

## **WAYS & MEANS COMMITTEE**

**Of the**

### **Suffolk County Legislature**

A regular meeting of the Ways & Means Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 3, 2009.

#### **Members Present:**

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

#### **Also in Attendance:**

George Nolan - Counsel to the Legislature  
Sarah Simpson - Legislative Counsel's Office  
Barbara LoMoriello - Deputy Clerk/Suffolk County Legislature  
Justin Littell - Aide to Legislator D'Amaro  
Michael Pitcher - Aide to Presiding Officer Lindsay  
Paul Perillie - Aide to Majority Leader Cooper  
Thomas Ryan - Aide to Legislator Vilorio-Fisher  
Greg Moran - Aide to Legislator Nowick  
Lou D'Amarino - Aide to Legislator Kennedy  
Lance Reinheimer - Assistant Director/Budget Review Office  
Benny Pernice - Budget Review Office  
Allen Kovesdy - County Executive's Budget Office  
Brendan Chamberlain - County Executive Assistant  
Tom Vaughn - County Executive Assistant  
Lynne Bizzarro - Chief Deputy County Attorney  
Basia Braddish - County Attorney's Office  
Susan Flynn - County Attorney's Office  
Leslie Baffa - Insurance & Risk Management/Civil Service  
Pam Greene - Assistant Director/Real Property, Acquisition & Mgmt  
Wayne Thompson - Real Property, Acquisition & Management  
Jill Rosen-Nikoloff - Director of Affordable Housing  
Debra Alloncius - Legislative Director/AME  
Danny Farrell - Treasurer/AME  
Jack O'Conner - Newmark-Knight Frank  
Dan Oliver - Newmark-Knight Frank  
Rick Brand - Newsday  
All Other Interested Parties

#### **Minutes Taken By:**

Alison Mahoney - Court Stenographer

*(\*The meeting was called to order at 10 AM\*)*

**CHAIRMAN D'AMARO:**

Would everyone rise for the Pledge of Allegiance.

***Salutation***

For the committee's information, we'll have an Executive Session after the public portion of the committee meeting to discuss possible settlement of a pending litigation. We're going to look at the agenda now. There's no correspondence for the committee. We have one card in the public comment section and I'll call Debbie Alloncius. Good morning.

**MS. ALLONCIUS:**

Good morning. Good morning, Chairman D'Amaro and members of the Ways & Means Committee. My name is Debbie Alloncius, I would like to read this into the record.

Newsday's article, April 17th, 2009, on Comptroller Joseph Sawicki's proposed rules for hiring consultants, speaks to an urgently needed policy which would give transparency to Suffolk County's procurement of consultant contracts. The taxpayers of Suffolk County should be outraged that the County spends \$51 million annually to pay consultants to do work, work which in many instances could have been performed by the Suffolk County workforce had the County Executive filled the many positions that the taxpayers of Suffolk County have already paid for. The AME applauds the Comptroller in his endeavor to get his arms around how many contracts are out there and what we're spending, but he needs to go further if he's going to become part of the process that will truly inspire its integrity. There should be a full compiling and true accounting of every one of the multitudes of contracts out there, determination as to why and what we're spending 51 million on, and determine if our County workforce should be performing the work if the department was properly staffed.

The membership of AME waged a hearty battle with the Legislature back in January of 2007 in an attempt to get an Agency Oversight Report for them which would have created the County Executive -- which could have been created by the County Executive's Budget Office. That report would have tracked and analyzed the statistical data of County departments such as staffing numbers, caseloads and workloads. If that agency oversight report had been adopted, we would be ahead of the game instead of hideously behind the proverbial eight ball. We would have had that list of contracted consultants by now and know what they were doing and why they were doing the work -- and doing the work because the workload and unfilled positions in the departments would have reflected in that oversight report where the consultants were being utilized.

It has been the mission of the AME to provide the Legislature with the proper tools to make sound and rational determinations regarding the budgets of County departments. That is why we have had the operating budget analyzed yearly for the past six years and provided the Legislature and the Budget Review Office with copies of the analysis and the spirit that we have done our part to assist in reputable fiscal oversight. Perhaps the time is right for the Suffolk County Association of Municipal Employees to again carry the torch for the creation and implementation of the agency oversight report. The Legislature has a wonderful opportunity to bring transparency to governmental processes by supporting the Presiding Officer and Introductory Resolution 1317, the Comptroller's consultant procurement process in its finalized form. They would also be prudent to create the agency oversight report also, as these tools would be invaluable in giving the Legislature oversight when creating the yearly County budget. Thank you.

**CHAIRMAN D'AMARO:**

Okay, Debbie. Thank you for your statement this morning. I don't have any other cards from anyone who would like to address the committee. Is there anyone here in the audience this morning who would like to address the Ways & Means Committee? For the record, there is no response.

The next section of our agenda is presentations. We are going to receive a presentation this morning by Jill Rosen-Nikoloff; Ms. Nikoloff is the Suffolk County Director of Affordable Housing. Jill, you want to come on up? Thank you very much for joining us this morning. She's going to update the committee on the County's 72-h Program as well as a report that was recently completed by her department detailing the status of the properties that are a part of that program. So good morning and welcome to the Ways & Means Committee. And would you like to present your report? Thank you.

Go ahead.

**DIRECTOR ROSEN-NIKOLOFF:**

I'm Jill Rosen-Nikoloff, Director of Affordable Housing. I want to thank you for having me and I'm happy to be here. I would also like to thank Chairman D'Amaro and the committee for their interest in the 72-h Program, and I certainly look forward to working with you on this.

Just very quickly, we're very, very pleased with the report and we see it as a great opportunity and a working tool to identify the County assets that have been transferred, to maximize the program, to create construction jobs and to get people into the homes. It's a comprehensive report. It took many hours and I couldn't have done it without the help of a few people that I have to just mention quickly. One is certainly Commissioner Heaney, my colleagues in Real Estate, Wayne Thompson and RJ Bhatt, and of course my Assistant, Nicole Christian who spent countless hours putting together this information. So having said that, you -- I believe you all have the report and I'm happy to discuss it with you.

I do want to point out, though, that since we completed that report and gave it to you, the numbers have changed somewhat. We've refined and distilled the numbers and we've also closed on a number of properties, and I can go over those changes with you to a certain extent. As you can see, we broke it down by town and there are a few towns where you have the predominance of the properties that have been transferred, they are Babylon, Brookhaven and Southampton, Islip also. And what we concentrated on were the number of parcels that were outstanding or needed extensions or were in the pipeline and had not been transferred. So I don't know how you want to proceed, if any of you have particular questions about the program.

Essentially, we have transferred, as far as we can tell, back from about ten years, about 521 properties, we've sold or rented about 192, that's about a 37% build rate. Parcels outstanding is 329. The number needing extensions, meaning it's over the three year extension I can give them, plus two two-year extensions I can give them for good cause, and we have 203 parcels that are within the extension period or within the pipeline.

What I concentrated on since doing this report were two things; transferring the parcels in the pipeline to the towns to get them to non-profits because we want them -- once the town has identified them as properties they wanted, we wanted to get them off the County tax rolls. The second thing I concentrated on was breaking up the logjam of the old properties that were in the inventories of several of the towns.

In that regard, we've closed, since we finished this report, on 40 properties that were in the pipeline and we freed up we -- we met with each of the towns and the non-profits, identified the old properties. And for example, in the Town of Babylon there were about 22 or 23 properties that were being held for their LEADS Green Program and we discussed it with Supervisor Ballone and we got those freed up, those are now going to be transferred to both the Long Island Housing Partnership and New Millenium Development Company and so they're now in the hands, or will be in the hands this month, of the non-profits so that they can get them built on. But we're working very hard to make sure that the properties get into the hands of people who need them and any assistance you can give us in that regard we would appreciate.

**CHAIRMAN D'AMARO:**

Okay, great. And looking at the report, there's a cover sheet, on the copy of mine anyway --

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**CHAIRMAN D'AMARO:**

-- I think everyone on the committee has received it as well, that's pretty helpful. And what jumps out at me on this particular report is Southampton where there were 54 lot entries, only two have been sold or rented and 49 require extension. So can you give us a little insight into those numbers and why that's so skewed when compared to all the other towns?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes. There were numerous properties that were transferred to the town of Southampton which were overdue, obviously. They have done a good job of putting together a comprehensive housing report. What they did was they took all the parcels that were transferred, they did an analysis in connection with the revitalization of Flanders and Riverside. Some of the parcels are -- they're considered to be too small to build on, so what they're doing is they're stripping them of development rights, cobbling them together and placing them into other developments, so at this moment I have on my desk their housing plan. We also asked them to identify which non-profits were getting the properties and which they intended to develop through their housing authority, their newly formed housing authority, and we have that in-house. So they are well on their way to getting these properties in play and building on them.

**CHAIRMAN D'AMARO:**

When the property is conveyed down to the town, one of the things you mentioned was they're piece-meal -- piecing them together in order to -- I guess to have larger lots.

**DIRECTOR ROSEN-NIKOLOFF:**

Right.

**CHAIRMAN D'AMARO:**

But is that the intent when the County sends the property down, that that's one of the ways it should be used or can be used? Because I thought when we were voting on a 72-H for workforce housing purposes that there was a lot that was to be developed independent of any other lots.

**DIRECTOR ROSEN-NIKOLOFF:**

Well, the language says it needs to be utilized for affordable housing purposes.

**CHAIRMAN D'AMARO:**

Right.

**DIRECTOR ROSEN-NIKOLOFF:**

And prior to my coming on as director, properties have been transferred and then stripped of development rights for other housing -- affordable housing. So from our perspective, provided the development rights go to affordable housing within the guidelines of the program, that's acceptable to us. Most of the properties -- I mean, they're not taking them off of buildable lots, they're taking them off of under-sized properties that otherwise would not be of any help to affordable housing.

**CHAIRMAN D'AMARO:**

So the County is conveying a vacant parcel down to the town, the town is taking the development rights off that parcel, transferring that over to another lot, and then the parcel that's stripped of development rights just remains vacant.

**DIRECTOR ROSEN-NIKOLOFF:**

That's right.

**CHAIRMAN D'AMARO:**

And is that information presented to us at the time that we're conveying down?

**DIRECTOR ROSEN-NIKOLOFF:**

We don't know that at the time we're conveying it down.

**CHAIRMAN D'AMARO:**

Well, so, but does the town know that? Do they know, when they pass a resolution requesting a property through this procedure, that the intent here is not to develop the parcel but rather to take the development rights from the parcel?

**DIRECTOR ROSEN-NIKOLOFF:**

We've had that discussion with the town. The only town that's essentially doing that is Southampton and, you know, we have had discussions with them and we've asked them to do two things. Number one, in their resolutions, tell us which non-profits are going to get the properties, which hasn't been done in the past; and secondly, to identify for us which they think are buildable and which they want to strip development rights off of so we will know in the future.

**CHAIRMAN D'AMARO:**

Right, and I think that would be important for us to know.

**DIRECTOR ROSEN-NIKOLOFF:**

I agree, yeah.

**CHAIRMAN D'AMARO:**

Yeah, because if the town is requesting a parcel, I think the impression here is when we convey down we're usually expecting a home to be built on the parcel that we're conveying.

**DIRECTOR ROSEN-NIKOLOFF:**

That's right, yes.

**CHAIRMAN D'AMARO:**

So if the town is saying, "Let's just grab this lot, A, B, C, D, and maybe some time in the future we'll be able to aggregate the development rights and put them on to some other lot," I think we need to know that. Because we're really -- unless they have an identifiable location, we're not really making any progress.

**DIRECTOR ROSEN-NIKOLOFF:**

I agree with you. And I'm also I'll say a little disinclined to do any more transfers for that purpose until they've utilized the number of TDR's they've stripped from properties already transferred.

**CHAIRMAN D'AMARO:**

So the column that says "Number Needing Extension", if you had add that column with the one to the right, that comes up with the number of outstanding parcels; is that correct?

**DIRECTOR ROSEN-NIKOLOFF:**

If you add the last column --

**CHAIRMAN D'AMARO:**

The last two columns add up --

**DIRECTOR ROSEN-NIKOLOFF:**

The last two columns give you the number outstanding.

**CHAIRMAN D'AMARO:**

Right. So the Town of Southampton has 52 outstanding parcels which would include everything, even those that they're just expressing an interest in but haven't been conveyed; would it only exclude those that have been rented or sold?

**DIRECTOR ROSEN-NIKOLOFF:**

It happens to be in Southampton that almost all except three in the pipeline have been conveyed to them already.

**CHAIRMAN D'AMARO:**

Okay, because that was one of my questions. It would -- in footnote one, it would be interesting to see the breakdown in numbers for each of those categories. Because when you have -- when you have a number of parcels outstanding, for instance, Babylon has 61 parcels outstanding.

**DIRECTOR ROSEN-NIKOLOFF:**

Uh-huh.

**CHAIRMAN D'AMARO:**

Okay? How many of those are just -- are parcels where the town is expressing an interest but we haven't conveyed them yet?

**DIRECTOR ROSEN-NIKOLOFF:**

I can break that down.

**CHAIRMAN D'AMARO:**

Yeah, I think it would make the figures a little easier to understand. Because just for instance, let's say if the Town of Babylon has 61 parcels outstanding but 59 of those haven't been conveyed yet, I think that would be helpful information to have.

**DIRECTOR ROSEN-NIKOLOFF:**

Right. I have that information, I use it for my administrative purposes to know what I have to close on and what I haven't.

**CHAIRMAN D'AMARO:**

Right.

**DIRECTOR ROSEN-NIKOLOFF:**

You know, like for an example, we've transferred since March six parcels, you know, that were in the pipeline.

**CHAIRMAN D'AMARO:**

You did.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah.

**CHAIRMAN D'AMARO:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

We transferred six to Babylon, 23 to Brookhaven, another eight is going to go to Brookhaven this Friday for a total of 31, one to Patchogue Village and two to Islip Town, so that's 40 parcels since I would say mid March. So we're moving them -- we have to move them off the County rolls to the towns, to the non-profits, to get them built on, and then we have to go to the towns and the non-profits which we're doing systematically and saying, "What's going on at this property? What's going on at that property? Is it buildable, is it not buildable?" Because frankly, some of them have been there for ten years.

**CHAIRMAN D'AMARO:**

Well, and that was another -- the last comment I have, is number of parcels in the pipeline or within the time limits. Now, if you look at Brookhaven, just to use by way of example, you have 159 parcels, but how many of those really are beyond the initial three-year period and how many of them are some of these properties that you just referred to where they've had them for ten years.

**DIRECTOR ROSEN-NIKOLOFF:**

Right; I can break that down for you. But for my administrative purposes and for this, for me, as long as they're in the time limit -- what I intended this report to do was to allow me to ferret out the oldies that were sitting there and needed to be dealt with and then to secondly get the ones in the pipeline to the towns, and then go back and ferret out all the ones that are within the time limits, whether it be the three year or the discretionary two two-year extension. So that was our plan to make sure that everything got built on.

**CHAIRMAN D'AMARO:**

So after the discretionary two-year extensions, two of those, there are no more extensions granted.

**DIRECTOR ROSEN-NIKOLOFF:**

Not unless the Legislature approves it.

**CHAIRMAN D'AMARO:**

Okay. And of the number in the last column, do those include properties where you're beyond the seven-year period?

**DIRECTOR ROSEN-NIKOLOFF:**

Unfortunately, yes, some of them do.

**CHAIRMAN D'AMARO:**

All right. And we would need -- we, meaning the Legislature, would need to approve those extensions?

**DIRECTOR ROSEN-NIKOLOFF:**

That's correct.

**CHAIRMAN D'AMARO:**

All right. And are those extensions being presented to us; what's the status of those?

**DIRECTOR ROSEN-NIKOLOFF:**

What I'm doing is on those is talking -- before I come to you and say, "Look, they're beyond three time periods, please extend them," I want them to tell me precisely what their plan is. I don't want to waste your time if they don't have a plan or if it's not buildable or they went for a variance and can't get it.

**CHAIRMAN D'AMARO:**

Well, doesn't it automatically revert back to the County?

**DIRECTOR ROSEN-NIKOLOFF:**

We have a right --

**CHAIRMAN D'AMARO:**

Doesn't the property, title to the property --

**DIRECTOR ROSEN-NIKOLOFF:**

We have a right-of-reverta, we have to bring an action.

**CHAIRMAN D'AMARO:**

It's not automatic.

**DIRECTOR ROSEN-NIKOLOFF:**

No.

**CHAIRMAN D'AMARO:**

We have to bring an action?

**DIRECTOR ROSEN-NIKOLOFF:**

You know, I have to advise the County Attorney's Office and then they have to take an action to somehow get the deed.

**CHAIRMAN D'AMARO:**

Oh, an action.

**DIRECTOR ROSEN-NIKOLOFF:**

Right.

**CHAIRMAN D'AMARO:**

Yeah. We don't have to bring a lawsuit. We have a contractual right-of-reverta --

**DIRECTOR ROSEN-NIKOLOFF:**

That's right.

**CHAIRMAN D'AMARO:**

-- that says the day after your final extension expires, we have a right to take back the property. It would seem to me all we need to do is file a deed.

**DIRECTOR ROSEN-NIKOLOFF:**

Right. We have to take some action to do that, right.

**CHAIRMAN D'AMARO:**

Right. I was using action as a lawsuit.

**DIRECTOR ROSEN-NIKOLOFF:**

I would rather get them built on since they have them than take them back, you know, at this point, if we can. That's why with each of them that's beyond all those extensions, I want to know what their plan is.

**CHAIRMAN D'AMARO:**

Right, but when you say you want to know what their plan is, you're into the expired period now.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah.

**CHAIRMAN D'AMARO:**

So how long are we waiting to know what their plan is?

**DIRECTOR ROSEN-NIKOLOFF:**

You'll know very soon. I mean, I need to know, I want to know what they're doing with them.

**CHAIRMAN D'AMARO:**

You're talking about for all properties.

**DIRECTOR ROSEN-NIKOLOFF:**

Well, different categories. The ones I have to come back to you for --

**CHAIRMAN D'AMARO:**

Yeah.

**DIRECTOR ROSEN-NIKOLOFF:**

-- I want to very sure when I come to you that they merit your time in giving the extension.

**CHAIRMAN D'AMARO:**

Right, I understand that, but you're also giving them a de facto extension that you don't have the authority to give. So my point is that of the last column there -- for example, in Babylon, Brookhaven -- of those properties, how many are beyond this seven-year time period?

**DIRECTOR ROSEN-NIKOLOFF:**

Not that many; I can get you the number. That number is not reflected here, but I can get you the number.

**CHAIRMAN D'AMARO:**

Okay. All right, great. Questions?

**D.P.O. VILORIA-FISHER:**

Yes.

**CHAIRMAN D'AMARO:**

Legislator Viloría-Fisher. Thank you, Jill. Thank you.

**DIRECTOR ROSEN-NIKOLOFF:**

You're welcome.

**LEG. ALDEN:**

Lou?

**D.P.O. VILORIA-FISHER:**

Jill, I started out with only one question, as you spoke now I have three questions. The first question --

**DIRECTOR ROSEN-NIKOLOFF:**

I'm prolific.

**D.P.O. VILORIA-FISHER:**

Pardon?

**DIRECTOR ROSEN-NIKOLOFF:**

It's prolific.

**D.P.O. VILORIA-FISHER:**

Well, you're getting, you know, the intellectual juices going as you speak.

**DIRECTOR ROSEN-NIKOLOFF:**

Good.

**D.P.O. VILORIA-FISHER:**

The first question is regarding Babylon, the Babylon parcels that you said have now moved to the Millenium and to the Long Island Housing Partnership. I know that Steve Ballone has developed a model program for building green.

**DIRECTOR ROSEN-NIKOLOFF:**  
Correct.

**D.P.O. VILORIA-FISHER:**  
Will they still be built green?

**DIRECTOR ROSEN-NIKOLOFF:**  
Yes.

**D.P.O. VILORIA-FISHER:**  
Okay.

**DIRECTOR ROSEN-NIKOLOFF:**  
Yeah.

**D.P.O. VILORIA-FISHER:**  
Good. Thank you.

**DIRECTOR ROSEN-NIKOLOFF:**  
Part of the delay was getting their green LEADS program in place.

**D.P.O. VILORIA-FISHER:**  
Okay. But that's in place and the not-for-profits are going to be building these homes according to LEADS standards?

**DIRECTOR ROSEN-NIKOLOFF:**  
Yes.

**D.P.O. VILORIA-FISHER:**  
Okay, good. The 40 properties that you've closed on since this report, were they properties where there had already been extensions; were they within the three years?

**DIRECTOR ROSEN-NIKOLOFF:**  
Brand new.

**D.P.O. VILORIA-FISHER:**  
Oh, so it doesn't clear up any of those old pieces --

**DIRECTOR ROSEN-NIKOLOFF:**  
No.

**D.P.O. VILORIA-FISHER:**  
-- that have been hanging out.

**DIRECTOR ROSEN-NIKOLOFF:**  
What it does for the County is get them off our tax rolls.

**D.P.O. VILORIA-FISHER:**  
Okay.

**DIRECTOR ROSEN-NIKOLOFF:**  
And into the non-profits.

**D.P.O. VILORIA-FISHER:**  
But I was just curious, are we getting rid of any of the old parcels?

**DIRECTOR ROSEN-NIKOLOFF:**

That's the second -- I'm concurrently transferring things in the pipeline to get them off the County tax rolls --

**D.P.O. VILORIA-FISHER:**

Right.

**DIRECTOR ROSEN-NIKOLOFF:**

-- and then ferreting out the old ones to get them built on.

**D.P.O. VILORIA-FISHER:**

Okay. And as you had the dialogue with the Chair, I couldn't help but wonder, and perhaps you answered this and I missed it, but you said there are a number, and it's an indeterminate number right now, of parcels that have been there for ten years. How did they get to be there ten years without having come here for approval; I mean, was it just missed?

**DIRECTOR ROSEN-NIKOLOFF:**

I don't know really how to answer that. I mean, the reality of the situation was that it was under computerized, there were numerous data bases, everyone had different information, it had to all be coordinated, that's why it took so long to do.

**D.P.O. VILORIA-FISHER:**

So you're saying that they're there for ten years because they slipped through the cracks.

**DIRECTOR ROSEN-NIKOLOFF:**

Essentially, or, you know, they had trouble getting variances. You know, can't really pinpoint it, but --

**D.P.O. VILORIA-FISHER:**

But no matter what the reason, they really -- it really is in opposition to our reverta, to our right that it should revert to the County after three years if nothing has been done and we haven't approved extensions on them. So I think I'm continuing in the same vein as the Chair, that they're de facto properties but they're really illegal, they haven't been approved by the Legislature to remain there.

**DIRECTOR ROSEN-NIKOLOFF:**

There's a number of them that that is correct on.

**D.P.O. VILORIA-FISHER:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

And I'll get you that precise number.

**D.P.O. VILORIA-FISHER:**

Okay, but I think more important than just the number is that they come to us for approval for this extension --

**DIRECTOR ROSEN-NIKOLOFF:**

Right.

**D.P.O. VILORIA-FISHER:**

-- instead of being out there without any approvals.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah, and that's why I said, I want to know from them what they want to do so when we come to

you, you can have an informed decision to make as to whether you want to take the property back or they have a plan in place to develop it. And you know what? Yes, it slipped through the crack, but we're going to give you another shot at it, but do it within two years.

**D.P.O. VILORIA-FISHER:**

And let me ask you this question, and perhaps the Chair could answer it because it was something that he had brought up in earlier discussions on this whole process, which was if the County had them, can the County be the lead? You had talked about that, Lou, a while ago, the County finding the not-for-profit, because the towns weren't moving fast enough on them and then the County could go for the approvals.

**CHAIRMAN D'AMARO:**

Yeah, that was part of when we were kind of thinking out loud. What I ultimately wound up doing, though, was enacting the bill that I proposed for the Workforce Housing Program for the substandard lots. But what -- I didn't go down the road of the County retaining ownership, and I think there were obstacles to that, legal impediments to doing that, if I recall.

**D.P.O. VILORIA-FISHER:**

Okay, and that answers my question.

**CHAIRMAN D'AMARO:**

And that's why I went with the alternate path which culminated my legislation.

**D.P.O. VILORIA-FISHER:**

Right. And those were the specific parcels that were undersized or needed variances, but now I'm talking about the ones that have been out there for ten years --

**CHAIRMAN D'AMARO:**

Right.

**D.P.O. VILORIA-FISHER:**

-- and the towns haven't acted on them. But you see that there are too many impediments to our pursuing that particular line which is to have the County to do it.

**CHAIRMAN D'AMARO:**

It depends on who you talk to. There are arguments both ways that, yes, the County can or no, they cannot, but it's not -- there's enough gray area there that I didn't pursue it; that's correct.

**DIRECTOR ROSEN-NIKOLOFF:**

May I address that for a moment?

**CHAIRMAN D'AMARO:**

Sure.

**DIRECTOR ROSEN-NIKOLOFF:**

Because my office has had a couple of meetings with the Law Department and there may be some authority for us to be able to transfer 72-h parcels, not just to municipalities which is how our legislation is drafted, but directly to builders, both profit and for-profit which would be very advantageous in expediting production of these properties. It's based on a public policy purpose. I've been working with Dennis Brown and we should have some kind of indication as to whether we can do that, and I would love your help and support with respect to that.

**D.P.O. VILORIA-FISHER:**

Okay. So your answer is if they're out there, let's say, nine, ten years and we're saying maybe we

should take -- come back to us and then we'll just contract with a for-profit or not-for-profit to develop it.

**DIRECTOR ROSEN-NIKOLOFF:**

We'll give them to, you know, a builder, somebody who will do it like that (snapped finger).

**CHAIRMAN D'AMARO:**

If I could just -- you should definitely pursue whether or not we have that authority, I would like to know that. But part of the theory of going down to the towns, of course, is the towns are in the best position to know, you know, what communities will support and not support. You know, once we do that, we'd have to have a whole nother (sic) bureaucratic procedure to track all of that. So, you know, we should know whether or not we can do it, but I'm not sure -- we won't have the policy debate today, I think is what I'm saying.

**D.P.O. VILORIA-FISHER:**

Okay. It was just a basic question to see if that was a line that we could go down.

**CHAIRMAN D'AMARO:**

Okay.

**D.P.O. VILORIA-FISHER:**

Thank you, Jill.

**DIRECTOR ROSEN-NIKOLOFF:**

You're welcome.

**CHAIRMAN D'AMARO:**

Okay, thank you, Legislator Viloría-Fisher. Legislator Alden, questions?

**LEG. ALDEN:**

Hi. And thanks for the reports.

**DIRECTOR ROSEN-NIKOLOFF:**

You're welcome.

**LEG. ALDEN:**

When we transfer to the towns, we don't seek any reimbursement for the town tax that we've actually paid on behalf of the towns?

**DIRECTOR ROSEN-NIKOLOFF:**

Not for affordable housing, we do not. A 72-h for municipal we do.

**LEG. ALDEN:**

Okay. When a town attempts to transfer development rights, are there restrictions as far as those development rights have to increase density or increase some kind of affordable housing or can they do it for any reason?

**DIRECTOR ROSEN-NIKOLOFF:**

No, no, they have to be used for affordable housing or we would take it back, they'd be in breach,

**LEG. ALDEN:**

Okay. Okay, that's a good thing. Do you know what our carrying costs are on these properties?

**DIRECTOR ROSEN-NIKOLOFF:**

Oh, they can be up there depending on whether they're improved or vacant parcels, and how long we've had them in our inventory.

**LEG. ALDEN:**

So we don't have a current chart showing what our -- like as of today, here's our carrying cost?

**DIRECTOR ROSEN-NIKOLOFF:**

Real Estate might be able to produce that, and I can go back and tell -- I can compute that for you, because every time we come for 72-h approval, in your packet is the County investment that essentially we're giving up. We can aggregate that for you on them, you know. For example, we took a number of properties off the auction in 2007 for affordable housing and I think the upset price on that was around 627,000 and that was just North Bellport, so it can be significant, but that weighed against the public policy purpose for affordable housing.

**LEG. ALDEN:**

Well, that's a value of inventory, I'm talking about our actual carrying costs. Because we keep paying the taxes to all the lower jurisdictions, including the towns that are going to use these for affordable housing, so our carrying costs are quite considerable, I would think.

**DIRECTOR ROSEN-NIKOLOFF:**

They can be, as I said, especially if you have an improved parcel that's been in our inventory for a long time, they can be.

**LEG. ALDEN:**

All right. And this doesn't reflect -- it reflects the parcels that have been in our inventory, but it doesn't reflect carrying costs.

**DIRECTOR ROSEN-NIKOLOFF:**

That's correct, which is why, I might add, I -- you know, my first order of business is to get the properties in the pipeline off the County tax rolls. You know, it's one thing to give up what we've incurred in the past, but why prolong that and incur additional costs? If they want it, let them take it.

**LEG. ALDEN:**

When did we go to a non-reimbursement as far as the transfer for affordable housing?

**DIRECTOR ROSEN-NIKOLOFF:**

I have to tell you, Legislator, that was before my time. I'm not quite sure. I would say maybe 2004, if you look at the last time the legislation was amended?

**LEG. ALDEN:**

And that's an amendment that we made?

**DIRECTOR ROSEN-NIKOLOFF:**

To Article 36.

**LEG. ALDEN:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

Of the Suffolk County Administrative Code.

**LEG. ALDEN:**

Thanks.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Legislator Alden. Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Hi, Jill.

**DIRECTOR ROSEN-NIKOLOFF:**

Hi.

**LEG. BEEDENBENDER:**

I want to talk about Brookhaven. I know that there's a 178 outstanding parcels, according to your chart, and I know you said maybe that number is a little bit lower now because you've done some work. But kind of to follow-up with what Legislator Alden was just saying, of those 178, I guess the bulk of those we haven't transferred title to the town, so we're paying taxes on that massive number of parcels; is that correct?

**DIRECTOR ROSEN-NIKOLOFF:**

That is correct.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

That's why we're moving through those.

**LEG. BEEDENBENDER:**

Right.

**DIRECTOR ROSEN-NIKOLOFF:**

They're number one on my priority.

**LEG. BEEDENBENDER:**

My question, I know we talked about some specific conditions of Southampton. And quite frankly, what you said I find disturbing because I don't know that they have -- I don't think anybody around this horseshoe knew that that's what they were doing. But for Brookhaven specifically, is there a condition in Brookhaven that's causing this massive backup? Is it shared numbers? Is there a specific something -- I mean, I'm going to be meeting with the Supervisor in about two hours and I will like to not be paying taxes on these anymore as a County, and I would like them to kind of get this affordable housing program going. So is there something I can tell him that he needs to have his staff focus on, is there something that I can convey to him or tell him that we can change to fix this?

**DIRECTOR ROSEN-NIKOLOFF:**

You can certainly reaffirm what I just said, which is we want to move -- I'd like to have them all closed by July 31st. Because to the extent that for some reason there's a title problem or the non-profit ultimately says they don't want it, at least we can get it on to the upcoming October auction and the County can get some -- something out of it. So that's what I told the towns and I told the non-profits, that we want to close by July 31st on all of them that are in the pipeline.

There are, you know, some administrative problems with it. They have to do title reports and then, you know, you have other -- the people at the towns have other things on their plate, so if you would like to reiterate to the Supervisor that we need to close on all these outstanding properties by July 31st, I would appreciate it, I know Real Estate would appreciate it and I'm sure the County in general, coffers would appreciate it.

**LEG. BEEDENBENDER:**

And my follow-up question, you kind of touched on it a little bit, is that possible? I mean, real estate

closings take a while, to do 178 of them seems like a significant endeavor.

**DIRECTOR ROSEN-NIKOLOFF:**

Okay, but I will tell you that that number is not the number of all of them in the pipeline.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

That includes ones that they're not over the deadline for.

**LEG. BEEDENBENDER:**

Okay. All right. So it's less, obviously.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah.

**LEG. BEEDENBENDER:**

All right. But we're still probably talking about at least a hundred, I would imagine.

**DIRECTOR ROSEN-NIKOLOFF:**

We have -- we had about 75 that were involved with the '07 auction we took off, we closed on 40 of them, so we have about 35 left there. And I would figure -- this is an estimate -- maybe about 30 stragglers there?

**LEG. BEEDENBENDER:**

So of that 178, there's really only 65 that we're looking to --

**DIRECTOR ROSEN-NIKOLOFF:**

That's probably about right.

**LEG. BEEDENBENDER:**

Okay. Thank you, Jill.

**DIRECTOR ROSEN-NIKOLOFF:**

You're welcome.

**CHAIRMAN D'AMARO:**

Thank you. Legislator Nowick.

**LEG. NOWICK:**

Hi, Jill.

**DIRECTOR ROSEN-NIKOLOFF:**

Hi.

**LEG. NOWICK:**

You know, I think I'm doing the math now and I'm figuring out what you were saying. If we have parcels for ten years that taxes are not being collected on, from what I'm understanding, the town collects taxes, the town is made whole, pays the school districts on these parcels, right, and then the County, I guess, takes the dive on it; is that how -- is that what you were saying before?

**DIRECTOR ROSEN-NIKOLOFF:**

Let me say it again and we'll see if it conforms to what you're saying. When we transfer the parcel to the town, until the date we transfer it, whatever is accrued to the County, the County eats. Once it gets transferred to the town, the taxes are being accrued to them.

**LEG. NOWICK:**

And for the amount of years that it's not transferred for the town, the County just keeps -- because the County is not made whole, right?  
So the County does, in essence --

**DIRECTOR ROSEN-NIKOLOFF:**

That's right.

**LEG. NOWICK:**

Okay. I was just trying to understand.

**DIRECTOR ROSEN-NIKOLOFF:**

And it's not just taxes, it's in clean-up costs and other investments that we made on the property.

**LEG. NOWICK:**

Right. And Jill, while I have an opportunity, I want to thank you for this report and also thank you for coming to my office and getting back to me right away. Thank you very much.

**DIRECTOR ROSEN-NIKOLOFF:**

My pleasure.

**CHAIRMAN D'AMARO:**

Okay. Any other questions? Jill, is there anything you would like to add in conclusion?

**DIRECTOR ROSEN-NIKOLOFF:**

No, I just appreciate your interest. As I said, to the extent that we can come up with more efficient ways to transfer 72-h properties, we'd appreciate your support. And I will get back to you with some of these numbers, sliced and diced, in a little more detail.

**CHAIRMAN D'AMARO:**

Okay. And I also want to thank you, on behalf of myself and the committee, for the report. It was extensive, informative and we appreciate the information and we'll continue to work with you on this. Thank you.

**DIRECTOR ROSEN-NIKOLOFF:**

You're welcome. Thank you very much.

**CHAIRMAN D'AMARO:**

Have a nice day.

**DIRECTOR ROSEN-NIKOLOFF:**

You, too.

**CHAIRMAN D'AMARO:**

All right, turning to the agenda, we'll start with Tabled Resolutions.

### **Tabled Resolutions**

The first is Resolution 1007-09 - Requiring Legislative -- oh, you know what? Before we do that, I'd like to make a motion to take one resolution out of order, which is ***Resolution 1447-2009 - Authorizing the second ball park license, management and operations agreement between the Long Island Ducks Professional Baseball Club, LLC, and the County of Suffolk (County Executive)***.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

I'll offer that motion, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? That motion carries, the resolution is now before the committee.

And this is the proposed 10-year extension of the ball park, the Ducks Stadium, which has been presented to us for review. Ms. Braddish, good morning. Mr. Zwirn, good morning. Would you like to fill us in?

**MS. BRADDISH:**

Sure. We started this process probably about two years ago trying to renegotiate it and then we had a one-year lapse where it sort of just -- the season had started and we didn't really -- Mr. Bolton really didn't have time to discuss it. But the fourth WHEREAS clause basically sets out the significant monetary terms regarding the lease, and of those, some of them are similar to what they were in the prior agreement. The newer ones are the guaranteed base fee is going up from 225,000 to 200,000, so that's a guaranteed amount, \$25,000 increase per year. The sky box revenue is the same as it was under the original lease; however, we did respond to some issues that a prior audit report had indicated, that there were some ambiguities, so we clarified those of what was supposed to be calculated and how those numbers were to be calculated.

The advertising revenue is where the more significant changes are. The original lease provided for 15% of the first \$500,000, so that's been increased up to two -- up to \$750,000. And the original lease provided 5% of revenues over \$500,000, whereas the new lease is now 7.5% over 750, so that's where you're going to see the bulk of your changes.

D is the gross concession income, that's the same; E is the same. F, that 5%. If the ticket prices were to be increased, which, you know, clearly an objective is to keep this affordable, the prices have not been increased; however, if they were, the County would receive 5% of that increase, and of only the increase. G actually went down, that is a -- that was a change and that was changed because they found that outside events weren't really very popular there, so by reducing the overall cost of it, you might get more interest in other groups holding events at the ball park.

And then J is obviously the most -- another significant one is the \$1 million capital improvement. Although there are maintenance responsibilities on the ball park and the team to take -- to participate in the improvements at the park, they don't have this responsibility for the Capital improvements. It is intended that the most significant one will take place fairly soon is replacement of the jumbo-tron, video, score board thing.

**CHAIRMAN D'AMARO:**

We know what you mean.

**MS. BRADDISH:**

That has been estimated at anywhere from 650 to \$850,000, so that would be the bulk. And just as a historical background, when the ball park was originally constructed, that was viewed as a capital expense that the County was supposed to do, the County ran out of money, so Bolton just said, "I'll do it." Now ten years later, he'd like to do something bigger and better, those have become an integral part of the ball parks and ours is not in the best shape. So in doing this, he agreed that that would be first thing he would do.

**CHAIRMAN D'AMARO:**

That will be a capital improvement to a stadium owned by Suffolk County.

**MS. BRADDISH:**

Yes.

**CHAIRMAN D'AMARO:**

And the other possible projects are listed, I saw, as an addendum to the lease.

**MS. BRADDISH:**

And those are ideas, none of them are written in stone.

**CHAIRMAN D'AMARO:**

But you're anticipating that the replacement of the score board is a project that will happen and that's going to be the bulk of the one million commitment.

**MS. BRADDISH:**

Yes. We expect to see that I think soon.

**CHAIRMAN D'AMARO:**

All right. And this is a 10-year extension.

**MS. BRADDISH:**

It's a 10-year lease and there is an option for a 10-year renewal, but it would come back here.

**CHAIRMAN D'AMARO:**

Right. Quick question; does -- do the negotiated terms of the new lease increase revenue to Suffolk County; and if so, by how much?

**MS. BRADDISH:**

It's a difficult question, particularly because of the economic times. So two years ago you were seeing some of the greatest revenue streams from the ball park. Last year he is still trying to collect from advertising revenue, even now, so we see the decrease. But if you apply -- using 2006 year-end numbers and applied the current lease percentages, you would see roughly, and this is coming --

**CHAIRMAN D'AMARO:**

You mean the proposed lease or the current?

**MS. BRADDISH:**

If you use the 2006 year-end numbers and applied the new lease percentages --

**CHAIRMAN D'AMARO:**

Right.

**MS. BRADDISH:**

-- you would see roughly a 30% increase.

**CHAIRMAN D'AMARO:**

And that's attributable mostly to that paragraph C?

**MS. BRADDISH:**

Yes, right.

**CHAIRMAN D'AMARO:**

Which is getting a percentage of the advertising revenue.

**MS. DEREN-BRADDISH:**

Right.

**CHAIRMAN D'AMARO:**

Okay. So you're estimating roughly a 30% increase over the prior lease terms, based on those 2006 figures.

**MS. BRADDISH:**

Yes, using 2006 numbers.

**CHAIRMAN D'AMARO:**

Now, of course, the world has changed since 2006.

**MS. BRADDISH:**

Exactly, and that's why it's difficult to anticipate to say it's even an increase. Like I said, he's still trying to collect from advertisers last year. So that's the only way really I could figure to give you an idea of what the impact could be.

**CHAIRMAN D'AMARO:**

Is the lease exclusive to the Ducks Organization? The County doesn't have any rights of use beyond leasing it to the Ducks?

**MS. BRADDISH:**

No, we do reserve rights to conduct events there. There's -- it's anticipated that the Ducks' schedule would go first and then if there were free dates, the County could go in early and say -- I think it's, in the spring, anticipated that the County would -- could reserve dates for events.

**CHAIRMAN D'AMARO:**

Do we market that availability?

**MS. BRADDISH:**

That I wouldn't be able to answer.

**CHAIRMAN D'AMARO:**

You don't know.

**MS. BRADDISH:**

I know Mr. Bolton tries to bring in events and, you know, even this year he's bringing in a carnival before a game that's being held in a side parking lot, you know, his parking lot. So he does try to bring events in. We're hopeful that perhaps lowering that one figure, which was nominal, I don't think it brought in more than \$5,000.

**CHAIRMAN D'AMARO:**

Which party under the lease is responsible for the maintenance and upkeep of the stadium?

**MS. BRADDISH:**

It depends on the part of the stadium.

**CHAIRMAN D'AMARO:**

Okay.

**MS. BRADDISH:**

The sod, the field would be the team; the capital expenses, the seats, things like that would be the County.

**CHAIRMAN D'AMARO:**

Do we operate the stadium at a profit or a loss to the County?

**MS. BRADDISH:**

I believe we do have net revenues after the bonds are paid.

**CHAIRMAN D'AMARO:**

After debt service?

**MS. BRADDISH:**

Yes.

**CHAIRMAN D'AMARO:**

Uh-huh.

**MS. BRADDISH:**

So -- and assumably, those should be -- and I don't know, there might have been reissuances, but assuming that they were to expire, obviously your realization of profits would be greater. But I'm not really qualified to answer that for you.

**CHAIRMAN D'AMARO:**

All right. Lance?

**MR. REINHEIMER:**

I can add a little something to that. The bond is about \$550,000 annually. This agreement looks like it will bring in at least around \$800,000 annually, so there should be a surplus of about \$300,000 which goes into a special fund, the ball park fund, and I think the plan for that is to use to defer some of the maintenance costs, using the funds, excess funds out of that.

**CHAIRMAN D'AMARO:**

Maintenance costs would be an obligation of the operating budget, but we have a separate fund to offset that?

**MR. REINHEIMER:**

It's an obligation of the County, but we have funds in this separate Enterprise Fund that could be used for some of the maintenance.

**CHAIRMAN D'AMARO:**

Have we historically expended more on the stadium than the net revenue that comes into the County?

**MR. REINHEIMER:**

No, not to my recollection. Generally it's -- we have excess revenue over expenses there.

**CHAIRMAN D'AMARO:**

Okay. Are there questions from the committee? Okay. Who wants to go first? Legislator Alden.

**LEG. ALDEN:**

Lance, maybe you could answer this, just as a historical. How much of the money came from New York State to build the park?

**MR. REINHEIMER:**

My recollection is 15 million from New York State, five million from Suffolk County.

**LEG. ALDEN:**

Okay. And the Chairman just asked about whether we've dipped into that fund, and in the first years of a ball park you really -- the tendency is not to have to do any capital improvements or really to maintain because everything is brand new. What would be the schedule going forward? Because when we built it, I'm sure that they provided a schedule for maintenance and what our costs would be; they should be increasing as we go along.

**MR. REINHEIMER:**

Yeah, that's a question I can't answer. Maybe Public Works would know what the potential costs would be for capital improvements and going forward, with the age of the stadium, what additional costs would be. But we don't have that information.

**LEG. ALDEN:**

Okay. Maybe can I ask to get it through your department or through --

**MR. ZWIRN:**

I will do it.

**LEG. ALDEN:**

Ben, Ben is saying yes. Okay. And just to point out that that score board, while it's a capital improvement to County property, in the long-term it's really valueless. Because as we've seen, the first score board that was put in there, this is how many years later and it's really obsolete. So I would just assume that at the end of our lease the value is going to be written down to zero on that; is that not correct?

**MS. BRADDISH:**

Well, you know, I don't know what a useful life on the jumbo-trons are, but you can't have an event park without one.

**LEG. ALDEN:**

I realize that, but I'm just saying that that's not something -- like you build a building and you have a 20 or a 25-year life expectancy on the physical plant. You would build a jumbo-tron, the day that they stop working or the day that the Ducks leave there, it's worth zero to us, basically; that's the assumption I'm going to make. All right, so it's not adding to the value of the stadium.

**MR. O'CONNOR:**

(Inaudible).

**MS. BRADDISH:**

Exactly. As Mister -- Jack O'Connor from Newmark-Knight. They view it as a positive as far as attracting attendees.

**LEG. ALDEN:**

Okay. And which is -- that's a plus for the County because we are a recipient of certain funds. What is the -- or who actually is -- who has the favor as far as renewing this for the next ten years?

**MS. BRADDISH:**

I'm sorry, I don't understand.

**LEG. ALDEN:**

This is a 10-year lease and then there's a 10-year option; who can exercise that option, we or the Ducks?

**MS. BRADDISH:**

The Ducks can request to exercise it and then we would approve it.

**LEG. ALDEN:**

So it's always been that the legislation comes before us, we approve it, it goes before the County Executive, he would sign it and then it becomes law. All right, because I was at the game when he announced that the lease has been extended, but that was premature, right?

**MS. BRADDISH:**  
(Nodded head yes).

**LEG. ALDEN:**

Okay. Because I got all wet that day, I was getting rained on and I was happy along with the other fans that were there, but now I see that it had to come before us. Thanks.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Legislator Alden. Are there any other questions from any other committee member? That's it. All right.

**D.P.O. VILORIA-FISHER:**

We've always -- Mr. Chair, for the ten years of my tenure, in fact, when I came in, that's when the Ducks -- you know, one of my first votes was voting on putting more money into the construction because there had been cost over-runs. And so we paid very close attention and it seemed like every year we realized a positive impact on our budget.

**CHAIRMAN D'AMARO:**

Uh-huh.

**D.P.O. VILORIA-FISHER:**

You know, there were more -- we were bringing in more than we were spending. So I'm very happy to vote on this.

**CHAIRMAN D'AMARO:**

All right. And with that, I'll offer a motion to approve. Similar to Legislator Viloría-Fisher, this has been a success story for Suffolk County. It's a net revenue, a positive -- we're in the black, so to speak, with the stadium. And I also want to thank the County Executive's Office, the County Attorney's Office and Real Estate for negotiating the renewal of the lease and enhancing the revenue to the County at the same time.

**LEG. NOWICK:**

Lou?

**CHAIRMAN D'AMARO:**

Legislator Nowick, did you have a comment?

**LEG. NOWICK:**

No, just quickly. Besides being in the black at the stadium, think about the neighboring stores.

**CHAIRMAN D'AMARO:**

Absolutely.

**LEG. NOWICK:**

Gas stations; they all have to be revitalized from that.

**CHAIRMAN D'AMARO:**

All part of the success story.

**LEG. NOWICK:**

Absolutely.

**CHAIRMAN D'AMARO:**

And also good for tourism, good for the economy, sales tax, you know, we can go on and on. So with that, I'll offer, once again, my motion to approve.

**LEG. NOWICK:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Nowick. Did you have a comment?

**LEG. ALDEN:**

Just a quick comment.

**CHAIRMAN D'AMARO:**

Sure.

**LEG. ALDEN:**

It is a positive, I believe, to the economic viability of that community and I agree with all the statements, except for the fact that it's not a positive cash flow. The money that comes in that doesn't get expended this year will more than likely get extended in a future year, so it's not a positive. At this point, it's not a negative, that's the key thing here for us. But when you start looking at the entire community and the bigger picture, then it's definitely a big positive. But as far as cash, right now it's not a negative but in the future we might end up with a schedule from the Department of Public Works that says they need major improvements or major replacement of different parts of the stadium in the near future which could cause it to go into a negative cash flow. Having said that, I'm planning on voting for this.

**CHAIRMAN D'AMARO:**

Okay, I'll call the vote then. All in favor? Any opposed? Abstentions? Motion carries, ***the resolution is approved (VOTE: 5-0-0-0).***

Okay, going back to the beginning of the Tabled Resolutions.

### **Tabled Resolutions**

***1007-09 - Requiring legislative approval to consider the sale of the John J. Foley Skilled Nursing Facility (Kennedy).*** I'll offer the motion to tabled.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any Opposed? Abstentions? Motion carries, ***tabled (VOTE: 5-0-0-0).***

***Resolution 1018-09 - 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. All in favor? Any opposed?

**LEG. ALDEN:**

One opposed.

**CHAIRMAN D'AMARO:**

One in opposition, Legislator Alden. Abstentions? Motion carries, *the resolution is tabled (VOTE: 4-1-0-0 Opposed: Legislator Alden).*

*Resolution 1121-09 - Adopting Local Law No. -2009, A Charter Law to increase Legislative oversight of RFP process (Romaine).* I'll offer a motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed?

**LEG. ALDEN:**

One opposed.

**CHAIRMAN D'AMARO:**

One in opposition, Legislator Alden. Abstentions? Motion carries, *the resolution is tabled (VOTE: 4-1-0-0 Opposed: Legislator Alden).*

*Resolution No. 1310-09 - Establishing mandatory ethics training for Suffolk County Employees and Elected Officials (Beedenbender).*

**LEG. BEEDENBENDER:**

Mr. Chairman, I'm going to continue to work on this with the County Attorney, so I'll ask for a motion to table.

**CHAIRMAN D'AMARO:**

Motion to table by the sponsor, I'll second. All in favor? Any Opposed? Abstentions? Motion is approved, *the resolution is tabled (VOTE: 5-0-0-0).*

*Resolution 1316-09 - Adopting Local Law No. -2009, A Local Law to clarify seven day rule requirements (D'Amaro).* I'll offer a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender.

**LEG. ALDEN:**

Lou, I know it's your legislation. Could you just outline the major points on it?

**CHAIRMAN D'AMARO:**

Sure. The Charter presently requires that a Local Law be in final form for seven days prior to a vote; there are certain exceptions to that. This is expanding the exceptions. And I think it's codifying what we already do in practice, just kind of like a housekeeping measure to bring the Code up to what we're presently doing. Beyond that, I'll defer to our Counsel, Mr. Nolan, for further explanation.

**MR. NOLAN:**

Yeah, this is particularly in relation to the resolutions we adopt when we're doing the Operating Budget, when we levy the assessments, the taxes for the towns and so forth. And we traditionally bring those on the day of the meeting and this --

**LEG. ALDEN:**

Right.

**MR. NOLAN:**

So the Charter should be changed to reflect that practice, that we're not doing those with seven days notice.

**LEG. ALDEN:**

Okay. Thanks.

**CHAIRMAN D'AMARO:**

Is there a motion pending? I believe there is.

**MS. ORTIZ:**

Yes.

**CHAIRMAN D'AMARO:**

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

Next is ***1317-09 - To improve and strengthen the consultant procurement process in Suffolk County (Presiding Officer Lindsay)***. At the request of the sponsor, I will offer a motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries, ***tabled (VOTE: 5-0-0-0)***.

***Resolution 1325-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gameron, LLC (SCTM NO. 0200-853.00-01.00-068.000) (County Executive)***. This is a 40 X 100 lot. I know there was a question raised at the last meeting whether or not this would be conducive to workforce housing through the program that I enacted, the Legislature recently enacted, and the answer is no, it's a 40 X 100 lot, not a 50 or more which is what's required under the new program. So 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, ***approved (VOTE: 5-0-0-0)***.

### **Introductory Resolutions**

Part six of the agenda, Introductory Resolutions, ***1420-09 - Requesting legislative approval of a contract award to provide Recovery Identification and Subrogation Services for the Department of Audit & Control (Presiding Officer Lindsay)***. I believe this is before us because there was only one vendor that responded, so it requires Legislative approval. I will offer a motion to approve.

**D.P.O. VILORIA-FISHER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Viloría-Fisher.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN D'AMARO:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Could somebody just give us an explanation and the cost, and identify who the vendor is?

**CHAIRMAN D'AMARO:**

Yes.

**MR. REINHEIMER:**

The name of the vendor is Second Look and it's for insurance recovery, so the County would receive 25% of the recoveries. So it's open-ended, I guess, as far as the cost of the contract.

**LEG. ALDEN:**

Well, second Look; it's an LLC?

**MR. REINHEIMER:**

That I'm not sure of.

**LEG. ALDEN:**

Second Look doesn't sound like a guy's name or a girl's name, you know. Because I like to look this up on other lists.

**MR. REINHEIMER:**

That's the name of the contract agency -- I mean, the vendor, is Second Look.

**CHAIRMAN D'AMARO:**

Lance, the services under this contract are being provided to the Department of Audit & Control. So apparently the Audit & Control Department has a need for a company to go and seek indemnification, or through segregation rights, reimbursement from third parties that were culpable under some circumstances.

**MR. REINHEIMER:**

Correct. Generally, liability cases, automobile or general liability cases that are closed, maybe some workers comp, they're going to go through closed cases and see if there's any funds that the County can recover from the payments.

**CHAIRMAN D'AMARO:**

So the County has made a payout.

**MR. REINHEIMER:**

Correct.

**CHAIRMAN D'AMARO:**

Rather than closing the book on that payout, we're hiring a firm to try and seek recovery, reimbursement to the County. And that's based on a contingency fee, I would assume.

**MR. REINHEIMER:**

Yes, the County would receive 25% of the recoveries. They're closed cases, they're going to go through the County files and see if they can find any payments that would be due to the County.

**CHAIRMAN D'AMARO:**

Okay. Legislator Alden, go ahead. I didn't mean to interrupt.

**LEG. ALDEN:**

That's okay. I'd like to see the principal's name. But I'd also like, you know, an analysis of why we're not doing that with County employees, and what the success rate has been in the past, what our costs and our recovery has been in the past.

**CHAIRMAN D'AMARO:**

Is there anyone here from Audit & Control that can speak to the resolution?

**LEG. ALDEN:**

And maybe I'm just making a guess here, but is this something new that we're starting or is this something that, you know, we have a history with?

**MR. REINHEIMER:**

I believe in the past that this has been done, but I think Audit & Control is better prepared to answer those questions. And to answer your question concerning how much staff they have dedicated to doing this on a regular basis and whether this is an enhancement or a new initiative on their part, I can't answer those questions.

**CHAIRMAN D'AMARO:**

Nor can I. I don't know the answer to those questions myself. I think Audit & Control would know the need for the consultant and the history, if there is one.

**LEG. ALDEN:**

Well, the success ratio, too. If somebody has recovered a million dollars and we got \$250,000, that would almost, in my mind, put the question out there why we're not doing it in-house, if they're using one or two people. But also, you do need to see the principal or the -- who really is involved in this company, if it's a company or a limited liability partnership. I don't mind it getting discharged, but I wouldn't vote to approve it, I'd vote to discharge it if we can get that presentation before the next --

**CHAIRMAN D'AMARO:**

I wouldn't have an issue with discharging without recommendation if there are some open questions. It sounds to me like it's seeking some revenue --

**LEG. ALDEN:**

Yeah.

**CHAIRMAN D'AMARO:**

-- and hiring a company to do that leg work for us on a contingency basis. But if there are open questions from a committee member, I'd be happy to support that. All right? So I'll offer a motion to discharge without recommendation. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Beedenbender. All in favor? Any Opposed? Abstentions? Motion carries, ***discharged without recommendation (VOTE: 5-0-0-0)***. And my office will contact Audit & Control and ask them -- or do you want to contact them directly, Cameron, or do you want them at the Legislative meeting; how do you want to go?

**LEG. ALDEN:**

I'll contact them, but there should be a report for every Legislator, you know, that covers at least

those basic questions.

**CHAIRMAN D'AMARO:**

Okay. All right, my office will contact Audit & Control and convey what's happened here today and ask them to come down to the Legislative meeting.

**LEG. ALDEN:**

Good.

**CHAIRMAN D'AMARO:**

Okay? All right, good.

1421-2009 - authorizing the -- I'm sorry, did I call the vote? All in favor?

**MS. ORTIZ:**

You did.

**CHAIRMAN D'AMARO:**

I did? Okay, thank you.

***1421-09 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Vincent Bruno and Martha Bruno, his wife and Marie Valerio, as joint tenants with right of survivorship (SCTM No. 0100-059.00-02.00-049.002) (County Executive).*** 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 (VOTE: 5-0-0-0).***

***1422-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-389.00-02.00-016.000) (County Executive).*** This is a conveyance down to the town for drainage parcels, this parcel and the parcel that's the subject of the next resolution are next to a town recharge basin. I'll offer a motion to approve. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Beedenbender. All in favor?

**LEG. ALDEN:**

Just on those two motions? The town has to pass a resolution, right?

**CHAIRMAN D'AMARO:**

They have.

**LEG. ALDEN:**

And does it mirror -- we're charging them for the property, or we're seeking reimbursement?

**CHAIRMAN D'AMARO:**

Yes, in the backup.

**LEG. ALDEN:**

Do the two resolution mirror each other? Because the town would actually have to approve the payment of whatever we're charging them for.

**CHAIRMAN D'AMARO:**

I don't know off-hand if they mirror one another, but we can certainly take a look. George, do you have any comment on that?

**MR. NOLAN:**

The resolution says 580 for the first one and 2,000 for the second, plus they filled out {contacts} adjustment.

**LEG. ALDEN:**

And what does -- the town approves paying us that money?

**MR. ZWIRN:**

We don't -- Mr. Chairman, if I might just add. We don't release the property until we get the check, and it's for back taxes. I think it's \$2,600 in these cases.

**CHAIRMAN D'AMARO:**

Which is in our resolution.

**MR. ZWIRN:**

Yes.

**LEG. ALDEN:**

But Ben, when they did their resolution, wouldn't they -- the town would have to approve the payment of the money to us. Because normally their resolutions say either for nothing or for \$10 and good and valuable consideration.

**MR. ZWIRN:**

All I can tell you that I know is that we don't release the property until we get the back taxes, I check in advance before we transfer anything

**CHAIRMAN D'AMARO:**

Well, the town resolution goes a little further than that, it says, "\$10 plus pro rata taxes at the time of closing." So I think that there's the authorization in the town resolution to make the payment.

**LEG. ALDEN:**

Good.

**CHAIRMAN D'AMARO:**

Okay?

**MS. GREENE:**

Just to be fair, Mr. Chairman, the amounts --

**CHAIRMAN D'AMARO:**

You need to come to the microphone.

**LEG. ALDEN:**

And then you have to push and hold the button.

**CHAIRMAN D'AMARO:**

You can never be clear from the seats.

**MS. GREENE:**

I'm sorry. Just to be clear for the record, Mr. Chairman, the amounts vary on those four amounts of what exactly is being paid to the County.

**CHAIRMAN D'AMARO:**

Right. Okay, thank you. Legislator Alden, okay?

**LEG. ALDEN:**

I'm good.

**CHAIRMAN D'AMARO:**

Okay, I'll call the vote. I think there's a motion pending.

All in favor? Any opposed? Abstentions? Motion carries, *approved (VOTE: 5-0-0-0).*

The companion legislation is ***1423-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-389.00-02.00-018.000) (County Executive).*** I'll offer a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries, *approved (VOTE: 5-0-0-0).*

***1425-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Smithtown (SCTM No. 0800-054.00-05.00-035.000) (County Executive).*** This, again, a conveyance to the town for recharge basin purchases. 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, *approved (VOTE: 5-0-0-0).*

***1426-09 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-185.00-06.00-025.001) (County Executive).*** I had a question on this particular resolution. Ms. Greene, if you wouldn't mind coming up for a moment?

**MS. GREENE:**

Good morning, Mr. Chairman, members of the committee. 1426?

**CHAIRMAN D'AMARO:**

1426, it doesn't -- I was a little confused as to how it's being used for highway purposes. Looking at the tax map, it seems to be a strip of property that adjoins a residential parcel.

**MS. GREENE:**

Our resolution would have the sole purpose and exclusive use only for highway purposes, and there is a reimbursement that is coming to the County for the costs. So how the County -- how the town will be utilizing it must conform with that restriction.

**CHAIRMAN D'AMARO:**

Right. Do you have any insight as to how this is playing into highway purposes? It's a parcel, it comes off of {Casey} Way is the name of the street that it fronts. And it seems to me it would be more appropriate to sell the parcel to the adjoining landowner.

**MS. GREENE:**

We do have an adopted resolution from the Town of Brookhaven from the Town Board.

**CHAIRMAN D'AMARO:**

Did the town initiate the request?

**MS. GREENE:**

I'm actually going to defer to Mr. Thompson has the background on that. Do we know if the town -- Mr. Thompson, did the town initiate the request for this in light of their resolution requesting transfer?

**MR. THOMPSON:**

Probably originally offered the --

**CHAIRMAN D'AMARO:**

Sir, please come to the microphone. Thank you.

**MR. THOMPSON:**

I'm sorry. Good morning.

**CHAIRMAN D'AMARO:**

Good morning.

**MR. THOMPSON:**

Wayne Thompson. On a regular basis, as we come across inspections of property that we find that are adjacent to town property, they're routinely asked if they wish to have them. Towns generally have the right to the property moreover than an adjacent owner.

**CHAIRMAN D'AMARO:**

I need an explanation as to how the town is going to use this property, because we can sell this in an adjoining owner sale.

**MR. THOMPSON:**

Okay. They already have an existing easement over the property, originally when they put this first development in -- as you can see, there's two developments -- as an entrance to the recharge basin in the rear.

**CHAIRMAN D'AMARO:**

Oh, okay, recharge basin. Okay, that explains it. Thank you. Okay, I'll offer a motion to approve. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender. All in favor? Any Opposed? Abstentions? Motion carries. Thank you, Ms. Greene.

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

**1427-09 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Richard DeFilippis (SCTM No. 0200-099.00-08.00-020.000) (County Executive).** This is Town of Brookhaven, it's an adjoining owner sale for \$6,000 of a 25 X 100 parcel. I believe there might be an error in this resolution, when I took a look at it. It seems like the lot being sold or identified as being sold and the successful bidder are the same lot, lot 20.

**LEG. ALDEN:**

We're selling him his own property?

**LEG. NOWICK:**

He's selling it to himself.

**CHAIRMAN D'AMARO:**

It looks that way.

**LEG. ALDEN:**

Well, that's okay.

**CHAIRMAN D'AMARO:**

No, no, but it's -- no, no.

**LEG. ALDEN:**

We'll sell him the next one.

**CHAIRMAN D'AMARO:**

The resolution identifies the lot being sold as lot 20 being sold to the adjoining owner who is also identified as lot 20.

**LEG. ALDEN:**

So when he comes back for the adjoining lot --

**CHAIRMAN D'AMARO:**

We'll just keep selling him his own property.

**LEG. ALDEN:**

We'll get him for another six grand.

**LEG. NOWICK:**

That's like buying the Brooklyn Bridge.

**LEG. ALDEN:**

We can use the money.

**CHAIRMAN D'AMARO:**

Pamela, would you like us to table that so you can look at it or pass over it?

**MS. GREENE:**

We would like to answer your question.

**CHAIRMAN D'AMARO:**

Okay. You know what? Let's pass over it, we'll finish up the agenda, we'll come back to that.

***1441-09 - Authorizing a lease for continued use of County facilities at Police Headquarters in Yaphank by New York State Division of Criminal Justice Services (County Executive).***

The New York State Division of Criminal Justice Services is the tenant in this proposed lease for their Operation Impact, it's for 240 square feet in the Police Headquarters in Yaphank. I'm going to offer a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1442-09 - Authorizing the extension of the lease of premises located at 124 Sills Road, Yaphank, NY for use by the Department of Health Services-Environmental Quality (County Executive).***

This is for a lease that expired back in October of 2008, it's for vehicle and equipment storage facility for environmental quality and this is a 10-year proposed extension in the same location and was previously recommended for approval by the Space Management Steering Committee. I'll offer a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Beedenbender.

**LEG. ALDEN:**

Just on the motion.

**CHAIRMAN D'AMARO:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

This is for us to store our equipment on this property?

**CHAIRMAN D'AMARO:**

I believe so.

**LEG. ALDEN:**

In Yaphank it just seems a little bit strange that we would rent property from someone when the County is the owner of so many acres of property there. And DPW has its main operating headquarters plus a whole bunch of ancillary buildings in that area. Maybe this is for specialized -- some kind of specialized use that I'm not aware of, but.

**CHAIRMAN D'AMARO:**

Well, I don't have much more information other than what the WHEREAS clauses are telling me on this particular renewal. But Ms. Braddish, thank you; if you could enlighten us.

**MS. BRADDISH:**

I don't know the exact use, I think they're for, like, the big giant -- I don't know whether they're sanitation or environmental. They're like big, giant dump trucks and they do need an over-sized facility. DPW doesn't have a place to house the additional heavy equipment.

**LEG. ALDEN:**

These are housed indoors?

**MS. BRADDISH:**

Yeah, it's a garage. It's a garage.

**LEG. ALDEN:**

Okay. And there was a search done, there's no County facilities anywhere that would come up to standards for these.

**MS. BRADDISH:**

Yes.

**LEG. ALDEN:**

Why do they have to house them indoors?

**MS. BRADDISH:**

You'd have to speak with DPW, I don't know.

**LEG. ALDEN:**

I'm just surprised, because just off the top of my head, I can't think of something that, you know, that we would have to -- especially now if we're talking about a garbage collection truck or something along those lines.

**MS. BRADDISH:**

It's not garbage. They're --

**LEG. ALDEN:**

No, but special environmental use.

**MS. BRADDISH:**

Yes.

**LEG. ALDEN:**

Okay. If it's a huge vehicle, it's not going to be something containing little glass, you know, vials, so.

**CHAIRMAN D'AMARO:**

What was the term of the prior lease?

**MS. BRADDISH:**

I think it was ten years as well.

**CHAIRMAN D'AMARO:**

A 10-year lease? Legislator Nowick, did you have a question?

**LEG. NOWICK:**

I don't know, maybe -- I see Department of Social Services. And I know when you lease sometimes with the Department of Social Services, it's reimbursable or -- it's not?

**MR. FREAS:**

This is Health Services.

**LEG. NOWICK:**

Well, that's not reimbursable, then; is it?

**CHAIRMAN D'AMARO:**

So they've been operating out of this location for ten years storing this equipment?

**MR. FREAS:**

Yeah. It may be reimbursable under the Public Health Law, it depends on which particular piece of Health Department is leasing the facility, so it may be reimbursable.

**LEG. NOWICK:**

Lance, do we know if it's reimbursable?

**MR. REINHEIMER:**

The lease is \$80,000 annually, so it's not an extensive amount of money in the big picture. And from my experience out in Yaphank, you know, the garages and the facilities out there for trucks are pretty much full and used to the fullest extent at this point in time. So I don't know if there's excess space for these trucks.

**LEG. NOWICK:**

But is there any reimbursement on that, do you know? Just curious.

**MR. REINHEIMER:**

We'll check and see if we can get the answer for you.

**LEG. ALDEN:**

And through the Chair, I don't mind, again, a discharge without recommendation, but I'd like to know who we're leasing the property from, and not just a corporation name, I'd like to hear the names of principals. And how many vehicles are being stored there, why they're being stored inside as opposed to outside, whether we'll get reimbursed for the lease, that's fine. And also, if there was an analysis made that these vehicles could be stored elsewhere on County property.

**CHAIRMAN D'AMARO:**

Well, I know as part of the Space -- I have no issue with discharging without recommendation. I know when we vet this at the Space Management level, we do the search and look at other sites and look for existing County facilities and try and save the cost. But the other information that you're looking for I don't have and I don't think -- do you have it?

**MS. BRADDISH:**

Not the use related ones, but I do have disclosure statements so that you can see who the principals are; we do have that on record and it should have been filed with this.

**CHAIRMAN D'AMARO:**

Right.

**LEG. ALDEN:**

And that's okay. I think that we save -- and my office does this, we don't download all the documents because there would be literally tens of thousands of pages there I'd have to throw out but, you know, I do like to keep up on who we're renting from and why. So I'll go along with a discharge but I would want that information, you know, prior to the next meeting, or it could be presented at the meeting just to see before we vote on this and we can --

**CHAIRMAN D'AMARO:**

Basia, can you convey that request to the department?

**MS. BRADDISH:**

Yes, I will.

**CHAIRMAN D'AMARO:**

Okay.

**LEG. ALDEN:**

You'll need it from DPW and from -- who else, Health Services.

**CHAIRMAN D'AMARO:**

Health Services.

**MS. BRADDISH:**

The department, the user group, yep.

**LEG. ALDEN:**

But they would go through DPW on their needs, right?

**MS. BRADDISH:**

They go through the Space Committee, yes.

**LEG. ALDEN:**

But -- okay. So Health would go to DPW and say, "We have four trucks or two trucks that we want to store inside, do you have an area that you could store these inside," and then they come to Space?

**MS. BRADDISH:**

Actually, the process, as just kind of an overview --

**CHAIRMAN D'AMARO:**

It would be an SAR.

**MS. BRADDISH:**

It's an SAR that gets submitted, it goes actually I think possibly -- either first to the Chairperson, who's Tom Laguardia, and to the county Executive's Office; the County Executive's Office vets it just to say it seems legitimate and then DPW looks. Generally, as a policy matter we do look for County space first in all instances.

**LEG. ALDEN:**

Good. Because, you know, my hope would be that everybody that was supposed to look at this looked at it, and not just the Health Department decides that they need the lease and it goes --

**CHAIRMAN D'AMARO:**

Oh, no, that's not the procedure at all.

**LEG. ALDEN:**

It goes through DPW. And I don't mean to disparage the Space Management Committee --

**CHAIRMAN D'AMARO:**

No, you're not disparaging, but the procedure is all of these requests, the SAR itself comes to the Space Management Committee as well.

**LEG. ALDEN:**

Good. But my next statement might disparage it a little bit, because in Bay Shore we've been waiting for a health center to replace the Health Center that got closed because of poor air quality, and that's going back almost ten years now and we have not been successful in finding space to replace that former facility. And that lies, that responsibility for that lies squarely on the shoulders of the people in Space Management. That's a resolution that was passed by this body that was

never rescinded. And I don't care what we're doing now, looking at different areas for, you know, a mega health center, that resolution is still alive.

**CHAIRMAN D'AMARO:**

All right. Legislator Alden, we're talking here about the Department of Health and a storage facility for vehicles and --

**LEG. ALDEN:**

No, we're talking about \$80,000 that is paid by the people of the County of Suffolk in their taxes --

**CHAIRMAN D'AMARO:**

Right.

**LEG. ALDEN:**

-- and I want to make sure that we have full disclosure.

**CHAIRMAN D'AMARO:**

No, I agree. I'm just saying, we're not debating the Bay Shore Health Center, that's all I was saying.

**LEG. ALDEN:**

Well, and I realize that, and it's good that you pointed it out. But I'm just pointing out that through Space Management, this Legislator and my 10th Legislative District is not all that happy with the quality of services that I'm getting out of Space Management, because that's still a piece of legislation that was passed by this body --

**CHAIRMAN D'AMARO:**

I would invite you to come to the committee meetings and voice your dissatisfaction with the committee.

**LEG. ALDEN:**

To Space Management?

**CHAIRMAN D'AMARO:**

Yeah, and I'd be happy to address it.

**LEG. ALDEN:**

Well, actually, I served on it when we were looking for it at first and I'm very frustrated in the lack --

**CHAIRMAN D'AMARO:**

I don't know that that's before that committee now.

**LEG. ALDEN:**

-- of success.

**MS. BRADDISH:**

The RFP process is proceeding.

**CHAIRMAN D'AMARO:**

The RFP process. The committee is not -- it's pending, but we're waiting for the RFP process.

**MS. BRADDISH:**

Correct.

**CHAIRMAN D'AMARO:**

Right.

**LEG. ALDEN:**

A point of clarification; you're waiting for an RFP for what?

**MS. BRADDISH:**

An RF --

**CHAIRMAN D'AMARO:**

You know what? I'm not going to cut this off because we're not going to get into that now, and we're going to finish with this resolution. And if you guys want to have that conversation, that's fine.

**LEG. ALDEN:**

Well, before this committee ends, then, I'm going to ask the Chairman, I want to go on the record and I want to find out what's going on with that. But I'd be more than happy to go through this.

**CHAIRMAN D'AMARO:**

Well, the committee doesn't have time for that because we have executive session, but I'll be happy to put it on the agenda for the next one, if that's what you'd like to do, because that's not on our agenda today.

**LEG. ALDEN:**

Well, we're talking about Space Management, it should be talked about.

**CHAIRMAN D'AMARO:**

All right. Well, I don't --

**LEG. ALDEN:**

You want to cut off this debate? That's fine.

**CHAIRMAN D'AMARO:**

I don't disagree that it shouldn't be talked about. I'm just saying, it's not our agenda today and I'm trying to get through it, that's all.

**LEG. ALDEN:**

It's within your power to cut off this discussion, so fine, go ahead.

**CHAIRMAN D'AMARO:**

It's not -- okay. All right, thank you, I will.

All right, so where were we? 1442-2009, is there a motion pending?

**MS. ORTIZ:**

There is.

**CHAIRMAN D'AMARO:**

All right, I'll call the vote. All in favor?

**LEG. BEEDENBENDER:**

Wait, wait, what motion?

**LEG. ALDEN:**

Which motion is pending?

**D.P.O. VILORIA-FISHER:**

I think it's discharge without recommendation, isn't it?

**MS. ORTIZ:**

Approve.

**CHAIRMAN D'AMARO:**

Oh, I apologize. All right, I'll offer a motion to discharge without recommendation.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Beedenbender. All in favor?

**LEG. ALDEN:**

I'm opposed at this point.

**CHAIRMAN D'AMARO:**

Any opposed?

**LEG. ALDEN:**

For lack of disclosure, I'm opposed, then, to discharging this.

**CHAIRMAN D'AMARO:**

Okay, so one in opposition.

**LEG. NOWICK:**

Two.

**CHAIRMAN D'AMARO:**

Two opposed. The resolution carries, ***discharged without recommendation (VOTE: 3-2-0-0 Opposed: Legislators Alden & Nowick)***.

Next is the final resolution, ***1451-09 - Authorizing certain technical correction to Adopted Resolution No. 87-2009 (County Executive)***. I'll offer a motion to approve and place on the Consent Calendar. Is there a second.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries, ***approved and placed on Consent Calendar (VOTE: 5-0-0-0)***.

We have to go back to one that we skipped over.

**MS. GREENE:**

Good morning again, Mr. Chairman. Thank you so much for your careful review of the division's submitted resolutions, we appreciate that fine attention to detail. The resolution as submitted is correct, it does correctly identify the parcel that is to be transferred. Mr. DeFilippis is identified in the resolution, his Tax Map Number that was provided for you in the follow-up background information should have been lot 21.

**CHAIRMAN D'AMARO:**

Okay.

**MS. GREENE:**

He is an adjacent owner, but your resolution is correct.

**CHAIRMAN D'AMARO:**

The resolution is fine, it was just the backup that misidentified.

**MS. GREENE:**

Yes.

**CHAIRMAN D'AMARO:**

Okay. That was Resolution No --

**MS. GREENE:**

1427.

**CHAIRMAN D'AMARO:**

-- 1427-09, the resolution is accurate. I'll offer a motion to approve. Is there a second?

**LEG. NOWICK:**

Second.

**LEG. BEEDENBENDER:**

Yeah, second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Nowick. All in favor? Any opposed? Abstentions? That motion carries, ***approved (VOTE: 5-0-0-0).***

**MS. GREENE:**

Thank you.

**CHAIRMAN D'AMARO:**

Thank you.

There is an Executive Session. I'll offer a motion to go into Executive Session for the purpose of discussion --

**D.P.O. VILORIA-FISHER:**

Second.

**CHAIRMAN D'AMARO:**

-- of a potential settlement of litigation. Seconded by Legislator Viloría-Fisher. All in favor? Any opposed? Abstentions?

**LEG. ALDEN:**

I'm opposed because we didn't finish the discussion that was on the Space Management, and we do have time to do it. So I'm opposed to going into Executive Session.

**CHAIRMAN D'AMARO:**

All right, one in opposition to Executive Session. The motion carries. We are adjourning into Executive Session. We will come back on the record when Executive Session is completed. Thank you.

***(\*The meeting was moved into Executive Session at 11:17 AM\*)***

**CHAIRMAN D'AMARO:**

Okay, back on the record. The committee met in Executive Session and considered the case of Madeline {Zeto} against the County of Suffolk, and that's it, right? Motion to adjourn. Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. That's it. Thank you.

***(\*The meeting was adjourned at 11:28 AM\*)***

***{ } - Denotes Spelled Phonetically***