

**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, August 11, 2010.

**MEMBERS PRESENT:**

Legislator Lou D'Amaro - Chairman  
Legislator Jon Cooper - Vice-Chairman  
Legislator Kate Browning  
Legislator John Kennedy  
Legislator Lynne Nowick - Excused Absence

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Legislator William Lindsay - Presiding Officer  
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  
Dennis Brown - County Attorney's Office  
Paul Perillie - Aide to Majority Caucus  
Linda Bay - Aide to Minority Caucus  
Justin Littell - Aide to Legislator D'Amaro  
Dot Kerrigan - AME  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

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

**CHAIRMAN D'AMARO:**

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join in the Pledge of Allegiance led by Legislator Cooper.

**SALUTATION**

Okay. Once again, welcome. Are there any cards that have been submitted for the public portion?

**MS. ORTIZ:**

(Shaking head no).

**CHAIRMAN D'AMARO:**

For the record, the committee has not received any correspondence today. Is there anyone here who would like to address the committee this morning in the public portion? For the record, there's no response. There are no presentations, so we'll go right to Section Five on the agenda, Tabled Resolutions.

First resolution ***1335, 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)***

I'll offer a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Vice-Chair Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries.

**TABLED (VOTE: 5-0)**

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

I'll offer a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

**(VOTE: 5-0)**

***1408, Adopting Local Law No. -2010, A Charter Law to increase legislative oversight of RFP process. (Romaine)***

**LEG. KENNEDY:**

Mr. Chair, I'll make a motion to approve on this resolution. I know we have spoken about this with the committee's process going forward. And I recall my colleague who authored the resolution in our last cycle that the Comptroller had certain concerns that he wanted to bring forward. So I guess I would ask Legislator Cooper if, in fact, the Comptroller has brought forward any of those concerns.

**LEG. COOPER:**

My understanding is that the Comptroller is supportive of the resolution, but did have some suggested changes, although, we did let his office know that if he wanted us to consider those changes, to advise us by now. I don't think that there's a representative of the Comptroller's Office here, and we haven't heard, so that being the case, I'm comfortable in approving the resolution.

**LEG. KENNEDY:**

Thank you. That's why I felt comfortable making the motion to approve. I think that if we have a second, I think at the very least, we should move it from the committee.

**LEG. NOWICK:**

I second.

**CHAIRMAN D'AMARO:**

Okay. It's seconded by Legislator Nowick. I wanted to ask Counsel, George, if you would, is it correct that this bill would provide -- it's not really oversight of the RFP process, but more akin to the Legislative approval of contracts resulting from an RFP.

**MR. NOLAN:**

From an RFP or an RFEI, any contract in excess of \$50,000 would have to come here for approval.

**CHAIRMAN D'AMARO:**

All right. And I know that on the record we've had the Commissioner of Department of Public Works here speaking out on this bill advising us that it would slow the process down. He made some other comments also on the record not supporting the bill. And also, I've made comments on the record that, you know, this is very late in the process to be having an oversight function. And I think I've made the point in the past that we all get e-mail notification of all RFPs. That would really be the time to add our input.

There's a lot of areas -- times we can add our input along the way in the RFP process, and I don't think having the final Legislative vote after we've completed the entire RFP process is really efficient, especially after we've used all our County resources in drafting the RFP, getting it out, getting the responses, choosing the contractor, negotiating the contract, and then coming here as the last step where really if we have comments on the RFP or comments on what should be in the contract, it should come well before that. I made those comments back on June 16th, and I'm going to oppose this bill.

**MS. BIZZARRO:**

If I may, Mr. Chair.

**CHAIRMAN D'AMARO:**

Ms. Bizzarro, good morning.

**Ms. BIZZARRO:**

Good morning. Just a reminder that the main problem with the bill is that it violates and contradicts the RFP process that we already have spelled out in Section 708 of our Code, which requires that RFPs over \$25,000 be awarded by a separate committee. And we also have County health insurance, RFPs relating to health insurance benefits are awarded by the Suffolk County Labor and Management Committee, not the Legislature. So, you know, you have definitely a contradiction here. So that is a problem, and I had apprised you previously.

**CHAIRMAN D'AMARO:**

Yeah, and I think you had put that on the record in the past as well. And I was also -- I

know -- Legislator Cooper, thank you for the update with the Comptroller, but I know that there was talk about molding this into the procurement manual that we approved, and that might be a more appropriate place for this as well. And I don't understand why the Comptroller is not, you know, coming forward with that information. But if you guys are willing to table it another cycle, I'll reach out to the Comptroller's Office as well, but I'll leave that up to you.

**LEG. COOPER:**

You know what? I'd like to make a motion to discharge without recommendation. And we're going to reach out one final time to the Comptroller's Office and let him know that he has until Tuesday to express any concerns.

**LEG. KENNEDY:**

Since there seems to be a little bit of concern still for a colleague elected, I'll be happy to withdraw my motion to approve and second the motion to discharge without recommendation. But I'd also just like to ask Counsel to comment on the current County Attorney's comments that, in fact, this resolution would create disharmony with the process that we have and what's currently codified with our health insurance and a committee that approves actions over 25,000.

**MS. BIZZARRO:**

Correct. In fact, this body or the 18 member body of the full Legislature just, I think, increased the amount from ten to \$25,000 for the RFPs to be approved by the RFP Committee. So that's already in the process. This would either contradict that or adds an additional layer to something that's already being done by another committee.

**MR. NOLAN:**

That's what I would say. What it would do is add another layer, because in Chapter 708, it lays out a concern process for awarding contracts. This wouldn't -- I don't think it would impact that process. What it would do is add the requirement that contracts over \$50,000 as a final step would have to come here for approval.

**LEG. KENNEDY:**

George, if you can, remind me again who is the RFP Committee? I don't know that I'm directly familiar with who that is right now.

**MR. NOLAN:**

It would vary from contract to contract as to what the make up of the RFP Committee will be. There's a Waiver Committee, which the membership is set at two representatives of County Executive and the Presiding Officer's Office. But the RFP Committee varies from RFP to RFP.

**LEG. KENNEDY:**

So, again, I guess I would feel comfortable supporting this going forward, notwithstanding the comments of the Chair, which I believe are certainly prudent. And we don't want to necessarily negate effort that's done by our County agencies. Nevertheless, I think there's merit with this because of the opportunity to look at a commitment from an expenditure side, notwithstanding the fact that we've had staff time involved in constructing and vetting the RFP. So I'll be happy to support the discharge without recommendation.

**CHAIRMAN D'AMARO:**

All right. If there are no other comments, I'll call the vote on the motion to discharge without recommendation. All in favor? Opposed? I oppose. Abstentions? The resolution passes.

**DISCHARGED WITHOUT RECOMMENDATION (VOTE: 4-1-0-0 Opposed: Legislator D'Amaro)**

Next is ***1489, Adopting Local Law No. -2010, A Local Law to establish a notification requirement for consultant contracts. (Montano)***

Since the last meeting, this has been amended. It is now prospective only, the notification requirement is now prospective, not retroactive. And it's also been amended to require that the notifications go not to the 18 Legislative Offices, but to the Clerk of the Legislature. I'll offer a motion to approve.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

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

***1576, Adopting Local Law No. -2010, A Charter Law creating a program for Public Financing of County Campaigns and the banning of certain donations to curb potential conflicts of interest. (Co. Exec.)***

**LEG. COOPER:**

Motion to table.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Cooper, second by Legislator Nowick. All in favor? Opposed? I'm opposed. Abstentions? Motion carries. **TABLED (VOTE: 4-1-0-0 Opposed: Legislator D'Amaro)**

***1659, Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (SCTM No. 0300-058.00-08.00-005.000 et al). (Co. Exec.)***

We had discussed this bill at the last meeting. There was some question as to whether or not it might be more appropriate to auction this property. And I'm going to invite the commissioner -- Director of Real Estate, Ms. Greene, good morning. We had asked at the last committee meeting whether or not at least if we could find out if these lots were buildable to see whether or not they'd be more appropriate to be auctioned. Do you have any information for us?

**MS. GREENE:**

I do. Good morning, Mr. Chairman and Members of the Committee. In again trying to bring this matter to fruition before the committee and the Legislature, we have in the file for this direct -- for this 72-h a memo back from a former employee of the division, Geoff Mascaro, currently with the Department of Public Works, that states the above referenced parcels. And if you do have the tax map in front of you, it may be easier to just follow, because they'll be referencing the tax map numbers.

**CHAIRMAN D'AMARO:**

There's a 60 front footage, a 40, and then 100 as well. They're all adjoining.

**MS. GREENE:**

They are all contiguous. So there's Tax Map Number 6.2, 6.1, and Tax Map Number 5, if you're following along. Those are in the Town of East Hampton's Urban Renewable Zone. The East Hampton Urban Renewal Zone does not recognize single and separate lots, rather some lots must be subdivided and then merged with other adjoining tax lots. This is done in accordance with an overlay-type map approved by the town. The memo goes on to say, in the instant matter according to the Urban Renewal Plan, Lots 5 and 6.1 are to be sold as a merged buildable lot. Lot 6.2 would be required to be merged with Lot 7 directly to the north which is privately owned.

**CHAIRMAN D'AMARO:**

So the Urban Renewal Plan as enacted by the town is an overlay, and it does call for the development of two of these parcels provided that they're joined.

**MS. GREENE:**

I don't know if I'm willing to go to that conclusion.

**CHAIRMAN D'AMARO:**

I think that's what you just said.

**MS. GREENE:**

But just based on what we have, it is in the Urban Renewal Zone.

**CHAIRMAN D'AMARO:**

Right.

**MS. GREENE:**

It does not recognize single and separate. So if there was a thought to have them sold as three separate tax lots, we don't have evidence that there would be building permits issued for them.

**CHAIRMAN D'AMARO:**

Right, that's correct. But what I'm saying is that the town is asking for a conveyance down from the County for purposes of --

**MS. GREENE:**

Open space to maintain community character.

**CHAIRMAN D'AMARO:**

Open space. Which would be contrary to any future development, especially if we sterilize the property and take the development rights off the property.

**MS. GREENE:**

Correct.

**CHAIRMAN D'AMARO:**

So does that fit into this Urban Renewal Zone?

**MS. GREENE:**

The overlay may encompass much larger parcels than just these.

**CHAIRMAN D'AMARO:**

So even if these remained vacant, they could still be joined as part of another lot to be developed?

**MS. GREENE:**

Well, this resolution would strip the development rights so they'd be sterilized forever.

**CHAIRMAN D'AMARO:**

Is the town aware of that?

**MS. GREENE:**

Absolutely.

**CHAIRMAN D'AMARO:**

They are?

**MS. GREENE:**

Their resolution has agreed to that. And in response to further questions about the intent of the town for their future intended purpose for these lots, we have an e-mail from Scott Wilson from the Town of East Hampton who is the Director of Land Management to Jill Rosen-Nickoloff, the Director of Workforce and Affordable Housing dated July 2nd, 2010. So there was some confusion as to whether there had been a change of intent on the changing of the administration in the Town of East Hampton. That states, "Please review the attached memo that the town passed the authorization back in 2008. They are still quite confused as to the disposition of the property since we followed the County's instructions to acquire, passed a resolution to acquire, forwarded monies to acquire, the County has taken and accepted those monies, and they still do not have title for that property." So they have remained consistent for the past two years of their intention for this property for open space under 72-h.

**CHAIRMAN D'AMARO:**

That's fine. But what's inconsistent in my mind is not so much that the town has a direction that they want to go with this property to purchase it, take title, keep it vacant and allow the County to take the development rights. That's fine from the town perspective. But from our perspective, the County perspective, the question is whether or not we could maximize income to the County by auctioning these properties if they're targeted for development especially under some kind of Urban Renewal Zone. But the town saying is saying in effect whether there's an Urban Renewal Zone or whatever the zoning is, "it's our intent and our plan that these remain vacant"? The town is saying that.

**MS. GREENE:**

They've stated that in the resolution.

**CHAIRMAN D'AMARO:**

Okay. Which may contradict -- it may contradict the use that this parcel could be put to if it were in private hands. In other words, if we auctioned these properties and a private person purchased them at auction, could they be developed? That's the question really.

**MS. GREENE:**

It is. And since that would ultimately be a town decision, we would also have to hypothesize that they've already made their intention for the future use of this property.

**CHAIRMAN D'AMARO:**

No, no, no. But my question was could it be developed as a matter of right, because that would take much of the discretion away from the town? But you're saying that the zoning is more extensive than what these lots would provide?

**MS. GREENE:**

I'm suggesting that the Urban Renewal Zone is not just on these three properties, but is most likely a larger overlay. And what we have, the memo back from Geoff Mascaro, is that at best, the two lots would be sold as a merged buildable lot. The other one would have required to be merged with another lot to the north that's privately owned. So we are not, from this, seeing evidence that there will be a building permit issued for that in a single and separate state. If the committee would like --

**CHAIRMAN D'AMARO:**

Right. As separate tax lots, they are not buildable.

**MS. GREENE:**

Correct.

**CHAIRMAN D'AMARO:**

But joined, two out of three perhaps would be buildable under the present zoning.

**MS. GREENE:**

Correct.

**CHAIRMAN D'AMARO:**

Okay. That's what I wanted to know. Presiding Officer Lindsay.

**P.O. LINDSAY:**

Pam, here's where I'm confused. You said that the town paid us and we accepted the money, but this is a 72-h resolution, which I thought was we're giving the property -- we usually do 72-h, we give property to a town to develop for affordable housing.

**MS. GREENE:**

We also try to eliminate County inventory, Mr. Lindsay, by having towns take responsibility for them. And wherever we can, we do try to get the back taxes and the County investment, and that's that what the amount was reflecting.

**P.O. LINDSAY:**

That's what the amount is, they're paying the back taxes. Okay.

**MS. GREENE:**

Correct. And the County investment.

**P.O. LINDSAY:**

Okay. That clarifies it.

**MS. GREENE:**

As of 2008.

**P.O. LINDSAY:**

How much money was that?

**MS. GREENE:**

I believe it's 4000 -- it's in the resolution.

**CHAIRMAN D'AMARO:**

Seven hundred eighty-eight, 4788.

**P.O. LINDSAY:**

Okay.

**MS. GREENE:**

Right.

**P.O. LINDSAY:**

And I guess the question that Legislator D'Amaro raised, in these very difficult times, if we auctioned off these properties, would we get more money for them. Because I -- I just can't envision why is the town sterilizing three parcels in the middle of an Urban Renewal area? It doesn't -- you know, if it was adjacent to a park or already-owned properties that have been preserved, I could understand it. It just seems a little bit different the circumstances here, that's all.

**MS. GREENE:**

The aerial does show that these three lots are surrounded by all vacant property, undeveloped, undeveloped property.

**CHAIRMAN D'AMARO:**

And, Legislator Lindsay, what's interesting is in the town resolution on of the Whereas Clauses says -- and this is general language -- but it does say, "that the acquisition of the subject property by purchase is the best alternative of all reasonable alternatives available to the town for protection of the community character of the Town of East Hampton." So apparently their Town Board is determining that the best use is to keep it vacant, which I agree with you, it seems to contradict --

**P.O. LINDSAY:**

So the property doesn't necessarily have any environmental value, it's just that they want to hold down the population in the town, so they want to sterilize the property on our dime.

**CHAIRMAN D'AMARO:**

But that interest would conflict with the County interest. I tend to agree with you, Mr. Presiding Officer, that, you know, what's in the best interest of the town is not necessarily in the best interest of the County, although we want to cooperate. So, you know, we might be better off just putting this out to auction and see if it flies. All right. On that basis then, I'll offer a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

Thank you, Ms. Greene.

**MS. GREENE:**

Mr. Chairman, if I may. Is there any additional information the committee would like the division to obtain prior to the next meeting?

**CHAIRMAN D'AMARO:**

Well, I think at this point what we'd like to see is perhaps unless the town has other compelling information for us, I think we'd like to see it go onto the next auction sale.

**MS. GREENE:**

Did the committee wish to have the division inquire as to the issuance of a building permit as of right for any or all of the lots?

**CHAIRMAN D'AMARO:**

Sure. Yeah. Okay. Thank you. I appreciate that offer of assistance.

**MS. GREENE:**

We will be happy to.

**CHAIRMAN D'AMARO:**

***1670, Declaring Yaphank property surplus to County needs and authorizing property sale at public auction. (Kennedy)***

**LEG. KENNEDY:**

Mr. Chairman, this reso still has not had SEQRA determination yet. As a matter of fact, next

Wednesday, August 18th, it's on the agenda with CEO. We will be discussing the matter at that time, so I will ask for it to be tabled, because it's not ripe to be moved yet.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Legislator Kennedy. I'll second your motion to table. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

***1688, Adopting Local Law No. -2010, A Local Law mandating compliance with financial disclosure requirements. (Cooper)***

Requires a public hearing. Legislator Cooper.

**LEG. COOPER:**

Motion to table.

**CHAIRMAN D'AMARO:**

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

***1729, Authorizing certain technical correction to Adopted Resolution No. 587-2010. (Co. Exec.)***

I'll offer motion to approve and place on the Consent Calendar.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1730, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Babylon) (SCTM No. 0102-005.00-01.00-048.006). (Co. Exec.)***

This is a parcel in the village being sold for one dollar plus taxes. It's going to be used 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: 5-0)**

***1731, Authorizing certain technical correction to Adopted Resolution No. 581-2010. (Co. Exec.)***

Changes the project number in a Resolved clause. I'll offer 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)**

***1734, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Christina LaSala and Angela LaSala, Joint Tenants with Rights of Survivorship (SCTM No. 0500-040.00-02.00-018.000). (Co. Exec.)***

This is a 56 by 200 parcel in Central Islip, appraised for \$5500 and sold for a little over 20,000. Director Greene, while you're still up there, I had a question about whether or not this was considered for the Workforce Housing Program.

**MS. GREENE:**

I thought you might, Chairman D'Amaro.

**CHAIRMAN D'AMARO:**

Thank you for anticipating that question.

**MS. GREENE:**

I did. We did in our fond terms of the division wonder if this should be "D'Amaroed" or not, and the analysis of the division was that this was mostly in a commercial area. It's along Motor Parkway. And if you're looking at the tax map, it is not conforming in the majority of the other parcels which mostly are 100 foot wide lots. So this would have not met the parameters of your Local Law.

**CHAIRMAN D'AMARO:**

Okay. I appreciate that you did that review. So I will 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)**

***1735, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Phillip E. Davison and Elizabeth Terri Gerard Davison (SCTM No. 0900-376.00-01.00-048.002). (Co. Exec.)***

It's a 20 by 361 parcel in Westhampton, appraised for 10,000, sold for 13,500. I'll offer a motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1736, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-497.00-04.00-032.000). (Co. Exec.)***

This is an irregularly shaped parcel in Yaphank, sold to the town for \$3035 for open space. And this is also a lot that's being sterilized when sold. 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)**

***1737, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-561.00-03.00-020.000). (Co. Exec.)***

This is another irregularly shaped parcel on a paper street, sold to the town for \$764 for open space. Once again, the property being sterilized by the County. I'll offer a motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Browning. Thank you. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)**

***1738, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Irving L. Fried, D.D.S., P.C. profit sharing plan by Stephen Fried, executor of the estate of Irving L. Fried (SCTM No. 0200-886.00-03.00-003.001). (Co. Exec.)***

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)**

***1739, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Dineen and Margaret Dineen (SCTM Nos. 0200-799.00-02.00-012.000 f/k/a p/o 0200-799.00-02.00-013.001 and n/k/a 0200-799.00-02.00-013.003). (Co. Exec.)***

Same motion, same second and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

***1740, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Pedro A. Herrera and Sonia Herrera, his wife (SCTM No. 0500-204.00-01.00-028.000). (Co. Exec.)***

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

***1741, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph S. Marino and Tina Marino (SCTM No. 0500-483.00-01.00-040.000). (Co. Exec.)***

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

***1742, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Danielle Williams (SCTM No.***

**0103-018.00-03.00-076.000). (Co. Exec.)**

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

**1743, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John H. French (SCTM No. 0100-181.00-03.00-077.000). (Co. Exec.)**

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

**1744, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John H. French (SCTM No. 0101-012.00-06.00-054.000). (Co. Exec.)**

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

**1746, Extending policy to suspend publication and mailing of newsletters. (Pres. Off.)**

**LEG. BROWNING:**

I'll make a motion to table --

**LEG. COOPER:**

I'll second.

**LEG. BROWNING:**

-- for the purpose of discussion.

**CHAIRMAN D'AMARO:**

Okay. Motion to table by Legislator Browning for discussion purposes, seconded by Legislator Cooper. This would extend the policy to suspend our publication of newsletters given the difficult economic times. Okay. But our Presiding Officer who is the sponsor of the bill would like to comment. So we'll wait a few seconds.

**P.O. LINDSAY:**

Here I am.

**CHAIRMAN D'AMARO:**

Mr. Presiding Officer, I understand the need for coffee, especially in the morning. Please go ahead.

**P.O. LINDSAY:**

Yes. What I would like to do with this reso is I would like to table it for now and hold it for our Budget Working Group discussions as part of the overall budget solutions.

**CHAIRMAN D'AMARO:**

Okay. Thank you, sir. There had already been a motion made which received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion passes. The resolution is **TABLED**  
**(VOTE: 5-0)**

**1747, Authorizing certain technical correction to Adopted Resolution No. 535-2010. (Co. Exec.)**

Changes a project number in the Resolved Clause. 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)**.

***1748, Authorizing certain technical correction to Adopted Resolution No. 456-2010. (Co. Exec.)***

Same explanation as the prior resolution. Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

***1749, Authorizing certain technical correction to Adopted Resolution No. 555-2010. (Co. Exec.)***

Same rationale as above resolutions. I'll offer a motion -- same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0)**

***1750, Authorizing certain technical correction to Adopted Resolution No. 547-2010. (Co. Exec.)***

Once again, same motion, same second, same vote. **APPROVED (VOTE: 5-0)**

***1752, Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to boards and commissions. (Montano)***

The public hearing is open. 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)**

***1760, Authorizing a certain technical correction to Adopted Resolution No. 472-2010. (Co. Exec.)***

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)**

**MS. GREENE:**

Mr. Chairman, if I may.

**CHAIRMAN D'AMARO:**

Sure.

**MS. GREENE:**

This was a technical correction for a direct sale that resulted in a hardship for the people who purchased it, because the original language, as the committee is well aware, states that, "there shall be no structures erected of any kind on the property that's purchased by direct sale." This proved to be a hardship for the purchasers in this instance who reside in the Town of Southampton that had interpreted that code, that deed covenant, to mean that even a fence, a flagpole, a clothesline, a grape barber, would have met the requirement of structure. So the division is correcting this resolution to read "habitable structure." And with the committee's permission and now disclosure, the division would like to include that in our future language for direct sales.

**CHAIRMAN D'AMARO:**

So this was purchased at auction?

**MS. GREENE:**

No, it's a direct sale.

**CHAIRMAN D'AMARO:**

Oh, a direct sale. It was vacant?

**MS. GREENE:**

It is vacant.

**CHAIRMAN D'AMARO:**

And what does the purchaser want to construct?

**MS. GREENE:**

A fence.

**CHAIRMAN D'AMARO:**

A fence around the property?

**MS. GREENE:**

Yes.

**CHAIRMAN D'AMARO:**

Okay. So you're just clarifying. Going forward, all the resolutions will -- the deed covenant will include "habitable structures."

**MS. GREENE:**

With the committee's permission.

**CHAIRMAN D'AMARO:**

As opposed to saying?

**MS. GREENE:**

Any structure.

**CHAIRMAN D'AMARO:**

Right. But maybe you'd want language that would just notwithstanding the prohibition against any structure, you shall permit -- and maybe you want to delineate what would be permitted as opposed to leaving it open-ended. You know, items like a fence for the protection of the property makes sense, but, you know, that may open a Pandora's Box of, you know, "well, this is not habitable, but yet it's a structure or something I want to build on the property." I mean, for example, is a garage habitable if you're storing a car in it?

**MS. GREENE:**

That I believe would be a local zoning issue -- decision.

**CHAIRMAN D'AMARO:**

That's true.

**MS. GREENE:**

-- right that they would state that it isn't.

**CHAIRMAN D'AMARO:**

But just from the County perspective.

**MS. GREENE:**

It's a good suggestion. Thank you. We'll perhaps list, "such as fences, windmills and the like."  
Thank you.

**CHAIRMAN D'AMARO:**

Yeah. Usually, it has to be accessory to a habitable structure under most zoning codes. Legislator Browning says, you know, what about a swimming pool. So putting aside -- you know rather than rely on the zoning to take care of that, maybe we should just be very specific as to what we would permit. Just a suggestion.

**MS. GREENE:**

Thank you.

**CHAIRMAN D'AMARO:**

Okay. Dog house, something we're all familiar with.

**LEG. BROWNING:**

That's habitable.

**CHAIRMAN D'AMARO:**

That's habitable. Okay. That was on 1760-2010. That was already approved by the committee and placed on the Consent Calendar.

***1761, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-837.00-03.00-004.003). (Co. Exec.)***

This is 188 foot by 160 foot parcel in Medford sold to the Town of Brookhaven for drainage purposes for \$1387. I'll offer motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1762, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-250.00-04.00-010.001). (Co. Exec.)***

This is in East Setauket, sold to the Town of Brookhaven for almost \$11,000 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: 5-0)**

***1763, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Kevin T. Hamilton and Catherine H. Jacobs Family Trust (SCTM No. 0900-044.00-01.00-059.000). (Co. Exec.)***

Small parcel 21 by 306 feet in Southampton, appraised and sold for \$2000. 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)**

***1764, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-467.00-01.00-052.000). (Co. Exec.)***

This is for highway purposes to the town, a parcel for \$835.92. I'll offer a motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1765, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Loren Baldwin and Jordana Baldwin (SCTM No. 1000-025.00-03.00-020.000). (Co. Exec.)***

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)**

***1766, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James W. Corwith and Susan E. Corwith (SCTM No. 0900-101.00-02.00-015.000). (Co. Exec.)***

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

***1768, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired***

*under Section 46 of the Suffolk County Tax Act Arnold Bencini, Jr. (SCTM No. 0200-546.00-03.00-014.000). (Co. Exec.)*

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

*1769, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Madelyn E. Godfrey (SCTM No. 0400-148.00-03.00-002.000). (Co. Exec.)*

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

*1770, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Frederick L. Smith (SCTM No. 0500-089.00-03.00-017.000). (Co. Exec.)*

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

*1771, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Kupencow and Rose Marie Kupencow, his wife (SCTM No. 0100-227.00-01.00-073.000). (Co. Exec.)*

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

*1774, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Suriano Realty, LLC (SCTM No. 0103-009.00-03.00-052.000). (Co. Exec.)*

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

*1775, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joy Wickliffe (SCTM No. 0100-105.00-02.00-084.000). (Co. Exec.)*

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

*1776, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward F. Ulmann and Priscilla G. Ulmann, his wife (SCTM No. 0904-002.01-01.00-009.000). (Co. Exec.)*

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

*1777, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Yacht Club Realty Corp., by Larry O. Stoddard, Jr., President (SCTM No. 0200-497.00-05.00-028.002). (Co. Exec.)*

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

**1778, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Lisnoff (SCTM No. 0200-608.00-03.00-003.005). (Co. Exec.)**

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

**1779, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Karen Center (SCTM No. 0200-225.00-12.00-036.000). (Co. Exec.)**

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

**1780, Authorizing certain technical correction to Adopted Resolution No. 675-2010. (Co. Exec.)**

Changes some language in a Whereas Clause. I'll offer the same motion, same second and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR** **(VOTE: 5-0)**

**1781, Authorizing certain technical correction to Adopted Resolution No. 623-2009. (Co. Exec.)**

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

**1801, Authorizing the extension of the lease of premises located at 1869 Brentwood Road, Brentwood, NY for use by the Department of Health Services. (Co. Exec.)**

**LEG. KENNEDY:**

Mr. Chairman, can we get an explanation on this one, please?

**CHAIRMAN D'AMARO:**

Sure. Mr. Nolan, we're on the renewal of the lease for the Brentwood Health Center. This was -- Ms. Braddish, good morning. Thank you for joining the committee this morning. I know this was discussed at length also in the Space Management Committee as well. Legislator Kennedy, please go ahead.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Basia, I'm not directly familiar. Is this the property that the two clinics were merged into and now are looking to extend our time that we're going to be in that new merged area?

**MS. BRADDISH:**

Yes, you're correct. Central Islip was closed, and many of those clients were referred to the Brentwood Center, which is going through a remodeling based on better practices. And they also -- this would provide for the addition of another 5000 square feet, which would be improved pursuant to a HEEL Grant that the County has available to it.

**LEG. KENNEDY:**

What is the duration of the extension?

**MS. BRADDISH:**

Twelve years. And the reason for that number is the HEEL Grant requires 12 years of occupancy.

**LEG. KENNEDY:**

Okay. So we through the HEEL Grant, we're actually making capital improvements to the property?

**MS. BRADDISH:**

Correct. It's a \$5 million grant.

**LEG. KENNEDY:**

Okay. All right. I know it's very much needed, very much used. I know we heard quite a bit about the need for services in that area. Okay, thank you.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Kennedy. I sat through many meetings on the Steering Committee, the Space Management Steering Committee, on this. The department fully vetted this project. Deputy Commissioner Laguardia is here, he was the Chair of that Committee as well.

But we explored both -- I think an RFP was even done to lease a new site -- not an RFP, but we also extensively discussed the possibility of building a new site, we looked at all the numbers over many, many weeks. And it turned out, given the HEEL Grant, that this was the most viable alternative. And that's why the Space Management Committee approved this as well. So I'll offer a motion to approve the resolution.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

*1804, Authorizing the lease of premises located at the Riverhead County Center, Riverhead, NY for use by the U.S. Veterans Administration for "East End Veterans Clinic". (Co. Exec.)*

I'll offer a motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper.

**LEG. KENNEDY:**

On the motion, if I can, Mr. Chair.

**CHAIRMAN D'AMARO:**

Please go ahead.

**LEG. KENNEDY:**

This has been much talked about for multiple years now. And do we finally have space that's identified and been modified and is actually going to be filled by VA folks for a furnishing service?

**CHAIRMAN D'AMARO:**

My understanding --

**MS. BRADDISH:**

This space is under construction in the Riverhead County Center. I mean, Tom could probably give

you the details. But it's already proceeding.

**CHAIRMAN D'AMARO:**

Yeah. I believe it's a ten-year lease in the Riverhead County Center, 4300 square feet, and again, approved by that Space Management Committee. Mr. Laguardia.

**LEG. KENNEDY:**

Having spent ten years out there, I'm just curious, where is it, Tom?

**MR. LAGUARDIA:**

The old methadone clinic. We've relocated the methadone clinic as part of the renovations to the County Center. And in the space where the old methadone clinic is, we've cut out about 4300 square feet for the VA.

**LEG. KENNEDY:**

So it is going to be second-story space? Did we work something out with the elevator for handicaps?

**MR. LAGUARDIA:**

We've added an elevator.

**LEG. KENNEDY:**

We're not putting them in the freight elevator?

**MR. LAGUARDIA:**

No. They have their own dedicated elevator for the VA.

**LEG. KENNEDY:**

Okay,

**MR. LAGUARDIA:**

That was our part. We've received a grant that paid for approximately 50% of the renovation from the Dormitory Authority. That renovation should be complete early September. The VA has told us that they're probably looking at a December grand opening for it. They're going to go in and put some cabinetry, special cabinetry, that they asked to do directly themselves. So we should be hearing something over the next couple of months on the exact date of opening.

**LEG. KENNEDY:**

Great. Good news. Thank you.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Kennedy. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)**

***1815, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon - (SCTM No. 0100-040.00-02.00-010.004). (Co. Exec.)***

This parcel and the next resolution are part of the Wyandanch Rising initiative in the Town of Babylon. 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)

***1816, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law -Town of Babylon - (SCTM No. 0100-040.00-02.00-012.000). Co. Exec.)***

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)

***1824, Adopting Local Law No. -2010, A Local Law to clarify residency as a requirement for service on Hispanic Advisory Board. (Cooper)***

Requires a public hearing. Motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

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

***1830, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act J.M.S. Corp., by Jeanette Steward, President (SCTM No. 0900-052.00-02.00-018.000). (Co. Exec.)***

I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR** (VOTE: 5-0)

***1831, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Anthony Masone, Jr., as surviving joint tenant (SCTM No. 0100-191.01-01.00-107.000). (Co. Exec.)***

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

***1832, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Harry Kijowski, Jr. And Virginia A. Royer, as joint tenants with right of survivorship (SCTM No. 0200-857.00-01.00-007.000). (Co. Exec.)***

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

***1838, Adopting Local Law No. -2010, A Local Law to ensure fairness in the County's disposition of property acquired under the Suffolk County Tax Act. (Schneiderman)***

This, again, requires a public hearing. I'll offer a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Second by Legislator Cooper.

**MS. GREENE:**

Mr. Chairman, if I may.

**CHAIRMAN D'AMARO:**

Ms. Greene.

**MS. GREENE:**

I understand that this will be tabled for a public hearing, but the division would like to state on the record for the committee at this time and at every future opportunity the severe reservations the division would have should this legislation be passed.

There would, in effect, be no gain realized for the County at the end of the auction sales. That gain in the high real estate market years has netted for the County as much as \$9 million. More recently we are always trying to at least cover our outstanding County investment of the County investment for the taxes at the time properties are sold.

There's going to be an enormous burden on the division to now have to parcel out the costs for all of the time of the division to then have the individuals who would benefit under this resolution be relieved of paying taxes take advantage of the County exemption for all those years and ultimately receive a payment in the future. It would be very damaging to the County's budget, very costly and time consuming for the division, I believe for the Treasurer's Department as well who would have to calculate all those costs.

There is no timeline mentioned for the look-back period, if you will, for how far back this claim of equity would be able to be requested. And there's no provision that if there is a County investment that that goes on the property as a lien and then must be paid before any gain is sent back to the prior owner.

**CHAIRMAN D'AMARO:**

Okay. It does require a public hearing. But I'm just thinking in listening to what you are saying, it also, I think, if you agree with this or not, just let me know, but I think it might remove the incentive or some of the incentive for residents to continue paying their taxes in some circumstances, because if you know, especially in a declining market that you can default on your taxes, remain in the house for three to five years, walk away and your equity is still protected, I think that's a disincentive.

**MS. GREENE:**

With all due respect to the sponsor and anyone who would certainly want to look to approve this, it would in essence, quite bluntly, turn the division in real estate brokers.

**CHAIRMAN D'AMARO:**

Yeah. Okay. All right. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. The resolution is **TABLED (VOTE: 5-0)** We'll pick up that discussion at a later date.

***1841, Authorizing the lease of premises located at 365 East Main Street, Patchogue, NY for use by the Department of Health Services. (Co. Exec.)***

**LEG. COOPER:**

I'd like to make a motion to table for one cycle.

**LEG. KENNEDY:**

Second.

**CHAIRMAN D'AMARO:**

All right. There's a motion by Legislator Cooper to table for one cycle, seconded by Legislator Kennedy. And joining the committee, once again, Mr. Laguardia, would you like to offer any opinion on this particular bill?

**MR. LAGUARDIA:**

I would request the committee reverse that and approve this motion. The Space Management Steering Committee spent almost 18 months looking for alternative space. We did an RFEI, we looked at doing an RFP. And because of the change in situation in health care, all of that -- all those things were stopped in lieu of extending this lease to allow the Legislature and the County Exec to look at things like the federally qualified health centers. We have a report from Newmark Knight Frank that says that we really should be putting health centers in County-owned facilities; it's cheaper in the long run. All this was going on while we were looking for new space.

We now come to the point where the lease is expired. The landlord has every right to ask us to get out. We spent the last year negotiating with this landlord. It was a difficult negotiation because it takes at least 18 months to relocate a health center. In addition now, there's legislation from the Legislature asking us to put out an RFP. That RFP will be ready this month. In September, that RFP will be on the street.

And the way the RFP is structured, it's going to allow whoever proposes to work with the current landlord to get us out of there in July of 2013, no earlier than July 2013, but no later than July of 2015. That's probably the earliest we could do it physically. We have to get a Certificate of Need from the State Health Department and we have to do a design of the new health center.

In addition, some other things have been going on with the Health Department that makes it prudent to stay where we are. Originally, the Health Department told us we needed more space. And the original RFP asked for additional space over what Patchogue has now. They've been working with an efficiency consultant, and they've been modifying their procedures with their doctors such that they no longer need additional space. So the current facility meets all the Health Department needs. It's in the best interest of the County to stay there. We've done the negotiation. The Space Management Steering Committee has approved it. That, of course, you know, includes multiple people from both the County Exec and the Legislature. I would ask you to please proceed and approve this.

**LEG. BROWNING:**

So I guess while they're talking I'll ask you. So it's a five year lease, however, I believe it was Legislator Eddington who put the bill in to put out the RFP to relocate. So let's say in a year and a half you find another location, you can break that five year lease.

**MR. LAGUARDIA:**

No, that's not exactly correct. The way we structured the RFP based on the lease is that we have allowed the new developer to work with the existing landlord. He may have to pay a fee to him to get out of the lease early. But he can work with the existing landlord. We believe it will take until July of 2013 to make all this happen. So we structured the RFP to say that we are willing to leave provided he makes a deal with the current landlord in July of 2013. But the lease runs to July of 2015 at which time we definitely will have another proposal. That could be -- certain things are happening -- Bellport -- North Bellport was determined to be a underutilized medical area by the Feds, so there's some federal money that may be coming to North Bellport. Maybe it makes sense to combine the Shirley and the Patchogue Health Centers. Those are all things that are going on now within the Health Department. They're looking at all these things.

It doesn't make sense to move. Physically, we couldn't move. It would take us 18 to 24 months even if we decided today that we don't want to stay at Patchogue. So it makes sense to move ahead with this lease.

**CHAIRMAN D'AMARO:**

So the RFP specifically requires any new developer for a new center would have to deal after 2013 or during 2013 with the existing landlord. The County coming into a new facility would be contingent on the entity getting the RFP in getting out -- the County out from under the existing lease if we approve this.

**MR. LAGUARDIA:**

Yes. For instance, a new landlord coming in may find a site that he feels is better for the health center and may come up with a redevelopment for the Patchogue Center with the current landlord.

**CHAIRMAN D'AMARO:**

Right. There's a discussion to be had at that point between the two landlords. There's also revitalization plans in that downtown area. And it's important that we remain as flexible as possible to accommodate, because I know the County is working with the village on revitalization efforts there.

Okay. And the one other issue I wanted to raise was that the deadline for the issuance of the RFP was June 13, and it hasn't gone out yet. I understand it takes time to do this. The resolution was passed in late April, I believe. Is that RFP ready to go? Is it going out?

**MR. LAGUARDIA:**

I'm sorry, Lou, I missed the last part. The RFP is almost already to go. The reason it took longer than the legislation required is that it's a difficult RFP to put together. With all the changes going on in the Health Department regarding how they operate; they have a pod concept now where they're getting much more efficiency out of the -- the way they get their patients to the doctors, they're moving a lot more patients through single doctors. So all those efficiencies had to be written up and gotten into the RFP so that when we go out, we get proper responses back. And that's taken a considerable amount of time. That is basically going to be done by the end of this month, so like I said, early September.

**CHAIRMAN D'AMARO:**

Has the landlord -- this lease is before us now for approval. Has the landlord signed the lease? Of course, subject to approval.

**MS. BRADDISH:**

Actually, the landlord is here, Mr. Frost. I don't know if you have any questions for him. However, we do have an agreed upon lease. And he's actually -- there's one change to make in the landlord tenant sheet that just has some notations on it, but otherwise it's prepared to be executed.

**CHAIRMAN D'AMARO:**

Has the landlord signed the lease?

**MS. BRADDISH:**

He has it in his possession for signature.

**CHAIRMAN D'AMARO:**

Okay. Okay. This is in Legislator Eddington's area, district. And I'd like to give him an opportunity to vet any questions he might have. So there is a motion to table, I believe, but I would also suggest a motion to discharge without recommendation, which may give Legislator Eddington an opportunity at the full meeting to talk about this. So I'll offer a motion to discharge

without recommendation, is there a second?

**LEG. BROWNING:**

I'll second that.

**CHAIRMAN D'AMARO:**

Second by Legislator Browning.

**LEG. KENNEDY:**

On the motion to table, Mr. Chair.

**CHAIRMAN D'AMARO:**

Legislator Kennedy.

**LEG. KENNEDY:**

If I can, and it might have been mentioned, I apologize if I didn't hear it, what is the urgency for execution today, especially since we're speaking about a colleague Legislator who has introduced a resolution that might direct a different type of policy?

**MR. LAGUARDIA:**

The current lease is expired. As I said, Legislator Kennedy, it was a long negotiation with the landlord. To me, it's just proper business practice. We've done all of the proper procedures. We've gone to the Space Management Steering Committee. Legislator Eddington had every opportunity to discuss it there. There were no discussions. I think it's just prudent to show proper business practice and move ahead with this.

**LEG. KENNEDY:**

That much I did hear, and I appreciate that. Thank you. Basia, you did mention that the landlord is here. Does he have any sense about whether or not we go a cycle or we need to go today? And I'm curious as to whether he's had any dialog with Legislator Eddington.

**CHAIRMAN D'AMARO:**

Sir, good morning and welcome to the committee. If you would be kind enough to just state your full name for the record and then Legislator Kennedy had a question for you.

**MR. FROST:**

My name is Robert Frost. I'm the managing member of Patchogue East Main Realty, LLC.

**CHAIRMAN D'AMARO:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair, thank you, sir. Thank you for being here. I'm always a firm believer in having some direct dialog. I mean, our County folks do a great job. And Tom Laguardia, I think, represented the position of the department. And certainly Basia Braddish does excellent work on the legal side of the equation. Do you have any particular sense here as far as execution goes? Have you spoken or has your organization had any dialog with Legislator Eddington?

**MR. FROST:**

We met with Legislator Eddington probably two and a half years ago about this lease. And in dialog about the redevelopment of this site, we met with his staff.

**LEG. KENNEDY:**

Okay. But as of right now, in other words, nothing -- has anything occurred? Well, you know what? Let me not try to look and try to hypothesize and reconstruct, because certainly, Legislator

Eddington can speak well for himself. Let me go to the other question. Is there any burning urgency to have execution of this today as opposed to -- what's our next cycle? Where are we at as far as cycle goes? September. I would imagine in hold-over status -- as a matter of fact, we're paying you on a month-to-month basis. And usually from hold-over status, you're getting a premium.

**MR. FROST:**

Actually, it's slightly different than that.

**LEG. KENNEDY:**

Okay.

**MR. FROST:**

To answer your question directly, if there's urgency -- I couldn't answer the question whether there's urgency from the County's perspective.

**LEG. KENNEDY:**

No. No. I'm not asking from the County perspective, I'm asking from the owners perspective.

**MR. FROST:**

So what the lease provides -- and we were not the landlord at the time that the existing lease was negotiated, we bought the property in 2006. What the lease provides is a specific six month post June 30th, which was the lease expiration period where there's a detailed rent. In fact, it is a lower rent because of the way the payments were calculated. In the original lease, a portion of the rent payment was what the County allocated as a reimbursement of some capital expenditures.

Because from the way the County budgets, those have expired. We are actually receiving less monies than we would have normally received. On December 31st, you do go into a normal hold-over proceeding which would presumably become somewhat adversarial, because we would be negotiating back and forth as to what the current rent should be.

So from our perspective, you are -- the lease is expired. However, it's expired in a way that allows some possession post-expiration. We do have, not specifically County concerns, but, yes, we have reasons that we need to get the lease signed; we have refinancings that we're pursuing related to indebtedness on the property.

So I do think there is some urgency to get this done, in that, you know, we've been negotiating for 18 months in the hope that we wouldn't get passed the June 30th date, you know, and here we are in the middle of August.

**LEG. KENNEDY:**

Okay. Well, thank you. Mr. Chair, if I can, Basia, can you explain to me, are we -- what is this six month post lease conclusion? Are we in there legitimately, and do we still have a leasehold through December?

**MS. BRADDISH:**

We don't have a leasehold, we're a month-to-month tenant.

**LEG. KENNEDY:**

We have a month-to-month for a six month time period?

**MS. BRADDISH:**

No. It's just the calculation of the amount payable during that hold-over period is determined. So it's says if we hold over for any amount of time for the first six months, you pay "X". If you hold over for any amount of time after those six months, you pay "Y".

**LEG. KENNEDY:**

And this goes to the calculation of the payment is based on the fact that this was an improved property that the improvements came by us? What are we factoring? What are we --

**MS. BRADDISH:**

It's based on the rent that was paid previously. However, when this lease was first drafted, it provided a construction cost build out separate line. So when that line was purportedly fully paid at the termination of the lease, that amount no longer is in the base rent. So we're only paying what was calculated as the base rent minus the construction costs. But given the changes in real estate values, the landlord is taking a hit for any hold-over period.

**LEG. KENNEDY:**

Okay. I'd like to say I understand, but I guess, I'm a little closer.

**MS. BRADDISH:**

If you want, I mean, I can write it out for you.

**LEG. KENNEDY:**

No. No. Please. God, anything but that, please. We don't need to go there.

**MS. BRADDISH:**

Actually, there is an attachment in the back of the lease; there's a rent schedule. And you'll see in it, there's one column that's entitled "Construction Costs." At termination of the lease, that number is lost.

**LEG. KENNEDY:**

Intuitively, it makes sense. I'm trying to figure out -- first of all, I hope, I don't think the landlord is going to want to go ahead and commence eviction proceedings. Obviously, if we've had dialog for the last 18 months, I would imagine it would be in your clients best interest to have us there. We apparently, I guess, have made exhaustive efforts to find alternatives, none have come forward, it appears that we want to be there.

Again, I just feel somewhat inclined to want to allow a colleague in whose district this property sits to be able to weigh in or opine. The matter is does he have two days or does he have four weeks. That's really what we're looking at.

**LEG. COOPER:**

I'd like to withdraw my seconding on the tabling motion, and I'll support a motion to discharge. For the record, I'm hoping that Legislator Eddington's concerns can be addressed satisfactorily on Tuesday. If not, I may be prepared to table it on the floor.

**LEG. KENNEDY:**

Fair enough.

**CHAIRMAN D'AMARO:**

Who made the motion to table?

**MS. ORTIZ:**

Cooper, Kennedy seconded.

**LEG. COOPER:**

I will withdraw my tabling motion.

**CHAIRMAN D'AMARO:**

All right. Then pending before the committee is a motion to discharge without recommendation, I will call the vote. All in favor? Opposed? Abstentions? Motion carries. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0-0-0)**

Sir, what that means is that the bill now goes to the full Legislature on Tuesday for consideration.

**MR. FROST:**

Thank you.

**P.O. LINDSAY:**

Mr. Chair, that concludes the agenda, right? Could I just have a moment of personal privilege?

**CHAIRMAN D'AMARO:**

Of course. Mr. Presiding Officer, go right ahead.

**P.O. LINDSAY:**

Tom Laguardia, is this your last committee meeting, right?

**MR. LAGUARDIA:**

Maybe. I've recently been told I can't retire with the incentive, so.

**LEG. KENNEDY:**

Your application wasn't approved.

**MR. LAGUARDIA:**

I'm rethinking my position.

**P.O. LINDSAY:**

I was just going to wish you well as you moved on to a happier place and express our sorrow for losing you. So we might not lose you? I'm happy that we're not losing you, but I'm sorry that you're not moving onto a happier place.

**MR. LAGUARDIA:**

Thank you, Legislator Lindsay. I'm probably still going to retire. It's a little bit up in the air right now.

**P.O. LINDSAY:**

Are you going to retire -- are we going to see you again?

**MR. LAGUARDIA:**

I hope to be working in the industry and, yes, be here.

**P.O. LINDSAY:**

Oh, so you might retire anyway?

**MR. LAGUARDIA:**

It's in consideration, yes.

**P.O. LINDSAY:**

Okay. Well, if you do decide to retire, I just want to go on record of thanking you for all your years of service to the County, not only you, but we're losing a tremendous amount of talent in this round of retirements. And to all of our employees that have served the County for many, many years, I just want you to know we appreciate your service.

**APPLAUSE**

**MR. LAGUARDIA:**

Thank you. It's been a wonderful career here. I couldn't say anything better about it.

**CHAIRMAN D'AMARO:**

And thank you, Mr. Presiding Officer, for those words. I'm sure they echo the sentiments of everyone at this committee as well. Okay. With no further business before the committee this morning, I'll offer a motion to adjourn, second by Legislator Cooper. All those in favor? Opposed? We are adjourned. Thank you, everyone, for attending this morning.

(\*THE MEETING WAS ADJOURNED AT 11:30 A.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY