

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, September 7, 2011.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Legislator Muratore - Legislative District No. 4
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
Legislator Tom Muratore - 4th Legislative District
Eric Kopp - Deputy County Executive
Christine Malafi - County Attorney
Dennis Brown - County Attorney's Office
Paul Perillie - Aide to Majority Caucus
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Marge Acevedo - Aide to P.O. Lindsay
Gerry Anderus - Suffolk County Department of Public Works
Nick Anastaski - Economic Development and Workforce Housing
Brian Lee - Newmark Knight Frank
Dan Oliver - Newmark Knight Frank
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 10:08 A.M.)

CHAIRMAN MONTANO:

All right. We're going to call the Ways and Means Committee to order starting with the Pledge of Allegiance led by Legislator Nowick.

SALUTATION

Since this is the week of September 11th, why don't we take a moment of silence for everyone that's suffered as a result of the wars that we have been going through.

MOMENT OF SILENCE

Thank you. Be seated. Good morning. I believe that we have no cards. Is there anyone that would like to address the committee before we begin? Okay. In light of that, I believe that we have some correspondence here. Just so you know, we received a correspondence I think in your mailbox this morning from the National Electrical Contract Association dated September 2nd. I believe that they're in support -- it's Charles Gardner, the former commissioner of Consumer Affairs, in support of IR 1723 and 1724, which are on the agenda for today. I believe those will be tabled for public hearing. Public hearing is still open on those.

The other issue, we received an e-mail from Christine Malafi, the County Attorney, that explains that with respect to the 18B panel vouchers -- what bill is that? Bill 1605 on the agenda, she informs us that the -- that at the end of August, this past August, the budget line item for payment of 18B panel counsel vouchers has been completely exhausted. They will not be able to process any more 18B vouchers for the remainder of the year. And I'm not quite sure how we are going to deal with that, but just so you know.

And then there are two other letters that you have that talk about the plight of the 18B attorneys. With that, let's go into the agenda. There are two letters on the 18B issue. That's a public hearing that is still open so we're going to move to table that. Let's start with the tabled resolutions.

Tabled Resolutions

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

I believe the public hearing is closed on that. Okay. I'm going to actually make a motion to table. Do I have a second on that?

LEG. ANKER:

Second.

CHAIRMAN MONTANO:

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

IR 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)

Can we amend the title? In any event, I think the public hearing is still open on that so I am going to make a motion to table for a public hearing.

LEG. ANKER:

Second.

CHAIRMAN MONTANO:

Second by Legislator Anker. Okay. All in favor? Opposed? Abstentions? It's been tabled for further public hearing. ***Tabled (VOTE: 5-0)***

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

LEG. KENNEDY:

Motion to table.

CHAIRMAN MONTANO:

Second on the motion to table. Does anybody want to address this?

LEG. KENNEDY:

This is land that is adjacent to the Community College, Mr. Chair, and if you'll recall there is a portion of it that we've agreed to segment out for Empire State. There also is a portion that the Community College itself is interested in being able to utilize. As a matter of fact, a couple of us have been talking. Parking is completely maxed out at the college at this point. And then there's a final portion that I know the Legislator from that area is working with age 55 and older developers about some gated housing or something along those lines. So it's premature to go ahead and do a whole declaration at this point.

CHAIRMAN MONTANO:

Right. I understand that the bill has to be amended in any event. Am I correct, Counsel?

MR. NOLAN:

Correct. We need -- it has not gone through CEQ yet because we don't have a map reflecting the changes to the property, the cutouts and so forth. We're working on that. As soon as we have a map we'll submit that with the EAF to CEQ to let them look at it. So this needs to be tabled. This resolution's going to have to be amended going forward.

CHAIRMAN MONTANO:

Okay. There's a motion to table and a second. Any other motions? All in favor? Opposed? Abstention? Motion to table carries. ***Tabled (VOTE: 5-0)***

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.)

I believe the public hearing is still open on this. I'm going to make a motion to table for the public hearing. I need a second.

LEG. ANKER:

Second.

CHAIRMAN MONTANO:

Second by Legislator Anker. Any discussion? All in favor? Opposed? Abstentions? ***Motion to table carries. (VOTE: 5-0)***

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.)

I believe that's on for public hearing on November 9th. All right. I'll make a motion to table in light of the fact the public hearing is already scheduled. I need a second. Second by Legislator Anker. All in favor? Opposed? Abstention? Motion carries. ***Tabled for Public Hearing (VOTE: 5-0)***

Hi, Pam. Do you want to speak on a particular bill? The next one, all right.

IR 1576 - Sale of County-owned real estate pursuant to Section 215 New York State County Law Stony Brook Medical Park Condominium (SCTM No. 0200-418.00-04.00-004.000 (Co. Exec.)

Before we take a motion, why don't you address us and tell us what your position is on this.

MS. GREENE:

We're going to ask you to table this one more cycle. The corrected version should be laid on the table at the November 15th meeting.

CHAIRMAN MONTANO:

Motion to table. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

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)

The public hearing is still open. I'm going to make a motion to table, second by Legislator Stern. On that, I don't know if you were -- when I made the comments. My understanding is that the 18B Fund has been depleted as of August, so I'm not quite sure -- that would probably make this bill academic, but more importantly, I'm not quite sure how the County's going to deal with the 18B vouchers. That means that the attorneys that are providing the work from August to December are not even going to get paid at this point until next year. And I don't know that they are willing to wait that long. I've been in discussions with some of the attorneys that are on the 18B panel, and there may be further complications.

In any event, we have a motion to table for public hearing. That's next week, right?

MR. NOLAN:

Yup.

CHAIRMAN MONTANO:

Any other motions? All in favor? Opposed? Abstentions? Motion carries. ***Tabled for Public Hearing (VOTE: 5-0)***

IR 1617 - Adopting Local Law No. -2011, A Local Law to strengthen motor vehicle reporting requirements for County departments. (Kennedy)

I understand that the public hearing is closed. I'm going to make a motion to table. Are there any other motions here?

LEG. KENNEDY:

You know what? I'd like to get it out of the committee, Mr. Chair. I'm still in some dialog with Public Works itself but, you know, my sense with this bill is what compelled me to put it in in the first instance, was that unless there is some nexus between reporting and future funding for procurement of additional vehicles, we're never going to get the reporting on a timely basis. So the essence of this bill basically is that absent providing the status, the inventory and the list of vehicles, that the department is barred from going out for future procurement and, you know, it kind of finally put some consequences to failure to report.

CHAIRMAN MONTANO:

I hear you on that. I, at this point, I read the bill again last night. I personally think there's something we should wait on at the moment until we deal with the budget. I'm not quite sure where I stand.

LEG. KENNEDY:

All right. You know what? Fine. We will table it. I'll let it go forward for another cycle.

CHAIRMAN MONTANO:

Would you second the table?

LEG. KENNEDY:

Yeah, I'll second.

CHAIRMAN MONTANO:

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

IR 1686 - Adopting Local Law No. -2011, A Local Law amending the Charter of Suffolk County. (Lindsay)

I understand that is merely a technical correction. Counsel, would you explain?

MR. NOLAN:

Actually, the next three resolutions really are the end product of the code recodification project that was started back in 2008 with General Code Publishers. So this resolution makes a number of technical changes to the Charter, not major substantial changes. We did those after the Charter Revision Commission made recommendations to us a year or so ago. We made big changes. These are technical changes to the Charter. The next resolution are a number of technical changes to the Suffolk County Administrative Code, and then the resolution that follows it is where we really overhaul the Suffolk County Code, the local laws and the resolutions that have been codified. So that's what these next three resolutions are.

CHAIRMAN MONTANO:

My understanding, looking at -- there are no substantive changes to any of the laws with these three resolutions. Am I correct?

MR. NOLAN:

These are more technical and housekeeping type of changes, because the last time we did a Code recodification was I think in the mid-1980's. So in the intervening 24, 25 years, things become outdated, obsolete, they are no longer active, there are things that haven't been implemented, laws that have been struck down by the courts. It's really a process of cleaning up.

In terms of the Code, I'm talking about the section of our Code, not the Charter Administrative but the Code itself, the codified local laws and resolutions, we're expanding the size. We're going to 1200 chapters. That's something the General Code Publishers recommended because we have a very active Legislature and they believe we need the room for future growth and new legislation.

CHAIRMAN MONTANO:

Okay. We don't have a motion on that right, Renee?

MS. ORTIZ:

No, sir.

CHAIRMAN MONTANO:

All right. I'll make a motion to approve 1686. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0)**

IR 1687 - Adopting Local Law No. -2011, A Local Law amending the Administrative Code of Suffolk County. (Lindsay)

If you don't mind I'll do same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1688 - Adopting Local Law No. -2011, A Local Law to provide for the codification of the Local Laws and certain resolutions of the County of Suffolk into a Municipal Code to be designated the "Code Of Suffolk County". (Pres. Off.)

Again, same motion, same second, same vote. **Approved (VOTE: 5-0)**

I noticed that Ms. Malafi is here. Christine, are you here to talk about a particular bill?

MS. MALAFI:

Executive Session.

CHAIRMAN MONTANO:

Executive Session, okay, so we'll hold off. Just so you know, we already tabled for public hearing the 18B panel bill and I distributed a copy of the memo I received from you, so we will want to engage in some conversation on that, but we can do it later.

IR 1704 - Adopting Local Law No. -2011, A Local Law to prohibit elected officials from publishing or allowing the publication of their names in advertisements for any County funded or sponsored program or event. (Co. Exec.)

I believe the public -- I know the public hearing is still open. I'll make a motion to table for a public hearing. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1717 - Authorizing the lease of premises located at 3500 Sunrise Highway, Great River, NY for use by the Department of Health Services. (Co. Exec.)

I know that this had passed through the Space Committee. Eric, are you going to speak on this or do you want to just give a brief explanation? And I understand this is an 11 year lease. Am I correct on that?

MR. KOPP:

Actually I'll do the best I can. At the last session when you were not here because you had an

excused absence we had a panel of people up here make a rather lengthy presentation about this facility. And the only reason it did not pass out of committee was that we had not yet held the public hearing in the Legislative office of the local Legislator, which was Legislator Cilmi. We have since had that public hearing down there, and I can report that there were no objections raised. In fact, I believe no one attended. I looked at the Deputy Clerk because I know she attended.

CHAIRMAN MONTANO:

Thank you, Eric. These two gentlemen seated to your left, my right, would you identify yourselves for the record?

MR. LEE:

Brian Lee, Newmark Knight Frank, Consultant to the County for real estate, and Dan Oliver from Newmark Knight Frank, also consultant to the County.

CHAIRMAN MONTANO:

All right. I apologize, I was not here at the last meeting. Could you just -- I know that this passed through the Space Committee. Is this an 11 year lease?

MR. LEE:

Yes; 11 years, 4 months.

CHAIRMAN MONTANO:

Why such a long -- is that the term of the lease or is that with options to renew.

MR. LEE:

That's the initial term of the lease.

CHAIRMAN MONTANO:

Is that generally the amount of period that we're going to lease agreements?

MR. LEE:

The reason for the term is that the landlords typically put the free rent period outside of the term, so the intended term was a ten year term, but we have 16 months of free rent on top of it.

CHAIRMAN MONTANO:

All right. Do we have a motion on that, Renee? We need a motion to approve.

LEG. STERN:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve by Legislator Stern. I need a second.

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

Second by Legislator Nowick. Any discussion on this? All in favor? Opposed? Abstention? ***Motion to approve carries. (VOTE: 5-0)*** Thank you, gentlemen.

MR. KOPP:

Thank you.

IR 1719 - Adopting Local Law No. -2011, A Local Law to save taxpayer dollars on County signs and printed publications. (Romaine)

I believe -- I keep saying that. The public hearing is closed but I'll make a motion to table. Do I have a second?

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstention? Motion to table carries. ***Tabled (VOTE: 5-0)***

IR 1723 - Adopting Local Law No. -2011, A Charter Law to update and strengthen Ethics and Disclosure Rules. (Lindsay)

That needs to be tabled for a public hearing. Lynne, your motion. I'll second it. Any discussion? I have a quick question. Actually, I'll hold it for the public hearing. Any discussion on this? All in favor? Opposed? Abstention? ***Motion to table for public hearing carries. (VOTE: 5-0)***

IR 1724 - Adopting Local Law No. -2011, A Charter Law establishing a new Board of Ethics. (Lindsay)

I'll take the same motion, same second and same vote if that's okay ***tabled for Public Hearing (VOTE: 5-0)***

Introductory Resolutions

Moving on to the Introductory Resolutions. ***IR 1731 - Adopting Local Law No. -2011, A Charter Law to increase legislative oversight of RFP process. (Romaine)***

I'm going to make a motion to table for public hearing. Second by Legislator Stern. Any discussion? Any motions? All in favor? Opposed? Abstention? Motion carries. ***Tabled for Public Hearing (VOTE: 5-0)***

IR 1737 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Southold (SCTM No. 1000-015.00-05.00-025.002). (Co. Exec.)

I'll make a motion to approve. And this is for -- oh, I see you there, Pam. Is this for affordable housing?

MS. GREENE:

No, it's not. This is for municipal purposes. Both 1737 and then also 1739 are transfers to the Town of Southold. The first is for land that is a road, and the second is for land that is a sump. Both have been in the County inventory since 1990 for non-payment of taxes. They are part of a development that never -- the tax deed should not have been taken. The Town of Southold has been maintaining them and has requested them and we are very pleased to pass them out of inventory to the Town of Southold.

CHAIRMAN MONTANO:

Quick question. Are we receiving any compensation or remuneration for this?

MS. GREENE:

We are receiving a dollar and it's a bargain because, again, the maintenance that the town has been taking to maintain both the sump and the road have been costs that they've borne, not borne by the County, which they could have been requesting us to do.

CHAIRMAN MONTANO:

All right. Is this a section of a road that we had discussed at some prior meetings maybe a year ago, maybe a little longer. Has this ever been on the agenda before? Because I know we were talking about a road out east where there was an issue whether the County owned it, whether the town owned it. The town had been maintaining it but it was really our road or vice versa. Is this the same property?

MS. GREENE:

It's not. This is the Town of Southold.

CHAIRMAN MONTANO:

Okay. And then the other question was, my understanding, and maybe I'm wrong, is that when we transfer property other than for affordable housing purposes, I know you've come here before and said that in every instance we seek the back taxes that are due.

MS. GREENE:

That's correct. We normally do.

CHAIRMAN MONTANO:

Is this another exception to the policy?

MS. GREENE:

We normally do. In this instance, because there was a prior agreement for the County to maintain these two properties which didn't come to fruition, the town has been maintaining them for all this time. We are very pleased to now transfer them to the town and not continue to accrue the taxes.

CHAIRMAN MONTANO:

So in theory you're offsetting the prior maintenance for the back taxes. Is that what you are saying?

MS. GREENE:

Correct.

CHAIRMAN MONTANO:

Okay. Any questions? I make a motion -- all right, I guess I made a motion. Seconded by Legislator Stern. Any other motions? All in favor? Opposed? Abstention? Motion carries.

Approved (VOTE: 5-0)

IR 1738 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act All Phase Development Corp. (SCTM No. 0500-159.00-01.00-034.000). (Co. Exec.)

I'll make a motion to approve and place on the Consent Calendar. It's as of right. I need a second.

LEG. NOWICK:

Second.

LEG. MONTANO:

Second by Legislator Nowick. All in favor? Opposed? Abstention? It is placed on the consent calendar. *Approved and Placed on the Consent Calendar (VOTE: 5-0)*

IR 1739 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Southold (SCTM No. 1000-015.00-05.00-024.028). (Co. Exec.)

Pam, before we take a motion, what is your position on this?

MS. GREENE:

Again, this is the second piece of property that's located in the Town of Southold. We have a letter from the Town of Southold stating that the Town has been and continues to maintain both parcels without reimbursement from the County. The Town Board requires that the -- requests that the County deed the Town the two referenced parcels at no cost.

CHAIRMAN MONTANO:

Or a dollar.

MS. GREENE:

Yes.

CHAIRMAN MONTANO:

Legislator.

LEG. ANKER:

Hi, Pam. I have a question. How much -- how large is that parcel?

MS. GREENE:

This is 99 by 203 feet. It is a sump. It's currently being used for drainage purposes. And again, normally now the County does not accept tax deeds for roads, sumps. We try to more carefully review the tax deeds that are coming and their purpose. This would have no purpose to the County. No one would buy a sump, so we are very pleased to transfer that out of the inventory.

LEG. ANKER:

Okay. Then the sump basically is for drainage. Now, just real quick. There's been a problem when you have a sump or something that creates a water body, it creates almost a wetland type. Is there an issue with any type of wetlands with that sump or will there be? Any environmental issues with that area?

MS. GREENE:

Not that we're aware of. Again, the Town of Southold has been maintaining it. It does service an adjoining residential area.

LEG. ANKER:

Thank you.

MS. GREENE:

Thank you.

CHAIRMAN MONTANO:

Any other comments? Do we have a motion on that?

MS. ORTIZ:

No.

CHAIRMAN MONTANO:

No, we do not.

LEG. KENNEDY:

How about a motion.

CHAIRMAN MONTANO:

Motion is made by Legislator Kennedy. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Approved (VOTE: 5-0)**

IR 1740 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mario Della Vedova and Lucia Della Vedova, his wife. (SCTM No. 0101-001.00-01.00-023.000). (Co. Exec.)

I'll make a motion to approve and place on the Consent Calendar. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Approved and Placed on the Consent Calendar (VOTE: 5-0)**

IR 1741 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Palazzo, Town of Babylon as contract vendee (SCTM No. 0100-057.00-01.00-016.000). (Co. Exec.)

You want to explain that, Counsel?

MR. NOLAN:

It's a 16, right?

CHAIRMAN MONTANO:

It's a 16, and what is it, they are going to reclaim the tax and then flip it to the contract vendee? It doesn't matter. It's as-of-right, am I correct? Okay. All right. I'll make a motion to approve and place on the Consent Calendar. As I understand, it's as-of-right. Seconded by Legislature Stern. Any other motions? All in favor? Opposed? Abstention? Motion carries. **Approved and Placed on the Consent Calendar (VOTE: 5-0)**

IR 1750 - Authorizing the conveyance of County-owned real property having a Suffolk County Tax Map Identification Number of District 0903 Section 002.00 Block 0300 Lot 023.001 for municipal purposes pursuant to Section 72-h of the General Municipal Law. (Schneiderman)

LEG. KENNEDY:

Motion to table.

CHAIRMAN MONTANO:

I'm going to second the motion to table. Do we have any other motions?

LEG. STERN:

Mr. Chairman, I just wanted to be clear. This resolution goes not to the Long Wharf but to the strip of beach adjacent to the Long Wharf. Is that correct?

MR. NOLAN:

That is my understanding.

LEG. STERN:

Thank you.

CHAIRMAN MONTANO:

Any other motion? Legislator Schneiderman is not here, right?

LEG. ANKER:

Can we get more information on that?

CHAIRMAN MONTANO:

You mean now or later? Well, if there is any more information to be gotten speak now or see you next month, unless there is another motion. I have some questions about this. I know that this Long Wharf issue was addressed in a prior bill. Initially, I was under the impression that this was a similar bill. Now I understand that it doesn't deal with the Long Wharf, it deals with a beach or a beach front property that's adjacent to it. But in any event, I think it's the same scenario where we're deed away property that could be of value, and I honestly don't know enough right now. I'd like to speak to the sponsor on this.

MR. NOLAN:

Just if -- I would just add.

CHAIRMAN MONTANO:

Sure, go ahead.

MR. NOLAN:

You know, the resolution states that the property has to be kept as a beach that's open to all Suffolk County residents. That's a restrictive covenant. So the Village can't use it for something else other than a beach.

CHAIRMAN MONTANO:

We are not going to use a beach for the rest of the season, I think, right? It's not like this is a -- if this were in May I might be more --

LEG. KENNEDY:

Notwithstanding the representation that there would be a covenant that would ensure access and use for all of Suffolk County, I would want to see something from the Village Trustees agreeing that a resident of Nesconset wouldn't be turned away because they didn't have a Sag Harbor Village identification or parking sticker. To me it seems almost the antithesis of what you get when you have town governments, village governments and things like that, and primarily any of the amenities are always restricted exclusively for residents within that jurisdiction. So, you know, it's all well and good to put a restrictive covenant in a deed that will be transferred over, but none of our constituents are going to be able to, you know, wave a land of deed saying, "Hey, I have a right to get in here". I want to see something from the board.

CHAIRMAN MONTANO:

Right. Counsel did say that they covenant would provide that all County residents can use the beach; am I correct? But I'm more concerned about okay, we can use the beach, but how are we going to get there? And when we get there, how are we going to park? Do we have to walk to the beach, do we have to swim there. These are questions that I think, you know, in all honesty, seriousness, should be taken up before we start giving away property in my opinion. So I'll second

the motion to table. Any other motions? Any comments? Legislator Stern.

LEG. STERN:

Just on the motion. I think the Chairman is correct. This is something that we did consider when we did create the committee to take a look at what the ultimate disposition of the Long Wharf was going to be. But it seems to me that you can't have a comprehensive plan regarding Long Wharf unless you include the beach. So it would seem that this resolution is premature.

CHAIRMAN MONTANO:

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

IR 1762 - Amending Resolution No. 543-2011, establishing standard work day and reporting requirements for elected officials. (Lindsay)

Is this the exemption for a Legislator -- well, why don't you explain it, Counsel?

MR. NOLAN:

Right, this is a correction to the resolution that established a standard workday for the elected officials in Suffolk County. You may recall when we were voting the resolution it was pointed out that Legislator Muratore is no longer part of the retirement system and the resolution did not reflect that. So this is really a technical correction to the original resolution.

CHAIRMAN MONTANO:

Okay. With that, I'll make a motion to approve. Can we put on the Consent Calendar, Counsel?

MR. NOLAN:

You can.

CHAIRMAN MONTANO:

All right. So the motion will be to approve and place on the Consent Calendar. Do I have a second?

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? Legislator Kennedy?

LEG. KENNEDY:

No, I'm opposed.

CHAIRMAN MONTANO:

Are you opposed, really?

LEG. KENNEDY:

Yes, I am. The reason why I'm opposed to this is --

CHAIRMAN MONTANO:

Oh, okay. You are consistent then. Legislator Anker, did you raise your hand? All right. Let me take a vote. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

One opposition. Abstentions?

LEG. ANKER:

Abstention.

CHAIRMAN MONTANO:

One abstention. That's what it was about, all right. Motion carries, 3-1-1.

Approved and Placed on the Consent Calendar (VOTE: 3-1-1-0 Opposed: Legislator Kennedy - Abstention: Legislator Anker)

IR 1768 - Authorizing renewal of the lease of premises located at 316 Accabonac Road, East Hampton, NY for the Department of Health Services. (Schneiderman)

I know Eric Kopp is -- Eric, before we take a motion, would you like to address us?

MR. KOPP:

Yes, I'd like to make a couple of points in recommending that the committee consider tabling this resolution. Number one, we've spent a lot of this year dealing with the delivery of health services to our health centers, and as you know, we've been squeezed from the top from the State of New York. This measure now, space that we had rented for one dollar a year we will now pay East Hampton \$32,000 a year for. So it seems like the County is getting squeezed from the bottom and from the top.

Number two, this resolution calls for a five year lease renewal. My understanding is that the Space Management Steering Committee had recommended a two year renewal with three one year options. So I would ask that the Legislature consider those facts as they deliberate on this.

CHAIRMAN MONTANO:

All right. So just so I'm clear, what's before us is a five year lease?

MR. KOPP:

That's my understanding.

CHAIRMAN MONTANO:

Well, who prepared it? Who prepared the lease? Was it done by the County Attorney's Office? Christine, are you aware of this issue? The reason I'm asking is -- the reason I'm asking, Christine, if I heard correctly -- Eric, just so I'm clear. The Space Committee prepared or approved you are saying a two year lease with extensions for -- three extensions for one year making it five, and what's before us is a five year lease. Is that what you're saying?

MR. KOPP:

I'm saying the Space Committee approved a two year extension -- a two year lease with three one year extensions.

CHAIRMAN MONTANO:

All right. Is that what the lease reads? I want to be clear on what you're saying or what I'm understanding.

MS. MALAFI:

The extension is for five years.

CHAIRMAN MONTANO:

All right. But the question is, is that inconsistent with what the Space Management Committee recommended? A nod, a yes, a no. I don't mean for you, Ms. Malafi.

MS. MALAFI:

If what is being said -- I didn't look at this file, I didn't know that there was going to be questions on it.

CHAIRMAN MONTANO:

Right. I understand. I saw that we caught you cold, and I didn't mean to.

MS. MALAFI:

It's okay. This lease is not for three years with two one year extensions. This is a five year extension, two years of the three year extension. If you were to approve this IR, we would change the lease to match what was approved by Space Management. This lease that's attached was prepared by the Housing Authority, East Hampton, so it's not -- we did not sign it. We are not bound by it. So we would change the term to match what Space Management said. I don't know why -- I think it wasn't done here in advance solely because of timing. Oh, this is Legislator Schneiderman's so I don't know, but the lease, from what you're telling me, Space Management approved, the attached lease does not match.

CHAIRMAN MONTANO:

Well, I'm telling you what Mr. Kopp told us. And I was not at that meeting.

MS. MALAFI:

I can tell you that by looking at this resolution that the attached lease was obviously based upon one of our leases, I can tell, but the town, whoever prepared it, changed it to be what they wanted, not what Space Management has approved. So we would change it, we wouldn't sign it. We have not signed this lease so we would change it to match.

CHAIRMAN MONTANO:

Right. You haven't signed it because we haven't approved it. Am I correct?

MS. MALAFI:

Correct.

CHAIRMAN MONTANO:

All right. But once we approve it, if we -- Counsel, do you want to weigh in on this? Maybe you can explain.

MR. NOLAN:

Robert Lipp is signaling that he might have some information for us.

MR. LIPP:

This is Legislator Schneiderman's resolution, and the terms of the lease are consistent with, as the County Attorney just said, with the East Hampton Housing Authority agreement with the town that we were receiving this. Basically --

CHAIRMAN MONTANO:

Right, but that's not the question. The question is did Space Management approve a two year extension with three one year options, irrespective of what the Housing Authority wants. That's really the question. Do you understand what I am saying?

MR. LIPP:

That I don't know.

CHAIRMAN MONTANO:

All right. Does anyone know the answer to that question?

MR. ANDERUS:

Yes.

CHAIRMAN MONTANO:

Put your name on the record.

MR. ANDERUS:

Good morning.

CHAIRMAN MONTANO:

Good morning.

MR. ANDERUS:

I'm Gerry Anderus. I'm Acting Chairman for the Space Management Steering Committee. What we had approved were lease terms for a renewal of a two year term with three one year options. We don't have a lease actually written out. We just approved terms where we can then generate a lease off of that. So that's where we stand right now.

CHAIRMAN MONTANO:

All right. Counsel informs me that we have time to amend this if we discharge it. I guess that's because our meeting is on Thursday?

MR. NOLAN:

We're meeting Thursday, right. So we have until five p.m. today to amend this resolution if the committee sees fit to discharge it.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Yeah. I would like to go back to BRO though, especially in light of what Mr. Kopp's talked about and what all of us know, with the State radically altering the Article 6 reimbursement and just, you know, dodging a really serious bullet with closure. Where will the rent money come from? Is there funding within the department that we aren't unaware of?

MR. LIPP:

The answer is that the funding would have to come with a subsequent resolution which would be laid on the table for the next cycle because that's when the Legislature can amend the budget. So it will be laid on the table at the next meeting. So this is sort of like the precursor to that.

LEG. KENNEDY:

That's great that we would entertain the authority and not necessarily the funding. That's not the first time that's happened. But let's go down that road anyhow and let me ask the question again. Is there \$32,000 kicking around here to pay rent on space that we were getting for free?

MR. FREAS:

It's actually 16,250, which would be the rent for the current year. This has been an ongoing issue between the Housing Authority and the County in the course of 2011 and --

CHAIRMAN MONTANO:

My fault, I got distracted. Just speak a little louder.

MR. FREAS:

Okay. People very rarely ask me to do that. This has been an ongoing issue between the County and the East Hampton Housing Authority, who are the lessee, for the year. We had anticipated that the rent would be required -- to go back a little bit. The Article 6 stipulation more or less requires us to run the center for the course of the year, so we would need at least \$16,000. I understand it if we -- that this resolution would obligate us, at least theoretically, to the five year lease agreement. But we would definitely need to run the place for the rest of the year, the rent for the six months between July 1st and the end of the year.

LEG. KENNEDY:

Would this be -- would any of it be reimbursable for us, Craig, or would we have to --

MR. FREAS:

The rent is partially reimbursed under Article 6. It's also reimbursed as part of the Medicaid rates that are paid to the center through its -- through the work that it's done. It's not perfectly calculable on a year to year basis because you don't get an opportunity to change your rate -- your rate doesn't change every year. It's based on your cost reporting. If your rent is "x", it's included in your cost report and your rate is partially based on your costs.

LEG. KENNEDY:

Okay.

MR. FREAS:

So the rent is somewhat reimbursed.

LEG. KENNEDY:

Okay. From your perspective, particularly with all the work that you did regarding the clinics, is this space well subscribed? I mean, is it utilized? Are we -- do we have a significant patient population there that warrants us maintaining this site?

MR. FREAS:

In 2010 there were about 1500 patients seen at the East Hampton clinic for about 5000 visits. That's a pretty busy clinic for the size. It actually has, I believe, two or three exam rooms, there's a nurse practitioner, a pediatrician there part-time and a few nurses.

LEG. KENNEDY:

How many square feet are we talking about?

MR. FREAS:

Very small. That I don't know off the top of my head. About 3,000 square feet.

LEG. KENNEDY:

Mr. Chair, could we ask -- Nick, can you come up for a second, please?

CHAIRMAN MONTANO:

Nick, come on up. I think I want to hear from Counsel on some of the particulars of the lease also.

MR. ANASTASI:

About 3,000 square feet.

LEG. KENNEDY:

About 3,000 square feet. Okay. And what's involved in the lease? We might as well get into the whole bloody mess. Do we have utilities involved in it?

CHAIRMAN MONTANO:

Excuse me, if I may. Legislator Kennedy, I have a copy of the -- I guess it's the original lease, which I'm looking at commencing December of -- is it '99, Counsel? In any event, from what I understand -- why don't I let Counsel explain. You want to explain that?

MR. NOLAN:

No, I just wanted to point out to the committee that under the original lease the town basically gave the County the space for free, but in that lease it said that if the County should renew, we would pay 32,500 a year going forward. So from my conversation with Legislator Schneiderman's office, I think it was recognized that the town would give it free but after ten years we'd pay them something. And so this resolution basically reflects what I think was the original understanding between the town and the County.

CHAIRMAN MONTANO:

I'm going to pass it over to you.

LEG. KENNEDY:

The world was a different place ten years ago, and that's fine, but, you know, again, many of us, Legislator Nowick and I don't have any clinic presence in our town at all. I'm trying to understand the use, the need and the obligation basically as far as where we are at at this point.

CHAIRMAN MONTANO:

And by the way, the lease was originally signed by, or I guess co-signed by, Jay Schneiderman as Supervisor, so it goes back a while. I'm going to pass it over to you.

LEG. KENNEDY:

If I can just go back for two more seconds, Mr. Chair. Let's stay with the square footage, then. So it's roughly 3,000 square feet, it's two exam rooms, and an admin area. Is it space dedicated exclusively to this function, or is it shared or co-utilized space.

MR. ANASTASI:

If my memory serves correct, I don't have the information directly in front of me, it's about 3200 square feet. I believe there is three exam rooms and it's used exclusively for the County for a clinic.

MR. KENNEDY:

Okay.

MR. FREAS:

Just to be clear, the building is split between the clinic portion and the Housing Authority portion.

LEG. KENNEDY:

Okay. How many days a week does this clinic operate?

MR. FREAS:

Five.

LEG. KENNEDY:

Five days?

MR. FREAS:

Five days.

LEG. KENNEDY:

Okay. So we have medical staff there seeing patients, Nurse practitioners or physicians or what have you, and they are seeing patients every day?

MR. FREAS:

Correct.

LEG. KENNEDY:

Okay. If we have 5000 visits in a year, how many patients are they seeing today? You're talking about what, eight, ten patients maybe, between three rooms?

MR. FREAS:

That would be something like that.

LEG. KENNEDY:

All right.

MR. FREAS:

It's 6000 total visits, it's 5000 primary care visits. You might come for a blood draw or something like that would account for an additional visit.

LEG. KENNEDY:

Okay. The lease price includes utilities or are utilities separate?

MR. ANASTASI:

We currently cover the cost of utilities.

LEG. KENNEDY:

Okay. Light, heat -- the whole nine?

MR. ANASTASI:

The whole nine yards.

LEG. KENNEDY:

Okay. How about housekeeping services and things like that; are we billed for that or will we wind up getting that?

MR. ANASTASI:

The Town of East Hampton had been covering those responsibilities.

LEG. KENNEDY:

And what have they indicated going forward?

MR. ANASTASI:

That's still, I think, up in the air.

LEG. KENNEDY:

We don't even have that -- no specific, no terms associated with support function? I mean, are we going to have to plow the driveway? Do we have to go ahead and, you know, deal with the walks and salt the walks? What's our range of maintenance, and what's our exposure on liability, too?

MR. ANDERUS:

The town will be providing maintenance for the building, but they have expressed that they are not interested in continuing the interior cleaning, so that's something that they are looking to put on to the County. And basically that would probably have to be done on an RFP basis where the Health Department would have to contract someone to do that being it's a relatively remote location.

LEG. KENNEDY:

So 32,500 doesn't even cover the full cost. We are going to have additional costs associated with operating this site.

MR. ANDERUS:

That is correct.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN MONTANO:

If I may. I recall attending one of the Space Committee meetings and I'm not sure if this was the property that came up, but there were photographs of the building. Is this the one where the ramp needed repair work and it was sort of in pretty bad condition?

MR. ANDERUS:

No, that was actually -- that was Southampton.

CHAIRMAN MONTANO:

It's not the same property.

MR. ANDERUS:

Correct.

CHAIRMAN MONTANO:

Okay.

MR. ANDERUS:

We had some minor issues here, but they've been taking care of them.

CHAIRMAN MONTANO:

Okay. So then getting back to the original comment, the original agreement or the original approval by the Space Management Committee was two year -- a two extension with three one year options. Am I correct on that?

MR. ANDERUS:

That is correct.

CHAIRMAN MONTANO:

Okay. And is that what we have before us, Counsel?

MR. NOLAN:

No, it's for a five year lease.

CHAIRMAN MONTANO:

All right. So assuming we pass this out of committee, then the County Executive's Office would have no objection to a two year extension with one -- with three one -- am I correct in that or am I putting words in your mouth?

MR. KOPP:

You're putting words in my mouth.

CHAIRMAN MONTANO:

All right. Thank you, Eric. I am glad you are here. So what is your position? You don't want it at all? What is the County's position? You don't want it period, you want us to table this, you --

MR. KOPP:

I think you should table it. I don't think there is any reason to tie the hands of this Legislature and your successors for a five year period when we are going through such a great period of change in the delivery of health care services.

CHAIRMAN MONTANO:

I agree with you. What about if we go along with the recommendation of the Space Committee, which was two years. Do you have a position on that?

MR. ANDERUS:

All right. The best answer I can give you on this, because this situation is in such flux now with the Health Departments --

CHAIRMAN MONTANO:

With Article 6 and that?

MR. ANDERUS:

Yeah.

CHAIRMAN MONTANO:

Okay.

MR. ANDERUS:

That we had made this recommendation --

CHAIRMAN MONTANO:

Way back.

MR. ANDERUS:

Way back, and after that there was a meeting held in the County Exec's Office with Health and that was when it was decided to take a closer look at East Hampton and to see if we were going to go forward with maintaining that.

CHAIRMAN MONTANO:

Was anyone from here, from the Legislature, at that meeting? No one was invited. Okay.

MR. ANDERUS:

And since that time, being it's in his district and it's pretty much the first health center we have on

the East End of the South Fork, I believe that's why Legislator Schneiderman has put this proposal in, because he would like to see that maintained, because otherwise people from the East End have to go all the way to Southampton.

CHAIRMAN MONTANO:

Okay. At this point in time the lease expired, Mrs. Malafi?

MS. MALAFI:

Yes.

CHAIRMAN MONTANO:

So we're on a month to month.

MS. MALAFI:

Yes, on a month to month. And what I am being told --

CHAIRMAN MONTANO:

Then are we paying rent?

MS. MALAFI:

Right now, no. I'm sure -- we're working that out with the town to pay for, you know, we have to do something.

CHAIRMAN MONTANO:

From what I understood, our original deal was that we would get it for a dollar. First ten years was free, ten years expired, we're now on the extension, but if we go by the old rent we're still not paying rent and we are not due any rent because he didn't send us a letter raising the rent. Am I correct?

MS. MALAFI:

I know that there's -- correct. I have to say I do not know. I did not look at my file before I came here, so I can't answer specifics. I can tell you that I know that my department has been in talks with the Health Department and Space Management regarding this lease because I have -- I just can't remember what the latest update was. I can look in my file. I know that it is being worked on for something. I do know that because Space Management considered this extension of the lease before the State redid their Article 6 reimbursements, and it's my understanding that this facility will probably not receive Article 6 reimbursement to pay for the rent, and that's the consideration that the Health Department and Space Management, they are in the process of determining what the effect of the State's new Article 6 reimbursement will be on this clinic before Health or Space Management lock into any type of pay arrangement with the town for this clinic.

CHAIRMAN MONTANO:

Anyone else have any comments? Legislator.

LEG. KENNEDY:

Mr. Chair, can I go back to this, just one other point?

CHAIRMAN MONTANO:

Yes, you may.

LEG. KENNEDY:

If this lease is what we're contemplating extending --

MS. MALAFI:

No, it's not.

LEG. KENNEDY:

It is not. There's something different?

MS. MALAFI:

My -- we are contemplating negotiating to a whole new agreement if at all --

LEG. KENNEDY:

Because this is a sublet. We are not even in terms, as a matter of fact. We are sublet to the Housing Authority.

MS. MALAFI:

Correct. My understanding of it, and like I said, I can't swear to every little thing, but what I can tell you is that my knowledge of it is that my office is working with Health and Space Management to possibly negotiate something with the town. It is definitely not to enter into the extension period provided in the lease that's attached to the resolution.

CHAIRMAN MONTANO:

So we are not authorizing a renewal of a lease. What we are saying to you is to draft a new lease with new terms and conditions along the period. So that's different from a renewal. Am I correct?

MS. MALAFI:

That's what you're saying; that's not what the resolution says. The resolution says that we should enter into the five year extension provided in this lease. So what you're saying and what everyone at the table is saying is different from what the resolution says.

LEG. KENNEDY:

Based on that alone --

CHAIRMAN MONTANO:

But wait -- I'm sorry. Just to be clear on that point. The resolution is saying that we are going to enter into an extension or a renewal?

MS. MALAFI:

The resolution says that the East Hampton Housing Authority wants to renew this lease for five years. I didn't draft this resolution --

CHAIRMAN MONTANO:

Right. But we're not doing that is what you are saying.

MS. MALAFI:

Correct. Absolutely. That's not what the Health Department or the Space Management want to do, no.

CHAIRMAN MONTANO:

No. You want to go into a totally -- well, first of all, you want to, just so I'm clear, and I don't want to put words in your mouth either. We want to revisit the issue; am I correct?

MS. MALAFI:

Absolutely.

CHAIRMAN MONTANO:

And number two, if we decide that we're going to go along with this, you want to do a totally new lease. You want to throw the old one aside or push it aside and come up with your own terms, conditions, etcetera. Am I correct?

MS. MALAFI:

Yes.

CHAIRMAN MONTANO:

And this resolution doesn't do that. Am I correct?

MS. MALAFI:

Yes, and you didn't put any words in my mouth.

CHAIRMAN MONTANO:

It does the opposite. As Legislator Stern points out, it does the opposite.

MS. MALAFI:

Yes.

CHAIRMAN MONTANO:

Yes. Okay. Go ahead, Legislator Kennedy. I didn't mean to interrupt.

LEG. KENNEDY:

No, no, I'm glad that you did, Mr. Chair, because I think it's important that we understand. I'm going to make a motion to table. A, you know, we have complete lack of specificity. Second, I think it's imprudent for us to extend something where we would be a sublet on an agreement between the town and the Housing Authority. I just looked at the utilities in here. The utility clause are portions amongst the various tenants. To me it seems quite confusing. So I am going to make a motion to table.

CHAIRMAN MONTANO:

Motion to table. I'll second it. Are there any other motions or any discussion? With that, motion to table. All in favor? Opposed? Abstention? Carries. ***Tabled (5-0)***

IR 1773 - Adopting Local Law No. -2011, A Charter Law to ensure an effective, non-partisan reapportionment process. (Kennedy)

Mr. Kennedy, that's still on for a public hearing; correct?

LEG. KENNEDY:

Yes. Yes, so it's going to have to be tabled for public hearing.

CHAIRMAN MONTANO:

I'll second your motion. All in favor? Opposed? Abstention? Motion carries. ***Tabled for Public Hearing. (VOTE: 5-0)***

I believe that we have one Executive Session item. So I am going to make a motion to adjourn into Execution Session to discuss pending litigation. I need a second.

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

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

(Executive Session was held from 11:04 A.M. - 11:46 A.M.)

CHAIRMAN MONTANO:

We're back in session. We had an Executive Session on the case of -- case involving the County. The committee has approved to settle and tender the policy to the excess carrier. Thank you. No further business of the committee, we are hereby adjourned.

(THE MEETING WAS ADJOURNED AT 11:48 P.M.)