

WAYS & MEANS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A regular meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 6, 2010.

MEMBERS PRESENT:

Leg. Lou D'Amaro, Chairman
Leg. Jon Cooper, Vice Chair
Leg. Kate M. Browning
Leg. Lynne C. Nowick
Leg. John M. Kennedy, Jr.
Presiding Officer William J. Lindsay, ex officio member

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
Terrence G. Pearsall, Chief of Staff
Renee Ortiz, Chief Deputy Clerk
Justin Littell, Aide to Leg. D'Amaro
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Greg Moran, Aide to Leg. Nowick
Director Pamela Greene, Real Estate
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Robert Lipp, Deputy Director of Budget Review Office
Lynne Bizzarro, County Attorney's Office
Kara Hahn, Communications Director
Rick Brand, Newsday
Marge Acevedo, Aide to Presiding Office
Wayne Rogers, candidate for Board of Elections
Dot Kerrigan
Brian Baisley
William Shilling, Aide to Presiding Officer

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:09 AM

CHAIRMAN D'AMARO:

Good morning. Welcome to Ways and Means. Please rise and join the Committee in the Pledge of Allegiance led by County Legislator Jon Cooper.

SALUTATION

Please note for the record this morning we're joined by our fellow Legislator and Presiding Officer Bill Lindsay.

Turning to the agenda we've received no correspondence for the record today that hasn't already been included. Is there anyone here who like to address the Ways and Means Committee this morning? And we have not received any cards or requests to address the Committee so we'll move right to tabled resolutions.

TABLED RESOLUTIONS

First table resolution this morning is **1576- 2010, 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.

LEG. NOWICK:

I'll second that.

CHAIRMAN D'AMARO:

Motion to table by Legislator Cooper, second by Legislator Nowick. All in favor? Opposed? Please note for the record I vote no. Abstentions? Motion carries. **(VOTE: 4-1-0-1. LEG. D'AMARO OPPOSED. PO LINDSAY INCLUDED IN VOTE. LEG. KENNEDY NOT PRESENT)**

I'm going to ask the Committee to take a resolution out of order this morning. That is the last resolution on the agenda. It's **1968** of 2010. That's appointing Commissioner of the Suffolk County Board of Elections, Wayne Rogers. I believe Mr. Rogers is here this morning. And we'd like to move that before the Committee now so I'll make that motion.

P.O. LINDSAY:

I'll second.

CHAIRMAN D'AMARO:

Second by our Presiding Officer. All in favor? Opposed? Abstentions? That resolution is now before the Committee. **(Appointing Commissioner of the Suffolk County Board of Elections) (Wayne Rogers) (Losquadro)** Mr. Rogers, would you like to come up? Mr. Deputy Commissioner, welcome and good morning.

MR. ROGERS:

Thank you.

CHAIRMAN D'AMARO:

Thank you for appearing this morning. I'd like to give you the opportunity to address the Committee and tell us what you'd like to present this morning.

MR. ROGERS:

Well, it seems as though our Commissioner has retired. And me being in the position of Deputy Commissioner, the leaders, our esteemed leaders has decided that they would like for me to take over the post since I've been the Deputy Commissioner for the last almost four years now. I have gone through this process of the new machines, which is an interesting process and a learning process, which I imagine that you've all got a little handle on it now from the primary that we had.

We've had some problems with it, nothing major. We did find out that the machine in itself is very accurate. We did find some problem getting up and started because -- excuse me -- we had to train all our new people to use it. But at this point other than a few snags, I guess that's why I'm here.

CHAIRMAN D'AMARO:

Okay. Now you would be serving out the unexpired term of the present Commissioner?

MR. ROGERS:

Yes.

CHAIRMAN D'AMARO:

Okay. And that would terminate on December 31st, 2010, the end of this year.

MR. ROGERS:

Right.

CHAIRMAN D'AMARO:

Okay. And you're presently serving as the Deputy Commissioner of the -- one of the Deputy Commissioner's of the Board of Elections. Just note for the record we've received correspondence dated December 13, 2010 from the Suffolk County Republican Committee recommending this position for you. And we've also received for the record a copy of your resume consisting of two pages. Are there any questions from the board? Legislator Cooper.

LEG. COOPER:

I'm just curious, who is it that designs the ballots that are used in the machines? Is that designed by the state, by the local board of elections?

MR. ROGERS:

The ballot is put together by us and then sent out. We have a computer company that we have that pretty much does it the way we want it done; it's been pretty much that way. But with this new computer setup, length size and that particular -- is a little tougher than what the old machine was.

LEG. COOPER:

The reason I raise this is when I went to vote, there were five candidates -- democratic candidates for Attorney General. And the way it was laid out on the ballot, as I recall, they had three names on one line, two names on another line, separate boxes. And I knew that I could only vote for one of the five. But the way it was laid out, it really looked as though you could vote for two. Anyway, I filled it out properly and I was speaking to one of the inspectors. And he was commenting on the very large number of over votes that they had had. And I said -- I think I may know why. And I pointed this out. I said *I have a feeling that people are voting for one of these three and one of those two*. And he said, *oh, yeah, you can do that*. *You're supposed to be voting for --* I said *no, you're not*. Even the inspectors didn't realize. They were confused.

And apparently there was dozens -- in my little Village of Lloyd Harbor, there were apparently dozens of over votes. So, anyway, I just thought that part was laid out very poorly. They all

should have been on the same line as opposed to two separate sections. So, anyway, I thought I would point that out for future reference whoever made that decision to design it that way.

MR. ROGERS:

It depends -- they've been laid out for years -- it depends on what the size of the ballot is. It depends on the size of the ballot, how they're laid out. So I'm assuming that's why it was set up that way. The question on that was is that it wasn't defined enough as far as how many to vote for. That seemed to be a question that we did get and we're trying to rectify that now.

LEG. COOPER:

Right. That wasn't made that clear. But also just a simple thing, they had a line --

MR. ROGERS:

Right.

LEG. COOPER:

-- they had a box and a box -- three names in one box. If they didn't have the lines separating the two boxes, it probably would have been less problematic. So, again, I don't have the ballot in front of me. I'm just trying to remember. But it was clear that a number of folks were confused so you may want to address that next time. Thank you.

MR. ROGERS:

It's good you brought it up. Because we're setting up the ballots now so -- and we only have 22 inches to work with. So the more that's on the ballot, the less space that we have.

CHAIRMAN D'AMARO:

Okay. Another quick question, and then Legislator Nowick, I'll get right to you. The propositions, if there are any, are they going to be on the front of the ballot or on the back of the ballot?

MR. ROGERS:

At this point particular point in time they're going to be on the back.

CHAIRMAN D'AMARO:

Okay. You won't know the final layout until you put it together but that's anticipated at this time?

MR. ROGERS:

That's anticipated. Actually as we speak they're working on the ballot as of today to try to finalize it.

CHAIRMAN D'AMARO:

Okay.

MR. ROGERS:

We'll know the end of the day.

CHAIRMAN D'AMARO:

All right, I have a few more questions but I'll defer to my colleague Legislator Nowick, please go ahead.

LEG. NOWICK:

Good morning, how are you?

MR. ROGERS:

Good. Yourself?

LEG. NOWICK:

Okay. Since we're talking about the ballots, I just have a few questions. First of all I can't imagine what rocket scientist decided to do this. But be that as it may, just if you wanted to pass along maybe to whomever needed to know this to train people, I found that when you went to vote in the primary, you're given the ballot. At that time I think you should be given that cardboard envelope, whatever you call it, if you will, the privacy. I found that I was asked to go vote with the paper, come out with this paper dangling, and then find the cardboard that you put it into. I think that the person -- the voter should get both at the same time. If you can just pass that on; I think it's a good idea. It's a privacy thing.

MR. ROGERS:

The biggest -- two of the problems that we have -- biggest problem your issue as far as they prefer to have them all the way so at least it was easier to know what the heck was going on. The other thing was the privacy sleeve.

LEG. NOWICK:

Yes, just so they can do that.

MR. ROGERS:

They were supposed to give you the privacy sleeve. You were supposed to go vote and put it into the machine. Also, we had a few over zealous people that were trying to help. And people felt as though their privacy was invaded when you went to the machine, they didn't -- you know, they're there in case you need help but people were *well, let me help*.

CHAIRMAN D'AMARO:

I was just going to -- I was going to raise that point.

MR. ROGERS:

You know that -- so, again, it's, you know, you try to train these people. A lot of them are not of the younger generation. They get it right away. And there's a lot of changes that we had to do. So we're addressing that privacy sleeve and that issue and trying to keep people -- a little -- stand further away when you're voting so you feel as though you do have privacy.

Another issue was being able to actually read the ballot. Now, mind you the more that's on the ballot, and we're working in 22 inches, it gets smaller. There was a lot of complaints that it was hard to read. So what we did is we purchased magnifying glasses, believe it or not, to go into the booths. So if somebody does have a problem even with their glasses, they'll be able to see that as well.

LEG. NOWICK:

The other thing I wanted to ask you is all of those machines that we had, what are we doing with those?

MR. ROGERS:

We're supposed to dispose of them at the end of the year, probably sometime in January. Because we now do not have enough room in our building for both. So we are actually paying to store them. There is a lawsuit out there that is, you know, asking to do away with these new machines. Unless somebody wants to give us some money to store them, I don't know what we're going to do with them at that point -- last time we got rid of them for scrap.

LEG. NOWICK:

For scrap. But now you say there's a lawsuit trying to switch the system yet again?

MR. ROGERS:

There's an issue with the machine that if you over vote -- you get three choices to vote, three chances to vote. You put in the vote, you over vote. You put in the vote again, and let's say you do it again and you hit the button and it goes through. If in fact it's an over vote, on vote for three,

all of them votes are out. Where on the old machine that was not so. You could not over vote. The issue is to fix that. And their issue is that, *well, we're giving you three shots.*

LEG. NOWICK:

Just my last question, I read in the paper, I don't know, yesterday or the day before, that there are some voters who have a dual residency and can vote twice. Tell me about that.

MR. ROGERS:

I saw that in the paper. And I really didn't get a chance just to look that up. I wanted to check that out. But if you designate here -- if you live in the city -- some people have dual residency. So if you have a city place and a place out here that you actually own, and you designate this place that you're going to vote in, you can vote here. The issue is *I'm living in the city, I live out here, this is my designated place to vote.* The issue with that is, is that somebody's not voting in two spaces.

LEG. NOWICK:

But according to the article it says there's a fluke in the election law that allows them to vote. I mean not that the paper's always right, but that's what it said.

MR. ROGERS:

They have to notify the Election Board. They can't both vote places. So they have to tell you that *I'm voting here for the primary.* And now they have to send in a form telling me my registration now has been changed to, say, Manhattan.

LEG. NOWICK:

Do the municipalities cross reference? So, in other words, if Joe Smith is living in Manhattan and is registered to vote and he comes out to Suffolk County where he has another home and he registers to vote, are there cross references or there's no way of telling?

MR. ROGERS:

Mostly not unless there's a complaint.

LEG. NOWICK:

Okay.

MR. ROGERS:

We do check registrations when they come in and to see who -- because what happens is we'll get a change of registration, say, from the city or Nassau. That's when we'll check it. But if we don't get that, there's no way for us to check it.

LEG. NOWICK:

Thank you.

CHAIRMAN D'AMARO:

I want to go back to the point that was made about the new method of voting and just give you my experience. On primary day I went in, you know, I saw my regular pole inspectors and was handed a copy of the paper ballot and the privacy sleeve at the same time, which I thought was pretty good; directed over to the privacy booth. I filled in the circles. The only discomfort I felt was when I had to put the ballot actually into the machine covered by the privacy sleeve. It was a little cumbersome because it was the first time. I had to feed it from the left side, I believe. And I felt that the poll inspector was just, you know, a little too close for comfort, but with all good intentions, of course, trying to help. But it was a very eerie feeling as opposed to walking into a booth, closing that curtain, casting your ballot knowing that, you know, you have the privacy that you should have. So I appreciate that you brought that up and, you know, you're looking to address that.

I just wanted to ask you very quickly as far as budgeting goes, we're in the midst of crafting the Operating Budget for 2011. And have you found that the budget for 2010 sufficient given the

increase costs for the paper ballots and the new system?

MR. ROGERS:

If I remember correctly, I think we're -- probably based on what we have now that I say it's short by at least a million bucks.

CHAIRMAN D'AMARO:

So how is that impacting 2010? I mean obviously we need to have enough ballots.

MR. ROGERS:

Actually we're probably right now over budget, probably about \$900,000. We didn't get through this election. That's including the election, making sure everything goes well. We have money that we got from HAVA that was grant money, that we're allowed to use for our ballots at a one time shot. We can probably use that money now to offset the ballot, to help that deficit that we're going to have. But that's not going to be able to be used next year. So that number for argument sake will be a million dollars short.

CHAIRMAN D'AMARO:

So the cost of the new system was more than what was anticipated by the County's budget? And you're look to outside -- this outside source at least for this year?

MR. ROGERS:

I think if I remember correctly last year when we did the budget, the County took a million dollars out of us. And a million dollars is probably pretty much where we are. I mean paper -- I think the paper cost us almost between four and \$500,000 an election. So if you figure in a County election and if you look at it, I mean truth of the matter is 75 to 80 percent is not used.

CHAIRMAN D'AMARO:

Is not used.

MR. ROGERS:

If you think about it, yeah.

CHAIRMAN D'AMARO:

Yeah. We'll examine that closely as we go through the budget process, I'm sure.

Okay, are there any other questions of Mr. Rogers, this morning?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy. Good morning.

LEG. KENNEDY:

Thank you, good morning. Similar to my colleagues, Wayne, I had some interesting experiences when I went in for primary as well. I'm glad to hear about the magnifying device, whatever it is, because they did speak about -- when I got a chance to speak to the poll inspectors, they were under the impression that there were going to be, not so much a magnifying glass, but almost like one of those large overlays that would be able to go on to the ballot that would help with the illumination. They said clearly seniors were having difficulty, I guess, with just visualizing the ballot.

Let's talk a little bit about the machines -- the old machines, the existing machines that we're contemplating scrapping. How many of them do we have right now?

MR. ROGERS:

Probably about 1300.

LEG. KENNEDY:

Okay. And we're paying for storage for them in leased areas or private facilities or something?

MR. ROGERS:

Right. We're paying storage for them -- I think they're at Liberty Storage at the particular time.

LEG. KENNEDY:

Is there ever a scenario you can envision where we may have a need to go back to them for some kind of use? I mean if the parties prevail in this lawsuit to set aside our current equipment, and we have a special election come the spring of next year, how would you put it on?

MR. ROGERS:

There are only two ways to do it. Either we use a new machine or we go to strictly paper. And I don't know how that's going to work out.

LEG. KENNEDY:

Well, let's talk a little bit about that. Because that's something that I didn't see that I recall is an option with our old mechanical machines. I didn't see any mechanism for a paper opportunity to cast a ballot or for how we handle an individual who comes and presents, who's not listed in the voter rolls. But we do have a method to go ahead and allow them to cast a vote, I believe, where they say that it's an error on BOE's part that they're not down. They truly are a registered voter, but for some technical reason they didn't make it into the voter roll.

MR. ROGERS:

What we do now, they have an affidavit ballot. So what happens is they fill the ballot out, goes in an affidavit envelope, they fill out the information on both sides of the envelope. And that comes back to us. And what we do is we check the information on the envelope to make sure if the person is, in fact, registered or not registered. If he is, then we count -- then it's a good ballot. If it's not --

LEG. KENNEDY:

And then it would get fed into a machine or something --

MR. ROGERS:

No. At this particular time all the affidavit ballots are counted by hand --

LEG. KENNEDY:

Oh, they are?

MR. ROGERS:

-- in-house. Yeah. That's the way that's done. Because once you put it in the machine, if we count it in the machine, there's no way of knowing which one it was.

LEG. KENNEDY:

And what about the mail-in ballots, are they being processed manually --

MR. ROGERS:

Manually.

LEG. KENNEDY:

-- or do they ultimately get fed as well?

MR. ROGERS:

At this point we do that all manually.

LEG. KENNEDY:

Okay. All right. Thank you. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Okay, thank you Legislator Kennedy. Any other questions? Okay. Mr. Rogers, anything else you'd like to add this morning?

MR. ROGERS:

No. Just probably -- don't be surprised if you see us here asking for some more money. And unfortunately I mean just so you're aware of it, and it's issues that we're going to have to deal with, I guess, out at the board as well as here. There is a lawsuit going on right now on a particular case that puts somebody on the ballot or off the ballot. That decision is probably going to come today. If that decision comes today and we do not go to a higher court, we're probably fine.

If that decision was a split decision and it had to go to a higher court, our window to set these machines up is not like it was at the old window. We only have so much time. We cannot print the ballot -- one ballot until we know what the decision's going to be. Because each machine then is programed. And I can't take one person out if they're -- were once they're programed, I have to reprogram that whole machine. We need almost a two to three week window to program these machines and get them out to the polling place. So that window almost disappears on us.

So the judicial system has to understand that this window is becoming a serious problem for us in how we do business and how we get things done. I mean the option is on off ballot, you print both ballots and you're throwing \$400,000 out the window. So there'll probably be some issues here that we're probably going to have to figure out how to deal with them. We're looking at some ways to try to save money on these ballots because it's almost ridiculous to pay 57 cents a ballot at 4, \$500,000 and throw that many of them away. We're trying to see if there was a way for us to do less and still comply with the state law.

CHAIRMAN D'AMARO:

What's your drop dead date on having the machines prepared and ready to go for the election?

MR. ROGERS:

We like to deliver the machines on the -- start delivering on the 25th. You have 347 polling places, like, 1100 ED's. So it's a lot of stuff that has to go out. After that it gets tighter and tighter so if you look at -- if you look at our payroll, I mean we'll probably be working seven days a week, ten hours a day to get this done. And the shorter the window is the more we have to work.

CHAIRMAN D'AMARO:

That's delivering the machines.

MR. ROGERS:

No, I'm talking about program.

CHAIRMAN D'AMARO:

You're talking about programming, okay.

MR. ROGERS:

We have delivering the machine -- unless we take time away from the guy that's delivering them, who happens to be Liberty --

CHAIRMAN D'AMARO:

Right.

MR. ROGERS:

Then it's probably -- he's probably going to charge us is more money. But he needs a certain amount of time to get the machines to where they have to go as well.

CHAIRMAN D'AMARO:

Sure, sure. It's a tight window.

MR. ROGERS:

So the machines haven't helped us. Where the old machine you could go, pull a strip, lock a guy out and off your way. We could actually send mechanics right to the polling place. We cannot do that with these new machines.

CHAIRMAN D'AMARO:

Do we program the machines in-house or -- -

MR. ROGERS:

Yeah.

CHAIRMAN D'AMARO:

-- do we have a consultant?

MR. ROGERS:

Everything is programed in-house. I would say the actual program is sent -- we give them the information, they put it in a format for machine --

CHAIRMAN D'AMARO:

Who's that? Who do we give that to?

MR. ROGERS:

Dominion is the name of the company.

CHAIRMAN D'AMARO:

The company that provided the machine or is that a --

MR. ROGERS:

Provided the machine.

CHAIRMAN D'AMARO:

Okay.

MR. ROGERS:

As well as the programming.

CHAIRMAN D'AMARO:

Okay.

MR. ROGERS:

So they'll send that to us and then we program each machine.

CHAIRMAN D'AMARO:

I see. It's a lot more cumbersome than the old system.

MR. ROGERS:

Amazing.

CHAIRMAN D'AMARO:

Yeah.

MR. ROGERS:

Absolutely amazing.

CHAIRMAN D'AMARO:

Well, okay. Anything else you'd like to add?

MR. ROGERS:

No.

CHAIRMAN D'AMARO:

All right. I'd like to thank you for your appearance here today. I thank you on behalf of all Committee members and the Presiding Officer as well. Obviously you have the knowledge and the particular expertise that we need especially at this time making the transition to the new machines. And I appreciate the fact that you are nominated for this position. So with that said, I will offer a motion -- the bill is before us. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Mr. Rogers, thank you again. You've now been moved to the full floor of the Legislature. You do not have to appear on that day unless you choose to do so.

MR. ROGERS:

Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, sir.

MR. ROGERS:

I appreciate it. And if anybody ever has a question or they need to come out and see how these machines -- and want to go through something with us, feel free to call. I'll be glad to accommodate.

CHAIRMAN D'AMARO:

All right. We've been doing, I think, in our respective districts the demonstrations as well which are very effective and the staff is wonderful.

MR. ROGERS:

Great. Thank you. We're trying to do -- still continue to do this before this election period.

CHAIRMAN D'AMARO:

Right.

MR. ROGERS:

Best we can.

CHAIRMAN D'AMARO:

Okay. Thank you again.

MR. ROGERS:

Thank you.

CHAIRMAN D'AMARO:

Also note there will be an Executive Session after the public portion this morning.

TABLED RESOLUTIONS

Going back to the agenda, we already did **1576** of 2010.

And next on the agenda is resolution number **1659-2010, 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.)** This is three parcels in East Hampton. And they were placed on the auction list. I'll offer a motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1670-2010, declaring Yaphank property surplus to County needs and authorizing property sale at public auction. (Kennedy) CEQ met on December 15 to discuss this, but there's been no decision as of yet. Legislator Kennedy.

LEG. KENNEDY:

It is up again, Mr. Chair, on October 20th. So I guess I have no choice but to make a motion for tabling for one more cycle. But I have great hopes that we're going to be able to get a neg dec on it because I think it's critical to our budget issue.

LEG. COOPER:

I'll second that motion.

CHAIRMAN D'AMARO:

All right, motion has received a second. All in favor? Opposed? Abstentions? Motion carries. The resolution is tabled. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Resolution 1688-2010, adopting Local Law No. - 2010 , A Local Law mandating compliance with financial disclosure requirements. (Cooper) Legislator Cooper?

LEG. COOPER:

Motion to table for the public hearing.

CHAIRMAN D'AMARO:

I'll second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1746-2010, extending policy to suspend publication and mailing of newsletters. (Pres. Off.) Mr. Presiding Officer?

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

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)

LEG. COOPER:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Cooper. I'll second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

And **1883, adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec.)** Public hearing remains 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. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

INTRODUCTORY RESOLUTIONS

Okay, section six on the agenda are introductory resolutions.

First is resolution **1902-2010, authorizing certain technical correction to Adopted Resolution No. 1243-2009. (Co. Exec.)** This changes a fund number in the Resolve Clause. I'll 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? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1904-2010, sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Central Islip Union Free School District (SCTM No. 0500-143.00-04.00-081.006). (Co. Exec.) This is a two acre parcel in Central Islip being sold to the district for one dollar plus their pro rata share of the taxes. And the property is proposed to be sterilized and used by the school as a buffer area. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Resolution 1905-2010, sale of County-owned real estate pursuant to Section 72-h of the

General Municipal Law - Town of Islip (SCTM Nos. 0500-319.00-01.00-062.000 and 063.000). (Co. Exec.) Two irregularly shaped parcels in Islip being sold to the Town for \$14,419. And also being used by the Town as a buffer. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second by Vice Chair Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1906, sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Islip (SCTM No. 0500-297.00-01.00-129.000). (Co. Exec.) Again, for the Town of Islip. Again being used as a buffer. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Resolution 1907, sale of County-owned real estate pursuant to Local Law No. 13-1976 V and C Holding Corp. (SCTM No. 0200-720.00-03.00-032.000). (Co. Exec.) This is a 100 by a 100 lot on the corner, I believe, of two paper streets in Moriches Bay sold and appraised for 3,000. Any questions? All right. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1908, sale of County-owned real estate pursuant to Local Law No. 13-1976 Donald Zucker (SCTM No. 0200-664.00-02.00-026.000). (Co. Exec.) 43 by 105 lot in Brookhaven appraised for 1500 and sold for 6,600. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? That motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1909-2010, sale of County-owned real estate pursuant to Local Law No. 13-1976 Kevin Baumgardner (SCTM No. 0800-095.00-04.00-072.000). (Co. Exec.) Property located in Smithtown appraised at 500 and sold for \$505. It's an irregularly shaped lot. I'll offer a motion to approve.

LEG. COOPER:
Second.

CHAIRMAN D'AMARO:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **(VOTE:**

6-0. P.O. LINDSAY INCLUDED IN VOTE)

1910-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Shipwreck, LLC by Donato Errico, Member (SCTM No. 0300-152.00-02.00-008.034). (Co. Exec.) I'll 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? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Resolution 1911-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Katherine R. Giordano (SCTM No. 0800-052.00-02.00-033.000). (Co. Exec.) How about same motion, same second and same vote. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1912-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Singletree Woodworking, LLC by Richard Reinhardt, President (SCTM Nos. 0900-149.00-01.00-005.000, 0900-149.00-01.00-006.000). (Co. Exec.) I'll offer same motion, same second and without objection same vote. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1913-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Brian Wellenbacker and Linda A. Wellenbacker, tenants by the entirety (SCTM No. 0200-907.00-04.00-026.000). (Co. Exec.) Once again, same motion, same second, and same vote. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1914-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act C. Odell Evans (SCTM No. 0600-065.00-01.00-028.000). (Co. Exec.) Same motion, same second and same vote. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

And **1915-2010, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carolyn Nataloni (SCTM No. 0400-074.00-01.00-015.000). (Co. Exec.)** Same motion, same second and same vote. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Next is **1919-2010, sale of County-owned real estate pursuant to Local Law No. 13-1976 Veena R. Shetty (SCTM No. 0100-169.00-01.00-013.000). (Co. Exec.)** And this is a property located in Amityville appraised and sold for 5,000; once again a variable shaped property. I'll offer a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1920-2010, sale of County-owned real estate pursuant to Local Law No. 13-1976 Strong's Marine, Inc. (SCTM No. 1000-122.00-09.00-007.021). (Co. Exec.) This is a parcel irregularly

shaped again in Mattituck, appraised and sold for 19,500. I had a quick question on this. Ms. Greene, I know you're here with us. I just had a quick question. I just wanted to define what it is that we're selling. There's not a stream or a canal running through this property, is there? Or is it an access road to this marina?

DIRECTOR GREENE:

It's an access road. The Division no longer takes titles to roads, sumps, drainage basins but this was not the case with this parcel.

CHAIRMAN D'AMARO:

Okay, so we're putting it back on the tax rolls. It's going to be part of this marina and used as an access road?

DIRECTOR GREENE:

Correct. It's providing access to the bidder's property.

CHAIRMAN D'AMARO:

Is that the way it's being used now, do you know?

DIRECTOR GREENE:

I don't.

CHAIRMAN D'AMARO:

Okay, Legislator Browning.

LEG. BROWNING:

Well, actually it was more on a separate issue, if we could -- if you want to get through the agenda and I'll ask her at the end, not specifically this one.

CHAIRMAN D'AMARO:

Okay. 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. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1924-2010, authorizing the use of the H. Lee Dennison building by the Child Development Center of the Hamptons and the National Foundation for Human Potential to host Over the Edge for Charity. (Montano) The event is to be held June 11, 2011.

LEG. KENNEDY:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy.

LEG. COOPER:

Second.

CHAIRMAN D'AMARO:

Second by our Vice Chair Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

1927-2010, increasing the petty cash fund for the Public Administrator of Suffolk County. (Co. Exec.) This will increase the funds from 5,000 to 10,000 to pay for filing fees, death certificates, etcetera pending the appointment of the public administrator by the courts. It's just a cash flow function. 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. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)**

Next is **1941-2010, directing the Department of Information Technology to publish the County's total indebtedness online. (Cilmi)** The bill would give IT Department 90 days to post the County's total debt on the County's home page, the Legislative home page and each department home page and then be undated quarterly by the Department of Audit and Control.

Is there anyone here from IT this morning? I would assume not; we didn't ask them to come down. I just had a question on this bill of how are we defining total indebtedness was the first issue that came to my mind. And then the second issue that came to my mind was it's one thing to post a number on a home page. But if it's in a vacuum and it's not in context, you know, how are people going to make any kind of informed conclusion about the number unless they know what justifies the number, what projects perhaps support the number. So I have several of those open questions. I don't know that I'm prepared to support this at this time.

LEG. COOPER:

I was going to make a motion to table for those reasons.

CHAIRMAN D'AMARO:

All right. There's a motion to table by Legislator Cooper. I'll second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)** And I'll reach out through my office to the sponsor and see if we can get more information on that.

Next is **1956-2010, authorizing the lease of premises utilized by the Suffolk County Sheriff's Department. (Co. Exec.)** Five year term. I'll offer a motion to approve. This is for base of operations renewal for the Sheriff.

LEG. COOPER:

I'll second that motion.

CHAIRMAN D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)** Just for the record that did go through the, I believe, the Space Management and Steering Committee.

1968-2010 we've already done.

And that concludes the public portion. There is going to be an Executive Session. I'll offer a motion to reconvene into the Executive Session for --

LEG. BROWNING:

Lou?

CHAIRMAN D'AMARO:

I apologize.

LEG. BROWNING:

I have a quick question.

CHAIRMAN D'AMARO:

Yes, Legislator Browning had a question for Director Greene. Go ahead, please.

LEG. BROWNING:

Yeah, I sent some correspondence to you. And I think I spoke to you at the last Ways and Means -- before the last Ways and Means meeting. There was some properties -- I know of two weeks left the night before the auction. I was contacted by Victory Housing in the North Bellport area. There's some properties that they would like to have 72-H'd to the Town of Brookhaven for affordable Housing. They're very interested in that property.

The other issue is Mastic Beach has now become a Village. And they have requested that we hold off on any auctions within the Mastic Beach area until they determine what they're going to do. Because I believe there may be some zone changes. I haven't heard anything. I'd like to know that the request of the Mastic Beach Village residents and Victory Housing has been responded to and that we can accommodate them.

DIRECTOR GREENE:

Thank you, Legislator Browning. We had also asked in the Division for Jill Rosen-Nikoloff to please provide some background on the requested properties that you had mentioned the Town had some interest in from non-for-profits. As she has testified, I believe, before this Committee before, there are many times where the Town has been offered these properties. They have not fulfilled their obligation quite frankly to then transfer them over to non-for-profits to see them through to provide affordable housing. We want to make sure that this is not the case, that we don't start down that road again with having them transferred to the Town and time just goes by without either the deeds being recorded or their ultimate purpose being satisfied.

We do believe that's the case. We are meeting together the end of this week after we have our final registration for our auction. We do understand that the Village has been voted on -- for a creation of a village. That will permit additional zoning authority over the property. However, the use of the property and the ownership will not change. So the County is the rightful owner of these properties. We would consider it to be in the County's best interest to not maintain that ownership, to put them back on the tax rolls, to have them utilized, do not have them be a nuisance for the community, to not have their maintenance be an issue as you well know, which has been in the past. So the interest of the Division obviously is to have it now transferred to private hands and to have that requirement for their maintenance overseen by whatever municipality they might be in in the future.

LEG. BROWNING:

Well, I'm going to continue to stand by giving them the respect of who they are and that they have some work to do yet. And I think out of fairness it would be the appropriate thing to do is to hold it off on the auction at least for this time.

DIRECTOR GREENE:

Do you have -- may I ask --

LEG. BROWNING:

Another note, the Councilman has contacted us about another piece of property that is of interest to them also. I think you received that correspondence, too.

DIRECTOR GREENE:

Not from a member of the town board.

LEG. BROWNING:

Okay.

DIRECTOR GREENE:

May I ask do you know if the Village is interested in purchasing the properties from the County?

LEG. BROWNING:

Well, you know, like I said, I think out of respect for them I think it's appropriate that we hold off. And if they want to do affordable housing, if they want to create parks and they want to purchase the land, I think that's something that -- there has to be some negotiation with them on the issue.

DIRECTOR GREENE:

There's nothing that prevents them from doing so. Again, the next registration is Friday. If they are improved, they must go to auction. They cannot be 72-h'd. So there's nothing that prevents the Village or a representative from coming and bidding at the auction to acquire them.

LEG. BROWNING:

So you're saying -- see, some of them are improved which means there's already a structure on it.

DIRECTOR GREENE:

Correct.

LEG. BROWNING:

Why wasn't it 72-h'd to, say, Habitat or the Housing Partnership?

DIRECTOR GREENE:

If it's habitable, we have to send it to auction. If it's not habitable, then it goes to 72-h.

LEG. BROWNING:

Okay, I didn't realize that. But, again, if you can get back to me also on the North Bellport issue because Victory Housing is very interested. I think you know what North Bellport's like these days. And we don't want speculators coming in buying up these lands and doing whatever. Victory Housing wants to do affordable Housing. And I know the County Executive supports that. And so I think we should respect their request.

DIRECTOR GREENE:

And just again that respect has been shown in the past. Unfortunately sometimes some of the non-for-profits have not fulfilled their requirements in going forward and -- in building those homes. And then they come back to the County.

LEG. BROWNING:

Okay, we'll talk more.

DIRECTOR GREENE:

Thank you.

CHAIRMAN D'AMARO:

Okay. Thank you. I'll offer a motion to convene into Executive Session for the purposes of discussing potential settlement of litigation.

LEG. COOPER:

I'll second.

CHAIRMAN D'AMARO:

Second by our Vice Chairman Legislator Cooper. All in favor? Opposed? Abstentions? **(VOTE: 6-0. P.O. LINDSAY INCLUDED IN VOTE)** We'll be back on the record shortly. Thank you.

EXECUTIVE SESSION from 10:51 AM TO 11:20 AM

CHAIRMAN D'AMARO:

Okay, we're back on the record. And note for the record in Executive Session that the Committee unanimously approved the following two items: Settlement in the case of Ronald Goldstein versus the County of Suffolk. And also unanimously approved a settlement of a claim for attorney's fees for the Counsel for Oxford House in the following matter: Human Resource and Management Group, Inc. D/b/a Homeworks and Oxford House, Inc against Suffolk County, et al.

That concludes the meeting. Motion to adjourn, second by Legislator Kennedy. All in favor? Opposed? Abstentions? We are adjourned and thank you.

**THE MEETING CONCLUDED AT 11:21 AM
{ } DENOTES SPELLED PHONETICALLY**