

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 19, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Barbara LoMoriello - Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Patrick "Skip" Heaney - County Attorney's Office
Linda Bay - Aide to Minority Leader
Paul Perillie - Aide to Majority Leader
Justin Littell - Aide to Legislator D'Amaro
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 10:11 A.M.*)

CHAIRMAN D'AMARO:

Good morning. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join the committee in the Pledge of Allegiance led by Legislator Cameron Alden.

SALUTATION

There's been no request for Executive Session today. We'll start the meeting with the public portion. To the Clerk, have we received any cards?

MS. LOMORIELLO:

No.

CHAIRMAN D'AMARO:

Okay. Is there anyone present who would like to address the Ways and Means Committee this morning? For the record, there's no response. We'll turn right to Tabled Resolutions.

The first is **1574-2009, Directing town tax receivers to include a statement on interest and penalty calculations on tax bills. (Alden)**

Legislator Alden.

LEG. ALDEN:

Through the Chairman, I just made a -- well, actually George made the change on this and added language that would state that -- or similar language. So we're suggesting language that -- actually a lot of it came from you -- that would educate the consumers, the taxpayers, on what really is going on; that it's a privilege to have the second payment. You know, something along those lines; that all the tax bill is due and payable, if you don't pay it on -- if you don't choose to pay it on the first payment date, if you choose to go the second payment date, that all the interest and penalties go right back to it.

But some language that would educate a little bit. And if they have it, then that's fine, they don't have to pay any attention to what we have as far as the resolution. But I tried to make it so that those that already have it on the tax bill wouldn't be required to have a second statement or I wanted to be a little more clear. This is a suggestion to them, because I think this is -- this might be clearer than some of the statements that are included in a couple of the tax bills. I would offer a motion to approve.

CHAIRMAN D'AMARO:

Okay. I just -- before -- Legislator Nowick, before we get to you, I took the liberty of printing out minutes from Ester Bivona when she was here. I don't know, Legislator Alden, you had a chance to review them. And I'm happy to share them with you. She says that the statement is already required by law and is on the back of all the tax bills. And she goes on. And we asked that question about seven different ways because we wanted to be sure that what you are trying to do is already there, and she answered it seven different ways that, yes, it was. So what I'd like to do is share this with you. And maybe if you want to pass over this and take a few minutes to read that and we can come back to this.

LEG. ALDEN:

Thanks.

CHAIRMAN D'AMARO:

Okay. Legislator Nowick, go ahead.

LEG. NOWICK:

I'll make the second to discuss it.

CHAIRMAN D'AMARO:

Yes

LEG. NOWICK:

I'll second it. The way Legislator Alden just described this legislation is that if they're already doing it, fine. If not, this is an opportunity to apprise the public of what their tax bill is. For the record, I surrender. I'm going to go with it. They're already doing it. Maybe if one person doesn't do it, I think that the intent of the Legislator is maybe just to make sure. I don't really think it could hurt at this point since it's already on. And I will tell you one thing, there are -- it is a little unclear to taxpayers when it's due and payable December 1st and they don't get their tax bill because we don't do the warrant until December 2nd or 3rd or 4th, and they don't get their bill until the 15th. So I surrender. I'm going along with him.

CHAIRMAN D'AMARO:

Legislator Nowick seconds the motion to approve.

LEG. ALDEN:

Actually -- and maybe George can clarify this -- Ms. Bivona says that the penalties and the interest rate is only imposed as of May 31st, yet any time I've called the Treasurer's Office, it goes right back to the original date that the whole bill was due. And people come up with one day late and they've got a five or \$600 penalty. So I'm not so sure that this testimony is correct. I think the penalty is imposed going right back and the interest is imposed going right back to the first date that the tax is due.

CHAIRMAN D'AMARO:

My understanding is that the penalty and interest accrue on the first business day after May 31st, but the penalty is a flat amount and the interest is calculated, although it's not imposed until the first business day after May 31st, it's calculated back to the December 1 date.

LEG. ALDEN:

And I agree with your statement.

CHAIRMAN D'AMARO:

And she says that's what it says on the tax bill.

LEG. ALDEN:

Well --

LEG. VILORIA-FISHER:

Yes, that's imposed on the 31st but it's calculates back to February or December, whenever they begin.

MR. LIPP:

Point of information. May 31st ends the first half. That's what she must have meant. And the interest is accrued back to February 1st, 1% a month and the penalty is 5% automatically.

CHAIRMAN D'AMARO:

Right. The penalty is a flat fee, and the interest accrues back to, right, February 1, because you have up until January 30th to pay your taxes without interest -- without interest or penalty.

MR. LIPP:

And the County also prints -- when they print the tax bills, they print all of the notes in the back. So they're providing the tax bills for the towns and they populate it with the dollar amounts and each of

the taxing jurisdictions on the front.

CHAIRMAN D'AMARO:

Very good. We want to know if there's statement similar to Legislator Alden's proposing or something similar to that effect on the back of the tax bill.

LEG. NOWICK:

First it says "these taxes are payable December 1st". Already we're in trouble here, because they don't get the bill until December 14th or 15th. "First half payable until and including January" -- well, it says th 12th only because it's a weekend, but let's say January 10th without penalty, then it gives you a schedule of penalty on first half taxes only. So it goes December 1st to January 10th, no penalty. After January 10th, 1% penalty. After February 10th, 2% penalty. And so on until May 31st where it reaches 5%. "Second half to be paid at the office without penalty until May 31st, after which date all bills must be paid to the Suffolk County Treasurer," plus a penalty -- plus penalty, which we already know is that 5% on total unpaid tax and penalty at the rate of 1% per month or part thereof from February 1st, A \$20 tax sale advertising charge per item will be included after August 31st. You want to know anything else?

LEG. ALDEN:

Basically, if that's what Smithtown has on their tax bill, then they've complied with what I would want them to comply it. And not just me, I think that, you know, this is for the public. And I don't -- I don't know about your office, but even with that kind of notice, I would dare say that you probably get some calls.

LEG. NOWICK:

I do get calls at my office, but here are the calls: The calls are more -- well, first of all, it says that there's a \$20 advertising fee after August 31st. Just so -- let the record be clear. Even though the books are supposed to close on may 31st, most of the time, they don't, because people that mail on May 31st do not get -- you can't really close the books. It's almost like absentee ballots on an election, you real can't close the books until everything is in and everything is in and everything is accounted for and the town is made whole, because the towns get made whole first.

So very often, the book don't even go out to the Treasurer's Office until -- I hate to say it -- until July 1st. By that time, then the County Treasurer has to send out notices. So many people don't receive a notice until July and don't even know they are late. The calls I get -- the calls I get at my office are more like, "This is the first time I've ever done this, I didn't realize it was due, my wife was in the hospital, my husband" -- and I'm not making light -- "my husband passed away." Those are the calls I get, not "I did not know," because that's -- by law, that's not an excuse. The calls I get are not that I didn't understand the bill. Most of time it's they just passed the date. And as you know, this is a pet peeve of mine. So those are the calls I get. Some of them, very, very true. Some of them, they forget and they're trying to -- they just forget. That's not -- there by the grace of God, we all forget.

LEG. VILORIA-FISHER:

Actually, I do get calls that say that people didn't understand; some people, senior citizens that have just finishing paying off their mortgage, and for the first time they're having to pay their bill and they opted to pay it in two halves and they thought they were going to get a bill for the second half. And then when they get the notice of how much pay they have to pay, they're shocked because they say, "I was only two days late and why do I have to pay so much money." So it may be written on the bill, but we do have to explain it again. So there is confusion especially for senior citizens who have -- fort he first time have to pay their -- their taxes themselves. You know, what I'm saying? So they're not used to the system.

LEG. NOWICK:

I understand what you are saying. The other thing is I'm getting into that senior citizen category, and, boy, I can't even read this print. But you can't fit much more on a tax bill. You just can't fit

much more. I mean, it's there, it's -- but I understand now what Legislator Alden is doing. And as I said, I'm waiving the white flag.

P.O. LINDSAY:

Me too.

LEG. ALDEN:

Through the Chair, most of the calls I get are similar to what Legislator Vilorio-Fisher gets. And it's people -- sometimes it's sophisticated people, "Why am I paying six or seven or \$800? I'm one day late." But you're not one day late, you're six months late. So that was my whole point in trying to do this. If the towns have already done it, okay.

CHAIRMAN D'AMARO:

Here's the issue. According to the testimony that I'm looking at, and I think you agree that some of the bills -- Legislator Nowick, the bill you just read has this statement on there and is telling folks --

LEG. NOWICK:

According to Lynne Bizzarro, most of -- all the towns do. But what Legislator Alden is saying, if perhaps that ever changes, if they run out of room on a tax bill, by law it has to be there.

CHAIRMAN D'AMARO:

Well, what Esther Bivona says is that it's required by State Law.

LEG. ALDEN:

Which State Law?

CHAIRMAN D'AMARO:

She didn't say in her testimony.

LEG. ALDEN:

And here's the other thing. We went through this and you offered -- and I'm going to say very constructive ideas -- I think just by us doing this and sending it to the towns it might make them think, "is our language as clear as it should be even if it's required by State Law," and maybe take a look at the language we propose, the language they have on there, how can -- because I'm sure that they get, literally each town, hundreds of people the day after or two days after the tax is due, the second half tax is due, and they get tremendous arguments. And it's causing them a lot of wasted of time having to try to explain to the constituent why they now have to go out to Suffolk County to pay their bill and why there's a five, six, eight, \$900 penalty basically on it.

So even if it gets them to think that "maybe we should change our language just a little bit because here's what Suffolk County hashed out and maybe we can make ours a little bit more user friendly, explain it a little better to the people that are paying their taxes."

CHAIRMAN D'AMARO:

All right. And it's your position by amending the bill to not only include the recommended statement but also substantially similar language, if the town is already -- if the tax bill in a certain town already has that language or similar language, this would have no affect. So they don't have to add another line, because further testimony says there's no room left on the bill to add any more language.

LEG. ALDEN:

It was never my intent to have a double warning so to speak, but if our language or a little bit of our language might be better than their's and they want to incorporate it if they've already got it, then fine. That was the intent.

CHAIRMAN D'AMARO:

That's the best argument I've heard so far. Okay. There is a motion to approve that has received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. The resolution is **APPROVED (VOTE: 4-0-0-1 - Not Present - Legis. Fisher)**.

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, seconded by Legislator Beedenbender.

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

I'm going to go along with whatever the majority wishes here. There's a little problem though and it still exists with the handling of Legislative, and I'm going to say informational pieces that are sent out in to our district that are permitted under our Charter. And again, we're a coequal branch of government. So this is one I tried to fix. And I'm glad you guys pointed out to me the fact that the Commissioner of Civil Service came down and testified that he doesn't want it, he can't handle the work anymore. He did have it for I think it was about eight years, and it seemed to work pretty well. But if he's making those statements that he can't handle it, fine.

We really -- and again, I'm only going to be here for another month along with Brian. This is a problem that, you know, I hate to leave it to next year, but you guys, you are going to have the problem. Obviously, I'm not going to have it, Brian's not going to have it. But, you know, this is something that needs to be fixed. And I guess this piece of legislation doesn't do it -- if the Commissioner of Civil Service doesn't want it, then this doesn't do it. But it still leaves something where -- I believe there was some real bad conduct on the part of the Executive Branch in this whole affair. And it's not just with my mailing, it was with other people's mailings. So that really shouldn't be tolerated.

CHAIRMAN D'AMARO:

Okay. On the motion.

LEG. BEEDENBENDER:

Yeah, just real quick. I agree with you, Legislator Alden, that this is a problem that needs to be addressed, but the good news is we do have some time, because this body eliminated newsletters next year. So there won't be an opportunity to have any funny business going on, because there are no newsletters. So the body does have time to fix what I agree is a problem.

LEG. ALDEN:

Thank you.

CHAIRMAN D'AMARO:

Well, they will be online, though, the newsletter. All right. There is a motion pending to table, it has received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. Resolution is **TABLED (VOTE:5-0-0-0)**.

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. Officer)

It's my understanding that a revised bill has been laid on the table. I'm going to offer a motion to table this resolution, seconded by Legislator Beedenbender. 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)

The public hearing was recessed at the last General meeting. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **TABLED (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.)

Once again, the public hearing had been recessed at the last General Meeting. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries **TABLED (VOTE:5-0-0-0).**

1927, Directing the County Attorney to determine the feasibility of Suffolk County intervening in an action brought by the Towns of Southampton, East Hampton and Shelter Island against the New York State Department of Environmental Conservation. (Romaine)

LEG. BEEDENBENDER:

Motion to approve

CHAIRMAN D'AMARO:

Motion to approve by Legislator Beedenbender. For the purposes of discussion, I will second the motion. Mr. Brown, good morning.

MR. BROWN:

Good morning. Thank you. The reason why I'm here is because we just wanted to advise the committee that, in fact, the Law Department has already done this. And you may know that this is in response to recently passed State legislation in which various fees including fishing license fees were imposed in an effort for the State to raise revenue. As far as the State fishing license fees are concerned, this is really a town matter. We've taken a look at this, and since there's no county property, no county fund involved that's impacted by this State legislation, we came to the conclusion that there was no standing to intervene or to bring an action challenging these fees. We have, in fact, done some research, and we will looking to intervene on an amicus basis.

CHAIRMAN D'AMARO:

Legislator Viloría-Fisher and then Legislator Alden.

LEG. VILORIA-FISHER:

I'm sorry, Dennis. So are you -- what is this resolution asking for, to intervene?

MR. BROWN:

The resolution is asking us to look into the feasibility of intervening. And so as -- since the State legislation does not really impact the County, we came to the conclusion that we didn't have standing to intervene as a party. So we are looking at it on the basis as an amicus brief filing.

CHAIRMAN D'AMARO:

Standing meaning that the County would have no basis to even interject itself into this lawsuit.

MR. BROWN:

Correct. To be a complainant.

LEG. VILORIA-FISHER:

So actually you have already done what the resolution is asking you to do because you've looked at the feasibility.

MR. BROWN:

We've looked at the feasibility, yes.

LEG. VILORIA-FISHER:

So you've already completed the task that was called for in the resolution?

MR. BROWN:

I would say so, yes.

LEG. VILORIA-FISHER:

Okay. So, George, if the County -- if the Law Department has already done what was requested in the resolution, then what do we do with the resolution? Is it moot then?

MR. NOLAN:

Well, that would be up to you. It sounds like the Department of Law has taken a position that we just don't have standing because I guess the County is not being impacted directly by the State action. The only question I would have is can intervene even at an amicus -- doing an amicus brief when it's really at a trial level? Do we have to wait for it to go up?

MR. BROWN:

Well, if there is a motion for summary judgment submitted or a motion for dismissal, depending on who made the motion, either we would -- we would seek permission to submit an -- to submit an amicus brief or memorandum in support of the towns.

MR. NOLAN:

Is that typically permitted?

MR. BROWN:

It's been permitted in the past, yes.

CHAIRMAN D'AMARO:

So the determination that is requested by this resolution has already been made?

MR. BROWN:

I would say so, yes.

CHAIRMAN D'AMARO:

Okay.

LEG. ALDEN:

The State Law doesn't affect, number one, our citizens of Suffolk County, and it doesn't affect their ability to fish off of County property? That wouldn't give us standing?

MR. BROWN:

Actually, what I said was that the fees that were imposed, they do not impact the County fund or County property. They do, however, impact -- have an impact -- have a financial impact at the town level, directly affecting town operations. So we have come to the conclusion that because we have not suffered an adverse harm, an adverse impact, that we would not have party -- we would not have standing to intervene as a party on the merits.

Nevertheless, if and when at the procedural level at court, there was a motion to dismiss or a motion

to -- for summary judgment, we would seek permission to intervene and assert -- assert how County interests are affected and how the impact -- the general type of impact that there is on the County and its citizens.

LEG. ALDEN:

Maybe I misunderstood what the -- their licensing fee and their -- the amount of money that they're charging, doesn't it affect the people that would fish off of a County beach? Isn't it applicable to anybody that's going to fish on -- basically in the ocean, right?

MR. BROWN:

Well, unless I'm mistaken, I believe that fishing fees are licensing fees for fishing. I believe that those are imposed by the town, which brings me back to my point that the adverse impact isn't to a County fund or County property. The adverse material impact that substantively -- that's being substantively affected by the imposition of the fees, it has impact at the town level.

LEG. ALDEN:

Right. But to stifle a permitted activity on County property, I would think that that would give us standing, because in essence --

MR. BROWN:

That would be one of the things that we would be asserting in an amicus brief.

LEG. ALDEN:

Why wouldn't that be enough to bring us in as a harmed party? They basically, by imposing this fee, have told people, you can't go to a County beach and fish, you've got to pay this -- and I think it's a huge fee. I think it's ridiculous. But that basically tells people now you can't do something that you were permitted to under County Law. And it really is a stifling -- it has a stifling affect over a right that those people have.

MR. BROWN:

And I don't debate that. We just don't think that it rises to the level of being able to intervene to materially challenge -- to challenge this substantive aspect of the law.

CHAIRMAN D'AMARO:

Can I point one thing out that might add to this conversation? The resolution in the first Whereas Clause references the fact that the Towns of Southampton, East Hampton and Shelter Island have fee title to the underwater bottom lands located within their geographic jurisdiction. Is that the basis of the towns' standing?

MR. BROWN:

Yes.

CHAIRMAN D'AMARO:

As opposed to the general concept of residents of a town or a county being affected by the State imposing a fee?

MR. BROWN:

That's absolutely a part of it, yes.

LEG. VILORIA-FISHER:

Mr. Chair, I'll -- Mr. Chair, I'll make a motion to approve if there's not already a motion. Is there a motion?

MS. LOMORIELLO:

There's a motion and a second to approve.

CHAIRMAN D'AMARO:

Dennis, would it be difficult to just commit to writing the reasons why the County doesn't have standing if that's the Law Department's determination?

MR. BROWN:

Absolutely not. I would be able to do that.

CHAIRMAN D'AMARO:

All right. There's a motion to approve that has received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

MR. BROWN:

I'll make it a point that the committee members receive something regarding our permission -- regarding our position.

CHAIRMAN D'AMARO:

Thank you. Dennis, if you could just copy the Legislators, all 18
On that, we'd appreciate it.

MR. BROWN:

Yeah. We shall. And also, skip would just like to mention something as well.

MR. HEANEY:

I'll just add this from my experiences as a Southampton Town Trustee, you want to go the root of the reasons behind the lawsuit, the towns of Southampton, East Hampton and Southold all have Boards of Trustees who maintain in common all the remaining undivided lands within those towns. Those tend to be underwater lands today. And the State, in the courts, in prior decisions has ruled time and time again that management of the waters and the products of the waters in those towns resides solely, and that's the word that they use, with the Town Trustees. So that's what's being harmed here is their right to regulate and control the products of those waters.

CHAIRMAN D'AMARO:

Right, because without the ownership of the underwater lands, it's just another fee imposed by the State similar to if you raised the fee for a license plate, which the County wouldn't have standing to challenge either. So you need some basis for that standing. And the land ownership, the underwater land, is what they're trying to latch onto.

MR. HEANEY:

That's correct.

CHAIRMAN D'AMARO:

Yeah. I agree with that. Thank you, Mr. Heaney. That's been approved.

I just want to note for the record, which I should have done at the outset, that we did receive correspondence this morning, a letter from the Suffolk County Ethics Commission dated November 17th, 2009, addressed to myself with respect to Resolution IR 1793 of 2009. And that correspondence is signed by the three members of the Suffolk County Ethics Commission. And that will be included in the record. You all should have received a copy.

Next resolution is **1945, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-276.00-05.00-038.003 et al). (Co. Exec.)**

The property is located in the Town of Brookhaven. It's ten parcels being conveyed to the town for highway purposes. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in

favor? Opposed? Abstentions? Motion carries **APPROVED (VOTE:5-0-0-0)**.

1946, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Gary Saturnino and Ronald Kwasniak (SCTM No. 0200-978.00-03.00-003.000). (Co. Exec.)

And this is a 79 by 184 foot parcel that's landlocked in the Town of Brookhaven that appraised for 13,000. The bid was 19,500. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

1947, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward G. Perrier, Jr. And Wendy G. Perrier, his wife (SCTM No. 0600-106.00-04.00-006.000). (Co. Exec.)

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)**.

1949, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jean A. Blanc and Marie L. Marcellin, husband and wife (SCTM No. 0100-099.00-02.00-006.003). (Co. Exec.)

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

1950, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Apple Dumpling, Inc. (SCTM No. 0200-977.60-05.00-025.000). (Co. Exec.)

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

1951, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Richard C. Hummel and Lisa Hummel, as joint tenants with rights of survivorship (SCTM No. 0200-982.80-07.00-002.000). (Co. Exec.)

Property is located in Brookhaven. It's a 20 by 100, which appraised and bid for 1400. I'll offer motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

1952, Authorizing certain technical corrections to Adopted Resolution No. 733-2009 authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)] for the MLO Great South Bay, LLC property Santapogue Creek addition (Town of Babylon SCTM Nos. 0100-222.00-01.00-001.002 p/o, 0103-020.00-03.00-052.003 p/o and 0103-016.00-04.00-074.000). (Co. Exec.)

This correction I believe just corrects Tax Map identifier number. 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)**.

1953, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael and Jill Florence (SCTM NO. 0500-087.00-02.00-138.000). (Co. Exec.)

Property is located in the Town of Islip. It's a 45 by 100. Appraised for 7,500, and the successful bid was 7,600. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

1954, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert and Patricia Guidorizzi (SCTM No. 0200-853.00-08.00-027.000). (Co. Exec.)

Property is in Brookhaven, 40 by 100. Appraised and successful bid at 4000. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

1955, Sale of County-owned real estate pursuant to Local Law No. 13-1976 John D. And Christine M. Lennon (SCTM No. 0800-071.00-01.00-077.000). (Co. Exec.)

The property is located in Smithtown. It's 107 by 30. It appraised for \$625, and the successful bid was \$650. I'll offer a motion to approve, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

1960, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Peter Dinuzzo and Vincenza Dinuzzo, as joint tenants with the rights of survivorship and not as tenants by the entirety (SCTM No. 0200-768.00-02.00-035.000). (Co. Exec.)

This is a Local law 16, redemption as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE: 5-0-0-0).**

1961, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph and Anne Tascarella (SCTM No. 0200-054.00-04.00-034.002). (Co. Exec.)

Property is located in Brookhaven. It's 20 by 100. Appraised for 3500, successful bid was 3875. I'll offer motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

1962, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Thomas P. And Renee M. Boullianne (SCTM No. 0200-562.00-01.00-013.001). (Co. Exec.)

This is a triangular shaped parcel located in Brookhaven that appraised for \$5740 with a successful bid at 6000. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**

1963, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Suffolk County Cooperative Library System (SCTM No. 0200-928.00-02.00-003.000). (Co. Exec.)

Another irregular shaped parcel located in the Town of Brookhaven that appraised and successfully bid at \$1800. I'll offer a motion to approve, seconded by Legislator Beedenbender.

LEG. ALDEN:

Mr. Chairman.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden.

LEG. ALDEN:

I just had a quick question. Mr. Brown, through the Chair. When Suffolk County ends up with parcels due to nonpayment of taxes, we -- after we take title to those properties, we end up paying all the lower jurisdictions. Is that in the Suffolk County Tax Act or is that someplace else in the law that mandates us to do that?

MR. BROWN:

I'd have to double check, but my recollection is that it is in the Suffolk County Tax Act.

LEG. ALDEN:

And if you could look at one other thing for me too.

MR. BROWN:

Sure.

LEG. ALDEN:

Sometimes we're actually required to go and bond that money, so that would be tax anticipation notes. So we're actually paying an additional charge after we've made everybody else whole until we get the tax paid back to us. Do we apportion that and then pass that charge along to the other jurisdictions?

MR. BROWN:

To the other jurisdictions? You mean to the taxpayer. You mean when we do --

LEG. ALDEN:

Not to the taxpayer, but to the jurisdictions. In other words, we've made them whole and we didn't get paid the tax. So we have to borrow money to run County Government, and it costs us an additional amount of money because we've paid those other jurisdictions. Do they share in that cost to actually wait to get paid the tax?

MR. BROWN:

I don't know the answer to that question. But also, I don't think that it's the town that would be responsible for that -- for that interest. The taxpayer -- the taxpayer reimburses the County for the cost that it has incurred for the taxes and penalties and any interest that are -- that are -- that are incurred in connection with the collection of the taxes or just by holding the property. If we are bonding or issuing notes, we're incurring additional interest. I do not know if that additional interest is allocated to each of the parcels and that the taxpayers reimburse that to the County.

LEG. ALDEN:

And then my question is on the end result, because some of those parcels that we make everybody else whole on, we go out and borrow money to run County government, in the end, we end up disposing of those for a dollar sometimes. And actually, it happened at the last meeting, we sold something where the debt on it was in the \$30,000 range, but we sold it to a lower jurisdiction for nothing, either for nothing or for a dollar. So that's my end result and that's the end question that I have. There's no way for us to recoup that cost that we've actually incurred plus the additional cost of the bonding.

MR. BROWN:

I'm not sure if I heard a question in there, I'm sorry. The parcel that I think that you are referring to that was sold, I do seem to recall that Pam Greene was here I think at the last Ways and Means Committee, I think it was last week, but I think that she addressed that issue on some of those -- on some of those parcels. If my recollection is correct.

LEG. ALDEN:

She answered the middle question. The middle question was do we try to recoup that, and she said yes. So we offer the parcel to a lower jurisdiction when we sell it, and we ask for the price -- actually we establish the prices, the money that we've outlaid on that parcel. But she said the other jurisdictions are not bound to pay us what we've outlaid on that -- on those parcels. So sometimes that's a total -- and I'm going to say it -- negative expense for the County, because normally if we took a piece of property, no tax was paid on it and that's why we end up with it, we can auction it off and recoup our investment so to speak. If we sell it to another --

MR. BROWN:

Or the property owner redeems and pays us the costs and expenses.

LEG. ALDEN:

We can actually make ourselves whole. But in instances where we transfer those properties to other jurisdictions, lower jurisdictions or even a higher jurisdiction and we don't get paid the full amount of our investment in that property, we're passing that cost on to the taxpayer.

MR. BROWN:

Again, I don't really think that I hear a question in there.

LEG. ALDEN:

Is that true?

MR. BROWN:

But if there is a question in there, I really do think that that question would have to be addressed to the Director of Real Estate as to the consideration that it negotiated with respect to parcels transferred to the towns.

LEG. ALDEN:

Then you are saying it's a policy decision whether to recoup our investment or not to recoup our investment when it's transferred to another jurisdiction.

MR. BROWN:

No, I'm not saying it's a policy decision, but I think that your question needs to be posed to Real Estate since it is the Real Estate Department -- it's Real Estate Division that negotiates those transactions. I mean, I can tell you -- you know, I can answer some of your questions that we try to recover our costs, we try to recover our expenses. I can tell you that's it's in the Real Property Tax Act that we make the lower jurisdictions whole -- I'm sorry, the Suffolk County Tax Act that would make the lower jurisdictions whole. But the exact means and methods by which each transaction is negotiated, I think that that question you need to pose to Real Estate.

LEG. ALDEN:

Okay. Could you just, you know, after the meeting or whatever, send a little memo where in the Suffolk County Tax Act that is?

MR. BROWN:

Yeah, I will do that for you.

LEG. ALDEN:

I appreciate that. Thanks, Dennis.

CHAIRMAN D'AMARO:

Okay. To the Clerk, did we call the vote on 1963?

MS. LOMORIELLO:

No.

CHAIRMAN D'AMARO:

No. There was a motion and a second?

MS. LOMORIELLO:

Yes.

CHAIRMAN D'AMARO:

I'll call the vote on 1963. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

1964, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Nico Realty Group LLC (SCTM No. 0208-007.00-01.00-038.000). (Co. Exec.)

Irregular shaped parcel located in the Town of Brookhaven which was appraised and bid -- successfully bid for \$800. I'll offer a motion to approve, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

1969, Approving payment to General Code Publishers for Administrative Code Pages. (Pres. Off.)

This is for supplement number 86 to the Suffolk County Administrative Code for the cost of \$4310.83. I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Beedenbender. All those in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calendar (VOTE: 5-0-0-0)**.

2001, Adopting Local Law No. -2009, A Local Law to clarify and streamline process of selecting the Presiding Officer and Deputy Presiding Officer of the County Legislature. (Pres. Off.)

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)**.

2049, Authorizing the sales of surplus property sold at the October 21, 2009 Auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution). (Co. Exec.)

This appears to be an Omnibus Resolution for 104 parcels that were sold at our last public auction on October 21st, 2009, netted the County roughly \$1.42 million. Dennis, just very briefly, I want -- could you confirm on the record that these are in fact the parcels that were sold at the public auction. It was just a little unclear.

MR. BROWN:

I will have to get back to you on that. I'm not familiar with that.

MR. THOMPSON:

Wayne Thompson, Division of Real Estate.

CHAIRMAN D'AMARO:

Mr. Thompson, good morning. Thank you.

MR. THOMPSON:

These are in deed the pieces we sold at that auction.

CHAIRMAN D'AMARO:

All right. I just wanted that on the record. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0)**.

2050, Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law. (Co. Exec.)

This I believe are several underwater properties taken by tax deed. And we are changing the status of those properties to public use. And I think result the changing the status would avoid us having to pay the other jurisdictions the taxes to make them whole, something Legislator Alden was just speaking to. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor?

Opposed? Abstentions? Motion carries. **APPROVED (VOTE:5-0-0-0).**

That concludes the agenda. Motion to adjourn, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions. We are adjourned. Thank you, everyone, for your cooperation.

(*THE MEETING WAS ADJOURNED AT 10:54 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY