

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, May 4, 2011.

MEMBERS PRESENT:

Legislator Ricardo Montano - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Sarah Anker
Legislator John Kennedy
Legislator Lynne Nowick

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director - Budget Review Office
Legislator Thomas Muratore - 4th District
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Eric Kopp - Deputy County Executive
Tom Vaughn - County Executive's Office
Dennis Brown - County Attorney's Office
Christine Malafi - County Attorney's Office
Lauretta Fisher - Principal Environmental Analyst - Department of Planning
Gil Anderson - Commissioner of Public Works
Pamela Greene - Director of Real Property Acquisition & Management
Paul Perillie - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Dot Kerrigan - AME
Bob Morrow - Trustee - Village of Mastic Beach
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

[THE MEETING WAS CALLED TO ORDER AT 10:14 A.M.]

CHAIRMAN MONTANO:

We're going to call the Ways and Means Committee together. I'm going to ask that you all stand for the Pledge of Allegiance led by Legislature Anker. Would you please stand.

SALUTATION

Okay. I'm going to actually ask for a moment of silence for all the, you know, our men and women that are serving overseas and I want to particularly make note of the courageous efforts of the Navy Seals who went into the compound and eliminated Osama bin Laden.

MOMENT OF SILENCE

Thank you. You may be seated. Good morning everyone. We're going to start with public comments and I have one card. Looks like Bob Morrow. Is that correct? Mr. Morrow and you're from Mastic Beach and you want to speak in reference to IR 1205 of 2011. That bill is on page two. And this is the resolution for the transfer of real property pursuant to 72-h to the Village of Mastic Beach and this is the one; there are two bills. One is to transfer the property for its appraised value of, I believe, 5,999. The other one is to transfer the property for a dollar. Go ahead, sir, you have three minutes.

MR. MORROW:

Thank you, Chairman Montano and members of the Committee. My name is Bob Morrow, I'm a trustee with the Village of Mastic Beach, the new newly formed Village of Mastic Beach.

The property that we're talking about is on Flower Road and Neighborhood Road in Mastic Beach. Our plans for the Village are to make it -- to bring it back to its historical significance and to make it a place for tourists. We have a desire to have -- we've talked to other people in the County and town to have a -- right there to bring one of the historical houses, it's called the Petty House from Montauk Highway, to bring it down and place it on that site. We would have it at that time manned by volunteers from our historical society.

We have a vision of a trolley that would leave through the tri-hamlet area of Mastic/Shirley and Mastic Beach, would leave the Long Island Rail Road Station, go out to the Wertheim Preserve, go on down to the Manor of St. George, go over to the Smiths Point and from there to Flight 800 Memorial, come back down and then go down Neighborhood Road and that's where we would hope to have the Perry House right at the entrance of the Mastic Beach Village and from there it would go down to the Floyd Estate.

Being a new village, you can only imagine what it's like for us. We just passed our budget. It's a budget really of hopes and dreams. We didn't want to add any additional funds, you know, or taxes to our citizens yet and so we really cut it to the bone. And this property is very important to us and if we could get it for the nominal fee of one dollar it'd be greatly appreciated. By no means are we saying the \$6000 in back taxes is not outrageous, but at the same it's something that we really couldn't do. So we're asking the Legislature if you give us this help at this time so we can go forward we would greatly appreciate it. Thank you.

CHAIRMAN MONTANO:

Stay there. There might be questions. Any questions from anyone? I have a question. Stick around because I think there's going to be a discussion and a presentation by the Department of Real Estate. And just for the record it's my understanding that when we transfer properties from the County to municipalities for municipal purposes, we generally -- well, I think almost exclusively do it for consideration. If we were going to transfer something to the Village of Islandia, which I

represent in part, we would do it for, and I believe it's the appraised value. The only time, as I'm told by Real Estate, and we're going to have this discussion, that we transfer property for either no consideration or nominal consideration being one dollar, is when it's used for affordable housing purposes. I'm checking to see whether or not we have actually done in the past. If we do it it's done under very rare circumstances. So we may have some further questions if you're willing to stick around.

MR. MORROW:

Certainly, sir.

CHAIRMAN MONTANO:

Okay. That's 1205. It's in the middle of page two. We're going to get to it quickly so you're not going to be here too long. Just so you know there's a preceding bill that was introduced by the County Executive, 1085, which is -- we'll discuss those together and again, one is for -- both of them are to transfer the property. One is for the consideration of the appraised value and one for the consideration of a dollar. Now my understanding is the village passed a resolution to -- before we would transfer, we would ask the village to pass a resolution. My understanding is the resolution accepting the property was passed but only for the amount of one dollar.

MR. MORROW:

Yes, sir.

CHAIRMAN MONTANO:

Was the other resolution discussed in terms of -- well, let's say that we voted down the one dollar transfer. Where are you at?

MR. MORROW:

Then we probably have to have another resolution to see if we could come up with the funds out of this budget.

CHAIRMAN MONTANO:

Do you have the funds right now in your budget? Is that the issue that you don't have the funds?

MR. MORROW:

We don't have them set up for that at this time; no.

CHAIRMAN MONTANO:

Okay. Well, the funds that I'm talking about are the funds that are -- the amount that's incorporated in the resolution introduced by the County Executive, 1085, which would transfer the property, but for our standard procedure, which is the amount of the appraised value. And I see Pam Greene from the Real Estate Department. I'm going to ask her to come up when we debate the bill. We're going to get to it very shortly and then I may, you know, if you want to come back I'll give you the opportunity to make some further comments.

MR. MORROW:

Thank you. I'll stay as long as need be. Thank you.

CHAIRMAN MONTANO:

It won't be long. I guarantee.

Pam, I keep hearing either back taxes; don't get up yet, or appraised value. So when you get up here just explain exactly what the policy is so we're all clear.

Okay. We are going to go right into the agenda.

INTRODUCTORY RESOLUTIONS

IR 2045-2010 - Adopting Local Law No. -2010, A Charter Law to limit campaign donations by members of the Ethics Commission. (Cooper) And I believe that the public hearing on this is still open. I'm going to make a motion to table for public hearing, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

IR 2100-2010 - Directing modernization of the County Financial Disclosure Form. (Co. Exec. Levy) Again, I'm going to make an application -- motion to table this.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

IR 2208-2010 - Adopting Local Law No. -2010, A Local Law implementing the Charter Commission's recommendation regarding the terms of the Presiding Officer and Deputy Presiding Officer. (Romaine) I'm going to go with same motion, same second, same vote. **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

Okay. Now, Pam. **IR 1085-2011 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (New York State) (SCTM No. 0209-024.00-02.00-026.000).** (Co. Exec. Levy) And that's the property that was discussed during the public portion.

DIRECTOR GREENE:

Good morning, Mr. Chairman.

CHAIRMAN MONTANO:

Pam, what is our policy on this and how is it -- because as I said earlier, I was first under the impression it was back taxes. Then I was under the impression it was the appraised value. Would you clarify that for me so I understand fully.

DIRECTOR GREENE:

I'd be happy to. The policy that is generally followed by this committee and the Legislature is that in transfers requested by municipalities for anything other than affordable housing purposes there is a request that the County taxpayers be made whole for the time that the County held this property and continued to pay the taxes to all the other municipalities as per the Suffolk County Tax Act. So it is not the appraised value, it's the back taxes only.

CHAIRMAN MONTANO:

Let me ask you a question if I may, when we talk about making the County whole, when taxes are not paid, interest and penalties are added onto that amount. So in this case, I guess, the back taxes; does it include the interest and the penalties or simply the base tax that was not paid?

DIRECTOR GREENE:

It's the base tax because we're the owner. So we're not penalizing ourselves.

CHAIRMAN MONTANO:

That makes sense. Thank you.

DIRECTOR GREENE:

You're very welcome. If I may, it might just be also relevant for the committee's understanding that in this instance --

CHAIRMAN MONTANO:

We don't pay taxes on our property.

DIRECTOR GREENE:

We do. The property that we take we continue to make all other municipalities whole as per the Tax Act. That's the County investment that --

CHAIRMAN MONTANO:

Oh, okay. So even if when we take it in our name --

DIRECTOR GREENE:

In our inventory.

CHAIRMAN MONTANO:

We still continue to pay the back taxes.

DIRECTOR GREENE:

Oh, yes.

CHAIRMAN MONTANO:

Okay.

DIRECTOR GREENE:

And just in this instance, just to note, this was property that was scheduled for auction. So there was an anticipation that it'd be revenue generating at one point.

CHAIRMAN MONTANO:

Legislator Nowick, I believe you were the Receiver of Taxes.

LEG. NOWICK:

I believe I was.

CHAIRMAN MONTANO:

So why don't you explain this to us.

LEG. NOWICK:

Well, I probably can't explain it, but what I'm thinking what Pam is trying to say is, when you say we don't pay taxes, I think that's on -- I would say on the building that we own, we don't pay taxes. I think what you're saying is if we takeover somebody's property, and I might be wrong at this, then that's a different story. Is that what you're saying?

DIRECTOR GREENE:

Correct.

LEG. NOWICK:

But then we still have to pay the school taxes and the town taxes and everything else.

DIRECTOR GREENE:

When the tax lien matures to a tax deed and goes into the County inventory we are still responsible for that tax [bill|Bill] to all those other municipalities. We make everyone else whole.

LEG. NOWICK:

But as far as a building like this --

DIRECTOR GREENE:

Correct.

LEG. NOWICK:

-- that we own, that's a government building and that's a different story. Correct?

DIRECTOR GREENE:

Correct.

LEG. NOWICK:

We don't pay school taxes on this building.

DIRECTOR GREENE:

Correct. It wasn't taken for the purposes of a tax lien.

LEG. NOWICK:

Okay. And, just quickly on this particular piece of legislation, what is the amount to make the County whole?

DIRECTOR GREENE:

It's approximately \$6,353. That amount is good up until May 31st. So it will change.

LEG. NOWICK:

And then it goes up. Oh, that's right, yes, May 31st. That will be the end. And then there's a new -- then the tax warrant and then we start all over again. So basically that's the norm that the -- we would have to make up the money to the taxpayers.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

I just want to add, so when we take the property, and I have a better handle on it now, we're sort of holding it in trust because we haven't sold it yet and we are maintaining the taxes, school taxes, etcetera, but we are made whole when we sell that property in auction.

DIRECTOR GREENE:

That's certainly our intent and our expectation.

CHAIRMAN MONTANO:

And then at that time we would, under the bill that I sponsored years ago, we would revert some of the equity over and above our cost to the homeowner if it were --

DIRECTOR GREENE:

If it were improved.

CHAIRMAN MONTANO:

-- if it were a residential property.

DIRECTOR GREENE:

Improved residential, owner occupied more than five years.

CHAIRMAN MONTANO:

Right. But from that amount, from whatever we had to give back, we would take our taxes we laid out, we would take the interest that accumulated and we would also charge the penalties. Am I correct?

DIRECTOR GREENE:

We would collect everything that has been incurred including any maintenance costs incurred by inventory.

CHAIRMAN MONTANO:

And administrative costs. Exactly. So we are made whole at some point in the process if we sell the property at auction.

DIRECTOR GREENE:

We try to do that; yes.

CHAIRMAN MONTANO:

And sometimes we make a couple of dollars on the side. Right?

DIRECTOR GREENE:

Those were the days, my friend.

CHAIRMAN MONTANO:

Okay. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Just out of curiosity, I'm not suggesting that this is a path that we follow, but we have two choices really before us. One is for a nominal amount to make the transfer and the other is for the back taxes. Does the Department or does the Executive branch or does the Administration or does this Legislature have the authority under the law to bargain that number? It is only either a dollar or the \$6,000? Is there some discussion to be had on meeting some place other than those two numbers? How would that process work if it's at all possible?

DIRECTOR GREENE:

I believe that would be the prerogative of the Legislature in instances where there are properties that are undesirable for County purposes such as a sump or a roadway that has been taken for County -- through County taxes that the Inventory Unity does not wish to have and realizes will never be desirable at auction. In those instances we ask the towns to please take them for a dollar to get them out of inventory and to stop the bleeding on behalf of the County.

CHAIRMAN MONTANO:

Pam, when we transfer the property to the town, does the town now pay the taxes?

DIRECTOR GREENE:

No, because the town or another municipality is now tax exempt.

CHAIRMAN MONTANO:

Okay. So we lose the revenue from that property forever.

DIRECTOR GREENE:

We lose the County investment, which is now a deficit. And we lose any anticipated gain from the future sale, which was anticipated at auction.

CHAIRMAN MONTANO:

Gotcha. Thank you.

DIRECTOR GREENE:

You're welcome.

CHAIRMAN MONTANO:

All right. Any other questions? Now, do we have a motion on this, Renee?

MS. ORTIZ:

We do not, no.

CHAIRMAN MONTANO:

We're just going to -- we're not going to leave the room, but we're going to turn our mic's off, take a two minute recess.

[*A RECESS WAS HELD FROM 10:30 A.M. UNTIL 10:33 A.M.*]

CHAIRMAN MONTANO:

All right. We're going to go back on the record. We don't have a motion yet on this. For the purposes of further discussion I'm going to make a motion to approve, I would need a second.

LEG. NOWICK:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Nowick. Are there any other motions? All right. Now, for discussion, Legislator Anker, did you want to address this issue?

LEG. ANKER:

Yeah, I mean, I remember working on it when I was in the Town of Brookhaven with Bob and they were really struggling and doing their best to create a better place for their residents with their village. Again, this is, again, it was nice hearing the effort that you're putting in to your community. And as a former civic member and also on the board of Mt. Sinai Civic and ABCO it's not easy and a few dollars helps. And considering how much money, you know, we've invested in our County, the amount of money that's being asked to being given out, which is the \$6,353, I think would be important for your village to be able to acquire that property.

So again, there's a situation here where, you know, we don't want to open the doors to create a flood of situations like yours, but I think your situation is unique. Mastic Village is kind of in its infinite stage of becoming a very strong village. And I, you know, I do support the County supporting you in your efforts. And I think this will be a very important discussion at our Legislature meetings. So I do want to thank you.

CHAIRMAN MONTANO:

Well, I'm glad that we're having this discussion. And the problem that I have with the bill is that

there are many villages throughout the County and we have had a policy, which I believe has been used almost its been almost consistent, I think there may have been some particular circumstances where we had waived that, but we as a County also face tough economic times, probably the toughest economic times in my 30 years of being in Suffolk County, even when I worked with the County. And I don't feel that the precedent that we would be setting today is a good precedent under the circumstances.

So I am in good conscious not able to support the bill. Well, I'm able to support this one, I'm not able to support the transfer for a dollar because it's not being used for affordable housing purposes, which is our normal policy. I understand that there may be one other bill that -- or we've done this one other time and I believe that also was sponsored -- they're trying to pull it up. Don't remember why it was done. I believe the sponsor on that was Legislator Browning also. Right. And, you know, my position is that I will not support the transfer for a dollar. However, we may be at a logjam here because we have four Legislators and if we vote to approve and we only get two and we vote to table and we only get two; both bills are going to die.

So I think we can either put this on the side and wait for Legislator Kennedy to show up. Is that all right? Or do you want to just -- the resolution that you passed -- Mr. Morrow, could you come back up? I mean, we hate to do this but the resolution that the village passed to receive the property only implies to bill 1205 not to 1085 because 1085 would require you to pay the back taxes.

MR. MORROW:

That's correct.

CHAIRMAN MONTANO:

So there's no sense in passing this out of committee because you would need to go back to your board of trustees and make a decision as to whether or not, assuming the Legislature passes 1085, whether or not you'd be willing to pay the amount of money for the back taxes to make the County whole. And you said that, Pam, right now it's 6363 or 6353, but that figure is going to go up soon? And by the way, if it goes up and then we sell it, does it get prorated?

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

So it's not going to go up, in other words, it's probably double but if we sell it -- if we sell it like maybe in June at the next meeting, then it'll only be prorated taxes up to the time of sale. Am I explaining that correctly? Why don't you come up. All right. We're going to move on. There's a motion to approve and in the interim, sir, you'll have to speak with your board of trustees to make a decision on what it is that the village wants to do. Okay. We're going to take vote then. Go ahead, Mr. Morrow. Legislator Stern.

LEG. STERN:

Sir, in the resolution that your board had passed, does it indicate what the use is going to be?

MR. MORROW:

Yes. Our hope is to have -- there's a home up on Montauk Highway in front of Kohl's shopping center, it's called the Petty House. It's a small home that was built back in the 1700's. It was part of the Floyd Estate. It's up there now, if you were to drive passed it, it stands out in front of the Kohl's shopping center. It just looks like an abandoned construction shack actually because of its siting, you know, where it is. It's just doesn't look -- we've talked to Mr. {Learner} who owns the Kohl's shopping center and he said he would be in favor of moving it down to the Village of Mastic Beach. We've spoken to Brookhaven Town Supervisor, Mr. Lesko, he said he would have no

problem if we wanted to do that.

And, you know, so our hope is to bring that down and Flower Road is just about the entrance to Neighborhood Road, which is our commercial district. And that would be -- we would hope to man it by volunteers from our historical society to meet and greet folks who would be coming down into the village to find out about Mastic Beach and historical significances such as the Floyd House, Manor of St. George and so on. That would be our hope, sir.

LEG. STERN:

So the purpose would be to use it as a -- it would be an attraction. Is that what it is, a historical site?

MR. MORROW:

Historical, yes, sir.

LEG. STERN:

Okay. But there -- would it be utilized in any way for governmental or official purposes?

[Legislator Kennedy has entered the meeting]

MR. MORROW:

Only for the point of being a welcoming center for people coming into the community.

LEG. STERN:

Got it. Thank you.

CHAIRMAN MONTANO:

John, welcome. You came in just at the right time.

LEG. KENNEDY:

Hello, Mr. Chair. Sorry I'm late.

CHAIRMAN MONTANO:

With respect to the -- John, we just had an extensive discussion about resolution 1085, which is the sale of County owned real estate pursuant to 72-h to the Village of Mastic Beach. This was tabled at the last meeting.

To summarize, just to explain succinctly what we discussed. We have two bills, one is to sell the property -- to transfer the property, but the village would have to pay the back taxes, which are approximately \$6,300. That I understand from, Pam Greene, is our standard procedure when we transfer real estate. The other bill is 1205, which we haven't gotten to yet. That's the same bill except for the fact that the property would be transferred for the sum of one dollar.

Now, I'm told by Counsel that 1085, the purposes outlined in the County Executive's bill do not reflect the statements made by Mr. Morrow as to the intended use of property. Counsel, you want to put that on the record?

MR. NOLAN:

Well, yes. Back in mid April we amended Legislator Browning's to reflect the village's intent to move a building and basically have a museum and/or visitor center. So the approved purposes for the property was changed to reflect that. The County Executive's bill talks about open space or park purposes. So it's not clear to me that the County Executive's resolution reflects what the village actually intends to do with it. So that may be a potential problem with moving the County

Executive's bill out of --

CHAIRMAN MONTANO:

Is that a substantive change that would require an amendment?

MR. NOLAN:

It's going to require an amendment; yeah.

CHAIRMAN MONTANO:

Well, if it's going to require an amendment, then we're going to table it. I'm going to make an -- I'm going to withdraw my motion to approve. I'm going to make a motion to table.

LEG. KENNEDY:

Mr. Chair, you know, late on the issue and certainly I apologize, and I'll be happy to be ahead and go with the tabling. The only thing that I would like to take from this dialog and I did have a brief conversation with the sponsor this morning and I'm sorry I didn't get a chance to hear one of the trustees, I know Mr. Morrow is here; I'll take it upon myself.

The standard practice may be that the County does not ordinarily transfer property over to municipalities other than for whatever it is, workforce housing or the other items that have a very dedicated purpose. But it also occurs to me that I think we're probably presented with unique set of facts here in that this village is newly created. The last time I think that there was a village created in the County of Suffolk was probably the Village of Islandia back in the late 70's or the early 80's.

CHAIRMAN MONTANO:

The early 80's.

LEG. KENNEDY:

Right. So what I would say to committee and -- no, but my point is, Mr. Chair, is that we are again presented with something that's somewhat unique in this effort on behalf of the sponsor to covey. Look, times are tough, we sat here yesterday we heard about our huge, huge -- our budget deficit. And 6,000 is 6,000. But I think I'll try to report back to the committee what my research is able to prove out to see is this generally a unique circumstance being presented to us. Because that's the same argument that you recall, Mr. Chair, that I brought forward for our position creation. I do not want to establish a precedent that other entities would try to follow. And it's very important for us to set bright lines. But there may, there may be some underlying circumstances here and, you know, I'll leave at it that.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Yeah, I agree with Legislator Kennedy that we should not be setting such a precedent here, but that there might be circumstances going forward that do call for that type of a transfer for nominal consideration particularly when you're dealing with other levels of government. As Ms. Greene points out, whether it's for affordable housing or if there is a property that doesn't bring such a fair market value or any kind of a real use for a community; a sump property, that type of a thing where the use might be municipal in nature, I don't know if what we're looking at here fits that. There is no set precedent for that so it really comes down to a decision that we're going to make here. But as we're continuing the discussion and although I applaud the efforts of the municipality and what they want to do here, are we talking about a municipal use, I just don't know if it rises to that level.

CHAIRMAN MONTANO:

Okay. There being no further discussion, I withdrew my motion to approve. I made a motion to table because the bill as written would need to be amended to reflect the transfer. So can we have a vote. All in favor? No other motions. All in favor? Opposed? Abstentions? The motion carries to table. **Tabled (VOTE: 5-0)**

Mr. Morrow, I would ask you to go back to the board of trustees and discuss with them what, you know, what transpired here and we will take up both bills at the next hearing because -- unless 1205 gets passed, which I don't know yet. I don't think so. But I'm not certain.

If you have any questions and would you also do me a courtesy of sending me copies of the resolutions that the village passed.

MR. MORROW:

I will, sir.

CHAIRMAN MONTANO:

All right. And what I would probably suggest is that you, you know, you may want to consider passing, you know, resolution A and resolution B depending on which way the Legislature votes then you can be ready. I don't think that would be inconsistent. Am I correct, Pam? You can just nod. You don't know; okay. It doesn't matter.

All right. With that, if there's any further issues, just please contact my office and I'll relay, you know, whatever information to the other members of the committee.

MR. MORROW:

Thank you, sir.

CHAIRMAN MONTANO:

Thank you. I just want to go back, resolution 1010-2011. I went over it because I have it as withdrawn. But I don't think I officially noted for the record that it was withdrawn. Am I correct on that; Counsel?

MR. NOLAN:

It's my understanding it's withdrawn.

CHAIRMAN MONTANO:

It's withdrawn by the sponsor. Okay.

Moving onto **1133 - Adopting Local Law No. -2011, A Charter Law to strengthen County Legislature oversight of departments, offices and agencies. (Romaine)** I'm going to make a motion to table, I need a second. Second. Is there any discussion on this?

LEG. KENNEDY:

Mr. Chair, my recollection from last meeting was that we had two resolutions that Legislator Romaine had sponsored. Both of them had to do with operations. In one case we were talking about furnishing of reports. I'm just not -- he didn't amend it?

MR. NOLAN:

No he did. It was amended.

CHAIRMAN MONTANO:

Why don't we get an explanation from Counsel with respect to the bill. Is that all right, Legislator?

LEG. KENNEDY:

I welcome it. Thank you, Mr. Chair.

MR. NOLAN:

Well, at the last meeting -- this is the bill that required departments, County departments that are audited or overseen by federal/state agencies to -- if they get a report that they should file it with the County Legislature so that you are aware of that. Legislator Montano raised a concern that it should only apply to final reports and not interim reports and Legislator Romaine did make that change in the bill. So that's why it was tabled and that's where it is right now.

LEG. KENNEDY:

So, Mr. Chair, based on our dialogue and if you recall I think Mr. Brown came forward from the administration and had that same concern that you did that we not put a burden on departments to have to put idiom material out there but that in fact we make sure that we codify this as to only final audits from any oversight or supervising agencies. You know, the sponsor did go ahead, make that change that we had discussed last time around.

So based on that I'm going to make a motion to approve because I think this sends a good and important message out there that we need to have that audit material before us and that's it not a courtesy we want it permissive. We want to get it when it's released. So I make that motion to approve.

CHAIRMAN MONTANO:

My motion was to table. Right? Did we get a second on that? Okay. So we don't have a second on that. We have a -- Legislator Anker had second the motion to table. We have a motion to approve with a second by Legislator Nowick. And I'm going to pull up the resolution again. The changes with respect to the final -- the language in the final audit were actually implemented or final.

MR. NOLAN:

Right. The language was added that it should be final reports -- findings, determinations, but that language was added for the final reports only.

CHAIRMAN MONTANO:

I'm online right now looking at the bill. Okay. I'm going to -- based on Counsel's representations and the fact that it's in the bill, the issue that I had and that we discussed seems to have been rectified. So I will withdraw my motion to table. All right. So we have a motion to approve and a second. All in favor? Opposed? Abstentions? Motion carries. **Approved. (VOTE: 5-0)**

IR 1205 - Sale of County-owned real estate pursuant to Section 72-H of the General Municipal Law New York State (SCTM No. 0209-024.00-02.00-026.000). (Browning) I'm going to make a motion to table so that we can bring this back and clarify the issues. And if I get a second. Do I have a second?

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

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

LEG. STERN:

Yeah, thank you, Mr. Chairman. It's just good to go back and maybe just reiterate the point that I was trying to make before. I have in front of me a resolution that we had passed earlier. This was

1081 of 2008. Similar circumstances and a transfer that was made. But in the bill it shows here that the underlying purpose of the transfer was in fact for municipal purposes. This happened to be -- developed into a municipal parking lot in Mastic. And I think that goes to the idea that Ms. Greene was making before that although there might have been something that had been done in the past you have to look at the property and the purpose for what it's going to be used for and it's -- you know, it has its own unique set of circumstances. So I look to see here what was done earlier and it does look like there was a transfer made. It was for a municipal purpose. So, again, based on my comments from before I'll support the tabling motion.

CHAIRMAN MONTANO:

Any other motions? Any other discussion? All in favor? Opposed? Abstentions? Motion to table is approved. **Approved (VOTE: 5-0)** We'll take these up at the next meeting, Mr. Morrow.

IR 1243 - Adopting Local Law No. -2011, A Local Law to Prohibit Certain Language in County Contracts. (Romaine)

LEG. KENNEDY:

Mr. Chair, for the purposes of some discussion I think we can keep it brief. I'll make a motion to approve. I just want to hear from the administration. Again, we had an extensive discussion at our last cycle. This refers to some language that has to be embedded in all contracts that makes reference to -- my recollection is it makes reference to the fact that the County Executive has to be named on all material. But also there was a review requirement for any documentation, pamphlets, notifications that are put out by contract agencies. And we did have some dialogue.

MR. KOPP:

First, there was no --

CHAIRMAN MONTANO:

Eric, hold on. Do we have a second on that motion? For purposes of discussion, second by Legislator Nowick.

LEG. KENNEDY:

Thank you, Mr. Chair.

MR. KOPP:

Yes, just to refresh everybody's recollection, there was no dispute over letter E on here, which involved the name of anybody. We had some discussion about letters F, G and H. I have twice spoken with Mr. Faulk of Legislator Romaine's Office over the past two weeks and we were trying to see if we could craft some standards to apply to F, G and H based on the size of the contract, but unfortunately I've not heard back since our last discussion so I don't know what the Legislators --

LEG. KENNEDY:

The dialogue that we asked for the last time around did in fact occur and so there's been some back and forth.

MR. KOPP:

Yes, I've not spoken to the Legislator about it, I've spoken to Mr. Faulk on his staff twice.

LEG. KENNEDY:

No, I understand. I understand. He was out of the office. He was quite ill as a matter of fact for about eight for ten days. So I know he wasn't able to go ahead and make some of those direct contacts. Since there's dialogue, I'll withdraw my motion to approve and make it a motion to table.

CHAIRMAN MONTANO:

I'll second that. All in favor? Opposed? Abstentions? Motion carries. The bill is tabled.
Tabled (VOTE: 5-0)

IR 1246 - Adopting Local Law No. -2011, A Local Law mandating compliance with financial disclosure requirements. (Cooper)

LEG. KENNEDY:

Mr. Chair, that was one of the items that I was attending to this morning. As a matter of fact, I made a contact yet again to the District Attorney's Office following the discussions that we had two weeks ago. I will take full responsibility. I have played some phone tag with the Chief Deputy, with Mr. Heilig. I have not been able to have the conversation regarding this filing requirement. I don't know what the status of the District Attorney's investigation is regarding the operations of the Ethics Commission.

I would ask the committee to go ahead and table one more time because what I can say with a hundred percent certainty is that the Suffolk County District Attorney is actively investigating the operations of the Suffolk County Ethics Commission as it has occurred up to this time. Each and everyone of us has received our financial disclosure. We have an affirmative obligation to file by May 15th. I don't think there's any ambiguity there. I think it's pretty clear. And I think the lion's share of the 600 plus County employees that are impacted by this will do the same thing that they've done, in my case, for the last 28 years. I don't think that we're promoting any confusion or any ambiguity by waiting for one more cycle. By the same token, as I've often said, it's a prosecutor's role to prosecute. It's our role to make policy and I think -- I believe it's prudent to defer to him.

CHAIRMAN MONTANO:

Okay. Just for the record did you have an opportunity to review the report that was issued this month by the Ethics Commission, the annual report?

LEG. KENNEDY:

No.

CHAIRMAN MONTANO:

Actually it wasn't an annual report. I think the legislation requires an annual report, but the report was from 2007 until 2011. So it really was three years combined.

LEG. KENNEDY:

I've not seen that document.

CHAIRMAN MONTANO:

All right. I think you should take a look at it. It's public information. We have a copy in our office. I read the report and in the report, I don't have it in front of me but it makes the statement and, Bob, correct me if I'm wrong, that somehow what was incorporated into the report was a statement that Counsel for the Ethics Commission said it was okay for some public officials not to file the County form because of the General Municipal Law. And I believe, and I'm not going to get into that further --

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

-- I disagree with that.

And also I am aware that the County Attorney's Office has entered into a contract with Steve Leventhal. And that was the money, the \$80,000 that we appropriated for an independent counsel. And, if you recall, Mr. Leventhal was the attorney that came before the Legislature. That to me raises some issues, which I'm not going to get into here because I understand, you know, your statement about the -- what the District Attorney is doing and I don't think we should, you know, air this. But I'll ask you all to read that report and then we can discuss this further. I'm going to second -- did anyone second the motion to table?

MS. ORTIZ:

No.

CHAIRMAN MONTANO:

All right. That'll be second by Legislature Anker. And with that, you know, I don't know if the County Attorney wants to come in here, but I'll say very clearly that the bill that I sponsored for an independent counsel did not contemplate the actions that are being undertaken at this moment, particularly with that contract. And I have a copy of the contract on my desk and I have not read it fully, but I will get through it.

LEG. KENNEDY:

Mr. Chair, I welcome the suggestions. I'll make certain that we get a copy of that report and I will go through it within the next day or two.

More importantly, I'm going to echo vociferously the statements that you've made about establishing the independent counsel. Like you, I had grave concerns, that in fact we were not having arms length advice and effectuating the independence that this Ethics Commission clearly was set up to have when it created by operation of County law. And I will join you, if in fact Mr. Leventhal has been retained, in sponsoring a resolution to terminate that contract. Because absolutely, positively he cannot advise that Ethics Commission in an arms length independent matter when he sat repeatedly before us to go ahead and uphold and legitimize the filing that was done of a state form by the County Executive. So I'll be glad to do that.

CHAIRMAN MONTANO:

And I made those -- I've directed those statements to the Office of the Comptroller. I understand that that contract was a contract that was done pursuant to this waiver committee or this waiver process and I haven't fully gotten down to the bottom of what happened, who did what, when and where. So having said that, we have a motion to table. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0)**

IR 1256 - Adopting Local Law No. -2011, A Local Law expanding legal representation of County employees. (Lindsay) And I believe that we need to table this for a public hearing, I will make the motion. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion to table is approved. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1267 - Dedicating certain property in Yaphank as County parkland and authorizing its transfer to the Suffolk County Department of Parks, Recreation and Conservation for open space preservation. (Browning) I have a note here that -- this bill is sponsored by Legislator Browning, but I think Commissioner Anderson had some comments to make on that. Is that

correct, Commissioner? For purposes of discussion I'm going to make a motion to table, I would like a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Okay. For purposes of discussion go ahead, Commissioner. How are you?

COMMISSIONER ANDERSON:

I'm well, thank you.

CHAIRMAN MONTANO:

Good seeing you again.

COMMISSIONER ANDERSON:

And thank you for the opportunity to speak. I'm here to express my concerns and speak against IR 1267. The legislation would transfer the property that the Department of Public Works is situated on to parkland. This will eliminate our ability to expand our operations in the future and maintain a consolidated program.

In 2005 the County completed a study of both the Yaphank and Hauppauge complexes. This plan noted expansion of our facilities for highway maintenance and vector control purposes. During discussions with staff I was advised that even prior to this a plan from the 80's or 90's existed to build a County office building at the northwest corner of our site. Obviously plans change.

I would also like to remind you that there are two ongoing studies currently going on. The Carmans River Study, which is in the draft stage and the GEIS for the Yaphank County Center. At the very least discussions on this resolution should hold off until these two studies are complete and I would ask that this legislation be tabled.

CHAIRMAN MONTANO:

Are there any questions from anyone on the committee? Any comments? I know that Counsel wants to make a statement for the record, Commissioner Anderson. Counsel.

MR. NOLAN:

I know that Legislator Browning wanted this resolution to be tabled because she is attempting to cut out the part that is -- DPW is now located and I think Planning is assisting her with that to get a map. So it has to be tabled. The other questions that the Commissioner raises we have not discussed but the committee should be aware of that.

CHAIRMAN MONTANO:

Okay. We have a motion to table and a second. Correct, Renee?

MS. ORTIZ:

Yes.

CHAIRMAN MONTANO:

Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0).**

COMMISSIONER ANDERSON:

Thank you.

CHAIRMAN MONTANO:

Thank you, Commissioner. Good seeing you again.

IR 1284 - Approving list of Title Insurance Companies as designated by the Division of Real Property Acquisition and Management. (Co. Exec. Levy)

LEG. KENNEDY:

I would ask for one more tabling, Mr. Chair. I did draw up the correspondence to the County Attorney's Office to talk about selection process; criteria was put into place. I did see that we had an amended list. We have about eight or nine abstract companies. What other questions I had personally on this I will have resolved by the next cycle.

CHAIRMAN MONTANO:

Well, I know this is your area of expertise. I will second the motion. Any other motions? All in favor? Opposed? Abstentions? Motion to table carries. **Tabled. (VOTE: 5-0)**

The next series of resolutions are eligible for placement on the consent calendar so I'm going to make a motion.

INTRODUCTORY RESOLUTIONS

IR 1310 - Authorizing certain technical correction to Adopted Resolution No. 92-2011. (Co. Exec.) I'll make a motion to approve and place on the Consent Calendar. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any discussion? Counsel? We're good on this. Right?

MR. NOLAN:

Point change.

CHAIRMAN MONTANO:

Point change. All in favor? Opposed? Abstentions? Motion carries. **Approved and Placed on the Consent Calendar (VOTE: 5-0).**

IR 1313 - Adopting Local Law No. -2011, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors. (Schneiderman) And I believe on this one the public hearing is still open. I'll make a motion to table for a public hearing, I need a second. Second by Legislator Anker. Any discussion on this? All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1314 - Adopting Local Law No. -2011, A Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fundraising. (Romaine) It has to be tabled for a public hearing, I'll make the motion. Why would we ban improper practices? Aren't by their very nature if they're improper they're already banned? But I still need second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Any discussion on this? Come on guys, we can have fun with this. All right, seriously. All in

favor? Opposed? Abstentions? We have to table public for public hearing anyway. So we'll take this up on Tuesday. All in favor? Opposed? Abstentions? Again, motion carries. The bill is tabled. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1316 - Creating a Bipartisan Commission to recommend a system of public campaign financing for County elections. (Cooper) This doesn't need a public hearing. Does it?

MR. NOLAN:

No. It's a resolution.

CHAIRMAN MONTANO:

Okay. Do we have a motion on this? First of all, why don't we -- does anyone want an explanation of the bill?

LEG. NOWICK:

Yes.

CHAIRMAN MONTANO:

All right. Counsel, will you provide the explanation?

MR. NOLAN:

Well, it sets up a bi-partisan group made of the County Executive, Presiding Officer, majority leader, minority leader, representative from Budget Review Office, the County Executive's Budget Office and two representatives of good government groups. And their charge is to make a recommendation to this Legislature about developing and implementing a system of public financing for Suffolk County elections. And in the resolution it sets for some parameters for the commission. One, that they should assume that all political parties would be eligible for public financing. The commission's supposed to recommend objective criteria that all candidates would need to satisfy in order to receive public financing. And the commission will make a recommendation as to the best method or methods of funding such a system of public financing. The commission has six months to issue their recommendations to the Legislature.

CHAIRMAN MONTANO:

All right. This committee is composed of seven, eight individuals.

MR. NOLAN:

That would be eight because there are two good government representatives, yeah.

CHAIRMAN MONTANO:

Do we have a motion, Renee?

MS. ORTIZ:

No.

CHAIRMAN MONTANO:

All right. We have a motion to table. Quite frankly -- we have a motion by Legislator Nowick to table, I'm going to second the tabling motion. Any discussion on this? I mean, I know it's a commission we rarely do not proceed with commissions, but, you know, we've been down this road before. And in light of everything that's happening, in light of the, you know, the pending -- the statements that were made by Legislator Kennedy earlier about, you know, the investigations that are taking place in light of what we read in Newsday, I'm not so sure that we need this at this time. I think these issues will be addressed when all the facts come out and we're in a better position to know what was done, by whom and what was done right and what was done wrong. So I don't

know that we need this commission. So at this point I'm not prepared to support it. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. I mean, I look at this legislation without any particular facts or circumstances that may or may not have occurred. I look at this resolution going forward. And is this a discussion that we should have? I think it is. I think it's an important conversation to have. Ultimately what we decide to do as a Legislature and as a County remains to be seen, but I'll support having a meaningful conversation going forward.

CHAIRMAN MONTANO:

We have a motion to approve, second by Legislator Anker. The motion to table goes first. Any other discussion on either motion?

LEG. NOWICK:

Just on the motion to table.

CHAIRMAN MONTANO:

On the motion to table, Legislator Nowick.

LEG. NOWICK:

Yes, just on the motion to table, yes, it is good to have a meaningful conversation about this. But I will say another commission with representatives from the Legislature giving their opinion to the Legislature about public campaign financing; it sounds like a good thing but I think we went down this road many years ago before I was at the Legislature. I think that the great idea came up to have public campaign financing for County elections through the tax -- when the tax bills went out and I think that we lost so much money in the interim.

Our system is not a bad system and I think that a conversation is always a good idea but another commission may be just -- I'm afraid they're just spinning their wheels and taking up time. That's my only concern and that's why the tabling. Certainly I wouldn't be opposed to any really good ideas. But here we have another commission and I don't think we need it.

CHAIRMAN MONTANO:

Yeah, and -- any other comments? Legislator Anker.

LEG. ANKER:

Again, I'm new here and becoming familiar with how the process works. But the point is we need to start the process and this is create a framework, foundation of moving forward. And, again, I would love to hear some ideas too, but if this is going to at least start the process and this number one, is not, I'm assuming, not costing the County any money, is any of -- none of these people are being paid. Okay. I think we do need to start the process of reform, campaign finance reform. So, again, I would like to see this move forward.

CHAIRMAN MONTANO:

I don't disagree that we should have a discussion, but I would pick up what Legislator Nowick said, this is -- the County Executive or his designee talking to the Presiding Officer or his designee, I'm not even sure we're communicating all that great. This is us talking to ourselves again. I think that this discussion, you know, if it's going to be had should be had by people that maybe are looking from -- that are looking at the system from the outside. We do have two members from good government organizations but everyone else is a political appointee. I just don't think, you know, with our budget issues coming up, with everything that's swirling around, that we need another commission. If it passes, I have no issue with it whatsoever. I'm not on the committee so

I don't have to do the work. But I don't think that we need it. So I'm going to vote again it and, you know, let's see how the committee feels.

LEG. NOWICK:

You know what, Legislator Montano, that might be a good way to go about this, which would satisfy all of us. Rather than, I remember when Legislator Horsley and I made up the committee for the Heroin and Opiate Advisory Panel. Somebody said to me, are you going to put in designees from minority/majority, County Exec? I said no. It's going to be the experts in the field. And P.S., that committee has done quite the job.

So maybe if this could be amended to put more -- I don't know who you would put in there, but other than us; because our designees are us talking to us --

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

-- as you say. But it's a great idea if we could just fill in some slots with maybe League of Women Voters. Different people that are really interested and really care.

CHAIRMAN MONTANO:

Right.

CHAIRMAN MONTANO:

Not that we don't care.

CHAIRMAN MONTANO:

You know, to me this is, you know, we have met the enemy and he is us. And the problem here is that I think we need more outside groups whether it's common cause, whether it's, you know, truly bipartisan, apolitical, which I think is an important characteristic. No matter how you slice it the majority leader is a -- we're all politicians so, you know, while we're not strictly partisan, we're not apolitical. I think that something like this really should come in, you know, from a broader perspective.

So lets take a vote. We have two motions, Renee, one to table and one to approve. So we'll go with tabling first. All in favor? Opposed? I'm in favor tabling. John, do you have a position?

LEG. KENNEDY:

I'm in favor --

CHAIRMAN MONTANO:

Favor of tabling. No? No?

LEG. STERN:

Yeah, no. Opposed.

CHAIRMAN MONTANO:

Yes, we have four to table, one opposed. **The motion to table carries.**

(VOTE: 3-2-0-0 - Opposed: Legislator Anker and Legislator Stern) Maybe the bill will be amended and we can take it up at the next meeting. Yeah.

Oh, I'm sorry. I got a missed vote. It's three to two. We have Legislator Stern and Legislator Anker are opposed to tabling. Kennedy, Montano and Nowick were in favor of tabling.

IR 1318 - Authorizing certain technical corrections to Adopted Resolution No. 119-2011. (Co. Exec. Levy) I'll make a motion to approve and place on the consent calendar, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1327 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Larry O. Stoddard, Jr. (SCTM No. 0200-453.00-03.00-009.000). (Co. Exec. Levy) I believe we can place this on the consent calendar. Same motion, same second, same vote. Any discussion? All in favor? Opposed? Abstentions? Motion Carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1328 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Cesare Mandelli (SCTM No. 0900-148.00-02.00-023.000). (Co. Exec. Levy) Same motion, same second, same vote. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1329 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maia Rubin (SCTM No. 1000-023.00-01.00-017.000). (Co. Exec. Levy) Again, same motion; that is to place on the consent calendar -- approve and place on the consent calendar. Same second. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

Looks like IR 1330 was withdrawn. Okay. For the record, it's withdrawn, Renee.

IR 1331 - Authorizing the sale -- (and that was withdrawn by the sponsor. Right?) Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Horseblock Equities, Inc. (SCTM No. 0200-700.00-03.00-004.000). (Co. Exec. Levy) Again, same motion, same second. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1332 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Freedom Beach, LLC by Donna Lanzetta, member (SCTM Nos. 0900-386.00-01.00-014.001 and 0900-386.00-02.00-014.001). (Co. Exec. Levy) This is eligible for the consent calendar. Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1333 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ramon T. Paguada and Miriam L. Paguada, his wife (SCTM No. 0200-824.00-03.00-038.000). (Co. Exec. Levy) Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1341, I believe that that was withdrawn, Legislator Kennedy?

LEG. KENNEDY:

No, we didn't withdraw it, Mr. Chairman.

CHAIRMAN MONTANO:

Okay. **IR 1341 - Declaring Yaphank property surplus and authorizing its sale at public**

auction. (Kennedy)

LEG. KENNEDY:

I purposely left this in. I know we passed the Presiding Officer's bill, which encompassed this legislation. We anticipated that there would be a veto by the County Executive; that hasn't occurred at this time.

CHAIRMAN MONTANO:

Okay.

LEG. KENNEDY:

Therefore, I'll make a motion to table 1341.

CHAIRMAN MONTANO:

I'll second that. Any other motions? Discussion? All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0)**

IR 1347 - Authorizing a certain technical correction to Adopted Resolution No. 127-2011. (Co. Exec. Levy) Pam, I believe that we have some questions on that. My notes indicate that it's eligible for approval and placement on the consent calendar, but would you explain exactly what we have here.

DIRECTOR GREENE:

We're changing the wording of the resolution from what was presented previously to be transferred via quitclaim deed to a bargain and sale deed.

CHAIRMAN MONTANO:

All right. That amendment has been put in the bill?

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Okay. So does anyone have any questions?

LEG. KENNEDY:

I do.

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

Who's doing the conveyance, Pam? We're conveying and we're doing it with representations?

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

We don't usually do it with representations, though. Do we?

CHAIRMAN MONTANO:

Nope.

DIRECTOR GREENE:

Yes.

LEG. KENNEDY:

Yes, we do usually; or, yes, no, we don't usually?

DIRECTOR GREENE:

Yes, we usually do it with a bargain and sale deed in this instance.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

This instance.

LEG. KENNEDY:

We're not making representations beyond anything that you're not comfortable with.

DIRECTOR GREENE:

It's a direct sale. We're transferring it to adjacent owner.

LEG. KENNEDY:

Ah-ha.

DIRECTOR GREENE:

And we are providing our bargain and sale deed to do that conveyance.

LEG. KENNEDY:

We have clean title. It was not that that was done during that time that we had to undermine or compromise. We have no encroachments. There's good representation across the board.

DIRECTOR GREENE:

Yes.

LEG. KENNEDY:

Okay, good. Thank you.

CHAIRMAN MONTANO:

Pam, I just want to follow Legislator Kennedy. My understanding was that we usually do these by quitclaim. And I'm not sure. And, what you said was -- was well worded. *We usually do in this instance.* I'm not sure I understood that. Do we usually do it by bargain and sale deed or are we doing it in this instance?

DIRECTOR GREENE:

This is a direct sale. Those are done with bargain and sale deeds.

CHAIRMAN MONTANO:

Okay. All right. We have motion to approve and place on the consent -- wait a minute, Counsel, do you have any comments on that? Motion to approve and place on the consent calendar. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Legislator Stern. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **Approved and place on the Consent Calendar. (VOTE: 5-0)**

IR 1348 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael R. Trifari (SCTM No. 0200-552.10-06.00-020.000 f/k/a 0200-988.90-06.00-020.000) (Co. Exec. Levy) Same motion, same second. Any other motions? Any discussion? All in favor? Opposed? Abstentions? Motion carries and that's to put on the consent calendar, Renee, and the others will probably follow. **Approved and place on the Consent Calendar. (VOTE: 5-0)**

IR 1349 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Raymond J. Ruffino (SCTM No. 0100-179.00-03.00-053.000). (Co. Exec. Levy) Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and place on the Consent Calendar. (VOTE: 5-0)**

IR 1355 - Authorizing certain technical corrections to Adopted Resolution No. 189-2011. (Co. Exec. Levy) Same motion, same second. Quick explanation, Counsel.

MR. NOLAN:

It's a change of a point number in a capital project.

CHAIRMAN MONTANO:

Here we go. Any other motions? Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and place on the Consent Calendar. (VOTE: 5-0)**

IR 1356 - Authorizing certain technical corrections to Adopted Resolution No. 106-2011. (Co. Exec. Levy) Same motion, same second. Counsel.

MR. NOLAN:

It changes the amount of state and federal funding we're accepting in connection with the capital project. Upwards.

CHAIRMAN MONTANO:

Any other motions? Any discussions? All in favor? Opposed? Abstentions? Motion carries.

IR 1371 - Adopting Local Law No. -2011, A Local Law to impose new limitations on the future employment of County officers and employees. (Muratore) We have to table this as I explained, Legislator Muratore, for public hearing. I'm going to make the motion, I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Thank you for coming to the meeting. Is there anyone on the committee that would like to speak on this? Hearing none; we usually allow committee members to speak first and then those Legislators that are not present to get an opportunity. Would you like to explain the bill or would you like Counsel to explain it? Your preference.

LEG. MURATORE:

Well, we can let the learned Counsel explain it. It'd be a lot easier for me.

CHAIRMAN MONTANO:

I think that's always better, right.

LEG. MURATORE:

Okay. You always go to your attorney.

MR. NOLAN:

This law would actually amend the Code of Ethics to strengthen the language related to County employees negotiating for future employment with people that the County's doing business with. So we would bar any County employee from soliciting, negotiating or accepting employment with any business or person, which is involved in a contractual relationship with the County while that officer, employee is directly concerned -- participating in the award, administration or oversight of that contract. So if, for example, if you have somebody in a department, they were involved in the award of a contract to a vendor or are working on that contract with a vendor; while that person is employed by the County, he should not be soliciting or negotiating employment with that vendor.

CHAIRMAN MONTANO:

Isn't that covered by the Public Officers Law already in that -- I don't know about the County Charter, I know that with respect to the state counsel, that is automatically prohibited. Do we not have a similar provision?

MR. NOLAN:

Right now we have a provision that states in our Code that an officer, employee will not engage in, solicit, negotiate for or accept private employment or render services for private interests where that employment or service might reasonably tend to create a conflict or impair the proper discharge of his official duties. The thinking was that language is too vague.

CHAIRMAN MONTANO:

Too vague.

MR. NOLAN:

Doesn't create a bright-line for employees and that's the rationale for Legislator Muratore's legislation.

CHAIRMAN MONTANO:

Very good. That is going to be interesting. Are we subject to the Public Officers Law? In other words, if we leave County employment, are we not also subject to the prohibition as contained in the Public Officers Law with respect to not doing business with the County?

MR. NOLAN:

We aren't subject. I'd had to --

CHAIRMAN MONTANO:

All right. This is going to be a very interesting discussion, Legislator Muratore. But we have to table it today. So thank you for being here. Any other motion? Well, can't do -- all in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing. (VOTE: 5-0)**

IR 1372 - Adopting Local Law No. -2011, A Local Law to prohibit County elected officials from collecting two public salaries. (Muratore) Again, we have to table this for a public hearing. I need a second, I need a second. Thank you, Sarah.

On this one, again, this is something that we are not, you know, we can't vote on today. Could you

just, Counsel, briefly outline the provisions of the bill. From its title I think it's something that, you know, I would support. I don't think Tom was here when we appointed the commissioner who then retired and took a salary. Were you here at that time? Okay. We didn't know that this was going to happen. So what is your bill about? Counsel.

MR. NOLAN:

Yeah, the -- again, this is an amendment to the Code of Ethics. It applies only to the County elected officials, the Countywide elected officials and County Legislators. And it bars those persons from holding any paid position of employment with any other level of government, whether it be federal, state, village or public benefit corporation created by the County. So if you're an elected official in the County, you can't collect a salary from the State of New York.

CHAIRMAN MONTANO:

Well, can you collect a pension?

MR. NOLAN:

It will not affect pensions.

CHAIRMAN MONTANO:

Not affect pensions.

MR. NOLAN:

And it also exempts persons who are teaching in a public school district or at a university. So a person could teach as an adjunct at Suffolk Community College if they were a Countywide elected official or a Legislator.

CHAIRMAN MONTANO:

Legislator Muratore. I know that this is a big problem in Jersey. We have in Jersey, New Jersey, situations where, I don't know if they've eliminated that, where you have mayors of villages who also are state assemblymen and senators and all that. It creates an issue. I didn't know that we had that here though. Do we have anybody that this bill pertains to? Is this a bill with a bullseye?

LEG. MURATORE:

Not at this point. But, you know, we're looking to the future again. I was told that by Counsel that my aide cannot serve on any board of directors of his local civic organization. So, you know, it wouldn't look proper. So if we say that, you can't even go and volunteer to a civic organization. Why shouldn't we say, *well, if you're a County Legislator or a County Executive or a County Treasurer, you can't go work for, you know, Brookhaven or Islip or Smithtown.*

CHAIRMAN MONTANO:

All right. Sure, Legislator Anker.

LEG. ANKER:

I'm not familiar with the civic; not being able to volunteer for your civic if you are a Legislative Aide?

LEG. MURATORE:

Well, I guess it kind of looks unethical. We were advised by Counsel so maybe George can put his spin on it for us.

MR. NOLAN:

I think the question was, I believe, it was asked *should somebody on my staff be on the board of a civic organization that was receiving County funding?* And in that particular case Legislators are in our rules prohibited from being on the board of an organization that is receiving County funding and

the question was *should I have a member of my staff, allow them to serve as a member of a board?* And I suggested for -- to avoid the appearance of a conflict that he probably should not serve as a member or a board that's receiving funding. That was my advice, I believe, to Legislator Muratore's Office.

LEG. ANKER:

Right. But it's not, you know, stated in a law by the County or in the law of a civic that, you know, like your aide, my aide, could not be on a board. I would assume they would reclude themselves from voting on an issue that dealt with County funds, but, okay. I just wanted to clarify that.

CHAIRMAN MONTANO:

Legislator Muratore.

LEG. MURATORE:

Yeah, it just gives the appearance of not being ethical. And you know what they say about ethics, if you think it's unethical, it probably is.

CHAIRMAN MONTANO:

Right.

LEG. MURATORE:

And for a person like my aide to sit on the Centereach Chamber or the Centerach Civic where we do give money, I, you know, I don't feel comfortable with it.

CHAIRMAN MONTANO:

All right. But, let me -- just so I'm clear on this, some agencies operate with a board of directors who make all the decisions and like a chamber of commerce, they have maybe 200 members, but they don't set policy. They just go to the meetings, they pay their \$25 membership fee for the year. Does this apply to those people that are members?

LEG. MURATORE:

Not being a member -- on the board of directors where you make the decisions.

CHAIRMAN MONTANO:

You're talking strictly the board -- yeah, exactly. All right. Sure, go ahead, Legislator Anker.

LEG. ANKER:

Okay. Evidently this is a big -- it seems to be a strong consensus in my district that there's an issue on double-dipping recently. So I would like to cosponsor this legislation with you. I'd like to further look -- the double-dipping because evidently double-dipping it's not really -- it's not just the salary issue, its the pension issue, it's the schoolteacher or teacher issue.

So I think we need to kind of hash this through, this resolution and then bring it forward, you know. So I'd like to work with this -- work with you to make sure that this is the type of legislation that we should bring forward.

CHAIRMAN MONTANO:

Okay, no further discussion. We have a motion to table for public hearing. All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1376 - Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown, (SCTM No. 0800-169.00-01.00-009.001), pursuant to the Suffolk County Tax Act. (Kennedy)

Legislator Kennedy, I have a question mark on this, this is your bill.

LEG. KENNEDY:

Yes. As a matter of fact I'm going to make a motion to approve, Mr. Chair. This is interestingly enough my parish. It involves an acquisition that occurred, I believe, it was in 2006 for some property that's immediately adjacent to the parish as it sat when it was first created back in 1987. And inadvertently the Smithtown assessor wound up actually assessing the additional acquisition as taxable property therefore it actually triggered a tax bill and as we all know that's one of the few entities in the world we attempt not to tax. So this is an effort to remedy that oversight and to work out what is probably about a, I think a 7 or \$8,000 tax bill.

CHAIRMAN MONTANO:

This wasn't the cemetery issue; was it?

LEG. KENNEDY:

No, no. As a matter of fact --

CHAIRMAN MONTANO:

Yeah, I remember that one vaguely.

LEG. KENNEDY:

You know, what can I tell you. It's Smithtown.

CHAIRMAN MONTANO:

I see that Mr. Brown has approached the podium so I assume that he would like to address us. Dennis, go ahead.

MR. BROWN:

Thank you. The County Attorney and Legislator Kennedy, they did speak previously on this matter. It's our position that the church is not qualified for a Certificate of Abandonment. I could go into some of the details; the closing took place on December 23rd. The tax -- the tax liability was assessed against the prior owner and so this is, you know, a default that occurred not while the church owned the property, it was prior to that.

CHAIRMAN MONTANO:

All right. Counsel, do you have an opinion on this either confirming or different from the County Attorney's position.

MR. NOLAN:

Well, the rationale for the resolution is the church is not liable for the taxes. Dennis just said that it was assessed against the prior owner. I'd have to look to Legislator Kennedy for the facts on this.

LEG. KENNEDY:

Dennis, as far as the assessment records, you know, I'll table for one cycle so that you and I can sit down and actually look at how the assessor drew up the role for, I guess, this would be if it was December 23rd that we had the transfer in '06, we're talking about the '05/'06 tax year where the role was then actually prepared in March or, I'm sorry, May of '05. You and I have probably done, you know, a hundred different closings and your adjustments were worked out at the table. And, as a matter of fact, the church could not have received insurable title unless the tax issue was omitted by the insurer or the underwriter.

Now, what was related to me was that the issue went to whether or not there was actually a proper filing with the assessor indicating that what had been residential real property was now acquired by

a legitimate religious corporation not subject to taxation under -- our Suffolk County Tax Act, George, is that what we're deriving authority from?

MR. NOLAN:

Yes.

LEG. KENNEDY:

Yeah, so perhaps maybe you and I need to have a little bit more dialog on this because if a prior owner failed to pay we both know that taxes run with the land but there was consideration, this was arms length. This was not a donation. This was not gratuitous. As a matter of fact there was \$800,000 worth of consideration that moved. So it had to be insured and it had to be omitted as far as conveyance of good title.

MR. BROWN:

I don't know, but I think that you're correct that we should probably -- one cycle is fine and we'll talk about it. This way we'll all be on the same page as far as the facts are concerned.

LEG. KENNEDY:

Absolutely.

CHAIRMAN MONTANO:

Okay.

LEG. KENNEDY:

Okay, Mr. Chair.

CHAIRMAN MONTANO:

Renee, we have a motion to approve. John, you're going to withdraw your motion and make a motion to table.

LEG. KENNEDY:

Yeah, I'll -- that.

CHAIRMAN MONTANO:

I'm going to second the motion. Dennis, if you would, if this is going to be an involved discussion of a technical nature at the next meeting, could you give us an outline --

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

-- of what the issues are so that we're, you know, clear on where we're going.

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

This way maybe we could cut our debate.

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

All right. Motion to table. All in favor? Opposed? Abstention? Motion carries. **Tabled.**
(VOTE: 5-0)

IR 1380 - Approving the appointment of a relative of an Acting Supreme Court Judge
(should be Justice) **in the Suffolk County Treasurer's Office (Emily E. Hudson). (Pres. Off.)**
I'll make a motion to approve. Do we have a second?

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved. (VOTE: 5-0)**

IR 1390 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Park Lane Enterprises, LLC, by Kim Banayan, member (SCTM Nos. 0200-974.70-03.00-002.000, 0200-974.70-03.00-003.000, 0200-974.70-03.00-004.000). (Co. Exec. Levy) I'll make a motion to approve and place on the consent calendar, second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

IR 1393 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-057.00-02.00-049.000). (Co. Exec. Levy) Pam, is this for affordable housing purposes or are we back to the other issue of how much?

DIRECTOR GREENE:
No, affordable housing purposes resolutions actually go to a different committee. This is for municipal use and they are reimbursing the County, the County investment.

CHAIRMAN MONTANO:
And how much is the County being reimbursed on this?

DIRECTOR GREENE:
Two thousand seven hundred twelve dollars and forty five cents.

CHAIRMAN MONTANO:
Okay.

DIRECTOR GREENE:
It's a 40 by 125 lot for redevelopment in Wyandanch.

CHAIRMAN MONTANO:
Moving right along. All in favor? Opposed? Did we make a motion Renee? Motion to approve.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved.**
(VOTE: 5-0)

IR 1394 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan Arsenault (SCTM No.

0200-625.00-02.00-019.026). (Co. Exec. Levy) I'll make a motion to approve and place on the consent calendar. Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar. (VOTE: 5-0)**

IR 1395 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Southwind Equities of Long Island, Inc., by Susan Arsenault, President (SCTM Nos. 0200-605.00-01.00-024.001, 0200-630.00-01.00-006.003). (Co. Exec. Levy) Okay. Eligible for the consent calendar. Motion to approve and place on the consent calendar. All in favor? Oh, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved and Place on the Consent Calendar (VOTE: 5-0)**

And I have a bill here, looks like it was reassigned. IR 1397, looks like it was reassigned to Budget and Finance.

With that I believe we have two items on for an Executive Session. So we're going to discuss some legal cases and possible settlements. I need a motion to go into Executive Session. Motion by Legislator Nowick, second by Legislator Stern. We are now going into Executive Session. We'll return in a couple of minutes.

1397 for some reason went to Budget and Finance.

[*AN EXECUTIVE SESSION WAS HELD FROM 11:42 A.M. UNTIL 12:37 P.M.*]

CHAIRMAN MONTANO:

For the record we're back on. We had an Executive Session. We're now out of Executive Session. I signed two letters that were approved by the committee. The first one is John Schroeder as attorney in Fact for Foster Schroeder versus County of Suffolk, et al. That was a 4-0 vote. Legislator Stern did not participate in the discussion.

And the other case that we discussed was Jeffrey Carter versus County of Suffolk. And that was a 5-0 vote to approve the recommendation of the County Attorney to settle the case.

Having no further business of the committee we're hereby adjourned.

(*THE MEETING WAS ADJOURNED AT 12:38 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY