

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, May 5, 2010.

MEMBERS PRESENT:

Leg. Lou D'Amaro, Chairman
Leg. Jon Cooper, Vice Chairman
Leg. Kate M. Browning
Leg. John M. Kennedy, Jr.
Leg. Lynne C. Nowick
Presiding Officer William Lindsay, Ex-Officio Member

ALSO IN ATTENDANCE:

Legislator Daniel P. Losquadro, Sixth District
George Nolan, Counsel to the Legislature
Gail Vizzini, Director, Budget Review Office
Robert Lipp, Deputy Director, Budget Review Office
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, County Executive's Office
Pam Greene, Director, Department of Real Estate
Paul Perillie, Aide to Majority Caucus
Linda Bay, Aide to Minority Caucus
Justin Littell, Aide to Legislator D'Amaro
Dot Kerrigan, AME
Lynne Bizzarro, County Attorney's Office
Basia Braddish, County Attorney's Office
All other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING WAS CALLED TO ORDER AT 10:17 A.M.)

CHAIRMAN D'AMARO:

Good morning and welcome. Please rise and join us in the Pledge of Allegiance led by Legislator Cooper.

SALUTATION

There are no cards. Is there anyone present who would like to address the Committee this morning? For the record, there is no response, that's for the public portion. And for the Committee's information, there will be an executive session immediately following the agenda this morning.

So we'll go to tabled resolutions.

TABLED RESOLUTIONS

The first is **1003-2010 - Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650). (D'Amaro)** I've received word from the Commissioner's Office requesting that we go ahead and approve the bill that's before us. It's for the capital project to start designing the system. We're still in -- we're still trying to contact and deal with the Attorney General's Office but the feeling is that we don't know the outcome of that. And the Commissioner sent us an e-mail asking if we would approve this. If it turns out that they can work with the Attorney General's Office and save some money or not have to float the bond for the capital project that's what they'll do, but they're not sure that's going to happen.

The other point that they made to me is that the bond for this capital project would not -- would not be floated or requested until November anyway so it still would leave us some time to continue with the communications with the AG's Office and see if we can't get them to help us a little bit here in Suffolk to save some money on the software. So that's the update.

We could table the bill as well. I don't think it really makes a difference because it's really about the discussions with the Attorney General's Office. But if the Committee's inclined to support an approval, at least we can have the option of either if the Attorney General comes through that's fine, we don't have to float the bond. If their office does not come through, then we can go ahead with the designing of the project itself in-house, which was the original plan and intent when we passed the legislation initially.

LEG. COOPER:

Mr. Chair? I think I'd feel more comfortable tabling this. It's really not time sensitive and I am concerned about the costs. So with your approval, I'd like to make a motion to table.

CHAIRMAN D'AMARO:

Okay. Motion by Legislator Cooper to table. I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy) (Including Presiding Officer Lindsay)**

Resolution 1004-2010 - Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano) Requires public hearing. I'll make a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 4-0-0-1 Not Present: Legislator Kennedy) (Including Presiding Officer Lindsay)**

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:

All right. There's a motion to approve and I'll offer a motion to table. Are there any seconds?

LEG. COOPER:

I'll second the motion to approve.

CHAIRMAN D'AMARO:

All right. There's a second on the tabling motion and a second on the approval motion.

LEG. LOSQUADRO:

Mr. Chairman, I know I'm not a member of this Committee, but as a representative for Brookhaven, could I be heard on this matter?

CHAIRMAN D'AMARO:

Sure. Go ahead, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. The district that I represent, especially in the Rocky Point and Sound Beach area, has a very -- we tend to think sometimes that these -- this issue is relegated to, you know, certain parts of -- I know Legislator Cooper has some lots up in the Huntington area, Legislator Browning many lots down in the Shirley/Mastic area. But this problem is very widespread actually. And in my district there are many lots in the Rocky Point and Sound Beach area.

And just recently I had a situation with a homeowner who was told the lot that was next door to him that was un-buildable was given to the Town and a building permit was issued by the Town to build affordable housing on it. And he was denied the opportunity to purchase that property to do an assemblage with his lot.

This is something that I think is a good idea. I happen to support this bill. Obviously as not being a member of this Committee I cannot vote on it, but I just wanted to voice my support for this legislation.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Losquadro. Legislator Browning?

LEG. BROWNING:

Yeah, I think I've explained myself many, many times. And, you know, the fact that, you know, the communities I represent, especially in the area of the Forge River we have a lot of those undersized lots. And, you know, the Forge River Task Force met. And one of the major contributing factors to the pollution of the Forge River is the cesspools. We don't have sewers. And in order to create affordable housing, you really need sewers. And that is something I'm working on. But we can't keep building on these undersized lots especially in the areas where it's very environmentally

sensitive.

And, again, you know, I've already shown you that the Town of Brookhaven challenged a developer who wanted to build on an undersized lot. They had to go to court. The developer lost. And I just think it's really a shame to waste the Town of Brookhaven or any town's resources and time on something that they ultimately are going to win, Especially if it's costing taxpayers money to send them to court every time.

So, I would like to at least consider, you know, if we could have a motion to discharge without recommendation at least to get it to the floor. I know that the Local Law 3, the majority of the Brookhaven Legislators did not support it back then. And I think I'd like the Brookhaven Legislators to have an opportunity to vote on it next Tuesday.

CHAIRMAN D'AMARO:

Okay. Well, I would not support a discharge without recommendation for the reasons that we've talked about in the past. It's a pilot program, it's working. It's creating properties in neighborhoods that desperately need homeownership. It also addresses the workforce housing issue in Suffolk County. And I think it's a shining example of how this Legislature saw these properties coming before this Committee year after year and said we can use these properties for workforce housing. And that's exactly what we're doing. And I think it's the right policy.

So with that said, is any other --

LEG. BROWNING:

I'd like to jump in again.

CHAIRMAN D'AMARO:

Yes, please. Go ahead.

LEG. BROWNING:

I know Pam is here. And I can repeat what she said. I asked her about the numbers -- how many properties went to auction, these undersized properties. She said there was 11 in Brookhaven, one in Islip and one in Babylon. And the 11 in Brookhaven were already rejected by the Town of Brookhaven for the 72-h Program, which is an affordable housing program. So if they're rejecting it, we're just wasting their time. And like I said, 11 in Brookhaven, one in Islip, one in Babylon. So it's very clear where the majority of these properties are coming from.

CHAIRMAN D'AMARO:

All right. Well, I'm encouraged by the fact that there's 11 in Brookhaven because I believe that these slightly substandard lots develop with covenants for homeownership are exactly what these neighborhoods would require. So the numbers don't concern me as much as they might, you know, other Legislators.

Legislator Cooper, did you want to add?

LEG. COOPER:

I just wanted to say that I have no problem with at least moving this out of committee, bringing it to the floor so we can have a full debate before the full Legislative body. So I will -- did you make a formal motion to discharge without recommendation?

LEG. BROWNING:

I'll make that motion to discharge.

LEG. COOPER:

So, I'll second the discharge motion.

CHAIRMAN D'AMARO:

Okay. Legislator Nowick, did you want to add anything?

LEG. NOWICK:

My problem with this is not the theory behind it. I do understand where Legislator Browning is coming from and I commend her on helping Brookhaven. My problem with this is only that we had legislation passed, maybe -- I don't know how long ago was that legislation passed?

CHAIRMAN D'AMARO:

The original bill?

LEG. NOWICK:

Last year. And here we are taking the legislation and we're going to say, *okay, it's good for you, but it's not good for you, so we're going to just pull this out*. And it kind of starts, I mean, we could be doing that with every law we have. So I think we have to be careful if this is not a little bit of a slippery slope, why are we pulling one out and not somebody else? And that's my problem with it. It's certainly not your intentions, Legislator Browning, I just find that it's difficult to pull one town out and not another. Then we have another law set up where we're going to have to exempt this person from that law so it gets a little crazy. And that's my problem.

LEG. BROWNING:

Getting back to that, like I said, 11 in Brookhaven, one in Islip and one in Babylon. And when you look at the 72-h Program and how many properties are transferred and what town has the largest number of 72-h properties. It's Brookhaven. So Brookhaven is doing their fair share, has been doing their fair share. And I feel like I'm not being heard. You know, to say you're encouraged that 11 in Brookhaven -- Brookhaven is doing their fair share of affordable housing. They have been and they're continuing to do it. And to say you're encouraged with the 11, so here's 11 properties that could potentially wind up, the developer having to go to court to challenge the Town of Brookhaven and their ability to develop it. We're wasting the Town of Brookhaven's time. They've already rejected it. They said they would not take it for building. They've already said no. And now we're shoving it down their throat. That's what I think we're doing. We're going to cost the taxpayers money by forcing the Town of Brookhaven to have to go to court for all of these properties. And I don't think that's fair to them.

CHAIRMAN D'AMARO:

Okay. You know, as we discussed last time, this bill requires, of course, many layers of review. I don't agree with the characterization that it's shoving anything down anyone's throat. I think it's, in fact, doing just the opposite and saying to the towns that if the County is going to make these properties available in an auction, that's only one step. The next step is for the towns themselves to take control of that property and determine for itself through its zoning board whether or not it would support sustain workforce housing and whether that fits with the character of the neighborhood.

So, you know, again it's a pilot program. It's working. It was an outgrowth of the work of this Committee over a couple of years of looking at these properties and seeing that we could probably create some good workforce housing and help communities at the same time and people who are in need of workforce housing; more likely working class people or younger adults who are just starting out.

So I think it's a good program. We've made the arguments back and forth. And -- does anyone else want to add anything?

LEG. COOPER:

You know what, I think I just want to make a motion to pass over this resolution for now because I believe that Legislator Kennedy would like to weigh in on this. And I believe that he's on his way. So maybe we can take this --

MS. ORTIZ:

You don't need a motion for that.

LEG. COOPER:

Then I just ask if we could do that.

CHAIRMAN D'AMARO:

Okay. John, if you can hear us, hurry up.

LAUGHTER

(P.O. Lindsay entered the meeting)

CHAIRMAN D'AMARO:

All right. We'll pass over resolution 1030 for now, 1030 of 2010.

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

LEG. COOPER:

Make a motion to table.

CHAIRMAN D'AMARO:

Okay. Motion to table by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy) (Including Presiding Officer Lindsay)**

Resolution 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) Jon?

LEG. COOPER:

I'd like to make a make a motion to table for one more cycle. I may be making one additional change to the resolution.

CHAIRMAN D'AMARO:

Okay. I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy) (Including Presiding Officer Lindsay)**

Next is resolution **1335-2010 - Directing the Department of Information Technology to provide the services, customizations, and functionalities on the County's web servers to effectuate the creation, implementation, and maintenance of a webpage to serve as a clearing house where Suffolk County Citizens can exchange surplus items. (Losquadro)**
Go ahead.

LEG. COOPER:

I'll make a motion to table.

CHAIRMAN D'AMARO:

All right. There's a motion to table. I'll second.

LEG. NOWICK:

Make a motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Nowick.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN D'AMARO:

And on the motion, Legislator Losquadro. Welcome.

LEG. LOSQUADRO:

Thank you for recognizing me. I would just like to explain this bill because I think, I don't know if people really quite understand it and I was a little bit perplexed by some of the commentary at the last meeting. I reviewed the minutes of it, especially some of the comments, I don't mean to single anyone out, but by Legislator Cooper who has three or four bills to ban things on this month's cycle, and there was talk last month about people being molested or attacked if they -- when they --

LEG. COOPER:

What bill are you talking about?

LEG. LOSQUADRO:

-- you know, if someone came to exchange goods with someone else and what happens, are we liable? I don't know, why don't we have bills to ban [Craigslist](#), [ebay](#), [Match](#), [eHarmony](#), why don't we just ban everything where the public could potentially interact with each other and could perhaps potentially cause harm to one another?

LEG. COOPER:

If I may, now that you mention that, you may have read yesterday that [Craigslist](#), there's a possibility of litigation against [Craigslist](#) because they were selling three cribs, infant cribs, the same style that where a child died recently, I think just a couple of days ago, and they are continuing to sell it. And now they're opening themselves up to possible litigation as result.

LEG. LOSQUADRO:

Well, I will say, I mean, I've done a lot of research on this because I'll explain where this whole idea came from. Individuals are selling goods and services privately. It is not up to the individual that maintains that database to vouch for whether or not a product is any good. It's up to the individual that A, who is selling it, we do have laws on the books now that someone cannot knowingly sell a product that has been recalled. So the crib issue I think has already been addressed legally. And I think that holds individuals harmless who are simply facilitating the transfer of those items.

That being said, we do live in an age, we have moved into this digital age. People regularly use the internet to exchange goods and services mainly for fees. If you do go onto [Craigslist](#) or [Freecycle](#) or some of the similar sites, there are many goods and services posted for free, but mainly it's people looking for things. Someone says, *looking for a bed, my son's going away to college. Looking for a sofa*. Sometimes people do post free items though.

I started looking at this because I did see some of those postings taking place. And I had heard about some other municipalities offering similar services. Actually looked at a model that Westchester has. Westchester has a very successful program, which has allowed tens of thousands of people within the County to exchange goods and services between themselves for free. There is no monetary value associated with the transfer of these items. In fact, it's specifically prohibited. The disclaimer that we came up with is based very much upon the one that Westchester uses and we looked at other municipalities as well and came up with a very simple but very strong disclaimer -- I'll wait, we can ask legal Counsel for their input later I guess -- we have a very simple but very strong disclaimer that holds the County harmless. We are simply facilitating or we'd like to facilitate the exchange.

This is really about, I think, what communities really should be, which is neighbor helping neighbor. Government isn't always the answer. There are many instances -- I know I had an extra recliner, my neighbor's son was going away to college, I gave it to him. But I happened to know someone who could take it. Many times people have those extra items and they just get thrown away because *ah, I'm not going to bother putting it, you know, in the classified ad or I'm not going to bother posting online, what am I going to get? Ten bucks for it? Who cares.* They just throw it out.

These are items that still have a useful life and could be used by people who are really in need. Now I used the example of children going away to college because it's usually a great additional expense on parents. But we know in these times there are many people who may be can't afford to buy a new bed. Maybe their child is, you know, has grown out of that crib and now they need a bed and right now they can't afford that. And there's someone else with an extra bed, and they don't know what to do with it and they're just going to throw it away, they put it on a site like this, someone can say, *hey, I can use that.* And it gets repurposed. This has been very successful in other areas.

There are sites that are out there such as [Freecycle](#), but they are a membership type program. You have to join user groups. They're much more difficult to navigate and to use. I spoke to Allen Fung at length about this and IT. Allen believes anyone worth it's weight in salt with any knowledge of web programming can set this up very easily. It's a very simple process to do. We can limit the amount of time that these postings stay active. And it is basically a user maintained site that the County is simply facilitating this exchange between individuals at no cost.

LEG. COOPER:

Mr. Chair, I have number of questions for the sponsor. First of all, if someone wants to put something up right now and make it available for free, they can do it on [Craigslist](#), my understanding. There may not be that many free postings. But if you have an item that you want to give away, you can post it on [Craigslist](#) at no charge, I believe.

Number two, I have questions about the cost for maintaining this site, monitoring the site because someone from the County, I guess, has got to take a look at these listings being posted to make sure that they're appropriate and that we don't -- people don't put up listings offering free sexual favors or, I don't know where that could possibly lead. But someone's got to monitor it and take off inappropriate listings. And, excuse me --

LEG. LOSQUADRO:

Just to answer that one question before we go on, there are actually very simple and very effective filtering softwares that are used regularly on they sites, across all websites. And, again, you know, we have to think about technology and how it can be utilized.

LEG. COOPER:

Well, that's my concern. At my son's school, they had a problem because a lot of the kids have laptops and there's a problem with the kids during class not paying attention to the teacher because they're on [Facebook](#) or they're ordering something. So they put in jamming software in the school to stop it. And my 16 year-old told me that the kids found a way to hack though it and they rendered it --

LEG. LOSQUADRO:

I'm not talking about firewalls.

LEG. COOPER:

But I'm just saying, whatever filtering you put in --

LEG. LOSQUADRO:

I'm simply talking about filtering software that recognizes words and characters and letters.

LEG. COOPER:

I think that there are ways because there are a lot of people out there a lot smarter than I am about computer technology that they can get past any of that. But I think that we would have to -- we'd be irresponsible if someone wasn't monitoring listings on the site.

Number three, going back to the crib issue, let's say that we passed a law banning the sale of dropside cribs in Suffolk County because of the number of infant deaths, but there's nothing prohibiting giving away your dropside crib in Suffolk County. So let's say someone wanted to give away their crib, they wanted to use this Suffolk County site that would facilitate the transfer, they do that. Someone gets the dropside crib and six months later their child strangles. Is there any liability to the County as a result? We facilitated that transaction. If it wasn't for the County that child may be alive today. I'm concerned about that. I mean, I have so many questions and I just think that --

LEG. LOSQUADRO:

Well, I -- see I don't think that's a concern. Again, the disclaimers -- and it's actually a very simple process by which Westchester County has done this. And Westchester -- you know, we're not talking about a little County here. Westchester County has done this very successfully. They have a very strong disclaimer that allows them to simply be the facilitator or these transactions.

(Legislator Kennedy entered the meeting)

LEG. COOPER:

As I said, you didn't answer the first -- I didn't give you a chance to answer it, perhaps. But right now if anyone wants to offer a crib, a vehicle, used clothing for free, you can put a listing on [Craigslist](#) at no charge. So I don't -- this is something I --

LEG. LOSQUADRO:

Well, unfortunately, most people associate those sites with items that are for sale. This is an area that government can actually do something. It's simply an opportunity cost. We already employ these individuals. According to Mr. Fung and Mr. Flack this is a very simple thing that can be done in-house at no additional cost to our staff-wise that the individuals who work here, you know, could undertake.

As you said, you know, periodically checking the site or postings through the filtering software that is available. I don't know if you heard different. This is what I'm hearing from our IT experts here that work for us in the Legislature. They are telling me it's a very easy thing to do and it is simply an opportunity cost for the individuals who already work for us.

LEG. COOPER:

And I just -- Dan, look, I know it's well intentioned, but, you know, this is -- the private sector is doing a completely adequate job right now in fulfilling this function.

LEG. LOSQUADRO:

I disagree. And I see another component to this that could grow out of it. That is already starting to happen with other municipalities that are doing this. Many times individuals are not aware or don't take the time unfortunately to learn what charitable organizations exist in their own neighborhood. And, again, through very simple software we could have people put in a zip code and it could give them a listing of charitable organizations right in their own neighborhoods. I happen to know which organizations are in my district. And I know who takes what. And I donate things to which organization I know can best utilize them on a regular basis. Most people either don't know or don't take the time to learn that. And they wind up disposing of items that could be a great help to other people.

And this is some -- if we can offer this very simple electronic service, this is not a dedication of manpower, this is a simple electronic service that can allow people to learn where in their community they can provide help for their neighbors, for the people who can use it most.

LEG. COOPER:

Okay. First of all, I disagree. It is a dedication of manpower. You admit it, it's going to take manpower to set up the site and to monitor the site. How much manpower, I don't know, but there definitely will be --

LEG. LOSQUADRO:

Again, according to our information technology people, it can be done in-house. We're not talking about fancy graphics, you know, anything high-tech here. The design and the artwork and implementing that is where most of the time goes into developing a website. The actual text and posting that and the simple HTML format is very easy.

And for anyone, again, as you said, there are people who know a lot more about computers than us. I happen to know a bit about it because my wife, you know, was the program management director for an ad agency and they did a lot of electronic work. So I know a bit about websites and how they're set up. And I know that setting up a website in a simple format like this is very easy and takes very minimal work. And once you setup the framework of it, it becomes incumbent upon the users then to create that posting. They don't actually send us a letter and someone has to do data entry. The posting gets propagated and removed automatically.

LEG. COOPER:

Well, look, we can go back and forth on this. I will make a motion to table. I have a slew of concerns about this. I don't see a rationale for passing this. I have questions about the cost, questions about liability. But also at its heart I feel that there are adequate resources in the private sector to accomplish this. I don't need -- I don't see a role for government in this anyway. So I'd like to make a motion to table.

LEG. LOSQUADRO:

Well, final thought on this. I completely disagree with you in that there are items everyday, countless items that are disposed of that could be used. And I don't think you can disagree with that. That could be reused by people in our community who have a genuine need for them.

LEG. COOPER:

But I do disagree. Because, for example, I just donated a table and ten lawn chairs --

LEG. LOSQUADRO:

Legislator Cooper, that's you.

LEG. COOPER:

-- to Family Service League.

LEG. LOSQUADRO:

That's you and that's me.

LEG. COOPER:

I give the average Suffolk residents -- resident today the credit that if they want to find a charity in their neighborhood, they go to [Google](#), they type in the zip code charity, and it's going to pull up 20 charities. And they'll call them and they'll find out someone that will accept their donation. But failing that, you admitted you can put it on [Craigslist](#) for free. And you say, well, people aren't aware of that. Well, maybe if Newsday's writing about this bill, maybe Newsday will mention that [Craigslist](#) offers this service, if you were not aware of, Suffolk residents, and it's free.

I do not see a role for government on this. Whether the cost is a thousand dollars or a hundred thousand dollars is secondary. There will be taxpayer dollars spent to compete with private sector that's doing an adequate job. I'm concerned about liability. If we facilitate a bartering, a transfer of a dropside crib that leads to a death of an infant or some other product that results in injury or

death, I'm concerned that Suffolk County will be held responsible. And the bottom line is I don't see an overwhelming rationale for this. I see a lot of concerns and counter arguments. I don't --

LEG. LOSQUADRO:

I appreciate your concerns. I can just tell you I disagree with you across the board on this and --

LEG. COOPER:

Well, let's go outside and settle this.

LEG. LOSQUADRO:

Gladly, gladly.

LEG. KENNEDY:

Set of gloves.

LEG. LOSQUADRO:

Celebrity boxing match, perhaps. Let's raise some money. Maybe we can give it to local charities.

LAUGHTER

I disagree with you entirely. I think there's absolutely a purpose here. I think there are many products that could be used by the public.

And well, I'll just say that as a final thought, obviously for someone who believes that government is very much the answer to many things, I'm really sort of surprised that you don't see that government could find the role to help people donate to charities. Because I really think it would be a very positive endeavor for the County to get involved in. And there are not dedicated areas on these sites for free items and they have very much become lost on those sites and people don't take the time to scan through them for those free items. If we had a site dedicated to the free exchange of those items, I think it'd be a great benefit for the public.

And as I said, it's been very successful in other areas, absent of litigation, devoid of litigation in those areas because -- I mean, we have legal Counsel. They look at these disclaimers. They write these disclaimers. We're simply there to facilitate this. You and I can disagree on its benefit. I think it would be a great thing for Suffolk County to do for the public. You can disagree with that. I hope the majority of my colleagues would agree with it because I think it would be a very positive thing for us to do especially in these economic times right now.

LEG. COOPER:

I really don't want to belabor this. This is my last comment and I'm -- and I'm not -- really my last comment, and I'm not an attorney, but I don't think that any disclaimer would prevent someone from filing a lawsuit. And let's say someone gives away a car and the brakes are defective, and they have an accident and they -- someone gets killed, would we have some possible --

LEG. LOSQUADRO:

Caveat emptor.

LEG. COOPER:

I am concerned that they may say, *you know what, I bought this through an official Suffolk County government site, this car must be fine or this crib must be fine, or fill in the blank, must be okay, it has the imprimatur of Suffolk County.* And then someone gets hurt or killed and I'm concerned that they're going to litigate against us and for what? [Craiglist](#) and other organizations like that already offer this resource for free. I don't see why we have to offer this for free in competition with the private sector. And I'm surprised that you're arguing so strongly in support of a government role.

LEG. LOSQUADRO:

As I said, I don't think it would be competing. I don't think it would be competing at all. I think it's providing a very unique service that is not provided by the private sector because it is just a free exchange of items. And many times the private sector is not interested in that. It becomes on government -- incumbent on government to be involved in that. And if -- I don't know how the vote's going to go. It'll probably be tabled. But if it is, I'll be back here. And in the interim I will send you a copy of what Westchester has done. And I think you'll see that they have implemented this very successfully and in a manner that not only protects them, but protects the public as well.

CHAIRMAN D'AMARO:

Okay. And also, Legislator Losquadro, if you're going to do that, because I'd be interested in taking a look at that. Can you also find out if Westchester has had an issue with litigation.

LEG. LOSQUADRO:

I've already contacted them. They have not.

CHAIRMAN D'AMARO:

All right. It would seem to me that -- I agree with Legislator Cooper, we don't want to buy a lawsuit. And just because you have a disclaimer doesn't mean someone won't commence an action. It doesn't really deter people from starting the lawsuit. The question is whether or not the user of the site would prevail. And I think you may have a test case, but once the issue becomes settled, you get past it and then if, you know, it seems to me you make a very compelling argument about some of the positive benefits of legislation like this.

But the question I have is, you know, we're using County resource, County time, it is an opportunity cost. We're using our servers to do this. And, you know, I just question, you know, the actual -- as Legislator Cooper says, the role for government here. So I'd be interested to see what Westchester is doing.

LEG. LOSQUADRO:

I'll be happy to send you or all the members of the Committee for that matter, some of the research that we've done on this. And again, it's not just Westchester. That's a local example. And another very large County like ourselves has undertaken a program such as this and show you how successful that it's been for them. I actually had initially heard about it through someone there who was -- who donated a bed or who gave away a bed and it turned out to be someone right in his own community who was able to use it.

CHAIRMAN D'AMARO:

Right. So you might want to say that private companies are doing it and doing it successfully, but this would be a public option. Mr. Presiding Officer. Good morning.

P.O. LINDSAY:

Legislator Losquadro, you should really go into sales. Did you ever think about that? You really have a knack for this, you know.

LEG. LOSQUADRO:

I have as a matter of fact.

P.O. LINDSAY:

I don't think that this is a bad idea. The problem is we don't have enough money and people to do what we're supposed to do now. To take on another responsibility no matter how little resources it would take, I just don't think we can do it. I mean, I got a lot of things that I think we should, you know -- we wanted to install cameras in this auditorium and, you know, broadcast our sessions. We haven't had the money to go forward with that project. You know, we want to add bus routes to expand our transportation system. We haven't had the money to do that.

My only objection to this is the fiscal problems that we find ourselves in and the lack of resources that we find ourselves with everyday just to do our core missions and I'm not anxious to take on a new mission.

LEG. LOSQUADRO:

I understand exactly your point, Mr. Presiding Officer. The items that you mentioned all have either a hardware or additional salary component to them that's not part of our ordinary operating expenses.

What I will do, again, if this does not move forward today, I would like to have maybe our IT people come and talk about this. Because again, according to them this could be developed during the course of their normal work hours. So they seem to think it's a pretty easy thing to do. I know to us, you know, the web development is a little bit of a, you know, magic process, there's a, you know, hocus-pocus. But according to them with the templates that exist, this is a very simple thing for them to do. So I would like to have perhaps them come talk about it and find out exactly what that opportunity cost would be to them because this is something that I really think could be a very good thing for the residents of this County to have at their disposal.

CHAIRMAN D'AMARO:

If you want to invite IT, just let us know and we'll put it on the agenda.

LEG. LOSQUADRO:

Absolutely.

CHAIRMAN D'AMARO:

All right.

LEG. LOSQUADRO:

We'll work on setting that up.

CHAIRMAN D'AMARO:

Okay.

LEG. COOPER:

And, Dan, I do want to keep an open-mind. But if you can also take the next few weeks to reach out to our Legislative Counsel, but maybe the County Attorney as well and if you could address to our satisfaction the liability concerns. I think that's another, at least for me, an overriding concern. And as the Chair of the Committee pointed out, a disclaimer is not going to prevent someone from litigating against the County with the costs involved there.

And also I had a question as to how Westchester County -- how they promote this site. If you go on their homepage, there's no mention of it. I had an aide spend 20 minutes trying to find any mention of this on Westchester County's site. Couldn't find it anywhere.

So, you know, how --

LEG. LOSQUADRO:

I didn't copy the name. It's a different name.

CHAIRMAN D'AMARO:

All right. We have a long agenda today.

LEG. COOPER:

Okay. Thank you.

CHAIRMAN D'AMARO:

With the Committee's indulgence, is there a motion and a second on this bill, to the Clerk?

LEG. COOPER:

I made a motion to table.

CHAIRMAN D'AMARO:

All right.

LEG. KENNEDY:

Mr. Chair, is there a motion to approve as well?

CHAIRMAN D'AMARO:

There is -- did Legislator Nowick make an approval?

MS. ORTIZ:

I only have a first on the motion to approve.

CHAIRMAN D'AMARO:

All right. Legislator Cooper had offered a motion to table. I'm going to second that motion. Are there any other motions at this time?

LEG. KENNEDY:

We have no -- I'll make a motion to approve. I'm sorry, I apologize for being late.

MR. ORTIZ:

There is a motion to approve; we need a second.

CHAIRMAN D'AMARO:

Oh, that's what I thought.

LEG. KENNEDY:

Okay. So I'll second the motion to approve.

CHAIRMAN D'AMARO:

Okay. There was a motion to approve by Legislator Nowick and Legislator Kennedy seconds that motion. The tabling motion takes precedence. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

CHAIRMAN D'AMARO:

One in opposition. Legislator Kennedy.

LEG. NOWICK:

Opposed.

CHAIRMAN D'AMARO:

I'm sorry, two in opposition. Legislators Kennedy and Nowick. The motion carries and the resolution is tabled. **TABLED (VOTE: 4-2-0-0 Opposed: Legislator Kennedy and Legislator Nowick) (Including Presiding Officer Lindsay)**

We're going to go back now on the agenda to **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)** This was previously discussed and we were waiting for Legislator Kennedy. It was suggested you may want to add to the conversation.

LEG. KENNEDY:

Certainly, Mr. Chair. Again, thank you and I apologize for arriving late. I had spoken at length about this when we had this in front of us two weeks ago. Due to some issues that had been consuming all my time in my office, primarily each too well, I haven't had much time to address some of the other items. So I've not been able to try to arrange the discussion between yourself and Legislator Browning, which I think is very much in need.

Nevertheless, I understand that there is a motion to discharge without recommendation. Is that correct?

LEG. BROWNING:

Correct.

LEG. KENNEDY:

Okay. And that motion has been seconded?

MS. ORTIZ:

Yes.

LEG. KENNEDY:

Okay.

MS. ORTIZ:

Also a motion to table.

LEG. KENNEDY:

I very much want to continue to try to facilitate this discussion. And I'm inclined to support the motion to discharge without recommendation because I believe that this issue is an issue that's not just an issue associated with Legislator Browning in this other part of Brookhaven, but I think it kind of gets out some of the essence of this law and its applicability across the board.

And I will have to make the time, I guess, sometime now between today and next Tuesday to speak with, I guess, both of you together or individually and to look at the essence of the law. As I said, it appears to me that we are butting up against two very important and worthy considerations, one being preservation of a community's character, particularly where we have some of the smaller lots that Legislator Browning has been talking about, which at times seems to have undermined some of the stability in the community.

And nevertheless the broader goal that you and I have spoken about at length, which is trying to find ways to have the County play a role to promote starter family or workforce family housing in a particular community. And, again, I'll go back to the irony, if you will, that in the Township of Smithtown a substandard developable lot generally garners at a minimum 200 to \$250,00 is highly sought after and it's a very -- has a tremendous amount of inherent value to it. You know, we as a County are supposed to be promoting harmony, I guess, if you will, across the board from Amityville to Orient. But there may be some element of difference amongst those communities.

So as I had said two weeks ago, I am not at the point where I will support the bill outright, but I feel that some of my colleagues may have equally strong feelings about whether or not this measure goes forward or not. So I support a motion to discharge without recommendation in the Committee today.

CHAIRMAN D'AMARO:

Okay. You're right, Legislator Kennedy, we are really re-debating the original bill because this would exempt a town from the requirements of that bill.

LEG. KENNEDY:

Absolutely.

CHAIRMAN D'AMARO:

And so that policy debate already took place. It was voted on and approved by, I think, all members of this committee, but for Legislator Browning, as a matter of fact. So we have considered that. And we have weighed the competing interests. And we have spoken as a County and a Legislature on all of this. And to re-visit it within a year when the program is working and moving forward and has not had any real impact yet but may actually do a lot of good out there, I think is something we need to give that policy a chance to succeed. And I don't see the need to bring it to the full Legislature when we've already had the exact same debate within a year, we've already spoken on it.

So I'm dumbfounded by the support for a motion to discharge without recommendation. But if that is the will of the Committee, so be it. That motion has been made, I think, by Legislator Browning?

LEG. BROWNING:

I made the motion. I believe, you seconded (indicating Leg. Cooper).

CHAIRMAN D'AMARO:

And there was a second.

LEG. BROWNING:

Could I ask, Pam, for a couple of things for -- maybe she can provide us with. I know there was an auction in October. And we got the number of properties that were in the Brookhaven area. You said there was one in Islip, one in Babylon. Could -- I know in the auction, earlier you had mentioned that there were some properties that developers chose not to buy, not to purchase because of the covenant that was in place to do with the affordable housing. Am I correct?

DIRECTOR GREENE:

Yes, that's correct. And just to clarify there were two parcels in the Town of Islip, one in the Town of Babylon and 11 in the Town of Brookhaven.

LEG. BROWNING:

Okay. Is it possible between now and next Tuesday we could get -- I know usually this is a question I'd ask of Jill, but I know that we had looked at the 72-h transfers, if we could get the numbers by towns, all ten towns, the number of 72-h transfers that each town has had. And again, the number of properties that were not sold at auction because of the covenant due to Local Law 3.

DIRECTOR GREENE:

What timeframe were you looking for?

LEG. BROWNING:

If you could have it for us by next Tuesday.

DIRECTOR GREENE:

No, the number of 72-h transfers since when?

LEG. BROWNING:

Oh, I guess over the one-year period.

DIRECTOR GREENE:

Yes.

LEG. BROWNING:

Thank you.

LEG. KENNEDY:

Mr. Chair, can I -- while we have Ms. Greene at the podium, can I just ask, so we are now conducting auctions on an annual basis as we had back before some of our litigation challenges or are we doing it more frequently? What do we know about this latest change and how it's manifesting itself, Pam?

DIRECTOR GREENE:

We held an auction last year. We plan to hold another auction this year. Last year there were 139 parcels that were put up for auction.

LEG. KENNEDY:

Okay, 139 parcels in total. And, again, I'm fuzzy on my recollection, 20 or 30 that fell in this category?

DIRECTOR GREENE:

Twenty-nine were subject to Local Law 3, the parameters of Local Law 3. Of those 29, 14 received bids. You are about to vote on, just to further the conversation for illustration, you are about to vote on three pieces of property that were put up for auction last year under the parameters of Local Law 3, did not receive bids and now are before you for direct sales.

CHAIRMAN D'AMARO:

Those are on today's agenda.

DIRECTOR GREENE:

Correct.

CHAIRMAN D'AMARO:

Okay. You answered one of my questions.

LEG. KENNEDY:

And the parcels that fall under Local Law 3 have been vetted by all of the Town Planning Departments or whomever and have been rejected as parcels they would look to take under a 72-h? What's the prescreening that gets them to the point that they are now being eligibles under 3?

DIRECTOR GREENE:

The County taking of property offers towns the opportunity to request those properties through the 72-h transfer process. And you're about to see many of those in today's agenda as well. Those that are passed on by the towns that have either not wanted to take them to then transfer to an affordable housing purpose are usually offered for direct sale if they fall under \$30,000 in appraised value or are offered at auction.

LEG. KENNEDY:

How much of the -- we notify the various planning departments. I can't do this in the abstract. I have to do this as a concrete. So if we have a substandard in Smithtown that's gone tax delinquent, which probably hasn't happened in 40 years because somebody's going to heave money at it. But -- so Division of Real Estate then would contact Mr. {Darouvius} or whomever say, *the County is now entitled based on the series of delinquencies, we're presenting this to the town for the opportunity for the town to exercise a desire to take it or accept it under a 72-h and do you want to go forward?*

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

That's about how it goes?

DIRECTOR GREENE:

Yes.

LEG. KENNEDY:

Okay. And they actually affirmatively tell you, *no, we're not interested, we don't want your tax delinquency.*

DIRECTOR GREENE:

Or they affirmatively state which parcels they do want for what purpose and they pass town board resolutions stating that purpose.

LEG. KENNEDY:

Okay. And as a matter of fact, my recollection is we took a 72-h in Smithtown not too long ago for road purposes, for highway purposes.

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

But did they give any indication as to why they choose not to take a parcel? Do they speak about community character? Do they speak about conformity? Do they speak about any of the other things that we're talking about here with Legislator Browning's request for exemption?

DIRECTOR GREENE:

I can't say that's ever been communicated. Again, it's rather pro forma with *these are the parcels, these are the ones that are being requested for this purpose.*

LEG. KENNEDY:

Could we as part of our 72-h first offer amend our practices or request that a town not only give us the rationale for when they choose to accept, but the rationale for when they choose to decline? Because I think therein is some of the dilemma that we're having here.

DIRECTOR GREENE:

That's certainly a legislative policy. It's going to pass a burden onto another municipality. That's up for to you decide.

LEG. BROWNING:

Can I jump in on this, Lou?

LEG. KENNEDY:

I'll be happy to yield, Mr. Chair.

LEG. BROWNING:

When you asked about why the Town of Brookhaven -- like the Town of Brookhaven rejected those properties, you know, I presented a letter from Val Biscardi, she's the person in the Town of Brookhaven who looks at these properties. And the reason why she's supporting what I'm doing is she said that these properties that the Town has offered for 72-h that she's rejected is because they're undersized lots and they won't build on them. So now we're putting them up to the auction to build on them.

LEG. KENNEDY:

But there's an issue here, Legislator Browning, that I am somewhat uncomfortable with, with the reliance on part of town bureaucracy when in fact a Town Council member may have a very different perspective on that.

LEG. BROWNING:

The Town Council member was here in support of my bill.

LEG. KENNEDY:

Well, I know that Councilman Panico was here. But I'm thinking, again, if this -- if your bill ultimately passes, then in essence it'll be a short-term, in my opinion, that we encounter a domino effect and we ultimately wind up undermining something that was put forward by the Chair. And it came about from actually a prior stint that I did with this Committee where we talked ad nauseam about every parcel that would come before us and dragged out tax maps. And I expressed a lot of concern about the fact that we were having lots that were in the hands of a developer or for that matter a Habitat for Humanities, something that would support a starter home, a 900 square foot, a thousand square foot home. And I felt uncomfortable with the fact that adjoining property owners were acquiring lots at direct sale for properties that were being accessed only at un-developable raw land value when I not only live in a house that's on a small lot, but I also in practice have represented developers and gone through the single and separate process and the relief from building footprint requirements that get to the point where you can build a starter home.

LEG. BROWNING:

But you have to understand, too, that a lot of these undersized lots are in communities where building was done on undersized lots. So I could have a resident, say in Mastic, I can think of a street right now, Patchogue Avenue, where there's about ten homes on undersized lots. They have nothing. If there was an undersized lot next to them, why wouldn't we want to let them have an opportunity to expand the size of their property? And they're right at the headwaters of the Forge River. So why wouldn't we want to give them an opportunity to expand their property? It would raise their property value. And, again, you know, one of the biggest problems with the Forge River is the cesspools. And we have way too many homes, way too many cesspools. And it's just creating more and more problems.

LEG. KENNEDY:

Well, you know, we're going into areas that actually we could probably talk about all day long. I stood in a basement yesterday with Congressman Bishop looking at what was pretty close to raw sewage running through a sump pump and the question becomes, well, *why was there a permit ever granted to basically build a house on a running stream 30 years ago?* But I also realize I don't administer or control the building code in the Town of Smithtown or any other town. Those decisions were made 80 or 90 years ago by case law in delegation to local authorities.

I also can't superimpose my will on a town as to how they're going to administer. I can encourage. I can suggest. I can advocate for master plans. I can talk about the environmental implications in proximity to a wetland and where development goes. But I can't -- I don't think, I can undermine what's a decision regarding development at a local level who come perilously close to a reverse taking then. And then a landowner's got an opportunity to look at some municipality to make them a 100% whole.

We spent a lot of time talking about this through the Chair. The one comment that I'll say to the Chair is, is that we did talk about this at great length previously. Yes, we did vote this. But I will say to you that when we talk about matters as important as this, I don't think there's ever a time where it's not meritorious to discuss how we as a body impact or affect a community with development.

So that's my reason for basically being in favor of the discharge without recommendation. Again, I remain unconvinced at this point one way or the other, I'm kind in equipoise as to whether or not we should go forward. I represent a portion of Brookhaven. I do not feel that the Ronkonkoma or Lake Grove sections of Brookhaven should necessarily be exempted from having the opportunity to develop on a substandard lot. Over in Lake Ronkonkoma, I'm telling you, I've knocked on doors and walked streets full and full and full of small capes on 60 foot lots. And there's a couple of 50 footers in there, too. So -- but nevertheless, I think there's some more dialogue to be had here. I'll yield.

CHAIRMAN D'AMARO:

Okay. There is a motion pending to discharge without recommendation. And I think -- is there also a tabling motion pending?

MS. ORTIZ:

There is. There's both.

CHAIRMAN D'AMARO:

Okay. The tabling motion take precedence, I believe, over the discharge without recommendation. So I'll call that vote first. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

LEG. BROWNING:

Opposed.

CHAIRMAN D'AMARO:

Okay. Three opposed, Legislators Browning, Cooper and Kennedy.

The tabling motion does not carry. Second would be the motion to discharge without recommendation. And I'll call the vote. All in favor? Okay. Opposed?

LEG. BROWNING:

Yes.

CHAIRMAN D'AMARO:

Legislator Nowick is opposed. Two opposed, three in favor. That motion carries and the resolution is discharged without recommendation.

(VOTE: 3-2-0-0 Opposed: Legislator D'Amaro and Legislator Nowick)

Okay. Next, skipping down to resolution **1354-2010 - Adopting Local Law No. -2010, A Local Law to impose civil penalties for the use of a vehicle in connection with the sale, purchase, use, or transport of unlawfully possessed controlled substances. (Co. Exec. Levy)** I'll offer a motion to approve.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

There's a second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)

*(The following testimony was taken by Diana Flesher &
Transcribed by Alison Mahoney - Court Stenographers)*

CHAIRMAN D'AMARO:

Okay. Next is **1370-2010**. I am recused on this matter, so I'll turn our proceedings over to our Vice Chair, Legislator Cooper.

VICE CHAIR COOPER:

IR 1370-10 - Adopting Local Law No. -2010, A Charter Law to increase the accountability of department heads (Cilmi). Are there any comments? If not, I'll make a motion to table.

LEG. KENNEDY:

Mr. Vice Chair, on the resolution, I'm just going to ask Counsel to remind us again, this is a bill that

would do what?

MR. NOLAN:

It would require Commissioners who are appointed by the County Executive and serve at his pleasure or her pleasure to be reconfirmed by the Legislature every four years. So after a Commissioner who serves at the pleasure has served for four consecutive years, that Commissioner would be required to be reconfirmed.

LEG. KENNEDY:

How would that impact Commissioners that we have now who have been in place for longer than a four-year period of time?

MR. NOLAN:

The law has a provision that those persons who were appointed prior to the effective date of this law will not require a resolution until January 1st, 2012. So they can continue to serve until January 1st, 2012, at which point they would have to be reconfirmed by the Legislature.

LEG. KENNEDY:

So even if we were to pass this, then in fact there would be no immediate effect at all for incumbents; it would only work regarding new recommendations --

MR. NOLAN:

Right.

LEG. KENNEDY:

-- such as, let's say, our Parks Department where apparently our current incumbent has been, I don't know what you call it, dis-invited, whacked by the County Executive. So that --

MR. NOLAN:

Right, if the new Commissioner is appointed and confirmed, four years after that then he would have to be reconfirmed. But it would apply to those commissioners who are appointed after the effective date of this law.

P.O. LINDSAY:

Jon?

LEG. KENNEDY:

Sure, I'll yield. Certainly.

VICE CHAIR COOPER:

If I could, I just wanted to respond. John, you just pointed out the reason that I'm not supporting this bill and instead I'm supporting another resolution that is in Public Safety for a fixed term. This does nothing to resolve the inherent problem where we have key department heads that are at-will employees and can be fired solely at the whim of the County Executive. In this case, he just fired the Parks Commissioner, I'm concerned for no valid reason, or perhaps reasons that were more politically motivated and -- or he could fire the Police Commissioner if the Police Commissioner were to testify contrary to the views of the County Executive.

Right now, if it's -- if a Department head does not have a fixed term, he is basically under the thumb of the County Executive. And it's much less likely that that department head would provide testimony to this Legislative body that would contradict the views or the policies set forth by the County Executive, even though it may more closely mirror the policy that we set forth. If you have a fixed term -- and again, this bill does not call for a fixed term -- but the difference is that if a department head, let's say the Police Commissioner or the FRES Commissioner, has a fixed term, the County Executive can fire that person at will. Right now he could fire the Police Commissioner or the Parks Commissioner for any reason, any reason what -- he doesn't need a reason, he could fire

them.

If they have a fixed term, the County Executive can ask the Legislature to take action, but the Legislature would have to hold evidentiary hearings, charges would have to be brought, there would be an opportunity for that Department head to defend himself against those charges, so he can only be removed for cause. And I think that it's much more likely that the Police Commissioner or the FRES Commissioner or the Parks Commissioner would give us honest, forthright information on a timely basis without concern that he could be fired by the County Executive if they have a fixed term.

This bill does nothing to address that, it basically maintains the status quo certainly until 2012. But what I'm proposing is an institutional change that I think would provide more balance to the Legislature vis-à-vis the County Executive. But I'm strongly opposed to this because I don't think this accomplishes much of anything at all.

LEG. KENNEDY:

Well, I appreciate that, Mr. Vice Chair, and that is why I asked Counsel to kind of bring out where things were at. You know, there's a realm or a variety of actions that a policy body can take. As you well know, there are only nine Counties in the State of New York that have elected County Executives. A very successful and robust alternative is an appointed County Manager. The County Manager, as a matter of fact, is an employee of the policy body, just as are the department entities as well.

So in the realm of discussion or robust discussion, as we talk about how we do or don't have our policies implemented and carried out in particularly critical areas such as public safety, there may be a need to expand the range of discussion that we're contemplating here. Because at the end of the road, each and every one of us was elected to go ahead and ensure the health, safety and well-being of our constituents and citizens.

Now, having said that, the default position at this point is an elected administrator who, in essence, then really does have the right to go ahead and to dismiss an individual if, for whatever reason, he no longer is in harmony, I guess, with the administrator's policies or visions. Many of us have served in those positions. I was a Deputy County Clerk for five years. You know, the old adage is you live by the sword, you die by the sword. And our Legislative employees serve in the same capacity. I've terminated employees on a day's notice.

So you look at the methodology, I think, of how we ultimately have implemented what we collectively adopt policy-wide and we may very well need to expand this discussion even further. But I agree with you, unfortunately this bill will have no change upon current day-to-day actions. And as a matter of fact, there will be another County Executive election, unless we decide to change the form of government, before this would even take effect. So based on that, I guess I'm going to have to support a table.

VICE CHAIR COOPER:

All right. If there's no further comment, we have a motion to table and a second.

MS. ORTIZ:

I don't have a second.

VICE CHAIR COOPER:

Oh, I'm sorry.

LEG. BROWNING:

I'll second.

VICE CHAIR COOPER:

Thank you. Motion to table and a second. All those in favor? Opposed? **IR 1370 is tabled (VOTE: 6-0-0-0) Including Presiding Officer Lindsay**

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Cooper. Next on the agenda is Home Rule Message One. **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)**

P.O. LINDSAY:

Mr. Chair?

CHAIRMAN D'AMARO:

Legislator Lindsay.

P.O. LINDSAY:

This is a question of Counsel. Didn't we do this last year? Didn't I sponsor this resolution last year?

MR. NOLAN:

Yes, that's possible. But these have to be -- it has to be done again when time lapses. So that's why this is before us again. Quite often we do home rule messages year after year after year for bills before they're enacted.

P.O. LINDSAY:

It's just usually there's a courtesy around here when one Legislator carries a home rule it's continued on. And, I mean, I sponsored it last year so I certainly agree with it and will move it forward again. I'm just a little disappointed that Legislator Romaine didn't contact me.

LEG. KENNEDY:

Through the Chair, this might be different sponsors, but you're correct, Mr. Presiding Officer, that as matter of comity, yes, we usually do point to whoever has taken a lead in a particular area. Perhaps Legislator Romaine didn't recall. I will see him this afternoon at another event; I'll mention that to him.

LEG. COOPER:

Mr. Chair, I did have a question. Could BRO -- maybe BRO can explain whether there are any maximum costs that have been approved for this commission.

MR. LIPP:

Not to my knowledge. I'd have to double check, though, but not to my knowledge.

LEG. COOPER:

My feeling on this, I was actually, I think, the first elected official on Long Island to raise this issue through an op-ed that I wrote for Newsday a couple of years ago, with the headline about whether Long Island should create the State of Long Island, should secede and create the State of Long Island. I wrote the op-ed though as I made clear in the op-ed not because I was seriously proposing that Long Island secede, but I was attempting to draw attention to the great disparity in equity between tax revenues that Long Island residents send up to Albany versus what we get back in state, which, I think, at that time averaged about \$2.8 billion a year. And I think thought that was unfair. And I thought by raising this issue it can get a conversation jump started. And I got support from the Suffolk Comptroller and Marty Cantor and others.

But there's no way this will ever will be approved in reality. The State Legislature would have to approve the secession and they'll never do that because they've been using Long Island as a cash cow for decades. And they're going to continue to do so. And then, even if by some miracle the State Legislature approved it, Congress would have to approve it. And that's not going to happen.

So I'm just concerned that either A, this is raising expectations fairly on the part of Long Island residents that may actually think this is a good idea. B, I'm concerned that it could lead to an expenditure of taxpayer dollars for naught at the end.

And three, I'm concerned that there are other Suffolk residents that will think that this is all a joke and don't we have something better to do than to be voting on things like this.

So I respect those that are supporting this. But I think that there may be better ways to draw attention to the problems that we're facing here on Long Island because of taxing policy set by the State Legislature. I'm just not convinced that this is the way to go. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator.

MR. LIPP:

Point of information.

CHAIRMAN D'AMARO:

Yes, Mr. Lipp. Dr. Lipp, go ahead.

MR. LIPP:

I believe last year we did a very brief memo related to this. And basically I believe what we said is, yeah, it's about a \$3 billion difference in terms of the money leaving Suffolk County versus coming in, or Long Island actually and -- not just Suffolk County.

And what we said also is in terms of a study, that doesn't necessarily mean that it would be a benefit or not that the study would have to be made in terms of what benefit do we accrue now from all of the assets like parks, state parks, things like that. And what would be the cost in terms of if a deal could be struck reality aside in terms of the actual dollars there.

So in terms of a study there are some interesting questions to be answered reality aside.

LEG. COOPER:

Well, look, I'm going to be extremely proactive. I see a Newsday reporter here. I'm going to take this opportunity to announce my run for governor of the commonwealth of Long Island. And so I just want to get dibs on this. Thank you.

LAUGHTER

CHAIRMAN D'AMARO:

All right. Is there a motion pending to the Clerk?

P.O. LINDSAY:

I'll make a motion.

CHAIRMAN D'AMARO:

Legislator Lindsay made a motion to?

P.O. LINDSAY:

Approve.

CHAIRMAN D'AMARO:

A motion to approve.

LEG. BROWNING:

And you know what, I'll second that because while it may not necessarily pass in the state level or pass on the local level, you know what? I think we are not getting our fair share. We send more money out of Suffolk County than what we get back and I think we need to continue to give that message to the state.

CHAIRMAN D'AMARO:

All right. So there's a motion and a second. And after seeing the overwhelming response by the State of New York to our first piece of legislation that we passed, I'm going to support this again in the hopes that maybe it'll be able to move things along. All right.

LEG. COOPER:

Also, excuse me -- and I may end up voting for this as a future gubernatorial candidate. But just for the record, if this were to pass, someone told me yesterday that part of the deal is they would be obliterating the Suffolk County Legislature in the process.

LEG. KENNEDY:

I'll second it.

(Laughter)

LEG. COOPER:

Is that true? I mean, I'll be gone also, but I'm just wondering, for the record.

MR. NOLAN:

I'm sure that will be part of it, yes.

LEG. COOPER:

Okay.

CHAIRMAN D'AMARO:

I'll call the vote. All in favor? Any opposed? Abstentions? And the motion carries unanimously.

APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)

All right. Next section on the agenda is introductory resolutions.

INTRODUCTORY RESOLUTIONS

The first is **1372-2010 - Directing the County Attorney to determine the feasibility of Suffolk County bringing an action against New York State regarding the MTA payroll tax. (Schneiderman)**

LEG. COOPER:

I'll guess I'll make a motion to table and then I'll explain why.

CHAIRMAN D'AMARO:

Okay. There's a motion to table. For discussion purposes I'm going to second that motion, but I did have a question. I don't know, George, if you're up to speed or if the County Attorney's Office is here and would like to chime in on this. But, you know, I think we're all on record as being very much opposed to the unfair MTA payroll tax. The question is, is the litigation already commenced or about to commence and is this duplicative and, you know, we talked about our diminishing resources. Is it something that's essential to the lawsuit or to the lawsuit even prevailing? George, any opinion on that?

MR. NOLAN:

Well, I know there's actually -- it started with a private party bringing a lawsuit. Then a number of towns are bringing the same -- they're challenging the MTA tax as well. I don't know that it's really necessary -- necessarily for us to join that lawsuit.

CHAIRMAN D'AMARO:

I guess put another way, does the County have any unique position or would the County have any claims unique to Suffolk County as a litigant or a plaintiff?

MR. NOLAN:

I think we'd probably be in the same place as the towns.

CHAIRMAN D'AMARO:

Okay. All right. That answers my question. Oh, I'm sorry, Lynne, did you want to add to that?

MS. BIZZARRO:

You know, I don't know that I have much more to state other than, you know, we'll look at the viability of those causes of action on behalf of the County as well. I don't know the answer to that right now though. But, you know, we'll comply with the resolution if it gets passed.

CHAIRMAN D'AMARO:

Okay, I appreciate that. And stay there, Legislator Nowick had question.

LEG. NOWICK:

Question, if we do not -- if we're not part of it and towns do win the lawsuit then we don't really get anything. Right? It's just the town lawsuit they're winning.

MS. BIZZARRO:

If we're not a party to it, correct.

LEG. NOWICK:

Right.

MS. BIZZARRO:

But, you know, if it seems like we have some viable causes of action, we could perhaps bring our own action or maybe we can even try to get involved in their action as well.

CHAIRMAN D'AMARO:

Well, that was my question. If the County -- I mean it depends on the grounds that the towns are asserting. If the entire tax is found to be unsustainable against any municipality include -- or political subdivision like the County, fine, but if it's unique -- if the decision is unique only to the towns and we're not, you know, you can't win it if you're not in it kind of thing.

MS. BIZZARRO:

Correct. Right, right.

CHAIRMAN D'AMARO:

There may be then some merit to taking at least a look at that and whether or not we should be in that lawsuit.

MS. BIZZARRO:

Right.

CHAIRMAN D'AMARO:

So at this point you're not prepared to say either way because you would need to do that research.

MS. BIZZARRO:

We would need to do that research, correct.

CHAIRMAN D'AMARO:

Okay. So as a Committee can we request that the Law Department take a look at that issue for us and perhaps we can use that in making a decision on this resolution?

MS. BIZZARRO:

Oh, sure.

CHAIRMAN D'AMARO:

All right.

MS. BIZZARRO:

Yes.

CHAIRMAN D'AMARO:

All right. I'd appreciate that.

MS. BIZZARRO:

Okay, no problem.

CHAIRMAN D'AMARO:

All right. Very good. There is a motion to table, received a second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1374-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Donald I. Scholtz and Diane E. Collins (SCTM No. 0600-127.00-03.00-053.000). (Co. Exec. Levy)

Town of Riverhead, appraised for 1200, sold for 1201. The lot size is a 60 by 18. 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: 6-0) (Including Presiding Officer Lindsay)**

1379-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act HSBC Bank USA N.A., as trustee for Nomura Home Equity Loan, Inc. Asset-Backed Certificates Series 2006-HE1 2929

Walden Avenue, Depe, NY 14043 (SCTM No. 0100-017.00-01.00-094.001). (Co. Exec. Levy) I'm going to offer a motion to approve and place on the consent calendar.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? That was a 16 as a matter of right redemption. **APPROVED and place on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1380-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John W. Fisher, Jr. and Donna Fisher, his wife (SCTM No. 0200-761.00-02.00-061.000) (Co. Exec. Levy) I'll offer the same motion, same second and same vote, without objection. **APPROVED and place on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

Next is 1381-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Deutsche Bank National Trust Company, as Trustee of Indymac Residential Mortgage Backed Trust, Series 2006-L3, Residential Mortgage Backed Certificate Series 2006-L3 under the Pooling and Servicing Agreement dated September 1, 2006 1761 East St. Andrews Place Santa Ana, CA 92705 (SCTM No. 0500-410.00-04.00-021.002). (Co. Exec. Levy)

LEG. COOPER:

For the record, you only took one breath. I am very impressed.

CHAIRMAN D'AMARO:

It's a longwinded one. Same motion, same second and same vote. **APPROVED and place on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1382-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas R. Schofield (SCTM No. 0500-056.00-03.00-012.000) (Co. Exec. Levy) Same motion, same second and same vote. APPROVED and place on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)

1384-2010 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-058.00-04.00-019.000). (Co. Exec. Levy) I'm going to offer a motion to approve. This is for two parcels in Wyandanch, which sold for 8,873.33. And I believe this is part of the town's Wyandanch Rise and Revitalization Project.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

All right. Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1385-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Daniel W. Byrne and Connell Byrne, joint tenants with right of survivorship (SCTM No. 0200-975.70-04.00-017.004) (Co. Exec. Levy) It's a 50 by 100 lot in Patchogue appraised at 8,000 and sold for 12,175 to an adjoining owner. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor?

LEG. KENNEDY:

On the motion, Mr. Chair.

CHAIRMAN D'AMARO:

Yes.

LEG. KENNEDY:

Is this one of the lots that actually was a substandard and this -- Madam Director, was there -- let me just make sure I understand it again because as a matter of fact, I'm probably going to vote in opposition to this resolution. This was offered and it was just merely that no bidder elected to make an offer for this and it's Local Law 3 category and so now we're offering it for a direct sale for an adjoining?

DIRECTOR GREENE:

Yes.

LEG. KENNEDY:

Okay. This is in the incorporated village or it is outside of the incorporated village? And the reason I ask that is just because I'm curious as to what the minimum frontage is?

DIRECTOR GREENE:

The tax map is 0800 so it's not an incorporated village.

LEG. KENNEDY:

It's not in the incorporated village. And again, my recollection, I don't know if you're directly familiar with it or not, but in the Town of Brookhaven the minimum frontage is a 50 footer.

DIRECTOR GREENE:

I'm sorry, I think we're on IR 1385. That's in the Town of Brookhaven.

CHAIRMAN D'AMARO:

Yes, we're on 1385.

LEG. KENNEDY:

Yes, okay.

DIRECTOR GREENE:

We were both jumping ahead to the next one.

LEG. KENNEDY:

With Smithtown -- as a matter of fact with Smithtown, I think I understand what that one is. No, I'm still on 1385.

DIRECTOR GREENE:

Okay. That's in the Town of Brookhaven.

LEG. KENNEDY:

So again, my understanding is that the minimum lot frontage in the Town of Brookhaven is 50 foot. Are you familiar with the Brookhaven Town code or no?

DIRECTOR GREENE:

This was deemed a substandard lot according to town zoning when it was put in the auction subject to Local Law 3.

LEG. KENNEDY:

Okay. All right, thank you.

CHAIRMAN D'AMARO:

Just on a procedural note, I'm encouraged by the fact that this is here because what this resolution means to me is that the underlying lot went through the Local Law 3 process, it was vetted and reviewed and also vetted by the private sector as well where there was no bid. There was no bid made on this property. And, in fact, Local Law 3 then requires that the parcels then be offered to the adjoining owner.

DIRECTOR GREENE:

Correct.

CHAIRMAN D'AMARO:

So, that's what happened in this case. And I'm going to support the motion. Is there a motion pending to approve this? I think there is. Right?

MS. ORTIZ:

Yes.

CHAIRMAN D'AMARO:

Okay. Anything else on the motion? All right. I'll call the vote. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

CHAIRMAN D'AMARO:

One in opposition. Motion carries and the resolution is approved. **(VOTE: 5-1-0-0 Opposed: Legislator Kennedy) (Including Presiding Officer Lindsay)**

1386-2010 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Smithtown - (SCTM No. 0800-032.00-02.00-035.000). (Co. Exec. Levy) This is a 2,000 square foot recharge basin that sold for \$487 and change in Smithtown.

LEG. KENNEDY:

It is waterfront, you know, come on folks. You know how much we value that waterfront property. I'll make a motion.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

All right. Motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1387-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Karen Ferrara (SCTM No. 0200-579.00-02.00-045.002). (Co. Exec. Levy) 50 by a 100 in Yaphank, sold and appraised for \$6,000. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Okay. And second by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries.

LEG. KENNEDY:

I'm opposed.

CHAIRMAN D'AMARO:

One in opposition and the motion carries. **APPROVED (VOTE: 5-1-0-0 Opposed: Legislator Kennedy) (Including Presiding Officer Lindsay)**

1388-2010 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-040.00-02.00-015.006 et al). (Co. Exec. Levy) This is comprised of seven parcels in the Hamlets of Wyandanch, Deer Park, North Babylon and West Babylon. They sold for almost \$5,000 for highway purposes. 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: 6-0) (Including Presiding Officer Lindsay)**

1389-2010 - Sale of County-owned real state pursuant to Local Law No. 13-1976 Dennis Fennessy Jr. and Angelina C. Fennessy (SCTM No. 0200-975.00-05.00-011.000). (Co. Exec. Levy) This is a 50 by 125 lot in Mastic Beach appraised for 5,000 and sold for 5100. And just to Real Estate again, Pam, Ms. Greene, this is a lot again that went through the Local Law 3 process?

DIRECTOR GREENE:

Correct.

CHAIRMAN D'AMARO:

Okay, just for the record. And this is the adjoining property.

LEG. BROWNING:

I'm trying to remember. I know when we looked at that. Wasn't that the piece of property in Mastic up around -- I know it's somewhere north of Montauk.

DIRECTOR GREENE:

It is in Mastic Beach. There should be an aerial in your packet.

LEG. BROWNING:

I don't have it on me.

DIRECTOR GREENE:

Would you want to see it?

LEG. BROWNING:

Yes, I know exactly where that is. A lot of flooding down there. Okay. Was there a motion? I'll make a motion. Okay. I'll second it.

CHAIRMAN D'AMARO:

Was there a motion to approve?

MS. ORTIZ:

No motion.

CHAIRMAN D'AMARO:

Legislator Browning will offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Legislator Cooper will second.

LEG. KENNEDY:

On the motion, Mr. Chair.

CHAIRMAN D'AMARO:

On the motion.

LEG. KENNEDY:

Can I just ask?

CHAIRMAN D'AMARO:

Yes.

LEG. KENNEDY:

This is actually in a wetlands zone. Is that the reason why this is not accepted?

LEG. BROWNING:

Very possible. Actually, I did meet with Tom Isles on a lot of the properties down there. It is surrounded by water pretty much.

LEG. KENNEDY:

So its got a DEC component to it. It's got an overlay?

LEG. BROWNING:

I'm not sure. Are you familiar with Osprey Park? Down in Mastic Beach? It's off of Wavecrest.

LEG. KENNEDY:

I know Wavecrest, yeah.

LEG. BROWNING:

Yeah.

LEG. KENNEDY:

I know where Wavecrest is.

LEG. BROWNING:

It borders the water on two sides.

LEG. KENNEDY:

Okay, fine. All right. So it's got some kind of a overlay as far as proximity to wetland or something like that. Then, again, not that you can't go ahead and get a waiver from DEC reg's, but that's like the holy grail. Okay.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. The resolution is approved. **(VOTE: 6-0) (Including Presiding Officer Lindsay)**

1400-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert Stanzoni and Liddel Homes Inc. (SCTM No. 0200-823.00-08.00-063.000) (Co. Exec. Levy)

It's a 20 by a 100 lot in Mastic appraised for 1500 and sold for 1550. I'll offer a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1401-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Walter O. Dunston (SCTM No. 0900-139.00-02.00-081.000) (Co. Exec. Levy) Again, it's

Southampton. Appraised for 3000 and sold for 3300. It's a 12 by 58 lot. 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: 6-0) (Including Presiding Officer Lindsay)**

1402-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph S. And Josephine Polimine (SCTM No. 0500-175.00-02.00-097.001). (Co. Exec. Levy) And this is a lot in Holbrook appraised for 3000 and sold for \$3001. It's a 17 by 1048 lot. I'll offer a motion to approve.

P.O. LINDSAY:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Lindsay. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1403-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Elizabeth Thyssen and Michael Charrier (SCTM No. 0900-298.00-03.00-017.036) (Co. Exec. Levy) This is a 50 by 109 lot in Southampton appraised for 16,000 and sold for 25,500.

I had a question on that lot, this particular lot. If you look at the map the adjoining owner is really only adjoining on about 25 feet. And it would almost seem to make more sense to square off the lot and sell the frontage to the other adjoining owners. Was there any -- is there any background to this parcel that you know of?

DIRECTOR GREENE:

Yes. First it wasn't subject to Local Law 3 because it had no street frontage on an approved street.

CHAIRMAN D'AMARO:

Right, okay.

DIRECTOR GREENE:

I'm sure you saw that. There were two bidders. And the other bidder that does have the smaller frontage was the higher bidder. So we are required to go with the higher bid.

CHAIRMAN D'AMARO:

So there was competitive bidding and obviously --

DIRECTOR GREENE:

There were two bids received, correct.

CHAIRMAN D'AMARO:

Right. Just give me a moment, I want to just pull up the tax map. This is 1403 of 2010 we're talking about.

DIRECTOR GREENE:

Did you also want an aerial?

CHAIRMAN D'AMARO:

Do you know, are the other lots -- the other two lots where the small portion of the subject lot adjoins, are those developed? Do you know?

DIRECTOR GREENE:

I have an aerial that might be helpful for you.

CHAIRMAN D'AMARO:

I mean the aerial really shows it. So the homes that are developed front on Gardenia Avenue. And this would not only increase the depth of the successful bidder's lot, but then bring it over to west and back behind a neighboring parcel.

DIRECTOR GREENE:

Two, correct.

CHAIRMAN D'AMARO:

Two neighboring parcels. Who is the other bidder?

DIRECTOR GREENE:

The property owner directly in between the two.

CHAIRMAN D'AMARO:

Okay. Well, it makes sense. The other adjoining owner, yeah. Okay. So had the middle property been the successful bidder, they would have had property going behind both neighbors' homes.

DIRECTOR GREENE:

Correct.

CHAIRMAN D'AMARO:

Yeah.

LEG. KENNEDY:

Did that go through the --

CHAIRMAN D'AMARO:

No. This did not go through Local Law 3 because it doesn't front on a street -- street front. It has no street front.

LEG. KENNEDY:

It could have gotten access if they chose. Is it that all land locks are exempt?

CHAIRMAN D'AMARO:

Yeah, the Local Law 3 requires a minimum street frontage of 50 feet. The purpose being to avoid some -- I think, to avoid something like this where you could create more controversy than it's worth and suggesting you put a workforce home in the middle of someone's backyard, you know, you can get access. I think you can.

LEG. KENNEDY:

You can, yeah.

CHAIRMAN D'AMARO:

Yeah, there's no question about it.

LEG. KENNEDY:

Actually, there's a private driveway. You could certainly go ahead and get access. That's --

CHAIRMAN D'AMARO:

Right. But whether that house would even be in conformance with the character of the neighborhood, you know, there are a lot of issues there. Anyway. Do you want to table it, John? Do you want to think about it?

LEG. KENNEDY:

Well, I mean, I'll -- I would oppose a motion to approve. Yeah, I'll make a motion to table. Yeah, as a matter of fact, actually I will. I'll make a motion to table.

LEG. BROWNING:

Can I ask you real quick, I mean, if this was your property would you agree to that?

LEG. KENNEDY:

Well, to be candid with you, if I may, through the Chair, almost any community that you go to if you ask a developed community *are you in favor of bringing in an 800 and 900 square foot single-story three bedroom, one bath, one multi-family room ranch on a small lot*, unfortunately most communities aren't saying *come on in, we're welcoming that*. Because the first thing they start to talk about is children and the school district, use of municipal services like fire departments and ambulances and things like that. And in essence, in my opinion, it makes it almost impossible for young people to do what we did a generation ago. And I'm seeing it with my four adult children.

So unless there's some kind of a family investment out there for the next generation that's coming, they're not getting the same opportunities we had. I don't want to debate what's gone on over a quarter century with the value of land, the scarcity, the increase, the profit margin for developers, the drive to build McMansions because of a reduction in raw land and product. But it is reality.

So I think that it's something that we experience all over. And I think it goes to the essence of whether we're going to promote a policy for workforce housing or not. I'll make a motion to table.

CHAIRMAN D'AMARO:

Okay. There's a motion to table. It is -- we're on IR 1403. I just want to chime in. Legislator Kennedy, I agree with everything you're saying. In fact, those are the policy considerations that support Local Law 3 or some of them and I appreciate those comments. But here this lot does not meet the parameters of that Local Law. And those parameters were thought out where, you know, if you're going to be placing workforce housing in slightly substandard lots or at least have the opportunity to do so with towns making those decisions, I think the design of Local Law 3 was to try and avoid a situation such as this.

So I'm not going to support the tabling motion although I do appreciate your comments very much on the policy considerations.

LEG. KENNEDY:

Okay.

CHAIRMAN D'AMARO:

All right. So there is a motion to table, has not received a second. I will offer a motion to approve.

LEG. COOPER:

I'll second.

LEG. NOWICK:

I'll second the motion to table.

CHAIRMAN D'AMARO:

Okay. There is a second on the motion to table by Legislator Nowick. Okay. And there was a second on the motion to approve as well. The motion to table comes first. I'll call the vote. All in favor? Opposed?

(P.O. Lindsay left the meeting)

LEG. BROWNING:

Opposed.

CHAIRMAN D'AMARO:

All right. The motion does not carry. I'll call the motion to approve. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

CHAIRMAN D'AMARO:

Okay. Legislator Kennedy notes opposition. The motion carries. The resolution is approved.

(VOTE: 4-1-0-0 Opposed: Legislator Kennedy)

1404-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Mitchell (SCTM No.0100-079.00-02.00-037.000) (Co. Exec. Levy) This is a matter of right of redemption. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the consent calendar. (VOTE: 5-0)**

1405-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Diomedes Ceballos and Zoraida Ceballos, his wife (SCTM No. 0500-067.00-01.00-077.001) (Co. Exec. Levy) Same motion, same second and without objection same vote. **APPROVED and placed on the consent calendar. (VOTE: 5-0)**

1406-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Peter Karika (SCTM No. 0500-046.00-01.00-099.000). (Co. Exec. Levy) Same motion, same second and same vote. **APPROVED and placed on the consent calendar. (VOTE: 5-0)**

1408-2010 - Adopting Local Law No. -2010, A Charter Law to increase legislative oversight of RFP process. (Romaine) The public hearing has been recessed. So I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

1410-2010 - Adopting Local Law No. -2010, A Local Law requiring broader dissemination of auction information. (Browning) The public hearing is required. So on this bill I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED for**

PUBLIC HEARING (VOTE: 5-0)

1415-2010 - Adopting Local Law No. -2010, A Local Law to establish a prompt contracting policy for not-for-profit organizations. (Gregory) Requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second once again by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries.

TABLED for PUBLIC HEARING (VOTE: 5-0)

IR 1417-2010 - Authorizing certain technical corrections to Adopted Resolution No. 95-2010 (Stern) This is changing an appropriation number. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED**

and placed on the CONSENT CALENDAR (VOTE: 5-0)

1422-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles Scott Littlejohn (SCTM No. 0500-055.00-01.00-002.000). (Co. Exec. Levy) I'll offer the same motion, same second and without objection same vote. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1423-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Buckingham Holdings, LLC, by J. B. Kenealy, member (SCTM No. 0200-980.60-03.00-005.000). (Co. Exec. Levy) Same motion, same second, same vote. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

1424-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Elizabeth Maldonado (SCTM No. 0200-038.00-01.00-038.000). (Co. Exec. Levy) Same motion, same second and same vote. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

1425-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sharon Golden (SCTM No. 0200-977.60-06.00-024.005) (Co. Exec. Levy) Same motion, same second, same vote. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

1426-2010 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kenneth Brady (SCTM No. 0208-015.00-07.00-005.000) (Co. Exec. Levy) Same motion, same second and same vote. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 5-0)**

1427-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Allan J. and Martha T. Metz, joint tenants with rights of survivorship (SCTM No. 0200-853.00-06.00-037.000) (Co. Exec. Levy) This is a 40 by a 100 lot in Mastic, which appraised and sold for 6600. 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: 5-0)**

1428-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven J. and Allison M. Eiene (SCTM No. 0200-824.00-09.00-033.00). (Co. Exec. Levy) Forty by a 100 lot again in Mastic appraised for 4500 and sold for 5000. 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: 5-0)**

1429-2010 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael and Annmarie Sheehan (SCTM No. 0500-297.00-01.00-131.000) (Co. Exec. Levy) It's a 75 by 42 lot in East Islip, which appraised for 4000 and sold for 4500. 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: 5-0)**

1431-2010 - Adopting Local Law No. -2010, A Local Law to encourage the sale of substandard properties in the County's inventory to adjacent property owners. (Cilmi) Requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. On the motion, Legislator Nowick.

LEG. NOWICK:

No, not on the motion.

CHAIRMAN D'AMARO:

Oh.

LEG. NOWICK:

On the motion before, I'm just curious about something. I see the appraised values come in less than what the owner actually bought it for. Does the owner know what the appraised value is or is that something that is not -- I'm just wondering why so many of these they come in a little more? Is it that they don't know the appraised value or is it that they're fighting with somebody else?

(P.O. Lindsay reentered the meeting)

CHAIRMAN D'AMARO:

It may be that that may be the opening bid, but I'll let our Director of Real Estate answer that.

DIRECTOR GREENE:

They're made aware of the appraised value in the offer letter.

LEG. NOWICK:

And then they just say *I'll give you a little more.*

DIRECTOR GREENE:

Correct.

LEG. NOWICK:

Gee, good business people, huh?

DIRECTOR GREENE:

We try.

CHAIRMAN D'AMARO:

It's not an upset price. It's a base, I would think. It's a base.

DIRECTOR GREENE:

Well, I think the County has an obligation to sell property for what it's appraised at. So we get an independent appraisal and then we put that in the offer letter that goes to the additional owners.

MICROPHONES NOT BEING USED

MS. ORTIZ:

Mic's please.

CHAIRMAN D'AMARO:

Okay. We need to use the mic's.

MS. ORTIZ:

Thank you.

CHAIRMAN D'AMARO:

Even though your little finger may hurt.

Okay. So that was discussion on 1429 of 2010. We do have a motion pending on 1431 of 2010 to table for public hearing. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

TABLED for PUBLIC HEARING (VOTE: 5-0)

1435-2010 - A technical correction to Resolution No. 15-2010, accepting and appropriating 100% funding from the New York State Office of Children and Family Services to the Suffolk County Department of Social Services for Supplemental Child Care Subsidy Allocations under the American Recovery and Reinvestment Act (ARRA) (Co. Exec. Levy) This adds a new resolve clause.

LEG. KENNEDY:

Yes.

CHAIRMAN D'AMARO:

Denoting an amendment to the 2009 Operating Budget. It's a technical correction.

LEG. COOPER:

I'll make a motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Cooper and place on the consent calendar. I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1441-2010 - Approving the appointment of a relative of an acting County Court Judge in the Suffolk County Department of Public Works (Brian A. Crowley) (Co. Exec. Levy) This is, I believe, for a custodial position in Public Works at a salary of roughly 26,000 a year.

LEG. COOPER:

Motion to approve.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Cooper to approve, second by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1451-2010 - Adopting Local Law No. -2010, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors (Schneiderman)

Requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1454-2010 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act. (Co. Exec. Levy)

DIRECTOR GREENE:

Mr. Chair?

CHAIRMAN D'AMARO:

Yes, Ms. Greene.

DIRECTOR GREENE:

The Division asks that you table this for additional language recommended by the Law Department.

CHAIRMAN D'AMARO:

Okay. A request by the County Executive's Office -- I'm sorry, the Department of Real Estate to table. I'll offer a motion to do so, second by Legislator Cooper. All in favor? Opposed?

Abstentions? Motion carries. **TABLED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1478-2010 - Authorizing the renewal of the lease of premises located at 220 Rabro Drive, Hauppauge, NY for use by the Department of Health Services (Co. Exec. Levy) This would extend the lease for two years. It's for 13,721 square feet with a 2010 rent of just \$211,633. And the lease would expire December 31st of 2011. And if I'm not mistaken, I believe this is one of the properties or leases that would be terminated in the event the County pursued or acquired the 5,000 corporate center. So I think that pretty much explains why there's a two-year lease because that's still -- that proposal is still out there.

MR. ZWIRN:

That's correct.

CHAIRMAN D'AMARO:

I'm going to offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

This is 1478-2010. There's a second by Legislator Cooper.

LEG. KENNEDY:

Mr. Chair, on the motion.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

The lease -- drawing the lease in the first instance is a fairly time consuming process and detailed process. As a matter of fact, when our Social Service Department went in on Wireless over here in the industrial park, my recollection is that it was probably about a ten or 11 month process between the landlord and the County Attorney's Office with negotiations. It involved Public Works. It involved a variety of different things.

The lease renewal, through the Chair, if we could just ask if the County Attorney's Office can tell us, is this just boilerplate where we're doing -- Basia Braddish is here. Hi Basia, how are you?

MS. BRADDISH:

Good. How are you?

LEG. KENNEDY:

Good. Okay, through the Chair, if I can. Would this just be a simple one or two page extension of existing terms and conditions or would we be negotiating and redefining the whole 30 page writing that's fairly voluminous in extensive writing?

MS. BRADDISH:

We do it both ways. It depends on the length of the length of the term of the lease, what our other options are, whether the landlord's a good landlord or not. So sometimes we do -- for an extension we'll do a simple letter agreement where it really just outlines what the new terms are and nothing more.

In this case, I believe, actually the landlord actually wanted just an updated lease. But I guess about two years ago we really updated our leases. In this instance since it was a short-term lease and we didn't want to go into that long process and he's been a good -- he's got a history of being a good landlord and responsive, we cut down the amount of new clauses that we require. So it's kind of -- there's not a set rule.

LEG. KENNEDY:

Okay. Well then let me -- and thank you, I appreciate that, but so let me speak specifically because based on the -- well, okay, let me get some of the specifics. How much longer do we have on the existing lease until it expires?

MS. BRADDISH:

This was an unusual situation in that part of the property -- I don't actually have the expiration dates, but they've, I believe, both leases have expired, but there were two leases. One was Social Services, which expired a while ago, they moved out. And then there was the Health portion. And

the negotiations went, although we started before the lease expired, the negotiations went on quite a long time because we had another viable site. So that we were going back and forth negotiating to try to get down to the lowest we could. So this is actually two prior leases combined into one. That's another reason why it's the longer form because we couldn't go the other way.

LEG. KENNEDY:

You're going to have to take terms and conditions for the -- and is this the Health Department building on the corner of Rabro and 111?

MS. BRADDISH:

No it's across -- we have property across the street. I believe this is the one --

LEG. KENNEDY:

In the Worker's Comp building? We're not in the Worker's Comp --

MS. BRADDISH:

This is the one where there was Social Services and Health Services and Social Services moved out. The 220.

LEG. KENNEDY:

Yes.

MS. BRADDISH:

And now we -- now Social Services -- take that back. Health Services is now using the entire facility.

LEG. KENNEDY:

So they occupied the space that was vacated by Social Services when they went over to Wireless or wherever they went.

MS. BRADDISH:

I'm trying to remember. I don't remember who was there. I'm not sure it was Wireless because it was only 5,000 square feet roughly. The other lease.

LEG. KENNEDY:

Okay. So -- okay, so we're not sure yet -- well, let me see if I can get this. We've expired on both the leases and they're in holdover status now, we're going month to month with them?

MS. BRADDISH:

Correct. It expired the end of '09. That's why the lease actually goes back to January 1st.

LEG. KENNEDY:

And we would combine for all of the space in a writing that would take us through the next 24 months.

MS. BRADDISH:

At this point it's less.

LEG. KENNEDY:

Yes, yeah, for a 24 month time period. What are we usually negotiate for, Basia? What are the average terms of our leases?

MS. BRADDISH:

Depends on the size of the facility and the amount of construction going into it. Set standard for a Legislative lease is six years. They're pretty much all six years. With smaller facilities, a sheriff's office site, a small office site -- and it's dependent on what the need of the department is.

LEG. KENNEDY:

Well, this is a fairly large site. It serves multiple functions. I know that we have --

MS. BRADDISH:

Yes.

LEG. KENNEDY:

-- Dr. Tomarken is in there.

MS. BRADDISH:

Yes.

LEG. KENNEDY:

Administration, I believe, is in there.

MS. BRADDISH:

Yes.

LEG. KENNEDY:

We have -- I think we have some sanitarians in there. We have public health nurses in there. We have a whole variety of different health functions. It's a long-term established footprint. I doubt that we would be looking for much in the way of any kind of interior renovation from the landlord. We're looking to basically continue to occupy for all of the space for that two-year time period.

Here's my concern. My concern is, is there's a lot of volatility associated with this 5000 Corporate Drive. And a lease negotiation is a fairly complicated detailed process at the end of which we have a meeting of the minds and we have a certainty as to how operations are going to go generally for, I thought it was upwards of like a ten-year time period. 200 Wireless was a ten-year with a ten-year option to renew, I believe, for ten or 20 years.

MS. BRADDISH:

(Shaking head yes)

LEG. KENNEDY:

Somewhere along there. So we did all the negotiations. We hammered out whose got what responsibility for who. We came to, you know, terms and agreements on maintenance, this, that and the other thing. And now we have a stable property that we're going to occupy for that extended period of time.

My concern here is, is we're going to go through a whole lot of process. And by the time we get to the end of the process, we're going to be close to an expiration. Maybe we will have bought a building, maybe we won't. We'll be pancaking a whole new negotiation on top of this one. I'm concerned that we don't have a sufficient duration, you know, based on this whole other process that's going on.

MS. BRADDISH:

You know, I mean, that's obviously a policy determination. And I think that was discussed at the Space Management Steering Committee on what path to take. I mean, certainly the Holtsville facility was a consideration in a short-term lease as were the terms. And like I said, in this instance we had a very positive situation in that we had a very affordable alternative left and we were able to negotiate down in the existing facility to again very favorable conditions based on the fact that we were also avoiding relocation costs. So the two-year extension really there wasn't a lot of negotiation other than getting the price down. We knew what we had. There's no design. There's no improvements. There was nothing just piggybacking on the other square footage. That was the

extent of it.

LEG. KENNEDY:

So everything is done at this point. All we're really doing now is just authorizing full execution of the existing writing.

MS. BRADDISH:

The lease that is attached as backup has been signed and approved by the landlord.

LEG. KENNEDY:

And that's for the whole of the space.

MS. BRADDISH:

(Shaking head yes)

LEG. KENNEDY:

Okay. All right. I appreciate it, thank you. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Okay. There is a motion pending that has received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1483-2010 - Approving the appointment of a relative of an acting Supreme Court Judge in the Suffolk County Treasurer's Office (Emily E. Hudson) (Pres. Off. Lindsay) And this is a student intern position in the Treasurer's Office with no salary. I'll offer a motion to approve.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1489-2010 - Adopting Local Law No. -2010, A Local Law to establish a notification requirement for consultant contracts (Montano) Requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1490-2010 - Adopting Local Law No. -2010, A Local Law to extend prompt payment policy for not-for-profit contract agencies (Gregory) Requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 6-0) (Including Presiding Officer Lindsay)**

1499-2010 - A technical correction to Resolution No. 65-2010, accepting and appropriating a grant in the amount of \$764,909 from the New York State Department of Transportation for the Long Island Expressway High Occupancy Vehicle Lane Enforcement Program in Suffolk County with 100% support (Co. Exec. Levy) Again, this is a technical correction. It changes the revenue code in the resolution. I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

IR 1503-2010 - Clarifying RFP Waiver requirements for outside counsel. (Pres. Off. Lindsay) This is a proposal to hire outside counsel, provide legal services in excess of 25,000; need to go before the RFP Waiver Committee for review. 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: 6-0) (Including Presiding Officer Lindsay)**

1505-2010 - Authorizing certain technical corrections to Adopted Resolution No. 172-2010. (Co. Exec. Levy) I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and placed on the CONSENT CALENDAR (VOTE: 6-0) (Including Presiding Officer Lindsay)**

That concludes the public portion of the committee meeting. I'll offer a motion to go into executive session for the purpose of discussing potential settlement of litigation against the County.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. And I invite the County Attorney's Office to join us this the back room. We'll be back.

EXECUTIVE SESSION WAS HELD FROM 12:22 PM TO 12:43 PM

CHAIRMAN D'AMARO:

All right, back on the record. We're back in the public portion. In executive session the Committee unanimously approved settlements in the following cases: Maryanne C., that's the letter C. against Janet DeMarzo, Commissioner of the Department of Social Services. And the second case was Campbell, C-a-m-p-b-e-l-l against the County of Suffolk.

That's all the business before the Committee. I offer a motion to approve, second by Legislator

Browning. All in favor? Opposed? We're adjourned. Thank you.

(THE MEETING WAS ADJOURNED AT 12:43 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY