

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday December 10th, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Gail Lolis - County Attorney
Debra Alloncius - AME
Chris Kent - Director of Real Estate
Kara Hahn - Aide to P.O. Lindsay
Allen Kovesdy - County Executive's Budget Office
Lynne Bizzarro - County Attorney's Office
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:22 A.M.*)

CHAIRMAN D'AMARO:

Okay. Good morning, ladies and gentlemen, and welcome to the Ways and Means committee of the Suffolk County Legislature. Please rise and join the committee in the Pledge of Allegiance led by Legislator Vilorio-Fisher.

SALUTATION

Any cards Barbara?

MS. LOMORIELLO:

No, none.

CHAIRMAN D'AMARO:

Okay. Once again, welcome. The first part of the agenda is the public comments. I have not received any cards. Is there anyone wishing to address the committee this morning? Is there anyone present who would like to address the Ways and Means Committee this morning? For the record, there is no response. We've received no correspondence, so we'll go right to Table resolutions on the agenda this morning.

The first is **1483-2008, and that is the sale of County-owned real estate pursuant to Local Law 13-1976 James A. Smith, Sr. (COUNTY EXEC).**

This is property that's located in the Town of Islip, 50 by 100. We have been tabling it previously in contemplation of a bill I had been preparing, which is, in fact, pending in front of the committee today dealing with sending some of these Local Law 13 properties perhaps into a workforce housing program. Also, Legislator Alden, I know that you had interest in this property. Is there any update on that?

LEG. ALDEN:

No update yet. Motion to table.

CHAIRMAN D'AMARO:

Okay. At this point because my point is now pending, I don't necessarily need to table the bill any further. But if you want to table it for other reasons, that's fine.

LEG. ALDEN:

If we approve this, it comes out and goes before the full Legislative body and Islip could possibly miss an opportunity for an affordable house on this, so.

CHAIRMAN D'AMARO:

What I was -- what I was doing with my tabling perspective on this was I wasn't sure whether I was going to do a comprehensive bill or do a bill that would go piecemeal parcel by parcel. I wound up doing a comprehensive bill. And my thoughts on this tabling was that it's been -- there is a buyer who put a deposit down and has been waiting for substantial period of time now while I went through that process. But if you have -- if you believe Islip still maybe interested in the parcel, that would be a different consideration than mine at this point. So it's your call.

LEG. ALDEN:

They were taking a second look at it, but, you know, a lot of time has actually expired between when we called their attention to it and today, so. And as you pointed out, this purchaser actually came down and addressed this.

CHAIRMAN D'AMARO:

Yes, that's true. And also, again, I would -- I would have preferred to put this through my bill if it

passes. However, because the people that put the deposits down went through the Local Law 13 auction, they did so prior to my bill being proposed. So I think just as matter of fairness, I would prefer to move these particular properties.

LEG. ALDEN:

Mr. Kent, through the Chair, this property would be sterilized basically, right?

MR. KENT:

It would not be sterilized, but it would be merged with his existing lot. So he would be able to expand his house or put in a swimming pool or something consistent with the use of his current property. It wouldn't be sterilized as in that it could not be developed. It can only be developed by him and not independently from his current residence.

LEG. ALDEN:

And he can never cut it off again, do a minor subdivision?

MR. KENT:

No. Once it merged -- if he left it vacant and it merged, sometime in the future, if the town permitted it, this lot was no longer considered substandard at 50 by 100, you could go into the town and request it to be unmerged and to subdivide it, but that -- under current Town Code, he could not. He would have to go back to the town, request it to be unmerged, make application, go before the Zoning Board of Appeals to unmerge the property somewhere down the road if the town allowed lots of this size.

LEG. ALDEN:

We don't put restrictions in our covenant that -- to him that would restrict him from actually doing that?

MR. KENT:

We do. It says that it cannot be separately developed unless allowed by the town within which he is located. I think the wording is in the resolution itself. It's the Second Resolved Clause.

LEG. ALDEN:

So at some point he could do a minor subdivision if he went to the town and wanted to go through all the trouble of Zoning Board of Appeals.

MR. KENT:

Right. And then he'd have to prove to us that we did not want to enforce our own covenant, because it gives us the right to enforce the covenant or not enforce it.

LEG. ALDEN:

One of the reasons why I would agree to allow this property to go is because the town --

MR. KENT:

It's my understanding he's choosing -- he would take this property and expand his residence so that it would -- that he would utilize the piece.

LEG. ALDEN:

Okay. Thank you. I withdrawn the tabling motion.

CHAIRMAN D'AMARO:

So if the covenant would not cover an instance where the town chose to, let's say, rezone the area where the property is located and then construction on this lot would be permitted as a matter of right, he could then go ahead and develop the parcel as long as the town agreed to undo the merger of the property.

MR. KENT:

I haven't visited this covenant, but if you read into the Second Resolved Clause -- I mean, I haven't changed it since I've been on board with the County. It was something that existed prior to my coming on. But if you read the language under the Second Resolved Clause, it states -- there's an "unless." It says, "the merged parcel, unless it's consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services applicable at the time the application is made." So what it's providing is that right now, it could never be independently developed.

If some time in the future the towns came back consistent with your thinking really, Legislator D'Amaro, that it could be developed as an independent lot. The town at some subsequent date, twenty years from now, when there's no land left may decide that structures -- residences could be built on 50 by 100, and then he could go into the town and make application to the town as long as it's consistent with the zoning code in effect at the time he makes the application and seeks some type of relief.

CHAIRMAN D'AMARO:

Yes. That's my reading of it as well. It's in the resolution itself. Legislator Beedenbender.

LEG. BEEDENBENDER:

Chris, just -- I don't want to get hyper-technical, but it says, "unless it's consistent with the local town and our village zoning codes." Does that mean that they couldn't -- because you said they could possibly go and get -- go to the Zoning Board of Appeals. And maybe this is just my lack of information or knowledge about how the town works, does that mean it has been in whatever the code is and you cannot go and appeal to get it changed? Do you understand what I'm saying?

MR. KENT:

Well, towns vary on this. It really goes by town by town. But most towns when you -- when property merges, if you want to unmerge them, you go before the Zoning Board of Appeals and make an application for the property to be unmerged.

LEG. BEEDENBENDER:

Right. But my question is, it says, "unless it's consistent with local town and our village zoning codes." So is it correct for to me to say if you appeal something, you're asking them to give you the right to do something that isn't consistent with --

MR. KENT:

You're talking about a variance there?

LEG. BEEDENBENDER:

Yes. So what I'm saying is does this language -- this language precludes you, it has to -- it has to meet without you getting a variance, is that --

MR. KENT:

That's correct. It would not -- it's whether it's a standard or substandard lot. In this case, it's a substandard lot. If the town within which the property is located later changes its code to say lots of 55 -- 50 by 100 now could be developed, this owner of this property, probably not Mr. Smith, you know, twenty years from now, the subsequent owner could go in and make an application to unmerge the properties and then make application to build if it's no longer a substandard lot under that zoning in effect at that time.

LEG. BEEDENBENDER:

Okay. But they wouldn't be able to just get the variance to do it, it would have -- okay. That's good.

MR. KENT:

I mean, that's the way I read it.

LEG. BEEDENBENDER:

That's good. I agree with that.

CHAIRMAN D'AMARO:

Right, because the language says that you can request the subdivision as long as it's consistent with the local town or village zoning codes. So you'd have to meet the code and be buildable as a matter of right, which would probably require a rezone on most of these cases.

MR. KENT:

You'd also have to meet the Health Department's code. So the only way it would work on this -- I don't see them ever reducing the independent septic systems to less than 20,000 square feet even in the future. But if sewers were brought to this area, for instance, the Health Department would allow construction of a unit on a lot of this size.

LEG. ALDEN:

This is sewerred.

MR. KENT:

This area is sewerred? Oh, I didn't know that. Okay.

CHAIRMAN D'AMARO:

Right. And right now, though, it's a 50 by 100 lot that the adjoining owner is seeking to purchase, has put a deposit down to go ahead with that purchase. And the lot as it stands today under the applicable code is not buildable as a matter of right.

MR. KENT:

That's correct. More than a deposit, by the way. On these types of auction items, they pay the full amount prior to the introduction of the resolution. So we have his \$8500.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Kent. I will offer a motion to approve Resolution 1483-2008.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? Motion carries.

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

Next Tabled Resolution is **1584-2008. Establishing Legislative oversight of County funds expended for advertising and marketing (KENNEDY).**

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to table, I'll second. I also want to note -- Legislator Alden, go ahead.

LEG. ALDEN:

Just on the motion. We were waiting for information as far as how many contracts this would apply to.

CHAIRMAN D'AMARO:

I can address that. This bill and on another bill, the Presiding Officer, who attended the last hearing or two, stated that his office would be looking into the numbers of contracts involved. He was not able to be here this morning, but he was here earlier. He wasn't able to be here for the meeting this morning, but was here earlier and told me that they are culling that information but don't have it done yet. And he would appreciate if we could table. So on that basis, I'll also offer a motion to table 1584-2008.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstention? Motion carries.

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

1633-2008. Requiring Legislative approval to consider the sale of the John J. Foley Skilled Nursing Facility (KENNEDY). I'll offer to motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.

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

1663-2008. Sale of County-owned real estate pursuant to Local Law 13-1976, Mark Bakker (COUNTY EXEC).

This is a parcel, 50 by 125, in the Town of Brookhaven, was also tabled pending my more comprehensive resolution. I will offer a motion at this time to approve this resolution. There is a willing buyer who has put down a deposit or even a full purchase price and has been patiently waiting. So is there second on the motion to approve?

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Any opposed? Abstentions? Motion carries.

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

1669-2008. Adopting a Local Law to increase Legislative oversight of RFP process (Romaine).

I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor?

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

Weren't we waiting for some kind of information on this too?

CHAIRMAN D'AMARO:

Yeah. This is the same information --

LEG. ALDEN:

Same thing.

CHAIRMAN D'AMARO:

That's correct. Yeah, same thing. I'll call the vote. All in favor? Any opposed? Abstentions? That motion carries.

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

1682-2008. Sale of County-owned real estate pursuant to Section 72-H of the General Municipal Law, Town of East Hampton (COUNTY EXEC).

This parcel had been previously tabled, again, with a workforce housing consideration. I took the liberty of calling the town yesterday myself and spoke to Mr. Rule in the town. And he told me that for some reason this parcel had not, in fact, been reviewed by their Workforce Housing Department, and he would appreciate if we would table this today so they can take a look at it. Table it for a cycle. So on that basis, I'll offer on a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.

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

1773-2008. Adopting a Local Law to protect taxpayers' interests by requiring individual Legislative override votes on each budget amendment that is vetoed by the County Executive. I'll offer a motion to table (D'AMARO).

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

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

1832-2008. Sale of County-owned real estate pursuant to Section 72-H of the General Municipal Law - Town of Brookhaven (COUNTY EXEC).

Mr. Kent, I think we were looking at the development rights on this parcel. Any update?

MR. KENT:

Well, I had prepared an amendment, a proposed amendment, to this -- to this bill, and I don't think it's been introduced yet. I did send it up for introduction, but it has not been introduced.

CHAIRMAN D'AMARO:

And was this the bill that was -- had the proposed language that you wanted the committee to

review?

MR. KENT:

Yes.

CHAIRMAN D'AMARO:

Yes.

MR. KENT:

I went over with the County Attorney's Office, and then I drafted what I -- the final proposed amendment to this bill. And I sent it up for introduction, it has not been introduced yet. So I would request that it be tabled.

CHAIRMAN D'AMARO:

This is being amended. Yeah. Okay. You may want to -- also, you could withdraw this, I guess.

MR. KENT:

I'd ask that we leave it on for now until we decide what we are going to do with the proposed amendment.

CHAIRMAN D'AMARO:

Right. And when we get the amended bill, then we'll take a look at the language.

LEG. BEEDENBENDER:

Motion to table.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Because we don't want to doing anything any advance. What was the motion?

LEG. BEEDENBENDER:

Table, second.

CHAIRMAN D'AMARO:

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

1895-2008. Adopting a Local Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fundraising. Legislator Alden.

LEG. ALDEN:

This is still in public hearing, so motion to table.

CHAIRMAN D'AMARO:

Motion to table, the public hearing has been recessed. I'll second. All in favor? Opposed? Abstentions? Motion carries.

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

1947-2008. Authorizing certain technical corrections to Adopted Resolution 608-2008 (COUNTY EXEC).

This resolution had been tabled at the request of the County Executive's Office last cycle, I believe, or two. Mr. Zwirn, is there any further request on this bill?

MR. ZWIRN:

No. Table.

CHAIRMAN D'AMARO:

Motion to table, seconded by Legislator Alden. All those in favor? Any opposed? Abstentions?
Motion carries. **TABLED (VOTE: 5-0-0-0).**

1976-2008. Adopting a Local Law to reform and reconstitute a professional independent Suffolk County Ethics Commission (MONTANO).

LEG. ALDEN:

Hearing still open.

CHAIRMAN D'AMARO:

Public hearing was recessed. I will offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

2081-2008. Adopting a Local Law to promote the development of residential dwellings for first-time home buyers (D'AMARO).

This resolution was sponsored by myself -- actually a Local Law that would amend the Local Law 13 process to take certain parcels that are slightly substandard and put them into a workforce housing potential development mode by making these parcels available to -- through the auction process to developers willing to develop workforce housing.

However, this morning I was informed by the County Executive's Office and the Department of Real Estate that they have some comments with respect to the bill that they'd like to review with me. And on that basis, I'll offer a motion to table this for one more cycle.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

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

Introductory Resolutions. **2117-2008. Sale of County-owned real estate pursuant to Section 72-H of the General Municipal Law (Town of Islip) (COUNTY EXEC).**

This is a parcel in the Town of Islip, 23 feet by 56 feet. I'll offer a motion to approve. It's proposed to be used by the Town of Islip for parking purposes.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

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

2119-2008. Sale of County-owned real estate pursuant to Section 72-H of the General Municipal Law (Town of Southold) (COUNTY EXEC).

Proposed to be use for drainage purposes. It's a 20 by 120 strip of land. I'll offer a motion to approve, seconded by Legislator Alden. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

2120-2008. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Debra A. Grimmatt and Edward L. Grimmatt, her husband (COUNTY EXEC).

The parcel is located in Babylon. It's a 40 foot street frontage which tapers off, not a buildable lot. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

2121-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maria Raycroft (COUNTY EXEC).

This is a Local Law 16 which is redemption as matter of right. And I just want to ask Counsel very briefly on these Local Law 16s a general question; whether or not this committee still has some leeway or discretionary authority with respect to approving a Local Law 16 conveyance.

MR. NOLAN:

You do.

CHAIRMAN D'AMARO:

We do?

MR. NOLAN:

Yes.

CHAIRMAN D'AMARO:

Okay. So it's a --

MR. NOLAN:

We've also used the term "matter of right," but the Legislature retains discretion on these Local Law 16s. We don't have to approve them.

CHAIRMAN D'AMARO:

All right. Well, this one 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. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

2122-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James Milledge and Richina Milledge (COUNTY EXEC).

I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

2123-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kulwinderjit Singh and Maria Lara (COUNTY EXEC).

Same motion, same second, without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**.

2124-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Hugo C. Alegria and Theresa M. Alegria, as husband and wife (COUNTY EXEC).

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

2126-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Angela Bowman (COUNTY EXEC).

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

2129-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Deutsche Bank National Trust Company as trustee for the Holders of IXIS Real Estate Capital trust 2005-HE1 (COUNTY EXEC).

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

2149-2008. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Mary E. Dodson a/k/a Mary Dodson, by Bernadette Parks as executor (COUNTY EXEC).

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to table. I will second.

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chair, Chris -- Mr. Kent, do you have any information on this piece of property?

MR. KENT:

The information I have is that this is property that was owned my Mary E. Dodson, that she passed away, that her estate is now trying to redeem it. And they have paid the full amount of 46,964.57 as part of their redemption application.

LEG. ALDEN:

Is this within the timeframe?

MR. KENT:

Yes.

LEG. ALDEN:

I'd be curious to know why we wouldn't accept the money?

CHAIRMAN D'AMARO:

Well, it's my understanding that the lot that is in question here may have a history of use that was not proper. And I would like an opportunity for a cycle just to look into that so we can be assured that if we convey the property back out from County ownership that maybe there's a way we can avoid that going forward.

LEG. ALDEN:

Is there anything you can share with the committee as far as the use?

CHAIRMAN D'AMARO:

I don't have much more information than that right now. So the answer would be no, there's nothing I really have.

LEG. ALDEN:

Okay. Then the other question is this next cycle is a long cycle. Actually, it goes into mid-January. Does that affect anything, especially the estate? They must have made an application to --

LEG. BEEDENBENDER:

Well, Legislator Alden, just to give you a little more information, the Legislator, Legislator Eddington, whose district this is in has made the request because he is trying to make this -- apparently there is some problems in -- with, like, what Legislator D'Amaro said. There was some property, the use in the past. And he just wants to take some time to be assured that if we redeem it back that we will not run into the same problems again.

LEG. ALDEN:

Again, any idea of the specifics? Because most problems with property, if it's illegal use, I'm just going to jump to a conclusion, maybe the basement apartment, an attic apartment, some type of drug use or something like that. We already have laws on the books in Suffolk County and in the town -- this in the Town of Brookhaven then -- that cover almost anything I can think of as far as illegal use of property.

LEG. BEEDENBENDER:

Well, Legislator Alden -- Legislator Eddington didn't -- he didn't -- I didn't get a lot more detail than that from him, so I can't -- unfortunately -- it's not that I'm not sharing, I don't have the information to share with you.

CHAIRMAN D'AMARO:

And also, Legislator Alden, I agree with you. There are other laws on the books that may deal with specific situations. I have reviewed them recently. They are difficult to implement, because they require certain things like an actual arrest on the premises or within the premises and things like that. And I'm not even sure that that what's the problem with this particular site was. And I apologize for not having further information, but this just came to my attention within the last 24 hours.

What I wanted to ask, though -- you also make a very good point. I want to ask if -- Mr. Kent, if you know, would a delay prejudice the applicant's right to redeem on under Local Law 16, or, Mr. Nolan, if you know the answer to that question.

MR. KENT:

Well, my understanding of the law is that they have six months from the date we take deed to the date they have to make the application. Application was received September 16th. The title was taken June 2nd. So they did it within the six months. So a delay of the approval would not prejudice their rights.

CHAIRMAN D'AMARO:

So tabling the bill for this cycle would not prejudice the Local Law 16 rights?

MR. KENT:

No, I don't believe it would.

CHAIRMAN D'AMARO:

Okay.

LEG. ALDEN:

On that point.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

When they made the application, did they give us the full payment of \$46,964?

MR. KENT:

At the time of the application, they pay only the application fee. We then conduct, through the Treasurer's Office, we do a computation of tax arrears owed. We provide them with the computation. They then provide us with certified funds or a bank check in the amount that is owed, which they have done for --

LEG. ALDEN:

So they've got almost \$50,000 sitting -- and this is an estate.

MR. KENT:

Sitting in our trust and agency account, yes.

LEG. ALDEN:

In our trust account.

CHAIRMAN D'AMARO:

Legislator Nowick.

LEG. NOWICK:

Would it be possible -- since it's just the answers we don't have, we don't know what's going on, would it be possible to approve this without recommendation, get it to the Legislature? Only because we are not meeting again -- our Organizational Meeting is January 5th, and then we don't have another meeting, I believe, until maybe February, I'm not sure about that? But that's a long time to hold off. Maybe by Tuesday we could get the answers from Legislator Eddington and be clear one way or the other? What do you call it when you send it out? Discharge without recommendation. Would the committee be inclined to do that? And we could always table it at the meeting.

CHAIRMAN D'AMARO:

I think that the -- I think that the fact that it's an estate probably weighs in favor of -- an extra week or two won't make that much of a difference any way. From our usual cycle, I mean. It's double the length of time, right? It's about a month that we won't be meeting, I think.

LEG. NOWICK:

Do we have this at Organizational Meetings? Would we consider at the Organizational Meeting.

CHAIRMAN D'AMARO:

That would be up to the Presiding Officer. I don't know.

LEG. BEEDENBENDER:

You can't.

CHAIRMAN D'AMARO:

I doubt it.

LEG. NOWICK:

So it would be maybe a month and a half. That's a long time, five weeks in January. Whatever you guys want to do.

CHAIRMAN D'AMARO:

I would prefer to table it and give Legislator Eddington an opportunity to get the right information. That's my preference.

LEG. ALDEN:

I just make a real quick statement. I think we might be inviting a lawsuit that is going to cost the County money, because these people are coming within the timeframe, they've got money sitting in the bank.

If I were their attorney, I'd make an application for damages also, because loss of use of the money, you can actually establish that. And I don't think we are -- you know, we don't really have those kinds of enforcement powers. I can only think of maybe one or two things that Suffolk County might have the enforcement power if this property was being misused. And in that case, the mechanism is there at our disposal. Say for instance is it a crack house. I'm not making that --

CHAIRMAN D'AMARO:

Just by way of example.

LEG. ALDEN:

As an example. Suffolk County Police already have that mechanism. And if it's gets -- I believe if they get summonsed twice or if there's two incidences on the property, we have the right to take the property.

CHAIRMAN D'AMARO:

I think also, though, I had asked Counsel earlier if we have any discretionary authority over a Local Law 16 IR, and the answer I got was yes. So I think that it would be permissive for us to consider other factors other than the fact that it falls within the time period.

LEG. ALDEN:

The last part of what I was going to say was I can't remember a time, you know, when I have been on this Legislative body that we have used this as a vehicle to try to force some kind of conduct that we normally do not have the power to enforce; i.e., if it's a zoning matter or an enforcement matter, then -- this is in the Town of Brookhaven. You know, they have all the mechanisms, they have code enforcement, they have their own little -- whatever you want to call it -- Zoning Board of Appeals. They have all those mechanisms at their disposal to make sure that this property is used properly. And for us to use this at this point, I think we would be establishing a very bad precedent. That's my own personal opinion.

CHAIRMAN D'AMARO:

Well, if I have knowledge of the fact there is a prior history of use of a property that calls into question whether or not I want to reconvey that property back to an owner who was not compliant with codes, rules, regulations, whatever it may be, I say why not? Why not at least question it? That's all I'm saying. I'm not saying we should do it.

LEG. ALDEN:

I know. But in this case, the owner is dead. So it's the estate thereof. And that prior owner, if they were breaking the law, they actually should be in court with the Town of Brookhaven if there was some kind of illegal activity on the property. So my advise to the Legislator whose district this falls in to maybe coordinate that with the Town of Brookhaven. That would be the -- you know, I would think the more realistic way of get some kind of compliance rather than us use the reconveyance of the property to an estate, you know, as some kind of sledge hammer to try to change behavior or whatever you want to call it where we really don't have primary jurisdiction.

CHAIRMAN D'AMARO:

I just don't have sufficient facts to really respond. I don't know.

LEG. ALDEN:

I appreciate that.

CHAIRMAN D'AMARO:

Anyway, was there a motion made on this?

MS. LOMORIELLO:

Motion and a second.

CHAIRMAN D'AMARO:

Motion and a second to table?

MS. LOMORIELLO:

To table.

CHAIRMAN D'AMARO:

Okay. I'm going to call the vote? All in favor? Any opposed?

LEG. ALDEN:

Opposed.

LEG. NOWICK:

Opposed.

CHAIRMAN D'AMARO:

Two opposed? Any abstentions? The motion carries and the resolution is **TABLED (VOTE: 3-2-0-0 - Opposed: Legis. Alden and Nowick)**.

Final resolution is **2164-2008. Authorizing certain technical correction to Adopted Resolution No. 1044-2007 (COUNTY EXEC)**.

I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

And place on the Consent Calendar, seconded by Legislator Beedenbender.

LEG. ALDEN:

Explanation.

CHAIRMAN D'AMARO:

Explanation by Counsel, please.

MR. NOLAN:

This involves the disbursement of grant monies to do the Department of Health Services to various contract agencies. It looks like it's correcting the budget code for two organizations.

LEG. ALDEN:

It's not changing the dollar amount?

MR. NOLAN:

No. Well, actually it's -- it is. Clubhouse Pros of Ronkonkoma we're getting 21,667, they'll be getting 55,000. Clubhouse Pros of Riverhead we're getting 55,000, they are going to get 21,667. So the total of the grants is the same, but the groups are getting different amounts, these two particular groups, Clubhouse Pros of Ronkonkoma and Clubhouse Pros of Riverhead.

LEG. ALDEN:

This goes back to '07?

MR. NOLAN:

It's a 2007 resolution that they're correcting, yes.

LEG. ALDEN:

Do you know if that was Omnibus money?

MR. NOLAN:

It's grants money it looks like to me.

LEG. ALDEN:

County Executive grant money?

MR. KOVESDY:

It's State pass-thru money. The State gave additional money. There were about 70 agencies -- I have the resolution -- and they typed the wrong dollar amount. Two agencies had the same name. They inadvertently typed the wrong dollar amount next to one and the other. They didn't pick it up until the State sent the contract.

LEG. ALDEN:

So this is money that we got from New York State to pass through, and these people are doing some kind of service for us?

MR. KOVESDY:

Yes, sir.

LEG. ALDEN:

Good. All right.

CHAIRMAN D'AMARO:

Okay. There has been a motion and second. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries.

APPROVED and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0)**

It was on the Consent Calendar. Barbara, Consent Calendar.

MS. LOMORIELLO:

Yes.

CHAIRMAN D'AMARO:

Thank you. Before we adjourn, Legislator Beedenbender.

LEG. BEEDENBENDER:

Chris, real quick, I have a meeting later today about a parcel in my district. I think we called and asked for an update. My meeting is at 3:00. I'll give you the --

MR. KENT:

Which parcel is it again?

LEG. BEEDENBENDER:

I'll give you all the information before we leave. If you can just let me know -- I just need to know if the offer we made is still good. All right. Thank you.

MR. KENT:

Okay. I think I already looked into, but we'll talk.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

I have a quick question of Lynne. That legislation you were preparing, is that almost ready to be filed, or?

MS. BIZZARRO:

I just reviewed it and just some changes were made to it. I don't know though if you want to wait until you see what happens to IR 2081, because that will change the law. I mean, if that law gets passed, then that section that would be amending, I think in IR 2081, is being deleted. So then I would have to go back and revise 2081. So I don't know if you want to wait and see what happens with IR 2081.

LEG. ALDEN:

If Lou's legislation passes, we'll be able to convey those parcels even if they value at 30,000, if they're not suitable for affordable housing use?

MS. BIZZARRO:

It will be -- no. What will happen if 2081 is passed, it will go -- those parcels under the \$20,000 will go into -- and I think there was also a footage, if I'm correct, Chairman D'Amaro.

CHAIRMAN D'AMARO:

Yes.

MS. BIZZARRO:

There was a footage for those. Right. They go into, like, this other area of -- you know, we're looking to do some type of workforce housing. And then if they don't get through that, then they go back into the regular pool of that \$20,000 and under, you know, grouping. But if that -- so if that passes, it's just going to change that particular section of the law that you're looking to change from 20,000 to 30,000.

CHAIRMAN D'AMARO:

Well, that's not -- my bill did not make that change. It didn't change the threshold amount. It did not.

MS. BIZZARRO:

Right. It did not make that change. Right. So what I'm saying is I'm kind of waiting for 2081 to get

approved, because you would be amending the law as it stands after that gets approved.

CHAIRMAN D'AMARO:

Well, here's -- just procedurally, I am going to meet with the Department of Real Estate and hopefully the Department of Workforce Housing about my bill. Whether or not we make any changes or substantially changes to go back to public hearing remains to be seen. However, if we change the dollar amount in my bill as opposed to doing a separate bill, it would probably require a public hearing. No? Okay. So then we could consider that, Legislator Alden, in revision to my bill.

LEG. ALDEN:

When you're meeting, if you want to stick it in your bill, that's fine too.

MS. BIZZARRO:

Right. That's the easier way to do it.

CHAIRMAN D'AMARO:

You were looking to change the threshold to 30,000?

LEG. ALDEN:

Yeah.

CHAIRMAN D'AMARO:

Yeah. I thought we talked about 50, actually.

MR. KENT:

I think 30 is fine.

LEG. ALDEN:

Thirty is workable. I understand that there's couple of parcels that are valued at, you know, over the 20,000, below 30,000 that we could actually get the money for those, because they are not really buildable. Good. Okay.

CHAIRMAN D'AMARO:

I'll be happy to consider that for my bill. All right. No other business before the committee, thank you, everyone for attending the Ways and Means Committee. Motion to adjourn, seconded by Legislator Beedenbender. We're adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 11:00 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY