

**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, November 16, 2009.

**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  
Dot Kerrigan - AME  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 2:12 P.M.\*)

**CHAIRMAN D'AMARO:**

Okay, ladies and gentlemen, good afternoon and welcome the to Ways and Means Committee of the Suffolk County Legislature. I ask everyone to please rise and join the committee in the Pledge of Allegiance led by Legislator Nowick. Thank you.

**SALUTATION**

Please remain standing also for a moment of silence in honor of Keith Romaine who passed away just recently. A tragic loss for all of us. And our thoughts and prayers go out to the Romaine family.

**MOMENT OF SILENCE**

**CHAIRMAN D'AMARO:**

Thank you. Okay. Once again, welcome to the Ways and Means Committee. There will be, for the committee's information, an Executive Session immediately following the regular agenda. And we're going to first turn to the public portion of the agenda. To the Clerk, are there any cards that have been submitted?

**MS. LOMORIELLO:**

No.

**CHAIRMAN D'AMARO:**

Is there anyone here who would like to address the Ways and Means Committee this afternoon? For the record, there's no response. We'll turn to our agenda and I'll call the first resolution, which is IR **1574-2009, Directing town tax receivers to include a statement on interest and penalty calculations on tax bills. (Alden)**

I'll offer a motion to table, seconded by Legislator Beedenbender.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN D'AMARO:**

On the motion. I'm sorry. Legislator Alden.

**LEG. ALDEN:**

Why would we want to table a piece of legislation that's just going to add to the education of our -- of our -- of the people that live in Suffolk County, our constituents?

**CHAIRMAN D'AMARO:**

My recollection is that Ester Bivona had come before the committee previously and advised us that this information was already on the tax bill.

**LEG. ALDEN:**

Actually, it might be in some instances, but it might not be other instances. And I don't know about your office, but twice a year -- actually, it's once a year, it's the second half, when that payment is due, I'll probably get over 100 either people stopping in or phone calls or e-mails about why and how unfair it is that they have to pay penalties and interest going back to first day that their tax was due. If there was some kind of statement like this, then that would eliminate a lot of our problems, it would educate the people that are our constituents, and it would eliminate problems for them so that they don't have to pay that extra three, four, five, six, \$700 worth of taxes because they didn't realize that it was just a -- actually, it was a privilege, not a right, to be able to pay it in two

payments in the first place. So if that's what you want to do, kill it, that's fine. Kill it.

**CHAIRMAN D'AMARO:**

Legislator Nowick, go ahead.

**LEG. NOWICK:**

I think I remember Lynne -- Lynne Bizzarro testifying when we had this tax bill that, in fact, every town already does have this information. You know, I don't know of another town, but is what the testimony we had was, that every town already has it. And I think that's why we were probably looking to table it. But, Legislator Alden, maybe you know differently.

**LEG. ALDEN:**

Actually, I think her testimony was she wanted to see it changed just a little bit, because -- and George actually made the change -- so she said there's something similar to this statement on the tax bill, but it's not real, real clear. And if it was real clear, my office for the past 12 years, wouldn't have gotten over a thousand calls a hundred at a time, a hundred or more each year if it was real clear. So I just -- I just don't understand why we wouldn't want to educate or put something on it. But again, I have one vote on the committee.

**CHAIRMAN D'AMARO:**

Legislator Nowick.

**LEG. NOWICK:**

You know, if you want to make -- I happen to have all my tax bills in the car, because for some reason, I don't know why, I accumulate them and hold them, maybe just so I can cry once in a while. I could get them if you want me to read them to you. But whatever you guys want to do, you tell me.

**CHAIRMAN D'AMARO:**

Well, again, my -- we did talk about this. And, Legislator Alden, you're right, initially when we talked about this bill, we were even drafting the changed language here at the committee. And I recall doing that myself. But the subsequent testimony after that was that this information is already contained on the tax bill and there was a question whether there was room to put an additional statement when that statement was already there. And I think I recall reading the tax bill and seeing it there myself.

**LEG. ALDEN:**

And actually, I'll turn to Legislative Counsel. If it's already on the bill, then they don't have to put additional language on the bill. If it's unclear what they have on the bill now, then they would have to actually conform to something that actually informs the people instead of confuses people.

**MR. NOLAN:**

I would agree that if it's already on the tax bill, they don't have to put it twice. What they have would suffice.

**LEG. ALDEN:**

So this is a suggestion for use of clarifying language. If they choose to use it, that's fine. If they feel they've already clarified it, that's fine too. But judging by the number of disgruntled people that actually show up at the County Treasurer's Office every year, because once you get to this point, a town won't accept your late payment, they actually direct you to go out to the Treasurer's Office. So judging by the number of disgruntles that go out there, I would say that there's a need for something that would be clarifying.

**CHAIRMAN D'AMARO:**

Well, there's a motion pending that has received a second. Again, Legislator Alden, I'm all for the disclosure and I was fully on board with doing that until I read bill and saw it there myself. So I'm

going to the vote. All in favor? Opposed?

**LEG. ALDEN:**

I'm opposed. Are you kidding me? To not informing people? That's a great way to do business here.

**CHAIRMAN D'AMARO:**

Okay. One's opposed. And the resolution is approved -- tabled rather. **TABLED (VOTE: 4-1-0-0 - Opposed; Legis. Alden).**

**1636, Adopting Local Law No. -2009, A Charter Law to transfer print shop from County Department of Public Works to County Department of Human Resources, Personnel and Civil Service. (Alden)**

I'll offer a motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Beedenbender.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN D'AMARO:**

On the motion, Legislator Alden, please.

**CHAIRMAN D'AMARO:**

What would be the purpose of tabling this?

**LEG. BEEDENBENDER:**

We had testimony from the Director of Civil Service that he didn't want it and he didn't think it was an appropriate way to manage it, to move it over to his office.

**LEG. ALDEN:**

So did he testify that for over ten years he did manage it that way?

**LEG. BEEDENBENDER:**

He did. He spoke about that and then he spoke about how his office runs and the way he has his division managers. And he said from his opinion, he thinks it is more appropriately (sic) where it is right now. It's more appropriate where it is right now.

**LEG. ALDEN:**

Well, then maybe I'll reach out to my fellow Legislators and you can give me a little bit of advise or a little bit of guidance on how to prevent the abuse that occurred time after time after time this year. And I'm going to say it was an abuse of power that occurred in this print shop that actually directly affected me, but it directly affected more than one other Legislator. So how do you get beyond that and bring it to something where it's going to be run in an honest transparent manner? You have any suggestions then?

**LEG. BEEDENBENDER:**

Well, the specific situation that you are speaking of, I know what you are talking about. But I don't think moving it -- you can move it all over the place, I don't think that prevents what you're concerned about. I think there would be other remedies to do that, whether it's -- whether it's a specific preclusion from anybody editing, tampering or anything like that, that would certainly be a

different way to go. But I don't think moving it from one department to another regardless of who heads it head -- because, yes, the head of Civil Service is termed, but they're still appointed by the County Executive and the Legislature. So I don't see how this resolves that. I think that's an issue that certainly deserves, you know, clarification and resolution, but not- - I don't think this does that.

**LEG. ALDEN:**

The current situation allows someone in the administration to call up after they've threatened Legislators and they've told them to include language or do this or do that, and it allowed them to order a valid legislative document to not be printed. And then when it was printed, there was an order that was issued to hold it and not do what is lawful, and that was to actually send it to the mailroom so it could be distributed as everyone else's legislative documents were handled. So the current situation allowed a major abuse of power. So how do we get around that?

**LEG. BEEDENBENDER:**

What I'm suggesting -- I'm not suggesting that the situation you're describing was correct, and I'm not going to defend somebody else's actions, because I don't know what happened. I'm just saying that I don't think moving this to another department eliminates the possibility of that happening. I don't really have other suggestions for you other than, you know, you want some other protection or some other resolution that could address it -- I mean, listen, Cameron, you and I are in the same boat, we're both leaving here. But I don't think this solves a problem and prevents our future colleagues from having this problem. And I don't have -- I'm not defending anybody.

**LEG. ALDEN:**

Brian, I'm glad you point that out, because I didn't put this in to remedy something for me, because as you pointed out, in another month and a couple of weeks, I don't have to come back and take that kind of crap and that kind of abuse and witness firsthand that kind of an absolute abuse of power. I don't have to do that. This was for the rest of my colleagues. And if the rest of my colleagues don't want to even help me help them, you know, what? That's a statement in itself, isn't it? "We don't mind abuse. Maybe it wasn't me, maybe it was you. So, God bless. You get the abuse, Cameron, and we'll just sit and we'll hope that it doesn't happen to us." Well, guess what? That type of stifling -- and it's a First Amendment right and it was a right that was established here by resolution and by -- actually, by our Charter, that we have a right to communicate with our constituents. And that right was blocked in more than one occasion. I'll leave you with that problem then. Go ahead, table this. Kill it. Do whatever you want. I'll vote against tabling. I'll vote against killing it. But you guys, not you and I, but the rest of the Legislative body, deal with it then. If you like that kind of abuse, God bless you. I don't. I'm going to speak up. I don't tolerate it.

**LEG. BEEDENBENDER:**

Just to be clear. I'm not suggesting that as Legislators we should -- or as a body that it should take abuse. But what I'm suggesting is that the remedy to solve that is not to transfer something into a department under somebody who has said that he doesn't believe he could as effectively manage it as the department it's currently in. That's all.

**LEG. ALDEN:**

Never communicated that to me.

**LEG. VILORIA-FISHER:**

Lou.

**CHAIRMAN D'AMARO:**

Yes. Legislator Viloria-Fisher. Just for the record, Alan Schneider was before the committee and did communicate that to all of us. And I recall his testimony speaking to the fact that he was opposed to the transfer, and he set forth the reasons on the record.

**LEG. ALDEN:**

I wasn't here. I never heard that testimony. He never contact me outside the confines of this committee or any other way, shape or form.

**CHAIRMAN D'AMARO:**

All right. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Actually, Cameron, you weren't here. Mr. Schneider came to speak about it. In fact, I agree with your outrage, but when Alan came and spoke before us -- by the way, I put on the record the reason why you -- Legislator Nowick has asked why we were deliberating on this. Lynne, you remember? And I talked about your outrage regarding this issue, which I think is very appropriate. But Mr. Schneider said that the man who was handling that shop, Paul Greenberg, was really a person who was able to juggle both positions as deputy -- his deputy and working with the civil service issues and working with the print shop because he had been here so long and knew how to work the print shop. He doesn't have that position any more in his department. And he said it would be very, very difficult for them to handle that, and that's why I had agreed to table it. And I have two more years where I'll be looking to make sure that's not happening to me. And we do have to find another way to deal with it, because it is an outrage to have anyone tamper -- and my understanding at that meeting was that your newsletter actually did wind up going out and hadn't been changed or had it? What was the ultimate outcome.

**LEG. ALDEN:**

I was basically dictated to that I was supposed to change language in some of my reports. And I don't tolerate that, and I didn't. So, therefore, I was told, "Well, your newsletter hasn't been printed." And then when I was told that it had been printed, I was told that it was put in a back room and would not be distributed because it contained something that was not approved by another coequal branch of government.

**LEG. VILORIA-FISHER:**

But it was eventually mailed out, wasn't it?

**LEG. ALDEN:**

Well, actually, it's interesting that you note that. The other branch, the coequal branch of government, chose to send their own newsletter into my district first, and then allowed magnanimously -- then they allowed my newsletter to be mailed out, after their newsletter went into my district which is a bizarre happening anyway and a total waste of taxpayers dollars. But again, that's kind of -- you pretty much have the chronology of it.

**LEG. VILORIA-FISHER:**

Okay. I just wanted to make sure that it eventually was mailed out. But I agree with Legislator Beedenbender that we have to find another way to address this, because we can't put it in a department that is saying they can't handle it. You know, I'm just worried that everybody's will be delayed and nobody's newsletters will get out in a timely manner if the department is saying that he can't handle it. And as you know, staffing levels are low everywhere. So I just wonder -- but we have to keep a very close eye on that because we are a coequal branch of government, and we have to all be outraged when that happens to a colleague.

**LEG. ALDEN:**

Whatever the pleasure is.

**CHAIRMAN D'AMARO:**

Was there a motion?

**MS. LOMORIELLO:**

A motion and a second.

**CHAIRMAN D'AMARO:**

And it received a second. I'll call the vote. The motion was to table. I'll call the vote. All in favor? Opposed?

**LEG. NOWICK:**

Opposed.

**LEG. ALDEN:**

Opposed.

**CHAIRMAN D'AMARO:**

Two opposed. Motion carries. Resolution is **TABLED (VOTE: 3-2-0-0 - Opposed; Legis. Nowick and Alden)**.

**1776, Adopting Local Law No. -2009, A Charter Law updating the Suffolk County Charter as recommended by the Charter Review Commission. (Pres. Off.)**

This IR makes a series of change as an outgrowth of the work of the Charter Review Commission. I'm going to ask Counsel just to give us a very brief synopsis or summary of what the changes might be.

**MR. NOLAN:**

As you know, Mr. Chairman, these are all suggestions from the Chart Review Commission. They can be summarized as follows. It repeals a series of provisions that required the adoption of an official map by the County of Suffolk. That was supposed to be done by December 31st, 2006. Prior to that date, the Department of Planning came in and said it really did not make sense to adopt an official map. We never did, and this law would repeal those divisions.

It repeals a series of sections that are in the Chart relating to the 1990 budget and an additional provision relating strictly to the 1992 budget. So obviously outdated and irrelevant, it would be stripped out of the Charter. It repeals a provision creating a taxpayers trust fund of 1989. It also repeals several Charter sections having to do with Open Space Program that have lapsed; Community Greenways and Save Open Space, both which expired back in -- one in '05 and one in '07, repeals an old section in the Charter relating to public access to public records, which has been superceded by the State Information Law.

It repeals a section of the Charter having to do with a linked deposit program that was a local law that was passed in 1997. Our research indicates the program was never -- was never really created, and the terms of the law laid out that that provision of the law -- that Charter section would lapse in 2002. So it would repeal that. And lastly, it repeals Article 41 of the Charter, the Campaign Finance Law, enacted a number of years ago, never implemented successfully. So all of those provisions would be removed from the Charter.

**CHAIRMAN D'AMARO:**

Legislator Viloría-Fisher, please go ahead.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. George, I'm concerned about one piece of this. I know that we have -- there had been some changes made to it, but I'm concerned about the public financing of election campaigns. As I recall, that -- we have that in the Charter as a result of a referendum. And as was argued regarding other pieces of this that had been -- that have now been excluded from the resolution, we -- there's the legislative equivalency argument that has come up regarding a law that in the Charter as the result of a referendum and then overturning that -- that portion of the Charter with a Legislative resolution rather than another referendum. So I'm concerned about keeping that public financing of election campaigns in this resolution. I'm opposed to that.

**MR. NOLAN:**

Well, I would just state this is a discussion we've been having over the last couple of years; can we by the enactment of a local or Charter Law change a provisional law that was initially enacted subject to a voter referendum. And I've been stating since I got here that the Legislature has the power to do that. Even though a law may have been enacted subject to a voter referendum initially, the Legislature had the authority in most cases to repeal or modify that law by a vote without another voter referendum. I believe the County Attorney's Office has come around to my opinion that we can do that. And on three or four occasions this year, we have actually modified sections of the Charter that were initially implemented with a voter referendum, we did it without having another referendum.

I'm trying to think. I think I wrote a memorandum on that. I'll get back to you on the specifics, but we have done that on several occasions this year. One was with the Cohalan Court Complex, the fact that we authorized that without an offset. We did that without a voter referendum. Legally, do this. This is a program that has never been implemented. It's been on the books for eight or ten years, goes on for 30 or 40 pages in our Charter. You know, to make -- to put it on the ballot to ask voters to repeal a program that just is defunct, I don't know that that makes a tremendous amount of sense. But legally, there's no question we can do this.

**CHAIRMAN D'AMARO:**

Legislator Nowick.

**LEG. NOWICK:**

George, just a quick question. If we did not change the Charter and we had to leave that in, would that mean that we would have to legally go back to sending out those notices in the tax bills again since it would be still in the Charter, if we couldn't overturn it or we couldn't repeal it?

**MR. NOLAN:**

Well, this Law has a lot of requirements that have just fallen by the wayside, that have just proved to be unworkable or didn't have the support here to do it any longer. I guess technically we have a requirement that we put an envelope in the tax bills --

**LEG. NOWICK:**

It was actually my resolution to repeal it, Legislative resolution. But I'm wondering if we have this Charter and it stayed in the Charter -- why do we have the Charter if we don't have to go along with it? In other words, if it stays in here --

**MR. NOLAN:**

Well, that's the argument. We have it, we're not doing it. That's probably the argument for getting rid of it. And the Charter Review Commission agreed that this is something that really doesn't belong in the charter any longer because it has no meaning or relevance. It sits there and it's meaningless.

**CHAIRMAN D'AMARO:**

Yes, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

George, I was thinking that if we wanted at some time to act upon this, it's in the Charter, so we could. It would give us the ability to do something. I don't want to give up on campaign financing completely.

**CHAIRMAN D'AMARO:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Yeah. I agree with Legislator Viloría-Fisher. I don't want to give up on campaign financing cause I

think, you know, if we could find a way to square that circle, we could solve a lot of the other problems in politics at the same time. But with this particular program, for those people in the audience that are wondering what we're talking about -- there was -- we passed a law and there was an opportunity for people to contribute to a public financing of campaigns. The problem was that we never raised enough money, so nobody could ever take advantage of it. And if they did, they wouldn't have enough money to really compete. So the system in the end didn't work because there was -- was it a check box or a dollar. It was voluntary.

So what happened -- you know, as a citizen, you get your tax bill and you decided whether you voluntarily want to give some money to a pot that would help politicians run for office. And that didn't really work out too well. As people were paying their taxes, they didn't really feel in a giving nature to politicians. So I think we have to square the circle with the public financing, but this particular program I think ends up costing us. I think we raised such a miniscule amount of funds. I remember Legislator Cooper and Legislator Vilorio-Fisher, you stood with County Executive Levy a couple of years ago when he had a proposal for this. And the problem was at the time under your program there just wasn't a lot of money there.

**CHAIRMAN D'AMARO:**

I'm going to recognize the Presiding Officer first and then Legislator Nowick.

**P.O. LINDSAY:**

First of all, this is one of a number of generic resolutions or recommendations that came down from the Charter Commission, which I committed that every one of much them would be in the resolution and would come before the body, so that's why it has my name on it. Having said that, I was here when the Campaign finance Board was in action and went through this whole dysfunctional process. Not only didn't we raise enough money to help fund campaigns, we didn't raise enough money to pay the Campaign Finance Board.

So it wound up costing the taxpayers money for this system that didn't work. And it fell apart. It really fell apart of its own -- I mean, there were a number of problems with it; there was some personality problems, there was a problem that the role of the Campaign Finance Board, what the director took it to mean and what the original intent was skewed a little bit. And, you know, the whole -- the whole other big gorilla in the room when you talk about campaign finance is soft money. The system never addressed the soft money issue. And in a real sense it made candidates much more beholden to political parties instead of independent forces, which, you know, a lot of us believe that that's an important factor in our democratic system.

**CHAIRMAN D'AMARO:**

Okay. Well, better to have tried and failed than to never have tried at all. But it sounds like someone needs to go back to the drawing board, and I suspect we will. Legislator Nowick, go ahead please.

**LEG. NOWICK:**

Just quickly. Just to tell you, a part of the cost of it, which people don't even realize is that when you had to include that small envelope in the tax bill which you thought was nothing, when a Receiver puts the tax bills in the envelope with the return envelopes, she goes or he goes to the post office to weigh it. And it has to stay beneath a certain amount in order to keep the postage at a certain rate. That little envelope, believe it or not cranked it up and cost the towns many extra dollars. But just so you know, Legislator Beedenbender, don't say we didn't get anything, because at the time, County Treasurer Cochrane was the Treasurer, and he said, "We got a lot of things in those envelopes," but none of them he could mention.

**CHAIRMAN D'AMARO:**

Okay. To the Clerk, is there a motion pending on this?

**MS. LOMORIELLO:**

No motion.

**CHAIRMAN D'AMARO:**

No motion. I will offer a motion to approve, seconded by Legislator Beedenbender. I'll call the vote. All in favor? Opposed?

**LEG. VILORIA-FISHER:**

Opposed.

**CHAIRMAN D'AMARO:**

One opposed. Abstentions? Motion carries. The resolution is **APPROVED (VOTE: 4-1-0-0 - Opposed; Legis. Viloría-Fisher)**.

**1778, Adopting Local Law No. -2009, A Local Law implementing the Charter Revision Commission's recommendation regarding the terms of the Presiding Officer and Deputy Presiding Officer. (Pres. Off.)**

I believe there is some revisions that are pending. I'll offer a motion to table.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

On the resolution.

**CHAIRMAN D'AMARO:**

Yes, please.

**P.O. LINDSAY:**

Again, these are a bunch of recommendations that came down from the Charter Commission. They've been all lumped together in one bill. And I, you know, understand that there's some reluctance by some of my colleagues to go through -- go with the all-or-nothing type of thing. So there's going to be a new bill that's striking out -- removing one part of it and leave in the original bill. So I don't have a problem with tabling it. Whatever.

**CHAIRMAN D'AMARO:**

Okay. Very good. Thank you, Mr. Presiding Officer. There's a motion to table, it has received a second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:5-0-0-0)**

**1793, Adopting Local Law No. -2009, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)**

Requires a public hearing. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries **TABLED (VOTE:5-0-0-0)**.

**LEG. ALDEN:**

Mr. Chairman.

**CHAIRMAN D'AMARO:**

Is this a new one, because he had one pending for a while.

**CHAIRMAN D'AMARO:**

I believe the public hearing is recessed.

**LEG. ALDEN:**

On the old one.

**CHAIRMAN D'AMARO:**

On this one.

**LEG. BEEDENBENDER:**

The old one expired and he refilled it.

**LEG. ALDEN:**

Okay.

**CHAIRMAN D'AMARO:**

**Resolution 1861, Authorizing the granting of permanent easements to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply and ancillary facilities on certain parcels acquired by the County of Suffolk under the Old Drinking Water Protection Program. (Co. Exec.)**

This had been previously tabled at the request of the administration. But I'm going to today offer a motion to approve, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? Motion carries **APPROVED (VOTE:5-0-0-0)**.

Next section on the agenda, Introductory Resolutions. Just note for the record that 1875-2009 has been withdrawn.

**1879, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Northport-East Northport Union Free School District) (SCTM No. 0400-115.00-02.00-095.000). (Co. Exec.)**

This is a parcel being conveyed down to the school district for a pedestrian walkway. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**

**1880, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Incorporated Village of Northaven (SCTM Nos. 0901-002.00-04.00-109.00 and 111.000). (Co. Exec.)**

This is a conveyance down to the village for a recharge basin at a cost of \$48,236. I'll offer motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

**LEG. ALDEN:**

I just have a comment on that.

**CHAIRMAN D'AMARO:**

Legislator Alden.

**LEG. ALDEN:**

All along, and when I say all along, throughout the entire time that the County has owned this property, we've actually reimbursed and made whole anybody that was below us. So part of this 48,000 actually went to the Incorporated Village of Northaven to make them whole where they didn't receive the taxes. So I don't know is that's something that we want to look at today, but that might be something that -- you know, where they've received monetary benefit, we might at least ask for them to make us whole for what they've received as a monetary benefit. But again, that's a lot of money, \$48,000.

**CHAIRMAN D'AMARO:**

Thank you.

**1881, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Raymond Wolf (SCTM No. 0200-461.00-04.00-025.002). (Co. Exec.)**

This is property located in Town of Brookhaven. Sold to an adjoining owner for \$2200. It's a 20 by a 140. I'll offer a motion to approve, seconded by Legislator Beedenbender. All those in favor? Opposed? Motion carries **APPROVED (VOTE:5-0-0-0)**.

For the record, 1882-2009 has been withdrawn.

**1883, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Leonard S. Picariello, as Trustee of the Rose M. Picariello Irrevocable Trust (SCTM No. 0600-092.00-03.00-031.000). (Co. Exec.)**

This is a Local Law 16, a redemption as a matter of right. Motion to approve and placed on the Consent Calender, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries **APPROVED** and placed on the **Consent Calendar (VOTE: 5-0-0-0)**.

**1884. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-981.90-02.00-034.000). (Co. Exec.)**

Again, a 40 by 125 parcel conveyed to the town for \$3000 for highway purposes. I'll offer a motion to approve.

**LEG. ALDEN:**

Conveyed for a dollar, right?

**CHAIRMAN D'AMARO:**

What's that?

**LEG. ALDEN:**

This conveyed for a dollar?

**CHAIRMAN D'AMARO:**

Three thousand is what I read in the resolution, I believe.

**LEG. ALDEN:**

For the record, are we getting 3000 from Brookhaven or are we getting a dollar, which they won't pay us the dollar either though?

**MR. LIPP:**

Three thousand-forty three dollars and twenty one cents.

**MS. GREENE:**

Good afternoon, members of the committee, the division always looks to recoup the County investment. Unfortunately, when --

**MS. CATALANO:**

Can you please state your name?

**MS. GREENE:**

Pamela Greene, Division of Real Estate. Unfortunately, when we are not -- when our offer is not accepted, as it was in the Village of North Haven, we are looking at it as stopping the bleeding for the County and transferring the property. In this instance, the Town of Brookhaven has accepted the offer and will be reimbursing the County.

**LEG. ALDEN:**

Through the Chair.

**CHAIRMAN D'AMARO:**

Yes, please. Go ahead, Legislator Alden.

**LEG. ALDEN:**

So is our payment to make them whole, is that voluntary on our part or is that mandated by Real Property Law of New York State.

**MS. GREENE:**

I can assure you, if there was anything voluntary about it, we would be declining. No, it is mandatory.

**LEG. ALDEN:**

Pam, if you could give me the section of law that requires us to make them whole. No, not now. I'm not talking about now.

**LEG. VILORIA-FISHER:**

Since you're reading from the resolution, I was following along, and it says -- it says the amount plus pro rata taxes. So then it would be in excess of this amount then, right?

**MS. GREENE:**

As of the date of closing, the division adjusts all costs of that date. And that is something new within the past year, that now we are looking to recoup as of the date of closing any future costs. So we transfer it and all future costs and liabilities transfer to the municipality.

**LEG. VILORIA-FISHER:**

Good.

**CHAIRMAN D'AMARO:**

Okay. Director Greene, just hold on. Legislator Nowick, you had a question also.

**LEG. NOWICK:**

Pam, I just want to ask you a question with something like this. It says -- the County investment, the \$3043, that's what the town of Brookhaven is going to pay the County?

**MS. GREENE:**

Correct.

**LEG. NOWICK:**

What does that represent? Is that back taxes, what this a foreclosure of some sort where somebody didn't pay their taxes? What does the 3000 represent?

**MS. GREENE:**

The amount of revenue that the County has expended since the date the tax lien or deed was taken. Often these are very small pieces of property that have been not included in adjacent properties, and they have been assigned Tax Map Number, therefore, they've been assigned a Tax Map bill. That tax map bill has not been paid and the deed has been reverted to the County. The County is --

**LEG. NOWICK:**

So just for the future, what it is -- what the town -- what the municipality, Town of Brookhaven in this case, is paying would be, no matter what the amount, would be the back taxes that the County never collected, not the value of the property?

**MS. GREENE:**

No. It's the amount the County has been paying since it took the tax deed to all the different municipalities.

**LEG. NOWICK:**

Does the value of the property come into play at all?

**MS. GREENE:**

Only in a direct sale, not in a 72-H.

**LEG. NOWICK:**

Okay. Thank you.

**CHAIRMAN D'AMARO:**

Yeah, because we're transferring from one level to another. It's not necessarily about the appraised value for municipal purposes. Okay. Did we call the vote on that?

**MS. LOMORIELLO:**

You need a second.

**LEG. VILORIA-FISHER:**

Okay. Seconded by Viloría-Fisher. All in favor? Opposed? Abstentions? Motion carries.

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

**1885, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jesus and Samaria Maldonado (SCTM No. 0200-976.00-02.00-032.000). (Co. Exec.)**

This is a parcel located in Brookhaven, 25 by 55 for 5100, sold to an adjoining owner. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

**1886, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jack Seferian (SCTM No. 0200-183.00-03.00-016.000). (Co. Exec.)**

This is a 65 by 100 located in Brookhaven sold to an adjoining owner for \$6500. Was there a motion.

**LEG. VILORIA-FISHER:**

I'll make the motion.

**CHAIRMAN D'AMARO:**

Motion by Legislator Viloría-Fisher, I'll second. And I just -- I had a question on this, Ms. Greene. Just very quickly again, 65 by 100, was this a parcel that was unsuccessfully auctioned --

**LEG. VILORIA-FISHER:**

I asked about this, Mr. Chair, and it's on a paper street. If you look at that cul-de-sac, there's no actual street fronting it, right, Pam?

**MS. GREENE:**

It does not front an improved road frontage. And we try for direct sale first before going to auction. If that's successful, we're then able to transfer the property quicker.

**CHAIRMAN D'AMARO:**

You mean when it doesn't front on an open street.

**MS. GREENE:**

Yes.

**CHAIRMAN D'AMARO:**

Okay. All right. That's fine. There's a motion, it has received a second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**

**1887, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Lenora V. Davis (SCTM No. 0100-014.00-01.00-018.000). (Co. Exec.)**

Property located in Babylon, 25 by 100, sold, again, to an adjoining owner for \$1600. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

**1888, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Arnold and Debra Arnold, his wife (SCTM No. 0100-201.00-01.00-055.002). (Co. Exec.)**

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

**1889, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Paul Hankins (SCTM No. 0200-486.00-04.00-025.000). (Co. Exec.)**

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

**1890, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Silder Martinez and Ilmar Guardado, as tenants in common (SCTM No. 0100-144.00-02.00-093.000). (Co. Exec.)**

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

**1891, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Thelma Payton, as surviving tenant by the entirety, a/k/a Thelma S. Payton a/k/a Thelma L. Payton, by Robert Payton, as Administrator (SCTM No. 0100-174.00-03.00-059.000). (Co. Exec.)**

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

**1892, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mark Borstelmann (SCTM No. 1000-054.00-03.00-021.003). (Co. Exec.)**

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

**1893, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bayview Property Management Corp. (SCTM Nos. 0200-937.00-06.00-026.000 and 0200-978.90-04.00-053.000). (Co. Exec.)**

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

**1910, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lilian E. Noriega, Rodrigo Dela and Zoila R. Dela, each as to an undivided 1/3 interest as tenants in common (SCTM No.0500-188.00-02.00-061.005). (Co. Exec.)**

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

**1911, Authorizing certain technical corrections to Adopted Resolution No. 481-2009. (Co. Exec.)**

This changes two of the Resolved Clauses in the adopted resolution to clarify the purposes for which the property -- the subject property can be used. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE: 5-0-0-0)**.

**1922, Adopting Local Law No. -2009, A Local Law authorizing the sale of ~249 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec.)**

Requires a public hearing. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

I'll offer a motion for the committee to go into Executive Session.

**LEG. ALDEN:**

Before we go into executive Session, I just had a quick question off he Committee Chair. 1886 or property like 1886, your resolution required that they be fully vet to all the towns, right?

**CHAIRMAN D'AMARO:**

My resolution required that they be placed for auction first with certain covenants on them that they be used -- that the properties be used for workforce housing.

**LEG. ALDEN:**

Okay. So in this instance, because it was landlocked, we're not going to do that?

**CHAIRMAN D'AMARO:**

That's right. My bill gave the discretion to the Department of Real Estate to determine parcel by parcel whether or not it fits the program. And here, a policy determination has been made where if it doesn't front on an open street, they're not going to auction it.

**LEG. ALDEN:**

Okay. How about offering to towns, especially towns with Community Development Agencies for affordable housing purposes or -- they still do that, right?

**CHAIRMAN D'AMARO:**

That's still being done also, yes. So it's a two-layered analysis before it gets to this point.

All right. Again, a motion to go into Executive Session for the purposes of discussing possible settlement of litigation, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? We will be back. Thank you.

**(\*AN EXECUTIVE SESSION WAS HELD FROM 2:55 P.M. UNTIL 3:19 P.M.\*)**

**CHAIRMAN D'AMARO:**

All right. Back on the record very quickly, out of Executive Session. The committee has settled two

litigations. The first is Getavesky vs. Lipari and the second is Bryant vs. The County of Suffolk. And with that, I'll offer a motion to adjourn, seconded by Legislator Beedenbender. All in favor? Opposed? We are adjourned. Thank you.

**(\*THE MEETING WAS ADJOURNED AT 3:20 P.M.\*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**