

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, February 24, 2010.

MEMBERS PRESENT:

Legislator Jon Cooper - Vice-Chairman
Legislator Kate Browning
Legislator John Kennedy
Legislator Lynne Nowick

MEMBER NOT PRESENT:

Legislator Lou D'Amaro - Excused Absence

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Barbara LoMoriello - Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Pam Greene - Director - Department of Real Estate
Michael Pitcher - Legislative Aide to Presiding Officer Lindsay
Justin Littell - Aide to Legislator D'Amaro
Greg Moran - Legislative Aide to Legislator Nowick
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Diana Flesher - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 10:18 AM)

VICE CHAIR COOPER:

Good morning, everyone. I would like to welcome you to the February 24th meeting of the Ways and Means Committee. Legislator Browning, if you could lead us in the Pledge, please.

(Salutation)

VICE CHAIR COOPER:

Unfortunately, Legislator D'Amaro is feeling under the weather today so he has an excused absence from his committee. We have no speakers that have filled out speaker cards so we can move right to the agenda.

Tabled Resolutions

We will start with tabled resolutions. ***IR 1004, Adopting Local Law No. 2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)***

That has to be tabled for a public hearing. I make a motion to table.

LEG. NOWICK:

Second.

VICE CHAIR COOPER:

We have a motion and a second. All those in favor? Opposed? Abstentions? IR 1004 is tabled for a public hearing. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1016, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Meyer and Emanuel Termini (SCTM No. 0200-773.00-04.00-027.004). (Co. Exec.)

LEG. BROWNING:

Motion to approve.

VICE CHAIR COOPER:

Second. Motion to approve and put on the consent calendar. We have a motion and a second.

MS. LOMORIELLO:

You were the second?

VICE CHAIR COOPER:

Yes, I'm the second. All those in favor? Opposed? Abstentions? IR 1016 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1030, Adopting Local Law No. -2010, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3-2009. (Browning)

If we can have an explanation from the sponsor, please.

LEG. BROWNING:

Yes. Okay. There was a bill passed some time ago that allows the County to sell undersized lots to -- in an auction to developers if they are going to build affordable housing. I believe Legislator D'Amaro was the sponsor of that bill. At that time I did not support it because in the Town of Brookhaven, and the district I represent, there's a lot of these small, undersized lots that are environmentally sensitive land that we have developers currently now trying to develop on them and

they are not getting the approvals. There was recently, I believe, a developer did take the Town of Brookhaven to court in an attempt to build on an undersized lot and he did not succeed. The Town of Brookhaven won and he is not going to be able to build on that undersized lot.

The Town of Brookhaven has been fighting this for quite some time. I've spoke with Community Development, I'm trying to say is she a Director or Commissioner, and the person in charge of the housing in the Town of Brookhaven, Val Biscardi. When she heard about this bill she was pleased to hear about it because she said this has been a problem that's been going on for too long. They don't want to see anything under 60 by 100 being built on -- I believe it's 60 by 100. I spoke with Councilwoman Kepert and she does support this. I spoke with Mark Lesko's office; they are sporting this.

So, you know, the issue is, is there's been so much poor development and bad planning throughout areas in the Town of Brookhaven and we need to stop it. And for us to sell these undersized lots at an auction to a developer, who in turn has to go to court and fight it and wind up losing, you're wasting time and resources on that municipality to have to go to court and fight it, and also the developer, who's going to ultimately wind up losing.

So I do have the support of the Town of Brookhaven in this, and I know that the other Legislators who represent areas in Brookhaven, I know do support it also. So I'm asking for your support.

LEG. NOWICK:

Just a question. May I? This is just -- then this local law would just affect parcels in Brookhaven?

LEG. BROWNING:

Correct. What's happened is, you know, if you look at the 72-H's that are being done, all of -- a lot of the affordable housing programs, Brookhaven has done more than their fair share. And I think they really have done a lot. If you look at how many 72-H's are being done in the Town of Brookhaven in comparison to all the other towns, Brookhaven is doing more than anybody. So it's not that they are not supporting affordable housing, it's not that they're not willing to do their fair share, I think they are. But this is certainly going to be a burden and it's something that they don't support. They are saying these undersized lots -- I can tell you we just closed down a home in Mastic, and there was about a row of six homes all together and they are all in very small lots. And each and every one of those homes have just turned into -- disastrous looking. They've become, you know, people have speculated, bought them and turned them into rentals and they're so horrendous looking and it destroys the whole community and the property values.

LEG. NOWICK:

I'm having trouble understanding what it is that you want to do. If I'm understanding you, is it that the Department of Energy and Environment will supersede the town regulations and allow for lots, smaller lots, to have a home built on it? Is that what you're saying?

LEG. BROWNING:

What happened, there was a bill, and George, I guess if you want to jump in. There was a bill that was passed some time ago allowing undersized lots to be sold at auction, at the County auction, for the purpose -- if a developer wants to buy them for affordable housing, to build affordable housing. That bill passed. I know that every Brookhaven Legislator did not support that bill, because we know what's going on in our districts. And so that's what the intent is, is that these small lots would be sold for affordable housing, but the Town of Brookhaven now is saying they will not approve undersized lots for development. And it's already gone to court. They already won. And, you know, so we're wasting time and resources on that municipality.

LEG. NOWICK:

Well, George, then let me ask you the bill, the prior bill that allowed other towns then -- that was -- that other towns were allowed to sell undersized lots pursuant to that other bill?

MR. NOLAN:

What the original bill did, Legislator Nowick, was -- I think you've been a member of this committee for a while, and we've had this --

LEG. NOWICK:

I remember the bill but I'm trying to get the differences between the two.

MR. NOLAN:

What it did, it allowed our Division of Real Estate to have a special auction to auction off these substandard lot, undersized lots, to people who could then go to the towns and seek a variance to allow them to build a house.

LEG. NOWICK:

But then the town still has the bottom line.

MR. NOLAN:

The town still has the authority, yes.

LEG. NOWICK:

That's what I remember.

MR. NOLAN:

Yes.

LEG. NOWICK:

Okay. So you're saying, Legislator Browning, that the time and money spent in court is getting to be ridiculous, so you want the Town of Brookhaven to come out of that, be out of that.

LEG. BROWNING:

Right.

LEG. NOWICK:

Then I see in the future other towns doing the same thing.

LEG. BROWNING:

Well, what happened, like I said, you know, we have the 72-H process where we can transfer properties to the Town of Brookhaven. Before the property goes to auction, the County offers the properties to the local municipalities. The local municipality will decide whether they want to take that property or not. So when you do the 72-H, then they work with the non-profit organizations to build affordable housing.

Like I said before, the Town of Brookhaven has certainly done more than their fair share. They have the largest number of 72-H properties. They are doing their part. But what they are saying is so these small undersized lots that are being rejected by the town are now going up in auction to sell to a developer to build affordable housing. And the Town of Brookhaven's already saying no, we won't approve a building on that. So it's not making sense, and I think when the town is already saying they're not going to do it, and like I said, they've won in court with a developer, you're wasting their time and energy. And it's a waste of our time and energy because now the property will wind up getting kicked back to us or we are not going to be able to auction it off again. So it's just -- it's not making any sense and I think you have to respect that municipality in the decision that they have made.

LEG. KENNEDY:

To the sponsor, Legislator Browning, could I ask -- I appreciate where you're trying to go with this, and as a matter of fact, I think all of us know that undersized lots can sometimes be the tool that a speculator or an absentee landlord might try to employ. As a matter of fact, right over by the Ronkonkoma bog we've got a perfect example of two lots that were built out in an area approximate to a wetland. Both of them have gone into foreclosure. Both of them are eyesores at this point. So I appreciate what you're talking about. But I also know that, as the Chair of Labor and Workforce Housing, it is a difficult venture to find anyplace where we can construct affordable housing. And also, I'm mindful of not causing an undue burden on a sister municipality, but if we have an auction and a developer purchases, {inaudible} usually prevails.

Can I ask from the Division of Real Estate, or maybe Mr. Zwirn, do you know, when we offer these lots, is it offered without any representations? How have developers purchased?

DIRECTOR GREENE:

I'd be happy to answer that, Mr. Kennedy. And Legislator Browning is doing an excellent job in summarizing the Local Law 3 as well as the consequence thus far, in the Town of Brookhaven particularly, with one statement. The Local Law 3 does not only allow the Division to sell the undersized lots at an auction, it requires the Division to do so prior to allowing them to be sold at a direct sale because they are undersized lots.

What has happened is of the 34 lots which were in the last auction, which Local Law 3 applied to, the vast majority of them were located in the Town of Brookhaven, and more than half did not sell at

auction.

And the feedback the Division heard from various interested parties was that the provisions that the Local Law 3 required, in their opinion, was too onerous to comply with.

Whether or not the people at the auction are represented by counsel or not, I can't speak to that, but I can tell you that there was one instance where a successful bidder bid up the property, purchased the property, and when they went to sign and give their deposit was informed that the Local Law 3 provisions applied, backed out and the property was offered back again in the afternoon session.

LEG. KENNEDY:

Okay. So we may have a circumstance where we have some bidders that are unsophisticated bidders, but also this is an arm's length, no representation bid. The point I'm trying to get at is if there are X number of lots that are put out for offer, particularly in these times where we're looking to acquire revenue, and I don't know what the balance is, but if -- if a knowledgeable or a sophisticated, or for that matter any individual comes forward and says I'm willing to bid X, five grand, ten grand, 40 grand, for a 50 x 100 lot, in any town, Smithtown, Babylon, wherever, the County doesn't say this is subject to your ability to procure a building permit and/or a septic for improvement on a property, do we?

DIRECTOR GREENE:

The provision of Local Law 3 was that the person bidding on this property is required to apply for a building permit. Once that's denied because it is substandard, then go forward and apply for a change of zone from the municipality. Should both of those be unsuccessful, the Division now is required to reimburse that purchaser their full deposit as well any auction fees.

LEG. KENNEDY:

And do we have to make them whole for costs associated with attempting to obtain the permits as well?

MS. GREENE:

The legislation does not speak to that.

LEG. KENNEDY:

And we've not done that I hope.

DIRECTOR GREENE:

Correct.

LEG. BROWNING:

Can I jump in real quick?

LEG. KENNEDY:

Sure.

LEG. BROWNING:

I would like to say, when -- the last auction, I believe, was in October?

DIRECTOR GREENE:

Correct.

LEG. BROWNING:

And to reiterate what Pam said, was that the majority of the auction properties in October were in Brookhaven. Those are properties that the Town of Brookhaven already rejected for the 72-H, which is an affordable housing program.

LEG. KENNEDY:

The other thing that comes to mind here is, is in a quest to try to get specificity, we're never going to get this in ten different towns with ten different codes. What constitutes a substandard in Brookhaven as compared -- which is the largest of our ten towns and therefore has the largest number of discreet parcels. But if we're looking at a lot in Smithtown, how does it differ?

DIRECTOR GREENE:

The legislation required the Division to look at substandard per the zoning, so we did that for all ten towns, looked at what was zoning in this particular neighborhood and determined if it was not in conformance or not. The other provision, there are many, but one of the provisions of Local Law 3 was that it had to have at least a 50 foot street frontage, so you're looking at something that's at least 50 feet.

LEG. KENNEDY:

It's 50 foot?

DIRECTOR GREENE:

Minimum, correct.

LEG. KENNEDY:

Okay.

LEG. BROWNING:

Town of Brookhaven is saying nothing under 60.

LEG. KENNEDY:

So perhaps, perhaps what we need to do is amend the terms in the law. Why aren't we just moving the minimum road frontage to a 60 footer rather than seeking to exempt a particular area? I shouldn't -- you put forward the bill as it is, and I'm just trying to reconcile how not to impose a particular municipality but at the same time try to continue to at least advance somewhat what we attempt to do with affordable housing initiatives.

LEG. BROWNING:

But to repeat, the Town of Brookhaven's doing their share. They have the largest number of 72-H's. I think Pam can tell you that, the number of 72-H's that are done with the Town of Brookhaven in comparison to the rest of the towns is definitely much higher, right?

DIRECTOR GREENE:

There's just more housing in the Town of Brookhaven. It's the largest town so proportionally it's going to be larger.

LEG. BROWNING:

Right, but they're still doing it. And, you know, there is a couple of properties that were built in the Mastic area that Habitat built. They were undersized lots, but they were approved in the past, so those homes were built. There has been a lot of complaints from local communities, especially the ones that were built by the Forge River, that they're saying, you know, these lots are too small. They are putting in homes, we don't have sewers. You know, if we had sewers I think that would be different, but we don't. You are putting in another cesspool. And that's a problem.

LEG. KENNEDY:

Agreed. Just one last question then for you, Ms. Greene, if you could. You said 34 were on the auction block in November, about half the lots were Brookhaven lots. And so I would assume, then, we're talking about 15 or 16 of them all with less than 60 foot worth of road frontage.

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

That's the criteria.

DIRECTOR GREENE:

Of all of the properties that were offered, just to be very clear, 34 were subject to Local Law 3 provision.

LEG. KENNEDY:

Oh, I see.

DIRECTOR GREENE:

Yes. And more than half of those 34 did not get any bids.

LEG. KENNEDY:

So in other words, this is a subset of the regular annual auction that we do where a category of the properties are identified as subject to Local Law 3.

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

I see. Okay. I was under the impression it was a separate auction. Does the administration have any perspective on this? I'm sorry, through the Chair.

VICE CHAIR COOPER:

Actually, before we get to that, Pam, could you clarify for the record when is the next auction scheduled?

DIRECTOR GREENE:

There isn't one scheduled at this time, but they normally are held in the fall.

VICE CHAIR COOPER:

In the fall, so we have some time. So this resolution is not time sensitive. What I was going to suggest is that as a courtesy to the sponsor of the resolution, Local Law 3, the Chair of the committee, to give him an opportunity to defend the local law, I would suggest tabling this for one cycle. I think that Legislator D'Amaro would like to have an opportunity to weigh in on this. But having said that, Ben, does the administration have any comments?

MR. ZWIRN:

Yes, Mr. Chairman. The County Executive is opposed to this legislation, and part of it is because it blankets an entire town without exception. The County Executive has worked with the Town of Brookhaven in the past to take parcels off the auction where they have requested them, where they wanted 72-H, they wanted them for their own purposes. But every town has different minimum requirements and you may have, you know, a frontage of 58 feet or 55 feet where the minimum is 60 feet, you know, you are splitting hairs.

The town still has ultimate control over how this property will be developed and they can stop it. But to exempt one town, I think, Legislator Kennedy, I think you suggested, or Legislator Nowick, that every town may want to opt in and we're going to wind up, you know, in a time when we want to encourage affordable housing and also encourage revenue to the County and get some of these properties back on the tax rolls, that this is would be counterproductive.

We understand Legislator Browning's intent with this bill. We think this blanket approach by

exempting an entire town would be the wrong way to go.

VICE CHAIR COOPER:

Any other questions or comments?

LEG. BROWNING:

Yes. I mean, I know what you're saying. However, again I'll repeat it. The Town of Brookhaven is doing their fair share on the affordable housing. Clearly based on what Pam said, the number of properties that did not sell at the auction based on the Local Law 3 that were kicked back, it clearly shows that Local Law 3 is not working. I think we need to make a better effort at looking at the adjoining property owner and selling it to the adjoining property owner.

And if the Town of Brookhaven doesn't want to approve building on it, I can tell you right now in the Shirley/Mastic community, I have talked to many of them, and they said we have no parks, to try and work with that local municipality, to have them satisfy the taxes on that property so at least, and 72-H's for, you know, parkland for the community, but we can't keep building the way we're building. I mean, that's why Shirley/Mastic has got the problems that they have. That's why Bellport has got the problems they have, is because people were allowed to buy the property, speculate and destroy the community and we have to stop that.

That's why I'm introducing this, is not just for my community, but for other communities within Brookhaven that have been abused and taken advantage of and we can't allow this to keep going on. They need parks. They don't have parks. And they're doing their fair share on affordable housing. So I don't think it's fair to Brookhaven, and like I said, the municipality supports this and I do want to -- I'm not going to support a tabling motion. I want it to go to the floor next week.

MR. ZWIRN:

If I might, Mr. Chairman. In the past, when we put forth, the administration put forth Local Law 13's before the Ways and Means Committee, any time we had a 50 by 100 plot we went on for hours over whether that could be used for affordable housing. I think Legislator Montano, who served on the committee, said he lived on a 50 by 100 foot plot, his home was on that, so why couldn't that be used for affordable housing, we shouldn't be selling that to the adjacent property owner. And Tom Vaughn in our office and I are -- and at that time Marion Zucker, who was with affordable housing, we would go through this -- hours spent arguing over the Local Law 13's until a time we thought maybe we wouldn't put any more through. It becomes very difficult.

We have got to have some sort of, you know, resolution of this because we are going to go right back to where we started from. One of the problems if we don't sell these properties back, the County does not have the resources to maintain them and they wind up becoming instead of parks, they become mini-landfills and dumping grounds and nobody really has responsibility except the County. We don't have the personnel, quite frankly, to go out and maintain these properties. They wind up as eyesores in the community, so if we can them into private hands, either for affordable housing or to the adjacent property owner, one, we realize the tax revenue, and two, we don't have to have an eyesore in the community. Somebody has a responsibility and an incentive to clean it up.

So we're, again, we're opposed to an exemption for one town because it's going to lead an exemption of ten towns under different circumstances. The town still has control. It is a way to generate revenue to the County at a time when we're desperately looking for revenue, and we also get these properties on the tax rolls and hopefully get them cleaned up so they don't become eyesores. It's a dilemma, but that's how, you know, the County Executive sees it from his perspective.

LEG. BROWNING:

I understand that, but, I mean, you know, you go to a more affluent community and you try

auctioning an A1 zoned community where -- it has to be an acre property. You try and sell that property in that community, absolutely not. There would be an outrage and I'm tired of hearing, and I've been told, "Oh no, but you can't do that here". Well, you know what? It's time for us to be able to say in certain communities in Brookhaven, and in Islip and anywhere, to say well, you know what? If it's not okay in that affluent community, why is it okay in this community? You know, what's fair is fair.

VICE CHAIR COOPER:

Legislator Nowick, did you have question?

LEG. NOWICK:

No -- I -- with due respect to Legislator Browning, and I would like to discuss the bill further, but my only feeling, I wanted to make a motion to table only because I thought we have a colleague that's out sick and he did want his time to talk about this, and I think it was probably the right thing, so I'm going to make a motion to table.

LEG. BROWNING:

Can I make a request that we discharge without recommendation? The sponsor will be here next week on Tuesday, and if we discharge and there needs to be more debate, and we do have other Legislators from Brookhaven. I know, John, you have some of Brookhaven. So we do have other Legislators from Brookhaven who are not here and don't sit on this community that I think it would be fair to allow them to have some say.

VICE CHAIR COOPER:

If I can just interject. We have some unique circumstances because Legislator D'Amaro was very will. He was actually hospitalized for a period of time. He's just gotten out and he's hoping that he will be at the full -- at the general session but he is not certain. And he made a personal request that we table this for one cycle so he can attend his committee next time and weigh in on this. So I will, even though I'm completely sympathetic to the concerns of Legislator Browning, this is not time sensitive as Ms. Greene mentioned. The next auction probably will not be taking place until the fall in any case, so we can certainly table this for one cycle.

LEG. NOWICK:

When do we meet again? Three weeks. It's not time sensitive, you're telling me it's not time sensitive. It's not time sensitive, there is nothing else going on. Is there a rush that I'm missing here? I just -- I just want to do this with respect to Legislator D'Amaro, just to give him an opportunity. But Legislator Browning, is there some type of a rush that I'm missing here?

LEG. BROWNING:

No, no rush. I mean, we want to get it moving so that we know that come next auction it will be in effect.

LEG. NOWICK:

Would three weeks -- would that hold it up, Counsel, in any way?

MR. NOLAN:

Based on the statement from Ms. Greene, no, I don't think it is time sensitive.

LEG. NOWICK:

All right. I make a motion to table.

LEG. KENNEDY:

I think, to be candid with you, that the have sponsor brings up some good points and she is correct, as a matter of fact I do have Ronkonkoma, Lake Grove and I have areas where 60 by 100's, and as a matter of fact, 50 by 100's and in some cases 40 by 100's, are built on and developed lots in those areas.

But I think that I personally would like to have a conversation with Val Biscardi and my -- first of all, I'm inclined to go -- I'll second the motion to table. Let me second the motion to table. I think that I personally need to go ahead and get some more information on this. I hear the statements about Brookhaven having done their -- more than their fair share, and I agree with you, that, as a matter of fact, when you look at affordable housing, many of the agencies operate and have constructed affordable housing in the Brookhaven communities in the areas. It's ironic, as a matter of fact, I was saying to Legislator Nowick, in many portions of the Town of Smithtown developers would give their eyeteeth for a substandard lot. And so I think we're looking at, you know, just some of the different circumstances sometimes associated with geography.

I am also somewhat persuaded that a colleague is indisposed and is ill and should have an opportunity to speak at least somewhat towards what the merits are associated with the underlying bill.

VICE CHAIR COOPER:

All right. So we have a motion to table and a second. All those in favor? Opposed?

LEG. BROWNING:

Opposed.

VICE CHAIR COOPER:

Abstentions? IR 1030 is tabled. *(Vote: 3-1-0-1 Opposed: Legislator Browning; Not Present: Legislator D'Amaro)*

Moving on to *IR 1034, Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to commissions and boards. (Montano)*

I want to make a motion to table. First, do we have a second?

LEG. BROWNING:

I'll second that.

VICE CHAIR COOPER:

On the motion. Barbara? I understand, Barbara, that you have been tasked with assisting the process of reorganizing the appointment process for County boards and commissions?

MS. LOMORIELLO:

Yes.

VICE CHAIR COOPER:

Can you clarify where things stand?

MS. LOMORIELLO:

Okay. I don't know if you are all aware of it, but we have a database that's call Boards, Commissions and Task Forces, and that hasn't been updated in quite a while. And I have begun to update it and the process is a tedious process. The beginning of the updating has started with -- the commissions and the boards and the task forces get into the database from your legislation, not only your legislation, but also Executive Orders from the County Executive.

Now, the process, my process first started out with purging what still is current. There's a few hundred of these commissions and boards. The purging, now that step has taken place, but that had to be comparing legislation, enabling legislation, to the current boards. So that was very tedious in going back and forth. And with the Executive Orders there is no termination dates so I am awaiting from the County Executive's staff to find out what exactly commissions and boards are now in -- still up and running.

In addition to that, the second phase will be going through -- I would say at least 80 to 90 percent of appointees are not current. Now, on each board you can have anywhere from three to 12 members, so what's not current is those people are listed on the commissions and boards, we have to go back to the enabling legislation to take a look at the terms, check it off with the oaths of office, and then go back in and update the boards and commissions.

I can't tell you how long a process this will be right now because I'm only getting into the second phase, and it's like a detective type of process where I'm uncovering how much work needs to be done.

VICE CHAIR COOPER:

All right, but the review process ongoing and under way.

MS. LOMORIELLO:

It is ongoing, it is.

VICE CHAIR COOPER:

Thank you, Barbara. That being the case, we have a motion to table IR 1034 and a second. Would anyone else like to comment? There being no other interest in so doing, all those in favor? Opposed? Abstentions? IR 1034 is tabled. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**
Moving on to new resolutions.

Introductory Resolutions

IR 1055, Calling for a public hearing for the consent to the acquisition of additional land at Marinold Way, Town of Southampton, County of Suffolk, State of New York, by the Quogue Cemetery Association, Inc., for cemetery expansion purposes. (Schneiderman)

LEG. KENNEDY:

I make the motion.

VICE CHAIR COOPER:

I'll second that motion. All those in favor? Opposed? Abstentions? IR 1055 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1068, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Smithtown (SCTM No. 0800-052.00-03.00-002.000). (Co. Exec.)

Does Real Estate have any comments on this? Pam, do you want to weigh in?

LEG. KENNEDY:

Is this subject to Local Law 3?

MR. NOLAN:

We skipped resolutions.

VICE CHAIR COOPER:

Oh.

DIRECTOR GREENE:

Did the committee wish to re-visit in order or are you going for this resolution?

VICE CHAIR COOPER:

Why don't we tackle this resolution and then we'll -- come on, keep up with me people. Okay. Actually, for the actual agenda from Lou's office I need my reading glasses. You have to increase

your type font on this. I think I'll be okay.

DIRECTOR GREENE:

Regarding Resolution 1068, the Division is pleased to work with the Town of Smithtown to transfer this property and eliminate any further financial liability on behalf of the County.

VICE CHAIR COOPER:

Thank you. You know what? We are going to do this in order, how's that. So, Pam, you hold that thought. Now we're going back to ***IR 1056, Authorizing certain technical correction to Adopted Resolution No. 1071-2009. (Co. Exec.)***

LEG. KENNEDY:

Motion.

MR. NOLAN:

And put it on the consent calendar.

VICE CHAIR COOPER:

Motion to approve and put on the consent calendar. We have a second. All those in favor? Opposed? Abstentions? IR 1056 is approved. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1057, Authorizing certain technical correction to Adopted Resolution No. 1129-2009. (Co. Exec.) Same motion, same second. IR 1057 is approved and put on the consent calendar. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1064, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ethridge Chong (SCTM No. 0500-267.00-03.00-041.000). (Co. Exec.)

LEG. KENNEDY:

Motion.

VICE CHAIR COOPER:

Same motion, second. All those in favor? Opposed? Abstentions? IR 1064 is approved and put on the consent calendar. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1065, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Deborah J. Grimaldi and Agnes Vezzuto (SCTM No. 0500-009.00-04.00-095.000). (Co. Exec.)

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1065 is approved and put on the consent calendar. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1066, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gerald Union and Lancene Union, his wife (SCTM No. 0800-130.00-04.00-046.000). (Co. Exec.)

Same motion, sale second. All those in favor? Opposed? Abstentions? IR 1066 is approved and put on the consent calendar. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1067, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Raul Mora (50%), Joanne E. Mora (25%) and Anthony A. Mora (25%), as joint tenants with right of survivorship (SCTM No. 0500-052.00-04.00-024.000). (Co. Exec.)

Same motion.

LEG. NOWICK:
Question.

VICE CHAIR COOPER:
Yes, Legislator Nowick.

LEG. NOWICK:
You must have a one different one than I have.

VICE CHAIR COOPER:
Oh. If that's the case, blame Legislator D'Amaro this time.

LEG. NOWICK:
This is 1068 you are doing?

MR. NOLAN:
1067.

LEG. NOWICK:
Okay. Go ahead. I'm confused.

VICE CHAIR COOPER:
Welcome to the club. We really miss Lou. Lou, do you hear that wherever you are? And he is listening. Same motion, same second. All those in favor? Opposed? Abstentions? IR 1067 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1068, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Smithtown (SCTM No. 0800-052.00-03.00-002.000). (Co. Exec.)

Does anyone remember what Pam had said earlier?

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

DIRECTOR GREENE:
If I am going to talk, somebody better listen. We in the Division are very happy to work with the Town of Smithtown in transferring this property to them. They are paying the County's investment. They will be using it for highway purposes.

VICE CHAIR COOPER:
Okay. Thank you. I don't have to repeat the title, correct, because I did that before. Do we have a motion? I make a motion to approve.

LEG. KENNEDY:
Second.

VICE CHAIR COOPER:
We have a motion and a second. All those in favor? Opposed? Abstentions? IR 1068 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

1069, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Huntington (SCTM No. 0400-145.00-01.00-069.001). (Co. Exec.)

Ms. Greene?

LEG. BROWNING:

Is this affordable housing?

DIRECTOR GREENE:

No, this a transfer to the Town of Huntington to be used for adjacent property to their recharge basin. It is for municipal purposes only.

VICE CHAIR COOPER:

Thank you. Same motion, same second. All those in favor? Opposed? Abstentions? IR 1069 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1075, Sale of County-owned real state pursuant to Local Law No. 13-1976 Rod Staten Corp. (SCTM No. 0100-170.00-02.00-053.000). (Co. Exec.) Explanation, please.

DIRECTOR GREENE:

This is a direct sale to an adjacent land owner. The lot is 20 by 100. The appraised value is \$2,000. The successful bidder is bidding 2,200 for this piece of property next to theirs.

LEG. KENNEDY:

Motion.

VICE CHAIR COOPER:

Second. All those in favor? Opposed? Abstentions? IR 1075 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1076, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act J & J Sales and Renovation Properties, Inc. (SCTM No. 0500-120.00-03.00-074.000). (Co. Exec.)

LEG. KENNEDY:

Motion.

VICE CHAIR COOPER:

Second.

DIRECTOR GREENE:

This is a redemption as a matter of right.

VICE CHAIR COOPER:

Okay. Thank you. How about a motion to approve and put on the consent calendar. All those in favor? Opposed? Abstentions? IR 1076 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1081, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Spin City Realty Corporation (SCTM No. 0100-055.00-02.00-083.000). (Co. Exec.)

LEG. KENNEDY:

Motion.

VICE CHAIR COOPER:

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1081 is approved and put on the consent calendar. *(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)*

IR 1082, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Plantgift.Com, Inc. (SCTM No. 0500-356.00-07.00-002.000). (Co. Exec.)

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1082 is approved and put on the consent calendar. *(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)*

IR 1083, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sean D. Grant a/k/a Sean Dana Grant (SCTM No. 0100-053.00-02.00-113.000). (Co. Exec.)

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1083 is approved and put on the consent calendar. *(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)*

IR 1089, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Home Star Custom Homes LLC (SCTM No. 0200-969.00-01.00-031.000). (Co. Exec.)

Explanation, please.

DIRECTOR GREENE:

This is also a direct sale. Again, it is not subject to provisions of Local Law 3 because it does not meet the 50 foot road requirement. The successful bidder has bid \$5,001.99 on a piece of property, the appraised value of which was \$4,000. There is a covenant that says that it cannot be independently improved.

LEG. KENNEDY:

Mr. Chair. Through the Chair. Ms. Greene, I recall having talked about these things in the past and the covenant restricts from independent application, as you just said. So obviously the purchaser is not going to go to the Town of Brookhaven, look for relief, grieve a denial on a building permit, yadda, yadda, yadda. However, is this adjacent to a similarly owned parcel where they would attempt to merge or do we restrict when the sale goes out that way as well?

DIRECTOR GREENE:

The adjacent property owner will merge if it is in the same ownership and then if that is compliant with zoning, then there is no restriction.

LEG. KENNEDY:

We don't restrict. Okay. All right.

LEG. BROWNING:

What size is the property?

DIRECTOR GREENE:

This property is 40 by 100.

LEG. BROWNING:

But he is going to make an effort to build on it. No?

DIRECTOR GREENE:

The adjacent property owner will -- may, if it's in the same ownership merge, and if that lot then is in compliance with zoning then we have no restriction.

LEG. KENNEDY:

But what a developer might do on occasion is, just to hypothesize for a second, I think, and Ms. Greene would know this certainly from her years of land experience, is a parcel like this could be pledged for a project in another area for sanitary credits or something along those lines?

DIRECTOR GREENE:

The Transfer Development Program is reviewed by the Planning Department to see if the sending lot or receiving lots are usually within areas that the County desires to acquire.

LEG. KENNEDY:

And is this in one of those, it's hard to tell. We should have our tax map books in front of us. Is this in a wetlands area? Is it, you know --

DIRECTOR GREENE:

The Planning Division passed on this resolution and I can't speak to whether they determined it was or it wasn't, but if they passed on it then we would --

LEG. KENNEDY:

Okay. All right. Thank you.

VICE CHAIR COOPER:

All right. Thank you. For IR 1089 I'm going to make a motion to approve and I believe we can put this on the consent calendar.

MR. NOLAN:

We generally -- the practice has not been to put them on consent calendar, but there is no prohibition on doing so if the committee wishes to do so.

LEG. KENNEDY:

Why not put it on consent?

VICE CHAIR COOPER:

Who votes for a shorter meeting on Tuesday.

LEG. KENNEDY:

The helicopters are coming.

VICE CHAIR COOPER:

That's right. There goes that. Okay. So IR 1089 we have a motion to approve and put on the consent calendar. All those in favor? Opposed? Abstentions? I'm sorry?

LEG. KENNEDY:

Second.

VICE CHAIR COOPER:

Thank you. We have a motion to approve and a second. All those in favor? Opposed? Abstentions? IR 1089 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1090, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barbara and Herbert Gershkowitz (SCTM No. 0300-157.00-04.00-004.004). (Co. Exec.)

I'll make a motion to approve. Explanation.

DIRECTOR GREENE:

Local Law 16's are redemptions, so this would be a redemption as a matter of right.

VICE CHAIR COOPER:

Okay. So motion to approve and put on the consent calendar. Do we have a second? I'm sorry.

LEG. KENNEDY:

Yes.

VICE CHAIR COOPER:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? IR 1090 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1091, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stanzoni Realty Corp. (SCTM Nos. 0200-982.10-05.00-025.000, 0200-982.10-05.00-026.000 and 0200-982.10-05.00-027.000). (Co. Exec.)

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1091 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1094, 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.)

Explanation.

DIRECTOR GREENE:

This is a Local Law 13, which is direct a sale. It should be noted for the committee and perhaps for the full Legislature that a decision on the County policy of selling adjacent underwater lands along canals is currently under review in the County Attorney's Office.

However, the situation here is the property owner is not able to repair or rebuild the dock on the waterfront property because the dock is technically located on County land. So the only solution that was anticipated was to allow a direct sale to allow this adjacent property owner to purchase that property and then be able to apply for the permits from the municipality to be able to repair the dock. Otherwise, it was seen as much too onerous to have a division enter into a license agreement with the adjacent owner.

VICE CHAIR COOPER:

All right. Thank you. I'll make a motion to approve and once again is there consent to put this on the consent calendar as well?

LEG. NOWICK:

Yes.

VICE CHAIR COOPER:

Okay. So motion to approve and put on the consent calendar.

LEG. BROWNING:

Second.

VICE CHAIR COOPER:

We have a second. All those in favor? Opposed? Abstentions? IR 1094 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1098, Directing the Department of Information Technology to perform a feasibility

study in relation to the creation of a phone application for finding automated external defibrillators in Suffolk County. (Lindsay)

I'll make a motion to approve.

LEG. KENNEDY:

I'll second on the motion, Mr. Chair, but I got question on the reso.

VICE CHAIR COOPER:

Please.

LEG. KENNEDY:

From the administration, Mr. Zwirn, does anybody -- can anybody tell us, I think this is an outstanding piece of legislation because nobody ever wants to have to try to guess where an AED unit is in the midst of a heart attack. Having said that, does IT have the ability to do this?

MR. ZWIRN:

They'll give it their best effort if they are directed by the Legislature to do it. They'll gather all the information that they can. I don't know, I can't guarantee it, but I'll have a better answer for you at Tuesday's General Meeting.

LEG. KENNEDY:

Okay.

MR. ZWIRN:

So the expectations aren't raised. I understand.

VICE CHAIR COOPER:

Legislator Browning.

LEG. BROWNING:

It's just a feasibility study to see if IT can do it. They talked about if you have a Smartphone how you can use your Smartphone for any number of things and -- well, okay, someday you will. But it is just a feasibility study to see if it's something that we could actually afford to do also. I think it's a good idea to try it.

VICE CHAIR COOPER:

All right. Well, thank you. So we have -- I believe we have a motion and a second. All those in favor? Opposed? Abstentions? IR 1098 is approved. ***(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)***

IR 1108, Authorizing certain technical corrections to the 2010 Adopted Operating Budget for the Music Festival of the Hamptons Inc. (Schneiderman)

I'll make a motion to approve and put on the consent calendar. Do we have a second?

LEG. BROWNING:

Is that on the consent calendar?

VICE CHAIR COOPER:

Motion to approve and put on the consent calendar.

LEG. BROWNING:

This is his omnibus, right? Is this his omnibus money?

LEG. NOWICK:

It's not changing money, right?

LEG. BROWNING:

Oh, sorry. Technical correction, I'm sorry.

VICE CHAIR COOPER:

All right. So do we have a second?

LEG. NOWICK:

Yes.

VICE CHAIR COOPER:

Okay. We have a motion to approve and a second. All those in favor? Opposed? Abstentions? IR 1108 is approved and placed on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1109, Authorizing certain technical corrections to the 2010 Adopted Operating Budget for the Wildlife Rescue Center of the Hamptons Inc. (Schneiderman)

Same motion, same second. All those in favor? Opposed? Abstentions? IR 1109 is approved and placed on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1110, Authorizing certain technical corrections to the 2010 Adopted Operating Budget for the Friends of the Big Duck. (Schneiderman)

Same motion, same second. All those in favor? Opposed?

LEG. KENNEDY:

Mr. Chair, can I just ask one question, procedural question I guess.

VICE CHAIR COOPER:

Sure.

LEG. KENNEDY:

And since we're dealing with the Operating Budget, why is it that we are doing it here and we're not doing it over in I guess it would be Budget and Finance?

MR. NOLAN:

Excellent question, Legislator Kennedy.

LEG. KENNEDY:

Prerogative of the Chair there, Counsel?

MR. NOLAN:

Well, what happened is all technical corrections come to this committee. Normally -- well, usually these are drafted as budget amendments and go to the Budget Committee. We're having discussions with BRO why they would prepare this way, as technical correction, so we can kind of go back to the old way of doing business. But these were -- came in as technical corrections, we assigned them to this committee --

LEG. KENNEDY:

Kind of like it is what it is, huh?

MR. NOLAN:

Yeah, and it's a name change, so we think it's fine for this committee to pass on it.

LEG. KENNEDY:

Well, thank you for enlightening me, Counsel. I generally appreciate it.

MR. NOLAN:

The issue came up.

LEG. KENNEDY:

There you go.

VICE CHAIR COOPER:

Okay. Thank you. Same motion, same second. All those in favor? Opposed? Abstentions? IR 1110 is approved and put on the consent calendar. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1119, Requesting legislative approval of a contract award for a financial printer for the Department of Audit and Control. (Co. Exec.)

I do have questions, but I'll make a motion to approve.

LEG. BROWNING:

Second.

LEG. KENNEDY:

I'll second.

VICE CHAIR COOPER:

Okay. I understand a representative of the Comptroller's Office would like to come up and explain this.

MS. CAPOBIANCO:

Christina Capobianco.

VICE CHAIR COOPER:

Good morning. Thank you for coming down. Could you please provide an explanation of what this resolution attempts to accomplish?

MS. CAPABIANCO:

Certainly. Audit and Control needs to periodically go out and borrow funds, four times a year normally, more if we have refundings. When we go out to borrow money we need to prepare a preliminary official statement and an official statement, which I have here. I'm sure you've seen these. They get distributed to all the Legislators. This financial printing is specialized. It cannot be done in-house by County printers. There are time constraints and there is, you know, a degree of technicality that goes into printing these documents.

Last year we went through the Purchasing Department and we did a formal RFP. It was advertised. We also sent the proposals to four different financial printers. Unfortunately, we only got one response, so therefore, you know, we need special authorization to award this printer. We have used this printer in the past through our financial advisor, Capital Markets, so we have past experience with his services and we have been very happy with him. I'll tell you that last year we had six borrowings and the total cost of the financial printing was approximately \$18,000.

VICE CHAIR COOPER:

So this is something that's done each year. The only reason it is before us is because there was only one respondent to the RFP.

MS. CAPABIANCO:

Exactly.

VICE CHAIR COOPER:

Okay. Thank you. Any questions? So we have a motion and a second. All those in favor? Opposed? Abstentions? IR 1119 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**. Thank you very much.

IR 1141, Authorizing payment of certain closing costs incurred relative to the acquisition of the Cohalan Court Complex. (Co. Exec.)

I'll -- I have questions but I'll make a motion to approve. Do we have a second?

LEG. NOWICK:

I'll second.

VICE CHAIR COOPER:

Okay. We have a motion to approve and a second. Can we have an explanation from whoever would like to weigh in?

MS. CAPABIANCO:

Certainly. I'll weigh in on that. We are respectfully seeking the Legislature to authorize payment to the County's financial advisors, Capital Markets Advisors, for the services they have performed pursuant to the purchase of the Cohalan Court Complex last autumn. As you are aware, this idea to purchase the Cohalan Court Complex was proposed by the County's financial advisors. The idea ended up saving the County \$10.7 million. Six point eight million dollars of that was saved during 2009. These services were extraordinary in that they were above and beyond the contract.

Capital Markets Advisors agreement with the County does allow for us to pay him 95 cents per \$1,000 bond when we do an ordinary transaction on a negotiated basis. This purchase of the Cohalan Court Complex was not visioned at the time we did his agreement. It was an extraordinary sale, but Mr. Tortora did testify at the August 4th Legislative meeting that he would be receiving the fee of 95 cents per bond. He was questioned by Legislator Romaine at the time and it is all on record that there would be an additional fee.

All the other closings costs of the purchase have been satisfied. Bond counsel is paid, the appraisers were paid, the rating agencies were paid. This -- there is no fiscal impact to paying Mr. Tortora his fee because it was already included in the closing cost. The savings are a net of these fees. The fee would be \$76,318 if approved.

VICE CHAIR COOPER:

So the fee rate is identical.

MS. CAPABIANCO:

It's identical to the agreement.

VICE CHAIR COOPER:

Very good.

LEG. KENNEDY:

Mr. Chair, one quick question.

VICE CHAIR COOPER:

Please.

LEG. KENNEDY:

Christine, either for yourself or for BRO. You spoke about, I guess, a total of ten million, 10.4

million that was realized in savings through the refunding, 6.8 of which was recognized in '09. So am I assuming that the balance is now in this year, in 2010?

MS. CAPABIANCO:

Actually, the balance is going to be over the remaining term of the bonds. They are fully paid off within seven years, by 2016, but the bulk of the savings were realized up front.

LEG. KENNEDY:

Okay. And then I would turn to Ms. Vizzini for a second. I do remember Mr. Tortora being in front of us back in August. Is this something that we were generally aware of might manifest itself? Is this a reasonable expectation for this compensation?

MS. VIZZINI:

Well, as Christine pointed out, this is above and beyond the customary transactions that Capital Markets would be involved in, and there is a provision in their contract if we require them to do something along these lines. There is a set percentage or fee that we'd provide.

LEG. KENNEDY:

Okay.

MS. VIZZINI:

So I think it's --

LEG. KENNEDY:

It looks like it jives with that understanding?

MS. VIZZINI:

Yes, and the savings were net of these anticipated costs.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

VICE CHAIR COOPER:

Thank you. All right. We have a motion to approve and a second I believe. All those in favor? Opposed? Abstentions? IR 1141 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1160, Approving the appointment of a relative of a County Court Judge in the Suffolk County Legislature (Lauren Auerbach). (Muratore) I'll make a motion to approve.

LEG. KENNEDY:

I second.

VICE CHAIR COOPER:

Any questions, need for explanation? Tom Muratore's office, I understand it would be as a part-time Legislative Aide. Okay. We have a motion to approve and a second. All those in favor? Opposed? Abstentions? IR 1160 is approved. **(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)**

IR 1163, Adopting Local Law No. -2010, A Local Law to streamline procedures for selecting the County Legislature's Presiding Officer and Deputy Presiding Officer. (Cooper).

This has to be tabled for a public hearing, so I make a motion to table.

LEG. KENNEDY:

Second.

VICE CHAIR COOPER:

All those in favor? Opposed? Abstentions? IR 1163 is tabled for a public hearing. *(Vote: 4-0-0-1 Not Present: Legislator D'Amaro)*

Finally, *HR 01, Requesting the State of New York to enact legislation establishing a Bi-County Commission to study the feasibility of establishing the State of Long Island (Senate Bill No. S.426-A and Assembly Bill No. A.1189-A). (Romaine)*

I'll make a motion to table since there is no way in heck that the State will ever approve this in any case.

LEG. KENNEDY:

Mr. Chair, I would like to make a motion to approve.

VICE CHAIR COOPER:

We have a motion to approve and a motion to table. Do we have a second for either?

LEG. NOWICK:

I'll second the approval.

VICE CHAIR COOPER:

Do we have a second for the tabling I hope.

LEG. BROWNING:

I'll second your table.

VICE CHAIR COOPER:

Thank you. Motion to table takes precedence.

LEG. BROWNING:

If we have the flounder.

VICE CHAIR COOPER:

Now, a reminder that this is all my idea two years ago, but I was being facetious. It was a joke. I didn't expect anyone to take this seriously.

LEG. NOWICK:

Joe did.

VICE CHAIR COOPER:

This is true. We have a motion to table and a second. Please let's table this. All those in favor of the motion? Opposed?

LEG. KENNEDY:

I'm opposed.

VICE CHAIR COOPER:

Abstention? Okay, it passes. The motion to table is approved. Thank you. *(Vote: 3-1-0-1 Opposed: Legislator Kennedy; Not Present: Legislator D'Amaro)*

I understand that we have to go into executive session. I make a motion to go into executive session. We'll let Rick Brand stick around. I'm only joking, Rick, but one of us will fill you in after the executive session I'm sure. Do we have a second?

LEG. NOWICK:

Second.

VICE CHAIR COOPER:

And that was a joke for anyone that's listening. All those in favor? Opposed? Abstentions? We're going into executive session. Everyone get out of here. Scoot. Oh, never mind, we are going in the back conference room.

EXECUTIVE SESSION FROM 11:21 TO 11:47 PM

VICE CHAIR COOPER:

Okay, we're going to go back on the record. We wanted to announce that we reached a settlement in the case of the Olivia McMahon versus the County of Suffolk. I guess that's it. So I make a motion to adjourn the committee.

LEG. KENNEDY:

Second.

VICE CHAIR COOPER:

All those in favor? Opposed? Abstentions? Committee is closed. Thank you.

(THE MEETING WAS ADJOURNED AT 11:47 AM)