

WAYS & MEANS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 27, 2011.

MEMBERS PRESENT:

Leg. Ricardo Montano, Chair
Leg. Steven H. Stern, Vice Chair
Leg. Sarah S. Anker
Leg. John M. Kennedy, Jr.
Leg. Lynne C. Nowick

ALSO IN ATTENDANCE:

Leg. Thomas Muratore, Third District
George Nolan, Counsel for the Legislature
Eric A. Kopp, County Executive's Office
Renee Ortiz, Chief Deputy Clerk
Benny Pernice, Budget Review Office
Laura Halloran, Budget Review Office
Ed Hennessy, Aide to County Executive
Bob Martinez, Aide to Leg. Montano
Paul Perillie, Aide to Majority Leader
Kevin LaValle, Aide to Leg. Muratore
Michael O'Donohoe, Commissioner Judicial Facilities Agency
Deborah Harris, Aide to Leg. Stern
Dennis Brown, County Attorney's Office
Lynne Bizzarro, County Attorney's Office
Terrence G. Pearsall, Chief of Staff
William Shilling, Aide to Leg. Anker
Marge Acevedo, Aide to Presiding Officer
Mike Cavanagh, Aide to Presiding Officer
Greg Moran, Aide to Leg. Nowick
Commissioner Gil Anderson, DPW
Director Pamela J. Greene, Division of Real Property Acquisition and Management
Ryan McEnany, Division of Real Property A&M
Samuel Bail, Division of Real Property A&M, Inventory Unit

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:11 AM

CHAIRMAN MONTANO:

We're going to call the meeting, the Ways and Means Committee meeting to order. We're going to please stand for the Pledge of Allegiance led by Legislator Nowick.

SALUTATION

Just for the Committee members, there are two pieces of correspondence that I received that I put on your -- in front of you so we'll deal with them when they come up.

And with that, we have one card from Michael O'Donohoe. And, Mike, you're here.

COMMISSIONER O'DONOHOE:

Yes, Mr. Chair.

CHAIRMAN MONTANO:

Michael, how are you? You want to come forward? You're going to speak on the -- you're here in your capacity as Chairperson, Vice Chairperson?

COMMISSIONER O'DONOHOE:

I've been Chairperson since Mr. Cantor's demise a year ago.

CHAIRMAN MONTANO:

I think rumors of his demise are premature. Congratulations, by the way.

COMMISSIONER O'DONOHOE:

I don't need a microphone. I have to hold this? Is that better? Thank you. Well, it's nice to be back at the Legislature. I spent many, many good years in that Chair.

I received a call last night from Mike Cavanagh, who works for the Presiding Officer. And I was asked about -- if we had received all of the records in the Judicial Facilities Agency. You know, I'm sure every Legislator here is aware of what was going on with the agency. The Commissioner of Public Works assured us that we have all of the records. I don't know that because I have boxes of paper, but I don't know if I have all of the records. I'm sure if -- the Commissioner believes we have all the records, but there may be other records in other departments around the County. So I may have all of DPW's records, but I may not have records that may be with the Law Department or other areas. So this legislation certainly would put the weight of the Legislature behind -- if there are any records there, that they be given up and given us to where they rightfully belong. So we appreciate your -- the Legislature's efforts on our behalf. So I'm here to say I'm in support of this resolution.

CHAIRMAN MONTANO:

It's 1585. Quick question. So when you turned over the records, no inventory was made of what records were turned over?

COMMISSIONER O'DONOHOE:

I was chairing the facility when we refinanced the courthouse. That was the idea of -- the beginning of this agency. As you know, we're a small agency. We don't have any -- we're not paid. We don't have staff. The board changed. The republicans lost control. So the democrats took control. Mr. Cantor came in as an appointment of the County Executive. The -- I was voted out as Chair. Mr. Cantor was voted in as Chair and the decision was made that -- the argument was to save money, that DPW would become the holder of all the records and holder of most of our, you know, correspondence and what we did.

So I opposed that. I voted against that. But that's what happened. The records went over. We did not keep records. I kept some records. I kept copies of some records myself just in case. And *just in case* certainly came to fruition. So we understand now the records were given back. It certainly was a mistake to give out all the records and not be a part of all of the things that transpired between the jail construction and DPW, but we hope we corrected that mistake.

CHAIRMAN MONTANO:

Quick question. When you talk about the records, are we talking about a truck load of records, are we talking about three boxes, are we talking half a file? Do you have any idea of how many --

COMMISSIONER O'DONOHUE:

We're talking about six to eight banker's boxes of records plus plans; enough to fill up half of this table (indicating).

CHAIRMAN MONTANO:

Okay. And you have facilities to store these records, right?

COMMISSIONER O'DONOHUE:

I have them in a room in the courthouse. So they're -- you know, the courthouse is certainly secured. No one can come in without a pass and they're in a locked, secured room.

CHAIRMAN MONTANO:

Okay. Which courthouse, by the way?

COMMISSIONER O'DONOHUE:

Central Islip. Cohalan

CHAIRMAN MONTANO:

Central Islip. And when did you -- you said that you received records back from the Department of Public Works. When did you receive those records? Or did they come in increments or did they come in one delivery or what?

COMMISSIONER O'DONOHUE:

They came in -- I believe it was two or three stages they were returned to us.

CHAIRMAN MONTANO:

And when was the last delivery made?

COMMISSIONER O'DONOHUE:

It was probably -- Gil Anderson's here. Probably beginning of July was the last delivery.

CHAIRMAN MONTANO:

Okay. Thanks a lot. Does anybody have any questions? Michael, thank you very much for being here.

COMMISSIONER O'DONOHUE:

Thank you very much. Thank you for your support on this.

CHAIRMAN MONTANO:

I see Commissioner Anderson. Gil, how are you? Do you want to address us? You don't have to.

COMMISSIONER ANDERSON:

No, just briefly to confirm what Mr. O'Donohoe said. The documents were turned over in three

different sets. They include construction documents, which are plans and specs. There are contracts, the construction meeting minutes, the subcontractor approval log, documents between us and the New York State Commission of Corrections, contract awards, contract letters, payment requisitions, any and all permits.

The only thing we didn't have a discussion with Mr. Cavanagh was we have to provide the shop drawings, which would have probably doubled the amount of volume of material that went over. It was quite expansive and it did take us, you know, a good month to sift through everything to get it for you. Or get it for the JFA.

CHAIRMAN MONTANO:

Gil, just -- I'm pulling up the bill now. Are there any other records that you know of that are possibly in the possession of any other department or agency within the County?

COMMISSIONER ANDERSON:

Not that I can -- not that I can think of, no, I don't -- everything has been turned over, all contracts; so there'd be nothing that the County Attorney's would have. There really is nothing else.

CHAIRMAN MONTANO:

The County Attorney would not have records on this?

COMMISSIONER ANDERSON:

Well, they would have contracts similar to what we turned over to the, you know, to JFA, so.

CHAIRMAN MONTANO:

Okay. Any questions by anyone? Gil, thanks a lot. Appreciate it.

COMMISSIONER ANDERSON:

Sure.

PRESENTATION

CHAIRMAN MONTANO:

Okay. Is there anyone here that would like to speak before the -- before we get into our agenda? Actually before we get into our presentation? Hearing none, I'm going to ask Pamela Greene, the Director of Real Property, to come forward. And, Pam, I understand you're going to provide a Power Point presentation on Division's support of IR 1556; is that correct?

DIRECTOR GREENE:

I am. Good morning, Mr. Chair, members of the Committee. Thank you very much for the opportunity to speak with you this morning. This is a very brief presentation for the purpose of giving you some background information on the bill that you will be voting on later in the agenda IR 1556.

I would like to introduce to you Ryan McAnany from the Division of Real Property, Acquisition and Management, who put together all the statistics and the slides that you'll see. And I promise it's no more than six minutes long. And we also have Samuel Bail. Sam is a member of the Inventory Division. He and his colleague, Mike Brown, are responsible for the 323 improved properties that the County has in inventory. And those are just the improved properties.

The purpose -- can you see, Legislator Stern? Can everyone see the screen? Yes? You're good. We can move on.

The purpose of the bill would be that after homes, which now are encumbered by the ten-year

owner-occupancy restriction, that ten-year owner-occupancy restriction would be removed after the home has been put up for sale once, and then again at public auction and has not been sold. What we offer for you is an illustration to show a home that was taken by the County in 1999. It was not sold for several auctions after that. And it was finally sold in 2008. It might be difficult to see, but the slide immediately on the right shows that the property now had to be boarded up.

The longer we hold properties in the Division, the more maintenance they require, the less desirable they are to purchasers. And so we're running into the point of diminishing returns where they're costing the County more to hold onto, they're realizing less at those public auctions and we're not able to turn over a profit to the County, or in many cases, even recover the County investment.

We can move on. The owner-occupancy restrictions, certainly well intended to provide owner-occupancy in County-owned homes, has proved to be a deterrent for individuals who are looking to purchase homes. Right now we are competing with a very vast market of homes, as you know in, in inventory that obviously have no restrictions on them. The ten-year owner-occupancy restriction has proved to be an onerous burden for many people and we've heard negative feedback from many people at the auction.

I just provided for you last year's -- last May's auction brochure. And I'll just point to parcel number eleven, if you just want to take a look at parcel number eleven in the auction brochure, which was very early on in the auction. And when 333 State Avenue in Wyandanch, which is an improved property on a 60 by 100 lot in Wyandanch failed to sell at an upset price of \$40,000, I knew we were in for a very long day. And it was very discouraging. So there was a time on Long Island where four walls, a roof and a plot of earth for \$40,000 would have certainly been highly desirable and scooped up, as you would say. And when that property was passed over with a ten-year owner-occupancy restriction, we were looking at not selling many of the properties that we were holding in inventory and also had to make available for sale.

When you continue to hold the properties, they're often not occupied because we're going to try to evict any of the tenants prior to showing them at auction. If they don't sell at auction, then they continue to be vacant. They are certainly a burden for Inventory to have to maintain and monitor. They're subject to vandalism. They're subject to having the copper ripped out. They're subject to increased crime in the area, and certainly dumping, which we don't want to see.

There's been ongoing financial disadvantages to the County affiliated with the ten-year owner-occupancy restriction. Those vacant properties are remaining not only off the public tax roll, but continuing to accrue taxes that the County has to make whole to all the other taxing jurisdictions. We are required to make those other taxing jurisdictions whole while we hold them until we close.

When the tax deed is taken, we then have to take on maintenance including often timings landscaping, roofs, burner repairs, oil burners. Our intent is to maintain the home in a habitable condition, which is what allow us to then sell it at auction. So that cost of maintaining it at it's habitable status is mounting.

We are facing right now certainly a very difficult market with highest numbers of homes any of us can remember already on the market. And we are competing with that right now. So individuals who are in the market to buy homes certainly have a vast inventory from which to choose. And we're trying to be competitive. And that the ten-year owner-occupancy restriction is proving to be an inhibition. It places a reverter clause in the deed that requires the owners to either have it owner-occupied by them or their immediate family; or then subsequently sold to someone who will make it owner-occupied for the remainder of the ten years. If not, there is a reverter clause. And we have not seen any private mortgages available on this. We don't know what the likelihood would be of a bank providing financing for a home with a reverter clause to the County. And, again, it's

proving to be a disincentive to selling those homes.

We just have some specific case studies that you can show that we have properties that the County is taking the tax deed to. After holding them for the required three-year time period before selling them at auction, we are already maintaining the cost. By the time we're selling them, the upset prices are not getting enough interest. What we're seeing, our first upset price, which if we can look at Mastic Beach, for example, the one acquired in 2002, in 2008 we would all agree that probably we were certainly at the height of the market. We had a home that the County was offering for \$140,000. We did not receive a bid.

It finally -- it was then again subsequently put up. The last bid we had that up for in the 2011 May auction was \$65,000. It also failed to receive a bid. At this time the County investment on that one property is \$84,539. We are far beyond ever turning a positive return on that property. And that's just one of several examples. Did you need that up any longer?

CHAIRMAN MONTANO:

No.

DIRECTOR GREENE:

Okay. The bill that we have submitted would request that after the property has been placed up at auction twice with the ten-year owner- occupancy restriction, if it has failed to sell, that that restriction then be removed with it now going back on for auction. If this bill moves through this Committee and if it moves through the Legislature, we would be able to put seven homes on the October auction and then hopefully see those sell.

Just to show the inhibition or the reluctance of the people at the auction to bid on the homes with owner-occupancy requirements, you have two graphs. One shows that those without an owner-occupancy requirement are bid on 90% of the time. Those with are not bid on more than 50% of the time. So we're seeing certainly feedback from the people attending the auction, those who are going to the inspections and obviously fruition.

We're believing that this has been difficult for the County to maintain. We would like to ask your support. And we're certainly here to answer any questions. And I would certainly just like to offer Mr. Bail the opportunity to share with him, with all of you, what he sees from the fund. He inspects up to 20, 25 properties everyday out in the field all over Suffolk County.

CHAIRMAN MONTANO:

Go ahead.

MR. BAIL:

Good morning.

CHAIRMAN MONTANO:

Just put your name on the record, please.

MR. BAIL:

My name is Sam Bail. I work for the Division of Real Property Acquisition Management in the Inventory Unit.

I'm there when we show these properties. And I guess one of the biggest complaints that we have would be that they don't want to bid on these properties because of the ten-year restriction. We explain to them that, you know, this can be transferred. And every time there's, like, *that's too much trouble* or, you know, the bank -- can't get a loan, funding for these things. Now, keep in mind these properties that we are offering are not turnkey. Many times they are, you know,

requiring ten, twenty, \$25,000 worth of work in order to make them truly habitable for bank standards. People coming up to that, people who we are trying to get to are, you know, lower-income people who don't have the money to lay out 20, \$25,000 on top of the down payments. So they're shying away from these properties as it is.

Another thing to keep in mind is, by the time we have held these properties for two auctions and then going onto a third, we are holding these properties now for ten years with taxes. Three years, three-and-a-half years before we are actually taking the deed, three years we're holding onto it, and another two years of further auctions, comes to about ten years of taxes. If you consider a conservative average of about \$5,000 a year in taxes, you're looking at \$50,000 on a house and here we are trying to sell them for 30,000, 40,000, not getting bids on them. And that doesn't take into consideration the maintenance fees that we're putting through on these.

I'd be happy to answer any questions. There's lot of different details that go along with this.

DIRECTOR GREENE:

Again, if I can, we have just printed out our inventory roll yesterday. These are the improved properties currently in inventory. There's 44 pages. There are 242 improved properties. It's our intention in the Division to move those through inventory back onto the tax rolls into people's homeownership. And we're looking to do that.

CHAIRMAN MONTANO:

Okay. I believe there are a couple of questions. I have -- I just want to go back to this ten-year occupancy issue. Could you just go over that again in terms of, when you put these properties up for sale, what I understand is that the purchaser or the perspective bidder, the successful bidder has to commit to occupying it as a principal place of residence for ten years.

DIRECTOR GREENE:

The auction book that we handed out, at the back of the book there's also auction rules. It's paragraph 32.

CHAIRMAN MONTANO:

Okay. Now what happens -- you mention the reverter. I understand what that is. But what happens if after two or three years, the person wants to relocate and they want to sell the property? What happens at that point?

DIRECTOR GREENE:

The clause that goes in the deed prepared by the Division says the grantee covenants -- the person who is purchasing the home, the grantee covenants and agrees that the subject property -- the subject premises shall be occupied by the grantee, the grantee's children, the grantee's parents, grantee's successors and assigns for a period of ten years from the date of the conveyance. In the event any failure to comply with the occupancy requirements as specified above, title to the subject premises shall be immediately revert to the County of Suffolk.

CHAIRMAN MONTANO:

Now, you also -- I thought you said something about that they can pile on the ten years by selling to another party that was willing to occupy the property for the remainder of the ten years?

DIRECTOR GREENE:

Correct. The grantee's parents, grantee's successors and assigns. So they may -- they may sell the property, but it also has that ten-year owner-occupancy covenant for those -- for the remainder of the ten years from when they purchase it.

CHAIRMAN MONTANO:

Is there any limitation on who they can sell to? Because you say, you know, parents, grandchildren, successors and assigns, so what --

DIRECTOR GREENE:

Only that to whoever they sell it to also has to agree to the covenant that it be owner-occupied.

CHAIRMAN MONTANO:

All right. And that would be just for the completion of the ten year period; not for another ten-year period? We're not running the ten-year period anew at that point, are we?

DIRECTOR GREENE:

No.

CHAIRMAN MONTANO:

Okay. Now, my understanding through Counsel is that this particular provision, this ten-year provision was inserted or passed more recently. Can you give me the history of that?

DIRECTOR GREENE:

My understanding is that this provision was enacted in 2008.

CHAIRMAN MONTANO:

By this Legislature.

DIRECTOR GREENE:

I'm sorry?

MR. NOLAN:

Before that it was five years, I think.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Before that it a was five-year period of time that they had to occupy the property?

DIRECTOR GREENE:

I defer to my colleague.

MR. BAIL:

Yes, it was five years.

CHAIRMAN MONTANO:

All right. How long had it been five years?

MR. BAIL:

To be honest with you I'm not sure how long that was.

CHAIRMAN MONTANO:

Okay. This is not our first -- this is not my first recession. We've been through this several times. Was the five-year period requirement that it be owner-occupied a problem in the past as well? Or it didn't seem to affect as much as the ten-year period is what I'm getting, but I just want to hear from you.

MR. BAIL:

My experience is that it didn't affect it nearly as bad because five years, quite frankly, is not -- obviously it's a long time to have to worry about your owner-occupancy; plus times were better then. So that also led into it.

CHAIRMAN MONTANO:

Now, with respect to -- I pick up a property at auction and spend 40,000 on that piece in Wyandanch, I put 30,000 into it, I live in it for three years, the market gets better, I sell it. I can now keep those proceeds and move on and buy another house; am I correct? There's no provision that the proceeds go anywhere other than into the investors or the homeowner's pocket; am I correct?

DIRECTOR GREENE:

No, there's no limitation on your future sale.

CHAIRMAN MONTANO:

Okay.

DIRECTOR GREENE:

Only to whom you sell. And they then have to owner-occupy it.

CHAIRMAN MONTANO:

When you say to whom you sell it, that's what I mean. Is there a restriction onto whom you may sell the property?

DIRECTOR GREENE:

The covenant remains on the property that whoever buys that property from you has to also agree to have it owner-occupied for the remainder of the ten years from your date of purchase.

CHAIRMAN MONTANO:

Right, the remainder of the ten years. But there's no limitation on who I can sell to?

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

I could sell it to a speculator who wants to use that property as a rental; am I correct?

DIRECTOR GREENE:

No.

CHAIRMAN MONTANO:

No. It has to be owner-occupied.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Okay. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. The grantee or assign language, that applies only in a sale; correct? I mean if I'm the owner, and I wanted to rent the property, would I be able to do that without triggering the ten-year clause?

DIRECTOR GREENE:

No. No.

LEG. STERN:

So as the owner or -- I have to be the occupier of the property. But if I am a retiree or I have been given early retirement, not through my choice, but I have children living there, and I retire to Florida, if my children remain on the premises, would that satisfy the owner-occupied?

DIRECTOR GREENE:

Yes. In the definitions for the auction brochure, we also have a definition for immediate family. And that shows who may qualify under that provision.

LEG. STERN:

Okay. Going back to the five-year period, whether it's five years or ten years, is it your opinion, then, that any time requirement causes this kind of problem? And that if we were having this conversation and said, "okay, ten years seems to be quite onerous and you've done the analysis, but five years isn't all that much better", are you suggesting that maybe it's a two-year or a one-year? Or are you suggesting that the requirements should be eliminated entirely?

DIRECTOR GREENE:

It's very difficult right now for buyers to be confident in the months to come, that they're even going to have a job or be able to remain in the area on Long Island. So any restriction on their ability to then sell their property is making them far more reluctant to make that kind of purchase right now.

LEG. STERN:

But given the current climate, if there wasn't an occupying requirement, and you had a speculator come in, a real estate investor come in, and, yes maybe they were going to do some work, maybe they wouldn't do some work, and maybe it further deteriorates and this property's going to remain on the market for some time, do we then lose control over requiring that the condition of the property be brought up to some type of standard? I mean a speculator can just hold onto the property and run it into the ground and that kind of defeats the purpose as well.

DIRECTOR GREENE:

The County would in essence then rely on the local code provisions, that the property remains up to code provisions and makes sure there is no littering or outside storage or that it also maintain its habitability.

LEG. STERN:

So we would in effect be facilitating the sale; but then basically turning over the responsibility of ensuring that it be brought up to code; to the Towns'?

DIRECTOR GREENE:

Brought up to code in order to have a certificate of occupancy, but maintaining its condition. Maintaining the requirements of the code would go to -- the responsibility would be transferred to the Town.

LEG. STERN:

The respective towns? Okay. All right. Thanks.

CHAIRMAN MONTANO:

Anyone else? Legislator Anker.

LEG. ANKER:

I'm looking through your presentation. And you have small parcels. Are those actually -- people want to buy those? And if they do, why do they want to buy a parcel that's a thousand dollars?

DIRECTOR GREENE:

It's very interesting to attend the County auction. They are very savvy individuals who understand that if you purchase a very small piece of property in the Village of Babylon, for example, you now are a Village resident for the purposes of obtaining a parking pass for the railroad. If you purchase a very small piece of property that you now will be paying taxes on in the Village of East Hampton, you are now entitled to a Village beach pass. So there are individuals who realize that there are benefits to owning property; certainly in those instances.

In the other instances, oftentimes the County comes into inventory of small parcels that were exceded from whatever the nearby development is. In those instances we have already tried to have the adjacent homeowner purchase that property to merge it into theirs. And if they do not choose to do so, then it does go to public auction.

LEG. ANKER:

And as far as some of the low bid homes, do you do a follow-up on what happens with the property? In other words, my concern when we, you know, when the County goes to auction and certain people acquire some of the County -- formerly County homes, they would fall into disrepair even after that or they would be, you know, slum lord, or, you know, be a negative consequence, do you do a follow-up on some of the County properties that were purchased prior?

DIRECTOR GREENE:

We -- and, again, I would defer to my colleague who's in the field every day, but I would offer as one example, there is a home in the Town of Riverhead, for example, that was sold at auction with the ten-year owner-occupancy requirement. The purchaser and his family have not -- have not to date moved into that property. So either they are not able to make that commitment or they're not able to have their family members move into that home. At that point that home is now vacant. It's very overgrown. The title has transferred. But without the owner-occupancy restriction, there's a possibility that they may be able to have someone else occupying that home as a rental, which is very needed today. And it would actually be a better benefit for the community if it were occupied with someone in there cutting the lawn than if it weren't.

LEG. ANKER:

Right. Is there -- is there a way to put within the legislation that there's certain restrictions? In other words, if the home was acquired by someone who wanted -- that person wanted to rent it out, but that it became a public nuisance, is there a way to pull back the property if it becomes a negative consequences to the community?

DIRECTOR GREENE:

I believe the only option the County has to do that right now is with illegal drug use if I'm correct.

LEG. ANKER:

Thank you.

CHAIRMAN MONTANO:

Yeah.

DIRECTOR GREENE:

You're welcome.

CHAIRMAN MONTANO:

Pam, I have a question. What about the possibility -- see one of the things that -- one of the points that Legislator Stern brought up, and I agree with, is that if we eliminate this ten-year restriction, we open up the sale to all kinds of speculators. And the way these are packaged now, speculators will come in, buy up three, 400 properties and they may not get to the repair aspect for a while if they're, you know, if they're serious investors. I know that they're doing this with the banks. The banks are packaging homes in large numbers and selling them to bigger investors who then turn around and resell them, etcetera.

This program, I thought, was designed for purposes of giving someone locally an opportunity to come in; sort of like a homestead program, buy at a low price, put some sweat equity or some cash into it and fix it up and live in it. But ten years is probably a longer commitment than most people either want to make or should be compelled to make. What about the possibility of simply reducing the ten years to, let's say, a period of two years. And that would give -- in other words, you would eliminate the speculator market. It would then go to those people who are interested in coming into the community, fixing up the home with their, you know, with their own sweat and brow and a couple of dollars and require them to live there for two years.

If they want to stay, they're more than happy to stay because it's their home. And after two years if they built up some equity and they want to move and they consider this a starter home, maybe they have another kid, and, you know, they moved in as a couple with one child and now they have two or three children, and they need to move up, they can turn around, then, and sell the house to, you know, a younger family or a less -- and the proceeds go to them so now they have a down payment. Would that not be a compromise that you would be willing to entertain as opposed to eliminating the ten-year requirement altogether?

DIRECTOR GREENE:

I believe anything that makes the properties more saleable would be extremely beneficial for the Division. And I think Mr. Bail would like to comment on that as well.

CHAIRMAN MONTANO:

Yeah, that's the question, then. Would a two-year residency requirement make it easier and satisfy your need to unload these properties? Do you think that would affect the purchasability of these properties?

MR. BAIL:

I have to absolutely agree on that. Two years is not a long commitment, but then somebody has the opportunity, then, to turn the house around should they desire to.

But one other thing that you mentioned was, you know, speculators coming into the market and then not doing anything with the properties. In normal practice, you know, people who own the properties are responsible for their own properties and, therefore -- and then code Enforcement is responsible for going out and then, you know, giving them summonses or whatnot for not maintaining those properties.

I know that for a fact because from time to time I get summonses for the same reason. Then we go out and take care of the problem. Because as Ms. Greene said, you know, 300 and something properties or 200 and something properties, you know, it's hard to keep track of, which is the same deal for an investor. So they get -- in theory they get a summons and then they will go out and take care of the problem as we do.

CHAIRMAN MONTANO:

The investors, I understand, is a lot of these investors have a corporate structure. So it's not John Doe Investor purchasing the property. It's ABC Corporation. And serving a summons on a

corporation that has 400 properties is probably going to take a long time to get some action. So I think there's probably a distinction there in terms of someone individually who owns the property and isn't maintaining it versus a speculator or a bank or an institution; am I correct in that?

MR. BAIL:

Yes, I would definitely agree with that. But going back to the two-years, a two-year would help tremendously.

CHAIRMAN MONTANO:

Would you feel comfortable if we -- if this bill were tabled for purposes of possibly an amendment? And then instead of the elimination of the ten-year requirement for occupancy totally eliminated, we sort of go down to something that's more reasonable, which I think what would be reasonable to me, and I can't speak for the others, would be a two-year period.

DIRECTOR GREENE:

We are running right to a deadline for our next auction which is scheduled for October. And we are required by law to produce those properties for your review 45 days prior. So whatever track this Legislature chooses to take, certainly we'd be amendable to moving that forward. It would be an option to perhaps move this bill just for this October auction, which, again, let's us bring six houses on the market -- or seven houses on the market. And subsequently we will get busy drafting that new law for your consideration as soon as we can.

CHAIRMAN MONTANO:

What I would suggest is, I don't know -- again, I don't know how my colleagues feel, we can discuss that when we debate the bill. But one possibility is simply to table this --

DIRECTOR GREENE:

Amend it entirely --

CHAIRMAN MONTANO:

-- and come with a C of N on Tuesday. And if you get the twelve votes, which I think we can make a good argument for a two-year period, then we can solve the problem. Because if we let this out now, we can't vote on it 'til Tuesday anyway.

DIRECTOR GREENE:

Thank you very much.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN MONTANO:

What do you think? Someone asked me where are the six properties.

DIRECTOR GREENE:

Throughout Suffolk County. If you look at the --

CHAIRMAN MONTANO:

Are they on that list? Is that what you're --

DIRECTOR GREENE:

Actually, Mr. Chairman, your booklet --

CHAIRMAN MONTANO:

I gave it to Bob.

DIRECTOR GREENE:

Your booklet has on the first page marked properties that did not sell at May that will now be coming up again.

CHAIRMAN MONTANO:

And they're going to be put on the -- and these are properties that have been on the auction block for two auctions and not sold?

DIRECTOR GREENE:

With the ten-year restriction.

CHAIRMAN MONTANO:

With a ten-year restriction.

DIRECTOR GREENE:

Yeah.

CHAIRMAN MONTANO:

If we were to pass a bill that said, let's say, two-year period by next week, they would be included in the next auction, would they not?

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Legislator Nowick.

LEG. NOWICK:

Rather than take the chance of a CN, what do you think about discharging without recommendation, getting it out there and then having it change -- or is it too late then to vote on it anyway?

CHAIRMAN MONTANO:

No, it really isn't.

LEG. NOWICK:

Because a CN sometimes doesn't always come when you want it to come.

CHAIRMAN MONTANO:

Well, then, that would be on them. That's my point. See, if we let it out -- no, I mean this is not a decision -- this is a decision that we'll make as a committee. That was just a recommendation. And, you know, my position, I think, is that if they're amenable to a two-year period, I think that would make me more comfortable than simply eliminating this ten-year requirement because --

LEG. NOWICK:

I'm just saying how to get the bill out there for the 45 day -- discharge without recommendation or do you want to --

CHAIRMAN MONTANO:

I personally would prefer to table it and have them come in with a C of N. Because if we discharge it without recommendation, we can't control whether or not a C of N is put forward. So we at Tuesday's meeting are then faced with the option if there's no C of N either to vote it up or vote it down. And I don't think there's a strong sentiment to vote it down because we recognize that there's an issue. So, tabling it may force a compromise; may not. I don't know.

Then we have a subsequent meeting on the 16th. And we'll have a committee meeting before that at which time we can put it out. So really it's -- you know, do you want a couple of minutes to get back to us on this? Do you want to make a phone call? Or, Eric, do you have some comments on this?

MR. KOPP:

I would appreciate giving me a discharge without recommendation to give Ms. Greene some time to see if we can work out some kind of compromise. And if we work out a compromise, we'll bring a bill with a CN on Tuesday and we'll take this one off the table. But I'd like this there on the agenda for Tuesday just to give us some protection in the event we can't reach a compromise, we have something to vote on so the auction can move forth.

CHAIRMAN MONTANO:

Legislator Stern; and then Legislator Kennedy.

LEG. STERN:

I was wondering whether anybody was aware of any other time restrictions other than ten years in any other jurisdictions? Is it your experience that five years works better? Is it anybody else's experience that two years works better? Maybe not as well as zero, but -- we're throwing out numbers arbitrarily. Does anybody have any experience with any other jurisdictions with any other time requirements?

DIRECTOR GREENE:

The Suffolk County Administrative Code for properties that we work with our Affordable Housing partners, that then are transferred to first-time home buyers through the Affordable Housing Program, that restriction is five years.

I think Legislator Montano's suggestion that for the properties that we're seeking to go into homeownership rather than a rental situation, to have a two-year requirement certainly then does take the speculator out of the mix, but makes it far more palatable and probably far more desirable, I would say, to a first-time home buyer who can say "two years is something I can commit to. Ten years I don't know where I'm going to be." Mr. Bail.

MR. BAIL:

Plus in addition with these five-year deals with the partnerships, those houses have already been made turnkey. Ours are not. So two years would definitely change that, you know, differentiate the two.

CHAIRMAN MONTANO:

You have to forgive me, I was having a side conversation with Counsel. Going back to this -- this ten-year period applies to all properties or properties that -- this bill applies to properties that have failed to sell at two consecutive auctions?

DIRECTOR GREENE:

The bill before you 1556 would apply to properties that have been put up twice at auction with a ten-year restriction. It would remove them on a third time they go to auction.

CHAIRMAN MONTANO:

So I would assume that certain properties go up for sale with the ten-year restriction and are sold immediately?

DIRECTOR GREENE:

Some, yes. And for the October auction, anything that has not already been put up twice will

continue to have the ten-year restriction right now unless the law's changed.

CHAIRMAN MONTANO:

Well, the other option is to -- yeah, unless the law's changed. The other option -- change would be to eliminate the ten-year requirement and bring it down to a two-year requirement if people were amenable to that.

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

Would that in your opinion expedite the sale of vacant properties?

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

And would that also comply with our desire not to have speculators come in there and gobble up all these properties?

DIRECTOR GREENE:

I believe it would be.

CHAIRMAN MONTANO:

Okay. I mean, that's where I'd like to see you go. That's just my opinion. And, you know, I've done a lot of real estate so I have a foundation in why I'm saying that.

Legislator Stern, do you have any comments on this?

LEG. STERN:

Right now the proposal is to lift the requirement entirely. What if it remained at a ten-year or a five-year for the first round, the second round. And then if it didn't go in the first two rounds at that time it's brought down to a lower time period like a two year? As a potential buyer, do I just sit it out and wait until it comes down? Or is it case by case in your opinion? What impact, if any, would it have on the market place if that were the case? If it changed after a couple of rounds but still had a requirement in the third round although much smaller?

DIRECTOR GREENE:

The bill that we put before you maintains the ten-year requirement for the first two times it is up at auction and only removes it on the third. Yes, changing that to a two-year restriction across the board for all of the properties going up for sale would certainly, in my opinion, provide the protection the County is seeking and probably make those properties move a whole lot faster.

LEG. STERN:

I guess that's my question, then. Do you see a structure where it's two years out of the gate on the first round, working much better than having a ten-year, a ten-year and then a two-year?

DIRECTOR GREENE:

I do.

CHAIRMAN MONTANO:

Okay, Legislator Anker -- no, I'm sorry. Legislator Kennedy was on the list. After that, you go.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you. I appreciate it. Good morning.

DIRECTOR GREENE:

Good morning.

LEG. KENNEDY:

I think that the compromise that the Chair us talking about probably makes some sense. Like Legislator Stern, I'm a little -- I'm wondering about where we hit that point. You spoke about a five-year term associated with our Affordable Home Program?

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

And I'm wondering about the break either way. But clearly, you're right, to have properties sitting there not being able to move is a problem. I'm curious about one in particular and then I want to ask about the access to funding. Property 25, it's over in Brookhaven, it's Henry Avenue and Third Street, did that go or is that one that has not sold as of yet?

MR. BAIL:

I think it did go. One of the neighbors who's had their eye on it for years took it.

LEG. KENNEDY:

Really? That's interesting. So -- I have some knowledge of the neighborhood. It's 60,000 actually. I don't care what shape the house was in, that's a good deal. But my question then goes to more across the board. Does access to funding -- I mean do you get sense from bidders, particularly first-time home buyers, you know, sometimes they don't have the ability to go ahead and put together, I guess, what the down payment requirement is and/or secure a mortgage. Do we work with them at all and connect them with either our Community Development folks and/or Long Island, you know, Housing Partnership? What do we do to assist them through this process? It can be a somewhat complicated process sometimes. And is that something that factors into potential purchasers or not?

DIRECTOR GREENE:

The public auction doesn't provide an opportunity for the potential bidders to have that type of counseling. That comes with the Affordable Housing Program.

LEG. KENNEDY:

Okay. That's the standard line. Now for folks that come -- walking through previously for some of the preview processes, do you hear that at all? I mean are first-time home buyers coming through, are they scratching their head, *how do I get the three grand, how do I get the five grand, how do I get the \$55,000 mortgage* or is it not a factor?

MR. BAIL:

I think it's -- it's definitely a factor. What you'll see is you'll see people coming in *I just don't have the money to put into it besides the down payment. And I can't get a bank loan because this house doesn't quite make, you know, appraisal.*

LEG. KENNEDY:

But then the 203 (k) products are available in order to go ahead, I would think, for these just like they are for any home out there, that FHA product, where if it's not going to pass muster with some of the specific requirements, a set repair list will then make them -- I hear what you're saying. We want to move the property. But I'm also wondering if there's other things we might be able to do to

assist them. Your folks' job is to sell the property. But we have another arm of County government whose job it is to help first-time home buyers be positioned to purchase. I'm thinking that the two here ought to be working in tandem, for whatever it's worth.

DIRECTOR GREENE:

Thank you.

LEG. KENNEDY:

Thank you.

CHAIRMAN MONTANO:

Legislator Anker, I'm sorry, go ahead.

LEG. ANKER:

Okay. I have the same thoughts as Legislator Kennedy. Again, it would be nice, and I don't know how the process would work out, to have a -- you know, some type of help, some way Suffolk County can help people who are looking for affordable housing. And I think it seems like the purpose, and I'll ask legal to respond to this, the purpose of bumping up from five-years to ten-years was because of the speculators, we didn't want the speculators to get in there and buy the properties, and which I'm assuming would create less of a community -- a positive community situation. So my question to you, though, would be are there restrictions that we can put on the speculators so they won't come in and really buy a property and turn the communities into -- and create a negative impact on the communities?

DIRECTOR GREENE:

I believe Legislator Montano's suggestion to have all of the approved properties now that would have normally be eligible for the ten-year restriction now have that moved to a two-year, would discourage speculators because it would maintain that owner-occupancy requirement for a far more palatable time period.

LEG. ANKER:

Okay. And, again, because of that two-year period, that means the Town code would be part of the -- the way that we can keep a tab on making sure these homes are not becoming boarded-up shelters, you know.

DIRECTOR GREENE:

The Town Code remains in effect throughout.

LEG. ANKER:

Okay. Thank you.

CHAIRMAN MONTANO:

Thank you very much. Stick around. We have some questions probably when it comes up. Thank you very much.

MR. BAIL:

Thank you.

CHAIRMAN MONTANO:

Okay. Well, we ran an hour. We're going to go right into the agenda. But before that, I'm going to make a motion to take out of order **resolution number 1585. And that's directing the return of records to the Judicial Facilities Agency**, so that Mr. O'Donohoe -- Commissioner O'Donohoe can get back to work. Do I have a second on that?

LEG. KENNEDY:

Yes, second.

CHAIRMAN MONTANO:

To take it out of order? All in favor? Opposed? Abstentions? It's now before us. I'm going to make a motion to approve.

LEG. KENNEDY:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Is there any discussion on this bill? Go ahead.

LEG. KENNEDY:

Mr. Chair, I'd just ask if Commissioner O'Donohoe can just tell us, I guess, where we're at at this point, are we any closer to getting the records or --

CHAIRMAN MONTANO:

Actually he did. But why don't you come up, Mike? He put it on the record earlier what the --

LEG. KENNEDY:

No, I apologize, I'm sorry.

CHAIRMAN MONTANO:

No, no, it's all right. Understandable.

LEG. KENNEDY:

And I apologize for my lateness.

CHAIRMAN MONTANO:

Not at all. What happened -- what we understand is that for the most part these records probably have been returned by DPW. The question would be whether or not there are any other records that may be out there that have not been returned. And from what I understand from Counsel is that this bill directs all County agencies --

MR. NOLAN:

Correct.

CHAIRMAN MONTANO:

-- and all County employees or anyone in the County who has records that properly belong to the JFA to turn them over; is that correct, Counsel?

MR. NOLAN:

That is correct.

LEG. KENNEDY:

Thank you, Commissioner, I apologize. I had another commitment. We kind of overlapped. So I didn't get the benefit of hearing your testimony earlier.

COMMISSIONER O'DONOHUE:

Thank you, Legislator Kennedy.

MS. ORTIZ:

Use your microphone, please.

COMMISSIONER O'DONOHUE:

You're the first person that's ever asked me in this building to speak louder.

CHAIRMAN MONTANO:

Things have changed since you were a Legislator. We're going backwards. Go ahead.

COMMISSIONER O'DONOHUE:

Nobody ever asked me to speak. They were always trying to shut my microphone off in my days here. But I've mellowed.

Legislator Kennedy, yes, the Presiding Officer called -- someone from his office called, Mike Cavanagh, as a matter of fact, and asked if we had all the records. Now, I don't know if we have all the records. Mr. Anderson gave us -- sent over the records. Commissioner Anderson's sent over all of the records that he has now. I don't know if there may be other records throughout the County. So that's a concern we have. In fact, if we do have all the records, that's fine. But if we don't, putting the Legislature's clout behind the fact that some other agencies may be holding onto some of these records, it will certainly help us clear up this cloud that's been over this whole records-exchange thing for a year now.

LEG. KENNEDY:

I commend Legislator Romaine for bringing the legislation forward. That's why I'm happy to second it. And I guess -- I would just ask you, there's been some controversy with the membership of the JFA most recently, but you're functioning as a board and as an entity right now?

COMMISSIONER O'DONOHUE:

Oh, yeah. We're a state agency. We don't have any paid staff, but we are a state agency. And we certainly have fiduciary responsibilities to make sure the taxpayers' dollars are protected and spent properly on this -- on anything that we do, but certainly on this jail project. So it's our concern that, you know, we have these records and that the records are, in fact, all there and that everything adds up at the end of the day.

LEG. KENNEDY:

So, you'll be gathering, assembling them all and, I guess, doing what you need to do as far as your due diligence regarding what's actually transpired and gone on to date. We're approaching completion with the project shortly, I would imagine, right?

COMMISSIONER O'DONOHUE:

Completion on time and I understand under-budget. So to the County's credit, it's been a very positive project.

LEG. KENNEDY:

Okay. Well, thank you, again. And I look forward to you getting all the material that there is from all the different entities. Thank you.

COMMISSIONER O'DONOHUE:

Thank you, Legislator Kennedy. Thank you, Chairman.

CHAIRMAN MONTANO:

Thank you, Commissioner, Mike. Good seeing you. Okay. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **1585 is approved. (VOTE: 5-0-0-0)**

Right. While we're on the issue of Judicial Facilities Agency, I'm going to make a motion to take 1614 out of order. I need a second on that.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? **1614 is before us, Appointing member to the Judicial Facilities Agency - Martin R. Cantor (Montano).** I don't believe Mr. Cantor is here; however, I think we all know the history of what has gone on at the JFA. So in spite of that, I'm going to make a motion to approve.

LEG. KENNEDY:

I would second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Are there any other motions? Hearing none, all in favor? Opposed? Abstentions? Motion carries. 1614 is passed; is voted to the Legislature for approval. **(VOTE: 5-0-0-0)**

Okay, top of page two, **IR 1246, Adopting Local Law No. -2011, A Local Law mandating compliance with financial disclosure requirements. (Cooper).** I believe that's going to be withdrawn. I don't know if it has been withdrawn. If it hasn't, I'll make a motion to table.

LEG. KENNEDY:

Table or withdrawn?

LEG. STERN:

Table.

CHAIRMAN MONTANO:

Table. All in favor? Opposed? Abstentions? It was tabled by Legislator Stern. Motion is tabled. **(VOTE: 5-0-0-0)**

IR 1267, Dedicating certain property in Yaphank as County parkland and authorizing its transfer to the Suffolk County Department of Parks, Recreation and Conservation for open space preservation. (Browning) Pam, are you still in the audience? Actually I'm going to ask you to speak before -- do we have any motions on this or -- why don't you give us the status of this and then we'll determine which way we want to go with this.

DIRECTOR GREENE:

It's my understanding this bill is submitted by one of your colleagues to place property currently in the County inventory into the jurisdiction of the Parks Department. Doing so would place numerous restrictions on any future use of that property. It is also my understanding that due to the Pine Barrens Commission's most recent action, this property has already been placed in the newly expanded Pine Barrens Preservation area, which then also has protections of the property, but they are less restrictive to the County's future use than if it were to be placed in Parkland.

CHAIRMAN MONTANO:

But anything that were to happen to this -- so what I'm getting and what I learned this morning is that this parcel is now part of the Pine Barrens Core?

DIRECTOR GREENE:

That's my understanding, correct.

CHAIRMAN MONTANO:

Okay. And anything that -- if we transferred to Parks, it takes it out of our jurisdiction permanently? Is that what I understand? That's the way I understand it.

DIRECTOR GREENE:

It would be in the jurisdiction of the Parks Department. And that has much more onerous restrictions on what the future use can and can't be. We can't develop Parkland, for example.

CHAIRMAN MONTANO:

Right. But any future use would have to come -- as it is now any future use would have to be approved by this Legislature, am I correct, if it's in the Pine Barrens Core?

DIRECTOR GREENE:

It would have to be approved by the Pine Barrens Commission.

CHAIRMAN MONTANO:

By the Pine Barrens Commission itself? Not by this Legislature?

DIRECTOR GREENE:

That's my understanding.

CHAIRMAN MONTANO:

Okay. All right. I'm going to actually make a motion to table. Do I have a second on that?

LEG. NOWICK:

Yes.

CHAIRMAN MONTANO:

Second by Legislator Nowick. Do I have any other motions? Then All in favor? Opposed? Abstentions? Motion to table carries. **(VOTE: 5-0-0-0)**

Pam, I'm trying to get you out of here. Did you want to make a presentation on one of the -- actually it's not a bill as Bob said, it's the Grace Presbyterian property. That's the memo that you had sent to me and we had discussed this. All of the Legislators have a copy of that now. Was there anything you wanted to address us on before you leave?

DIRECTOR GREENE:

I'm here for the whole agenda.

CHAIRMAN MONTANO:

Oh, you are.

DIRECTOR GREENE:

Yeah. The laws requires that I as the Director notify the Chairman of the Ways and Means and members of the Committee, if any acquisition that has received an authorizing resolution has failed to close within the two-year time period of the approval of the authorizing resolution. The acquisition of the property known as Grace Presbyterian Church, some of you might be familiar with it, also if any of you are on the EPA Committee, and certainly the sponsor of a current planning steps right now that's adjacent to that property, is familiar with it, if that's helpful, Legislator Muratore, it is necessary for me to comply with the law and let you know that it has failed to close within the two-year time period, but there's still a pending acquisition. But the sale of property from a church requires approval from the Attorney General's Office, as you, Mr. Chairman, are familiar with. So that process is still ongoing. It has not closed. And I was required to notify the Committee of that.

CHAIRMAN MONTANO:

All right, so now that we're notified, what, if anything, are we required to do or not do?

DIRECTOR GREENE:

I am required by law to notify you that the two-year time period has passed -- has gone by.

CHAIRMAN MONTANO:

Will that have any effect on your actions with respect to this property?

DIRECTOR GREENE:

Not -- it's not stated in the law.

CHAIRMAN MONTANO:

All right. So the law just says you have to notify us. Okay. For the record, we've been notified.

DIRECTOR GREENE:

Thank you.

CHAIRMAN MONTANO:

Moving on **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. I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

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

LEG. MURATORE:

Mr. Chair.

CHAIRMAN MONTANO:

Yes, sir. Who said that? Oh, Tom, I'm sorry. Did you want to discuss 1313? Go ahead.

LEG. MURATORE:

Well, I just want to ask Counsel a question. Do we need to introduce a new resolution to keep this going or can it just stay the way it is?

CHAIRMAN MONTANO:

You mean the six-month rule?

LEG. MURATORE:

After the two years expires?

MR. NOLAN:

Oh, the two years. No. As the Director stated in the previous discussion regarding Grace Presbyterian Church, I think -- right, she's notified us that it hasn't closed. She can proceed. We're trying to close on that sale.

LEG. MURATORE:

Thank you.

MR. NOLAN:

You're welcome.

CHAIRMAN MONTANO:

Actually I think there was some discussion on that, right? We may have to talk about that further. 1314, Charter Law -- did we table 1313? We did.

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). That has to be tabled for a public hearing. I'll make the motion. I need a second. Second by Legislator Anker. All in favor? Opposed? Abstentions? Approved. **(VOTE: 5-0-0-0)**

IR 1464, Declaring as surplus and authorizing the sale and/or lease of real property in Selden pursuant to County Law Section 215 (Lindsay). I believe that the sponsor wants this tabled, am I correct on that? I'll make the motion, second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

IR 1466, Adopting Local Law No. -2011, A Charter Law To Ensure A Workable, Common Sense reapportionment Process (Kennedy). Legislator Kennedy, I had some questions on that. Could you -- either yourself or Counsel, would you just give me -- give us a brief explanation of what we're doing here with the reapportionment.

LEG. KENNEDY:

Certainly. What we are doing, Mr. Chair, is for a variety of reasons there were some challenges with actually citing the members for the committee. I'm happy to report to this Committee that, in fact, we actually had our first full meeting of the Reapportionment Committee this morning. The appointments of Majority Leader Cooper were there and had been secured early on. We had a little bit of a challenge, but I'm happy to report we have four very well-qualified appointees on our side.

What this bill would do is, is it would address the practical aspects associated with time that have actually come and gone from the original legislation that was adopted back in 2006. Some of our timeframes for the Committee to take some of its action are actually moved up by approximately three or four months just in recognition of the fact that it took us some time to seek members.

CHAIRMAN MONTANO:

Yeah, understandable. You want to make a motion to approve?

LEG. KENNEDY:

I will, Mr. Chair, if I can. Please put me down for a motion to approve.

CHAIRMAN MONTANO:

And I'll second that. Just to comment. And I agree that this needs to be done. My concern is the timeframe in which this Committee does its work. I'd like it to do it as quickly as possible. Because if there are going to be any challenges to either the Committee's work or the Legislature's ultimate passage of redistricting, we'd like to get this done ASAP so that any challenges that are applicable can get in there right away to avoid any delay, number one, creating the lines -- but this doesn't affect -- this won't affect anything like that.

LEG. KENNEDY:

No, I don't think so, Mr. Chair. We had a very productive meeting this morning. As I said, all of the members seem eager to go forward. They've already taken steps to secure some of the important census information. And I have every reason to believe that we're going to see their recommendations in a quick fashion.

CHAIRMAN MONTANO:

And the census was certified when? In April? Counsel, do you know? Was it April 1st or April 15th, something like that? It was like April, May, June, July. So only three months after then. All right. Any other motions, comments? All in favor? Opposed? Abstentions? **Motion carries. (VOTE: 5-0-0-0)**

IR 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 the motion, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

IR 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.) That needs to be tabled for public hearing. I'll make the motion, second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

IR 1556, Adopting Local Law No. -2011, A Local Law in Relation to Disposition of Auction Properties. (Co. Exec.) That's the one that we had the discussion on. I actually -- I'll make a motion to table. And I would like to see, you know, some conversations between now and Tuesday and hopefully a C of N could be brought forward that would, you know, address some of the issues we discussed. I don't know how my colleagues feel. Do I have a second on the tabling motion?

LEG. ANKER:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Anker. Are there any other motions?

LEG. KENNEDY:

Mr. Chair, before I contemplate a motion, can I just ask Miss Greene, again, about the timeframe associated with action here relative to the next auction date? I just -- I was uncertain when we spoke about that before, Pam. When do we have to have something signed and in place in order for -- to relieve the ten-year restriction that you have for the October auction?

DIRECTOR GREENE:

Our October auction requires us to notify this Legislature before Labor Day of the properties that we intend to put up for auction. Our auction book would need to be printed the last week of August. So we were certainly looking at that timeframe for approval of this resolution just for moving forward those properties that have not sold the past two times with those ten-year restrictions on it. And I defer to Counsel for the mechanisms for us to introduce a new bill for it to move through the process quickly in order to do so before the end of August.

LEG. KENNEDY:

What does it look like as far as what else we have going up for the auction property? We have these six improved's. What else do we have that's coming down the pike?

DIRECTOR GREENE:

There would be at least nine improved properties, meaning houses, that would be placed on the October auction that would still have the ten-year owner-occupancy requirement on them, meaning they have not gone --

LEG. KENNEDY:

Because they're going up for the first or second time only?

DIRECTOR GREENE:

Correct.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

And I'll just point out that we have a second meeting August 16. So if we didn't pass the bill on the 2nd, we can pass one on the 16th and that would still enable you to comply with your requirements; am I correct?

DIRECTOR GREENE:

It would.

CHAIRMAN MONTANO:

Okay.

DIRECTOR GREENE:

If that timeline were doable.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Do you know at this point when the next auction would be after the one in October?

DIRECTOR GREENE:

We held our first auction in May of this year in an effort to have it held twice a year and move the properties as quickly as they could. So the auction is relatively mechanical at this time. We've moved it in-house. We are no longer holding them in a hotel. We use the Division staff. We hold them downstairs in the media room. As soon as we have inventory able to sell of up to, you know, 30 to 40 properties to make it worth the while of the printing of the brochure and the registration, we're happy to hold them as soon as we have the inventory to sell.

LEG. STERN:

So there hasn't been one scheduled for one after October? It's going to be based on when inventory suggests.

DIRECTOR GREENE:

Inventory, correct.

LEG. STERN:

Okay. Thank you.

CHAIRMAN MONTANO:

All right. Are there any other motions? Hearing none, all in favor? Opposed? Abstentions? Motion to tabled carries. **(VOTE: 5-0-0-0)**

Pam, we really do -- Pam, if I may, we really do want to resolve this. And we think that if you can come forward by Tuesday with a proposal -- our objective, I think, unanimously, is to keep speculators out of this and to get homeowners in there. So we think that maybe a reduction on all

properties, those that are coming up for the first time to maybe a two, three-year whatever period, you know, we can work out, that may liquidate your inventory and accomplish our purpose. That's what we hope anyway.

DIRECTOR GREENE:

As we do as well. Thank you very much, Mr. Chairman.

CHAIRMAN MONTANO:

Thank you, Pam. We appreciate it. All right.

INTRODUCTORY RESOLUTIONS

Introductory resolutions. **1576**, it reads **sale of County-owned real estate pursuant to Section 215 of New York State County Law Stony Brook Medical Park Condominium (SCTM No. 0200-418.00-04.00-004.000 (Co. Exec.))** I understand, Counsel, is that a proper title?

DIRECTOR GREENE:

Actually, Mr. Chair --

MR. NOLAN:

I think it's a Local Law 13, is it not?

DIRECTOR GREENE:

It is very unusual -- we've been notified by Counsel that we have a defect in the resolution. We would request that it be tabled so we can correct the defect.

CHAIRMAN MONTANO:

I will make a motion, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion to table carries. **(VOTE: 5-0-0-0)**

IR 1578, Sale of County-owned real estate pursuant to Local Law No. 13-1976, Michael Gaiss and Tara Gaiss, husband and wife. (SCTM No. 0800-029.00-05.00-036.000) (Co. Exec.) What jurisdiction is that? Smithtown? Legislator Kennedy?

LEG. KENNEDY:

I make the motion.

CHAIRMAN MONTANO:

I'll second it. All in favor? Opposed? Abstentions? Just before we vote, what is the sale of the property? How much is involved?

DIRECTOR GREENE:

It's a 25-foot wide property by 60-feet. It was appraised for \$900. One of the adjacent owners has submitted a bid for \$1,001 and they are the successful purchaser.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstentions? As I said, motion carries. **(VOTE: 5-0-0-0)**

IR 1579, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act HSBC Bank USA, NA, as trustee for ACE 2006 NCI, by Saxon Mortgage Services (SCTM No. 0200-033.00-07.00-001.000). (Co. Exec.) I believe we can put that on the Consent Calendar. I'll make a motion to approve and place on the Consent Calendar, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

IR 1580, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired Under Section 46 of the Suffolk County Tax Act Patricia Ryan (SCTM No. 0200-327.00-02.00 005.002) (Co. Exec.). I'll make the -- do same motion, same second, same vote, is that okay with everyone? Okay. **(VOTE: 5-0-0-0)**

IR 1581, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ken Smith (SCTM No. 0100-055.00-01.00-119.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)** I think we're going to do that with all of these.

IR 1582, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Albert A. Radziunas (SCTM No. 0404-015.00-01.00-035.000). (Co. Exec.) Same motion, same second, same vote. And that's to place on the Consent Calendar. **(VOTE: 5-0-0-0)**

IR 1583, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Aledric Realty Corp., by Edward M. Thompson, President (SCTM No. 0800-108.00-01.00-014.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

1585, we already disposed of.

1588, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Francine A. Schauer, Diane Juliano and Angela A. Buffalino, tenants in common (SCTM No. 0103-006.00-04.00-069.000). (Co. Exec.) Same motion, same second, same vote. And that's to place on the consent calendar. **(VOTE: 5-0-0-0)** We have a number of these.

IR 1589, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Frances Varrone (SCTM No. 0100-139.00-02.00-099.002). (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1590, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Paul Lintelman and Elizabeth Lintelman, husband and wife (SCTM No. 0200-472.00-03.00-011.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1591, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gary Marcus (SCTM No. 0400-227.00-02.00-009.006) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1592, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John J. Cole, III and Theresa Cole, his wife (SCTM No. 0100-186.00-01.00-017.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)** And by the way, these are all as of right; right, Counsel?

MR. NOLAN:
Yes.

CHAIRMAN MONTANO:
Okay, we have a couple more. **IR 1593, Authorizing the sale, pursuant to Local Law No.**

16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose H. Colindres and Petronila Benitez (SCTM No. 0500-160.00-01.00-019.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1594, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Adam Deblasi and Antonietta Deblasi (SCTM No. 0500-021.00-03.00-001.000) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1595, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Quratulann Khan (SCTM No. 0800-110.00-01.00-018.002) (Co. Exec.). Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1601, Resolution No. -2011, Authorizing Certain Technical Correction To Adopted Resolution No. 398-2011. (Eddington) I'll make a motion to approve and place on the Consent Calendar, second by Legislator Stern. Briefly, what are we correcting?

MR. NOLAN:

Well, it takes \$200,000 that was appropriated for the Shotspot in North Bellport. It's a technical change. I really can't explain it. Perhaps Budget Review can explain it.

CHAIRMAN MONTANO:

Just very quickly, just so we have it on the record. What are we correcting?

MR. PERNICE:

It looks like it -- you know, money was originally put in two lines and now it's just condensed into one budget line. It's --

CHAIRMAN MONTANO:

Into one. Okay. Thank you. Same motion, same second, same vote. That's to place on the Consent Calendar. **(VOTE: 5-0-0-0)**

IR 1605, Adopting Local Law No. -2011, A Local Law to extend prompt Payment policy to attorneys providing services pursuant to Article 18-B of New York County Law. (Montano) That needs to be tabled for public hearing. I'll make a motion.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

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

1614 we disposed of.

IR 1617, Adopting Local Law No. -2011, A Local Law to strengthen motor vehicle reporting requirements for County departments. (Kennedy) That needs to be tabled for public hearing, Legislator Kennedy.

LEG. KENNEDY:

Yes.

CHAIRMAN MONTANO:

I'll second your motion. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 5-0-0-0)**

I believe we're going to have Executive Session today; is that correct?

MR. MARTINEZ:

One.

CHAIRMAN MONTANO:

Okay. At this point I'll make a motion to go into Executive Session. And we'll come out as soon as we dispose of an item that -- we're going to be discussing legal matters? One litigation matter. I need a second.

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

Second by Legislator Nowick. All in favor? Let's go.

(EXECUTIVE SESSION FROM 11:39 AM TO 11:53 AM)

CHAIRMAN MONTANO:

For the record we are back. We've completed our Executive Session. The Committee has discussed and approved a settlement in the case Legua versus County of Suffolk.

With that, take a motion to adjourn -- or we just adjourn.

**THE MEETING CONCLUDED AT 11:53 PM
{ } DENOTES SPELLED PHONETICALLY**