

**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 15, 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  
Robert Lipp - Deputy Director - Budget Review Office  
Renee Ortiz - Chief Deputy Clerk of the Legislature  
Kara Hahn - Aide to Presiding Officer Lindsay  
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  
Kathy Malloy - AME  
Michael Spitzer - SUNY Empire State College  
David Henahan - SUNY Empire State College  
Jeffrey Ellenbogen - SUNY Empire State College  
Chris McGrath - SUNY Empire State College  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 10:12 A.M.\*)

**CHAIRMAN MONTANO:**

Good morning. We're going to start the meeting of the Ways and Means Committee with the Pledge of Allegiance led by Legislator Stern.

**SALUTATION**

You may be seated. Good morning, everyone. We're going to go right into the public comments. We have four cards, but I understand that representatives from SUNY Empire State College would like to make a representation; Dr. Spitzer, David Henahan, Jeffrey Ellenborgren and Chris McGrath; am I correct? Why don't you step forward and have a seat at the table there.

In lieu of making individual presentations, you'll just speak as a group and let us know what it is that you have there in the corner, which I really can't see. Can everybody see that? Good morning[.].] Is it just the two of you?

**MR. SPITZER:**

Yes.

**LEG. MONTANO:**

Okay. You want to put your names and affiliations on the record?

**MR. SPITZER:**

Yes. My name is Michael Spitzer. I'm the Dean of the Long Island Center of the SUNY Campus on Long Island. Good morning, Chairman Montano, Vice-Chairman Stern, Committee Members Anker, Nowick and Counsel Nolan.

Thank you very much with providing us an opportunity to make a presentation to the committee. I'm here today with the hope of furthering the college's goal of relocating its regional center to Suffolk County from Nassau County. And with me are people whose names you've heard. By providing you with information about the college, about the project and the benefits to the residents of Suffolk County, we hope to earn your support of our proposal. And you have before you copies of the presentation.

So let me tell you a little bit about SUNY Empire State College. Empire State College was founded in 1971 as an innovative statewide institution for adult learners. It now has 35 locations throughout New York State in seven regional centers. The college focuses on guided independent study for adult students. And we are regarded as national experts for providing credit for prior learning experience of our students.

You have a map in your presentation which shows the seven regional locations and each of the educational units in it. There are approximately 20,000 students enrolled at Empire State College, and seventeen and a half thousand of them are New York residents. This year we have 20,200 students; they're mostly part time, 60% are women, 90% are from New York State. The average age of our undergraduate students is 36, and the average age for our graduate students is 40.

We have learners throughout New York and the country and offer programs and services and veterans and military personnel. We have the Harry Van Arsdale Center for Labor Studies in Manhattan for union workers. Our enrollment has been increasing at approximately 5% a year for the past several years. We have 60,000 alumni; 7000 of those alumni are on Long Island.

In 2009-10, we had 2258 students and awarded nearly 8% of the degrees that the college gave out that year. Our most popular academic programs are business, community and human services, human development, science, math and technology and nursing. We have eleven areas of study. Students design concentrations with the guidance of faculty mentors. Our programs are much more individualized than those at most colleges. We don't have specific majors. Students construct their concentrations with the advice of their mentors. At the graduate level we offer the MBA degree, Master of Arts, Master of Arts and Teaching, and we have pending a Masters Degree in Emerging Technology, in public affairs and in nursing.

The exterior of the building, which you have some views of is shown here. It's an airy facility, it's very bright. The interior views show how welcoming it will be with spaces conducive to learning. And the floor plan shows how the college's emphasis is on faculty and individual students with faculty offices for those meetings, with small conference rooms for study groups. We have seminars that enroll up to 15 students, generally not more than that.

And we're talking about relocating the center from Nassau County to Selden. The new center will have benefits for Brookhaven Town as well as for Suffolk County. It is a LEED Silver Certified building, 33,000 gross square feet with two stories and a basement. We believe it will add value to the neighborhood as it will be constructed on a vacant parcel. Each floor of the building will have about 11,000 square feet with offices, meeting rooms and computer facilities. We expect the project to cost in the neighborhood of a little more than \$13.6 million. It will create 52 construction jobs, 35 additional ancillary jobs. And in addition, 52 people will be moving from Nassau to Suffolk County.

We have a payroll of about \$2.8 million. We expect to add additional jobs as a result of this new facility because we are expecting it will lead to increased enrollment. The units that we now have in Hauppauge and Riverhead, which have 20 employees, will continue to function and operate as they are now. During the last two years, 700 Suffolk County Community College students enrolled in Empire State College. We are strong articulation and pathways agreements with the Community College, including one in nursing.

We accept full credit when those students transfer to Empire State College with an Associate in Arts or an Associate in Science degrees. We allow them to schedule their studies around their work and their family commitments. And those students will then earn a SUNY Degree nationally recognized, affordable tuition, which is now \$4970 a year for full-time students and \$207 per credit. That may go up for next September. I want to thank you for providing us the opportunity to present our proposed new regional center. And my colleagues and I will be glad to answer any questions you might have.

**CHAIRMAN MONTANO:**

Thank you very much. First question, assuming that the resolution is approved, when do you -- when will you commence construction? When do you think you will break ground? What is your target date? You can come forward and bring your colleague also. There may be other questions from committee members.

**MR. MCGRATH:**

Chris McGrath, State University Construction Fund. So to answer your question about when construction would commence, we would aim initially at this point to begin early next year.

**CHAIRMAN MONTANO:**

2012. Probably around the spring you think?

**MR. MCGRATH:**

Yes.

**CHAIRMAN MONTANO:**

Now, with respect to jobs, you said -- Dean Spitzer, I think you said there were 52 construction jobs that would emanate from this project. What stage are the negotiations as with the unions, or -- you know, is there going to be a public labor agreement? You know, how does that work? Where are these jobs coming from? Which unions? And are there any provisions in there to ensure that we have local labor force from the community that are going to be able to work on these projects? I know it's a compound question, but you get the idea.

**MR. MCGRATH:**

Sure. For project labor agreements, that is something that we have done for other campuses throughout SUNY. If that becomes an interest for this particular project, we would want to do an economic study first to try to find out what those trades are specifically. And at the completion of that study, we can make a decision as to how to go about work with those trades to make an agreements for that.

**CHAIRMAN MONTANO:**

Okay. So that part of it hasn't been developed yet, I gather.

**MR. MCGRATH:**

Yes.

**CHAIRMAN MONTANO:**

And do you know, which unions we're talking about? I'm sure there's several; you've got electrical workers, you've got -- I guess the gamut.

**MR. MCGRATH:**

It would be the full gamut of general contractors.

**CHAIRMAN MONTANO:**

Are you planning to do this study, or is this something that if it came up in negotiations you would begin?

**MR. MCGRATH:**

Typically if it comes up in negotiations or is a concern to the County, that is something that we can begin to entertain.

**CHAIRMAN MONTANO:**

Okay. I guess to beat the point, it hasn't been discussed at this point yet; am I correct?

**MR. MCGRATH:**

Currently, no, not from my understanding.

**CHAIRMAN MONTANO:**

Okay. All right. Any members of the committee that have questions? Legislator Kennedy, I saw your hand.

**LEG. KENNEDY:**

Good morning.

**CHAIRMAN MONTANO:**

Good morning. How are you?

**LEG. KENNEDY:**

I'm fine, thank you. Thank you for being here, gentlemen. This seems quite exciting. I'm just paging through your brochure. Refresh my recollection. How much property are we talking about that you would be looking to acquire?

**MR. SPITZER:**

It's 6.6 acres.

**LEG. KENNEDY:**

Six-point-six. And is that contiguous with the college campus, you're immediately adjoining it? Because I know we have a much larger parcel. It's about a 60 or 70 acre parcel. Where does it sit in that larger section?

**CHAIRMAN MONTANO:**

I have a map, Legislator Kennedy, if you want.

**LEG. KENNEDY:**

Okay. Talk to me a little bit about the synergy between Suffolk Community and Empire. The Nursing Pathways Program, in particular, I've got a strong interest in. As you gentlemen know, we have the largest community college nursing program in the State of New York, actually throughout most of the eastern seaboard. And our Suffolk nurses have a premiere reputation.

Both my wife and my daughter are Suffolk grads. And now, my daughter is in the RN to BSN Program/NP Program at SUNY Stony Brook. So tell me a little bit about how this program would operate.

**MR. SPITZER:**

That's essentially the same kind of program. It's an RN to BSN program. The other part of that is that we are seeking to introduce a Masters Degree in Nursing which will have the potential to increase the enrollment at the Associate Degree Programs because it will provide for qualified instructors for nursing programs, which is one of the things that keeps back enrollment in those programs. So we have a strong articulation with Suffolk Community college. It's a highly competitive program as I'm sure you know. But we're just beginning it, and we're expecting it to grow significantly.

**LEG. KENNEDY:**

So you've had some dialog with Dean Lafauci then in the nursing piece itself?

**MR. SPITZER:**

We have a Dean of Nursing whose responsibility is that.

**LEG. KENNEDY:**

Very good. We have many, many other programs at Suffolk Community, as you know, that are leaders and stellar programs; the Manufacturing and Technology Program that's located both on Ammerman and over in the Grant Campus. Do you have a component that assists students going forward in that track?

**MR. SPITZER:**

Yes, we do.

**LEG. KENNEDY:**

Okay. Automotive -- automotive technology. Again, that's a program that's located on Ammerman, highly competitive. And as a matter of fact, we partnered, I believe, with both General Motors and with Honda to actually bring in students who become trained to manufacturer standards and have actually a great degree of placement.

I guess my question to you, Dean, is as Empire grows -- and I have some knowledge about Empire -- I imagine that, you know, your scope is wide, but I'm hoping that with the proximity to Suffolk itself, that you will be able to focus on some our in-demand associate classes.

**MR. SPITZER:**

We would certainly look at expanding into areas that we're currently not participating in if there was sufficient demand for it and finances to support that expansion.

**LEG. KENNEDY:**

Okay. Now, I see that there's a reference to 52 positions. You have physical sites in a couple of different places on the Island now, right?

**MR. SPITZER:**

Correct.

**LEG. KENNEDY:**

You have a location right across the street in the State Office Building.

**MR. SPITZER:**

That's correct.

**LEG. KENNEDY:**

So would this project then take those --

**MR. SPITZER:**

No.

**LEG. KENNEDY:**

Oh, this is new.

**MR. SPITZER:**

This project would relocate our center facility in Old Westbury in Nassau County to Selden.

**LEG. KENNEDY:**

Okay. Very good. Very good. And again, your timeline, you would anticipate breaking ground in 2013?

**MR. MCGRATH:**

2012.

**LEG. KENNEDY:**

2012?

**MR. MCGRATH:**

Yes.

**LEG. KENNEDY:**

Okay.

**MR. MCGRATH:**

Eighteen months of construction.

**LEG. KENNEDY:**

The actual transfer, are you purchasing, are we gifting, do we have some kind of reciprocity? What's going on? Is there consideration here? What are we looking at?

**MR. ELLENBORGEN:**

Jeff Ellenbogen, I'm the Director of Real Estate for Empire State College. We have had extensive discussions with the Deputy County Executive Christopher Kent, and it's a purchase, it's a fair market value purchase.

**LEG. KENNEDY:**

What's the value that we've hit on at this point?

**MR. ELLENBORGEN:**

It would be 6.6 acres for 660,000.

**LEG. KENNEDY:**

Six-point-six acres for 650,000?

**MR. ELLENBORGEN:**

Six hundred and sixty.

**LEG. KENNEDY:**

I'm okay.

**CHAIRMAN MONTANO:**

Just for the record, this is IR 1441 that we are discussing. It's in the resolution.

**LEG. KENNEDY:**

Thank you. So do we have an arm's length appraisal on this transfer at this point?

**MR. ELLENBORGEN:**

It's a requirement by the State who is the ultimate acquirer of the property, the People of the State of New York, to have two appraisals and a review appraisal. All we have had all three done to substantiate this amount as fair market value.

**LEG. KENNEDY:**

I'm going to yield over at this point, Mr. Chair, but I would like to get an opportunity to review those or see them before I make a final -- cast a final vote. I mean, it sounds like a great project, very exciting, but nevertheless, I'd want to see the appraisals.

**CHAIRMAN MONTANO:**

Understandable. Legislator Stern wanted to -- had a question for Counsel and then Legislator Anker had some questions.

**LEG. STERN:**

Did this need to go through CEQ for any reason?

**MR. NOLAN:**

Yeah. It was before CEQ. I'm told it went through this morning and received a negative

declaration.

**CHAIRMAN MONTANO:**  
Legislator Anker.

**LEG. ANKER:**

Okay. A couple of questions. Economic analysis, have you done an economic analysis for Suffolk County where this there will put us as far as jobs and also the potential of our local residents getting new jobs due to the advanced education that they may receive?

**MR. MCGRATH:**

A specific economic study per se has not been done. However, we do feel that by bringing both temporary construction jobs and then bringing new full-time jobs to the County that will certainly have an immediate and beneficial impact in addition, with the proximity to Suffolk County Community College and providing additional opportunities for working adults to earn degrees and compete for better jobs, they of course would help the employers of Suffolk County have a more competitive workforce.

**LEG. ANKER:**

Okay. Another question relating to that, Accelerate Long Island, have you considered that, becoming part of that process or that networking of local jobs, education and then the actual applying to the tech companies that are here?

**MR. MCGRATH:**

Not yet.

**MR. SPITZER:**

Not yet. We do, however, have conversations with various corporations and various agencies about providing educational opportunity for their employees.

**LEG. ANKER:**

Okay. Yeah, I visited the Advanced Energy Research and Technology Center, it's wonderful. And it reminds me -- your layout here reminds me of a similar plan, and that's also a LEED Building. And I encourage you to definitely proceed in that direction. The -- switching gears a little bit. The land parcel, it's County property attached to the County -- have you -- I'm assuming, but have you been in touch with the administration for Suffolk Community College to work out possible programs, I guess, in addition to the two that are already in place, the Pathway Programs?

**MR. SPITZER:**

We haven't had specific conversations about that at this point, but we intend to work very closely with the Community College and develop -- as we have with other community colleges, developing Bachelorette Programs that build upon the programs that they offer now.

**LEG. ANKER:**

Wonderful. Again, I encourage you to do that, because you'll be physically close neighbors. It's always good to be, you know, good neighbors. My daughter is attending Hunter College, a CUNY school, and it's just a wonderful thing to be a part of a very affordable, but very good education. And also, Stony Brook, a very good education.

Again, going back to the parcel, I'm looking on the map, it is -- there's a lot of vegetation on it. There's the parcel -- now where will the center be located, in the shaded area with the lines?

**MR. ELLENBORGEN:**

Are you looking at the map that says Town of Brookhaven on the top?

**LEG. ANKER:**

Yes.

**MR. ELLENBORGEN:**

On the map, we had reviewed several different parcels, so you see and "A" and a "B." Parcel B is the 6.6 acres right on College Road.

**LEG. ANKER:**

Okay. So in other words, it's not taking up the whole parcel of vegetation. I just was wondering as far as if you could preserve as much as you can, but it looks like between the building being a LEED Building, it looks like you're really reaching out to create an environmentally friendly structure, which is always a good thing. Okay. Thank you.

**CHAIRMAN MONTANO:**

I had a quick question for Counsel. On my notes here, I have a linkage between 1441 and 1464, IR 1464, which is on the agenda, the bill -- the resolution following 1441. Is the property in 1464 -- I mean what's described in 1464 include this parcel?

**MR. NOLAN:**

It does. There's an overlap. I think when Legislator Lindsay filed this bill, I think there was a recognition that there might have to be an amendment at some point to reflect this particular resolution. And also, Legislator Lindsay's resolution still has to go through the SEQRA process, so. But, yes, there is an overlap.

**CHAIRMAN MONTANO:**

Okay. Legislator Anker again.

**LEG. ANKER:**

How much is this parcel -- are we paying for this parcel to give to the State? Is that what --

**MR. NOLAN:**

I hope the State is paying us. It's 6.6 acres. But the amount --

**LEG. ANKER:**

Is there an expense that we're paying to transfer this property?

**MR. NOLAN:**

I wouldn't think so, but I would have to put that to the County Executive's people.

**MR. ELLENBORGEN:**

I can contribute somewhat. The land was taken by eminent domain in 1964 for the sole purpose or devotion to Suffolk Community College or for educational purposes. So the land has been owned by the County since 1964.

**LEG. ANKER:**

Again, I just want to mention that I think it's imperative that, you know, Suffolk Community College is right up there with you in accepting this project, so -- and you do have that approval and, you know, relationship?

**MR. ELLENBORGEN:**

We've had several meetings in Chris Kent's office that included the Community College. They appear to be very supportive.

**LEG. ANKER:**

Okay. Thank you.

**CHAIRMAN MONTANO:**

Okay. Are there any further questions? We will take this up when we go into the resolutions. So if you want to stick around, we should get to it shortly. It may be tabled, it may come out of committee, it may come out without recommendation. We'll discuss that. I think there are some questions that are out there. And just so you know, the point I was making through Counsel is that there's a resolution subsequent that talks about the sale of certain property, and it includes the 6.6 acres. So we have to look at that also I think. As I said, we will get to this in a couple of minutes. So if you'd like to sit there, that's fine, or you want to take your seats, it's up to you. And is there anyone else that would like to address the committee? All right. So what we're going to do is go right into the resolutions.

**MR. SPITZER:**

Thank you very much.

**CHAIRMAN MONTANO:**

Thank you for your presentation.

**CHAIRMAN MONTANO:**

We are going to go right into the resolution. We're going to start with the Tabled Resolutions.

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

I'm going to make a motion to table this. Do I have a second? Seconded by Legislator Stern. This is IR 1246, we have a motion to table and a second. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**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)**

Do we have anyone from Parks here today? Okay. I did speak with Legislator Browning yesterday, and I told her that we would be moving -- I would make an application to table this. I know she would like to get it out of committee, but I think we have some further questions. It's not an issue of timeliness, we have time to work on this. So with that, I'll make a motion to table. Do we have a second? Seconded by Legislator Stern. Any other motion? All in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 5-0-0-0).**

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

Legislator Kennedy.

**LEG. KENNEDY:**

I'm going to make a motion to move this resolution at this point, Mr. Chair. I have had some dialog with the County Attorney's Office and the Division of Real Estate. I understand now the process

that was utilized. I may want to revisit this, you know, next year. It's a list that's approved only for a one year time period. I do not want to work a hardship on companies that have already, you know, undertaken a task for us and are waiting to get paid.

**CHAIRMAN MONTANO:**

I'll second for the purposes of discussion. Go ahead, John.

**LEG. KENNEDY:**

The original intent of my bill from last year was to have a somewhat robust solicitation process in the first instance. You know, we have nine title insurers in the State of New York and probably seven or 800 abstract companies that are located between the Nassau and Suffolk area.

There's still some questions as to whether or not abstract companies have capacity to bind when you get transactions in excess of a million dollars in value. There's some questions about individual abstract company's capacity to be going into this. However, none of them are questions related to the ten that had been selected from this list that the County Attorney's Office is going to use. So I'm satisfied at this point that these companies are competent and able and can provide the services we need to give insurance.

**CHAIRMAN MONTANO:**

The question I had is that -- and I agree with you that we have the title companies, and I think seven of those are on the list. The list, as I recall has ten entities. And, you know, as an attorney also, we know that there are tons and tons of abstract companies out there. And a lot of them are able and competent to do with work. My concern was that this list was just very, very limited and very select. And I'm not sure why -- what the process was to select the list.

I would also like to see a list expanded so that we give opportunities to other abstract companies who can do the work, you know, either on a rotating basis similar to what we do with the tow truck operators. They're on a list. You know, when your number comes up -- this would -- I think if we used a system like that, this would equalize a process and give everyone an opportunity. The abstract companies, while the mortgage insurance and title insurance is standard, a lot of times the departmentals, the environmental studies, they vary from abstract company to abstract company and some are higher than others. So I felt that the list was too exclusive, and that made me uncomfortable. At that point --

**LEG. KENNEDY:**

That was my reason for wanting some time to have the dialog. There were some additional mailings that were put out there. It was publicized in a couple of different places. Candidly, we are in the last cycle before our traditional summer break. We will not be back again until August. This is a list that basically will be in existence for this year. I've articulated it verbally to the Division of Real Estate, and I will set it down in a letter where I will cc you that my desire going forward into 2012 is to see a wider request in the first instance regarding an invitation to bid and an invitation to possibly be put on a list of qualified companies for next year.

**CHAIRMAN MONTANO:**

Assuming that we are all here next year, I will join you in that. With that, are there any other motions? All in favor? Opposed? Abstentions? Motion to approve carries. **APPROVED (VOTE: 5-0-0-0).**

**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. Do we have a second?

**LEG. NOWICK:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Nowick. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**1314, Adopting Local Law No. -2011, A Charter Law to establish a truth and honest zone for clean campaign practices in Suffolk County by banning improper fundraising. (Romaine)**

I believe this has to be tabled for a public hearing. Well, if they're improper, I guess they're banned, but I didn't write the bill. But we have to table it for a public hearing anyway. It does seem a little redundant. I'm not sure why we would want to ban improper fundraising, but be that as it may, we have to table for a public hearing. I made a motion, I need a second. Seconded by Legislator Anker. Any other motions? All in favor? Opposed? Motion carries.

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

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

There was an amended version of this bill that was filed; am I correct, Counsel?

**MR. NOLAN:**

Yes. There was an amendment.

**CHAIRMAN MONTANO:**

The latest one I have, I believe, is the 5-25 amendment.

**MR. NOLAN:**

Correct.

**CHAIRMAN MONTANO:**

Okay. With that, I had a discussion with Legislator Muratore yesterday, one of the questions I had is that this bill, as I understand it, applies only to County employees and does not extend, for instance, to a Village Mayor who may also work for a town government or have another public position. I guess the open question was whether or not we have the jurisdiction to impose a law that cover other levels of government here in Suffolk County.

**MR. NOLAN:**

We don't.

**CHAIRMAN MONTANO:**

That's clear.

**MR. NOLAN:**

That's clear.

**CHAIRMAN MONTANO:**

So just for explanation, can you put on the record, this bill will do what?

**MR. NOLAN:**

First, it applies only to the County elected officials.

**CHAIRMAN MONTANO:**

So just the members of the Legislature.

**MR. NOLAN:**

And the Countywide electeds. Okay. And it basically states that they cannot hold a paid position with employment with another level of government. That's what the law does.

**CHAIRMAN MONTANO:**

But a County employee working in a department then can work with another level of government; is that correct?

**MR. NOLAN:**

Correct.

**CHAIRMAN MONTANO:**

We don't have a motion yet. Does someone want to make a motion for purposes of discussion?

**LEG. KENNEDY:**

Yeah, I'll make a motion to approve for the purposes of discussion.

**CHAIRMAN MONTANO:**

I'll second it -- Legislator Anker, would you like to second? Legislator Anker will second it for purposes of discussion. Go ahead, Legislator Anker, you have the floor.

**LEG. ANKER:**

Okay. I think prior to this resolution, there was another resolution that mentioned the phrase "double-dipping," and that bothered me, because basically, you know, double dipping refers to, in my mind, and also if you Google it and you look up the word double dipping, it includes pensions and teachers and a slew of other situations where you can have a person receiving funding, government funding, more than once, you know, twice or whatever. So this legislation basically states that, you know, if you are a Suffolk County Legislator, and only a Suffolk County Legislator; is that correct?

**MR. NOLAN:**

Or the Countywide electeds; County Executive, Clerk, Treasurer.

**LEG. ANKER:**

That you cannot hold a job, another government job. Now, there are exemptions, which teachers and professors; is that correct?

**MR. NOLAN:**

That's the exemption in the law, yes.

**LEG. ANKER:**

What about librarians? I mean, are there other -- my concern is are there other individuals like teachers, professors that may be affected by this legislation?

**MR. NOLAN:**

It doesn't actually extend out to a library district. It talks about the Federal Government, the State Government, and town or village government or public benefit corporation, but it does not extend out to library districts.

**LEG. ANKER:**

Okay. And again, this legislation, through the description, it says -- let's see, it mentions a poll that was taken. Where did that poll come from?

**MR. NOLAN:**

Well, it references numerous polls that showed that it's widely held that the public's faith in public institutions is down.

**LEG. ANKER:**

Did it specifically mention -- again, it's not in this legislation, the new one, but the old resolution -- double dipping?

**MR. NOLAN:**

I don't think it was specific to double dipping.

**LEG. ANKER:**

Okay. And again, the reason why I have a great interest is, you know, in my journey to get to the Legislature, it was very high in my concern in my district. I think this is a great idea in creating this legislation where we can allow a Legislator to be a full-time Legislator, even though this is a part-time job. Legally, this is supposed to be part time.

**MR. NOLAN:**

I don't really think it's defined anywhere as a part-time job or a full-time job anywhere in our Charter or anything like that.

**LEG. ANKER:**

Again, I think, you know, again, to restore the public confidence, I agree with that. You know, officials really should not be taking two salaries. So I think this is a good first step. I think there's some other issues we need to look at if we're really looking into restoring the public's confidence in government. But this is, I think, a good step. Clerk, could you put me as a cosponsor for this legislation? Thank you,

**CHAIRMAN MONTANO:**

Legislator Nowick, you have a question.

**LEG. NOWICK:**

Just to make it clear on this particular piece of legislation, as a Legislator, with this bill, if you choose as a Legislator to teach at Suffolk Community College or another State College, Empire State College, you can as a Legislator elected under legislation?

**MR. NOLAN:**

Right. That's an expressed exemption in the law for teaching at a community college or a public university or as a teacher in a public school district. So teaching in general was exempted.

**LEG. NOWICK:**

So you could be a Legislator and teach in a public school district?

**MR. NOLAN:**

Correct.

**LEG. NOWICK:**

Could you be a superintendent in a public school district?

**MR. NOLAN:**

No.

**CHAIRMAN MONTANO:**

Legislator Anker, go ahead.

**LEG. ANKER:**

How much money can we give one person from our government funds? I think maybe when this bill evolves, and I hope to see it evolve, we have situations where -- you know, local situations where we have a town councilman working for the County, of course, that's the opposite, so that would be allowed?

**MR. NOLAN:**

Let me just back up a second on this superintendent question. The law does not address school districts specifically. So it talks about --

**LEG. NOWICK:**

What would be --

**MR. NOLAN:**

You couldn't take a job with the Federal Government, State Government, Town Government or Village Government.

**LEG. NOWICK:**

But it does not address school districts.

**MR. NOLAN:**

It does not specifically address school districts or library districts.

**LEG. NOWICK:**

So that sounds to me like as an elected in the County, you could take a job in a school district, a fire district, a library district, correct?

**MR. NOLAN:**

Yeah. The law does not extend out to those districts.

**LEG. ANKER:**

Can I finish? So again, I think again the issue is trying to understand how much we can -- we as, I guess, government leaders can give one individual from government funds. And I think the Brookhaven Town has a great idea we may want to consider where we have the Deputy Supervisor, she has two position of government; she's a Town Councilwoman and she's also a Deputy Supervisor. I think she takes -- you know, she takes one paycheck. She only takes \$10,000 from the other, which would be a six-figure salary.

So again, whether that has to do with the pensions or teacher or professor, I think we need to consider down the road how much money a particular person will get from government funds as they serve as a representative for the government. So I just wanted to include that into maybe a possibly idea down the road, because again, even pensions itself -- even have a six-figure pension and still taking a salary here, and to me, that's an awful lot of money, you know, that we're

extending out. Okay. Thank you.

**CHAIRMAN MONTANO:**

Okay are there any other motions on this? Hearing none, all those in favor? Opposed? Abstentions? Motion to approve carries. **APPROVED (VOTE: 5-0-0-0)**. I'm going to take a two minute recess.

**(\*A RECESS WAS TAKEN\*)**

**CHAIRMAN MONTANO:**

Okay. We are back. I want to thank all of you for your indulgence.

We are at **IR 1441, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law to New York State (± 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.)**

We obviously had a side-bar discussion. I'm going to make a motion to discharge without recommendation.

**LEG. STERN:**

Second.

**CHAIRMAN MONTANO:**

I have a second by Legislator Stern. Any discussion on this? What I'd like to put on the record is one of the things that we would like to see the college explore is -- and we'd like to know more about the labor aspect of how the college will be undertaking the development. You know, again, we'd like to see and explore local preference, the Local Preference Law. Does that apply here, Counsel?

**MR. NOLAN:**

Will it apply if we convey the property?

**CHAIRMAN MONTANO:**

If we sell it, yes, if we sell it to them.

**MR. NOLAN:**

No. Our law will not apply to the State, no.

**CHAIRMAN MONTANO:**

All right. Is there anything that -- when the contract of sale is done, is there anything that can be inserted in the contract to more or less accomplish the goals that we have been discussing?

**MR. NOLAN:**

We can try to accomplish that through the contract.

**CHAIRMAN MONTANO:**

Okay. And that contract will be -- the contract itself will be drawn up by the County Attorney's Office?

**MR. NOLAN:**

I believe so.

**CHAIRMAN MONTANO:**

Okay. And will it come back to us? No, right?

**MR. NOLAN:**

I think we're authorizing them to do the deal, so I don't think it's coming back to us, no.

**LEG. NOWICK:**

Well, then how do we guarantee it?

**CHAIRMAN MONTANO:**

Yeah, that's the problem. Go ahead, Legislator Kennedy.

**LEG. KENNEDY:**

Can I ask on some of the mechanics here? George, are we just doing the surplus declaration, or are we also authorizing conveyance?

**MR. NOLAN:**

We're authorizing them to execute a bargain and sale deed.

**LEG. KENNEDY:**

So we both -- this basically is charging the agency, the Division of Real Estate, with all the authority they need in order to go ahead and effectuate the transfer. We will not see this back again before us.

**MR. NOLAN:**

No, I don't believe so. It's not going to come back.

**LEG. KENNEDY:**

All right. Let's go back to the terms and conditions under which the State will construct. And I pose this either to you and/or one of the representatives here from Empire. First of all, I believe the State has to operate under Prevailing Wage with approved apprenticeship language for any of the contractors that are selected. Tell me also, will the Wicks Law be involved with this with our subcontractors, or is the State exempted from that? Mr. Chair, can I invite one of the representatives here to the table?

**CHAIRMAN MONTANO:**

Absolutely.

**LEG. KENNEDY:**

Thank you.

**CHAIRMAN MONTANO:**

Just restate your name for the record.

**MR. MCGRATH:**

This is Chris McGrath, the State University Construction Fund. I can address that, that, yes, we do call for prevailing wages. Wicks Law is typically not what we pursue. It is prevailing wages. Again, with some side-bar discussion, the question going back to the Project Labor Agreement, that is something that had been conversed with the County and with the campus, and they pursuing that. So again, what we are looking to do in that is that we would do that study, and then from the completion of that study, understand which unions would be directly involved with our project.

**LEG. KENNEDY:**

Well, the PLA, as a matter of fact, as you know, it pretty much the standard practice for any of our County construction projects. And that economic benefit study is a requisite prior to the PLA being done. So I'm pleased to hear that you're moving in that direction already.

Understand, our objective here is any time that we have municipal funding or assets or resources, we want to make certain that our labor community has a fair and equal shot to go ahead and obtain employment. That's why the Prevailing Wage is important. And quite frankly, we'd like to see the approved apprenticeship language be part of whatever the ultimate letting or documents are. That makes certain that we have qualified craftsmen that are on the job from start to finish.

That being said, again, I would like to between today and Tuesday have an opportunity to see the appraisals that were associated with this. I think it's a good project, it a meritorious project, I think it's just important for us to get a look at how we arrived at the value and the consideration that's going to be exchanged.

I guess at that point, I will also ask one other question about the timeline that we're looking at here. We referenced groundbreaking in 2012. Tell me what that means for you from the design process and the actually assemblage of bid letting documents. Where are we at with that now?

**MR. MCGRATH:**

Sure. Just to give you a little bit of a background, the building which is proposed, it has been designed. It's designed as a prototype, so again, these regional centers which will be constructed throughout New York State and more importantly here at the Selden Campus, it has been programmed and designed as a prototype. It needs to be re-exercised and programmed specifically for the Selden Campus, but for all intents and purposes, it is the same building that you are looking at.

So that takes us a course of a few months to go through that finalizing of the documents and taking care or more importantly the actual siting of the prototype to the specific plot of land with utilities. That will take us the course of this year. Into bidding of the project and executing an award of a contractor, that will put us into the beginning of next year and allowing us to have that mobilization take place in early spring. So that's really where the timeline sets, from today to then.

**LEG. KENNEDY:**

Okay. So assuming that we get success on Tuesday will approval of the resolution, then you will go for the site-specific tweaking associated with this prototype, when do you expect that there would be bid documents out there on the street, late fall? Are we talking November?

**MR. MCGRATH:**

Yes.

**LEG. KENNEDY:**

Okay. And again, I saw in your literature here you're working to a Silver LEED standard or a Gold LEED standard.

**MR. MCGRATH:**

We currently are Silver. We're, on each prototype, looking to see whether or not that can meet the crest with Gold, but we currently are Silver. And if there are advantages specifically within the building engineering for us to push that a little bit further or within the site, then we certainly are looking to do that. Empire State College is a big proponent of doing LEED Certification for all their facilities where they can in trying to do the highest degree of LEED status that they can.

**LEG. KENNEDY:**

And refresh my recollection for me again, the benefit that we have with building to a LEED standard, what how do we realize -- what's the benefit to that?

**MR. MCGRATH:**

It is on energy consumption as well as natural resources to building components, trying to work within building components available within that region. It's also sustainability of the site and preservation of water resources as well.

**LEG. KENNEDY:**

Okay. So we're going to minimize whatever the footprint is for the building within the campus site, we are going to get better operations out of our lighting, out of our heating and things such as that and cooling, and ultimately, we are going to use recycled materials or other types of environmentally friendly or green materials in the construction by building to the LEED standard; is that correct?

**MR. MCGRATH:**

That is correct. The bill is to reduce carbon footprint, but also do it in a sensible, sustainable way.

**LEG. KENNEDY:**

Okay. All right. Thank you very much. I appreciate it. Okay, Mr. Chairman, thank you. I have all my questions satisfied.

**CHAIRMAN MONTANO:**

Thank you. Legislator Nowick has a question.

**LEG. NOWICK:**

I just wanted to ask on the record to the Chair, was the intent of your question that when this building is put up that you would use Suffolk County residents to build the building? Was that your intent?

**CHAIRMAN MONTANO:**

Yes. And if you recall, when we approved resolution to have the solar panels installed on the various County sites, two of them being in my district; one at the courthouse and one at the Brentwood Train Station, I believe we had to delay the construction at the Brentwood Train Station because of the fact that -- the issue of local labor force and community residents working on the project was not -- I believe wasn't being complied with, so we had to go back to the drawing board.

And in this case, the proposes contract of sale is not attached to the resolution, so we don't really have a clear idea of what the terms and conditions of this contract are. Once we approve this resolution as it's written, it goes over to the Executive Branch, and then the contract is done. We never get to see it after that. We never have an opportunity to have any input as to, you know, who is hired, whether it's local, etcetera, etcetera, other than the prevailing wage.

**LEG. NOWICK:**

Could I ask a question then?

**CHAIRMAN MONTANO:**

Absolutely.

**LEG. NOWICK:**

I don't know, because I'm certainly not an attorney, so I don't know if this is a possibility, but is there any way that we could -- I know these are pretty {rogue}, the sale of County-owned property, but is there any way we could put into this -- and, George, you might know the answer, I might be

crazy -- but we approve it subject to a contract that states that local people -- we want to put local people to work. And if it doesn't, if the contract doesn't come out, yes, we don't approve the contract. But then our legislation, the way we approved our legislation, would make that contract null and void if we didn't have it the way we say. So I'm changing the legislation a little bit, but that would be in stone in writing in law. Is there any way we could do that? I know it's out of the ordinary, but these are our people in Suffolk County, we want them to work.

**CHAIRMAN MONTANO:**

I'm going to punt that over to Counsel.

**MR. NOLAN:**

Well, as Legislator Nowick mentioned, we don't really have a draft contract, but, you know, there are certain restrictions in the resolution of the terms and conditions, and I suppose we could try to get that type of language into a resolution or into a contract. But I don't think it is normal when we do a 72-H transfer to impose that type of condition. I can't think of another situation where that happened, but if that's something the Legislature agreed on, I'm sure it's something that could be discussed. I don't know how the State would react to that.

**CHAIRMAN MONTANO:**

Legislator Anker, you have a question? Go ahead.

**LEG. ANKER:**

So would that be -- do you think it would be an issue to hire local people, local residents, to help facilitate the construction of your project?

**MR. MCGRATH:**

No, I don't think there would be an issue. Again, we have used PLA agreements at other SUNY Campuses; Cornell and Buffalo have gone under PLA agreements for capital projects. And what that usually occurs first is to do the economic study, going through that to try to find out how that best benefits going into a PLA agreement, but we have done that.

**CHAIRMAN MONTANO:**

If I can follow up on that, the economic study that we're talking about, though, has not been done nor has it been commenced at this point.

**MR. MCGRATH:**

That's correct.

**CHAIRMAN MONTANO:**

Right. And I think that the concern that certainly myself and I believe that, you know, without speaking for the members of the committee per se, but I think the general concern is that, you know which direction we are going in terms of the project itself, but we, as Legislators, the way this bill is drafted, once we approve it, we don't see it anymore. So we don't have further input, as I understand it, in, you know, a Project Labor Agreement or really any aspect of the contract. So we're relying on the Executive Branch to put that language in there. Now, do you know whether or not -- have you reached agreement on this? I think you said earlier that it really hasn't come up in discussion yet; am I correct?

**MR. ELLENBORGEN:**

I actually want to strengthen the point that was made earlier, because I was in the discussion, the college and SUNY Construction Fund who will oversee the construction committed to doing the study, the PLA study, the PLA Review as part of the contract.

**CHAIRMAN MONTANO:**

So SUNY is going to do a study, an economic study as was outlined?

**MR. ELLENBORGEN:**

Yes.

**CHAIRMAN MONTANO:**

And is that part of the SUNY contract process?

**MR. ELLENBORGEN:**

I wouldn't say it was generally part of our contract process. It was a specific point that was brought up in the discussion and negotiations over the parcel, and we agreed at the appropriate time to do the study.

**CHAIRMAN MONTANO:**

So the examples that you referred to, I think you said Cortland was one and the other school was?

**MR. MCGRATH:**

We have had PLA agreements at SUNY Buffalo and Cornell.

**CHAIRMAN MONTANO:**

That's with Empire.

**MR. MCGRATH:**

No, those are with those universities, specifically those universities, other capital projects that the State University Construction Fund has managed. So I guess what I was speaking to was that the State University Construction Fund, which is also working with Empire State College for this capital project, has done PLA agreements on previous projects. So we're accustomed to being able to do that. I guess I'm just trying to reinforce that we can certainly do that. If Empire State College has come into negotiations with the County, then that's certainly something that we'll be able to pursue here to.

**CHAIRMAN MONTANO:**

All right. When this contract is done and the State purchases the property, then you'll be in contract or you will be negotiating with SUNY, and it would be up to SUNY to put that particular provision in the contract; is that what -- is that what --

**MR. MCGRATH:**

That is correct. We would work directly with Empire State College in putting that particular specification into our manual for the bidding of the project.

**CHAIRMAN MONTANO:**

So just so I'm clear, now, you represent the college or --

**MR. MCGRATH:**

I represent the State University Construction Fund, which is the entity --

**CHAIRMAN MONTANO:**

Okay. I'm sorry. I thought you were part of that group, and I wasn't clear on that. I appreciate you saying that. Question. Do you have your own counsel at the fund, or are you represented by the Attorney General?

**MR. MCGRATH:**

We do. We do have our own counsel at the construction fund.

**CHAIRMAN MONTANO:**

I'm glad we clarified that. We actually represent the SUNY Fund. Thank you very much. Are there any other questions? Legislator Nowick.

**LEG. NOWICK:**

I just wanted to make clear, we must have this written in dollars and cents, how much an acre would the County be selling this for?

**CHAIRMAN MONTANO:**

It's 660,000, and it's -- approximately a hundred thousand per acre; am I correct?

**LEG. NOWICK:**

A hundred thousand per acre. And what was the appraised value?

**CHAIRMAN MONTANO:**

That would be the appraised value, although we have not seen the appraisal. From what we heard earlier, there were two appraisals and an oversight; is that accurate?

**MR. ELLENBORGEN:**

The college has done two appraisals and a review appraisal.

**LEG. NOWICK:**

The college did the appraisals.

**CHAIRMAN MONTANO:**

They paid for it.

**LEG. NOWICK:**

I know. It was your appraiser that came in, is that it? A state appraiser, how does that work?

**MR. ELLENBORGEN:**

We hire local appraisers. I believe the County Real Property has also performed their own appraisal. The County Real Property has also performed their owned appraisals.

**CHAIRMAN MONTANO:**

I'm assuming that there is no issue with the appraisal. The only thing is that I think Legislator Kennedy had wanted to see it, but that's a separate issue. John, are you good with this?

**LEG. KENNEDY:**

Yes, Mr. Chair. As a matter of fact, I had an opportunity to have some dialog with the County Attorney's Office. And I understand the appraisal process -- as a matter of fact, there was a series of appraisals. It appears through reconciliation, we achieved market value and then some. So consideration should not be an issue at this point. I would be comfortable making a motion to approve, Mr. Chair.

**CHAIRMAN MONTANO:**

Okay. I made the motion to approve -- discharge without recommendation. All right. I'll withdraw my motion. Legislator Kennedy has a motion to approve. Do we have a second?

**LEG. NOWICK:**

I'll second it, but I need to ask a question.

**CHAIRMAN MONTANO:**

All right. We have a second, Legislator Nowick.

**LEG. NOWICK:**

But just again, does that mean that we're not going to in any way sort of hold their feet to the fire as far as -- we can't do that.

**CHAIRMAN MONTANO:**

My understanding is if we pass the bill as it's written, we are not going to see or have any further involvement in this project; is that correct, Counselor?

**MR. NOLAN:**

Correct.

**CHAIRMAN MONTANO:**

But on the other hand, SUNY, who's represented here, knows our concerns, they are -- hopefully, they will carry the ball on the issues that are raised here, but we do not have an opportunity as a Legislature, you know, as a coequal branch of government to come back and say, "We would like -- we don't feel that the language is sufficient, etcetera, etcetera, etcetera." So we basically are yielding that if we pass the resolution as written. And I believe that at this point, it will be too late to amend it before Tuesday's meeting.

**MR. NOLAN:**

It's past the amendment deadline.

**CHAIRMAN MONTANO:**

It's past the amendment time. So if we pass it on Tuesday, what you see is what you get in the bill.

**LEG. KENNEDY:**

To the Chair, though, if I can just --

**CHAIRMAN MONTANO:**

Go ahead, Legislator Kennedy.

**LEG. KENNEDY:**

-- add on Legislator Nowick. I think that the majority of the issues that we have will be addressed through execution of the Project Labor Agreement, because in essence, what happens then is the -- in this case, the State is saying that they will voluntarily go ahead and execute and agreement with the major trades, the labor trades, for use of their personnel in exchange for a commitment on labor's part that there will be no strike, no work slowdown, no other impacts.

And some of what we're talking about here, I think, is timing. As the gentleman just explained to us, they've come as far as they can come with progressing this project. They have a need for an affirmation from us to move to the next level for design purposes specific to us here in Suffolk and be able to actually be on the street in the fall. As we all know, our construction trades in some cases are going with 30% and 40% unemployment. So if we can facilitate the schedule knowing that they're going to have an opportunity going into next year, I believe we pretty much have accomplished all that we can with our dialog here. So it's a leap of faith.

**LEG. NOWICK:**

If I may. Legislator Kennedy, that's exactly where I wanted to go with it. I so want our people in Suffolk County to be at work and being able to feed their families. That's what's important.

**CHAIRMAN MONTANO:**

If I may, it's very clear what the sentiment of the committee is, but just for the record and to be clear, while you are looking -- I'm talking to the State now, while you're looking to go in that direction, there really isn't a guarantee at this point, because the economic study hasn't been done that there will be a PLA in the contract; am I correct in that? Or can you state very clearly that there will be.

**MR. MCGRATH:**

I can't guarantee that there would be. We haven't completed the study. Again, we have every plan to do the study and to go forward with the outcome of what that is by campus -- by basically using the campus as our proponent to put that into the project. We certainly will do that and execute that study, but I can't guarantee what the outcome of that study would be at this point.

**CHAIRMAN MONTANO:**

I understand. And we're relying on the good faith of the State in terms of approving this resolution, Legislator Kennedy. All right. Are there any other motions? Question, Legislator Anker.

**LEG. ANKER:**

Have you ever built a school without a PLA, built a structure without a PLA?

**MR. MCGRATH:**

Yes. I would not say that that would be the mainstream of the type of capital projects we do through the construction fund, but we have had other instances where we've put a PLA agreement in front of the construction.

**CHAIRMAN MONTANO:**

All right. Here's what we're going to do, and we apologize. I'm going to renew the motion to discharge without recommendation so that's when it comes to -- and that's a procedural thing, it doesn't affect the bill -- when it comes to the Legislature on Tuesday, it will be open to discussion amongst the Legislators. Normally, when it's an approval, the discussion, it doesn't raise any questions. And some Legislators may not be fully versed on this. So we're -- I'm going to make a motion to discharge without recommendation. I need a second on that.

**LEG. STERN:**

I'll second.

**CHAIRMAN MONTANO:**

Legislator Stern seconds. Any other motions?

**LEG. KENNEDY:**

I'll withdraw my motion.

**CHAIRMAN MONTANO:**

Fine. So we have a motion to discharge without recommendation. No other motions, all in favor? Opposed? Abstentions? The bill is moved to the full Legislature for Tuesday's hearing.

**DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0-0-0).** Thank you very much. I'm sure that we'll take up this discussion. The Legislature, I think, will support the issues that we're talking about. If you can get further clarification in terms of your -- you will be here on Tuesday, will you not?

**MR. MCGRATH:**

Yes. If we're needed.

**CHAIRMAN MONTANO:**

I think it will be in your interest to be here on Tuesday. By the way, is there a contract that has already been negotiated or a draft contract that is available for review, or that hasn't been done yet?

**MR. MCGRATH:**

The State has a standard agreement for construction. And that standard agreement for construction is something we can share with you.

**CHAIRMAN MONTANO:**

I was going to ask you, can you forward that to my office? My aide will give you the address. And I'll make sure that on Tuesday we have copies, or even before, for the Legislators to take a look. We're not obviously going to read the whole thing, but we are interested in certain clauses.

**MR. MCGRATH:**

Alongside of that, I can also give you the contact of our SUNY Counsel, Bill Biersack, in case there are questions on that agreement that you wanted to speak to him about.

**CHAIRMAN MONTANO:**

Thank you very much. Okay. So we will see you on Tuesday. We are going to move forward now.

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

I'm going to make a motion to table. I need a second. Seconded by Legislator Anker. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

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

We need to table that for a public hearing, Legislator Kennedy. I will make the motion, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions **TABLED (VOTE: 5-0-0-0).**

**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.)**

I'm going to make an application to table for a public hearing, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**1477, Adopting Local Law No. -2011, A Local Law to require companies doing business with the County to certify utilization of the Social Security Number Verification Service (SSNVS) and the E-Verify Program. (Co. Exec.)**

Has to be tabled for a public hearing. I will make the motion, I need a second. Seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

The others are bills that we can place on the Consent Calendar. What I'm going to do is make a motion to approve and place on the Consent Calendar, and the others, with your indulgence, we'll do same motion, same second.

**1486, Authorizing certain technical corrections to Adopted Resolution No. 163-2011. (Co. Exec.)**

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

**1501, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Oswaldo Guzman a/k/a Oswald Guzman (SCTM No. 0200-824.00-04.00-021.000). (Co. Exec.)**

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

**1502, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Liberty Estates, Inc., by Ernest Pereira, President (SCTM No. 0200-954.00-02.00-003.001). (Co. Exec.)**

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

**1503, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Emence Brown, by Everly Brown, as administrator (SCTM No. 0800-112.00-01.00-001.000). (Co. Exec.)**

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

**1504, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kenneth Church (SCTM Nos. 0200-979.00-05.00-009.000 n/k/a 0209-022.00-05.00-009.000). (Co. Exec.)**

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

**1505, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sheldon D. Brenner (SCTM No. 0500-032.00-01.00-120.000). (Co. Exec.)**

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

**1506, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Paul Felix, Marie Felix and Pierre Felix (SCTM No. 0100-055.00-01.00-036.002). (Co. Exec.)**

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

**1507, Sale of County owned real estate pursuant to Local Law No. 13-1976 Glen Belostock and Ann DeMarco (SCTM No. 0800-019.00-07.00-036.000). (Co. Exec.)**

That's not on the Consent Calender; am I correct?

**MR. NOLAN:**

We normally don't.

**CHAIRMAN MONTANO:**

All right. So I'm just going to make a motion to approve. I need a second. Seconded by Legislator Anker. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1508, Sale of County owned real estate pursuant to Local Law No. 13-1976 Anna Wintour (SCTM No. 0200-971.00-01.00-011.001). (Co. Exec.)**

I have here in my notes an approval with a question. I'm not sure why I have a question mark there. Does anyone -- I'm going to make a motion to approve for the purposes of discussion. I need a second. Seconded by Legislator Stern. Is there anyone who wants to address the committee on this?

**MS. GREENE:**

Pardon the pun, but it would be in vogue not to say so.

**CHAIRMAN MONTANO:**

Legislator Stern, I believe, has a question.

**LEG. STERN:**

The question here is whether or not -- there's a question as to whether there's a street present here, and I think we are going to look to Real Estate for confirmation.

**MS. GREENE:**

It's a right-of-way, it's unimproved.

**CHAIRMAN MONTANO:**

What does that mean? Is this a paper road or that's something different?

**MS. GREENE:**

I wouldn't call it a paper road. It is a right-of-way, so it is appearing on the deeds. Do you have aerial?

**CHAIRMAN MONTANO:**

Legislator Stern has it in front of him, but it's not very clear.

It's a right-of-way for whom. You want to refresh my real estate recollection course?

**MS. GREENE:**

It's a right-of-way for the property surrounding it, one of which is the successful bidder on this adjacent sale.

**CHAIRMAN MONTANO:**

And this right-of-way leads into a street; is that correct, or am I assuming?

**MS. GREENE:**

There's not an improved street. The nearest improvement street, if you will, is a private road that has a gate across it. So it's not a public road.

**CHAIRMAN MONTANO:**

Okay. So it's simply the right-of-way for the property owner to go on someone else's property to

get to his or her property.

**MS. GREENE:**

Yes. I have a better visual with the tax map if that would be helpful.

**CHAIRMAN MONTANO:**

It probably would. Basically, the right-of-way is to enter the property. I guess one of the properties is landlocked. Who owns the private road, Pam?

**MS. GREENE:**

I don't know. There is a property owner whose address is 16 Private Road who was sent a solicitation to also -- an opportunity to bid on the property. So there are owners for whom that is their address.

**CHAIRMAN MONTANO:**

Okay. Thank you very much. Is anything else you want to add to that?

**MS. GREENE:**

Would it be fashionable to do so.

**CHAIRMAN MONTANO:**

The question we want to ask is --

**MS. GREENE:**

Yes, it is.

**CHAIRMAN MONTANO:**

Thank you very much.

**MS. GREENE:**

Apparently the Devil not only wears Prada, but she wants to buy property.

**CHAIRMAN MONTANO:**

All right. So what is the purchase price on this, \$3000? We couldn't get more? All right. I guess we have a motion to approve, seconded on that. Any further discuss. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1509, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John H. Meyer, III (SCTM No. 0500-020.00-03.00-060.001). (Co. Exec.)**

Motion to approve and place on Consent Calendar, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:5-0-0-0).**

**1510, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Njideka Kellyman (SCTM No. 0100-092.00-03.00-048.000). (Co. Exec.)**

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

**1511, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Greenberg (SCTM No. 0600-033.00-06.00-039.004). (Co. Exec.)**

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

**1512, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sei Wong Jung and Yang Ja Jung, his wife (SCTM No. 0208-014.00-02.00-010.000). (Co. Exec.)**

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

**1513, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Avalonbay Communities (SCTM No. 0200-372.00-04.00-044.006). (Co. Exec.)**

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

**1514, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Vincent Vitale (SCTM No. 0800-167.00-01.00-047.000). (Co. Exec.)**

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

**1528, Authorizing the sales of surplus property sold at the May 11, 2011 Auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution). (Co. Exec.)**

I will make a motion to approve. I need a second. Seconded by Legislator Stern. Any discussion on this? All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

**1552, Authorizing the Reconveyance of County-Owned real estate pursuant to Section 215, New York State County Law to the Estate of Laura DeSario. (Barraga)**

I make an application to approve.

**LEG. KENNEDY:**

Second.

**CHAIRMAN MONTANO:**

Any discussion on this? Yeah. I'd like to get an explanation on this actually from Counsel.

**MR. NOLAN:**

Well, it's a 215 resolution. And our review of the backup materials, which are in the Clerk's Office if anyone wants to look at them, indicates that the applicant fits within the statute, that the nonpayment of taxes was due to medical problems and records were submitted that on its face satisfies the statute.

**CHAIRMAN MONTANO:**

As-of-right.

**MR. NOLAN:**

Not as-of-right.

**CHAIRMAN MONTANO:**

But it fits within the acceptable parameters of the section.

**MR. NOLAN:**

Yes.

**CHAIRMAN MONTANO:**

Okay. We have a motion to approve and second. All in favor? Opposed? Abstention? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1556, Adopting Local Law No. -2011, A Local Law in Relation to Disposition of Auction Properties. (Co. Exec.)**

That needs to be tabled for a public hearing. I will make the motion, seconded by Legislator Stern. All in favor? Opposed? Motion carries. **TABLED (VOTE: 5-0-0-0).**

There being no business of the committee, we are hereby adjourned. There is no Executive Session. We are going bye-bye.

**(\*THE MEETING WAS ADJOURNED AT 11:41 A.M.\*)**