 lots, is to have residential homes. And my question is, once again, what considerations were given by the town with respect to the workforce housing issue?

MR. KENT:

These are always offered through our Affordable Housing Division to the towns. And we don't submit them until we get an indication that they're not interested in the property.

CHAIRMAN D'AMARO:

Right, because what they usually say is not a lot that can be developed.

MR. KENT:

Independently that's the case.

CHAIRMAN D'AMARO:

Right, without associated variances.

MR. KENT:

Right. This would require a variance.

CHAIRMAN D'AMARO:

Right. So in other words we're only going to put workforce housing on lots that meet code requirements. They don't exist basically.

MR. KENT:

We can't force this on them.

CHAIRMAN D'AMARO:

It's not your fault, you know. It's just --

MR. KENT:

I know. We offer them and they either choose to accept them or decline them. In this case this was not something they accepted.

CHAIRMAN D'AMARO:

I really don't think at this point -- I'm starting to believe it's not in the best interest of Suffolk County to keep conveying out these lots that can be developed for workforce housing in neighborhoods that are of a character that would support this type of housing. And what we're doing is we're giving these lots to adjoining owners for what I view is a nominal price, whether it's 10,000, 18, 20,000. And we're taking off our ability forever to build housing that is desperately needed in Suffolk County.

So I'm not inclined to support this resolution because looking at the tax map, it seems to me that this would be an ideal lot for use through the County's Workforce Housing Program as well as the towns. So I'm going to offer a motion to table the resolution. If there's a second?

LEG. ALDEN:

I'll second it.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. Are there any other motions?

MR. KENT:

On the motion could I just ask --

CHAIRMAN D'AMARO:

Yes.

MR. KENT:

If you have something more you want me to do at this time to try to get information for the Committee?

CHAIRMAN D'AMARO:

You know, we operate in a vacuum here on this issue. And, Mr. Kent, you have enough to do in a day. You can't start answering for the towns. Now if we ask them to tell us why, we'll get the pro forma letter, you know, letter saying, you know, the town has considered this for workforce housing, it cannot be developed, you know, something like that.

And I think that we have to take a policy position where the towns are going to do a little bit more than that in explaining to us why this does not support workforce housing. Because that in my mind is not acceptable. I can tell you working in the Town of Babylon when I chaired the zoning board, the town would take a lot like this and would bring it to the zoning board and say, look, you know, you are making the same independent judgement as you would for any other applicant but this is a property that could support workforce housing. And then the board will make an independent decision. And I don't understand why the towns -- all towns can't do that so --

MR. KENT:

It can be done because we did that in the same -- I was in the town attorney's office and was counsel to the zoning board of appeals. And we allowed -- we, in fact, we had to hear an affordable housing application in our town. And it was approved by the the zoning board of appeals.

CHAIRMAN D'AMARO:

I would even venture to say, and maybe you would agree with me, that if a zoning board were to deny this 50 by a 100, you would lose on an article 78 just looking at the character of this neighborhood.

MR. KENT:

Correct. Because this is just an area -- this would just be an area variance. It would not be a use variance. So as long as you could make reasonable accommodations pursuant to the area required to construct a residence, which I think you could in this instance, I think you could prevail in a court.

CHAIRMAN D'AMARO:

Okay. All right. With that, there is --

LEG. NOWICK:

Could I ask a question?

CHAIRMAN D'AMARO:

Yes, Legislator Nowick.

LEG. NOWICK:

I was just curious how that works. Here's a piece of property that is large enough to support one home? Is that --

MR. KENT:

Yes. It would just be one residence, yes. This is a single family residence community if you look at the aerial.

LEG. NOWICK:

So what would you then do? Hire a builder to build this? The County would then hire a builder to build a workforce housing house?

MR. KENT:

No. The proper way would be to refer to the town on their own application to their own zoning board of appeals to seek permission to construction a home on this premises. And then once they had the approval from the zoning body of appeals, the County could convey the property to the town. The town would be able to build an affordable house or convey it to a not-for-profit.

LEG. NOWICK:

The town would then have to hire a builder to build.

CHAIRMAN D'AMARO:

Well, they have programs. They have workforce housing programs.

LEG. ALDEN:

Community development agencies.

CHAIRMAN D'AMARO

Right.

LEG. NOWICK:

Okay. I was just curious how that worked with the towns.

CHAIRMAN D'AMARO:

And what's interesting, if I could just add to that, what's interesting is workforce housing still carries a certain amount of stigma to it. We don't call it affordable housing any more. We call it workforce. And in my mind, if you -- it's not the type of housing where you want to concentrate it unless maybe you're in a downtown area that can really support it. So in my mind when you have these single lots, if you can disperse the workforce housing, not -- I don't think there's anything wrong with it at all. I think it provides, you know, well-intentioned families an opportunity to stay on Long Island. But that's not always the perception.

Then every neighborhood, every community's starting to bear their fair share, okay. And what happens is once you build some of these within communities on single lots and people get the experience of realizing that, you know what, this is a really positive step, then we can start to remove even the stigma.

So when I look at a lot like this, I see that it could support workforce housing. I see that it's a single lot. And I see that it's on a 50 by 100 where the vast majority of homes developed in the area are 50 by a 100, I don't think we're doing the right thing by conveying it for \$19,000 and taking it off forever with that possibility.

LEG. NOWICK:

And does this home then get built and go into a lottery? Is that how it works?

LEG. ALDEN:

Usually. I would think so.

LEG. BEEDENBENDER:

Well, if it's conveyed to -- the towns usually convey it to one of the non-profits and then they do it the way they normally do. If I could through the Chair?

CHAIRMAN D'AMARO:

Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

I just wanted to say in light of the discussion we had at Environment earlier this week about the

Town of Brookhaven zoning practices, I just -- I think, you know, the Chair makes an excellent point. This is frustrating to me because, you know, a 50 by -- this is even bigger than 50 by 150, isn't it? I think it was 75?

MR. KENT:
50 by 125.

LEG. BEEDENBENDER:
Oh, it's 50 by 150.

CHAIRMAN D'AMARO:
125.

LEG. BEEDENBENDER:
125. I apologize. I agree, you know, we're going to give this -- give this to this adjoining owner. They'll have a nice big piece of property. And it's another piece of land that will just disappear from possibility forever. So if the -- you know, I guess -- I think an appropriate step for this Committee and the Legislature would be if the towns don't want to take a piece of property that we feel should be, you know, we have to try to see if we can't another way to convince them. But we can't just be giving them away.

CHAIRMAN D'AMARO:
Right. And I agree with that because, you know, the flip side, of course, is by conveying the property, we put it back on the tax roles, it's maintained. So it's not more prone to become a blight within a residential community. And those are valid arguments as well. But I feel that sitting on this Committee and Vice Chair of Environment, we're just seeing this happen more and more where we are forever giving away for a very low value, very low cost, property that could support this workforce housing.

And I think that we have to -- I agree with Legislator Beedenbender, we need to convince the towns that we're serious about this, and maybe they should -- not that they're not serious, but that they should really vet these. And if it's really not going to support workforce housing, then we need a real explanation as to why. You know, I can keep an open mind on that but I need more than just, you know, looking at the property and saying, okay, well, the town said it doesn't support workforce housing, okay.

So with that said I'm going to call the vote. On the motion to table all in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1669.

LEG. VILORIA-FISHER:
Mr. Chair?

CHAIRMAN D'AMARO:
Yes, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
I just have a question about the tabling motion. Because at this point in the process, what is the recourse for us? If there has been a bid and the bid was accepted, what is our legal recourse at this point?

MR. KENT:
Well, all bids in this -- under this local law are subject to legislative approval so they know that once
--

LEG. VILORIA-FISHER:

So, Mr. Chair, are you suggesting that we reject this and look at affordable house for this particular piece?

CHAIRMAN D'AMARO:

Well, my preference -- and you raise an excellent point. And my preference would be to defeat a motion to approve. This way the buyer can go on their way.

LEG. VILORIA-FISHER:

Okay. And at that point, then, we would raise these issues with the Town of Brookhaven and move in that direction. Because I think it's a very good idea to look at these separate and distinct parcels so that that we're not creating ghettos by putting all of the affordable -- you know, huge tracts of land. We should be spot building them with the different not-for-profits. But just walk us through the process. I know you've walked us through the process in a broader sense with Legislator Nowick's question. But in this case what would be our next step?

MR. KENT:

What I will do is I will go back to Jill Rosen-Nikoloff, the Director of Affordable Housing and I'll ask her to inquire with the town to see if this is not -- why this would not be an appropriate place if they were willing to take the matter before their zoning of board of appeals. And I'll sit down with her. She'll look into -- she'll make all the -- all of the interactions with the town. So hopefully they will see that this would be an appropriate place for an affordable.

LEG. VILORIA-FISHER:

Would your guess be, Chris, that when we inform the towns of these particular parcels, that perhaps there's just not -- they're just not taking a hard look at them. Because they're coming in pro forma and they're just not really scrutinizing them?

MR. KENT:

I can't -- I can't tell you what's going on in the the minds of the decision makers in the Town of Brookhaven on this parcel. But we will talk to them. And I will sit down with Jill and I'll express the opinion of this Committee. And hopefully she'll be able to convince them that they should make that step. This is not easy. It means that they do have to go in and make an application before the zoning board of appeals to make this a buildable parcel.

LEG. VILORIA-FISHER:

And yet it's consistent with the other parcels surrounding it?

MR. KENT:

It looks like it's consistent with the character of the community, yes.

CHAIRMAN D'AMARO:

Yeah. And, again, to build on that --

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Viloría-Fisher. My concept here is that, you know, once we convey it, it's gone. You know, the town may reject this today, but, you know, six months from now or a year from now or two years from now the need's not going away at time soon for workforce housing. That may change. So this is a very, in my mind, a drastic step to take given the balance that we're only receiving a nominal amount to the County for the property. I'd rather hold it and either convince the town to take another look at it and to develop it as workforce housing or wait to see if that opinion changes at any time.

MR. KENT:

I don't want to hold this person's money too long. So if that is the decision, I would like either -- I would like to have the motion made and then perhaps defeated on the floor of the full Legislature, however you wish to do that. Or defeat that in Committee so that I can refund the money. We take the money in advance.

LEG. VILORIA-FISHER:

And in good faith.

MR. KENT:

Yes.

CHAIRMAN D'AMARO:

Right. Okay. Did we already pass the motion to table?

LEG. BEEDENBENDER:

I'll make a motion to reconsider.

CHAIRMAN D'AMARO:

All right. Motion to reconsider the tabling motion. I'll second. All in favor? Any opposed? Abstentions? Motion carries.

LEG. VILORIA-FISHER:

On the motion, question.

CHAIRMAN D'AMARO:

Oh, I'm sorry. Go ahead.

LEG. VILORIA-FISHER:

How long would the process take before Brookhaven? Because this is the adjacent owner. We want again to act in good faith. You know, we give the adjacent owner the first opportunity to bid on a property. I would prefer to table it one cycle, it's not a long cycle, and see what kind of response we get from Brookhaven because we don't want Brookhaven to say that they're digging in their heels and not approving it. And we can't move forward with affordable housing. And now we have the neighbor, you know, the person who has the adjoining property who has in good faith made a bid and has been accepted by the County. You see what I'm saying?

MR. KENT:

Yeah, I would like the opportunity to try to find out if there's some other reasons that the town has for not being willing to make the effort to have this developed as workforce housing. So if it is tabled one cycle, I will try to do that within that time period. I think we have a full month before the next meeting.

CHAIRMAN D'AMARO:

I don't have a problem with that either. But at the next meeting when we reconvene, I would prefer to defeat it unless there's a very compelling reason why this cannot be developed as workforce housing. Because even if that's the opinion today, again, that could change tomorrow.

LEG. VILORIA-FISHER:

Right.

CHAIRMAN D'AMARO:

But once we approve this, it's out of consideration. It's out of our hands forever.

LEG. VILORIA-FISHER:

I'm not suggesting that we approve it. I was just suggesting that we table it for one month so that Real Estate and the Affordable Housing unit can do their due diligence. I think putt a little pressure on Brookhaven. The town has indicated an interest in being on board with affordable housing so this is a good example of, you know, saying fish or cut bait, you know, are you serious about the affordable housing issues?

CHAIRMAN D'AMARO:

Yeah, since this is the first time, I could go either way. I'm convinced that it is conducive to workforce housing. But, hey, I'll keep an open mind, if we want table it and give the town another bite at this apple, that's fine with me, too.

LEG. BEEDENBENDER:

I withdraw my motion to re-reconsider.

LEG. ALDEN:

Through the Chair.

CHAIRMAN D'AMARO:

Yeah, on the motion, go ahead.

LEG. ALDEN:

We're holding somebody's close to \$20,000. And I happen to agree with the Chairman on this that Suffolk County even if Brookhaven's not going to go forward at this time, I don't think we should sell this property. In the future we might be able to do something through CDC or one of our own programs. So I think that, you know, I would of mind to go along with the Chairman's philosophy on these, keep them in the bank for us. If the towns don't want to develop them at this point in time, maybe we should exercise our option and develop them or, you know, in a very short period of time the town might change its mind. So I would be of the mind to let the adjacent owner know and give him back his money.

LEG. VILORIA-FISHER:

Mr. Chair, if I may respond to that?

CHAIRMAN D'AMARO:

Yes, of course.

LEG. VILORIA-FISHER:

Even if we were to the work with the CDC or Long Island Housing Partnership, if we're going to build it, we still need town approval; right?

MR. KENT:

Yes.

LEG. VILORIA-FISHER:

And that's what -- I just want to know what their reason was. Because if there's a compelling reason why the town is not going to give their approval, we can't just say, well, let's skip the town because they have that local power to approve or not. And I just want to -- believe me, I'm an advocate. I'm certainly a strong advocate of affordable housing. I'm just saying if there's some compelling reason why they're not going to wind up giving us the approval in the long run, then we're going to have this piece of property, we're not going to be able to build affordable housing, the neighbor next door isn't going to own it, we're not going to be getting taxes on it. And it'll be a vacant piece of property that the neighbor will have vacant property next to him, you know, for free.

LEG. ALDEN:

In response? Even if it's us, another municipal entity, and we wanted to build affordable housing and they denied us, I think we'd be successful in a challenge. So I think we would end up with at

least one right here, one affordable house.

CHAIRMAN D'AMARO:

Well, that kind of begs the question if I can interject. Can the County bring a -- as the owner bring a variance application and build?

MR. KENT:

We'd have to research that. I've never seen it. I didn't see it on the time that I was --

CHAIRMAN D'AMARO:

Would we be subject to the zoning ordinance?

MR. KENT:

Yes.

CHAIRMAN D'AMARO:

We would?

MR. KENT:

I believe, we would be, yeah.

CHAIRMAN D'AMARO:

We are. We're not like the feds, we can do whatever we want.

LEG. VILORIA-FISHER:

We're not like the MTA either.

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN D'AMARO:

Yes, Legislator Alden.

LEG. ALDEN:

I believe the way we would do it, though, is we would actually enter into a contract or an option with a not-for-profit and they would be the ones who would bring the application. And they would be the ones that would sue and be successful.

CHAIRMAN D'AMARO:

That's right.

LEG. ALDEN:

So that's the way we normally do it.

MR. KENT:

And that's why I believe we would be subject because we wouldn't do this ourselves. We would probably have to go through a not-for-profit.

CHAIRMAN D'AMARO:

I don't know that we can build housing.

MR. KENT:

Yeah, I don't think we do build housing.

CHAIRMAN D'AMARO:

So this can be the workforce housing project of the Ways and Means Committee. I like that.

LEG. ALDEN:
Not a bad thought.

CHAIRMAN D'AMARO:
I like that.

LEG. VILORIA-FISHER:
Get your hammer.

CHAIRMAN D'AMARO:
You know, I can go either way. What do you guys want to do? Do you want to defeat it?

LEG. ALDEN:
I'd say defeat it.

CHAIRMAN D'AMARO:
Let's give it one more --

LEG. VILORIA-FISHER:
I'll go along with whatever the Chair --

MR. KENT:
If I could, I would request -- I would request that I have an opportunity to take this through the town and to see if there's some reason that they have that they would not like to see workforce housing on this parcel.

CHAIRMAN D'AMARO:
All right. We had a motion to reconsider the tabling motion, which was --

LEG. BEEDENBENDER:
I withdrew it.

CHAIRMAN D'AMARO:
So it's tabled. Right. Good. Okay. Let's move on.

MR. KENT:
Next one's easier, I think.

CHAIRMAN D'AMARO:
1669 - 2008, adopting local law number - 2008, a Charter Law to increase Legislative oversight of RFP process. (Romaine) Mr. Kent, would you like to expound a little?

MR. KENT:
No, no. I was referring to 1681, which is the next one in my book.

CHAIRMAN D'AMARO:
Good save, good save. This needs a public hearing so I'll offer a motion to table for public hearing.

LEG. BEEDENBENDER:
Second.

CHAIRMAN D'AMARO:
Seconded by Legislator Beedenbender. Legislator Viloría-Fisher, please.

LEG. VILORIA-FISHER:

I don't see Ben any more. Maybe I could ask the County Attorney's office my question.

CHAIRMAN D'AMARO:

Here comes Mr. Zwirn. Mr. Zwirn, your presence is requested.

LEG. VILORIA-FISHER:

Oh, and he's coming in with such a perky step there.

MR. ZWIRN:

Sugar rush.

CHAIRMAN D'AMARO:

Go ahead.

LEG. VILORIA-FISHER:

Thank you for running in, Mr. Zwirn.

MR. ZWIRN:

My pleasure.

LEG. VILORIA-FISHER:

I just have a question about the way the RFP process has been moving lately. As you know, I had a task force that put together criteria after very serious work and a very comprehensive report on a consultant to look at the cost benefit of the public health nursing program.

Our Budget Review Office worked very hard on developing that RFP based on the criteria that was provided by that task force. That has been available for a year and we have been trying to publish that RFP. And it has been blocked for over a year.

Why am I bringing that up? Because we are an equal branch of government. Legislative and Executive or coequal branches of government. And an RFP whether it's developed on this side of Veterans Highway or the other side of Veterans Highway, I believe, should have the ability to see the light of day. And I'm inclined to see this particular legislation as onerous because of all the RFP's that the County has to deal with.

However, in light of the fairness of what I've seen regarding the RFP's that are emanating from our side of Veterans Highway, I'm asking that we allow RFP's to be published when we work on them so that we can provide that same kind of respect and acknowledgment of what is being developed by the executive branch.

MR. ZWIRN:

I understand. I'm a little familiar with the one that your task force worked on. And I would like to talk to you about it, not necessarily here in the public forum but just to talk to you about some of the things that maybe we can tweak on that. I know we had -- there was some -- we had some problems with it on the County Executive side but I understand your point.

LEG. VILORIA-FISHER:

And we've been very, very diligent in addressing -- my office has spent many hours going through line by line and verse by citing, chapter and verse of how the work was done by that task force, who attended, those who didn't attend, how they were informed. And we have the documents and the paper trail. So we have worked very hard to provide every single answer regarding how that task force worked.

I know that Gail Vizzini has spent a great deal of personal time answering those question. John Ortiz of BRO spent countless months working on putting that together. And so I just want to -- I'm saying this publicly because it's not about politicizing, it's not about tit for tat, it's not about

personalizing; it's about the respect of coequal branches of government. And the necessity and the importance when we're seeing so much of our delivery of health services being what many see as dismantled, I want this to get a full vetting before we go forward with any other changes in our delivery of health services in Suffolk County.

MR. ZWIRN:

I understand. And I don't take issue with anything that you've said. That one was a little bit different than the others. I know we have worked with the Legislature on RFP's. And the Presiding Officer has one on getting a manager for the John J. Foley Center.

LEG. VILORIA-FISHER:

Has that been published?

MR. ZWIRN:

I don't know if it's been published. It's been sent back to the Presiding Officer for any changes that he wanted to make before it goes out. It had been worked on in a timely manner by the County Executive's Office, County Attorney's Office and had been sent back to him for any changes so that has been worked on.

The one that you're talking about that is personal to you, we had -- there were some glitches in it. And I'd like to be able to chat with you about it after the meeting and maybe get it resolved.

LEG. VILORIA-FISHER:

Okay. And we'll have Gail join us if -- Gail, if you're available. Thank you. Okay, Mr. Chair.

CHAIRMAN D'AMARO:

All right. There was a motion pending to table for public hearing purposes. I'll call the vote. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1671 - 2008, authorizing certain technical correction to Adopted Resolution number 267-2008. (CE Levy) This is actually a technical correction to a technical correction. It changes the title of a project from Brown Creek to Green Creek. I assume it's the same creek, though. I would 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. Resolution is approved. (Vote: 5-0 and placed on consent calendar)**

IR 1672 - 2008, authorizing certain technical corrections to the 2008 Adopted Operating Budget for the Greater Bellport Civic Association. (Eddington) Once, again, a technical correction. It changes the name of the contract agency to the correct name. 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. (Vote: 5-0 and placed on consent calendar)**

Next is **1681 - 2008, sale of county-owned real estate pursuant to Local Law number 13-1976 Walter B. Schutzenbach. (CE Levy)** This is a Islip property. It's a 9 by 570 foot strip. And I just had a brief question about it, Mr. Kent. Which bidder -- which owner was successful? I couldn't locate it on the tax map. It wasn't legible.

MR. KENT:

Okay. In looking at the tax map, if you have that in front of you --

CHAIRMAN D'AMARO:

Yeah, let me just pull it up. 1681.

MR. KENT:

14.1 was the successful bidder, which if you're looking at the tax map, you look at Decater Avenue where it's located there and you follow it left, you'll see the number 75. And then you'll see to the left of that 14.1. It's multiple small lots on a file tax map, 14.1 just to the left of the number 75.

LEG. BEEDENBENDER:

I had a question, too, if the Chairman, if you're done.

CHAIRMAN D'AMARO:

Go ahead.

LEG. BEEDENBENDER:

The only question I had on this one is I can't imagine what you could use that for except for maybe, you know, running ATV's up and down or something. I don't know what it looks like. I was just concerned that we're selling this and we're going to create a neighborhood headache to the rest of the neighbors because I can't imagine why somebody would want to pay \$10,000 for this.

MR. KENT:

I don't know. You can't -- I would say maybe as access to Walnut Street but I don't know. I would think that maybe by adding this land, he has enough property that would increase his yield on the parcel that he already owns which is 14.1.

LEG. BEEDENBENDER:

Okay. I just was -- I just thought maybe we could be creating a nuisance here but --

CHAIRMAN D'AMARO:

I think it's a good point.

MR. KENT:

If you look at the aerial photo --

LEG. BEEDENBENDER:

I mean I'd rather if somebody was paying taxes on it but us but --

MR. KENT:

I'm not sure what the use is on the property. But if you look at the aerial photo, it's kind in the middle of the -- if you start at the top of the numbers 500, 194, 275 is at the top and you go down one, two -- it's one, two, three. It's the third dot down, is the person who's buying the property. It's a large piece.

LEG. BEEDENBENDER:

I don't have a problem with it. I just --

CHAIRMAN D'AMARO:

Well, the covenant or deed restriction would prohibit, of course, development. But would that -- that doesn't include walking on the property.

MR. KENT:

No, it does not.

CHAIRMAN D'AMARO:

You can certainly access your own property once you own it.

MR. KENT:

Correct. But I don't think it's wide enough for vehicular access. It's only 9 feet wide.

CHAIRMAN D'AMARO:

Yeah.

MR. KENT:

But it may -- but when you multiply it out, it may -- I don't know, 9 by 570 is only 5500, roughly, 5500 square feet. But I don't know what the zoning is in that area and how much property he has now, the person buying it and what that might do to allow him some type of increased development on the parcel he already owns by adding this much square footage to his --

CHAIRMAN D'AMARO:

Probably do an abandonment to each of the adjoining owners or you could sell it to them, you know, if it could be --

MR. KENT:

Well, we've offered it to all of them. They're not interested.

CHAIRMAN D'AMARO:

Well, I mean just the property that's behind your property, the section that's behind your property might have some value to each of the adjoining lots.

LEG. VILORIA-FISHER:

Maybe he could turn around it and resell them.

CHAIRMAN D'AMARO:

Well, you'd have to -- you'd have to make them into separate lots to do that.

MR. KENT:

I know we'd have to subdivide this piece. And I don't know if we'd meet the minimum requirements for a subdivision in the Town of Islip which requires access and things like that.

CHAIRMAN D'AMARO:

Right. So might be able to do it by deed? What do they call it?

MR. KENT:

I don't know how we would do it. We would have to do metes and bounds descriptions of each small parcel.

LEG. VILORIA-FISHER:

It wouldn't be worth it to survey it.

MR. KENT:

You know, that's another thing. I've had this instance where people have bought strips like that, not from us but I'm talking about in the private world. And then they've gone and sold off the individual lots to all the properties that it borders on. And make a little money.

CHAIRMAN D'AMARO:

Right.

MR. KENT:

I'm not so sure -- I mean we're selling it -- he's paying \$10,500. I'm not, you know, I'm not adverse to somebody being creative and making some money but --

CHAIRMAN D'AMARO:

Yeah. Well, and since it can't be developed I can't imagine it being utilized any more than it is now.

Right? They are adjoining it now and if --

MR. KENT:

And the covenant will run. I mean he's going to have to put into his deed -- if he deeds out to all those individual owners, he's going to have to put the covenant that it can't be independently developed.

CHAIRMAN D'AMARO:

That's right.

LEG. BEEDENBENDER:

I'm okay with approving. I was just concerned.

CHAIRMAN D'AMARO:

All right. I'll offer a motion to approve 1681 - 2008, seconded by Legislator Alden. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1682 - 2008, sale of county-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of East Hampton. (CE Levy) This is actually three parcels to the town for 4700 roughly for municipal purposes.

MR. KENT:

Right. If you look at the attached supporting resolution from the Town of East Hampton, their intent is to make it part of their open space. In this area they do have quite a bit of open space already preserved. They're utilizing CPF monies to purchase this meaning that it'll be forever preserved and cannot be developed. It totals 20,000 square feet, roughly a half acre, a builder's half acre.

LEG. BEEDENBENDER:

A half acre isn't enough out there anyway.

CHAIRMAN D'AMARO:

Well, it depends. So the purpose of the town is for open space purposes?

MR. KENT:

That's what they put in their resolution. If you look, it's attached.

CHAIRMAN D'AMARO:

But open space purposes on three or four possibly buildable lots in the middle of a residential neighborhood. I don't understand that.

MR. KENT:

I don't know if they're buildable lots. I would say as an assemblage they might be a buildable lot. The total of the three parcels is 20,000 square feet.

CHAIRMAN D'AMARO:

Do you know the zoning classification?

MR. KENT:

No, I don't, off the top of my head. But if you look at the aerial photo, the residences in this area are on large lots.

CHAIRMAN D'AMARO:

Yeah, you're right.

LEG. VILORIA-FISHER:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

Chris, doesn't East Hampton have like a -- didn't they make their zoning really huge acreage, isn't it? Five acres or something?

MR. KENT:

Well, I don't know the zoning. I don't know the zoning in this area. This is up in the --

LEG. VILORIA-FISHER:

By Maid Stone?

MR. KENT:

This is Three Mile Harbor area. If you look, there's also -- we attached Hagstrom page in the back and we circle the street upon which this is located. This is right off Three Mile Harbor Road.

CHAIRMAN D'AMARO:

So the street frontage here is 200 feet of street frontage?

MR. KENT:

Yes.

LEG. VILORIA-FISHER:

Lou, may I?

CHAIRMAN D'AMARO:

Yes, Legislator Fisher.

LEG. VILORIA-FISHER:

Chris, I'm seeing where this is near Springs and Fire Place Road. I'm looking at the Hagstrom map. Right.

MR. KENT:

Well, if you look at the Hagstrom it's on Lincoln Avenue, which comes off of Three Mile Harbor Road.

LEG. VILORIA-FISHER:

It's the dot with the circle around it, right?

MR. KENT:

Yes, with the arrow.

LEG. VILORIA-FISHER:

What I'm seeing is that, you know, after the long discussion we had earlier regarding affordable housing --

CHAIRMAN D'AMARO:

Mr. Kent, it I can interrupt for a moment --

LEG. VILORIA-FISHER:

Sure.

CHAIRMAN D'AMARO:

Mr. Kent, how does the town pass this resolution? In other words, the town becomes aware that

this vacant property's owned by the County and then collectively in the town board's wisdom decides, you know, we'd like to get that and take it off the tax roles and pay nothing for it and passes a resolution.

MR. KENT:

Yes, that's what they did. They become aware because the assessors in the town get copies of deeds when they get recorded. And they become aware of property that the County takes for non-payment of taxes. A lot of the towns contact my office and ask me about property.

CHAIRMAN D'AMARO:

What's the value of this property? I mean, if we auction this property the County would probably get a decent purchase price for it, I would assume. What's your opinion?

MR. KENT:

Yes, yes. We've been 72-h'ing properties to the town. We're just trying to get them off of our hands. They are a problem for us. This is a liability where we have to go out and constantly look at this property or respond to complaints where people have dumped garbage or --

CHAIRMAN D'AMARO:

But our auction process is moving forward.

MR. KENT:

Oh, yes.

CHAIRMAN D'AMARO:

And we haven't even given it one cycle in that process.

MR. KENT:

No, we have not. The town requested this piece.

CHAIRMAN D'AMARO:

It's in a residential area.

MR. ZWIRN:

Mr. Chairman, do you want to table this and we'll go back to the town and ask them?

LEG. ALDEN:

Motion to table.

CHAIRMAN D'AMARO:

I have no problem with that, but am I missing something here?

MR. ZWIRN:

I don't know. I mean it's my -- it's my not far from where I -- anecdotally where I live. It's on the other side of the harbor, but it's the springs area, you know, it's a desirable area. I mean these are nice streets in here.

LEG. ALDEN:

Can you take a look at it?

MR. ZWIRN:

Yeah, absolutely. Take a look at it. Maybe I'll put a bid in. No, I'm just saying it's a --

CHAIRMAN D'AMARO:

Just don't forget to fill out your disclosure statement.

MR. ZWIRN:

No, no. I still have kids in college. There's no way, unless they're giving away, you know, for coupons.

CHAIRMAN D'AMARO:

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)**

LEG. VILORIA-FISHER:

Chris, I was looking at the next one. That's why I was confused.

CHAIRMAN D'AMARO:

1683 - 2008, authorizing the sale pursuant to Local Law number 16-1976 of real property acquired under section 46 of the Suffolk County Tax Act the estate of Bertha E. Tuttel a/ka/a Bertha Tuttel a/ka/a Bertha Tuttle a/k/a Bertha E. Tuttle a/ka/a Bertha Bedell a/k/a Bertha Bedell Straus a/k/a Bertha Elonor Bedell Straus a/k/a Bertha Bedell Tuttle by Raymond Clark as Executor. (CE Levy)

LEG. BEEDENBENDER:

Woman like a criminal on the lam. That's a lot of names. I'm only kidding. I'm only kidding. I apologize. That was a poor joke.

CHAIRMAN D'AMARO:

But a joke nonetheless.

LEG. BEEDENBENDER:

Yes.

CHAIRMAN D'AMARO:

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)**

1684 - 2008, sale of county-owned real estate pursuant to Local Law number 13-1976 Patrick R. Dillon (CE Levy) This is a parcel located in the Town of Brookhaven. It's an 80 by 136 with an \$8,000 appraisal and a \$13,000 bid to an adjoining owner. Once again, if the Committee would like to take a look at it, I see this is also located in a residential neighborhood in the Town of Brookhaven. What's interesting, Mr. Kent, just correct me if I'm wrong, please, the lot that is being conveyed or proposed to be conveyed by the County is -- backs up on the successful bidder's lot.

MR. KENT:

That's correct. I would think that the -- this might be an assemblage where the two lots will now make it buildable. And --

CHAIRMAN D'AMARO:

But we have a deed restriction that would prohibit that.

MR. KENT:

No, it just says that it can't be independently developed. So if they adjoin this to their parcel, they may gain a buildable lot out of it. I'm not sure they will because it's on a corner. And quite

frequently zoning board of appeals even don't grant variances on properties where they front on two streets because of the issues you raise the last time, side yard, rear yard issues and --

CHAIRMAN D'AMARO:

Well, you have a double front lot.

MR. KENT:

Right.

CHAIRMAN D'AMARO:

With more distance requirements. But the successful bidder's lot is not developed according to the aerial.

MR. KENT:

That's correct. It's vacant land.

LEG. ALDEN:

I'll offer a motion to table. Make the same inquiry.

CHAIRMAN D'AMARO:

Okay. The street fronting on Jane is supporting homes that seem to support the lot size that supports the bidder's lot. And the streets fronting on Wyoming have homes that support the lot size fronting on Wyoming. So, you know, once again I question why we're forever conveying a parcel that might be, again, conducive to workforce housing. And I would agree with Legislator Alden. Let's give that a cycle as well. I'll second his motion to table. All in favor? Any opposed? Abstentions? **Motion carries. (Vote: 5-0)**

1685 - 2008, sale of county-owned real estate pursuant to Local Law number 13-1976 Edward S. Fusco and Patricia Fusco, husband and wife. (CE Levy) This is a 125 by 50 for \$10,000 in the Town of Brookhaven. Same arguments, same analysis in my mind as the prior two. Does anyone have any comments?

LEG. ALDEN:

Offer a motion to table for a cycle.

CHAIRMAN D'AMARO:

Motion by Legislator Alden to table. I'll second. All in favor? Any opposed? Abstentions? Motion carries. We are building piece by piece the County's workforce housing program here today. Hope you realize that. **(Vote: 5-0)**

1686 - 2008, authorizing the sale pursuant to Local Law number 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Charles Junior Jackson and Betty Jean Hardy. (CE 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? Any opposed? Abstentions? **Motion carries. (Vote: 5-0 and placed on consent calendar)**

1687 - 2008, authorizing the sale pursuant to Local Law number 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Lynda Edwards (CE Levy) Same motion, same second, same vote. **(Vote: 5-0 and placed on consent calendar)**

1688 - 2008, adopting local law number - 2008, a local law to strengthen competitive

procurement procedures and maximizing savings for taxpayers. (Eddington) 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. The resolution is tabled. (Vote: 5-0)**

(1695) authorizing certain technical corrections to adopted resolution number 1129-2007 authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, open space, for the Boys and Girls Harbor, Inc property, Town of East Hampton. (CE Levy) This seems to be a technical correction changing the date and the resolution number of the underlying town resolution that is referenced in our introductory resolution.

LEG. VILORIA-FISHER:

Okay. Motion.

MR. ZWIRN:

There was a representative from the community adjacent to this property. This is an old camp for under-privileged kids that was -- it's on Three Mile Harbor. And the County several years ago purchased the adjacent part of this camp, which is a preserved area. The reason I think that the amendment came forward is because the residents asked the town to further restrict the use in their original resolution as to what could be done with the property, what kind of activities could be used on the property.

Originally it was soccer fields, volley ball courts, ropes course. Now they've reduced it -- I think that they reduced it just to one softball field. And there's still some discussions going on with the town. But our legislation here is to conform to the town's amendment to their purchase agreement. So we've made this passive parkland. And that's why we were complying with their legislation.

CHAIRMAN D'AMARO:

Okay. Legislator Viloría-Fisher, did you want to add to that?

LEG. VILORIA-FISHER:

No. I had made a motion.

CHAIRMAN D'AMARO:

Okay. Motion by Legislator Viloría-Fisher to approve. I'll second. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

I abstain.

CHAIRMAN D'AMARO:

Legislator Alden abstains. Motion carries. The resolution is approved. **(Vote: 5-0)**

1709 - 2008, adopting local law number - 2008, a local law to enhance personal privacy protection for recorded documents and authorizing the County Clerk to collect certain fees for recording, entering, indexing and endorsing a certificate on any instrument. (CE Levy)

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)**

1733-2008, adopting a local law, a Charter Law to protect taxpayers' interest by requiring individual legislative override votes on each budget amendment that is vetoed by the County Executive. (D'Amaro) This also requires a public hearing. I'll offer a motion to table. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. And before I call the vote I just want to point out for the record -- just pull it up -- that the Fiscal Impact Statement -- let me just pull it up in my notes -- issued by the Budget Review Office, I'm going to ask to be withdrawn by the Budget Review Office because it does not state fiscal impacts. It makes policy arguments. And Ms. Vizzini, would you like to speak to that?

MS. VIZZINI:

Surely. More than one Legislator has brought to my attention that they would like additional information in regards to this particular Fiscal Impact. So we would be happy to review the original submission and provide additional information. We can certainly revise it.

CHAIRMAN D'AMARO:

All right. Well, the Fiscal Impact Statement here says that there are no fiscal impacts when it comes to a cost comparison, when it comes to the other -- any other political subdivision. Proposed source of funding is not applicable. The total estimated financial impact of all funds, tax rates and property tax, none. The total estimated financial impact on Suffolk County's economy is none. So the statement itself seems to be saying there's no fiscal impact; and yet there's a detailed explanation of fiscal impact that is not disclosed. And if I -- when I read these paragraphs, they appear to me to be making policy arguments that are speculative. And I think this is an inappropriate vehicle to be making arguments.

MS. VIZZINI:

Well, I think what would be helpful in the fiscal --

CHAIRMAN D'AMARO:

I also just want to note the Charter itself which mandates the Fiscal Impact Statements, which I have right in front of me, does not permit these policy arguments in the Fiscal Impact Statement. And I'm referring to section C2-12 of the Suffolk County Charter, section D, which section D requires the Fiscal Impact Statement; and then section 5 goes on to detail what the Fiscal Impact Statement should address. And nowhere in here does it talk about making policy statements or arguments.

MS. VIZZINI:

We have always approached the Fiscal Impact Statement --

CHAIRMAN D'AMARO:

It violates the Charter of Suffolk County. It violates the Charter of Suffolk County. I'd like to ask Ms. Bizzarro to come up from the County Attorney's Office and I'd like to ask her whether or not this Fiscal Impact Statement violates the Suffolk County Charter.

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN D'AMARO:

Yes, Legislator Alden.

LEG. ALDEN:

If we can go through the rest of the agenda because this has to be tabled anyway. And if we can get into that discussion -- I have an appointment; I'm going to be leaving in about two minutes.

CHAIRMAN D'AMARO:

Sure. Yeah. Yeah, I'd be happy to accommodate. Ms. Bizzarro, just hold that thought. All right, we're going to pass over this for now.

1736 - 2008, adopting local law number - 2008, a local law to enhance the County's Truth and Accuracy in Property Tax Billing Policy. (CE Levy) This is a companion resolution to a resolution that I believe was discharged without recommendation from this Committee and sent to the floor of the Legislature where it was tabled. And I would just like to ask Counsel, if he would, to give us a brief explanation.

MR. NOLAN:

That's correct. This is -- goes hand in glove with intro resolution 1651. If the Committee members will recall that resolution, which was discharged to the floor but was not adopted at our last general meeting, required the County's ten tax receivers to reformat the County portion of the real property tax bill to add lines -- additional lines from two to four. I won't go into any detail.

When the County passed the original resolution back in 1998, which directed tax receivers to make some changes to the tax bill, the format, we also passed a local law which is chapter 176 of the code, which directs the Comptroller and the County Treasurer to withhold payments to towns which do not format the bill the way we want them.

So this local law updates that old local law by saying that if you don't comply with the 1998 resolution or any amendments thereto, the County Treasurer and the Comptroller can withhold payments to towns. So that's what it does. We have not, as I mentioned, we haven't passed the underlying resolution change yet, but that's what this local law would do.

CHAIRMAN D'AMARO:

Okay. But if we were inclined -- if the full Legislature were inclined to pass that bill, this bill then would be necessary at that point.

MR. NOLAN:

Yeah, I think it would be. In fact, you know, you probably could even pass this local law without passing the other resolution to -- so that if in the future the '98 resolution is amended, we wouldn't have to go through this exercise in the future. The public hearing was held, yeah. This came on with a CN at the last meeting. We posted the public hearing. It was conducted.

MS. BIZZARRO:

I concur with Counsel.

CHAIRMAN D'AMARO:

Okay, thank you, Ms. Bizzarro. I'll offer a motion to approve the resolution to at least send it to the full Legislature so we have both bills pending at that level.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor?

LEG. ALDEN:

I'll vote against it.

CHAIRMAN D'AMARO:

Hold on. Opposed? I'm sorry. Opposed? Two opposed, Legislators Nowick and Alden. And abstentions? Okay, motion carries. The legislation is approved. **(Vote: 3-2-0-0. Legislators Alden and Nowick opposed)**

1742 - 2008, to make technical change to Resolution number 141-2004. (PO Lindsay)

This just changes the year of the expiration date of the ferry license, I believe, which was probably a typo. Counsel, would you like to --

MR. NOLAN:

Yes. When we passed the resolutions back in 2004 to extend the license for Fire Island ferries for the cross bay license and their lateral license, we approved a petition that had an end date for the license of March 15th, 2009. But unfortunately in the two resolutions, the 2000 end date was put in there incorrectly. So this is just making that correction, making it clear they still have valid licenses.

CHAIRMAN D'AMARO:

Thank you, Mr. Nolan. 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)**

1743 - 2008, to make technical change to Resolution number 142-2004 (PO Lindsay)

Similar to the resolution we just passed, I believe. Same motion, same second, same vote. **(Vote: 5-0)**

1747 - 2008, canceling auction sale of property. Oh, we already did that. Okay.

We're going to go back, we did skip over one resolution. And that would be, I'll recall **1733 of 2008. (Adopting local law number - 2008, a Charter Law to protect taxpayers' interests by requiring individual legislative override votes on each budget amendment that is vetoed by the County Executive. (D'Amaro))**

And just to continue that discussion briefly, I know we want to break, the Section 5 that I referred to where it states specifically what's permitted to be in a Fiscal Impact Statement, has several subdivisions. And when I read those subdivisions, I don't see that these policy arguments are addressing or fit into any of these permitted areas where the Fiscal -- which the Fiscal Impact Statement should be addressing.

I also want to note for the record that this is the third resolution I've submitted in my tenure here affects the budget process. And this is the third time that the Budget Review Office has made policy arguments in a Fiscal Impact Statement against my bill. And I would just like to ask the County Attorney's office, Ms. Bizzarro, if the Fiscal Impact Statement submitted in this particular -- to support this particular bill is permitted under the Charter.

MS. BIZZARRO:

Thank you, Mr. Chairman. Absolutely not. I see that it absolutely violates Section C2-12 of the Charter, which specifically spells out that the statement must relate to the fiscal impact of the resolution, a local law before you. There are several items that are enumerated to do just that. The Fiscal Impact Statement prepared by BRO does go through those portions of Section C2-12

indicating there's no fiscal impact, there is no total financial cost over the next five years, there is no proposed source of funding as there is no fiscal impact, that there is no fiscal impact on the funds, tax rates and property tax for the County, and that there is generally no fiscal impact on the economy including any impact on goods or services, because, again, there is no fiscal impact.

So it is incongruous that there would be a detailed explanation of a fiscal impact that does not exist for this bill. These are merely policy statements being made indicating that, you know, a veto may result that whereby the Legislature inadvertently adopts an unbalanced operating budget. And that is completely irrelevant to any fiscal impact this bill may have.

CHAIRMAN D'AMARO:

Let me stop you there.

LEG. NOWICK:

Mr. Chair, could I just --

CHAIRMAN D'AMARO:

Yes, just in one moment. One moment.

LEG. NOWICK:

Can I just -- well.

CHAIRMAN D'AMARO:

All right, go ahead, Legislator Nowick. Go ahead.

LEG. NOWICK:

I need to leave. My mom is in the hospital. And I just need to go -- are we going to vote on this shortly or are we going to have a long discussion because she was just operated on and I really need to go over there. Can we vote on this or do you want to discuss it first?

LEG. VILORIA-FISHER:

Well, we have to table it.

MR. NOLAN:

Yeah, it's going to be tabled.

CHAIRMAN D'AMARO:

It's going to be tabled for public hearing. You're fine.

LEG. NOWICK:

All right, so if you don't mind.

CHAIRMAN D'AMARO:

I don't mind at all. Thank you, Legislator Nowick.

You know, as a Legislator I turn to the Budget Review Office to tell me fiscal impacts, to tell me what the cost of implementing legislation may be. I see hundreds of Fiscal Impact Statements a year come out and say there are no fiscal impacts. I turn to this Fiscal Impact Statement, I say okay, what's the cost of voting separately on overrides? And I read this language and you know what? There's no answer here. This doesn't tell me what the fiscal impact is. And this is the third time I've proposed legislation that would alter our budget process. And this is the third time this has happened to me.

I do not have confidence in the Budget Review Office to give me statements of fiscal impact. I see these as policy arguments against my bill. Now you can make policy arguments, you're free to do so. In fact, we may ask you for those policy arguments. This is not the vehicle. And the Charter

doesn't permit it.

MS. VIZZINI:

May I respond?

CHAIRMAN D'AMARO:

Of course.

MS. VIZZINI:

Basically, you know, this is one section of the -- excuse me -- of the Charter. I don't know -- I don't know that it precludes addressing some of the things that Budget Review is charged with. Other sections of the Charter, C2-19, and of course I'm not an attorney and I'm hopeful that Legislative Counsel will balance some of the arguments, and we certainly don't have to make a determination here; however, you know, the reason for the Budget Review Office is to improve the Legislature's approach to policy determination.

Also, I am charged as the Director to assure that the legislative policies are being faithfully and efficiently and effectively implemented through the administration of the budget process. And the reason some Fiscal Impacts are perhaps more passionate than others are those that involve changes to the budget process. That has been, you know, has been changed over the years. Historically we have used the Fiscal Impact Statement to address and do some, not particularly lengthy policy analysis, programmatic impact and fiscal analysis.

In terms of the proposed legislation, should you adopt a line item approach to the override process, the ultimate calculation, you know, once you go through each and every line item, the plug factor is real property taxes. So in my mind there could be the potential for a fiscal impact, a fiscal impact on the budget.

In light of some of the comments that you made to me in our previous conversation, I think that there -- the Fiscal Impact Statement, this particular Fiscal Impact Statement could benefit from certain fact that were not included. You know, regrettably I didn't realize that we had more time to do it. And I -- I have modified it to some extent to give the Legislator some idea of the number of vetoes over the past five years, which average somewhere in the neighborhood of 44 for the Capital and 41 for the Operating. And these are the types of things that I think should be in a Fiscal Impact Statement.

And I also explained that the process itself particularly the Operating Budget is complicated by the mandated aspect and the discretionary aspect. And the -- you know, when the Omnibus is done, it's balanced. There is sufficient revenue to offset any expenditure changes one way or the other.

Once you do the line item process, if you can choose to do that for the benefit that we also state in Fiscal Impact, which is that each Legislator can identify their support or lack of support for a particular item, there is a greater potential to bring things out of balance, relying more heavily on the real property factor to adjust to -- so that you can obtain a final product which is a balanced budget in line with your policy determinations regarding property taxes. And I think that's what this Fiscal Impact should say.

CHAIRMAN D'AMARO:

Okay. I don't want to prolong this. The form I read in plain English says "detailed explanation of fiscal impact." As I read each sentence, none of it speaks to fiscal impact. It doesn't mean that Budget Review should not have an opinion on how this might affect the budget process, but this is misleading because there are no fiscal impacts to this bill.

"Voting separately for each line item veto may require the Legislature to vote several hundred times." Well, it may require us to vote five times. You know, we can play this game all day. The fact of the matter is that sentence has nothing to do with fiscal impacts. In fact, the last time we

went through an override process, there were maybe what? If we took them separately maybe twenty votes? That is a policy argument.

MS. VIZZINI:

There's no question that the policy decision is yours. The --

CHAIRMAN D'AMARO:

And your statement -- excuse me -- but your statement just now that this form is used to make a policy analysis violates the Suffolk County Charter.

MS. VIZZINI:

That's only if you narrowly -- first of all, if you assume that nothing else can possibly be included in the Fiscal Impact Statement.

CHAIRMAN D'AMARO:

"Detailed explanation of fiscal impacts." You're making a policy argument under a heading "Detailed explanation of fiscal impacts." This is the third time that my reform legislation has been attacked in this document inappropriately. Yeah.

MS. VIZZINI:

I --

CHAIRMAN D'AMARO:

Yeah. You know what?

MS. VIZZINI:

I regret you view it as --

CHAIRMAN D'AMARO:

I -- I --

MS. VIZZINI:

-- attacking because that's not the intent.

CHAIRMAN D'AMARO:

It's not a regret. It's not a regret. The last time I checked, you're here to provide independent financial analysis, budgetary analysis and not to make policy arguments under a heading that says "Detailed explanation of fiscal impacts." Why would you sign off on something like that? And the rest of the form says there are no fiscal impacts.

MS. VIZZINI:

Only to bring out the options that are there --

CHAIRMAN D'AMARO:

It's not your job to bring out the options in this document. You want to issue a memo -- you want to come out against my bill, issue a memo. But you know what? I don't see that as your function here. And I certainly don't see it as your function under "Detailed explanation of fiscal impacts".

MS. BIZZARRO:

If I can just bring up, the option is currently there anyway notwithstanding this bill.

MS. VIZZINI:

Yes, exactly. That's the first thing --

MS. BIZZARRO:

So why is this explanation set forth in this bill? That's why it needs to have only fiscal impact

information. You specifically state "Detailed explanation of fiscal impact." There is none because there is no fiscal impact. It makes no sense.

CHAIRMAN D'AMARO:

All right.

MR. LIPP:

Point of clarification.

CHAIRMAN D'AMARO:

Miss Vizzini, I would offer you the opportunity to speak and respond if you would like at this point.

MS. VIZZINI:

I'm going to defer.

MR. LIPP:

Point of clarification.

CHAIRMAN D'AMARO:

Yes, Dr. Lipp, please go ahead.

MR. LIPP:

I think the wording in Fiscal Impact was not exact in the sense that -- actually Fiscal Impact should have read that it's indeterminate. The point to be made was that because if you do a line by line approach, you could have the possibility of an increase or a decrease in property taxes because it's not taken as grouping. Okay? That is a fiscal impact. It's not a policy statement. Whether or -- it doesn't say -- and the wording in there says "may" not "will" or "shall happen".

So the point that was made was that there is fiscal impact. We should have noted that it's indeterminate because it's not clear if it would happen or not, that's just a possibility. And that Legislators when voting should be aware that the strengths of the resolution to look at things as they're stated in the Fiscal Impact is clearly to provide a line by line approach in terms of whether or not each line stands on its own; but that should be weighed against the possibility that there could be a fiscal impact in terms of raising or lowering the property taxes on a stand-alone basis.

CHAIRMAN D'AMARO:

Isn't that true for every piece of legislation we pass here? You know, you guys want to take -- come out against this bill, that's fine. Right a memo, call me up, fill out a card and speak for five minutes at the next public hearing, that's fine. Okay?

MR. LIPP:

No, that's not fine.

CHAIRMAN D'AMARO:

But don't -- don't -- don't convince me -- don't -- you know what? Then why is it fine to make policy arguments against my bill in a Fiscal Impact Statement?

MR. LIPP:

Because the intent was not to make a policy argument. The intent --

CHAIRMAN D'AMARO:

Well, that's exactly what you did.

MR. LIPP:

Well, we disagree. And we stand by the -- we stand by the Fiscal.

CHAIRMAN D'AMARO:

You stand by this Fiscal Impact Statement after you're telling me it should have said indeterminate? That's just as inconsistent as making policy arguments in the document itself.

MS. VIZZINI:

No, we collaborated this morning and we revised as I indicated earlier. A Fiscal Impact Statement that would provide the Legislature with --

CHAIRMAN D'AMARO:

You're standing by a document that violates the Suffolk County Charter on the advice of your Counsel or of the Suffolk County Attorney. I want to make that very clear here.

MR. LIPP:

I want to make it clear that as I said before and I stand by that we should have put --

CHAIRMAN D'AMARO:

You said you stand by the statement. That's what you said.

MR. LIPP:

I -- what I said before, okay, perhaps I didn't fully vet this, is that we should have stated and we will make the change that is indeterminate, there's a possibility. That's all. Just a possibility. And perhaps, you know --

CHAIRMAN D'AMARO:

You know what, Dr. Lipp? I have no confidence in your office. This is the third time your office has done this to my bill. The third time. I strenuously objected the first two times. This is the third time. I am not going to stand for it.

MR. LIPP:

I would like to have the conversation with you about what the other two were so that we can discuss what --

CHAIRMAN D'AMARO:

Yeah. The bill that -- that required --

MR. LIPP:

In private.

CHAIRMAN D'AMARO:

-- Fiscal Impact Statements --

MR. LIPP:

Preferably in private.

CHAIRMAN D'AMARO:

-- before committee votes. And the bill that required attaching Legislators' names to line items; to Omnibus line items. Both of those bills were my bills. Both of those bills had policy arguments contained in the Fiscal Impact Statement.

All right.

LEG. VILORIA-FISHER:

May we have the vote?

CHAIRMAN D'AMARO:

Yes. Is there a motion pending?

MS. LOMORIELLO:

Yes, a motion to table for Public Hearing.

CHAIRMAN D'AMARO:

Thank you. All right. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries.

Thank you, ladies and gentlemen.

**(THE MEETING CONCLUDED AT 11:39 AM)
{ } DENOTES SPELLED PHONETICALLY**