

**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, November 16, 2011.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Gail Vizzini - Director - Budget Review Office  
Robert Lipp - Deputy Director - Budget Review Office  
Alicia Howard - Legislative Aide  
Eric Kopp - Deputy County Executive  
Paul Perillie - Aide to Majority Caucus  
Robert Martinez - Aide to Chairman Montano  
Justin Littell - Aide to Legislator D'Amaro  
Marge Acevedo - Aide to Presiding Officer Lindsay  
Dot Kerrigan - AME  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 10:06 A.M.\*)

**CHAIRMAN MONTANO:**

I'm going to call the meeting of the Ways and Means Committee to order starting with the Pledge of Allegiance led by Legislator Stern.

**SALUTATION**

There are no cards, are there? Is there anyone in the audience who would like to address the committee? Hearing nothing, we're going to move into -- the first issue is correspondence that we received from Pam Greene -- I think everyone got a copy -- dated September 27th, 2011, self-explanatory, so I won't read it. If there are any questions, we can discuss it. Hearing none -- is that Pam? Hi, Pam, how are you.

**MS. GREENE:**

We're well. We were just mentioning you. We will give you a minute to take off your coat. Take your time.

**CHAIRMAN MONTANO:**

Hi, Pam. How are you?

**MS. GREENE:**

Very well, thank you.

**CHAIRMAN MONTANO:**

Pam, your memo came up. Did you want to address it or can we just move on?

**MS. GREENE:**

I'd be very happy to just share with the committee, as I'm directed to do by law, once an acquisition has passed it's two years of the date of the authorized resolution, we must notify you. In this instance, the Gregor Farm is one that the Planning Department had asked to see more extensive agricultural use. The owners had cleared it, but they had not planted. So there had continued to be some, I believe, financial difficulties that got into a -- they were ready to plant once we were able to purchase the development rights to give them the funding to allow them to plant.

**CHAIRMAN MONTANO:**

Is there a bill on now -- you're saying the bill has already been approved, and it's two years old.

**MS. GREENE:**

You've already approved the authorizing resolution, correct. We have worked it out where they have now planted to the satisfaction of Planning. We may now proceed to closing.

**CHAIRMAN MONTANO:**

Right. Once the two years expire and you notify us, is there -- I mean, what's the point of notifying us? Is there any action that we need to take?

**MS. GREENE:**

It's in the law.

**CHAIRMAN MONTANO:**

Okay. But again, as I understand the law, the law says you notify us, but beyond that, what is our role, if any?

**MS. GREENE:**

The law is silent as to any role of the committee to take any further action, other than just to be notified.

**CHAIRMAN MONTANO:**

What if we wanted to -- hypothetically, what if we wanted to cancel the purchase, what process would we use at that point?

**MS. GREENE:**

I don't know, because you have an accepted offer, you have a fully executed contract, you have an approved authorizing resolution. I'd probably defer to Counsel.

**CHAIRMAN MONTANO:**

Okay. Thanks. Do you want to address the committee on anything?

**MS. GREENE:**

I do. Thank you. We have good news, though I don't often get to come to this table and share good news. I'd like to take that opportunity. The Division held a very successful County auction yesterday. Due to the release of several properties that had previously been held in litigation, there were a number of properties added that were able to be sold.

**CHAIRMAN MONTANO:**

Were those the Toussie properties?

**MS. GREENE:**

They were. The division had a 94% success rate in this auction yesterday. They were 102 parcels put up for auction. There were four removed, three at the request of the Town of Brookhaven. One had a successful last minute plea to try to remove it from the auction. Of the remaining 98, 94 were sold. The three that weren't sold were all improved houses with a ten-year owner-occupied restriction --

**CHAIRMAN MONTANO:**

I was going to ask you that.

**MS. GREENE:**

-- that received no bids.

**CHAIRMAN MONTANO:**

How many of the ten-year properties were up, just those three or more?

**MS. GREENE:**

Two did sell, three did not.

**CHAIRMAN MONTANO:**

And where were those two located, if you know?

**MS. GREENE:**

One was in the Town of Huntington.

**CHAIRMAN MONTANO:**

Okay.

**MS. GREENE:**

I believe the other is in the Town of Brookhaven.

**CHAIRMAN MONTANO:**

Okay. And the other three were in Coram?

**MS. GREENE:**

They were throughout the Town of Brookhaven. And one in Huntington did not sell as well.

**CHAIRMAN MONTANO:**

Okay. Can you do me a favor?

**MS. GREENE:**

I would be happy to.

**CHAIRMAN MONTANO:**

Just when you get back, shoot me an e-mail indicating which properties with that ten-year restriction sold, location, and which ones did not, because we've had that ongoing conversation about this.

**MS. GREENE:**

I wanted to thank you, Mr. Chair, for bringing that issue to the attention of your colleagues for giving us the form to present it. Quite simply, the ten-year owner-occupancy is a prohibition to the sale of these properties. The County investment on those three right now is \$300,000, they will continue to accumulate, they have not been sold. I just want to thank you for at least hearing that from me and from the Division and at least trying to take some action.

**CHAIRMAN MONTANO:**

I think you know I agreed with your position on that. And I would have been willing to lower the occupancy requirement to possibly two years, which I think works better. And I think Newsday had done a story on that, but it didn't go anywhere, but maybe now it will. So send me that information.

**MS. GREENE:**

Thank you. And again, 94% success rate is good news that we're happy to share with the committee.

**CHAIRMAN MONTANO:**

How much cash does that give us?

**MS. GREENE:**

Almost three million dollars. It would have been over three with those houses.

**CHAIRMAN MONTANO:**

All right. So, Robert, does that balance the budget?

**MR. LIPP:**

I think the answer to that is, well, did we get our investment back for that sale?

**CHAIRMAN MONTANO:**

Pam, that's a good question. We grossed three million, what we net?

**MS. GREENE:**

Eight hundred thousand dollars, which was above what the department projected for our surplus revenue.

**MR. LIPP:**

We will take it.

**CHAIRMAN MONTANO:**

All right. Now, let's go on to Tabled Resolutions.

**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.) STRICKEN**

It was stricken, meaning it's no longer on the agenda.

**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'm going to make a motion to table subject to call.

**LEG. KENNEDY:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Kennedy. Any other motion? All in favor? Opposed? Abstentions?

**TABLED SUBJECT TO CALL (VOTE: 5-0)**

**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.)**

And I believe, Counsel, that that bill is tied into IR 1816; am I correct?

**MR. NOLAN:**

This bill should be tabled. You can table it subject to call. Hopefully, the County Executive will withdraw it.

**CHAIRMAN MONTANO:**

Okay. I make a motion to table 1576 subject to call, because we have 1816 on the calendar. Do I have a second?

**LEG. KENNEDY:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Kennedy. Any other motions? All in favor? Opposed? Abstentions?

**TABLED SUBJECT TO CALL (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)**

Public hearing is still open. Motion to table for public hearing.

**LEG. STERN:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Stern. 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)**

Legislator Kennedy, your pleasure?

**LEG. KENNEDY:**

Motion to table, Mr. Chairman.

**CHAIRMAN MONTANO:**

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

**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 will make a motion to table for public hearing.

**LEG. KENNEDY:**

Mr. Chair, have we had the public hearing on this?

**CHAIRMAN MONTANO:**

It's still open.

**LEG. KENNEDY:**

I'll second.

**CHAIRMAN MONTANO:**

Motion to table for public hearing, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED FOR PUBLIC HEARING (VOTE: 5-0)**

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

I'll make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN MONTANO:**

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

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

I will make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Stern. And other motions? Go ahead.

**LEG. KENNEDY:**

All right. Can Counsel just refresh my recollection on this bill?

**MR. NOLAN:**

It states that no department, County department, office or agency can issue and advertise an RFP without being authorized to do so by a Legislative resolution.

**LEG. KENNEDY:**

I'm going to offer motion to approve on this one. I know we've talked about this at some length. But, you know, the RFP process continues to operate, and we ultimately wind up having to wrestle with contracts that are put out there thanks to your bill, Mr. Chair. And, you know, I've sponsored several terminations with contracts that just were, you know, misguided and didn't harmonize with policies we had here in the body. I think Legislator Romaine, you know, put this forward in the spirit of giving us, you know, further opportunity to be part of the process right from inception and not have to be reactive, have an opportunity to be a little bit more proactive.

**CHAIRMAN MONTANO:**

If I may, Counsel, could you just go through how this law interacts with the legislation that we passed for contract notification or does it?

**MR. NOLAN:**

It's more of a, you know, it's at the front of the process where a department or the County Executive or somebody wants to issue an RFP, they can't do so unless they come over here with a resolution and pass it authorizing us to issue the RFP. So it's very front-loaded in the process. We have other laws and statutes that have to do with notification after a contract has been awarded, but his is very early in the process where the Legislature would be involved.

**CHAIRMAN MONTANO:**

All right. We have a motion to table and I believe a second; am I correct?

**MS. HOWARD:**

Yes.

**CHAIRMAN MONTANO:**

What I'm going to ask is that we table it and take a look at it. We still have time to further discuss it and pass if we choose to do so. Obviously there's going to be a new administration, so I think for today I would be looking to table as opposed to sending it out at this point in time. I'd like to study it a little further.

**LEG. KENNEDY:**

Okay. I'll withdraw the motion to approve then. I'll speak to Mr. Romaine, and if there's something that we can do to look at it now or take it up with the new administration, we'll take a

look at that.

**CHAIRMAN MONTANO:**

And if he wants to send any information over to -- you know, a brief memo indicating how he sees this working, we can take that up at the next meeting. All right. All in favor? Opposed? Abstentions? Th motion to table carries. **TABLED (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:**

I'm going to make a motion to table on this one, Mr. Chair.

**CHAIRMAN MONTANO:**

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

**IR 1816 - Adopting Local Law No. -2011, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of a 50' X 116' parcel in Brookhaven (SCTM No. 0200-418.00-04.00-004.000) to Stony Brook Medical Park Condominium. (Co. Exec.)**

Would someone give me an explanation on that, Counsel?

**MR. NOLAN:**

It's taking a piece of property, declaring it a surplus and authorizing its sale to the Stony Brook Medical Park Condominium for \$14,500.

**CHAIRMAN MONTANO:**

Pam, you want to comment on that?

**MS. GREENE:**

I think Counsel did an excellent job.

**CHAIRMAN MONTANO:**

I picked that up other than the purchase price by the title, so I was looking for a little more.

**MS. GREENE:**

It actually has quite a long history. It was property that was previously owned by the sewer -- Suffolk County Sewer entity. They declared they no longer needed it, then it came into the Division's inventory. We attempted to sell it by a direct sale to the adjoining property owner. They are interested, they have expressed that interest. We prepared that resolution, but the Law Department asked us to amend the resolution so it included this body declaring it surplus. In other words, the Sewer Agency declaring it surplus apparently did not comport with what necessarily has to happen for you to declare it surplus for us to sell it, because it didn't come to our inventory by tax lien, which is our normal process.

**CHAIRMAN MONTANO:**

Stony Brook Medical Park Condominium, that not Stony Brook University, that's just --

**MS. GREENE:**

No. This is that large section of medical offices located along 347.

**CHAIRMAN MONTANO:**

Right. And how is the price decided, by an appraisal?

**MS. GREENE:**

Appraisal, yes.

**CHAIRMAN MONTANO:**

And were they the only purchasers or prospective purchasers?

**MS. GREENE:**

Yes. I believe Suffolk County is the other adjoining property on the other side.

**CHAIRMAN MONTANO:**

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

**IR 1835 - Amending Resolution No. 68-2011, designating local newspapers in which County Notices may be published. (Eddington)**

I am going to make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN MONTANO:**

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

**Moving on to Introductory Resolutions. IR 1845 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 South Jersey Ave. Holding, Corp. (SCTM No. 0200-110.00-04.00-001.000). (Co. Exec.)**

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

**IR 1846 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Arturo Isaac Andrade and Raquel L. Lopez, his wife (SCTM No. 0200-312.00-07.00-022.002). (Co. Exec.)**

I'll do same motion, same second, same vote if that's all right with everybody. **APPROVED (VOTE: 5-0)**

**IR 1847 - Sale Of County-owned real estate pursuant to Local Law No. 13-1976 Ignazio Panepinto (SCTM No. 0200-982.80-07.00-010.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED (VOTE: 5-0)**

**IR 1848 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James S. Canty Jr. and Diane Canty, his wife (SCTM No. 0400-142.00-02.00-027.001). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED (VOTE: 5-0)**

**IR 1849 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Brian Jackson and Kimberly Jackson, his wife (SCTM No. 0800-021.00-05.00-015.000). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED (VOTE: 5-0)**

**IR 1851 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Fortunata L. Yannacone Trust, by Victor J. Yannacone, Jr., as trustee (SCTM No. 0204-013.00-07.00-017.000). (Co. Exec.)**

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

**IR 1852 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Six Cousins, Inc., by Fred Winter, Jr., President (SCTM No. 0200-831.00-07.00-021.000). (Co. Exec.)**

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

**IR 1853 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 Of the Suffolk County Tax Act John A. Bassi and Kathy Ann Bassi (SCTM No. 0200-731.00-01.00-004.000). (Co. Exec.)**

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

**IR 1854 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan L. Demelfi and Salvatore Pane (SCTM No. 0200-975.40-06.00-038.000). (Co. Exec.)**

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

**IR 1855 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act James Carmine Urcuiolio, Anthony Philip Urcuiolio and George Arthur Wright, as tenants in common, subject to a life estate in favor of George Arthur Wright (SCTM No. 0200-458.00-02.00-004.001). (Co. Exec.)**

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

**IR 1856 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Phillip Harvey and Felicia Harvey (SCTM No. 0103-003.00-01.00-076.000). (Co. Exec.)**

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

**IR 1857 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Fresa E. Kooi (SCTM No. 0100-208.00-05.00-030.000). (Co. Exec.)**

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

**IR 1892 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Biju Sam and Manju Sam, his wife (SCTM No. 0200-308.00-02.00-036.000). (Co. Exec.)**

I'll make a motion, seconded by Legislator Stern. All in favor? Opposed? Abstentions?  
**APPROVED (VOTE: 5-0)**

**IR 1897 - Adopting Local Law No. -2011, A Local Law to expand the hardship criteria for real property redemptions. (Browning)**

We have to table this for public hearing. I will make the motion. I need a second. Seconded by Legislator Anker. All in favor? Opposed? Abstentions? Motion carries. **TABLED FOR PUBLIC HEARING (VOTE: 5-0)**

**IR 1905 - Amending Resolution No. 600-2001 and authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-983.30-02.00-002.000, pursuant to Section 40-D of the Suffolk County Tax Act. (Co. Exec.)**

Counsel, would you give a brief explanation.

**MR. NOLAN:**

This is a property the County took back in the mid '90s. According to the resolution, I think there was a problem with the notice at that time, so the County is abandoning its interest in the property.

**CHAIRMAN MONTANO:**

This is not brownfields or anything like that, is it?

**MR. NOLAN:**

Not that I'm aware of.

**CHAIRMAN MONTANO:**

Pam, do you want to address this or it's standard?

**MS. GREENE:**

The property in question is 1.7 acres. And at the time, it was placed in the jurisdiction of Parks. When the question of notice occurred, it was best to revisit whether that taking was done properly, and the Law Department has recommended doing so by a certificate of abandonment.

**CHAIRMAN MONTANO:**

Okay. But this is not a brownfields property that we're looking to unload, is it?

**MS. GREENE:**

No.

**CHAIRMAN MONTANO:**

Are they paying taxes?

**MS. GREENE:**  
They will.

**CHAIRMAN MONTANO:**  
They will be paying the taxes once we give it back?

**MS. GREENE:**  
Correct.

**CHAIRMAN MONTANO:**  
All right. But not the back taxes. In other words, they will be paying taxes prospective?

**MS. GREENE:**  
They would also reimburse for back taxes owed.

**CHAIRMAN MONTANO:**  
Oh, they will. Okay. All right. I'll make a motion to approve, seconded by Legislator Stern. All those in favor? Opposed? Motion carries. **APPROVED (VOTE: 5-0)**

I believe we have an Executive Session. We are going to adjourn to Executive Session to discuss some legal issues. I'll make a motion to adjourn to Executive Session. We will return shortly. The reason we're adjourning is to discuss legal matters pending against the County, seconded by Legislator Stern. All in favor? Opposed? Let's go.

**(\*AN EXECUTIVE SESSION WAS HELD FROM 10:32 until 11:05 A.M.\*)**

**CHAIRMAN MONTANO:**  
We're back on the record. We have approved settlements in two case. I'll give you the caption in a minute, all right. No further business before the committee -- I'll spell it Z-h-u-m-i, an infant by her parents and natural guardians, Julio Zhumi and Maria Centeno versus County of Suffolk, et al. And th second case is Cecilia Alvarez an infant by her mother and natural guardian, Emma Martinez versus County of Suffolk, et al. We've approved settlements in both cases. No further business of the meeting, it's hereby adjourned.

**(\*THE MEETING WAS ADJOURNED AT 11:06 A.M.\*)**