

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, December 9, 2009.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Brian Beedenbender - Vice-Chairman
Legislator Lynne Nowick

MEMBERS NOT PRESENT:

Legislator Vivian Vilorio-Fisher - Excused Absence
Legislator Cameron Alden - Excused Absence

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
Dennis Brown - County Attorney's Office
Dot Kerrigan - AME
Legislator Kate Browning
Patricia Burkhart
John McConnell
Johan McConnell
Robert Kessler
Jeremiah McGiff
Tim Haywood
Miguel Perez
Daniel Tomaszewski
Casey Hilpert
John Guadagno
Chris Calderone
Robert French
Dennis Pedra
Jimmy Rogers
Kevin Casey
Dave Zere
Brian Herz
Andrea Spilka
John Ratto
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:15 A.M.*)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. If you will all take a seat. Welcome to the Ways and Means Committee. I and the Chairman of the Committee, Legislator Lou D'Amaro. And I ask this morning if you would all please rise and join the committee in the Pledge of Allegiance led by our Vice-Chair Legislator Beedenbender.

SALUTATION

Okay. Once again, welcome. If you would all kindly take a seat, we will get started momentarily. And just note for the record that Legislators Cameron Alden and Vivian Vilorio-Fisher will not be attending today's meeting and both have excused absences from today's proceedings.

Item II on our agenda requires us to take a look to see if we've receive any correspondence and, in fact, we have today. And I'll read them into the record very quickly. We have received correspondence from Major League Lacrosse. It is dated December 9th of 2009 consisting of three pages and signed by David Gross, Commissioner.

In addition to that, the committee has received a letter from the submitted by Daniel Tomaszewski, the Vice-President of the Longwood Board of Education, that consists of one page and it's dated December 9th of 2009. Both of those items will be included in the record.

The next section on our agenda is public comment. We have received several cards this morning from individuals who would like to address the committee. If there is anyone here who would like to address the committee this morning, please fill out one of these yellow cards that are available from our Clerk up here at the front desk. And just a note with respect to procedure, when your name is called, please come up and state your full name for the record and then you will be given an opportunity to speak for three minutes and address the committee of whatever concerns you may have.

So I'll call the first is Patricia Burkhart. Ms. Burkhart, good morning and welcome. And just a note to everyone who's going to speak today, when you come up to the podium, there's a microphone there, you have to hold your finger on the button to keep the microphone on. It's a little distracting, but hopefully you'll get used to it. Thank you. Ms. Burkhart, please go ahead and welcome.

MS. BURKHART:

Good morning, Legislator D'Amaro and committee members. My name is Patricia Burkhart. I am President of Friends of the Edgewood Preserve located in Deer Park, New York. Thank you for the opportunity to speak with you today. As a concerned citizen and resident of Suffolk County, I feel that this committee must address some critical issues which have yet to be thoroughly examined or explained regarding the proposed Legacy Village project.

One concern is that the appraisal for this approximately 250 acre parcel dates back to 2006. There needs to be an updated appraisal conducted in a more transparent fashion. The Suffolk County Legislature is obligated to meet this very obvious request and to act in the best interest of the taxpayers who finance this County-owned land. An election just concluded about a month ago. The people of Suffolk County elected you to represent us, to act in our best interest, not a particular developer and not County Executive Levy.

That resolution IR 1922 has gotten this far is deeply disappointing and disturbing to me because this resolution is so obviously not in the public's interest. Furthermore, I am not sure the Legislature has the legal authority to declare this surplus land in the absence of an environmental impact study. Right now, the CEQ is debating this very question. I am confident they will find the need for an EIS to take any further action on this resolution.

In addition, there are many unanswered questions and concerns with regard to the affect on the Longwood School District and the impact that this will have. It is not only possible, but in my estimation a certainty that there will be an influx of students associated with the 1000 unit housing development. With all due respect to Pearl Kamer and others who do these types of studies, the reality is that no one can either predict or control the number of children that might eventually end up in this school district. At this point, there have been no studies examining the direct affects specifically on the Longwood School District. As with Brentwood and Heartland, no one says definitively how this development will affect this particular school district.

A task force should be created that effectively examines the possible correlated impacts. I listened last week while the County Executive -- County Executive's Office, the Legislature and the Longwood School District hazarded guesses as to how many additional children would be generated. But no one is certain and that is what concerns me and that is why the Legislature must act responsibly and proceed cautiously.

I don't have the time here in this venue to dwell on the many other concerns and issues; legal, environmental and otherwise that this project have raised, but I must point out that Suffolk County is a non-attainment area according to the Clean Air Act. This Federal Act so stipulates that any project that would bring an area into non-attainment would be in violation. We are already in non-attainment. I do not see how anyone could claim that this development will not adversely impact the air quality of this area. And therefore, based on the Clean Air Act alone, how can the project possibly proceed. My suggestion is a moratorium on all new development. Let's practice what we preach; reduce, reuse and recycle. Finally, what kinds of lessons are we teaching our young people?

CHAIRMAN D'AMARO:

Ms. Burkhart, your time has expired. Can you wrap up, please. Thank you.

MS. BURKHART:

We must think about tomorrow. We must do the right thing as hard as that might be. You have a responsibility to preserve and protect not only your constituents, communities and quality of life, but also the communities and quality of life of those who cannot vote for you. More importantly, you have a responsibility to protect our environment; our forests, our rivers, our skies, our ocean and our wildlife habitats. Period. Thank you.

CHAIRMAN D'AMARO:

Thank you for your testimony. Our next speaker is Johan McConnell.

MS. MCCONNELL:

Good morning. Johan McConnell, resident of Yaphank and President of the South Yaphank Civic Association. There are two concerns I have with IR 1922. One is the declaration of the property as surplus. I am concerned that this property is being declared surplus without a full vetting of possible future needs of the County.

It is my understanding that a report has just been given to the Legislators that would suggest the need to combine County departments in one location instead of having them in several different buildings. I believe that County Executive Levy has proposed purchasing the former IRS Building for the above named reason. If this is so, why are we being asked to declare this property surplus. Further, does the Legislature have the legal authority to declare the 250 acres as surplus in the absence of an Environment Impact Study. The declaration of an excess 100 acres of a municipality for the purpose of sale and development is a Type I Action under SEQRA.

I would like to reference a Court of Appeals decision DeVitt versus Heimbach. The court of Appeals affirmed the Appellate Division decision that an Environmental Impact Statement had to be prepared before the Orange County Executive and the Orange County Legislators could enter into a contract of private sale of more than 1000 contiguous acres of County-owned property. I would hope that no

decision is made by this committee IR 1922 until the CEO has rendered their decision.

The second concern I have is with the price of the property. The appraisal of the 250 acres dates back to 2006. There needs to be undated appraisal conducted in a more transparent fashion. The South Yaphank Civic Association, using funds from the Caithness Development Fund, is in the process of purchasing an acre of property on the corner of Yaphank Avenue and Gerard Road. It was required by the town that a full appraisal of the property be done before it was purchased.

Why has this -- why has this not been done by the County? This is County-owned land financed by taxpayers. Therefore, we the taxpayers deserved to have a full and complete evaluation of the value of the 250 acres. If it is to be sold, it should be at value. I would urge you to table or vote down this resolution. We need an Environmental Impact Statement and we need more answers to our questions. Please take the time to get the answers that are needed. Thank you for letting me speak today.

CHAIRMAN D'AMARO:

And we thank you. The next speaker is John McConnell. Good morning, sir.

MR. MCCONNELL:

Good morning, members of the Legislature. My name is John McConnell, I live in Yaphank. Member of the South Yaphank Civic. But before I go on with my statement, I'd like to address something or mention something. These union people have been out of work a long time, and I appreciate -- I appreciate, you know, where they are in this thing here. I've always been a strong union. My first job out of high school, I worked on a truck. I was a member of the union, then I worked in a town -- CSEA, I guess it was. And then when I taught, I was a member of the union. And my father was the president of a union in the City, in Queens.

So that said, I'd like to talk about Section III, IR 1922, sale of surplus land to Legacy Village Real Estate Group. The contract to be signed between the County and Legacy specifically mentions Page 17, the building of a thousand plus units of housing, 785 which will be workforce affordable. The issues regarding the affordable housing component of Legacy Village must be addressed. There is no doubt that there is an urgent need for affordable housing on Long Island, but there are also other viable affordable housing options available immediately that require much less time and money and have less negative impact.

Pick up any real estate listing and there are homes on the market right now for half the price of one bedroom that will cost -- of what it will cost in Legacy Village. Building more development and more high density housing units is not the only solution to a so-called lack of housing. There are construction workers out of work and foreclosed homes that need repair. That would solve two problems at once and a lot faster than Legacy Village. This is -- you're talking about something years and years down the road.

Also contained in the contract is a preference in occupancy which is located on Page 14, Subsection I. Is it legal to select specific groups over others when it comes to housing? It's my understanding that a preference for a specific group for housing is only permitted for seniors. I would ask the following questions of the committee: Why does the Hamlet of Yaphank -- actually, it's the whole Suffolk County that has some of this stuff going on here -- why does the Hamlet of Yaphank have to solve the problems of affordable housing for the entire County, there's 18 Legislative Districts, by the way; why place affordable housing where everyone will have to drive to get to the nearest large grocery store; would you be willing to have this mega development in your Legislative District; would you be willing to overburden your school district with additional two to 300 students? I urge you to table or to vote this -- vote down this resolution.

Last but not least, the last time we were here, Tom Isles and Chris Kent I think showed a cartoon up there of somebody living in their -- you know, in their parents' basement. That's kind of like almost fear mongering almost. Are there people living -- yeah, it's probably small amounts. But to afford

these houses, people have to have good paying jobs. And that's another thing too. That's for another day. Thank you very much.

CHAIRMAN D'AMARO:

Thank you, sir. The next speaker is Robert Kessler. Good morning, welcome.

MR. KESSLER:

My name is Robert Kessler. I represent the Coalition to Save the Yaphank Lakes. The mission of the coalition is to clean and protect our lakes, eradicate the invasive aquatic and protect their entire Carmans River environment. The Carmans River is only one of four relatively large undisturbed river ecosystems on Long Island. It's designated as a New York State Wild and Scenic River. And the Carmans is one of the most significant waterways along Long Island's South Shore.

It is an important habitat for trout, water fowl and many state and locally rare species. The river is almost entirely fed by groundwater from an area of approximately 71 square miles and has an annual discharge of about 25 cubic feet per second into the Great South Bay.

The Suffolk County Department of Health Services prepared a report on the Carmans River watershed in March of 2002. The report notes that the 50% increase of population in the Hamlet from 1980 to 2000 was having some measurable impact on the water quality of the river. A major concern stated in the report was a problem with polluted water runoff which can get into the groundwater and into the river.

Most of the 255 acres of County Executive Steve Levy's proposal would be -- would like to declare a surplus and sell to Legacy Village is located in the Carmans River watershed. If the watershed and river were showing the impact of increased population in 2000, you can imagine what will happen with an additional 1000 plus units of housing, a large destination area and 96 acres of industrial development. The coalition asks that you please vote no to IR 1922. Thank you.

CHAIRMAN D'AMARO:

Thank you. Before we continue, just a note for the record, there will be an Executive Session of the committee after the public proceedings. And also, please note for the record that Legislator Kate Browning has joined the committee this morning as well. Okay. The next speaker is Jeremiah McGiff. Good morning.

MR. MCGIFF:

Good morning. Thank for letting us speak. I'm a resident of Brookhaven Hamlet. I'm a small businessman in the hamlet. I restore many of the historic homes that are there. I've lived on the East End for about 25 years and moved here because I viewed it (sic) and I also had a great love of the Great South Bay, Fire Island and this area. I was very familiar with -- my father grew up in Bayport.

I came to the hamlet because it's one the great historic sites on the South Shore of Long Island. It was settled in 1670 from settlers from Setauket. They used to come there following the hay trail, the salt hay trail, because salt hay was a very prominent and important commodity within the early colonial sites. Living in the hamlet, also you have the beautiful Carmans River which through the effort of many of the old families; the Posts, the Morrows the {Pulestins} and many others, you have a remarkable vista at a mouth of the river and all the way up to Montauk Highway that is perfectly preserved and will remain pristine for the next hundred years. To me, I found this a tranquil and rather remarkable spot that has resisted the urban sprawl and resisted so much of what you see on Long Island and -- - which gives one great consignment, Because we all dream of the way things once were.

When I look at the -- when I look at the proposed development of Legacy Village, it once again strikes fear what it is is it's another satellite development. It's not Main Street. And if you look at

the recent -- the recent developments in our near area, specifically Patchogue Village and the support and overwhelming joy that something like that has caused, a village that once was the hub of colonial life and has so many remarkable great waterways and lakes and ports, etcetera, and had been reduced to the decay of a mill town, to see it come back and to see the development centralized within the center of town near the hubs of mass transportation, enhanced pedestrian life, so much that's a positive that takes the burdens off the roads, puts the burden where it should be on mass transportation, enhances the quality of life, has brought many small businesses into Main Street, and you look at Legacy Village and you think of Islip. When you look at the stadium there where the Ducks play, all I see is a parking lot, I see a big glaring courthouse, and I see a stadium.

When I go up Yaphank Avenue, I choose to take that to 495 because Horseblock is so utterly atrocious from the heavy truck traffic, etcetera. The southern part of the Township of Brookhaven has become a dumping ground with the recent power plant, the landfill, the problems with the landfill and the leaching into the Great South Bay. And to me, if you're going to think of the long term, because these things were preserved by old families with a sense of noblesse oblige, well, those old families are gone and much of that money is gone. But how do you maintain the quality of life? How do you think -- what will we have in 30 years? Will we have more asphalt? Will we have more urban sprawl? Or will we have vibrant centers of villages? Will we have -- I'll wrap it up.

CHAIRMAN D'AMARO:

Thank you, I appreciate that. Quickly, please.

MR. MCGIFF:

What will we have? Because now you gentlemen and women are our representatives who must think long term. The old money is gone. And so the responsibility is truly yours. What will you give our children and our grandchildren?

CHAIRMAN D'AMARO:

Mr. McGiff, I have to end your testimony.

MR. MCGIFF:

Thank you. Thank you.

CHAIRMAN D'AMARO:

Thank you, sir.

MR. MCGIFF:

I hope you feel the weight of the responsibility.

CHAIRMAN D'AMARO:

Thank you. All right. Thank you. The next speaker is Tim Kaywood. Good morning. Welcome.

MR. KAYWOOD:

Thank you for letting me speak. I am in favor of the transfer of the property for Leisure Village for the one thing it's going to bring; more jobs to mid Suffolk County and more tax revenue, which hopefully will lower our taxes in Suffolk County. I'm for -- I'm for this project. Thank you.

CHAIRMAN D'AMARO:

I apologize. Thank you, sir. Next speaker is Miguel Perez.

MR. PEREZ:

Hi. Good morning. Thank you for giving me the opportunity to speak today. My name is Miguel Perez, and I was brought up Southaven, 56 Old South Country Road, very close to the project that's proposed, Legacy Village. We need -- I'll keep it short and sweet. We need construction, we need affordable homes. Please approve Legacy Village. Thank you. Vote yes.

CHAIRMAN D'AMARO:

Okay. We thank you as well.

CHAIRMAN D'AMARO:

Next is Daniel Tomaszewski. Good morning.

MR. TOMASZEWSKI:

Good morning. Mr. Chairman and Legislators, thank you for the opportunity to address you again. Dan Tomaszewski, Vice-President, Longwood School Board.

I'm going to summarize a number of the key points that I have made over the last weeks, reasons why we think that this project is a major problem for the Longwood School District. First of all, the lack of meaningful communication with the Longwood School District, especially over the last 18 months, is a major concern for us. The need for studies on student enrollment, school funding, housing, household income and property tax history within our school district, that is something needs to be done. Thirdly, Longwood is a low-wealth-high-tax district. The State aid formula does not address our needs. Any additional tax negative is especially detrimental to the taxpayers, especially during the State fiscal crisis.

And I'm going to use an example of something that was done very quickly and probably done out of sequence that's a major problem for not only us, a problem for you too, the MTA tax. We constantly tried to tell people, "Take your time, slow down, get this right, fix what needs to be fixed, and then if you need to bail it out, bail it out." But they did it out of sequence. They rushed to it. Did you read Newsday this morning? Okay. They are out of money. They wasted it again. So there's a prime example of doing things quickly, out of sequence, not listening to the constituents.

Consider the impact of a thousand plus multifamily units in concert with other multifamily units in the pipeline within the Longwood School district. There are numbers of them that are out there, not just Legacy Village, so we can't look at Legacy Village alone. The enrollment bubble in the primary grades which exceeds elementary and middle school classes by greater than 100 kids per grade, we've had -- we work with demographic studies on projections and what not, and this was seen. So any study that you do, you have to look at it carefully, because it's not a crystal ball. There are other kinds of factors that need to be looked at.

Consider 15% special education students at a very high cost to our district, that certainly drives up the cost, sometimes it can be 100,000 or more per student. Look at the history of the multidistrict units in the community. Many generate far more kids than the norm also creating a tax negative. So, you know, we have some examples of that. On face value, Legacy Village appears to be a balanced-planned community, but the devil is in the details, such that unless historical State legislation is enacted to provide a sharing of the tax positives from the entire project that would encompass the property in South Country School District, I truly believe that Legacy Village will be a significant financial drain to the taxpayers of the Longwood community. It's something that has been talked about, and that's all it ever got was talk. It's something that probably is too difficult to do, but certainly needs to be looked at.

I implore you to slow down, consider the many questions that remain unanswered surrounding the district. You cannot afford to get this wrong. You need to get it right. And Mr. Levy and his administration has been working on it for five years, you've been working on it for two months. That doesn't -- that doesn't compute. Thank you very much for the opportunity.

CHAIRMAN D'AMARO:

And thank you again for coming down and sharing your opinions with us. The next speaker is Casey Hilpert. Mr. Hilpert is the General Manager of Long Island Lizards. Good morning.

MR. HILPERT:

Good morning. Thank you. Thank you for giving me the opportunity to present to you the letter

from our League Commissioner David Gross on behalf of Major League Lacrosse and their support of Legacy Village. I'd just like to take a minute and touch on some of the aspects of which we could present to the County besides the financial help and all the return the County would see from the project.

What we provide is an opportunity for our youth and our high school players of the Long Island -- of the Long Island lacrosse community to see the best lacrosse players, let them strive for something. Right now, 65 to 70% of our fan base is from Suffolk County. We want to give those people the opportunity to see the best players, let them know that they can go on to the best colleges and then go on after that and play professional lacrosse.

Our players also provide great role model for the kids. Our players are out in the communities, you know, 60 to 70 clinics as well as appearances throughout the year. Ninety-five percent of our players are currently from Long Island. They are all looking to give back to the community, and they are all willing to give up their time to do so.

The other is the growth of the game, not only here on Long Island, which is the hotbed of lacrosse, which is -- you know, everybody knows that this is the spot where lacrosse has, you know, made its name. It is growing cross country. But right now, you know, Long Island is where we need to focus. And, you know, having support and a home in Suffolk County would be great for lacrosse as well as the County. Thank you.

CHAIRMAN D'AMARO:

Thank you. All right. Next speaker is John Guadagno. Good morning. Welcome.

MR. GUADAGNO:

Good morning to the County Legislature. I'm speaking on behalf of Leisure Village. My name is John Guadagno, residing in Suffolk County for over 40 years. I'm a Local 25 Electrician business rep, representing 2400 workers in Nassau-Suffolk County. This project is only the first step in a long tiresome process to make sure all concerns, if it's environmental -- this project, Legacy Village, not only will it create \$400 million to the project and 5.5 million annual revenue sales, it also creates a thousand construction jobs and 3000 permanent jobs including the arena and tech park combined.

This project is probably by far the most environmentally responsible project in a long time. I think we have looked from our past and the concerns and the devastation that our County has had, this project is environmentally responsible. It's fully sewered. It's renovation and expansion of existing plants, it's state-of-the-art technology, zero net energy consumption with a four megawatt solar plant. When you add all this up -- and we understand the concerns of the school district, we understand environmental concerns, but that's when the Environmental Impact Study and everything else at Brookhaven Town level, these questions can be addressed. So again, I speak in favor of this project. Thank you very much

CHAIRMAN D'AMARO:

Okay. Thank you. And before you leave the podium, Legislator Browning had a quick question.

LEG. BROWNING:

Hi. How are you. Just real quick. Have you seen the agreement of sale with the developer?

MR. GUADAGNO:

No.

LEG. BROWNING:

Okay. Page 14, G, it says "to use best efforts to use building trades, contractors and subcontractors located and doing business within Suffolk County." I'll give you a copy of it, I have an extra one. H says, "seek a project labor agreement for a nonresidential portion of the premises." Why I'm bringing this to your attention is because I think you really should look at it, because when it says to

use best efforts, it's not guaranteeing.

And I think that that's something that the building trades should seriously be looking at because when I read this, this language doesn't tell me you're guaranteed you're going to get work. So -- and I think it's important for you to look at that.

MR. GUADAGNO:

And we have been looking, we have been speaking to Frank with the County Executive, and we believe the builder will do the right thing. It's nice to have it in writing, I think we all agree with that. And for all the building trades in Nassau and Suffolk County, we hope to come to an arrangement or an agreement with a PLA in place prior to the approval of this project.

LEG. BROWNING:

So you've had good relationships with Beechwood and Katter in the past as far as building trades are concerned?

MR. GUADAGNO:

No, I wouldn't say that. I wouldn't say that. But I think we're on the same page with Beechwood and hopefully can have a good relationship going forward.

CHAIRMAN D'AMARO:

Okay. Thank you. Next speaker is Chris Calderone. Welcome to the committee. Good morning.

MR. CALDERONE:

Good morning. You know, a couple of people mentioned something about an appraisal. I'm in the real estate business, and I just recently witnessed transactions in Riverhead that the town of Riverhead has done in selling some pretty big chunks of property. And the appraisals on that property and the sale prices on that property were probably substantially lower than they would have been in 2006. So you may find, you know, if you push for a further appraisal on this property, you may see that the price has actually come down quite a bit because the real estate market is really just almost nonexistent at this point.

I came here today to speak on behalf of this proposal. Young people here on Long Island are very discouraged with the lack of affordable places to live and to raise a family. I've, over the years, heard a lot about workforce housing, next generation housing, affordable housing, and very little progress has actually been made in this area. A couple of the small projects that were done, some were mentioned, downtown Patchogue. I myself am going to be making a proposal in downtown Riverhead. But these are very small projects that take up, you know, a very small part of the population and give very few people an opportunity to have an affordable place to live. And I think that that's very important.

If you were born and raised here on Long Island, I think you have the opportunity to at least encourage people that this is a place where they can stay rather than have to move to North Carolina and some of the other places that have been absorbing our residents. You know, with the use of a sewage treatment plant, I think we can negate a lot of the concerns about the environment. I know that sewage treatment plants that are now, you know, being built and the upgrade that's going to happen here is going to probably bring -- and the Suffolk County Health Department can confirm this -- the effluents that are going to go in and then the discharge that's going to come out, it's going to be almost to drinking water standards if not to drinking water standards, so I think that, you know, the environmental impact will probably be minimal.

The other thing I'd like to state is that I would encourage all of you to please not to yield to NIMBYism. I think progress is very important. And I think that if we don't have progress here on Long Island, people are going to leave, our economy is going to continue to deteriorate, and it's going to be very discouraging for people. And I think that this developer and the County are brave in wanting to do this, especially in this economy. I think it's very important. I think the jobs that it

will bring and the encouragement that it will bring to other developers and other projects that need to be built here on Long Island, we cannot stagnate, we cannot just continue to stare at this open space and decide that we don't want to do anything.

I think the answer to things needs to be yes as opposed to no. And I think it's very important. I know that, you know, you live in an area -- I live in Calverton. We're going to see major development in Calverton. I live within walking distance to the Calverton facility. I knew when I moved there that some day they were going to take that acreage and they were going to develop that acreage and that it was going to bring an influx of people, but I welcome it because I think progress is very important.

And I think we have to really take a look at the County as a total and decide that there are going to be places where we are going to have to have an impact on the environment by developing further, because I think it's important. Without those things happening, like I stated before, I think it's just going to -- it's going to hurt our economy where we're going to be facing a lot more serious problems. You guys are going to be looking at budget problems that are going to be devastating going forward if we don't encourage people to stay here, develop here, grow here and grow our economy and further -- you know, bring Long Island to where it needs to be.

We can't stop growth. If we stop growth, we just die in our tracks. So please vote yes on this. I think that you need to not yield to NIMBYism. I think that a lot of it's unfounded. You know, it's easy to wave around things like environmental protection. But without having all the facts in front of everybody, I think they're just not looking at the reality of the fact that we're people, we need to live here. You can't just tell people that they were born and raised here and they need to move to North Carolina. Thank you very much.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Calderone.

APPLAUSE

CHAIRMAN D'AMARO:

Next speaker this morning is Robert French. Good morning and please go ahead. Just hold that button down on the mike. I apologize, but you have to keep your finger on it while you're speaking.

MR. FRENCH:

Good morning, Chairman D'Amaro and fellow Legislators. My name is Robert French. I am a representative from the Carpenters Local 7 here on Long Island. I'm here to speak in support of this project. I currently represent 2000 members, and out of that 2000 members, we have 500 members who are out of work currently, 40 of which are apprentices.

We desperately need projects on Long Island to spur the economy and to help grow jobs. My main concern are the construction jobs, but I understand there are also 3000 permanent jobs involved in this project. Also, you know, my concern is that my apprentices do not have opportunities to -- to find affordable housing on Long Island. A lot of them are living in basements at their parents homes because of the economy and because of the high cost of real estate and taxes.

I understand also that there is \$400 million that will coming into Suffolk County if we approve this project and much needed tax revenue. So I'm encouraging the board to approve this project and help my members and my apprentices go back to work and find affordable housing. Thank you.

CHAIRMAN D'AMARO:

Thank you, Mr. French.

APPLAUSE

Next speaker is Dennis Pedra.

MR. PEDRA:

Good morning. Dennis Pedra, Suffolk County resident. I'm here to speak in support of declaring this land surplus. I believe we need more affordable housing, and I believe that we should use this property for the reason Suffolk County bought it and get the money from the taxes. Thank you.

CHAIRMAN D'AMARO:

Thank you, Mr. Pedra. Next speaker is Jimmy Rogers. Mr. Rogers, good morning and welcome. Please go ahead.

MR. ROGERS:

How are you, Mr. Chairman and members of the board? My name is Jimmy Rogers. I am with District Council Number 9 Painters and Allied Trades. Obviously, you know the reason why I'm here; to respect my members and to create more work opportunities for them. But I also served on the Suffolk County Workforce Housing Commission. I saw all the studies that were talked about; what this kind of housing would create in students or young population. In every study that I saw, if you use one and two bedroom attached family housing, it doesn't create a surplus of children in any of the studies that I have seen.

When it comes to -- and I've heard it before that all the workforce housing is going to be put in Yaphank, I could run off a few names of projects that have been done; two in the Town of Huntington, Millenium Hills and Highview; Cooper Beach Village in Patchogue was just done not too long ago; The Cottages in Mattituck; and South Wind Village in Bay Shore has been done. So it's spread out throughout the County. I don't think it would be a burden to the people in Yaphank.

You know, my main concern is creating jobs for my members. I like the guys that were here before promoting the professional team. Like they said, it's the fastest growing sport on Long Island. I know my son plays and a bunch of his friends play. They go to Nassau County to go to Hofstra to see the Lizards play. So I'd love to be able to just take them out to Suffolk County right here and watch a professional lacrosse team, maybe hockey. And I think it's a good project. I don't think -- you know, everything that's got to be done in balance. And I think at the end of the day when this gets to the Town of Brookhaven and they do their due diligence with the Planning Board and the Zoning Board and before the Town Board, all that will get worked out. And I think the community should be there. I think they should have input. My members live in Yaphank, and I want them to have a say in it because they have to live there, they pay taxes. So I think at the end of the day, it will be a good project and everything will work itself out in the end. Thank you.

CHAIRMAN D'AMARO:

Mr. Rogers, before you leave, Legislator Nowick had a question. Please go ahead.

LEG. NOWICK:

Thank you for that testimony. Let me just go back to something you said. You were on the workforce housing committee?

MR. ROGERS:

The Suffolk County Workforce Housing Commission.

LEG. NOWICK:

And you said something about you learned while you were in that commission that a one or two bedroom condo units or whatever kind of units do not impact the school district that much, is that what -- was there -- how did you learn that? What was the --

MR. ROGERS:

It ends up coming to be a positive when it comes to the taxes as opposed to a negative for the school districts in all the studies that I have seen.

LEG. NOWICK:

Okay. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you. Next speaker is Kevin Casey. Mr. Casey, good morning and welcome. Please go ahead.

MR. CASEY:

Good morning, Mr. Chairman, members of the board. My name is Kevin Casey. I reside in East Moriches. I represent International Brotherhood of Electrical Workers Local 25. I represent 2500 members, and currently we do have, like Mr. French and the Carpenters, 500 members out of work. And people always think that, you know, us trades guys, we're here just to steamroll these projects. Yeah, we want work for our members, but we live in this community. And we want -- we want smart growth. That's why we live on Long island, that's why we don't live in the City.

But we need the workforce, you know, housing for our kids. I got three small kids. I don't want them leaving Long Island. Everybody hears that question, "Where are you going to go when you retire? I'm going to go where my kids -- where my kids go." Well, I want my kids to stay here on Long Island. I want to stay here on Long Island. So we've got to start somewhere; Yaphank, Brookhaven, East Moriches, somewhere. Let's start it, let's get the ball rolling so our kids can stay here. Thank you very much.

APPLAUSE

LEG. BEEDENBENDER:

Okay. The next speaker we have is David Zere. David, welcome. You have three minutes and make sure to keep your finger on the button.

MR. ZERE:

Thank you. And I just wanted to return the thanks for some of the members of the Legislature for supporting the Wounded Warrior Project in Suffolk County. My name is David Zere. I'm lifelong resident of Brookhaven Township. I have 20 years of land use experience. And I was a former delegate on the Suffolk -- the Central Pine Barrens Commission.

When the Pine Barrens was passed in 1993, the building community was only looking for 9000 acres of vacant land to build on out of 110,000 acres, 50,000 of which was preserved in the core. This part of the CGA, the Compatible Growth Area. It's perfect for this type of development. We give an inch to the environmental community, they want a foot. They never stop. They're the ones who steamroll over the building community.

Long Island's problem has been that we have kings lots and standard subdivisions with not enough space for cluster and smart growth development in a lot of the areas. This is ideal. It's not the role of the Suffolk County Legislature to do an environmental analysis right now. Let the town do their EAF review when this project comes to bear, and they will decide whether the land is buildable. The impacts will be minimal. I keep hearing Forge river arguments, that was sanitary septic systems. This is sewer point source discharge of effluent, it's clean. It's not going to affect the Carmans River corridor.

Where is any support for economic development by any county or township in these dark days of the contracting business on Long Island? I was at the Brookhaven Town Board meeting last night. They passed a moratorium, they shut down seven projects in Port Jeff-Terryville, viable economic projects.

The top eight salaries in Longwood School District approach a million dollars. Every school district

opposes development. Longwood will be begging for quality families and their children in eight years when this project probably comes to fruition with a substantial tax base and commercial ratables for them that they're going to be crying for. The Yaphank residents fight everything. They fought American Tissue, multiple town home projects. It's time to step up to the plate, not to be selfish. This is right off the Expressway. It's perfect for smart growth.

Two-thirds of Long Islanders work for the government or are seniors or children. One-third of us are in the private sector supporting the tax base, 25% of them are out of work. Contractors will leave in droves in 2010 because they're not making money. They made a lot of money from '96 to 2005, but they've been skating by for two years on the edge. And next year, hundreds if not thousands will pack up and leave. Another lost generation of Long Island workers similar to the Grummanites who left in the early '90s.

For every home that is built, two permanent labor hours are created for the economy, two permanent jobs. Do what is smart for this property. My four children, two of them are in college, my third is a junior in high school. He's already looking to go down south to live. He is a whip, we need him here.

CHAIRMAN D'AMARO:

Mr. Zere, you need to wrap up please. Your time has expired.

MR. ZERE:

I just wanted to say that you guys should do the right thing, put this in surplus and please vote yes. Thank you.

APPLAUSE

CHAIRMAN D'AMARO:

All right. Thank you. The next speaker is Brian Herz. Please go ahead. Welcome.

MR. HERZ:

Hi. I'm here as a Suffolk County resident and businessowner to speak on behalf of the Legacy Village project. As a younger person, I know many friends who cannot afford to live here. Their families are here, and they can't come back. They're looking to move to Pennsylvania, they're looking to move to very Southern Jersey and other places. And it's sad to see. It will be a good project for our community. Thank you.

CHAIRMAN D'AMARO:

Thank you, sir. Next speaker is Andrea Spilka. Good morning.

MS. SPILKA:

Good morning. Hi. Thank you. My name is Andrea Spilka. I represent a coalition of civics in Southampton Town on the western end of the town. So I don't see this necessarily as NIMBY issue. I do see what you're faced with is a planning issue. And I've heard a couple of things today; one, the gentleman who just spoke before me talked about children moving off the island. Part of the predicament from my perspective and what we've seen in my -- you know, in my civics is that a lot of people are moving because of the taxes for the schools. I think you have heard testimony, and my guess is that the end result will be that the taxes for school district and for the residents of that area will be much higher.

So I think in terms of a planning decision -- and I do see you having a planning discussion, you know, and decision to make, I think it's important to consider some things. But I'm really here to speak not even about taxes, but to speak about affordable housing. My civics have had some real experience with the attempt to build affordable housing, and affordable housing that the developers say will be affordable but doesn't necessarily work out that way. So there are some things I'd like you to consider in making your decision.

Obviously, at this moment I'm asking for you to put more time into it. I don't think this decision should be made today. But let me give you some things to think about. Number one, will the affordable housing be in perpetuity? There's no guarantee, unless it's in writing that, you know, after ten years or five years that this housing will still be available and will be affordable for the residents on Long Island. The other question is who will be eligible? Where does someone have to live to buy into these affordable units? And the other question is how many of them are really going to be affordable to the people you're looking to attract.

It didn't look as if real -- people who have real trouble buying -- you know, getting housing and staying here, the youngest people on Long Island are really going to be the people who are going to be targeted here, and I think that's a concern. One of my negative experiences, if you want to call it that, with affordable housing has to do with housing that the selling price was affordable but because it was in a condominium or a co-op, the maintenance fees were so high that people had to have assets of almost \$800,000 in order to buy a housing unit that cost maybe \$250,000. That's a real concern. And those are things that you really have to think about before you give this developer all this land to build these houses on.

My feeling is overall that there's too much of a give away. There are other ways to build affordable housing; you've got land trusts; we've encouraged mortgage down -- money for mortgage down payments; and most importantly for young people, rentals. It's not something I'm hearing here, and I think it's a problem in terms of what the County is considering doing, unless there's really some more thought there. Thank you very much.

CHAIRMAN D'AMARO:

Thank you. Last card I have is John Ratto. Good morning. Please go ahead.

MR. RATTO:

Good morning. Thank you. I'm a lifelong resident of Suffolk County, currently live in Brookhaven. I'm a small businessowner in Suffolk County, Town of Brookhaven. And I'm in support of this project. I think we desperately need it. That's it. Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you, sir. I don't have any other cards in front of me, but is there -- I almost expected to see you for some reason. But is there anyone else who would like to address the committee this morning? Okay. If you could -- we have one gentleman up here, Mr. Mattera, and then you, sir, are more than welcome to come after he's finished. Good morning, and you have three minutes.

MR. MATTERA:

Okay. Great. My name is Mario Mattera. I'm the business agent with Plumbers Local 200. I represent approximately 1200 members and families, 80% which live in Suffolk County, and so do I and very proud of it.

I just want to say thank you, Mr. Chairman and committee members, for letting me speak today. I'm going to say it again, I know you guys -- I'm like a broken record, this is progress. We need this project. We need projects just like this. We don't need to have the Lighthouse Project which has been held off. Look what's been happening with this Lighthouse Project. It could go to Queens, we don't know. Maybe things are going to change, we don't know. We need projects like this for growth for Long Island. The tax revenue is huge, the jobs are huge, not just the construction jobs, the permanent jobs.

The other thing is we have a contractor, Beechwood Katter, one of the best out there. They would love to take everybody in the Leg over to see their projects, one of the best contractors building -- builders out there. I've been dealing with them for a lot, a lot of years. They're great, great contractors. I don't know. They're open arms, you know, they want to hear everybody's views. And, you know, they're just ready to sit there and say what needs to be done.

You know, our veterans, they're coming home. They have a place -- they have a place to go. They have a brand new place, brand new facilities, nothing that -- you know, we're talking about these foreclosures. I'm going to say it again. These foreclosures -- I love that in other words, we have the Federal Government giving money. Where is the money? Someone mentioned at the horseshoe that there's all kinds of Federal grants. I'd like to see it.

The other problem we have is the arena. We have nowhere to go to have -- you know, we have go to Westbury Music Hall. Why wouldn't we want a nice arena in Suffolk County that we could finally go to go see shows? So I don't understand why we're having a problem, that this -- this should be passed. We actually need to have this done today with the surplus of the property. And I -- please, I would appreciate today this getting passed. Thank you very much.

CHAIRMAN D'AMARO:

Okay. Thank you. Was there someone else who want to -- yes, sir. Please come up. Good morning. Please state your full name.

MR. PIROZZI:

Good morning. Tony Pirozzi. I'm the Vice President of Local 282, the Teamsters. Forty-four hundred members, and we have the same problem as the other, you know, guys that were up here as far as employment. Everyday I get calls from wives that their husbands are losing their jobs, their houses are going into foreclosures. We supply all the building materials that go to all these projects, we build the roads, we build the sewers. Our contractors are leaving Long Island. They can't stay in, you know, business. They're calling us, they're saying that, you know, we just can't survive. And I just want to go on record that the Teamsters are for this project and we'd like to see you vote yes today. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, sir. Is there anyone else present who would like to address the committee this morning? For the record, there's no further response. I thank everybody for their testimony and for participating this morning. The next section of the is agenda Tabled Resolutions. And I'll call the first resolution to be considered by the committee.

IR 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)

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Vice-Chairman Legislator Beedenbender, I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

IR 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. Lindsay).

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Beedenbender, I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

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

The public hearing had been previously recessed at the last Legislative Meeting. I'll offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

Mr. Brown, yes.

MR. BROWN:

Thank you, Mr. Chair. We'd just like to place on the record that the Commission asks that the record formally recognize its letter of November 17th, 2009. It was hand delivered at the -- at the -- I believe the committee meeting prior to the November 17th meeting.

CHAIRMAN D'AMARO:

All right. I'm sorry. You threw me here. What letter are we talking about?

MR. BROWN:

There was a letter from the Ethics Commission. It was dated November 17th, 2009. It was addressed to the Chairman of this Committee. So the -- and it was cc'd to the rest the Legislators. So the commission would just like to record to formally recognize that the letter was submitted.

CHAIRMAN D'AMARO:

Okay. Yes. I do recall that letter. I did receive it, and it will be included in the record here. Thank you, Mr. Brown.

IR 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. Levy).

LEG. BEEDENBENDER:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to approve, I'm going to second the motion. Is there any discussion on the motion? Legislator Nowick or Beedenbender, please go ahead.

LEG. NOWICK:

I am going to -- I might say reluctantly, but I'm going to vote to move this out of committee because I feel it's time for a government to do what government is supposed to do, allow the process to go on. But I would do this simply because we need to bring this to full Legislature so the full Legislature can debate this very important project.

However, I do understand that CEQ still has to render a decision on the project. And I know myself, and I'm sure all of us, need to hear more with reference to the environmental and tax impacts of this proposal. Understand something. We're not steamrolling this through. We will do our due diligence and listen to everything. Understand that.

Additionally, it is my understanding that amendments to the PLA have still not been completed. And I am also very concerned that this project will benefit Suffolk County, Suffolk County workers, Suffolk County union people, whether it's plumbers or electrician. I want to make sure that the people of Suffolk County and our local workforce will be protected. So here's what -- we're moving it out just to keep government working, because we do otherwise back things up incredibly. It's not a yea or a nay. I think that the three of us are ready to just move it out and then bring it to the full

Leg.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Nowick. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Contrary to some things I've heard about myself over the past couple of weeks, I've spent an awful lot of time thinking about this. Last Tuesday, during one of the days we had a public hearing, I happened to be walking through the lobby when I heard somebody who was opposed to this project having a conversation. And what I heard was, "Well, Beedenbender is going to vote for it because Levy told him to." Let me just address that. I don't really care what the County Executive thinks about this project, but I'll tell you what I do care about.

In January of 2008, I took office. At that time, I was living in a basement apartment, it was legal, but I was living in a basement apartment. I was 27 years old at the time, I'm 29 now. That makes me different than the other 17 members of this Legislature, because I haven't yet found my piece of this earth that I can call mine. And that doesn't make anybody bad, it's just -- it's just a fact one. And one of the reasons that I came to this Legislature, even though I will leaving, was that this is a problem that needs to have a bigger voice. And it's a problem that needs to not just say, "well, there are some people," but it needs to have face.

One of the speakers earlier talked about, you know, who it would be attracting. And the glue of workforce housing is not to get -- is not to get the people on the bottom up, and it's not to get the people on the top up, it's to get the people in the middle who are always forgotten a chance. It's not a big help, it's not a lot of help, it's just a little bit of help. Listen, I think there are aspects of this program -- of this plan that are too big. I think that the school district issue has yet to be resolved, and it must be resolved. But I think those issues will absolutely be resolved by the Town of Brookhaven.

I mean, one of the speakers earlier rightly said the Town of Brookhaven, if you don't think they're serious about looking at development, they rejected a \$20 million investment in their community and put a moratorium, and that moratorium is all throughout the Town of Brookhaven. So I have full faith in the Town of Brookhaven's ability to review this. But I just think that I want something to be done here. The proposals now aren't perfect, but they will be amended. That's what happens on every single development project that has ever happened. You can talk to developers, you can talk to union officials, you can talk to elected officials, planning officials. I would be hard pressed to pick one project that was designed and built exactly as it was originally proposed. So all those things will happen. And maybe we won't get there.

But I have lots of concerns about this project, but in the end, they are not outweighed by the fact that I want to see something happen. And this shouldn't be the only area. It has to happen all throughout Suffolk County. And, you know, I'm not going to be here in January to talk about these things, so I don't know if this would be my last opportunity to say this, but, you know, we have to do something. We need to do something. So I want to whole Legislature to talk about this, I want the whole Legislature to think about this, and I want to whole Legislature to consider all the factors.

Legislator Browning is doing absolutely everything I would do if I was the Legislator from that district, and she should be commended for all of it, because she wants to make sure that her community is respected and it's treated well, that the members of the school district are not hurt, that the taxpayers are not hurt. And she is doing absolutely everything I would do, if not more.

But in my personal opinion, and I still have one vote at this Legislature, I think that we have to do something. And the time for saying no all the time, it gets us what we have gotten. I want to say yes because I want to do something. What the final picture of that will be, I don't know, but I'm pretty sure I'll have a hand in scoping what that will be in the coming months and years. So my vote today is going to be yes because I want to do something. We can't continue to tell the young

people of this county no because there's always another reason to say no. I want to find a reason to say yes. So that's why I'm going to vote yes today.

APPLAUSE

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Beedenbender. The motion is pending. Before we vote, I just wanted to add to that the issue before this committee, there are two really; this resolution asks us to determine whether or not this property is surplus property, and I've reviewed the history of that particular request, and there have been studies that have been done by the County, very well thought out studies as to whether or not this property actually constitutes surplus property in Suffolk County, and we have taken a good hard look at that limited issue.

The other request in this resolution is to approve the contract. The contract, I've reviewed it, I've read it. I think that there is enough leeway in there for this to go forward where we can still negotiate issues like ensuring that the units remain affordable and workforce units for the people of Suffolk County in particular. With that said, I think you also have to look at the larger picture here today. There are legitimate environmental concerns, but that is a separate track that from what we're doing here today. What we're doing here today is taking a look at whether or not it's surplus, we're taking a hard look at the contract.

As we speak, many of you know, the Council on Environmental Quality Review is meeting today, our CEO. That board is going to make a recommendation to the Environment Committee with respect to environmental concerns and impacts and any mitigation of impacts. After that, if that Environmental Committee wants to move that consideration to the full Legislature, that will happen. At that point, all of us sitting here will have another vote. We will have that opportunity to take another hard look at the environmental impacts, and if there are environmental impacts, whether or not there's sufficient mitigation of those impacts.

With respect to some larger issues like workforce housing and economic development, I don't want to take a lot of time here today. I just want to say that I've been here now for four years, and I find that we often talk the talk, but we don't walk the walk. This is a baby step, a very small step, in trying to fulfill some of the larger goals with respect to workforce housing and some of the larger goals with respect to economic development especially in light of the economy that we're all experiencing right now.

I agree with Legislator Beedenbender, we need to do something, but the process does not end here. The most important thing to take out of this meeting today and I think even if the Legislature will ultimately approve something is that the real debate on the impacts is going to take place at the town level. I can tell you as a former Chair of a Zoning Board in my town that that is where all of us need to participate and that is where all of us need to go down and say, "Look, this is the project that's being proposed, this is the impacts, here's why for it and here's why we're against it." Right now, we have a conceptual plan in front of us, that's true, but we don't have the plan that's going to be submitted and that has to be reviewed by the town. In fact, I would submit that it's more appropriate for the town having the zoning and planning jurisdiction to take that hard look at the full environmental impacts. And, of course, I'm sure the Town of Brookhaven will give everyone ample opportunity to participate in that debate, and it's an important debate.

So on the limited issue of whether or not this is surplus property and whether or not the contract is sufficient to convey the property, I think it is. However, that is not something I'm deciding here today. That is only an issue that by moving it out of committee today will send it to the full Legislature for even more debate and more consideration. And at that time, of course, I encourage all of you to please come down and be heard. Is there anyone like who would like to speak? Legislator Browning, please go ahead.

LEG. BROWNING:

You know, I listened to Brian about the need for affordable housing. My daughter lives in Colorado. And one of the reasons why it's more affordable there is because the property taxes in the home that she lives in is \$1100 a year. Most people here are paying anywhere from five to ten times that. That's what makes it not affordable here. Let's be honest with ourselves. It's not the prices of the homes, it's your school taxes is what drives up the prices of the homes. You know, my husband and I were married, we moved from Colorado when he got out of the military to here. We were paying 12% interest when we first bought our home. My kids were seven and four when we bought our first home. And we couldn't even afford that, and it was a fixer upper. And that was in Shirley.

And again, I'm very proud. I know that we had a terrible insult in my community last time, but very proud of the community that my kids were raised in and the school district that they went to. I couldn't ask for a better community to live in. And when we talk about affordable housing, we have affordable housing. Right now we have affordable housing in many communities with the number of foreclosures we have. The County does have programs, there is County money available for affordable housing. In fact, here in the Labor and Workforce and Affordable Housing Committee, we pass bills for affordable housing, Take Back the Block Programs in Huntington. So there is money available, there is Federal money available. And we need to focus on those homes that are sitting boarded up in various communities before we start to build new.

And we need those people -- somebody insulted the community. Well, a lot of the problems -- we have a lot of problems in the community, but we want those young professionals, we want those working people to come to those communities, because with them, when they move to these communities, it will turn the community around and make it a better place, an even better place than it already is.

The building trades -- one of my biggest fears is I know CEQ -- actually, I got a text from my aide who's at the CEQ Meeting. They're currently in a Q and A with Tom Isles with this project, so nothing has been decided yet at CEQ. And, you know, one of the things that I think is very important for us to declare this land surplus, we have a conceptual plan. There is a conceptual plan to develop this land, so I think it's very important that we do an environmental study on this land, because we know what the intent is with this land.

As far as the building trades are concerned, I don't want to see them -- I think what's important is the County needs to really, really look at this before we pass it off to the Town of Brookhaven because I don't think we should be Teflon and the County Executive shouldn't be Teflon, because when it gets to the Town of Brookhaven and they maybe kill this project completely -- if they kill it completely because it's a really bad idea and they consider it not smart growth and they say that there's serious environmental issues with this land, I don't want to see finger pointing on them because they killed it. So I want the building trades to remember that. When this project is scaled down or possibly killed, don't point your fingers at them, because I think the responsibility lies here first at the Legislature to make sure that any kind of development that happens is smart growth development.

You know, there are many -- again, the Lizards were here talking about a stadium. I want to know what kind of revenue the stadium is going to bring and is it going to wind up costing Suffolk County taxpayers money to subsidize this because they're not bringing enough revenue in for the stadium. So I want to know if this stadium is really going to make the money that it's saying it's going to make. We have not seen any financials on the stadium, the Lizards and what kind of money they're going to bring in. So there's a lot of very unanswered questions.

You know, I could possibly -- you know, I do see that the majority of the Legislators support the project. But I do want to see that whatever happens, it's done right, the environment is taken into consideration, because there are many environmental issues down there at this time. And I don't want to see what happened to the Forge River happen to Carmans River watershed. We have to get smart about it. I know a lot of the guys in the building trades, I bet a lot of you have boats, you like to go out recreationally. On the South Shore, a lot of our waterways are suffering. So after all this

development is done and we start seeing major environmental issues, that you can't enjoy going out and fishing any more, don't come back and complain about the environment.

APPLAUSE

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Browning. A motion has been made and I believe received a second, to the Clerk; is that correct?

MS. LOMORIELLO:

Yes.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Opposed? Abstentions? The motion carries. The resolution is **APPROVED** and moved to the full Legislature. **(VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

APPLAUSE

Okay. The next resolution on the agenda is **IR 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. Lindsay)**

I'm going to offer a motion to table, seconded by Legislator Nowick. On the motion, all in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

IR 2075, 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 Carmela Costa, by Stephanie Beller, as Administrator (SCTM No. 0200-976.90-03.00-043.000). (Co. Exec. Levy)

This is a Local Law 16 which is a redemption as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calendar (VOTE: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

IR 2076, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard J. McDonough and Nancy E. Lukens, as joint tenants with rights of survivorship (SCTM No. 0400-058.00-02.00-034.000). (Co. Exec. Levy)

I'll offer same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

IR 2077, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose B. Alvarez (SCTM No. 0900-142.00-02.00-008.000). (Co. Exec. Levy)

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

IR 2078, Authorizing certain technical correction to Adopted Resolution No. 688-2009. (Co. Exec. Levy)

I believe this changes a phrase in the Resolved Clause to correct a name. 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: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2079, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Mohammad Siddiqui (SCTM No. 0200-685.00-03.00-013.000). (Co. Exec. Levy)

This is a 50 by 100 located in the Town of Brookhaven that appraised and sold for \$3100 to an adjoining owner and I don't believe fits the parameters of the other workforce housing program for adjoining lots, because it seems that the character of the neighborhood is such that there are larger lots. That's what this would accomplish. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2080, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Suffolk County Water Authority (SCTM No. 0400-104.00-01.00-055.000). (Co. Exec. Levy)

It's an irregular shaped parcel sold and appraised for \$6000 located in the Town of Huntington sold to the Water Authority. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2081, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 George Rachun (SCTM No. 0200-883.00-01.00-013.000). (Co. Exec. Levy)

40 by 100 in Brookhaven, sold and appraised for \$4500. I'll offer a motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2082, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 V & C Holding Corp. (SCTM No. 0200-684.00-01.00-018.000). (Co. Exec. Levy)

Property located in Brookhaven, sold and appraised for \$3000. It's a 40 by 100. Motion to approve, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2088, Authorizing certain technical corrections to Adopted Resolution No. 463-2009. (Co. Exec. Levy)

This is correcting some language to accept a Homeland Security Grant. 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: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2089, Authorizing certain technical corrections to Adopted Resolution No. 853-2009. (Co. Exec. Levy)

I'll offer same motion, same second, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2123, Authorizing certain technical correction to Adopted Resolution No. 923-2009. (Co. Exec. Levy)

Pseudo code change. Same motion, same second, without objection, same vote. **APPROVED** and placed on the **Consent Calendar (VOTE: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher)**.

IR 2125, Authorizing the Commissioner of Social Services to transfer certain real property to the Suffolk County Division of Real Property Acquisition and Management (SCTM Nos. 0200-958.00-04.00-004.000, 0500-289.00-05.00-051.000, 0500-369.00-01.00-021.000, 0500-368.00-03.00-018.000, 0500-114.00-01.00-140.000). (Co. Exec.)

This, I believe, is property coming back to the division for management, rental management, I believe. I just wanted to ask Counsel briefly for an explanation.

MR. NOLAN:

This is actually -- the property came back to the County, we exercised a reverter. So DSS is going to transfer it, as you said, to the Division of Real Property Management. And it says, "which will enable the division to manage low income housing for Suffolk County." So I believe that's the intent.

CHAIRMAN D'AMARO:

And it's part of that program.

LEG. BROWNING:

Sorry. I know I'm not on the committee --

CHAIRMAN D'AMARO:

No. Please, go ahead.

LEG. BROWNING:

-- but this is something that I was very confused with, because currently these properties belong to the Department of Social Services?

CHAIRMAN D'AMARO:

They may have been conveyed for the purposes of the program and are now being conveyed back for management.

P.O. LINDSAY:

Ed Hernandez, yeah, let's see what he has to say.

CHAIRMAN D'AMARO:

Please. And thank you for being here this morning. We appreciate that. Can you enlighten us a little bit more on this bill and what it accomplishes?

MR. HERNANDEZ:

For the record, my name is Ed Hernandez, Deputy Commissioner of Social Services. About 20 years ago, there was a bunch of properties that were given to Suburban Properties, a not-for-profit agency, for the purposes of establishing an affordable housing program. The deeds that were given to the property had a reverter clause that was about to expire, and the County exercised its options of getting the properties back.

Due to the original legislation, those properties reverted to the Department of Social Services. There were six properties involved. The Department of Social Services is not in the rental business and found it very difficult, while it was a noble effort, because I was the one overseeing the use of the properties, the County's procurement system, purchasing system, made it impossible to run five basically single-family houses. So we have asked to turn it over to the Real Estate Division because they're the professionals, they run a number of houses and rental houses and would be better suited to take care of these properties. Five of the six of them are being turned over. One of them is being maintained by the department as a shelter.

CHAIRMAN D'AMARO:

Presiding Officer Lindsay, please go ahead.

P.O. LINDSAY:

What is Real Estate going to do, auction these properties off?

MR. HERNANDEZ:

I'm not sure what the plans for Real Estate are right now. There are tenants in the properties. The properties are free and clear to the County, so I can't speak to their plans.

P.O. LINDSAY:

The tenants -- are the tenants people that were homeless people that were put into permanent housing on these properties?

MR. HERNANDEZ:

All these units are currently affordable rentals below fair market values.

P.O. LINDSAY:

I mean, just my opinion on this, but I know that we're back in the motel business and that our homeless population is increasing. I know it's only five or six houses, but if we were to auction them off and we get fair market value, I'm sure the landlords who purchased them would not want to stay in the affordable housing business and would want market value for them, and we lose more housing, affordable housing stock. I'm just wondering if, you know -- - I don't know, I just hate to see them taken out of the stock of affordable housing.

MR. HERNANDEZ:

It's really a twofold process, because the Department of Social Services really doesn't have the capacity to be a rental agent, a managing agent. The way the County's procurement system is set up, it makes it very difficult to do minor things to the houses; for instance, one of the houses needed a new refrigerator. There are no vendors through the Department of Public Works where we can go out and purchase a refrigerator. We had to have the tenant buy it and then deduct it from the rent. There are some minor repairs that are needed, and there's just such a dearth of approved vendors to do the work that --

P.O. LINDSAY:

Okay. You know, we took it out of the hands -- we exercised our reverter clause to take it away from a not-for-profit agency that manages our homeless shelter population or affordable -- why did we do that? Why didn't we just leave it with those folks? Or else if you're not happy with those folks, give it back -- you know, make some kind of arrangement with another one of our contractors to manage it and run it to keep it affordable.

MR. HERNANDEZ:

The decision to take the properties was not a decision by Social Services. And first thing we did when we got the properties back was to ask Purchasing whether there was a vendor to do management. We would have had to have gone out to a request for proposals to get somebody to manage the properties. There's no mechanism within the County that we can avail ourselves to that can help us manage these properties.

CHAIRMAN D'AMARO:

Legislator.

LEG. BEEDENBENDER:

It's kind of a followup on what the Presiding Officer was saying. I know that some of the organizations that contract with the County to provide homeless shelters are struggling right now. They're filled with what they have. And they are also in the business of looking for new places to take the homeless population, because, you know -- you know, everybody -- I think we generally agree now -- it's cheaper to not have people in a hotel, never mind the fact that it's much more humane to have somebody in a service center rather than in a small motel room. So I'm not

suggesting that we sell these homes to these non-for-profits or these for-profits agencies, I guess, that provide homeless shelters, but there's got to be a way that we can work with them to give them the space that they are looking for to give us the services that we need. Was that something that was explored, Ed?

MR. HERNANDEZ:

What happens to the property -- I mean, ideally we'd like to see the properties remain as affordable rental housing, but it's -- again, we are only interested in terms of our capacity to manage the properties. We don't want to turn five houses and be bad neighbors to the people in the neighborhoods where these houses are. I mean, I pull my inspectors off the inspections to help people move into houses and all the other inspections they do to keep an eye on these properties, we pull the department's maintenance staff off of projects that the department does to do minor repairs. You know, somebody has to call all the vendors whenever somebody calls in. It's just very difficult given the homeless population for this department to run those houses. It takes a lot more work than we anticipated.

LEG. BEEDENBENDER:

I agree. I agree. I don't think that the Social Services Department should be in the business that you're suggesting. And I agree with you that there's lots of difficulties. But I would like to see -- maybe this is a discussion we should have with Real Property is this transfer occurs, that we have shelter providers who provide services in addition to shelter, which is the model that I think we all agree works.

So I would just like to see -- this probably isn't the forum to have this discussion, but to see that opportunity explored, that, you know -- I've spoken to them. The shelter providers have said, "If we had more space, we'd take more people." They just don't have it. I see Pam here in the audience. You know, if that's a discussion that can be had with Ed or Commission Blass and the County Executive's Office as well as the Chair of Health and Human Services, Legislator Browning, I think that would be something good as we go forward, because it's cheaper and it's better for people. Very rarely do we get an opportunity to do both those things at the same time.

MS. GREENE:

The division would happily attend any such meeting as required and requested by the Legislature. Should this legislation be passed, however, and the property be transferred to the division's maintenance, we would assess and maintain. But this division, as well, is not charged with maintaining on a perpetual basis for this use. We are charged with assessing and then having those properties assessed and sold at public auction to not retain their ownership.

LEG. BEEDENBENDER:

Well, and that's my suggestion that, you know, we want to sell them at public auction, but perhaps -- just real quickly, Legislator D'Amaro -- perhaps we need to -- because this seems like a very special case, there can't be too many other of these if there are any other situation like these, so perhaps we need to kind of give you Legislatively a different option for these, because if there are homeless shelter providers who could use these in a responsible manner to help the County and the help people, that might be something that we need to give you another tool to do. Because as far as I know, that doesn't exist.

CHAIRMAN D'AMARO:

The only Resolved Clause in the bill -- the first Resolved Clause and the only Resolved Clause says that the transfer would enable the division, that's Real Estate, to manage low income housing for Suffolk County.

MS. GREENE:

Correct.

CHAIRMAN D'AMARO:

So are you -- is that a part of your responsibility, to manage low income housing?

MS. GREENE:

Currently we have a number of occupied homes in the division's inventory. We have license agreements with the occupants who are there. We understand these five properties to be transferred to the division are also occupied. So there is a model in place to have the inventory continue to collect those license fees. However, on a long-term basis, those properties are constantly assessed and must be offered at public auction by law.

CHAIRMAN D'AMARO:

Legislator Nowick, did you have something to add? No? I'm sorry. Well, you know, I think -- I think what we're all leaning towards here is that if the properties are being used to address a substantial need in the County for this type of housing, we would prefer not to ultimately see them vacated and sold off through the auction process. Maybe there's a better use that the properties can be put to. I think that's what Legislator Beedenbender said. So maybe we should table this and take a look at that. Is there any urgency to getting this done, because this bill will expire is it's not passed on today?

MS. GREENE:

This resolution is submitted by the Department of Social Services.

MR. HERNANDEZ:

The urgency is that the houses need more attention than they're getting, and the longer we wait, the more of a burden it's putting on everybody.

CHAIRMAN D'AMARO:

Presiding Officer, please go ahead.

P.O. LINDSAY:

Never mind the homeless providers because you're saying this isn't for homeless families but it is for -- it's affordable rentals. What about contracting with one of the housing agencies in the County; the Long Island Housing Partnership to manage it, or -- what is the other one -- CDC?

MR. HERNANDEZ:

There's a number of agencies including some of our homeless providers, but we were advised that we have to go out for a Request for Proposal.

P.O. LINDSAY:

Wouldn't be the first time we went out for RFP for something.

CHAIRMAN D'AMARO:

Okay. I'm going to offer a motion to table this resolution so we can just take a closer look, especially at the properties and how they're being used. Is there a second? Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **TABLED. (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

MS. GREENE:

Mr. Chair, if I may, as you move on to your next item, 2127, that resolution has requested to be tabled by the Department of Planning.

CHAIRMAN D'AMARO:

Okay. Thank you.

IR 2127, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Peter A. And Svetlana L. Wilkeyson (SCTM No. 0500-402.00-03.00-p/o 024.002). (Co. Exec. Levy)

Property located in Islip. At the request of the County Executive's Office, we will offer a motion to table, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

MS. GREENE:
Mr. Chairman.

CHAIRMAN D'AMARO:
Yes.

MS. GREENE:
I apologize for taking the time of the committee, I don't know if I'll be called up at the Legislative Meeting, so I would just like to take one moment to please Brian Beedenbender well, thank him for his service to the residents of Suffolk County. And from a personal perspective, I know a thing or two about being an elected official, I think his constituents were very well served. You will be missed. Thank you.

CHAIRMAN D'AMARO:
Okay. The last resolution on the agenda -- and just to remind the committee, we have an Executive Session also -- is **Resolution 2144, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Dowling and Michael Dowling (SCTM No. 0200-852.00-08.00-035.002). (Co. Exec. Levy)**

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: 3-0-0-2 - Not Present; Legis. Alden and Viloría-Fisher).**

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

(*AN EXECUTIVE SESSION WAS HELD FROM 11:47 UNTIL 11:57 A.M.*)

CHAIRMAN D'AMARO:
Okay. The committee is reconvened from Executive Session and for the record, has authorized settlement in the case Platin, P-l-a-t-i-n, versus the County of Suffolk and Estrada, E-s-t-r-a-d-a. With no other business before the committee, I will offer a motion to adjourn, seconded by Legislator Beedenbender. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 11:57 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY