WAYS & MEANS COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway,Smithtown, New York on March 17, 2010.

MEMBERS PRESENT:
Leg. Lou D'Amaro, Chairman
Leg. Jon Cooper, Vice Chair
Leg. Lynne C. Nowick
Leg. Kate M. Browning
Leg. John M. Kennedy

ALSO IN ATTENDANCE:
George Nolan, Counsel to the Legislature
Robert Lipp, Deputy Director of Budget Review Office
Ben Zwirn, County Executive's Office
Justin Littell, Aide to Legislator D'Amaro
Alicia Howard, Legislative Aide
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Greg Moran, Aide to Leg. Nowick
Dot Kerrigan, AME Legislative Representative
Lynee Bizzaro, County Attorney's Office
Delia McKernan
Dan Panico, Brookhaven Councilman
Rick Brand, Newsday
JoAnn McCarthy, League of Women Voters
JoAnn Alario-Paulsen, League of Women Voters
Gary Quinn, Commissioner Information and Technology
And all other interested parties

MINUTES TAKEN BY:
Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:
Donna Catalano, Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:22 AM*)

CHAIRMAN D'AMARO:
Okay. Good morning, ladies and gentlemen. And I apologize for the delay. Welcome to the Ways and Means Committee of the Suffolk County Legislature. I'm going to ask if everyone would please rise and join the Committee in the Pledge of Allegiance led by Legislator Jon Cooper.

SALUTATION

CORRESPONDENCE

Okay. The second item on the agenda today is correspondence. And please note for the record the Committee has received the following correspondence this morning. The first is from the Town of Brookhaven, Valeria J. Biscardi, Commissioner of Housing and Human Services. The letter is dated January 26th, 2010, and addressed to Honorable Kate Browning, a member of our committee. That will be included in the record.

The Committee has also received a second letter from the Town of Brookhaven signed by Councilwoman Connie Kepert, Council district Number 4. That letter is dated January 13th, 2009. And that is also addressed to Legislator Browning. Both of those items will be included in our record.

PUBLIC PORTION

Next on the agenda is public portion. We've received two cards. Each speaker will be asked to come up, state your name and address for the record. And you will have three minutes to address the Committee this morning. The first is Delia McKernan. Good morning and welcome to the committee.

MS. McKERNAN:
Good morning. Thank you for the opportunity to speak this morning. I will be brief. I'm here about the resolution 1030, the exemption -- exempting the Town of Brookhaven. My concern is about substandard lots being developed in the Mastic Shirley/Mastic Beach/ Smith Point area. And for many -- for too many years, we have been victim to poor planning and over development in our communities. With our waterways polluted and the fact that we do not have sewers, we just can't afford more development in our area. At this point, it's really about a public health issue.

And why must we use these substandard lots to create affordable housing? We have an abundance of houses on the market. Maybe the Town should partner with the County and utilize the already existing properties that we have. So I'm in favor of exempting this from the Town of Brookhaven. And I appreciate the opportunity to speak. Thank you.

CHAIRMAN D'AMARO:
All right. Thank you. The second card I have is from Dan Panico. Mr. Panico.

MR. PANICO:
Good morning. My name is Dan Panico. I'm the Brookhaven Town Councilman for the 6th Town Council District. And I'm here today to offer my support to Legislator Browning, Legislator Eddington's bill. I believe it's a good bill to exempt Brookhaven Town from the requirements of Local Law 3 of 2009.

As the previous speaker just spoke about, we have an overabundance of substandard lots already in Mastic, Mastic Beach and Shirley. And to further build on substandard lots would lead to diminution

of property values and also have vast environmental impacts in the area. I plan on working with Legislator Browning to revitalize the area. And by building on substandard lots will further increase the effluent we put into the ground, further pollute the tributaries and the Forge River, and will go -- totally go against everything that we need to get done in the Mastic and Shirley community.

And I would ask on behalf of my constituents and our mutual constituency that you allow this bill to move forward to exempt Brookhaven Town from the requirements of 3-2009. Thank you very much.

CHAIRMAN D'AMARO:
Thank you, Mr. Panico. I had a quick question for you. And I really appreciate you coming down today. Do you know if your zoning board in the last year or so has approved any substandard lot variances?

MR. PANICO:
I'm not 100 percent sure that they have; although I wouldn't want to give anybody the unrealistic expectation that by acquiring these substandard parcels that they would have the ability to build on these lots. It certainly, again, goes against everything we're trying to get done in the area and could further increase the legal costs to the Town of Brookhaven if anybody had the unrealistic expectation that he would be able to build on these lots. The legal costs, I think, would be staggering. And I don't think that certainly in this economic time that it would be good for the Town of Brookhaven or Suffolk County. I think that we should work together.

CHAIRMAN D'AMARO:
Yeah. I looked at the aerials and the tax maps of the lots that were sold through the County auction. And they're surrounded by 50 by 100's. The program we have in place right now, you have to have at least a minimum of 50 by 100. It can't be, you know, less than that. So we're really talking about neighborhoods that support 60, 75's or 100's, and then slightly substandard lots with 50's. And there were many, many new homes built on the 50 by 100 lots, which I assume were built pursuant to variance.

MR. PANICO:
One would assume that. They may have been built pursuant to variance. However, still adding more cesspools into already an area with a high water table and with significant impact to our local waterways and tributaries is certainly not the course I want to see this County or town embark upon or the zoning board to issue any variances.

CHAIRMAN D'AMARO:
Right. But the zoning board as an independent board is already making those decisions and weighing all of those competing considerations and approving 50 by 100 lots.

MR. PANICO:
Well, they may or may not be approving these. However, the zoning board, their designation and their appointee -- their appointment comes under the purview of the Brookhaven Town Board. And that's something certainly I'm going to take into consideration when I appoint members to the zoning board.

CHAIRMAN D'AMARO:
Okay. That's fair enough. I appreciate your response. Thank you for coming down.

MR. PANICO:
Thank you very much.

CHAIRMAN D'AMARO:
I apologize. Legislator Kennedy; and then Legislator Browning.

LEG. KENNEDY:
I want to welcome Councilman Panico, as a matter of fact, as the newest Brookhaven Town Board member. It's nice to see somebody coming on with such a deep knowledge of the community in the area.

Knowing your experience and your knowledge there and particularly the discussion that we have before us with the substandard lots, one of the things that I think is germane is the impact of distressed properties, and in particular, properties that may be in foreclosure or things along those lines. Give us a sense of what kind of impact there is particularly in the 6th Councilmatic District right now where we may have these substandard lots.

MR. PANICO:
In Mastic, Shirley and Mastic Beach we have an overabundance of distressed homes, foreclosed homes, boarded up homes, sober homes, homes that are being -- that are being used for commercial purposes to exploit the community. And what we have to do and one of the initiatives I want to bring forward is to partner with the County to purchase these homes and put first-time home buyers in the homes, put returning veterans from our wars in these homes, put our emergency service responders in these homes and get away from these homes being bought up by corporations to further exploit the community.

I think that we have an overabundance and availability of housing on the peninsula -- when I say peninsula, I mean Mastic, Shirley and Mastic Beach. And we should work cooperatively to buy these homes, to put owner-occupied people into these homes to help benefit the area.

LEG. KENNEDY:
And I imagine that would help to stabilize what appears to be a somewhat transitional or influx area at this point right now.

MR. PANICO:
It certainly would.

LEG. KENNEDY:
Okay. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:
Thank you, Legislator Kennedy. Legislator Browning.

LEG. BROWNING:
Yeah. First of all, I just want to say thank you to our new Councilman for coming. He clearly shows his interest in our community. And he was just reelected -- he was just elected. So I want to say congratulations. And, you know, I do want to continue to work with you. And clearly that you're here today shows that you care about, you know, this bill and what it does do to our community. I won't go on, I know we have the bill coming up to debate. But I just want to say congratulations and thank you for coming. And I'm very much looking forward to working with you.

MR. PANICO:
Thank you very much. And happy St. Patrick's Day.

CHAIRMAN D'AMARO:
Thank you, Legislator Browning. And just before you go, I'm interested in that program to buy homes within the communities to try and revitalize neighborhoods. I think it's a great idea. How much is the town willing to commit to that to partner with the County?

MR. PANICO:
I'm going to find that out in the coming days. I was just confirmed by the Board of Elections yesterday at two o'clock. After I leave this meeting, I'm heading to the Town of Brookhaven. And I

have a long list of goals. And I'm going to look forward to finding out that information certainly as much as possible within our economic constraints. But I look forward to working with every member of the County Legislature.

CHAIRMAN D'AMARO:
I appreciate that. Just so you know carrying into that meeting or that inquiry into what's available, I sit on the Budget Committee as the Vice Chair. And yesterday we were told that between this year and next year, we're $237 million in the hole running a deficit in Suffolk County. So I'm not sure even if the Town of Brookhaven came up with funding, I'm not sure that we would in a position to do so right now. All right. Anyone else? Just congratulations to you also. I wish you the best of luck.

MR. PANICO:
Thank you.

LEG. BROWNING:
I can respond a little bit on that. You know, over the past year-and-a-half, I've been working with the Long Island Housing Partnership. We've been using some federal money that's been provided to purchase a number of these foreclosures. We have a very high foreclosure rate in the Shirley/Mastics community. And working with the Long Island Housing Partnership, I think we've purchased about a dozen homes with the Housing Partnership using the federal money that has been provided to us. And as those homes close and as new people move in, that money will roll over to allow us to buy more. So that is a current program, tax liens. Brookhaven, I know -- I don't think Pam is here today, is she? She is not.

CHAIRMAN D'AMARO:
No.

LEG. BROWNING:
With the tax liens that we have, we are doing the 72-H Programs. And I have to say Brookhaven is definitely taking the lead on the number of 72-H's. So, you know, that's something that will go to the Town of Brookhaven to work on affordable homes. And so that's the concern, is these undersized lots because of the environment and the community and the Planning Department -- I'm sorry -- the zoning board is not a proven -- I think I just gave you a ruling on a suit with a developer and the Town of Brookhaven. So we don't want to see them have to waste their time and resources on --

CHAIRMAN D'AMARO:
Okay. Why don't we get into the debate when we call the bill?

LEG. BROWNING:
Sure.

CHAIRMAN D'AMARO:
Councilman, good luck. Thank you very much. I appreciate you being here.

MR. PANICO:
Thank you very much.

CHAIRMAN D'AMARO:
All right. I have no other cards. Is there anyone present who would like to address the Committee this morning? Anyone else? Okay. For the record, there is no response.

PRESENTATION

Okay. Next, I'm going to ask our Commissioner of IT Gary Quinn to please come up. Mr. Quinn has been slated for a brief presentation, but I think we can get through this very quickly given the

updates that we have. This is relating to the bill that would produce a website on behalf of Suffolk County similar to the Attorney General's website for disclosure. Mr. Quinn, welcome.

COMMISSIONER QUINN:
Good morning. Happy St. Patrick's Day.

CHAIRMAN D'AMARO:
And this relates, just for the record, to Resolution IR 1003 of 2010, appropriating funds in connection with the implementation of a County database for taxpayer access, similar to the Project Sunlight database put forward by New York State Attorney General.

Mr. Quinn, we had reached a point where -- I was on the Committee when you actually came in. I think it was last year, and we talked about this. And your representation at the time -- it was sponsored by Legislator Beedenbender -- was that it would take a lot of manpower to get this up and running. And you made a full presentation about it at the time. After that -- and I think at the time you had said *don't do it this year, wait until next year.* And that's what Legislator Beedenbender did.

I kind of took the mantle on this after he left. And we had a bill before us to implement at least I think the planning part of the project. And those funds were put into our Capital Budget, so we have a capital project to do this. And then I understand that there was some further objections from your department relating to the cost, which is what you should be doing, you should be telling us what you think about the cost.

So what I did was I contacted the Attorney General's Office. And unfortunately, it took them quite some time to get back us, but they finally did yesterday and offered to have a meeting or a conversation with you and your department about sharing the software that they already created so that you don't have to reinvent the wheel. And perhaps that would cut down on our costs.

That conversation, I believe, really needs to take place. If we can do it much more efficiently than developing our own software, I'm all for it. So we had scheduled your appearance here today before we got the phone call to talk about the cost, but I think there is more conversation to be had before you really get into this. Is there anything you'd like to add to that?

COMMISSIONER QUINN:
Actually, I think, you know, if it is possible to utilize the Attorney General's website for other counties or other municipalities, I think that would be a benefit, because we're all trying to do the same thing and present the same information. So they've already done the heavy lift of work. You know, I'm happy to go up there and meet with them and see if there's a way that they can actually extend to us their application or pieces of it.

In addition to that, some changes have also occurred with the information for campaign finance, which now is only going to be reported to the State for amounts over $1000. So we won't have a complete view of that. We'd have to actually now get it back from the State again. So it may be -- if they contacted your office and said they're willing to look at extending that to us, I'm happy to go there and see if we can make that happen for us so we can keep our costs down.

CHAIRMAN D'AMARO:
Yeah. At the time, when we first talked about the bill, I believe you were encouraging that it could be done. It would be costly, you know, put it off until 2010 because also it was a function of the projects you had ongoing in your department at that time. But I would -- you know, I will do everything I can to help set up that meeting, because I think this is a very important project. I mean, this is going to put online and disclose to the public a lot of the same information that the Attorney General's Office is disclosing on a State level about campaign finance, about contracts, about donations. It's all that -- it's all, you know, going toward the movement of making everything we do much more transparent. And I think that's the direction that we should move, and I think

that's the direction the public wants us to move.

So I'm not saying that I'm even convinced that we should do it just based on costs, but I think we need to have those continuing discussions. And also since you're here, are there any questions from the Committee on this? Okay. Anything else you'd like to add?

COMMISSIONER QUINN:
No. Thank you.

CHAIRMAN D'AMARO:
Okay. Great. So I'll continue to work with you. And when we get to the bill, I'll ask the Committee to table the bill. Okay. Thank you.

Okay. Just for the Committee's information, there will be an Executive Session after our agenda.

TABLED RESOLUTIONS

I'll go to tabled resolutions. The first is resolution number **1004-2010, Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)** The public hearing was recessed. I'll offer a motion to table.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Seconded by Cooper. All in favor? Opposed? Abstentions? Motion carries. The resolution is **TABLED (VOTE: 5-0-0-0)**

Next is Resolution **1030-2010**, **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)**

LEG. BROWNING:
Motion to approve.

CHAIRMAN D'AMARO:
There's a motion to approve. I'm going to offer a motion to table. Are there any seconds?

LEG. KENNEDY:
Mr. Chair, I'll second the motion to approve for the purposes of discussion.

CHAIRMAN D'AMARO:
Okay. There's a second on the motion to approve for discussion purposes.

LEG. COOPER:
And I'll second the motion to table for purpose of discussion.

CHAIRMAN D'AMARO:
Okay. And there's a second on the motion to table as well. Okay. Legislator Browning, it's your bill. Would you like to discuss it?

LEG. BROWNING:
Sure. You know, as you see this morning, we had -- one of our civic leaders was here today to speak in support of the bill. We have our new Councilman here in support of the bill. We also have a second Councilperson who was unavailable today who sent her support via the letter. Val Biscardi is the Director of Community Housing -- sorry -- Community Development and Housing. And she

has also sent a letter in support of this bill.

I believe you received a copy of the lawsuit that occurred with the Town of Brookhaven and the developer who tried to build on an undersized lot for whatever purpose, but to build a home. He was denied at the Planning Board, he was denied his variances. And he took the Town of Brookhaven to court. Town of Brookhaven ultimately won. And my major concern is that -- and I know Pam was here last time, you weren't at the last meeting, and Pam Greene was here. And she did say that a number of those properties, because of when they put them up to auction, that these properties did not -- they didn't get sold because of the covenants that were put in place.

So my concern is, is we're wasting Town of Brookhaven's time and money having to go to court to -- you know, every time they're being challenged on these. They clearly have also given you a copy of their substandard lot plan. So they are moving away. I know that too often I'm hearing these comments about *well, isn't that how it is right now?* Well, that's what they're getting away from. You know, what was done in the past was a disgrace; building on these undersized lots, building on environmentally sensitive land. And they are trying to turn that around and improve the community. It was too many substandard lots being built on. There was overdevelopment, poor planning. They're trying to fix the sins of the past. And I feel that what we're doing by allowing these properties to be auctioned to developers, we're just adding to the sins and we're not helping anything.

So that's why I put this bill in. If it doesn't go through, I know that there are other Legislators around this horseshoe who are saying, *well, why just Brookhaven; why not my town?* So if that's the case and they don't want to -- you know, they don't want to support this, I will put one in for the entire Suffolk County and repeal the entire local law.

CHAIRMAN D'AMARO:
Okay. Thank you, Legislator Browning. The local law was passed by this Committee and by the full Legislature. I understand the Town's opposition to this. But this is the genesis of the original bill that we're trying to make an exemption to. Many of us sat on this Committee or in the Legislature, and when we saw properties being sold to adjoining lot owners, we looked at them and said, *well, why not some workforce housing these lots?* And then we found out that the towns were routinely saying in every instance, even if you're slightly substandard, *no way, no how.* And look, you can make an argument for that.

Our feeling in the Legislature was well, maybe we should at least put it through the review process to find out whether or not it makes sense to put some workforce housing on these lots before we sell them forever as un-developable to adjoining landowners. And we passed that bill and we approved that policy. And when we approved it, we made it very clear that we're not superseding the Town's jurisdiction. There are multi layers of review on these lots. The first being our own Department of Real Estate. They only put up for auction lots that in their opinion conform with the character of the neighborhood. So that's one level of review.

And it's my understanding that the Town of Brookhaven has even requested to pull some lots from that auction, the Local Law 3 auction, and we've accommodated the Town of Brookhaven in that respect. So once we decide, you know what, this may have a shot at supporting workforce housing and we weed out the properties that don't, then it goes to auction. And you have an experienced developer that now looks at the property and has to decide whether or not it's worth going through all the machinations of getting a variance. And these are people who have a pretty good feel for what it takes to get a variance approved. They are going to look at the surrounding character of the neighborhood and say *do I have a shot?* So that's the second layer of review.

Then we go into the auction itself. The properties get bought subject to these covenants. The developer then is required to go back to the Town Zoning Board and request a variance. That's a third layer of review for the Town. That's Zoning Board is going to look at each of these lots on a case-by-case basis, because that's the way it functions, and decide whether or not these lots would

support a home. So it's a third layer of review.

We sold 14 lots at the last auction. Our program is working. Fourteen lots were sold, twelve of those are in contract. And variance applications are being made to the Town. I pulled each one of them and looked at the tax lots. They are in decent, nice communities, nice areas in the sense that they conform with the surrounding community. I looked at the tax lots. There is a shot to get these variances. You know why? Because they comport with the surrounding neighborhood. Okay. So what we would have accomplished is we would have put in place a successful program for workforce housing to try and give people an opportunity to get into their own home. The covenants require they have to be owner-occupied. This is an enhancement to the neighborhood.

Is there a problem with foreclosures and all that? Sure. That's across the country. Do I want to support programs to revitalize based on programs where funding is available to revitalize communities and buy foreclosed homes? Sure. I think we all would. But that has nothing to do with what we're doing here. What we're doing here is creating our own workforce housing program. We are not superseding the jurisdictions of the towns. We are allowing the towns to make the ultimate decision through their zoning boards. And we're succeeding. We're actually succeeding.

Let me just answer a couple of other quick points and then I'll open it up. There is a decision here that Legislator Browning passed out. The Supreme Court approved the variances and directed the Zoning Board to grant the variances that were requested. Now, look, I chaired a zoning board for ten years. You win some, you lose some. The Appellate Division reversed that decision, and that's fine. That's the way the system works.

But the fact of the matter is, you know, all of this scare tactic about litigation and the cost of litigation, this is the system. This is the way it works. If someone gets denied a variance and they choose that they want to appeal, well, the Town has to defend that. We're not talking about hundreds of lawsuits. We're talking about 14 lots and a pilot auction in a pilot program that's actually working. Most of those lots were sold in Brookhaven, but there's some in Islip and there's some in Babylon as well that are in contract and going forward.

Now, the other day and last week, we had big debates about Legacy Village, clustering of workforce housing. Many people are opposed to that. You create -- you create a condition in the neighborhood where you don't want all the workforce housing in one place. What this program does is it disperses the workforce housing fairly into many communities. That's exactly the direction that we want to go. So while the town may be fearful of the fact that their zoning board, their own zoning board may approve some workforce housing in their town, I think the fear is really misplaced. In fact, I think the town should be here supporting this program, because after all, the lots are only slightly substandard, they have four layers of review, including the courts. The lots that are developed do comport with the character of the neighborhood. And we're providing owner-occupied homes for people that otherwise couldn't afford to do so in a dispersed manner throughout neighborhoods. I think it's a great program. And I would urge you to table this bill today. Legislator Nowick.

LEG. NOWICK:
Just a question here. I don't know how it gets so far that it goes to the Appellate Division, but in Brookhaven, how many of these cases were brought to court? I assume that's the problem --

CHAIRMAN D'AMARO:
Are you talking about our program?

LEG. NOWICK:
Well, I'm trying to understand what Legislator Browning is saying and what the town board was saying, is that the waste of time, of government time, fighting some of these pieces of property --

CHAIRMAN D'AMARO:

If I could --

LEG. NOWICK:
How many times did they have to go to court and fight?

CHAIRMAN D'AMARO:
You know, I'll give you my opinion, and Legislator Browning, of course, you can do the same. But the zoning boards in every town, especially Brookhaven, which is the largest town, receives hundreds of applications a year. When times are booming, it goes into the thousands. When I chaired our board in Babylon, we actually had special meetings. We met every week, then we went to twice a week. So it gets very, very busy. And, yes, sometimes a zoning board says no and an applicant then has to decide whether or not to take that into court to try to overturn the board's decision. It's an appeal process.

The number of appeals to the courts when you're denied for the Town of Brookhaven, I don't know, but I would guess that it's probably in the hundreds just based on workload. John, you might have some experience with this as an attorney. I mean, it's not uncommon. You know, we're painting this as *this is going to completely shatter the appeal system in the town and bankrupt the town.* No. This is ten more properties that may or may not be denied, that may wind up in litigation with the hundreds of other cases in litigation over a zoning board decision. That's true.

LEG. NOWICK:
I'm sorry to interrupt you because I'm trying to get my answer. So what you're saying is then if Legislator Browning's legislation goes through, it will be saving the Town approximately what, five cases that go to court or hundreds?

CHAIRMAN D'AMARO:
I don't really want to characterize -- it's not hundreds.

LEG. NOWICK:
Okay.

CHAIRMAN D'AMARO:
It's, I would say, a few if I had to put some kind of characterization on it. It's not a lot.

LEG. NOWICK:
So this legislation would take Brookhaven and Brookhaven only out of your legislation?

CHAIRMAN D'AMARO:
Well, out of our legislation that was approved and signed by the county -- yes.

LEG. NOWICK:
Excuse me. So it would only be Brookhaven. And then there's a guarantee that the rest of the towns would follow probably. Okay. Thank you.

CHAIRMAN D'AMARO:
You know, and just to comment on that, you know, we knew that going in when I proposed this bill. And the mindset and the thinking and one of the reasons why we approved this was that the towns are going to be naturally protective on this stuff; we understood that. But in our own independent review time after time after time we saw lots here being sold to adjoining owners that clearly could support some nice workforce housing and give people a shot in Suffolk County. So we developed our own program.

LEG. NOWICK:
But why is it only a problem in Brookhaven?

CHAIRMAN D'AMARO:
I don't think it's a problem in Brookhaven. I don't think it's a problem anywhere. I think this is a very positive thing. So I'll let Legislator Browning answer that, of course.

LEG. BROWNING:
Okay, I can respond. You know, the Local Law 3 I did not vote for. I don't believe any of the Brookhaven Legislators did vote for it. So I want to make sure that that's clear. This is -- you know, this has been a problem. As you see, there's one lawsuit. How many more could possibly follow? As far as pulling the properties off the auction list, I met with the County Executive, with civic leaders in North Bellport and within my communities to pull certain properties off the auction lot. I don't get that auction list very quickly. So now we're scrambling two weeks before the auction, sometimes three weeks before the auction to get these properties pulled off the auction.

We know our communities. You know your communities. And I can tell you there's properties that go up on auction that are in environmentally sensitive areas, that are in the wetlands. And I think as the Councilman explained, the high water table in certain parts of the community. These are properties that are on the auction. And like I said before, Pam said many of those properties did not sell at the last auction. October was the first auction since Local Law Number 3. So we don't know how many of those ones that have currently sold that are actually going to move forward and have a home.

We have a 72-H Program. That's an affordable housing program. We work with many nonprofit organizations, Habitat, Long Island Housing Partnership, that's two of them to do affordable housing. So we do have workforce housing. These properties that are on the auction that now we're -- that now will fall under this Local Law Number 3 are properties that the Town has already rejected and said *we won't take these for the 72-H Program.* So if they've already rejected it in the 72-H program, what makes you think that they're going to bring it back and say, *okay, now you can build again?* They're not. And I feel it's important. Should it be one property, should it be two, should it be a dozen? I don't think we should be having to force the Town to have to constantly go to court and fight. I think it's a waste of their time and resources. I just don't think it's fair to them.

Many of the properties I did see were Brookhaven and Wyandanch. And to continually say *it conforms with the character of the community,* well, the character of the community that I represent now says *we've had enough of poor planning, building on undersized lots.* I can tell you just recently before Christmas we had a Section 8 home on an undersized lot. A speculator came in, bought that property, it became a Section 8 home. Southampton actually Section Eight'd it and Brookhaven didn't know about it. It turned out it was a drug home, gang activity. And there's about four or five homes -- no, sorry -- about six homes right alongside that one that are all on undersized lots. And if you were to drive down that street, you would be totally disgusted at what you're looking at. The houses are falling apart. They've been turned into rentals. They're not being maintained. And this is what we're seeing on a lot of these undersized lots, is people coming in and taking advantage. So we want to stop that. We're supporting first-time home buyer programs. We're supporting workforce housing. Brookhaven is definitely taking the lead on this. So that's why we need to pull this bill.

LEG. NOWICK:
Just quickly -- I'm sorry.

CHAIRMAN D'AMARO:
Go ahead.

LEG. NOWICK:
When you talk about an undersized lot being auctioned, isn't that just a lot, not a house on it? Then somebody has to build a house on it. I mean, you can't put a trailer on it, right? So this would be a new home going up on that lot.

LEG. BROWNING:
(Shaking head yes)

CHAIRMAN D'AMARO:
Let me answer a couple of those points. I'm sorry, Legislator Browning, did you want to continue?

LEG. BROWNING:
Yeah. But the issue is it starts -- yes, there's covenants on them. But after a period of time, they now can be sold or wind up being turned into rentals. There was a number of programs that occurred over the years. There was the Cop Next Door Program, which actually is something I'm looking to try to reinstate. But we had that program and that was, you know, to move police officers and that into the communities. But that wound up becoming a disaster. They wind up, these people that took advantage of the program, turned the homes into rentals. I have a number of homes in my community that belong to Nassau County Cops that are now rentals. And we are constantly battling with the landlord and with the Town to do something about it.

So the undersized lots -- and also because of the environmental issues, these undersized lots -- maybe the neighboring home would like to buy it. Maybe it's a home that's on a 40 by 100. Maybe that homeowner would like to buy that 40 by 100 next door to make their property just that little bit bigger. So, you know, selling to the neighboring properties is not such a bad idea. And like again I said, it's -- this is something that Brookhaven fully supports. This bill, they fully support. And if there are other Legislators in other towns that think that, you know, this shouldn't happen in their community, I would support them.

CHAIRMAN D'AMARO:
All right.

LEG. KENNEDY:
Mr. Chair, can I weigh in a little bit?

CHAIRMAN D'AMARO:
You can. Can I just answer a couple of points that might be helpful, if you don't mind, John?

LEG. KENNEDY:
Sure.

CHAIRMAN D'AMARO:
Thank you. Legislator Browning describes a bleak situation in some areas of her district. And I know she's fighting very hard to address that, and I think she's doing a great job. And I agree with all of those efforts.

This program should be another tool. This program protects these lots, doesn't create the type of housing and slumlords that Legislator Browning is talking about. Because when these lots are sold, it's required that they go to first-time home buyers and be owner-occupied. This is enhancing the neighborhood. And when the properties are sold by those first-time home buyers, it -- the covenants require that they again get sold to a first-time home buyer, someone who's going to occupy the house. This is a great weapon fighting against the rental situation in the Town of Brookhaven. That's my first point.

As far the environmental sensitivity and the high water table, those are all legitimate concerns when you want to develop a lot. That's why you have zoning boards that review all of that. If that's a legitimate reason to deny a variance or not develop a lot, the towns have control over that. You can't come in here and make a blanket statement that we don't want to develop a lot when you don't even know where the lot is because of a high water table. I mean, lots get variances, 50 by 100's get approved all the time, and the water table is not even a factor, nor are environmental

concerns. Sometimes they are; sometimes they're not.

With respect to the point about some of the lots that were put up to auction in this program did not sell, that's true. So what happens? What's the consequence of that? The consequence of that is that they get offered to the adjoining owners anyway. We don't pull them off the tax rolls. We don't make them unavailable. We're just doing a step before going to the adjoining owners and allowing for four layers of review to determine whether or not we can create some workforce housing for people that are looking to buy homes that are affordable.

Again, I think it's a great program. I think it works. It's working now. Ten of these lots are in contract. And I'm urging my colleagues not to kill this program, give it a chance, give the folks out there that need some workforce housing an opportunity to become homeowners like many of us are right here. And for some, this may be the only way they achieve that. This is not going to contribute to any blight. In fact, this is going to enhance neighborhoods. It's going to put owner-occupied homes into neighborhoods that have rental problems. And this is going to start to reverse that trend and not add to it.

Legislator Kennedy, did you have some comments?

LEG. KENNEDY:
I do, Mr. Chair. And as a matter of fact, this is an issue, I guess, that's a dilemma across the board. I'll start by saying in previous years when I sat on this Committee with yourself as Chair, I recall vividly having earnest discussion over and over and over again about Local Law 13's and Local Law 16's. And sometimes it kind of extended the duration of the Committee meeting, but a lot of the focus went to whether, in fact, something was buildable and what the dimensions are. It almost became like a fixation.

And so I applaud you for bringing the legislation forward. And it also occurs to me as the Chair of the Labor and Workforce Housing Committee, it is a difficult almost un-quantifiable goal sometimes. I also know firsthand very well the areas that Legislator Browning speaks about where developers and builders are turning properties, if you will. Now, that's not so much a function of whether or not a building permit can be obtained for a particular lot. It's more a function of entities that will attempt to market properties and the economics associated with it.

Part of what we're talking about here, I think -- I'm wondering as I look at the legislation, it seems as if both Legislator Browning and yourself are advocating for two very valid points; one with yourself saying basically, *look, we got multiple levels of scrutiny, why dismiss categorically something that may have some ability to yield a parcel that might support 1000 square foot home in an area that would be able to receive it?* Legislator Browning is saying, *look, I know my district well, and I'm going up and down blocks over and over seeing houses that are being utilized by absentee landlords, they're degrading, they're deteriorating, and all this does is move to it and proliferate it.*

I span the gamut in my district. I go to Ronkonkoma and I have neighborhoods that I've knocked doors on over and over. 60 footers are common. As a matter of fact, it's a great neighborhood to walk, because you hit a lot of houses. I go to Hauppauge less than a quarter mile from here and I go into the Pines. And you can literally walk up a 200 hundred foot driveway going uphill before you finally get to a door to have an opportunity to talk to a constituent.

What's my point? My point is I'm wondering -- first of all, I would very much like to see the parcels that made it to the auction lot. And I've not been able to see them. Maybe that's my own fault. I mean I would almost asked the sponsor if she might indulge one more cycle, because I would like to look at these. But I'm also going to ask you as Chair with this program, if Legislator Browning is saying that these lots are making their way out in communities that she is saying are impacted, maybe we need to modify the legislation to give some weight for a community that is impacted.

I'm also saying that maybe we're talking now about a time where building permits have almost

ceased to exist, as you know. Even in my town, in Smithtown, there's essentially no action going on there at all, very rare. And ironically, a 50 footer in the Town of Smithtown, people will give their eye teeth for; because a single and separate that can be developed here, is invariably going to throw 150 or $200,000 value just for the raw land.

I will also say to you having sat the position that you sat and having had at an opportunity to appear before zoning boards and to have conversations with zoning boards, none of the policy issues we talk about ever enter the dialogue there. I know firsthand, again, right off Terry Road, a back to back lot where an owner seeked to merge. There's groundwater that's up to your ankles. The mitigation that the zoning board offered only was to restrict the development to a slab and not allow a basement. A turkey cluster's going up there for an above ground septic system that's definitely going to lead to more of the aggravation I had this past weekend with all the rain.

So the Zoning Board follows the delegation of the policing power that you know and I know came by result of the Court of Appeals' decisions from the State down. They don't address policy. Somehow I think we need to bridge this issue of impact to the community from some of the economics and weave it into or improve our program.

And I would say to Legislator Browning, if we can do that, then maybe we don't have to categorically exclude. You know, maybe we've got a consensus that will help allow the program to work, but give the ability to not perpetuate or promote the saturation. That's my offer.

CHAIRMAN D'AMARO:
Okay, Legislator Kennedy, thank you. I want to address a couple of your points very quickly and then we have to get to the agenda, and, of course, Legislator Browning, if you need to, as well. I've been on a zoning board that has denied applications based on a high water table. So I don't know what your experiences are, but we --

LEG. KENNEDY:
Babylon does it a little different.

CHAIRMAN D'AMARO:
Well, we had areas in Babylon that had a high water table. And I can tell you, we routinely denied those applications and prevailed in court; okay? So -- and environmental considerations as well. So maybe different boards operate differently. I don't want to get into a whole debate about that.

But you're right when you make the point about, you know, reviewing lots. But the point I want to remake here to that is that there are multi levels of review. It's happening -- our own Department of Real Estate decided to put those 14 lots up for auction because they felt that they met the criteria and had a shot at a variance. Our own County Department of Real Estate did that. And then the other layers of review, of course, the Zoning Board has the say really and ultimately the courts. And no developer is going to buy a lot at an auction thinking, *well, I'm going to apply for a variance, I know I have no chance.* So there's a lot of review going on with respect to these lots.

And the final point I want to make or remake is, you know, again, there are serious problems in neighborhoods with rental properties. I have it in my own Town of Huntington. It's going on all over the place. We have to use our local -- it's usually the town jurisdiction that can combat a lot of those problems. This is fighting that. This is putting owner-occupied homes into these neighborhoods. And even after the ten years, they have to be sold to a first-time home buyer again. These are not rental properties. This is a workforce housing program. This is what all of elected officials are constantly talking about; everyone fleeing off of Long Island because they can't afford to live here, because their kids are living in the basement. This is giving those kids an opportunity to come in, not in some cluster of a thousand workforce homes, but giving them an opportunity to live in the neighborhoods next to their parents. And it's working. I can't fathom why any town would object to a program like this other than they feel it's on their jurisdictional turf.

LEG. KENNEDY:
But, again, Mr. Chair, your points are well made. But we're in an area where we have no choice but to try to bridge and partner with our town and village jurisdictions, because we do not have the power to authorize or issue building. Like yourself, I wonder, you know, about the degree of review that's occurring. And, you know, as a Committee Chair, I have a responsibility to try to promote workforce housing opportunities. At the risk of giving advice where perhaps maybe it's not my place to give advice, I think I would ask you as Chair if you see if there's a way that you could discuss with Legislator Browning the concerns that she has and see if there would be a modification to the law that would allow for at least some recognition of the policy concerns that she brings forward without necessarily having to resort to the draconian exclusion.

CHAIRMAN D'AMARO:
I have no problem ever having a discussion especially with a colleague, but those protections are already in there with the covenants. It's there. That was already a major consideration when I drafted the legislation.

LEG. KENNEDY:
Well, then at the risk of having to go ahead and look at it, because I do have a portion of Brookhaven Town, I guess I'm going to have to look at it because Legislator Browning's saying that notwithstanding what might be reflected in the law, it doesn't appear to be manifesting itself in actuality.

CHAIRMAN D'AMARO:
All right. That's fine. Whatever you guys want to do is fine.

LEG. NOWICK:
I think we're debating -- I don't really think we're actually debating this bill. It seems to me like we're debating the entire local law that we passed a while back. Right now, though, our decision is whether we're going to table this bill or whether we're going to let it out of Committee.

Here's the problem -- here's the problem that I see with the bill. I think the bill has some credibility. I understand where Legislator Browning is coming from. Here's my problem. How do you take one town out of a bill and forget about all the rest of the towns? Because I see getting a call and saying, *well, why just Brookhaven?* That's my only problem. I think we're -- I think that we're -- taking one town out of the bill fixes that town's problem, but if there are really problems, I think we have to deal with more than that. So right now, I'm not ready to let this out of Committee.

CHAIRMAN D'AMARO:
All right. I appreciate it. No other town has -- at least as far as I know or maybe to your knowledge -- has expressed a problem with this. In fairness to Legislator Browning, the first auction did not have sales other than I think in Babylon, Islip and Brookhaven. So that could be the reason. Legislator Nowick, all I can say in response to you is don't open the floodgates. We have a County program in place that's working.

LEG. NOWICK:
Legislator D'Amaro, I'm not disagreeing with your program. I mean, all we do is sit here and talk about workforce housing, workforce housing, workforce housing. It's a buzz word. We use it and we can't deliver sometimes. So, no, the law was right.

CHAIRMAN D'AMARO:
Legislator Browning.

LEG. BROWNING:
Yes. Let's talk about workforce housing. I Chaired the Labor, Workforce and Affordable Housing Committee. And every time you talk about workforce housing, you need sewers. That's the major component. And when we talk about affordable housing for our young people, the biggest problem,

they would be affordable if they didn't have to pay the school taxes they're paying. That's what makes it unaffordable. They would be affordable if they didn't have to pay those taxes.

I don't know how many times I need to say it. Town of Brookhaven has been definitely leading the way in providing affordable workforce housing. It has done more than their fair share and will continue to do that. There's nobody who supports it better than I do. I have two kids. One is in Colorado, property taxes on the house, $1100 a year. My son's going to be moving to Colorado in about a month; property taxes, again very low.

So it makes it more affordable when they don't have those property taxes. I think you've heard it from the civic leader, you've heard it from the councilman, you've heard it from me. It's the overdevelopment and the poor planning that's occurred. And you're adding more cesspools to communities that can't take any more. And when you look at the auction and you look at the properties that are on the auction, every time, it's in the same communities. It's in the Shirley/Mastics, it's in North Bellport, it's in Wyandanch.

I'd like to ask one question. Let's say we had a community in Dix Hills, Deer Park, maybe it's one acre zoning and we have a 40 by 100 lot or a 50 by 100 lot that goes up on auction for affordable housing. Is that going to go up to auction? Or are we going to say, *well, you know what, it doesn't conform with their one acre zoning so we can auction that one.* Because I see what we're doing is we're forcing these undersized lots to be auctioned in certain communities. We're not forcing it in other communities where it's zoned one acre or a half acre. And so where the zoning is, where there's the one acres, that's where we need to be forcing building workforce housing; not in the communities that are already doing it. We're just perpetuating the problem.

CHAIRMAN D'AMARO:
Okay. I think we've pretty much exhausted the debate on this. You know, I agree, Legislator Browning, the Town is doing a fair share of workforce housing and needs to be commended for their efforts. But it's clearly not enough. And we saw some lots that could be developed, we could have a program, we put it in place, it's working. You know, so we're helping the Town, not hindering the town and giving them the final say on whether the lots ultimately get built. All right.

There are two motions pending on 1030-2010. Motion to table takes precedence. I'm going to call the vote on the motion to table. All in favor, please say aye. Aye.

LEG. COOPER:
Aye.

LEG. NOWICK:
Aye.

CHAIRMAN D'AMARO:
Opposed?

LEG. KENNEDY:
Opposed.

LEG. BROWNING:
Opposed.

CHAIRMAN D'AMARO:
Two opposed, three in favor. Resolution is **TABLED (VOTE: 3-2-0-0 - Opposed: Legislators Browning and Kennedy)**

Okay, next is Resolution **1034-2010, Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to commissions and boards. (Montano)** I'm going to offer a motion

to table.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Seconded by our Vice Chair Legislator Cooper. All those in favor? Opposed? Motion carries.
TABLED (VOTE: 5-0-0-0)

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

LEG. COOPER:
I'd like to make a motion to table.

LEG. KENNEDY:
Second.

CHAIRMAN D'AMARO:
Motion to table, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**

Next is 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)

LEG. COOPER:
I make a motion to table.

CHAIRMAN D'AMARO:
Motion by Legislator Cooper to table. I'm going to second. All in favor? Opposed? Abstentions? Motion carries.
TABLED (VOTE: 5-0-0-0)

INTRODUCTORY RESOLUTIONS

Next part the agenda is Introductory Resolutions. The first is Resolution Number **1003-2010, Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650) (D'Amaro)** This resolution is sponsored by myself. It is a process -- I think we already mentioned when Mr. Quinn was here, we're still working with the Attorney General looking for a way to implement the bill while saving the County some money, so I'm going to offer a motion table for another cycle.

LEG. KENNEDY:
Second.

CHAIRMAN D'AMARO:
Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution **1200-2010, Adopting Local Law No. -2010, A Charter Law to establish a Common Sense Policy for special meetings of the Legislature (Lindsay).** Motion to table, seconded by Legislator Nowick based on public hearing. All in favor? Opposed? Abstentions?

Motion carries. **TABLED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution **1204-2010, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Babylon (SCTM No. 0100-012.00-01.00-021.000 et al) (Co. Exec.)** This is for drainage and highway purposes. I'm going to offer a motion to approve.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution **1205-2010, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Keith and Barbara Ann McDonald (SCTM No. 0400-256.00-02.00-090.000) (Co. Exec.)** This is a three foot by 133 foot parcel that appraised for $500 and was sold for 750 located in Melville in the Town of Huntington. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Next is **Resolution 1208-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John French (SCTM No. 0101-004.00-03.00-013.000) (Co. Exec.)** This is a section -- Local Law 16, redemption as matter of right. I'll offer a motion to approve and place on the Consent Calendar.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Seconded by Legislator cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1209-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jean Benjamin (SCTM No. 0200-479.00-01.00-033.000) (Co. Exec.) Same motion, same second and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

1210-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Adele M. Votta (SCTM No. 0103-023.00-03.00-055.001) (Co. Exec.) Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1211-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carolyn Rodriguez f/k/a Carolyn Margolis (SCTM No. 0903-002.01-01.00-026.000) (Co. Exec.) Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1212-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Rock and Linda

Rock, his wife (SCTM No. 0500-253.00-02.00-048.000) (Co. Exec.) Same motion, same second, and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1213-2010, **Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act JKM Properties, LLC (SCTM No. 0200-983.30-04.00-057.000) (Co. Exec.)** Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1214-2010, **Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Raymond J. Suris (SCTM No. 0500-055.01-01.00-004.000) (Co. Exec.)** Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1215-2010, Authorizing certain technical corrections to the 2010 Adopted Operating Budget for Vennttes Cultural Workshop. (Gregory)

LEG. COOPER:
Motion approve.

CHAIRMAN D'AMARO:
This is a motion to approve. This is a technical correction? All right. Motion to approve and place on the Consent Calendar, Legislator Cooper?

LEG. COOPER:
Yes.

CHAIRMAN D'AMARO:
I'll second the motion. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1222-2010, Adopting Local Law No. -2010, A Local Law requiring advisory boards to conduct open meetings. (Romaine) The public hearing is recessed on this. I'll offer a motion to table.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Maybe it's a new public hearing, I'm not sure. New public hearing -- I apologize -- just correct the record. Motion to table, second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1227-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Daystar Community Development Corp. (SCTM No. 0600-084.00-04.00-038.000) (Co. Exec.) I'll offer a motion to approve and place on the Consent Calendar, seconded by Vice Chair Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1248-2010, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Chris T. Puelo, Jr. (SCTM No. 0200-424.00-05.00-016.000) (Co. Exec.) Same motion, same second, without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present:**

Legislator Browning)

Resolution 1282-2010, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-350.00-01.00-035.000). (Co. Exec.). This is a sale to the town or a conveyance to the town for highway purposes. The property is located in Ridge. It's of an irregular shape. And I think the conveyance price is $1390. I'll motion to approve.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

1283-2010, Sale of County-owned real estate pursuant to Local Law No. 13-1976 James Bussa (SCTM No. 0500-363.00-01.00-086.000) (Co. Exec.)
Property located in Islip, appraised and bid at the same amount, $800. It's a 40 by 100 lot. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

1293-2010, Approving list of appraisers and engineers as designated by Division of Real Property Acquisition and Management. (Co. Exec.) For discussion purposes, I'll offer a motion to approve.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. On the motion, anybody? Okay. The Committee has reviewed and done their homework. I'll call the vote? All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

Resolution 1295-2010, Accepting and appropriating 100% State grant funds from the New York State Board of Elections to the Suffolk County Board of Elections for voting access for individuals with disabilities polling place access improvement. (Co. Exec.)

LEG. COOPER:
Motion to approve.

CHAIRMAN D'AMARO:
That's fine. This is $547,000 and change for polling place improvements for the disabled. Legislator Cooper offers a motion to approve, Legislator Nowick seconds the motion and to place on the Consent Calendar. I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present: Legislator Browning)**

1296-2010, Accept and appropriate 95% State grant funds from the New York State Board of Elections to the Suffolk County Board of Elections for Voter Education/Poll Worker Training and authorizing an increase in the fleet of the Suffolk County Board of Elections

for transporting voting machines and personnel to and from various seminars and community events (Co. Exec.) This is a 95 percent State grant. Legislator Cooper, would you like to offer a motion?

LEG. COOPER:
Motion to approve.

CHAIRMAN D'AMARO:
Motion to approve and I'll second the motion. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**

Resolution 1302-2010, Authorizing the County Clerk to file an application for additional state mortgage tax reimbursement. (Pres. Off.) I'll offer a motion to approve.

LEG. COOPER:
I'll second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**

That concludes the new resolutions. I'll offer a motion to go into Executive Session.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
For the purposes of discussing a possible appeal of the sober house decision. And that's seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Okay. We're now in Executive Sessions and we will return on the record in a few moments.

LEG. BROWNING:
Can you include me on the resolutions that were passed? Can I be included? Okay. Leave it.

CHAIRMAN D'AMARO:
Okay. As I said, we'll be be back on the record in a few moments. Thank you.

(*EXECUTIVE SESSION WAS HELD FROM 11:27 AM TO 12:08 PM*)

CHAIRMAN D'AMARO:
Okay. We are back on the public record. I have two announcements. In Executive Session, the Committee has approved a settlement in the case of Ford versus County of Suffolk and {DeMatais}.

And I also want to note for the record that the Committee discussed the decision in the case Human Resource Research and Management Group Inc. d/b/a Homeworks and Oxford House Inc. against the County of Suffolk, Suffolk County Department of Social Services and Suffolk County Department of Health Services and other named individuals. Although that discussion took place in this Committee, I want to note for the record that all Legislators were invited to that particular Executive Session by our Counsel to join in that discussion.

That concludes the Committee's business. I'll entertain or make a motion to adjourn second by Legislator Cooper. All in favor? Opposed? We are adjourned. Thank you.

(*THE MEETING CONCLUDED AT 12:09 PM*)

{ } DENOTES SPELLED PHONETICALLY