

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, June 1, 2011.

MEMBERS PRESENT:

Legislator Ricardo Montano - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Sarah Anker
Legislator John Kennedy
Legislator Lynne Nowick
Presiding Officer William Lindsay - Ex-Officio Member

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Eric Kopp - Deputy County Executive
Dennis Brown - County Attorney's Office
Christine Malafi - County Attorney's Office
Paul Perillie - Aide to Majority Caucus
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:13 A.M.*)

CHAIRMAN MONTANO:

Please stand. We are going to start the meeting with the Pledge of Allegiance led by Legislator Stern.

SALUTATION

CHAIRMAN MONTANO:

Thank you. You may be seated. We are waiting for Legislator Kennedy. Before we start the resolutions, I had asked someone from the County Attorney's Office to just give a brief explanation of where we stand from the Department of Law's perspective with respect to the reduction of the health centers. Dennis, how are you?

MR. BROWN:

Good morning, Legislator Montano.

CHAIRMAN MONTANO:

Dennis, thanks for showing up. As I said, you know, I didn't want to make this a big item, but I had a meeting with the people from Southside Hospital recently, and they gave me a copy of a letter that had been sent out by the Department of Health, Margaret Bermel, on April 22nd, 2011. I think you have seen that letter.

MR. BROWN:

I have.

CHAIRMAN MONTANO:

All right. Just for my colleagues here, the letter basically says that the -- I'm going to paraphrase this -- the County does not have funds in the budget to absorb this loss, referring to, I guess, the clawback provisions from the State Health Department and the reduction in the budget.

MR. BROWN:

Right, the Article 6 Funding, yes.

CHAIRMAN MONTANO:

Okay. And that they're invoking Exhibit B, Paragraph 7, entitled, Budget Deficiency Plan referencing the contract that was executed between the County Southside Hospital. It says, "Effective July 1st, 2011, funding for this agreement will be reduced by %989,961. This cut includes elimination of funding for staff at Tri-County Health Center and reduction in ancillary services."

Now, I have a copy of the contract. I'm looking at the Budget Deficiency Plan, Section 7, Page 10 of Exhibit B, can you explain exactly what it is that we are doing here?

MR. BROWN:

Sure. First as to the allocation across the budget of the million dollar reduction, that question I can't address. That would speak to the details of how the budget is implemented as between Southside and the Health Department. But as to the authority, the contract does contain the clause -- in fact, all of the contracts contain the clause pertaining to the Budget Deficiency Plan so that the County may reduce the funding for the contract in the event of circumstances that might trigger that clause. I would also say not only do you have it as a clause in the contract as a bargaining term between the parties, but also that it's goes part and parcel with the County Executive's authority in general to take specific actions with respect to circumstances when revenues are anticipated to be less than expenditures in the fiscal year.

CHAIRMAN MONTANO:

Okay. Well, let's put that aside, because that's a separate issue. This letter references the contract, it doesn't reference the County Executive's authority nor does it come from the County Executive the way I read it. It only references the contract. Now, what I'm trying to ascertain or find out is what is or where the Budget Deficiency Plan, and what does it entail?

MR. BROWN:

Well, from the face of the letter, it's a reduction of a million dollars as to the funding of this particular contract for Southside.

CHAIRMAN MONTANO:

Right, but pursuant to a plan. What is or where is the plan is what I'm asking. Who has the plan that -- I know that it says we're deleting a million dollars. I assume that there are other health centers that also received this type letter; am I correct?

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

Okay. Are they all receiving an across-the-board cut of 10% let's say? I think this is a 10% reduction.

MR. BROWN:

I do have those letters and I could -- I mean, I can tell you what all those letters say if you would like.

CHAIRMAN MONTANO:

Would you please?

MR. BROWN:

Yes.

MR. BROWN:

So for example, Brookhaven --

CHAIRMAN MONTANO:

Which center is that? Is that the Elsie Owens Center you're referring to?

MR. BROWN:

Brookhaven is the South Brookhaven Family Health Center and the Mary Shellabarger South Brookhaven Family Health Center, and that's approximately \$1,135,495.

CHAIRMAN MONTANO:

And what was their overall appropriation, do you know? If you don't know, Dennis, I understand.

MR. BROWN:

I do not.

CHAIRMAN MONTANO:

Okay. Not a problem. Who else got cut?

MR. BROWN:

Coram was approximately 1.4 million.

CHAIRMAN MONTANO:

You don't know their appropriation, do you?

MR. BROWN:

I do not, no.

CHAIRMAN MONTANO:

All right. Not a problem.

MR. BROWN:

Martin Luther King is approximately \$334,000.

CHAIRMAN MONTANO:

Is the Martin Luther King the Tri-Community Health Center, is that the same?

MR. BROWN:

I'm actually checking. The letter is addressed to Good Samaritan Hospital. I think it might be Tri-Community and Martin Luther King. I'm not if it's exactly -- if it's one or two health centers.

CHAIRMAN MONTANO:

Right. Because in this letter that I referenced, the Tri-Community Health Center is mentioned also. I'm not sure in what context. Okay. Go ahead.

MR. BROWN:

I have Dolan at again, approximately \$1.1 million. That's not an exact amount. And then Southside you have --

CHAIRMAN MONTANO:

Southside is the one I'm talking about, about a million dollars.

MR. BROWN:

Yeah, about a million dollars, right.

CHAIRMAN MONTANO:

I know the Health Committee dealt with this extensively. My question goes back to what type of plan does this contract envision? I mean, is the letter the plan or is there a plan of reduction in services or -- you know, how does this process work? We have a contract for services, it was approximately \$11 million, we tell them we're changing the contract unilaterally, you only have ten million, where does the plan come into affect?

MR. BROWN:

I think that question needs to be addressed to the health centers -- to the Health Department, because as to the allocation across the budget for each health center, I don't know how those reduction are being implemented.

CHAIRMAN MONTANO:

Hi, Eric. How are you?

MR. KOPP:

Good. As to that, I'd just like to take some responsibility. We all went back and forth for a few

days about --

CHAIRMAN MONTANO:

It was a rough weekend for all of us.

MR. KOPP:

The County Attorney's Office is correct, it's more appropriate for the Health Department to address that. And in the confusion, obviously, the Health Department isn't here. I'll take some responsibility as part of that dialog.

CHAIRMAN MONTANO:

Okay. My concern from this committee's perspective, Dennis, is that I read the section that talks about the deficiency plan and the reduction in money, but I'm not quite sure that it satisfies my concerns in terms of whether or not this is something that is being done pursuant to the contract and -- and/or whether you're, as you stated earlier, the County Executive has the unilateral authority to do this and he's executing this.

This letter came from the Health Department. It references the contract. I read the clause in the contract, and, you know, speaking from a legal perspective, I'm not quite satisfied that, you know, this is something that is being done in the right fashion. And obviously, I'm concerned about losing funding for a health center in the Brentwood community. So that goes hand-in-hand with my questions here. I'm not trying to give you a hard time, it's just that if I were the lawyer on the other side, I'd be looking at this and saying, "Well, wait a minute. What is it that this really relates to? Where is the plan?"

What are you telling us, that you're just unilaterally taking away a million dollars of a contract that you funded because you have the authority under the contract? If you're doing that, then where is the authority? I don't see it in that paragraph. Maybe I'm missing something. So the other aspect is you said that the County Executive has the authority unilaterally to do it, but that's not referenced in the letter. Has he done it unilaterally?

MR. BROWN:

It's not referenced in the letter. I think that the action that's explained in the letter is done as a matter of contract right. And overall, I think that reductions in the funding to the contracts are part of an overall plan of the County Executive's Office, which I think Eric should speak, which was explained at the Health Committee, Article 6 defunding and maybe Medicaid reductions that have taken place with the implementations of the Governor's budget. So this is just one aspect of it.

CHAIRMAN MONTANO:

Eric, the plan that Mr. Brown refers to, was that submitted to the committee? How was that done? I wasn't there. Was it a verbal presentation, was it a general discussion?

MR. KOPP:

We did a verbal presentation, we had a lengthy discussion with the Health Committee. I think it was about three hours in a length. It was a good gives and take. And I think all of us came to one conclusion that we could agree upon; that the State of New York had given short trips to the People of Suffolk County. I know that following that, the Presiding Officer and the County Executive and I think Legislator Browning traveled to Albany. We're trying to bring all kinds of pressure to bear on the State of New York, because we are the only county that has the health center setup. And as a result, we are the only ones who are suffering from this clawback.

CHAIRMAN MONTANO:

Let me ask you this: Do we know what the status is of the -- maybe we should do this in Executive

Session. I think someone from the County Attorney's Office was going to brief us. All right. If that is issue is resolved, there's a pending lawsuit between the County and the State now on the clawback provision; am I correct? It's still pending?

LEG. KENNEDY:

No, it was dismissed.

P.O. LINDSAY:

We appealed it though.

CHAIRMAN MONTANO:

I thought the Appellate Division --

MR. BROWN:

There was a decision last week or the week before last. I do not know if Notice of Appeal has been filed yet.

P.O. LINDSAY:

I was told it was filed.

MR. BROWN:

It might very well be.

P.O. LINDSAY:

Yeah, I was told it was filed.

MR. BROWN:

I don't dispute that. Without getting into procedure, ordinarily, it's 30 days from filing of an Order of Notice of Entry, so there is still time if it hasn't been done yet.

CHAIRMAN MONTANO:

What if the issue is resolved? What is status with the discussions with the State with respect to the clawback? Do you know if there has been any progress in that? I read an article the other day that said that there was some movement. Nothing definitive at this point?

MR. KOPP:

We don't have anything definitive at this point. We remain hopeful that we'll get some relief down the road, but I would not anticipate that we would ever get everything back.

CHAIRMAN MONTANO:

Go ahead, Bill.

P.O. LINDSAY:

There was a followup meeting. We went to a meeting, as Eric said, two weeks ago, and there was some negotiations. They thought there was some progress. And a team from Suffolk County; Budget Review was represented at the Executive's Office, Budget Office was represented, and the reports I got back is they think they are making progress. You know, but there is nothing definitive yet.

So at this stage, we're going ahead with, in effect, closing or defunding Dolan and closing the Coram Facility and cutting the others 10% each; is that it? Is that how we expect to make this up?

MR. KOPP:

This is such a big issue, everyone is involved in it in a little way.

MS. VIZZINI:

We are all working together to clarify the State's approval of our service delivery plan, to clarify the State's approval of our State aid plan and their understanding of the manner in which we deliver our services and we're guardedly optimistic that we might be able to persuade them to release some of the State aid. I know that I've been a recipient of a lot of the e-mails back and forth from the court team, and they've be working all weekend to gather -- there will be continued conference calls as well as probably another face-to-face visit.

The State has 90 day review period for the County Executive's plan to close Coram and defund Dolan. So that would take us closer to September. As recently as yesterday I had a conversation with the Budget Officer in terms of what did that mean in terms of if we assume for the purposes of discussion that the County Executive can unilaterally reduce the amount of the contract, would we have to await the -- you if the intent is to close Coram, we would have to await the State's approval for same.

CHAIRMAN MONTANO:

Go ahead, Legislator Lindsay.

P.O. LINDSAY:

I mean, we're really in a bind here. You know, the two trains of thought is either to reduce all of the centers and keep the alive in some form or to chop off a couple of them to cut our losses and have the rest of the system survive. And, I mean, the choices are bad and worse. I don't know which is the better way to go right now.

Ultimately, we're probably going to have to make decision. The County Executive has taken his position that he wants to defund two of them and cut the funding to the other remaining seven. I mean, we have a bill pending before us to use the remainder of our pay-as-you-go money for the year to get some interim funding to keep the two alive until maybe we get some resolution from the State.

I was not a fan of that plan initially, but because the situation is so murky with the State -- I mean, we really thought that when we went to Albany and we were led to believe that this would be -- we were going up to negotiate some kind of settlement to this whole issue. And the blase attitude in Albany is disturbing and doesn't seem to -- I don't know. They just don't seem to care. I don't know what the issue is. I've never seen an attitude like it in my life.

The other issue here is a cash flow issue. Correct me if I'm wrong, but this is like -- what is it, \$20 million we're initially talking about. I think it's clear we're not going to get five million of that, because the Legislature passed a budget this year without any funding for the health centers, without any Article 6 money for Suffolk County, which is \$5 million off the top. So I know we can't get that back without State Legislative action. The whole issue is the \$15 million in the clawback. You know, if we could get some of that or all of it.

But to compound the matter, although we're talking about \$20 million, the State is holding \$30 million, which I have no idea how they justify that at all. So we have some serious, serious cash flow problems across the County, much of it is because of State funding, not only in this issue, but other funding that they owe us. So I just don't have a solution. I don't know which way to go.

CHAIRMAN MONTANO:

Legislator Nowick.

LEG. NOWICK:

Bill, I just wanted to make sure what you said. What were the two that they were going to close, was it Dolan and --

P.O. LINDSAY:

Well, Dolan is really a block grant. We don't hold the license, Huntington Hospital holds the license. We subsidize them with a block of money. And I guess there's a foundation that funds rest of it, Gail? So the proposal, Eric, is to defund that block grant altogether?

MS. VIZZINI:

It is.

LEG. NOWICK:

So then it would stay open, but not -- we wouldn't give them any money, so it would stay open, but just partially?

P.O. LINDSAY:

I have no idea.

MS. VIZZINI:

The services that Dolan provides to us for that population, that we would no longer pay them for that.

LEG. NOWICK:

We wouldn't pay them.

MS. VIZZINI:

We wouldn't -- well, they're not going -- that target population will no longer be served at that clinic, those services paid for by the County.

LEG. NOWICK:

Gail, when you say "the target population" --

MS. VIZZINI:

The people of Huntington.

LEG. NOWICK:

The people of Huntington. So if they're not going to be served, they would wind up going to the hospital, Huntington Hospital?

MS. VIZZINI:

The scenario is likely to be, you know, before we funded the Dolan, that target area was served by Martin Luther King. So they could either go to another health center. By law, they have to be advised that if they're regular patients that there's a change, and they could either go to Martin Luther King or to the extent that they need an emergency room, or they would have to find some other service.

CHAIRMAN MONTANO:

It's a mess.

LEG. NOWICK:

Yeah. And that population, if they -- and I don't know the population exactly, I don't know the

economics, but would that be a problem as far as leaving -- getting transportation to another -- Martin Luther King or to another place? Is that the norm?

P.O. LINDSAY:

The whole issue here is this isn't even fiscally smart. I mean, because we close the center in Huntington, they have to go to Martin Luther King in Amityville, right? And they need transportation, Social Services probably pays for the transportation, which is ultimately a State/County responsibility or else they go to the emergency room, and treatment costs five times as much as we're providing -- as it costs in the health centers.

So in the long run, it costs everybody more money. It's just a dispute that it just defies imagination. I can't -- I just can't see the rationale here for doing the action that the State is taken. And I honestly don't know what to do. I don't think I agree with the County Executive's plan, but it's a plan. And, you know, I think that we're going to have to weigh in. If we don't want his plan, we have to create our own plan. And again. I don't know what the choices are.

LEG. NOWICK:

I just want to finish one second. If they do go to Huntington Hospital, does -- and this may be a stupid question -- does the County get charged for that or is that just a proprietary hospital and it's passed on to people who pay insurance and so on?

CHAIRMAN MONTANO:

Yes.

LEG. NOWICK:

Okay. Thank you.

P.O. LINDSAY:

No. I think some of -- well, would Medicaid -- the State picks up uninsured, right?

CHAIRMAN MONTANO:

Medicaid picks them up.

P.O. LINDSAY:

But see, a lot of these people don't qualify for Medicaid.

CHAIRMAN MONTANO:

That's an issue, absolutely. Those are the ones that are falling through the cracks. Legislator Anker, you had some questions?

LEG. ANKER:

Yeah. As far as -- Lynne, you had asked what happens to these people when this health center closes. Last year, there was 33,000 visits to the Elsie Owens Health Center. And what will happen is they will have to go to the emergency centers. And instead of paying between 74 to \$100 a visit, they'll pay about a \$1000 a visit. They will, yeah. And like Rick said, these are people that are falling through the cracks of our insurance and health problems.

But not only that, Stony Brook, again, it being the State emergency center, will have to take on the people that are in need. And another issue too is what happens during a hurricane or if there is an emergency situation? These health centers will provide a place for people to go. Now, if they're closed, they're not going to be available. And so not only this will this overload Stony Brook to such an extreme as it is when these health centers close, if there's an emergency like a hurricane, like some other event, it's just going to create havoc. Eventually, you know, the problem will come

back to the State, because the State -- those funds will be paid from taxpayers through State taxes. It's just going to be a huge mess. That's why I'm disappointed also that the State has not negotiated. The other question I have too what is the situation with Stony Brook negotiating with the County?

MR. KOPP:

I don't have update on that.

P.O. LINDSAY:

I don't think we got anywhere. I mean, Stony Brook doesn't have any money either. I mean, their budget was cut tens of millions of dollars.

MR. KOPP:

I think that was made pretty clear when the folks were here from Stony Brook at the Health Committee that Friday, whenever it was -- Thursday a Thursday weeks ago. They talked about they don't have money either. And as Legislator Anker correctly pointed out, this is all going to fall back to State up at Stony Brook, because that's where the clients are going to go for services.

P.O. LINDSAY:

And to compound things, I had a visit from the folks at Southside that run the Islip Center, and they said they're running bare bones now, another 10% cut could tip the ship there too.

CHAIRMAN MONTANO:

That's really what initiated this. I had met with them couple of days before you met with them. That was the first time that I was given a copy of the letter of April 22nd, and I got a copy of the contract from Southside and looked at it. You know, we're complaining about the State in terms of what they are doing to us, but we are doing the same things, in my opinion, to the health centers.

I mean, we have a contract with them that provided for services for a year at a certain, and then we unilaterally say, "Okay, you know what? We've changed our mind. We're talking back a million dollars, and we are doing pursuant to this -- you know, going back to the contract -- we're doing it pursuant to section so and so of the contract." I read that and it says you need our deficiency plan, and I'm trying to figure out where, what -- where is it, what is it, what does it say, is it verbal, is it written, is it a plan that talks about what services -- you know, give me something that I could look at. And that's really all I'm asking at this point.

I don't want to, you know, belabor this. We're coming up to July 1st, I mean, that's a month away. My question is -- I guess it's to the Legislators, how do you we prevent or at least put the brakes on these kinds of -- on this cut and other cuts until we figure out a solution or a way out of this mess that's been created by the State? What are we going to do, Bill?

LEG. KENNEDY:

Mr. Chair, after the P.O. speaks, I have some thoughts I'd like to weigh in with as well.

CHAIRMAN MONTANO:

Go ahead.

P.O. LINDSAY:

Just to complicate things even more, I mean it's like a puzzle without all the pieces. The State creates this policy of defunding the Article 6 of clawing back the money. The County Executive reacts by saying you know, "We're going to close two of the centers." The State Health Department turns around and says, "You can't close because you need 90 days approval from us." You know, and Stony Brook is screaming, "You know, State Law says if you are going to close it, I have to

notify people they're going to get laid off with a 90 day notice, and I don't have that notice." It's a mess. It's a dilemma that I just don't have a solution to.

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

Well, you eluded before to the short-term resolution that's been filed by Legislator D'Amaro and -- I forget who the other sponsor is for 600,000 -- Legislator Muratore. And you eluded to it, the Presiding Officer has spoken about it, the County Executive has elected to take one action. Whether or not we concur, I think unless we have the elements that are before us, we are really at a disadvantage as far as trying to take an action that might be different than what the County Executive put forward.

So the first thing I'd ask through your office to the County Attorney's Office, give us a copy of the set of the contracts. I want to see right in it what actually is set out as far as terms and conditions for operations. If we can and we desire to bring forward 600,000 to bear to extend operations, I'm going to want to look at whether there are hours of operations that are set out in the contracts with each one of the facilities. We may elect to tailor those hours of operation in an effort to try to extend out the duration of operation, as the Presiding Officer discussed. And that is policy decision. I think that that is something that's fair, prudent and right for us to do if we are making that decision that we're going to commit the funding, notwithstanding the fact that we have the overall provision that says we cannot supplant our State funding reductions.

Actually, let me rephrase. I believe we need to take a supermajority to do that, and let me just make sure. George, is that -- in other words, if we elected to bring forward this resolution for \$600,000 to extend operations, that's got to be done do by a supermajority, because are we then circumventing that provision in the Administrative Code that compels us to do the reductions that we receive from the State?

MR. NOLAN:

We've been talking about this for a couple of weeks. It's my opinion that the resolution to restore the \$600,000 is a ten-vote resolution.

LEG. KENNEDY:

Oh, okay. All right. Nevertheless, it's still -- if it's something that we look to go forward, we ought to have that before us. And clearly, we have some overlapping jurisdictions and concerns between this committee, Mr. Chair, and also Health and Human Services.

I think this Legislature has made it clear that it's our intention to keep that safety network in place of delivery of health services. We've done it with John J. Foley. We've seen the wisdom and the importance here with our clinic network. You know, if you looked at 50,000 patients in the network and you opined a two or three person family, that's roughly a 10% of our County population that's impacted and touched by our clinic network. We have to do something to advert the crisis. Legislator Anker just spoke about it, at Legislator Browning's committee meeting, Mr. {Ockers} from down in Brookhaven stated it's \$984 for an emergency room visit. Now that's either borne by Medicare or Medicaid or it's a hardship visit which the institution has to eat, and none of them can eat it at this point. So if we're going to go forward with the remedy, which I think we should, I want to at least have what the terms and the conditions for the providers are before us and then we can go forward on it fact-based. Thank you, Mr. Chair.

CHAIRMAN MONTANO:

I just had one question for Counsel. With respect to the County Executive's action and this letter, is

this sufficient to -- is this sufficient to authorize the action, you know, either under the Charter or the contract, or is there -- is there more action needed? I mean, do we need an actual plan? Do we need some kind of State of Emergency Statement or anything like that from the County Executive's Office to constitute this kind of action? I know it's kind of broad, but.

MR. NOLAN:

Yeah. It is a broad question. You know, even put aside the contract for a minute. I mean, I think there's just a general rule that any contract the County enters into is going to be subject to they're available and enough appropriations. So if the money is not there, you know, any contract, we can -- I believe we can reduce under those circumstances.

I think you may be asking about when there's a deficit situation like we are facing now. The Charter does talk about the County Executive, that he believes that we don't have enough revenues to pay all of our appropriations, he is supposed to advise the County Legislature of the amount of the deficit and the remedial action he is going to take meet that deficit. I don't know that he's come forth with that formal type of plan that's called for under the Charter, C(4)-27.

CHAIRMAN MONTANO:

All right. Thank you very much. Dennis or Eric, did you want to add anything to this? We're going to move on to the resolutions.

MR. KOPP:

Nothing more today. I just think that, you know, we're all working for the same reason. You know, the County Executive, the County Legislature, everybody realizes that Suffolk County is getting the short end of the stick here from the State. And we just have to try to keep the pressure. I know it gets frustrating after a while. The Presiding Officer has tried every which way, we've tried every which way, but I think we have to keep plugging away, because we have problems here that threaten the health care system that has been so long a part of the history of this County.

CHAIRMAN MONTANO:

Right. My concern now is this July 1st date. Is this a drop-dead date? Is there something that is set in stone, or is there flexibility on this until we resolve the issue? That's essentially what I'm asking at this point.

MR. KOPP:

As was eluded to earlier, we are still waiting for State approval on the closure plan, as I understand it.

CHAIRMAN MONTANO:

Well, the closure plan is different. What about the defunding of, like, the Brentwood Center and the other centers, is that already written in stone? You understand what I mean, right, Dennis?

MR. BROWN:

I can tell you that the letter has been sent out. I can't say written in stone, but the Budget Deficiency Plan has been implemented via the April 22nd letter.

P.O. LINDSAY:

Just to add some clarity if there is any clarity, like I said before, as far as closures are concerned, we have Legislator Muratore and D'Amaro's bill that would probably keep the two proposed closed centers alive for what, Gail, 60 days, 30 days?

MS. VIZZINI:

Thirty.

P.O. LINDSAY:

Thirty. Don't we have --

CHAIRMAN MONTANO:

I'm sorry.

P.O. LINDSAY:

-- which would give us another 30 days. If the ten percent from each one of the centers get back, I'm sure if we get a resolution from the State Health Department and get some money from them, that that will be spread proportionately across the system, I would think. Wouldn't you think, Mr. Kopp? You don't know.

MR. KOPP:

That's above my pay grade.

P.O. LINDSAY:

So, you know, if probably maybe have to take some Legislative action to reappropriate that money if, in fact, we do get money.

CHAIRMAN MONTANO:

Well, the thing is this, we've already -- this is the way I'm looking at it, we've already appropriated the money for the Dolan Center. And we have to fund it, from what you said earlier, Gail, I thought, because we don't have approval to close it anyway. We don't need approval for Dolan

P.O. LINDSAY:

We don't hold the license for Dolan.

CHAIRMAN MONTANO:

Right. They have their own license.

P.O. LINDSAY:

Right. We hold the license for Elsie Owens, but Stony Brook operates it for us.

CHAIRMAN MONTANO:

So does Dolan need to get 90 day approval from the Health Department also to close, or can they close from one day to the next?

MS. VIZZINI:

I'm not exactly sure. They have concern time frames in terms of notifying patients of changes in service delivery. It's the North Brookhaven Clinic located in Coram that he proposes to close.

CHAIRMAN MONTANO:

That's the one that we would need a 90 day --

P.O. LINDSAY:

Just to complicate things, the State told the County Executive in the meeting that, "We're not giving you approval, we're not going to approve your plan." He said, "I don't care, I just won't give him any money."

CHAIRMAN MONTANO:

This is going to be fun. Let's go on to the agenda. Legislator Kennedy.

LEG. KENNEDY:

Just one last thing to add to this mess. As we're trying to debate how to avert going off the precipice on July 1, we probably should be having some kind of dialog with the administration and each one of these facilities, because as we struggle to work this out -- we just talked about the notice aspect. The Presiding Officer mentioned that Dr. Strongwater indicated the facilities can't wait until June 25th or June 28th to tell a doctor or a nurse or somebody else that's delivering care, "Don't show up in 24 or 48 hours." As you know, legally and contractually, whether they're individuals or they're represented by, you know, CSEA or 1199 or whomever, just like our employees, they have notice rights. So we are going to have to -- we're going to have to communicate with these administrators in some fashion that we're making an effort.

P.O. LINDSAY:

But, John, I think that communication was made already.

LEG. KENNEDY:

Has it? Is something we're aware of, Eric?

MR. KOPP:

The Health Department sent these letters out to the health centers, and I'm sure they have ongoing dialog with the administrators at the centers. But as to specifics, it would be more appropriate to discuss that with the Health Department than with us.

LEG. KENNEDY:

All right. We'll take it up with Dr. Tomarken tomorrow then, I guess. Okay. All right. Thank you, Mr. Chair.

CHAIRMAN MONTANO:

Thank you.

MR. BROWN:

Mr. Chair.

CHAIRMAN MONTANO:

Yes.

MR. BROWN:

I'm sorry. I just wanted to make sure, does Legislator Kennedy want a copy of all the contracts for all the health centers, and would that be for all of the members of the committee?

CHAIRMAN MONTANO:

No. I don't need all of them. I have the one for the Brentwood Center.

MR. BROWN:

Only for Legislator Kennedy?

LEG. KENNEDY:

Yeah. You can give them all to me, Dennis.

CHAIRMAN MONTANO:

We have no cards, right? No cards. Okay. Great. Let's move right into the agenda.

2208 - 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 make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions. Motion carries. **TABLED (VOTE: 6-0)**

1085 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (New York State) (SCTM No. 0200-024.00-02.00-026.000)

This resolution has been tabled several times. This is -- I see Pam Greene smiling back there. Come on up, Pam. This is the resolution -- this one and the subsequent resolution are, I guess, joined at the hip. They both do the same thing; they transfer property to the Village of Mastic Beach -- the newly Incorporated Village. One -- 1085, the one that's before us transfers the property with the proviso that the village pay the outstanding taxes; am I correct on that?

MS. GREENE:

You are.

CHAIRMAN MONTANO:

And my understanding from you is that is our policy when we transfer to a municipality, unless it's for affordable housing purposes; am I correct?

MS. GREENE:

You are.

CHAIRMAN MONTANO:

I think we have all discussed this. We would need resolution from the village before we passed this; am I correct?

MS. GREENE:

We request the receiving municipality to formally request its specific use. The Division has not received that. So we have included in the permissible uses all that are -- have been communicated to this body from a representative from the village from the last meeting.

CHAIRMAN MONTANO:

I'm not sure I understood that. Does that mean that they approved it or did not approve it?

MS. GREENE:

Again, we have not received the resolution.

CHAIRMAN MONTANO:

You have not received it. So the real issue is they'll take the property for a dollar, but they won't pay for it; is that where we're at right now?

P.O. LINDSAY:

They will pay you a dollar.

CHAIRMAN MONTANO:

I will pay you a dollar for it too, but my point is that the policy is that we require the back taxes to make the County whole. We are not gifting this, and for a dollar is essentially gifting it.

MS. GREENE:

I believe the village is waiting for action to see which they're going to be required to do.

CHAIRMAN MONTANO:

Okay. So then I'm going to make motion to approve IR 1085. We need a second for the purposes of discussion. Seconded for purposes of discussion, Legislator Nowick.

LEG. NOWICK:

There are two similar resolutions. What's the difference between the two? To me it seems like it's going to the same place. The second one is a dollar.

CHAIRMAN MONTANO:

The first one is -- actually, didn't the taxes go up already?

MS. GREENE:

They would have June 1st, so.

LEG. NOWICK:

Oh, yeah. If nobody paid the taxes May 31st.

CHAIRMAN MONTANO:

Right. So now the taxes are --

LEG. NOWICK:

Eleven percent.

MS. GREENE:

So it would be whatever the outstanding balance is at the time of the transfer.

CHAIRMAN MONTANO:

Okay. So that's the difference between the two resolutions; one gives gifts it for nominal consideration, which is from what Real Estate tells me is not our policy; and the other one is, you know, they pay their back taxes and they get their property and they use it pursuant to the resolution, and the other one is just to give them the property for a dollar.

LEG. NOWICK:

Just to be sure on the resolution, does it specifically say the amount of back taxes, because as you and I just said, on May 31st, it goes up 11%, right? So it is whatever is owed?

MS. GREENE:

I believe the wording though has "any interest, back taxes or penalties and fees."

LEG. NOWICK:

All right. So this one is not free, the other one is free. Okay. Thank you.

CHAIRMAN MONTANO:

Anyone else?

LEG. STERN:

Quick question. Traditionally, we haven't made this type of a transfer unless it's been before for affordable housing purposes. That's been our tradition, right? But there's no legal requirement, or is that codified someplace, do you know?

MS. GREENE:

I'm not aware of it being codified. You have on your agenda --

LEG. STERN:

That's just been how we've operated in the past.

MS. GREENE:

Right. Two other resolutions are on your agenda today that also are transfers to the Town of Brookhaven, and those as well come with the reimbursement to the County.

P.O. LINDSAY:

Can we act on either one of these being that we don't have --

CHAIRMAN MONTANO:

We can actually discharge them both and deal with it at the next meeting, in my opinion.

P.O. LINDSAY:

Okay. We should have a resolution from the village to act on either one of these.

CHAIRMAN MONTANO:

Well, there is a resolution from the village, I understand, to accept the property for a dollar.

P.O. LINDSAY:

I bet there was.

CHAIRMAN MONTANO:

Yeah, I know. So we either pass one, you know --

P.O. LINDSAY:

All right. Why don't we just discharge both of them to the floor already?

LEG. STERN:

Just a question, if I may.

CHAIRMAN MONTANO:

Sure.

LEG. STERN:

Pam, there is a resolution from them -- they will accept it for a dollar, but are you saying that it doesn't have a specific purpose, it's just a general acceptance?

MS. GREENE:

The representative from the village that appeared at the last meeting was representing that the village had passed a resolution and listed those three uses that are in the resolution. The Division has not been given or sent any formal resolution despite our request.

LEG. STERN:

So the representation was made that that's been done, but we don't have it in our possession.

MS. GREENE:

Correct.

LEG. STERN:

Got it.

LEG. NOWICK:

Here's the thing --

CHAIRMAN MONTANO:

Go ahead, Legislator Nowick.

LEG. NOWICK:

It's not 5000 anymore. It might be 6000, 7000. Geez, throw it into the health centers.

CHAIRMAN MONTANO:

I'm prepared to -- I will support moving 1085 out of committee. But with respect to 1205, I will not support it. If it gets discharged by a discharge petition, then we'll deal with it at the next meeting.

But, you know, based on our fiscal concerns and all the issues, I mean, \$5000, the Brentwood Health Center, as Legislator Nowick pointed out, is now charging patients that come in a copay. I mean, if the taxes are six, seven, eight, \$9000, that's a lot of copay that, you know, we could -- or money that could go into the health centers. So I'm not prepared to give away anything of value at this point in time without some kind of consideration. I'm just not going to do it. Legislator Anker has a question.

LEG. ANKER:

The question is this property is going to be used to place a historic building that will be connect, I guess, with the business district. Are you familiar with that?

MS. GREENE:

That was the representation delivered at the last meeting.

LEG. ANKER:

Has there ever been anything done in the past where the Legislators or the County supported giving land for historic purposes; preservations or something like that?

MS. GREENE:

There are instances where the county takes ownership of historic properties for nonpayment of taxes, and then those are transferred to the Parks Department. This is a request for the land itself to be transferred to the newly incorporated village.

LEG. ANKER:

Okay. Thank you.

CHAIRMAN MONTANO:

There is a resolution to approve 1085, did we get a second on that? She wants to take it back. Seconded by Legislator Nowick. Do we have any other motions on 1085? Okay. All in favor? Opposed?

P.O. LINDSAY:

Opposed.

LEG. ANKER:

Opposed.

CHAIRMAN MONTANO:

Two opposed, so it passes. **APPROVED (VOTE: 4-2-0-0 Opposed: Legislator Lindsay & Legislator Anker)**

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)

P.O. LINDSAY:

I make a motion to approve.

LEG. ANKER:

I'll second.

CHAIRMAN MONTANO:

I'm going to make a motion to table.

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

Motion to table goes first. All in favor? Opposed? Two opposed -- three opposed. We have a tie, so it fails. It has to come out by discharge petition. I understand there's one being circulated, so if anyone wants to sign it -- oh, I'm sorry, you're absolutely correct, tabling failed. Motion to approve. All in favor? Opposed? I'm opposed.

LEG. NOWICK:

Opposed.

CHAIRMAN MONTANO:

Opposed. John, are you opposed or in favor?

LEG. KENNEDY:

I think we ought to be able to hash them both out. I'll support it out of committee.

CHAIRMAN MONTANO:

Okay. **APPROVED (VOTE: 4-2-0-0 Opposed: Legislator Montano & Legislator Nowick).** So they are both out of committee. We'll take them up on Tuesday.

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

P.O. LINDSAY:

I make a motion to approve.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Okay. Any other motions? Any discussion? All in favor? Opposed? Abstentions? Motion carries.
APPROVED (VOTE: 6-0)

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

John, do you have a motion on that? If not, I'll make it. That's the financial disclosure requirements. I understand the investigation --

LEG. KENNEDY:

As a matter of fact, to be honest with you, Rick, I'm not going to make a motion on it. Let's make a motion to table it. I'm sorry.

CHAIRMAN MONTANO:

I'll second the motion. Any other motions? All in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 6-0)**

1256 - Adopting Local Law No. -2011, A Local Law expanding legal representation of County employees. (Lindsay)

P.O. LINDSAY:

Motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Stern. Any discussion? Any other motions? All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0)**

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)

P.O. LINDSAY:

I'd like to make a motion to table.

CHAIRMAN MONTANO:

I'll second it. Any other motions? Any discussion?

LEG. KENNEDY:

On the resolution, Mr. Chair, I'm just curious, has this here been considered by the Parks Trustees, does anybody know? Have we had anything, any opinion or recommendations, any resolution for the Parks Trustees?

CHAIRMAN MONTANO:

George, do you know? I'm not aware of any? Is anyone aware of any?

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

So we have a motion to table. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 6-0)**

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

I'm going to make a motion to table, Mr. Chair. I'm still in some dialog with the County Attorney's Office and the Division of Real Estate about the process associated with the list.

CHAIRMAN MONTANO:

I'll second that. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 6-0)**

1313 - Adopting Local Law No. -2011, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors. (Schneiderman)

I'm going to make a motion to table.

P.O. LINDSAY:

I'll second.

CHAIRMAN MONTANO:

Seconded by Legislator Lindsay. Any other motions? Any discussion? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 6-0)**

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)

I believe this has to be tabled for a public hearing.

MR. NOLAN:

Yes.

CHAIRMAN MONTANO:

I'll make the motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 6-0)**

1316 - Creating a Bipartisan Commission to recommend a system of public campaign financing for County elections. (Cooper)

P.O. LINDSAY:

I'll make a motion to approve.

CHAIRMAN MONTANO:

We need a second.

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

Seconded by Legislator Stern.

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

Just on the issue, I mean, we have several campaign finances issue resolutions. And I really -- you know, my heart tells me that there needs to be some reform with the local events that have happened here. I just don't know which way to go. I would appreciate -- I'm not a big fan of commissions, per se, but this is one place where I would be very interested in looking at recommendations from a group that studies this issue in depth.

CHAIRMAN MONTANO:

Legislator Nowick. First of all, we have a motion to table, we have no second. I'll second the motion to table. So we have two motions. Legislator Nowick.

LEG. NOWICK:

Just tell me who would be on the commission.

MR. NOLAN:

The County Executive or designee, the Presiding Officer or designee, a representative of the Legislature's Budget Review Office, a representative of the County Executive's Budget Office, representatives of two institutions of higher education, Suffolk County to be selected by the Majority Leader and Minority Leader and representatives from two organizations dedicated to good government; one to be selected by the Majority Leader and the other by the Minority Leader.

CHAIRMAN MONTANO:

John, you are the Minority Leader. You put in a motion to table.

LEG. KENNEDY:

I did, Mr. Chair. And I -- the Presiding Officer is right, we have a number of different resolutions that have been introduced by Legislators, either looking to ban certain groups from being involved in the political process or trying to go ahead and look at different ways to establish municipal or standard financing for our campaigns.

I just look to the experience that we had in the past when we had a methodology and nobody ever contributed. But, you know, look, I mean, if we're going to be able to get some people who've got expertise here, I know the system works very well in the City of New York. I don't see that we have the same, you know, sets of circumstances and criteria here, but, hey, if we can get some volunteers that will advise us, I guess that's okay too. I will pull back the recommendation to table. I'm suspect that we're going to anything that comes forward from this, but why not let some folks who might know something about it talk to us.

CHAIRMAN MONTANO:

Well, since you pulled it back, I certainly don't have a problem with some good government groups coming forward. There are a lot of recommendations out there. I'm not sure that, you know, I'm happy that you're pulling it back, because I would support tabling this. I don't know that we should have, you know, our County people; our County Executive County or County -- you know what?

You pulled it back, let's just vote then.

LEG. KENNEDY:

Let's let it get it out of here. I'll take a second look at it. Maybe I might change my opinion between now and Tuesday. I'll look at it again.

CHAIRMAN MONTANO:

You want to discharge it without recommendation?

LEG. KENNEDY:

Yeah. I'll make a discharge without recommendation.

CHAIRMAN MONTANO:

I'll second the discharge without recommend. So we have two motions before us. Any other motion? Which one goes, Counsel?

MR. NOLAN:

Discharge.

CHAIRMAN MONTANO:

Discharge without recommendation. All in favor? Opposed? Abstentions? Motion carries.

DISCHARGED WITHOUT RECOMMENDATION (VOTE: 6-0) Legislator Kennedy, I've been informed by my Chief of Staff that the County Attorney's Office wanted to make a statement on --

LEG. KENNEDY:

Do I have to make a motion then to reconsider 1284?

CHAIRMAN MONTANO:

No, I was going to ask you if you would --

LEG. KENNEDY:

I'll be happy to entertain a statement from --

CHAIRMAN MONTANO:

Come on up. It's not before us, so we'll just take these comments out of order. If after you hear what she has to say -- what they have to say, you can decide whether or not you want to reconsider.

MS. MALAFI:

Thank you. The IR to approve the list of title companies, we're ready to answer any questions that you have, because the title companies have not gotten paid since January. So therefore, we have no real title insurance on any real purchases that the County has made since January, because we haven't paid for the title insurance yet.

So we have insurance as long as we pay the bill. We haven't paid the bill. And we haven't done contracts because we're waiting -- I don't want to do anything that this Legislature would consider a slight to this bill and to their directives of last year.

So we'd like to answer questions to get this out of committee, so that there can be a list and we can do contracts with everyone. Otherwise, what I'd like to know is if this committee would be acceptable if I did contracts with the title companies in anticipation of this bill coming out of committee just so that we can pay those title companies for the purchases that we've already made.

LEG. KENNEDY:

Here's the questions. Thank you for coming forward. And you and I did exchange an e-mail about some of the questions that I had about the process that was undertaken in order to select the ten companies that have not been put on the list. Subsequent to that letter -- and you may not have gotten a letter yet, Pam, I did draft a letter to you asking you what process was put into place.

My concern is -- to be candid with you, I see that some companies on the list are Nassau-based firms. And here's one time where I'm going to weigh in and be provincial and say if we have similarly situated firms that are Suffolk-based firms, my preference is to limit our list for the purposes of soliciting that work to Suffolk-based firms only.

Secondly, I wanted to have some dialog about the abstract company function itself since we know that generally abstract companies are authorized to issue policy only up to a million dollars. Now lately, we haven't done much in the way of purchase in excess of that, but I'm equally concerned if we had a multi-million dollar purchase, the work was done by an abstract company, if, in fact, they've gotten authorization from the underwriter that actually gave them the ability to bind us.

I'm concerned that there may not be policies in place, although, obviously, we'd never have a closing without a representation that, in fact, there was good title and that it was insured. So those are some of the issues that I wanted to be able to get at. And I guess I'll stop there.

MS. GREENE:

If I may address, Mr. Chair.

CHAIRMAN MONTANO:

Go right ahead, Ms. Greene.

MS. GREENE:

Legislator Kennedy, as you are aware, Resolution 653 of last year, which you sponsored, directed the Division to now be responsible for the ordering of title on a rotating basis. After passage of that bill, the Division asked for the current list of title companies currently in contract with the County. We went about sending them with a package requesting various information, they provided that, some did not answer.

From that response that we sent out, we prepared this resolution. We have brought it before you, and it has been subsequently and consecutively tabled. And we are more than happy to answer any of your questions of how the selection was made, what the background was provided, who did not respond. And if you want to address the issue that was raised at many of the public hearings last year over the concern of going on a strictly rotating basis, that's certainly ripe for discussion as those arguments were made at the time for why we would not want a strict rotating basis and would, in fact, want to look at which companies would be hired for particular -- to be used for particular purchases.

CHAIRMAN MONTANO:

Quick question if I may.

MS. MALAFI:

Can I just supplement Pam's answer? She asked me for a list of the title companies we were doing business with. I gave her that list as well as names and addresses of every title company that either was forwarded to me by a Legislator or that had direct contact with me saying we want to do County work. And that's the list that was given to Ms. Greene. So it was a list of more than ten that was given to her.

CHAIRMAN MONTANO:

Just a quick question. These are title companies or abstract companies or both?

MS. MALAFI:

Both.

CHAIRMAN MONTANO:

Are there any companies there that you had -- I'm not asking the name of them -- but you had said that you were having discussions with the, I guess, the Department of Real Estate. Do you need further discussion on this?

LEG. KENNEDY:

You know, we have a tight cycle here. And what I'm going to ask, Mr. Chair, is that we entertain a tabling for one more cycle.

CHAIRMAN MONTANO:

We already tabled it. It's already tabled.

LEG. KENNEDY:

Right. Certainly, I was completely unaware that we had this limitation as far as payment going to the firms that have rendered service. The process that you just articulated is fine. However, what I would have asked for and I will ask for is that I believe that we still have nine licensed underwriters in the State of New York, out of which all abstract companies broker and issue policies from.

So my preference is to go ahead and start with the universe of entities that are licensed to conduct work here in the County of Suffolk as a place to begin. We have also talked a little bit about that expertise that different firms may or may not have. Quite candidly, I'd like to be able to have some -- some initial solicitation of all of those equally situated who can perform the function.

Now again, we just talked about, you know, this wide range of different work that emanates from your office; a simple taking for a roadway that might involve five or ten feet may be a simple acquisition that's 20 or \$30,000. And the range on the other end; things like the AVR property that are hundreds of acres and tens of millions of dollars worth of consideration. Granted a two or three person abstract company isn't going to have the same depth or expertise that a Fidelity or Chicago Title might have, but I think, to be candid with you, that I'd like to have some conversation with you about some of the entities that are on this list without necessarily having to do that right now.

MS. GREENE:

Legislator Kennedy, I'm more than happy to have that conversation. Again, the Division, at the directive of your resolution passed last year, began this process in October. We asked all the companies to submit a whole scope of services, they did so. We put this forward --

LEG. KENNEDY:

Hold on one second, Pam. If I can --

MS. GREENE:

-- and we're more that happy to let you know what they provided.

LEG. KENNEDY:

And you said you asked all the companies to solicit. So who are all the companies?

MS. GREENE:

Would you like to know to whom all the requests went to?

CHAIRMAN MONTANO:

Wait a minute. We're not going to go there, because we don't have time for this.

MS. GREENE:

Your bill asked for ten, by the way.

CHAIRMAN MONTANO:

The resolution has been tabled. Now, based on the dialog, I'm just thinking, maybe you need to have more dialog and we can take it up at the next meeting, unless Mr. Kennedy wants to reconsider.

LEG. KENNEDY:

If they've waited until June, I mean have the manifested some --

MS. MALAFI:

They want to get paid.

CHAIRMAN MONTANO:

They want to get paid.

LEG. KENNEDY:

Well, everyone wants to get paid. There's no doubt about it.

MS. MALAFI:

Listen, I understand and I understand your concerns. I'm sorry, can I just -- just since we are on the topic. Requiring -- the Local Preference Law for this county is for Nassau and Suffolk. There is at least one, probably two companies, abstract companies, that are stationed in Nassau, but have offices in Suffolk.

We feel -- you know, getting work done -- I'll just give you an example of why it's not good not to have abstract companies on the list. First of all, we found -- and we've been doing this a while now -- that a lot of times abstract companies are the ones that drop everything to get something done for us rather than other companies that take a little bit longer, that's first.

Second, and I will not use names, we have a direct underwriter right now that had to come off the list because they are suing us saying that we didn't do something properly through the Clerk's Office that clouded title on something, so therefore they can't be on the list. But yet, if we use an abstract company who underwrites through them, there's no conflict. So we do have conflicts. I mean, we have two or three pending cases, usually we have one -- at least one right now might be -- actually it's two right now involving title insurance companies suing the County or a cross-claim against the County and they're sued.

So you can't only have the actual underwriters on the list, because the conflict is too great. Then I'm ordering title from them when I know they're going to turn around and sue me if they can, because they've already done it in the past. And we have always gotten full title, we've never used an abstract company that does not have the authority to bind. We've gotten insurance policies -- the abstract companies that we've been using have all issued us policies knowing that they're not getting paid right now.

And, you know, they're a business. The real estate -- the real estate business is all over, whether you be a title company or a sales rep or anything else, are suffering right now. So for these companies to keep closing for us not knowing when they're going to get paid is a burden on them.

And I'm just trying to -- and I understand that you want to table this one more cycle, but I'd like to get this out so that I don't have to wait until August to do contracts to get these people paid.

LEG. KENNEDY:

What closings do you have scheduled between now and 14 days from now?

MS. GREENE:

We have a closing scheduled for tomorrow, we had a closing last week. The Division of Real Property has been closing straight through. We're not going to not go forward with acquisitions that this Legislature has authorized us to do because this bill has been tabled. And again, your concerns about having the ability to look at the qualifications of the various companies with the scope of the work required are exactly the comments made by myself and Mr. {Amaroso} before this committee and before the Legislature last year when your resolution was being considered.

LEG. KENNEDY:

I do recall. I'm going to suggest to the Chair that the tabling remain. I'll have a conversation with you afterwards. If there's something -- if we can kind of work out what the rest of my questions are, I'll circulate a petition to discharge so that it can be dealt with on Tuesday. But I want to be table to speak with you about some of the things we talked about.

If gives me some locations where, you know, if Abstract Inc. is maintaining an office out here in Suffolk County and they've got a presence there, you know, I know the companies, I really don't want to single any one out in particular, because I don't think that's necessarily appropriate. I don't want to have any company bear an undue burden, but I want to find out a little bit about what the initial round of solicitation was to get us to this point. Okay?

CHAIRMAN MONTANO:

Yeah, Legislator Lindsay.

P.O. LINDSAY:

Just to wrap this up, John, I think you offered a great compromise. Ladies, just talk to him. I'll be the first one to sign the discharge petition. We don't want to be accused of doing the same thing that the State is doing to us. If these people have been working for us for six months, they deserve to be paid.

MS. GREENE:

Mr. Presiding Officer, I'm happy to be there Tuesday to answer any questions.

CHAIRMAN MONTANO:

All right. The discharge petition has to be in by Monday at 12 o'clock. Legislator Nowick.

LEG. NOWICK:

Just quickly, John, would you rather discharge without recommendation so you wouldn't have to go through the whole signature thing for discharge petitions? You know, if you want that --

LEG. KENNEDY:

No.

LEG. NOWICK:

No. Okay.

CHAIRMAN MONTANO:

I think we're at **1341 - Declaring Yaphank property surplus and authorizing its sale at Public Auction. (Kennedy)**

LEG. KENNEDY:

This one, Mr. Chair, I believe would be duplicative since we all supported the Presiding Officer's resolution for surplus declaration across the board.

CHAIRMAN MONTANO:

Does he want to withdraw it?

LEG. KENNEDY:

Well, I just want Counsel to confirm that this resolution for all intent and purposes is 100% subsumed within our action to already declare all 255 acres surplus.

MR. NOLAN:

Correct.

LEG. KENNEDY:

Okay. Sure. We don't even need to take an action. We can withdraw it, Madam Clerk, please.

LEG. STERN:

Legislator Kennedy, you were good with the explanation from Counsel?

LEG. KENNEDY:

Yes, that's fine. So I've asked Madam Clerk to go ahead and withdraw that resolution. 1341, I guess, should be deemed withdrawn, and we'll look forward to going forward with the Presiding Officer's actions as we sit here and talk at length. **WITHDRAWN**

LEG. STERN:

Well, that's why I punted it back to you, because obviously, you are so good at it.

LEG. KENNEDY:

Thank you, Legislator Stern, for recognizing that gift and skill.

LEG. STERN:

All right. Let's skip over the vote on 1341. Next on our agenda is **1371 - Adopting Local Law No. -2011, A Local Law to impose new limitations on the future employment of County officers and employees. (Muratore)**

I'll make a motion to approve.

LEG. STERN:

Motion to approve by Legislator Kennedy. Any other motion? I'll make a motion to go back to consider 1341.

CHAIRMAN MONTANO:

What is your status, Legislator Kennedy?

LEG. KENNEDY:

I've already asked Madam Clerk to go ahead and withdraw this resolution, because Counsel has assured us that this is subsumed completely within the other resolution to declare all of Yaphank surplus. So we should be that removed from the agenda.

CHAIRMAN MONTANO:

So done. (1341 has been WITHDRAWN).

1371 - Adopting Local Law No. -2011, A Local Law to impose new limitations on the future employment of County officers and employees. (Muratore)

Can I ask Counsel for an explanation on this one?

MR. NOLAN:

This Local Law would amend the Code of Ethics in terms of future employment -- soliciting future employment by County employees. Right now, in our Code, we do have language which states that a County employee or County official shouldn't solicit or negotiate or accept private employment with an outside employer if doing so might tend to create a conflict or impair the proper discharge of his official duties.

What this Local Law seeks to do is to sharpen that language a little bit and state that a County employee will not solicit, negotiate for, accept employment with any person or entity which is involved with a contractual relationship with the County while such officer or employee is directly concerned with or personally participating in the award, administration, oversight or performance of such contract on behalf of the County. So it's just trying to create a brighter line that County employees can reference in conducting themselves as a County employee or official.

LEG. KENNEDY:

Mr. Chair, I guess what I'd like to do is in making a motion to sponsor this --

CHAIRMAN MONTANO:

Well, we have the sponsor here. If he'd like to speak --

LEG. KENNEDY:

As a matter of fact, I believe he's going to -- he has asked to speak on it. Let's defer, Legislator Muratore.

LEG. MURATORE:

Thank you. The reason I worked on this was I think from my first year in the Legislature seeing that we need to be proactive than reactive. I think it's a good way to start with, you know, why prevent it from happening -- we know it's going to happen some place down the line if it hasn't happened already. So that's the reason I put this forward; just trying to be more proactive than reactive. I'm learning more about this Legislature, that's what we do here, we try to cut it off before it happens. So I'd really appreciate if the committee could support this and get it out to the other colleagues. Thank you.

CHAIRMAN MONTANO:

Okay. First of all, we need a motion. Motion to approve, I'll second. Any discussion on this? Legislator Anker.

LEG. ANKER:

Question.

CHAIRMAN MONTANO:

Sure. To me or to Legislator Muratore?

LEG. ANKER:

Just in general I guess, the legality of creating this new law. Again, we want to make sure that former employees don't create issues down the road. If there's a former employee that's a Police Officer that has a contract with the town, does that become a problem? In other words, what is the --

CHAIRMAN MONTANO:

I think I'll let Counsel answer.

MR. NOLAN:

What the law states is if you're working for the County and being part of the County employee, you are helping to oversee, administer or award a contract to a certain vendor, while you're doing that, you just will not talk with that vendor or solicit employment or accept employment while you are on the County payroll.

As I mentioned.

MR. KOPP:

The Code does have a provision about this general topic, but this Local Law is just sharpening the language and making it clearer, again because for a Code of Ethics, what you're trying to do is create guidance for employees and officials so they know how to conduct themselves. So this is just a brighter line to guide those people.

LEG. ANKER:

But you don't see any issue s far as it being a problem down the road?

MR. NOLAN:

No. There's no legal problems. We, the County, are allowed to pass laws that affect our employees and officials in the way they conduct themselves.

CHAIRMAN MONTANO:

I have a question. What if in the scenario that Legislator Anker indicated, what if the situation rises where the vendor unilaterally says to you, "Hey, by the way, when you leave the County, why don't you come work for us"? Does that violent this law? What happens in that circumstance?

MR. NOLAN:

Well, this language -- you know, this is for the County employee and not for the outside vendor. So I think in that particular situation, stop, cease and desist --

CHAIRMAN MONTANO:

I'm not allowed to talk to you about this.

MR. NOLAN:

I'm not going to talk to you about future employment.

CHAIRMAN MONTANO:

And that resolves it?

MR. NOLAN:

It should.

CHAIRMAN MONTANO:

Okay. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. This would prohibit negotiating for or accepting employment while the person is a County employee. As I read it here, there's also a one year time requirement; is that correct? Can you explain what that one year time requirement entails?

MR. NOLAN:

Well, this law does not have one year language. That may be somewhere else in the code, but this particular law or this provision does not talk about the one year period. If you can direct me, I'll try to comment on that. You might be eluding to language that was in the original version of the bill that might have been -- I'm told by the bill's sponsor -- I just forgot that.

LEG. STERN:

So that's been amended out.

MR. NOLAN:

There's no one year language.

LEG. STERN:

So you just cannot accept that invitation to employment while you are a County employee, but the day after, there is no such prohibition and there is no longer the one year requirement. Very good. Thank you.

CHAIRMAN MONTANO:

This implies to electeds also right, Legislator Muratore? What if someone says to me, "When your term is up, why don't you come work for me"? You well deal with that in ten years, right?

LEG. NOWICK:

Can I ask a question?

CHAIRMAN MONTANO:

Sure, Legislator Nowick.

LEG. NOWICK:

That's only for the person -- the elected official or the employee who is actually in the negotiations for the contract.

MR. NOLAN:

Right.

LEG. NOWICK:

We don't actually do that --

CHAIRMAN MONTANO:

What if we are approving the contract?

LEG. NOWICK:

That's a question.

CHAIRMAN MONTANO:

It's a good question.

MR. NOLAN:

Well, that would be different, but generally, the Legislature does not approval contracts. As a general rule of thumb, there are very few contracts that come here.

LEG. NOWICK:

We don't negotiate them certainly.

MR. NOLAN:

We don't negotiate them, and we don't generally don't do resolutions approving contracts. We just don't do that.

CHAIRMAN MONTANO:

If I may ask, I was always under the impression that the State Public Officers law actually included this in the State -- is this not -- does this not parallel what's already in the Public Officers Law?

MR. NOLAN:

It may be, offhand, I don't know. It may be in the General Municipal Law. They have ethics -- model ethics code that municipalities can adopt. There probably is language about future employment.

CHAIRMAN MONTANO:

Yeah, I believe there is. But in any event, are there any other motion?

LEG. STERN:

Just a further question for our Counsel. George, I'm looking at -- there's language, I guess it's in section three, subsection three, which is removed and this language is used to replace. Are there substantial differences?

MR. NOLAN:

They're similar. I would -- what I would say is the new language is sharper, I think it's clearer, but it's the same idea; we want to discourage County employees from going and speaking vendors while they're on the public payroll. It creates an appearance of impropriety that we're trying to avoid.

LEG. STERN:

Very good. Thank you.

CHAIRMAN MONTANO:

They have to actually be in negotiations to violate this law; am I correct? In other words, they have to be discussing, you know --

MR. NOLAN:

The language is "involved in the award, administration, oversight or performance of such contract."

CHAIRMAN MONTANO:

All right. Any further discussion? We have a motion to approve. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE: 6-0)

1372 - Adopting Local Law No. -2011, A Local Law to prohibit County elected officials from collecting two public salaries. (Muratore)

Counsel, you want to give an explanation on this?

MR. NOLAN:

This just about says it. County-wide elected officials and members of the Legislature cannot hold another paid position with the County of Suffolk or any other level of government or a public benefit corporation created under New York State law. The law does not apply to teachers and professors at public or private universities -- I mean, at a public university or college.

CHAIRMAN MONTANO:

And it doesn't apply to pensions either.

MR. NOLAN:

No. This talks about employment, paid employment.

LEG. KENNEDY:

Mr. Chair, for the purposes of entertaining some discussion on this resolution, I'll make a motion to approve. Again, the sponsor is here for discussion with the reso.

CHAIRMAN MONTANO:

All right. We need a second.

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

Seconded for the purposes of discussion. Go ahead. Legislator Muratore, why don't you explain your bill and its intent?

LEG. MURATORE:

Well, again, it's ethic -- it's ethics and what the taxpayers perceives us as public officials from doing. It's like me as a Legislator then going to work for the Town of Islip as their Public Safety Commissioner or going to a Z-Board and working there. I mean, I don't really think it's right that a public official should hold another job, a paid job or even unpaid, with another municipality. It just doesn't look right. And I don't know if it's unethical, but it doesn't really portray what we as public officials should really be doing. You know, just take one bite of the apple.

CHAIRMAN MONTANO:

All right. I do know that Jersey, the State of New Jersey allows, for instance, a Village Mayor to work for -- to be a State Senator. And I believe in Nassau, the Legislators there who are paid much less than we are, all hold second positions. So I don't know --

P.O. LINDSAY:

Some do.

CHAIRMAN MONTANO:

Some are attorneys, they work for themselves, but I don't know if they work for municipalities. Legislator Anker, go ahead.

LEG. ANKER:

This -- the term that comes up is double dipping. It's a big concern with, I think any resident and any constituent. But the way this law reads, you know, it actually mentions the word "double dipping." I think it goes beyond an employee being employed by two levels of government. You know, again, you're going into an area of, you know, pensions, teachers, police, people like that being elected officials. I think there needs to be more discussion on this, more -- you know,

research and understanding exactly what double dipping entails to, you know, residents in the County.

LEG. MURATORE:

If that's what you want to do, you go ahead and do that. I mean, I just want to tell the public that, you know, I think one position is enough to get paid for on their dollar and not getting more. I mean, I don't see where this is double -- I don't see that pensions are double dipping. A pension to me is not a salary, it's a pension. A salary is a salary. I mean, you work for that pension ten years, 20 years, 35 years, 40 years. So -- and then, you know, to get appointed someplace -- whereas to me, double dipping is a person on a pension who gets an appointed job, not an elect officials. This is dealing with just elected officials. This is not dealing with employees.

CHAIRMAN MONTANO:

Legislator Lindsay has a question.

P.O. LINDSAY:

This doesn't apply to the public pensions?

MR. MURATORE:

Absolutely not. Why would I do that?

P.O. LINDSAY:

I'm asking you. Why would you do that?

MR. MURATORE:

Exactly.

P.O. LINDSAY:

I mean, you are collecting a public pension.

LEG. MURATORE:

My colleagues need to read the resolution. There's nothing here about pensions. A pension to me is a pension, not a salary.

CHAIRMAN MONTANO:

Legislator Anker.

LEG. ANKER:

Okay. You mentioned pensions. Now, you're taking from a pension right now, Legislator. Now, when you retire as a Legislator, will you get another pension?

MR. MURATORE:

No. No, I am not eligible for another pension.

LEG. ANKER:

Is there such thing as a person being able to do that; to take two pensions?

LEG. MURATORE:

Where I came out of, no. As a matter of fact, I cannot even be a teacher, you know, unless it's in a private school. So I cannot, you know -- you know, I cannot accept an appointed position in government that's in excess of \$30,000 a year. I mean, so -- I think some of my colleagues need to research the pension laws if you're worrying about, you know, police and fire and public officials.

But, you know, to me it's a conflict of interest. If you're a Legislator, you're working for a Z-board or you're the Commissioner of Public Safety in Brookhaven, that doesn't send the right message to the taxpayer.

CHAIRMAN MONTANO:

Legislator Nowick.

LEG. NOWICK:

I just wanted to say I think in ten years when you reach 66, maybe then you can take your whole pension, more than 30%, I think that's the way it goes.

LEG. MURATORE:

Thank you for that compliment. I'm passed that.

CHAIRMAN MONTANO:

I think -- if I may -- the issue, Legislator Anker, I don't think you were here at the time, but there have been situations where a person -- a specific situation where a person retired on a Friday and collected a full pension and came back to work on a Monday at a full salary. And it was -- we actually -- you to be very clear, this Legislature had to sign off on the appointment, and we did. We made the reappointment, but I know I wasn't aware and I don't think anyone on the Legislature was aware that the arrangement had been made for the person to retire on Friday after he was confirmed and then come back to work on Monday.

P.O. LINDSAY:

That's why I asked the question. This bill doesn't cover that.

CHAIRMAN MONTANO:

No, it doesn't.

P.O. LINDSAY:

And what I -- I'm not aware of anybody at this Legislature that has another public job. Are we passing legislation, a solution to a problem that doesn't exist?

LEG. MURATORE:

Again, I'm being proactive. We're getting ready, we're being prepared. I was a Boy Scout and that was the motto, "Be Prepared."

P.O. LINDSAY:

I was confused. I thought it had to do with public pensions.

MR. MURATORE:

No, no pensions.

CHAIRMAN MONTANO:

Double dipping is a phrase that really generically refers to the pensioner who is the example I cited and that Legislator Anker is referring to. So that in the bill in my opinion is sort of -- you know, I'm looking for the right word without being --

LEG. MURATORE:

To me, a double dipper is a person who is appointed to a position. I mean, yeah, if you are on a public pension and then you get appointed to another public job, to me, that's double dipping. But if you're elected, I mean, that's not double dipping. I mean, you're elected by people who think you

can do a good job.

CHAIRMAN MONTANO:

But the guy on the street doesn't see it that way. Legislator Anker.

LEG. ANKER:

Again, I mean -- I can look up the word double dipping, but I think in the minds of people, double dipping, you think of a well. When you go into the well, you're dipping more than once, you're getting twice. You know, so, again, any person collecting two forms of money from any government well, to me it's double dipping.

LEG. MURATORE:

So without this legislation, there could be triple dippers and quadruple dippers.

LEG. KENNEDY:

Mr. Chair, if I can just weight in.

CHAIRMAN MONTANO:

Legislator Nowick had a question.

LEG. KENNEDY:

I'm sorry.

LEG. NOWICK:

Can I just ask a question maybe of George? And I think that this pension thing has nothing to do with this legislation, if I'm correct. Just to ask you George, just to straighten this out -- how should I put this? I believe collecting a pension is both a Federal and a State -- there are State and federal Laws about collecting pensions. And I believe, if i'm not mistaken, it's not within the jurisdiction of a County to say, "An elected official can do this or that with their pension or collection." I think those laws are written already, correct, where State pension -- if you have a New York State retirement -- you're in the New York State Retirement System, there are rules and regulations not governed by the County of Suffolk. If you get a Federal pension, I think there's also laws for that. So I believe this is probably why the sponsor has -- this is not our jurisdiction or maybe I'm wrong.

MR. NOLAN:

We couldn't pass a law saying that if you're collecting a pension --

LEG. NOWICK:

Saying what?

MR. NOLAN:

We couldn't pass a law saying that an elected official can't collect a pension or that a pension -- or can't run for public office. That is outside our jurisdiction. So we couldn't pass a Local Law on the whole issue of pensions in any case.

LEG. NOWICK:

That's what I thought. So I see the sponsor, of course, has stayed away from because it's not -- not that it usually matters to us, but we do it anyway, but it's not in our jurisdiction.

CHAIRMAN MONTANO:

You want to table this?

LEG. KENNEDY:

Mr. Chair? Mr. Chair, if I could add, though, there is -- this does bring some clarity to a whole body of law that we do have at the State level about what an elected can and can't do at other levels of government simultaneously. And it is fairly common when you look at Comptrollers' opinions, things such as Town Tax Receivers, Town Clerks, County Clerks, folks that are officials in many different areas of government, be it at a village, town or county level, are specifically barred from simultaneously holding an elected position as well.

Just because there is an effort to try to stay away from those two disparate functions, the policy-making entity shouldn't be undermined or compromised on the administrative side with carrying out or executing duties. And I think this gives some clarity to that. So I don't see it as being something that's unnecessary or duplicative. I think it gets out there and gives us some bright lines.

LEG. MURATORE:

Mr. Chair?

CHAIRMAN MONTANO:

Okay. We have a motion to approve and -- are there any other motions?

P.O. LINDSAY:

Motion to table.

CHAIRMAN MONTANO:

Motion to table. Do we have a second?

LEG. ANKER:

I'll second.

CHAIRMAN MONTANO:

Okay. Motion to table goes first. I'm going to actually --

MS. ORTIZ:

Who is the second?

CHAIRMAN MONTANO:

I'm sorry? Legislator Sarah Anker. I think that we need some further discussion on this one also -- on this bill, so I'm going to support that. And we have what, six -- all right. So the motion to table goes first. All in favor? And opposed? Who opposed?

LEG. KENNEDY:

Opposed.

LEG. NOWICK:

Opposed.

LEG. STERN:

Opposed.

CHAIRMAN MONTANO:

So the motion table fails, right? All right. Motion to approve? All those in favor?

MR. NOLAN:

It was 3-3.

CHAIRMAN MONTANO:

Yeah. Did you want to table it? All right. Look, let's reconsider. We have a motion to reconsider the tabling. Can I second it?

MR. NOLAN:

You can second it.

CHAIRMAN MONTANO:

I can second it. Motion to reconsider. All in favor? Opposed? Abstentions? Abstentions?

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

One opposed. The bill is before us. We have a -- we need a motion to table.

P.O. LINDSAY:

Motion.

CHAIRMAN MONTANO:

It's reconsidered, so what do we do? We just vote again? All right. So we have a motion to table. That goes first. Then we have motion to approve.

MR. NOLAN:

You need a motion to table.

CHAIRMAN MONTANO:

That's what I said. We need a new tabling motion. Legislator Lindsay, seconded by Legislator Anker. We need a new motion to approve, Legislator Kennedy. Do we have a second on the motion to approve? We have a motion to table before us. All in favor? Opposed? Who's opposed to the tabling? Okay. Motion carries.

LEG. KENNEDY:

There's six of us? I'm going to oppose to table.

CHAIRMAN MONTANO:

The first time. The second time are you going to oppose it?

LEG. KENNEDY:

I'm going to oppose.

CHAIRMAN MONTANO:

All right. So the vote is five to one. The bill is still tabled. **TABLED (VOTE: 5-1-0-0 Opposed: Legislator Kennedy)**

And we're moving on to **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)**

LEG. KENNEDY:

I'm going to look for motion to approve, Mr. Chair. I have had extensive dialog with the County

Attorney's Office. I believe that their previous position of concern is now no longer the same position. We have come to an understanding about what transpired as far as the underlying assessment on this property. There is a representation from the Town of Smithtown. The Town Attorney did indicate that the Town of Smithtown would make the county whole for the delinquent funding that had been put forward to the town. So at the end of the day, the county would be put back in equal position and the church will not be owned by the County of Suffolk, which would be a bad thing.

CHAIRMAN MONTANO:

All right. So we have a motion to approve. Do we have a second?

P.O. LINDSAY:

Yeah, I'll second.

CHAIRMAN MONTANO:

Seconded by Legislator Lindsay. Does the County Attorney have any comment on this? Okay. No other motion? All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 6-0)**

LEG. STERN:

Next on the agenda is **1415 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 The Report Investment Corp. (SCTM No. 0100-070.00-01.00-004.002). (Co. Exec.)**

P.O. LINDSAY:

I make a motion.

LEG. STERN:

Motion by Presiding Officer Lindsay, I'll second? All in favor? Opposed? **APPROVED (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1416 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Frank Niemann and Suzanne Niemann, his wife (SCTM No. 0500-289.00-04.00-095.000). (Co. Exec.)

P.O. LINDSAY:

I'll make the motion.

LEG. STERN:

Motion by Presiding Officer, I'll second. Anybody on the motion? All in favor? Opposed? Any abstention? **APPROVED (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1418 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Allan Kriska (SCTM No. 0100-137.00-03.00-072.000). (Co. Exec.)

P.O. LINDSAY:

Motion.

LEG. STERN:

Motion by the Presiding Officer, I'll second to approve and place on the Consent Calendar, if that's okay with the Presiding Officer. Anybody on the motion? All in favor? Opposed? Abstentions? **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0-0-1 Not Present:**

Legislator Montano)

1421 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gustav H. Bremer, Jr. (SCTM No. 0200-983.10-02.00-003.000). (Co. Exec.)

P.O. LINDSAY:

Motion.

LEG. STERN:

Motion by the Presiding Officer, I'll second to approve and place on the Consent Calendar. Any comment? All those in favor? Opposed? Any abstentions? **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1422 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-959.00-03.00-017.000). (Co. Exec.)

P.O. LINDSAY:

Motion.

LEG. STERN:

Motion by the Presiding Officer, I'll second. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1441 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law to New York State (\pm 6.6 acres of land located in Selden, New York [p/o SCTM No. 0200-538.00-05.00-001.005] more particularly described in Exhibit "A" annexed hereto). (Co. Exec.)

P.O. LINDSAY:

Motion.

LEG. STERN:

Motion by the Presiding Officer, I'll second. Any comment?

MR. KOPP:

I had mentioned to the Chairman before the meeting that we'd like this to be tabled because it needed a CEQ ruling. CEQ hasn't acted yet, so it needs to be tabled.

LEG. STERN:

So we're still waiting action by CEQ. Motion to table by the Presiding Officer, I'll second. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1464 - Declaring as surplus and authorizing the sale and/or lease of real property in Selden pursuant to County Law Section 215. (Lindsay)

P.O. LINDSAY:

I'll make a motion to table. I think it deals with the same property.

LEG. KENNEDY:

I'll second on that. Thank you, Mr. Chair.

LEG. STERN:

Motion to table by the Presiding Officer, seconded by Legislator Kennedy. All those in favor? Opposed? Abstention? **TABLED (VOTE: 5-0-0-1 Not Present: Legislator Montano)**

1466 - Adopting Local Law No. -2011, A Charter Law To Ensure A Workable, Common Sense Reapportionment Process. (Kennedy)

LEG. KENNEDY:

Motion to approve.

LEG. STERN:

Legislator Kennedy makes a motion to table for a public hearing, i'll second. All in favor? Opposed? Abstentions? **TABLED for PUBLIC HEARING (VOTE: 6-0)**

1468 - Adopting Local Law No. -2011, 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.)

Has to be tabled for a public hearing. I'll make a motion to table, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **TABLED for PUBLIC HEARING (VOTE: 6-0)**

Anything else? Anybody else? All good. We are going to retire to Executive Session. So I'll make a motion to recess for -- to go into Executive Session, Legislator Nowick seconds. All right. So we are recessed for Executive Session.

(*AN EXECUTIVE SESSION WAS HELD FROM 11:57 A.M. UNTIL 12:40 P.M.*)

CHAIRMAN MONTANO:

We are coming out of Executive Session. In Executive Session, we approved two settlements, Ericson versus the County of Suffolk, et al and Jennifer Mengie versus Police Officer Teddy Hart, individually in his official capacity in the County of Suffolk was named. So both those settlements were approved by the committee unanimously. We are hereby adjourned.

(*THE MEETING WAS ADJOURNED AT 12:40 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY