

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, December 14, 2011.

MEMBERS PRESENT:

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

MEMBER NOT PRESENT:

Legislator Lynne Nowick - Excused

ALSO IN ATTENDANCE:

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

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

(The meeting was called to order at 10:08 A.M.)

CHAIRMAN MONTANO:

Let's call the meeting to order, led by Legislator Stern with the Pledge of Allegiance.

SALUTATION

I guess this is our last meeting of the year. Who said "aw", is that you, Eric? You may be seated.

MR. KOPP:

Not me. I might have thought it, but I didn't say it.

CHAIRMAN MONTANO:

I want to wish everyone a happy holiday. It's been a pleasure serving. Two years goes by very quickly. I wish you all a happy holiday. I want to put on the record that Legislator Nowick has an excused absence.

We will move right into correspondence. I have here a memo -- Pam, how are you? Pam Greene -- dated December 5th. I believe everyone has a copy of this correspondence. Do you want to explain it very quickly since -- I have to be honest with you. I've been away, I just got back and I'm a little bit, I mean, I'm up to speed, but I'm on slow.

MS. GREENE:

Welcome back. Merry Christmas to all. That is a memo as required by law that I am to provide this committee when an acquisition which has an approved authorizing resolution has now gone past two years from the date of the authorizing resolution. In this instance, we require acquisitions to be free from any encumbrances. In this instance there is a boundary dispute and there is litigation between the adjoining property owners. I believe that's what the justification is for the delay that you have?

CHAIRMAN MONTANO:

"We request approval for an extension due to the fact that sellers are in litigation and neighbor regarding driveway" oh, "in litigation with neighbor regarding driveway and access. A resolution to this matter is expected soon."

MS. GREENE:

Again, it's in litigation.

CHAIRMAN MONTANO:

Like when, next year?

MS. GREENE:

That would be private -- litigation between the private parties. In other words, the County isn't --

CHAIRMAN MONTANO:

Oh, the resolution to the litigation is expected soon.

MS. GREENE:

Correct.

CHAIRMAN MONTANO:

All right. Well, we'll have to deal with this next year. Now, again, this is a memo that you give us when you run into a delay, but according to what you've said before, there's nothing we can do

about it anyway. It's just a notice memo; am I correct?

MS. GREENE:

It would be up to interpretation of whether or not you now have the authority to revisit the extended offer on behalf of the County, and because it has gone past the two year requirement, either revoke the offer or give a timeline.

CHAIRMAN MONTANO:

So it's more than just notice. I was under the impression that these were just simply notice requirements.

MS. GREENE:

Again, the law is silent, so it would be a matter of interpretation.

CHAIRMAN MONTANO:

George, you want to comment on that?

MR. NOLAN:

I think with the Director being here and giving us the notice she can still pursue the acquisition. I don't -- the committee and the Legislature doesn't have to take any further action in my opinion. She has notified us, she can proceed.

CHAIRMAN MONTANO:

Okay. Pam, thank you.

MS. GREENE:

You're welcome. Thank you.

CHAIRMAN MONTANO:

Legislator Stern has some questions.

LEG. STERN:

Yes, thank you. I just want to check with George. So it's not a question necessarily of interpretation, but discretion. Is that what you are saying?

MR. NOLAN:

What the law says is if they hit the two year limit to continue to proceed with the acquisition there has to be a notification to this committee, and that's what the law says. It's been satisfied with Ms. Greene's appearance here, so they can continue to pursue the acquisition as far as I'm concerned.

CHAIRMAN MONTANO:

Okay. We'll discuss this, I'm sure, in some context next year. Moving right along, is there -- I don't have any cards here, right? All right. Who would like to address the committee? Who would like to address the committee so we can buy some time for Legislator Kennedy to get here. No one? All right. We can do at least this resolution since it's mine.

Tabled Resolutions

IR 1605-2011, 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)

Counsel, is that -- so it's not -- the Six Month Rule doesn't apply to this?

MR. NOLAN:

It will lapse, according to the Six Month Rule, on December 21st, which we haven't hit yet.

CHAIRMAN MONTANO:

But it would do this anyway, would it not, because -- since this is a new term all the bills would lapse, would they not?

MR. NOLAN:

Everything will die at the end of the year that's not enacted.

CHAIRMAN MONTANO:

So we'll let it have its natural death. For now I'll just make the motion to table for public hearing.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

I'm going to skip over 1617 because Legislator Kennedy is not here, if everybody is in accord with that, and we'll move on to ***IR 1704-2011, 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 hearing on that is still open, so I'll make a motion to table for public hearing. Second. All in favor? Opposed? Abstentions? Motion carries. Second is Legislator Stern.

(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)

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

I will make a motion to table, second by Legislator Stern. All in favor? Opposed? Abstention? Motion to table carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

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

I will make a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion to table carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

IR 1750-2011, 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)

Could I have an explanation on that, Counsel?

MR. NOLAN:

This is that Long Wharf Beach property adjacent to the wharf --

CHAIRMAN MONTANO:

Gotcha. I'll make a motion to table. Second by Legislator Stern. All in favor? Opposed?

Abstention? Motion to table carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

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

I will make a motion to table, second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

IR 1937-2011, Authorizing the payment of rent for the 19th Legislative District Office. (Cooper)

IR 1937 I believe is withdrawn by the sponsor. Am I correct on that? Okay. We don't have to deal with the rent for -- oh, for the Vanderbilt. Okay.

IR 1998-2011, Naming the Department of Health Services building in Great River, New York in Honor of Herbert W. Davis. (Romaine)

I understand that there was no quorum at the Sitings Committee so they did not make a determination.

LEG. STERN:

The Siting Committee has not officially met on this so it should be tabled.

CHAIRMAN MONTANO:

Make the tabling motion, I will second it. All in favor? Opposed? Abstention? Motion to table carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

Now, on ***2031-2011, Adopting Local Law No. -2011, A Local Law to increase tax map verification fees. (Pres. Off.)*** I believe this was part of the 2012 budget. Am I correct on that, Counsel?

MR. NOLAN:

That's correct.

CHAIRMAN MONTANO:

Okay. Is there anyone here from Real Property that would like to address this? Legislator Kennedy is not here yet, you sure you don't want to address it? All right. I will make a motion to approve.

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. I presume there were no questions on that, right? **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

IR 2033-2011, Adopting Local Law No. -2011, A Local Law to increase certain subscription service fees. (Pres. Off.)

And, again, I will make a motion to approve, and I believe I need a second.

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Counsel, you want to add to this?

MR. NOLAN:

Again, this is in response to the Operating Budget that was adopted.

CHAIRMAN MONTANO:

Any questions? All in favor? Opposed? Abstentions? Motion carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

IR 2036-2011, Adopting Local Law No. -2011, A Local Law to authorize advertising in the County tax map album and set advertising rates. (Pres. Off.)

Again, I will make a motion. Same motion, same second, with your approval. Again, this is to conform to the 2012 budget. So any questions? Any comments? All in favor? Opposed? Abstention? Motion to approve carries. **(Vote: 3-0-0-2 Legislators Kennedy and Nowick Not Present)**

IR 2040-2011, Adopting Local Law No. -2011, A Charter Law consolidating functions within the Department of Planning. (Pres. Off.)

Counsel, do you want to give an explanation first?

MR. NOLAN:

This is, again, consistent with the adopted Operating Budget, which essentially abolished the Department of Economic Development and Workforce Housing and Environment and Energy, consolidating the functions that were performed by those departments within Planning.

CHAIRMAN MONTANO:

Okay. So this is in conformity with, again, same issue, conformity with the budget that was passed recently. So I will make a motion to approve. Yes, you may. Well, let's get a second on this. Do you want to second or do you want to just --

LEG. ANKER:

I'll second it.

CHAIRMAN MONTANO:

All right. Second by Legislator Anker. Go ahead, Legislator Anker.

LEG. ANKER:

Again, my concern with this particular amendment, I understand that in our budget that this is something that we need to do to follow along with budget expectations. Part of the Environment and Energy Department within that is the Office of Cancer Awareness, and I would hope that, you know, starting next year we can look into that and hopefully keep that office either, you know, in the Planning Department or in the Health Department. So, again, with this -- because at this point that office is being eliminated and I do feel that it needs to be part of our County services. And, again, I hope that we can find that office a place in either of the two departments.

CHAIRMAN MONTANO:

Okay. Counsel, you want to describe how that can be done?

MR. NOLAN:

The way if the Legislature next year wanted to reconstitute the designated office within the Department of Planning then there would have to be a new Charter Law introduced to do that. In the budget, you know, a number of offices that had been in those departments, including Farmland Acquisition and Management and the Recycling Waste Management Office were abolished. There were no positions or maybe one position assigned to those functions. But if the Legislature, as I said, wants to reconstitute these offices they can do so, but it would have to be by another law next year.

CHAIRMAN MONTANO:

We would also need some offsets, would we not?

MR. NOLAN:

Well, you can create the office structurally --

CHAIRMAN MONTANO:

Right, but to fund it.

MR. NOLAN:

But if you wanted to put some people in there to actually do the job then you'd have to find some money to do that.

CHAIRMAN MONTANO:

Okay. Any other questions? Again, in conformity with the budget we have a motion to approve and a second. Oh, does anybody want to address this? Sorry, I didn't see you. You should have spoke up earlier. Name and affiliation first.

COMM. CULHANE:

I'm sorry. Brian Culhane, Commissioner of Department of Environment and Energy.

CHAIRMAN MONTANO:

How are you, Brian?

COMM. CULHANE:

Very Good. I sent an e-mail to all the members of the committee last Friday outlining the department's proposal on this. In this consolidation a couple of the offices were retained, Division of Water Quality and Department of Real Estate. They will go on to Planning. In this case, the Office of Cancer Awareness, which is a staffed office, the office was removed and it was proposed that the staff will go back to the Health Department.

Our proposal was that you retain the office. As George said, you could do it next year. Our kind of counteroffer to that, I guess, would be don't remove it this year, leave it in place. That way you wouldn't have to go back to it next year. If the office was retained, then there are -- we have identified offsets in the budget that could possibly fund the one secretarial position that was being eliminated within the office. So I was urging you to consider doing an amendment or tabling this until next year and just do it when --

CHAIRMAN MONTANO:

We can't table it until next year because all of the bills that are not acted upon in this year automatically die, so it could not be tabled until next year. From what I'm getting -- do you know if there's any bill to amend this that's been filed to date? Maybe in another committee or something?

COMM. CULHANE:

Not that I know of. I think this was, you know, our first opportunity to address it.

CHAIRMAN MONTANO:

Right. Quite frankly, I understand the concern, but I don't see a procedural mechanism to accommodate that request this year. I think that would be an issue that would have to be taken up next year with the submission of a proposed Charter Law that we could then act on next year. And if there are any positions that would go along with that then we would consider, if we wanted to fund them, we would have to find some offsets. That's the procedure that I understand. Counsel, you want to -- am I right, wrong, in the middle?

MR. NOLAN:

You're correct. We're at the end of the game. We have the meeting Tuesday. If we don't pass this Tuesday the law will expire at the end of the year and then we have to start the process over by laying it on the table, having public hearings and so forth.

CHAIRMAN MONTANO:

And this would be -- then it would be in nonconformance with the budget, would it not?

MR. NOLAN:

Right. We were trying to get this passed by the end of this year so that we go into the new year with the budget and the Charter aligned.

CHAIRMAN MONTANO:

Right. Okay. So I would not entertain a motion to table under the -- -

COMM. CULHANE:

Okay. I just --

CHAIRMAN MONTANO:

Go ahead.

COMM. CULHANE:

The one thing that I wanted to say to address that point is that it was my understanding that the budget takes precedence, so what happens in the budget will go on no matter what, but that if you did put this part of the Charter amendment off until next year, what happens in the budget. Basically the only other part of this that happens in the budget is that my position is eliminated, so that would happen anyway, and then you could work on conforming the Charter to the budget come next year.

CHAIRMAN MONTANO:

Right, no I understand that, but I don't favor -- and we've had this argument before, not with you, but it's come up before. I personally do not favor having the law inconsistent with the budget. I would prefer to have the two documents, you know, conform to one another, and if we were going to make a change, then that change could be accompanied by a change in the positions or the funding. But that's just my personal opinion. Anyone else want to comment on this? Okay.

COMM. CULHANE:

Thank you for your time.

CHAIRMAN MONTANO:

Hearing none, we have a motion to approve and a second. Is that correct, Renee? All right. All in favor? Opposed? Abstentions? Motion to approve carries. **(Vote: 3-0-0-2 Legislators)**

Kennedy and Nowick Not Present). Commissioner, thank you and have a nice holiday.

All right. I guess we will move right along. **2049-2011, Adopting Local Law No. -2011, A Local Law to eliminate stipend for Legislature's Deputy Presiding Officer. (Browning)**
There he is, man of the hour. Hi, John. How are you? We were extending the meeting as long as we could, so.

LEG. KENNEDY:

Thank you. I appreciate the accommodation.

CHAIRMAN MONTANO:

John, we're at the point, at the bottom of the Tabled Resolutions. By the way, 1617, which is your resolution, I skipped over, but right now we're on -- and we'll get back to that. Right now we're on page two of the agenda, the last resolution, **2049-2011, Adopting Local Law No. -2011, A Local Law to eliminate stipend for Legislature's Deputy Presiding Officer. (Browning)**

I do not believe there is a motion on the table. Am I correct on that?

LEG. KENNEDY:

I'll make a motion to approve.

CHAIRMAN MONTANO:

I will make a motion to table. We need a second on either motion.

LEG. ANKER:

I will second on table.

CHAIRMAN MONTANO:

Okay. We have a second on the table. Do we have a second on the approve? 2049, it's the last one on page two. It eliminates stipend for Legislature's Deputy Presiding Officer.

LEG. STERN:

It's still in public hearing, isn't it? Or was the hearing closed.

MR. NOLAN:

It's closed.

CHAIRMAN MONTANO:

The hearing was closed. Okay. We have a motion to table and a second. We have a motion to approve with no second. Legislator Kennedy.

LEG. STERN:

I'll second the motion to approve.

CHAIRMAN MONTANO:

I think that's -- no it's already seconded, the one to approve. Second by Legislator Anker, am I correct?

LEG. ANKER:

No.

CHAIRMAN MONTANO:

Oh, I'm sorry. Wait. You got it. I made the motion to table. All right. So we have two motions.

Go ahead.

LEG. KENNEDY:

On the motion to approve. Let me just ask, I guess BRO again, the D.P.O. stipend is what, about 10,000 I believe?

MR. LIPP:

A little over 10,000. It's 10,442 in 2012.

LEG. KENNEDY:

Okay. I offer my motion to approve simply because we are faced, as you know, Mr. Chair, with 88 layoffs at this point, some of which actually are members of -- employees of the Legislature. And I think it's just indicative of what 2012 is going to reflect as far as a sustained and concerted effort to try to effectuate savings. So that's the purpose for offering the motion to approve. It may only be 10,000, but when you look at the price of a clerk-typist for us as an entity, as an organization, that's probably about a quarter year's worth of salary and benefits. So I think the motion has merit.

CHAIRMAN MONTANO:

Okay. Any other comments? We have a motion to -- I'm sorry. Legislator Stern? You sure?

LEG. STERN:

Yes.

CHAIRMAN MONTANO:

All right. We have a motion to table with a second and a motion to approve. Motion to table goes first. All in favor? Myself, Legislator Anker. We have two. Opposed?

LEG. KENNEDY:

Opposed.

LEG. STERN:

Opposed.

CHAIRMAN MONTANO:

Two. Motion fails. *(Vote: 2-2-0-1 Legislators Montano and Anker in favor; Legislators Kennedy and Stern Opposed; Legislator Nowick Not Present)* So we will now move on to the motion to approve.

LEG. STERN:

On the motion.

CHAIRMAN MONTANO:

Excuse me? We did have a second, Legislator Stern. Go ahead, Legislator Stern.

LEG. STERN:

Just let me say very quickly that I agree with the points Legislator Kennedy was making. This is an example of making difficult decisions and determining our priorities, particularly as we go forward into the next year. So I will support the motion.

CHAIRMAN MONTANO:

Okay. All in favor? Two. Opposed? Two. Motion fails. Bill dies. *(Vote: 2-2-0-1 Legislators Kennedy and Stern in favor; Legislators Montano and Anker Opposed; Legislator Nowick Not Present)*

Introductory Resolutions

Moving on to Introductory Resolutions, *IR 2075-2011* -- and I am going to try and go through these quickly because a lot of them are pro forma -- ***Authorizing certain technical correction to Adopted Resolution No. 574-2011. (Co. Exec.)***

I will make a motion to approve and place on the Consent Calendar. I need a second. Second by Legislator Anker. Quick explanation, Counsel?

MR. NOLAN:

The technical correction seems to be it's actually changing the name of the person who the property is being transferred to.

CHAIRMAN MONTANO:

Okay. Any other motions? All in favor? Opposed? Abstention? Motion carries. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

IR 2078-2011, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-824.00-06.00-058.000). (Co. Exec.)

I will make a motion to approve. I need a second. I need a second. Second by Legislator Anker. You want to give me an explanation of this, Counsel?

MR. NOLAN:

It is a transfer to the Town of Brookhaven to be used for drainage purposes.

CHAIRMAN MONTANO:

Okay. Is there any money changing hands here, Ms. Greene?

MS. GREENE:

There is. This is a 40 by 100 piece of property. It's been requested by the Town of Brookhaven for drainage purposes. They are repaying the County of Suffolk. It's \$1,326.13 of County investment.

CHAIRMAN MONTANO:

Okay. All right. We do have a motion to approve and a second. Any other motions? All in favor? Opposed? Abstention? The motion carries. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

IR 2079-2011, Sale of County-owned Real Estate Pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-975.90-01.00-027.000). (Co. Exec.)

Brief explanation, Counsel. Pam, I guess.

MS. GREENE:

This is 50 by 100 piece of property located in North Bellport. It has been requested by the Town of Brookhaven for highway purposes. They are compensating the County for \$9,712.57 for County investment. It should be noted for the committee that this parcel was originally scheduled to be put up for auction in May of 1994. It was removed at the request to be used for consideration for a North Bellport study area for economic development. There was no completion of that request, and now at this time the town has requested it for highway purposes. It is vacant land.

CHAIRMAN MONTANO:

So you are going to put a highway through it? First you were going to put a study center and now you are going to build a road on it?

MS. GREENE:

I believe the highway purposes may be drainage, it might be a catch basin. I don't believe -- it's vacant land on a corner. I don't believe they are going to be building highway on it. They are using it for highway purposes for, you know, a catch basin or something like that.

CHAIRMAN MONTANO:

Any comments? We don't have a motion on this yet; am I correct?

MS. ORTIZ:

No motion.

CHAIRMAN MONTANO:

All right. Why don't we make -- for purposes of discussion I'll make a motion to approve. I need a second on that.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

And this is just for purposes of discussion. Legislator Anker, go ahead.

LEG. ANKER:

Okay. The size of the parcel?

MS. GREENE:

Fifty by 100.

LEG. ANKER:

On an open real estate market, how much would that parcel be, approximately?

MS. GREENE:

It's difficult to say. We would have to see what a 50 by 100 parcel sold at the past auction. I can tell you at the May '94 auction it was originally being put for an upset price 3,500. Again, 1994.

CHAIRMAN MONTANO:

Pam, is there urgency on this?

MS. GREENE:

It's at the request of the Town of Brookhaven.

CHAIRMAN MONTANO:

Excuse me?

MS. GREENE:

The request, the 72-h, is at the request of the Town of Brookhaven, so we handle those as they come in.

CHAIRMAN MONTANO:

Right. But my question was is there urgency on this?

MS. GREENE:

You can revisit it next year if you like.

CHAIRMAN MONTANO:

All right. Anyone, what's your pleasure?

LEG. ANKER:

The reason I'm asking is, you know, I just want to make sure that, you know, when we sell our property from the County to another municipality that it's a viable sale. In other words, do we get the same amount of money if we were to sell this to a private person.

MS. GREENE:

If it were to be sold by a direct sale we would have to see what the appraised value would come in at. We would offer an outside appraisal. The other method, of course, is to put it up for auction, which we had done. It should be noted that it would have applied, it would have come under Local Law 3, Legislator D'Amaro's law, if the Town of Brookhaven had not opted out of that, meaning it would have been a substandard lot offered for affordable housing purposes.

CHAIRMAN MONTANO:

What is the surrounding properties? What do they look like? Are they vacant or do you have homes on those properties?

MS. GREENE:

One is vacant. Would you like to see an aerial?

CHAIRMAN MONTANO:

Yeah, I really would. And what is the standard size lot in that area. Is it the same size as this or are they larger parcels? And also, if you know, what is the zoning.

MS. GREENE:

I can't speak to the zoning. It is surrounding mostly by vacant property, but I can give you an aerial, which is very explanatory.

CHAIRMAN MONTANO:

We have the aerial but we can't see -- no, no, bring that. We can't see.

MS. GREENE:

The surrounding properties appear to be larger. There's 100 by 90, 100 by 80, and 100 by 100. This is 100 by 50.

CHAIRMAN MONTANO:

I'm a little confused. I see the property here. It's on Atlantic Avenue.

MS. GREENE:

Yes.

CHAIRMAN MONTANO:

What highway are we talking about?

MS. GREENE:

Again, the highway purposes for the Town of Brookhaven may be to put in a catch basin.

CHAIRMAN MONTANO:

Well, that's maybe. I mean, is that a yes, do you know this for a fact or are you guessing? I don't mean to put you on the spot, Pam.

MS. GREENE:

Not at all. Happy to do it. The Brookhaven -- the resolution passed by the Town of Brookhaven merely specifies highway purposes, so that's a large umbrella.

CHAIRMAN MONTANO:

I'm going to -- actually I'm going to withdraw my motion. I made the motion right, Renee?

MS. ORTIZ:

Yes, sir.

CHAIRMAN MONTANO:

I'm going to withdraw my motion. Because there's no urgency on this I'm going to make a motion to table, if that's your pleasure. If not, someone else can make a motion to approve. But I'll withdraw my motion to approve and make a motion to table if somebody wants to second it.

LEG. KENNEDY:

I'll second on the motion to table, but I have a question as well.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Before your question are there any other -- well, ask your question, Legislator Kennedy.

LEG. KENNEDY:

Pam, what area is this in, what community?

MS. GREENE:

North Bellport.

LEG. KENNEDY:

It's in North Bellport. And so I think I heard you say that it is generally conforming with the balance of the area. In other words, it's 50 foot, 60 foot lots.

MS. GREENE:

The most adjacent parcels are 100 by 80, 100 by 100, a bit more substandard than the immediate surrounding area.

CHAIRMAN MONTANO:

John, would you like to see the aerial map?

LEG. KENNEDY:

I would, but if you swing -- in other words, is it located in a subdivision, Pam? You know, if you run let's say maybe 1,000 foot perimeter around, are you going to pick up any 50 footers in that perimeter?

MS. GREENE:

Not that I see. Here's a tax map that also provides the dimensions.

CHAIRMAN MONTANO:

If I may interrupt, Legislator Kennedy. What I gave you there, just, Pam, it looks to me like there's a piece of property right next to that.

MS. GREENE:

That's vacant.

CHAIRMAN MONTANO:

I mean, pretty close to it.

MS. GREENE:

It's vacant.

CHAIRMAN MONTANO:

No, no. There's a property adjacent with a house on it that is very close to this vacant property.

MS. GREENE:

Yes.

CHAIRMAN MONTANO:

So this could have been sold as a 13, could it not?

MS. GREENE:

Again, depending on what the appraised value was, if it was over or under the amount that lets us sell it as a direct sale as opposed to going up for auction.

LEG. KENNEDY:

So in other words, we took this as a tax default. I see what Legislator Montano is saying, it's adjacent to one on one side, an improved residential, and then running down it looks like it's all wooded. So we haven't even attempted to put it out yet to see if there would be interest in the property by the adjacent owners?

MS. GREENE:

It was placed on the May '94 auction for general auction. It was removed at the request of the community who was conducting a North Bellport study. Several parcels were removed as part of that study.

LEG. KENNEDY:

Whose district is this? Is this Jack's or Kate's? It's Kate's? I'm going to hold with the tabling at this point and have a conversation with the Legislator from the district. Thank you.

CHAIRMAN MONTANO:

I apologize. Legislator Kennedy?

LEG. KENNEDY:

I am fine with the tabling.

CHAIRMAN MONTANO:

You are fine with the tabling? All right. Is there any other motion? So with respect to the motion to table, all in favor? Opposed? Abstentions? Who is in favor of tabling this? All right. This one is tabled four to nothing and we will see you next year. Thanks, Pam. **(Vote: 4-0-0-1 Legislator Nowick Not Present)**

Actually, I want to go back to -- number one, I am going to go back to the correspondence and I am going to turn the podium over to -- the meeting over to Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Briefly, I am in receipt of a letter from Karen Joy Miller, who is the President of the Huntington Breast Cancer Action Coalition, that among other things speaks to her concerns about the Office of the Cancer Awareness on environmental assessment. So I am in

possession of that letter. I am going to be turning it over to you in your capacity as Chairman of this committee, and let's have it added to the record of today's proceedings.

CHAIRMAN MONTANO:

Will do. Okay. Thank you very much. When we get the hard copy we'll turn it over to you so you can make it part of the record as opposed to reading it to you, which is quite lengthy.

I'm going to go back to the tabled resolutions. ***IR 1617, Adopting Local Law No. 2011, A Local Law to strengthen motor vehicle reporting requirements for County departments. (Kennedy).*** Legislator Kennedy, what's your pleasure on that?

LEG. KENNEDY:

I've been in discussions with the department, Mr. Chair. This bill, it probably is best if it be retired. So I'll just request a table and we'll come back out with a new piece of legislation in January.

CHAIRMAN MONTANO:

I'll second that. All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

Back to the Introductory Resolutions. I believe that we are at ***IR 2101-2011, Resolution No. -2011, Authorizing Certain Technical Amendments to Adopted Resolution No. 865-2011 (Co. Exec.)***

I'll make a motion to approve and place on the Consent Calendar. I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Brief explanation, Counsel?

MR. NOLAN:

It's making some technical corrections to a grant resolution.

CHAIRMAN MONTANO:

Okay. I guess that'll suffice. All in favor? Opposed? Abstention? Motion carries. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

IR 2105-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Dennis F. Bonello and Regina Perrazzo, his wife (SCTM No. 0200-054.00-03.00-036.000). (Co. Exec.)

We will do same motion, same second and same vote, if that's okay with everybody. And that's a motion to approve and place on the Consent Calendar. We have a number of these. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

IR 2106-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Anthony Gianni (SCTM No. 0500-497.00-04.00-034.000). (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

IR 2107-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act The Remainder Interest of the Life Estate of Odell Evans (D.O.D. 9/13/11), Daniels Evans and Corris Nickens, as tenants in Common (SCTM No. 0600-065.00-04.00-016.000). (Co. Exec.)

Same motion, same second, and same vote. These are all as-of-right, right Counsel? **(Vote: 4-0-0-1 Legislator Nowick Not Present)**

IR 2108-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Lindner (SCTM No. 0200-751.00-01.00-014.000). (Co. Exec.)

Same motion, same second, same vote. **(Vote: 4-0-0-1 Legislator Nowick Not Present)**

IR 2109-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act T & S Holding Co., LLC (SCTM No. 0400-071.00-02.00-030.000). (Co. Exec.)

Same motion, same second, same vote. **(Vote: 4-0-0-1 Legislator Nowick Not Present)**

IR 2110-2011, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Davis H. Fox, Sr., and Lisa Fox, husband and wife (SCTM No. 0905-012.00-04.00-021.000). (Co. Exec.)

Same motion, same second, same vote. **(Vote: 4-0-0-1 Legislator Nowick Not Present)**

IR 2117-2011, Resolution No. -2011, Amending Resolution 521-2011, Creating A Commission To Recommend A System of Public Campaign Financing For County Elections. (Cooper)

Counsel, would you give us an explanation of the part that says amending Resolution 521 of 2011.

MR. NOLAN:

Right. This would amend the original resolution, which established this commission to recommend a system of public financing of campaigns. Originally -- the original resolution said they would complete their work within 6 months. They are not going to be able to do that, so it would extend their life for one year, give them an additional year to come up with their recommendations.

LEG. STERN:

On the motion.

CHAIRMAN MONTANO:

All right. I'm going to make a motion to table? Where is Legislator Kennedy? There you are. John, I'm going to make -- I wanted you in the room. I'm going to make a motion to table. Do I have a second?

LEG. STERN:

I'm going to second, and I'm going to second it because I don't know where this committee is. I don't know if they are doing anything, I don't know if they plan on doing anything. Before we extend an effort in terms of time I would like to know what, if anything, has been done to this point and if they have any kind of plan going forward. I understand that this is only a study, essentially, to determine, you know, what the facts are, and I think we should always support our initiatives and our efforts to gather information, and that's all this effort is. So I support the underlying effort, but

before we extend the time I would like to know where they're at and what their plans are to proceed.

So I'll support the tabling, and then we can put it over and then we can get maybe someone who has been involved in this effort to come back to us and let us know where they are at, and then we can make an informed decision.

CHAIRMAN MONTANO:

Right. And I also think that there, you know, I think it was understood that there was a time limit on this and we generally extend out of courtesy when there are issues. But we are ending the year, we are starting, you know, with a new administration and a new Legislature, and I just think that if they didn't get their work done on time, and I don't know why they didn't get it done on time because this issue has been studied extensively before, that, you know, my opinion is maybe we should just begin anew next year and look at the issue from some cleaner perspective or new eyes. So I will support the tabling. Legislator Stern.

LEG. STERN:

This was supposed to end when, do you know?

MR. NOLAN:

I think about now, because it was passed in June, so towards the end of this year. The exact date I'm not sure when they expire, but it's about now.

CHAIRMAN MONTANO:

But they have until the end of the year to give us their report, do they not?

MR. NOLAN:

They have about six months, but my understanding is they are not even close to producing a report and recommendations. I'm not even sure if this commission has met at this point.

CHAIRMAN MONTANO:

Okay. That's my point.

LEG. STERN:

So I see here it was supposed to last six months from the date it was enacted. It was signed back in July. That would probably take us through, and just after the first of the year, right into January, February. So they have, anybody who has been involved with it has January, February to come back to us at the beginning of next year to let us know where they're at and what we might want to do going forward.

MR. NOLAN:

There have been occasions where the term of the commission has expired and we've reauthorized it after that to let it continue to work. But you are right, it will expire technically on January 7th or 8th next year.

CHAIRMAN MONTANO:

Okay. All right. We have a motion to table. Any other motions? All in favor? Opposed? Abstention? Motion carries. ***(Vote: 4-0-0-1 Legislator Nowick Not Present)***

I think we are done. No, we are done. Thank you very much and it's been a real pleasure, Eric. I will see you Tuesday.

(The meeting was adjourned at 10:49 A.M.)