

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 12, 2012.

MEMBERS PRESENT:

Legislator Ricardo Montano - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Robert Calarco
Legislator John Kennedy
Legislator Lynne Nowick

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk of the Legislature
Presiding Officer Bill Lindsay, Legislative District No. 8
Legislator Tom Cilmi - Legislative District No. 10
Robert Lipp - Deputy Director - Budget Review Office
Laura Halloran - Budget Review Office
Paul Perillie - Aide to Legislator Gregory
Debbie Harris - Aide to Legislator Stern
Robert Martinez - Aide to Chairman Montano
Greg Moran - Aide to Legislator Nowick
Vincent DeMarco - Suffolk County Sheriff
Tom Vaughn - County Executive's Office
Sarah Lansdale - Suffolk County Director of Planning
Manuel Alban - Chief Auditor, Office of the Comptroller
Joseph Pecorella - Investigative Auditor, Office of the Comptroller
Wayne Thompson - Department of Environment and Energy
Rick Brand, Newsday
All other interested parties

MINUTES TAKEN BY:

Gabrielle Skolom - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

*(*The meeting was called to order at 10:09 A.M.)*

CHAIRMAN MONTANO:

All right. We're going to call the meeting of the Way and Means Committee to order led by the -- Legislator Kennedy and the Pledge of Allegiance.

SALUTATION

CHAIRMAN MONTANO:

You may be seated. Okay, Bob informs me that we have no cards. Does anyone wish to address the committee? Hearing none, just very quickly in terms of correspondence, I have a -- I received a memo from Paul Sabatino. It's marked personal and confidential, but I had spoken to him and he said that I could share it with the members of the committee so it, you know, the personal/confidential actually just applied to myself. You want to pass this out, Bob? We could probably take this up later and I think we're gonna -- as soon as Sheriff DeMarco shows up we're going to break for Executive Session, take care a matter that was outstanding from last week. All right. As I said we have no cards, we have no presentations. We're going to move right into the agenda.

TABLED RESOLUTIONS

IR 1702. These are the tabled resolutions. **1702, Adopting Local Law No. -2012, A Charter Law to make transparent the County's rule making process. (Cilmi)** Public hearing was closed on 9/13. Legislator Cilmi is here. He's the sponsor.

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair.

CHAIRMAN MONTANO:

All right. We have a motion to approve. Do we have a second?

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

All right. We have a second by Legislator Nowick.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Calarco. Do we have a second? Motion to table by Legislator Calarco, do we have a second?

LEG. STERN:

I'm just sitting down right now.

CHAIRMAN MONTANO:

I know that's why. Why don't we do this. We have a motion to approve on the table, let's have a discussion and then we can decide if there are any other motions. Legislator Stern just joined us.

LEG. CILMI:

If I may, Mr. Chair?

CHAIRMAN MONTANO:

You may. Let me ask you this though; just procedurally, is there anyone from the committee that would like the address this particular bill? Because generally what we do is the committee members will speak first and once they pass, which I'm sure they will, then the floor goes to you. Hearing no one from the committee, Tom, Legislator Cilmi, you want to speak on this?

LEG. CILMI:

Yeah, I just wanted to -- just wanted to offer a brief explanation. This bill basically does three things. And in doing so it effectively mimics the New York -- New York State's process for regulatory implementation. So what it does is whenever we pass a bill that asks a department to promulgate rules and regulations to enforce that bill, presently there's no -- the Legislature has no oversight as to those particular rules and regulations that get promulgated. What this bill seeks to do is it would require the department that's promulgating the rules and regulations to publish those proposed rules and regulations online, allow for a comment period from those who might be affected by those regulations, and then make those comments available to the members of the Legislature for review. It doesn't require any additional approval by the Legislature at all, but it just makes those comments available to the Legislature for review. This way if there are any significant issues that arise out of those regulatory proposals, we can at least question the department that's promulgating those regulations and, you know, and if necessary effect a change. Thanks, Mr. Chair.

LEG. KENNEDY:

Mr. Chair, if I can on the motion as well, just to follow up. Not only does this mimic our State process, our State rulemaking process, with publication in the State Register, but as you know the Federal Register as well reflects any and all transfer or making proposed rules and the whole gamut of what's put out there by our governmental agencies. Routinely impacted parties will submit comment and it really, I think, is a healthy process, not only does it allow for some review on our part as to how the Executive Branch implements a policy that we adopt, but quite frankly there may be times where, you know, an executive agency, quite frankly, didn't think about an impact or didn't contemplate an alternative method to implement. It's a great way to get buy-in, I think, on the policies in and concepts that we adopt at a broad level here. And so, you know, I'm happy to make the motion to approve but I think it's about time we bring this to our level of government. You know, good government, good rulemaking and good sunshine. So I'm happy to support it.

CHAIRMAN MONTANO:

Okay. Legislator Stern has some questions. But I had one question, Legislator Cilmi, and I have to apologize, I actually was discussing something with Legislator Stern. Did you make the analogy to the Code of Federal Register? Is that what you were saying earlier? Oh, Kennedy did. Okay.

LEG. CILMI:

I did to New York State and Legislator Kennedy did for the U.S. Code, yeah.

CHAIRMAN MONTANO:

All right. Because when I was in federal government, you know, anything that we passed in the Code of Federal Register had to be published, there was a comment period, that's what you were referring to. Right?

LEG. KENNEDY:

I did that, as a matter of fact, when I was in intergovernmental relations. That was one of my jobs to actually review each day the Federal Register and to send out the proposed rulemaking to the various County departments that would be impacted specifically to allow them to prepare submission, give, you know, what the impact of this rule as it was published would have on them or if there was suggestions that might be brought forward to make it better.

CHAIRMAN MONTANO:

Right. And my understanding was that rules or regulations that were proposed were not implemented until after that period elapsed. That's what your bill does, Legislator Cilmi?

LEG. CILMI:

Yes.

CHAIRMAN MONTANO:

Okay, thank you. Legislator Stern.

LEG. STERN:

Say that again.

CHAIRMAN MONTANO:

What it is is that --

LEG. CILMI:

Just the one part of it?

LEG. STERN:

Yes.

LEG. CILMI:

So the bill allows for a comment period and then from notification of us of the comments and then the rules and regulations would go into effect after that period, you know, is over.

LEG. STERN:

And what is it -- what is that time period?

LEG. CILMI:

You know, Counsel, could you -- I don't remember what it is in the bill exactly.

MR. NOLAN:

Forty-five day comment period.

LEG. STERN:

Yeah, thank you, Mr. Chairman, a couple of questions. I'm just trying to nail down the different elements here of the proposal. Here, the departments would be required to notify interested parties when rules and regulations are proposed, amended and adopted. How under this are interested parties identified and notified?

LEG. CILMI:

I think that could be accomplished simply by posting on their website, on the webpage, the department's webpage. Obviously, if you have -- if the Health Department is promulgating rules relative to the installation, let's say or maintenance of gasoline tanks in the ground, you have gas stations that could be notified and could do that through industry groups, etcetera.

MR. NOLAN:

I would just add, Legislator Stern, it says that "upon request interested parties will be notified of changes to the rules" so they would -- interested parties would have to request that from the --

LEG. STERN:

And that was where I got -- I think the next question is --

LEG. CILMI:

Right.

LEG. STERN:

-- merely placing information up on the website doesn't necessarily do much to notify particular industries.

LEG. CILMI:

Right.

LEG. STERN:

And then how would particular industries know whether or not not only is it posted, but even to make a request?

LEG. CILMI:

Well, I guess, you know, to a certain degree we all depend on folks being aware of what's going on here whenever we pass a bill. We just passed your bill to prohibit the use of BPA in sales receipts, you know, there's really no notification that goes on to industry groups when we're entertaining such a bill, they find out sort of in the matter of course by talking amongst themselves really. So I would expect that the same would occur in this case.

LEG. STERN:

And then there is the requirement that the departments be -- there's a requirement for a 45 day comment period after the posting and to make all submitted testimony available to members of this Legislature.

LEG. CILMI:

Right.

LEG. STERN:

I guess my question there is as a -- as a Legislator I would certainly want to be made aware of testimony and commentary, but ultimately you're talking here about a rulemaking process, which is an administrative function so we would have information. What do you see, what's the vision here, what ultimately do we do as Legislators with that information when it comes to administrative rulemaking process?

LEG. CILMI:

Well, let's say for example, that they suggested a set of rules that met with some controversy with those that were being regulated. Those who were being impacted could make those comments back to us. The department then could present those comments back to us. Possibly even with, you know, a summary of how those suggestions or comments impacted their ultimate decision in terms of how they were going to promulgate those rules. So the department may initially suggest a certain set of rules and then change those -- change those rules based on the input and so we would know that when we get this information.

CHAIRMAN MONTANO:

Excuse me, Sarah.

LEG. CILMI:

If there was no proposed changes based on the suggestions then we would know that as well. It's just -- it just shines a little more light for us on what our departments are doing to enforce the policies that we're setting here.

LEG. KENNEDY:

Can I just add to that a little bit, Legislator Stern. The way I would analogize this and you know this very well, in essence what we're looking at is really conforming what you find in the Administrative Procedures Act both at a State level and at a Federal level. Rulemaking, as you know, is a very standard and regulated process and, quite frankly, it's not uncommon at all that you'll see, you know, the whole gamut of things from -- oh, regulations with food products or, you know, what comes to mind, things like marking out navigable waterways for, let's say, our channels on the South Shore and how commercial fisherman are going to get in and get out. There's a myriad number of things as you well know that agencies put rules out on all the time.

One of the things that I guess it occurs to all of us is that we find, and I'll take page from what Legislator Cilmi just spoke about, with the Health Department in the budget process electing to impose a tank inspection fee that would have raised an additional 200,000 of revenue here, but, in fact, came very quickly upon what had been a process we were engaged in with adopting a tank licensing fee. It's our responsibility to govern, absolutely, but likewise our responsibility to be mindful of what the impact of what our actions are on the whole range of citizens that we represent. So rather than this -- rather than it being so much maybe individually issue driven, we're now setting a standard across the board.

And as to access or availability of the rules, again, similar to publication in the Federal Register, I mean, I don't even know if it's hardcopy anymore. Years ago you used to get them everyday. As a matter of fact, they were in a white binder, as was the State administrative -- the State Register with reflection as well.

So industries that would be impacted by possible rulemaking more often than not would just go ahead and routinely review what any kind of publication would do. Whether it's LIGRA or LIBI or any of the other industries that have active representatives with us here. I see it as really us finally formalizing what's been routine practice for many, many years at those other levels of government.

CHAIRMAN MONTANO:

Okay. If I may, and I have to apologize, I'm going to take the prerogative of the Chair. This conversation's very interesting, with your permission though, I had promised Sarah from the County Exec's Office that I would take a bill out of order first. So I'd like to suspend this conversation, it's going longer than I thought and take a bill out of order. And with your permission I'd like to make a motion to take, because she has to get back to a very important meeting, hold on, it's IR 2012. Here it is. **IR 2012 - Adopting Local Law No. -2012, A Local Law to create the Suffolk County Landbank Corporation. (Co. Exec.)** I'll make a motion to take it out of order. I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? A bill is before us. I'll make a motion to approve, I need a second for purposes of discussion and bring up Sarah.

P.O. LINDSAY:

Second.

CHAIRMAN MONTANO:

Sarah, I apologize for making you wait.

DIRECTOR LANSDALE:

No problem, I appreciate -- good morning everyone and thank you for this opportunity. Thank you for indulging us with taking it out of order.

I just wanted to note that this is a piece of legislation that was passed previously by this Legislature this year. There are some just minor changes to the membership of the board of directors.

As you may recall, Suffolk County applied for a land bank designation earlier this year at Empire State Development Corporation, but we were not successful in being designated the first five land banks. We received feedback from Empire State Development Corporation and that feedback is reflective in some of the changes on the board of directors, the membership. If you like I can go through the specific changes on the bill, if that's helpful. For instance, there was a representative from the Town Supervisors Association, the chair, that chair, Mark Lesko has changed, now it's Anna Throne-Holst. The other change or one of the other changes is John Schneider is replaced by the County Executive. In addition, Commissioner Joanne Minieri, the Commissioner of Economic Development and Planning replaces the commissioner of health. The Planning Director, which is me, is replaced by the Real Estate Director, Jill Rosen-Nikoloff and Adrienne Esposito is replaced by the Long Island Regional Director of Empire State Development Corporation, Andrea Lohneiss. Those are the changes to the membership of the board of directors.

CHAIRMAN MONTANO:

So what this bill does is simply change the names of the initial incorporators.

DIRECTOR LANSDALE:

Yes.

CHAIRMAN MONTANO:

Is that what happens? Has this been incorporated yet?

DIRECTOR LANSDALE:

No, it hasn't. It's pending. Once we receive confirmation -- designation as a land bank from New York State then we would file incorporation with New York State.

CHAIRMAN MONTANO:

And these changes you say came as a result of the State directing this?

DIRECTOR LANSDALE:

Definitely. And also --

CHAIRMAN MONTANO:

Why would that be? I'm just curious.

DIRECTOR LANSDALE:

Well, it was review of the other successful applications that the State designated and looking at one of the feedback -- points of feedback that we received is that we should really focus on economic development, that this is a tool for economic development and hence the replacement. For instance, of adding Commissioner Minieri to the board of directors as well as Jill Rosen-Nikoloff who is our Real Estate Director. I think these are wise choices.

The other feedback that we received we're addressing in other ways with the County's application. For instance, we're receiving town board resolutions endorsing the County's application to show a real strong partnership between the local towns and the County's application.

CHAIRMAN MONTANO:

All right. Does anyone have any questions?

LEG. KENNEDY:

Yes, Mr. Chair, if I can.

CHAIRMAN MONTANO:

Legislator Kennedy, go ahead.

LEG. KENNEDY:

I guess I have to address this to Counsel, George, the bill, I don't have it in front of me, we're naming a committee not of specific individuals, we're name a committee of offices or chairs, different individuals. These individuals just coincidentally happen to hold these titles at this point. So we're adding some titles, but they happen to be the individuals you just named. We're not naming them specifically. Are we?

MR. NOLAN:

Some people have been specifically named in the resolution. Legislator Cilmi, for example, is designated as a member of the committee from the get-go.

DIRECTOR LANSDALE:

The -- if I may.

LEG. KENNEDY:

Sarah, what is -- is the State saying that they want it by title or they're saying name a different set of names. That's the thing that's a little confusing to me.

DIRECTOR LANSDALE:

It's name and title is what the specific requirements are.

LEG. KENNEDY:

So director of Division of Real Estate.

DIRECTOR LANSDALE:

Yes.

LEG. KENNEDY:

Director of Economic Development who coincidentally happened to be the names you've just articulated.

DIRECTOR LANSDALE:

Yes,.

LEG. KENNEDY:

But if they leave, if they go, that individual that succeeds them is the individual that will be the board member.

DIRECTOR LANSDALE:

Yes, that's right.

LEG. KENNEDY:

Okay. Who holds title to any acquisitions that are made under the land bank? Is it the County of Suffolk or would it be this corporation that's being created?

DIRECTOR LANSDALE:

It would be the corporation.

LEG. KENNEDY:

Really?

CHAIRMAN MONTANO:

What was the question, Legislator Kennedy?

LEG. KENNEDY:

I said who holds title to acquisitions? We are creating a separate legal entity that's got the capacity to hold property other than the general holding, which is the County of Suffolk. Well, it is the point but it's interesting. Yeah, no, I understand. I understand.

CHAIRMAN MONTANO:

Sarah, yeah, I just had a question.

LEG. KENNEDY:

I'll yield.

CHAIRMAN MONTANO:

Oh, I'm sorry, I didn't realize. Were you done? Yeah, just one question in response to Legislator Kennedy's question, I just want to be clear, in these papers it names the individual and then it names the title of that person and these are going to be -- is that the way it's going to be incorporated? Because I've never seen that, you know, I've seen individuals, I have not seen -- because if the individual changes, if for instance, Joanne Minieri is no longer the Deputy County Executive and Commissioner of Economic Development, what happens at that point? Is she on the board or is she off the board? So is it by name or is it by title because you have it as both?

DIRECTOR LANSDALE:

Right, right. The State specifically outlines that it's -- that it's -- the -- the legislation needs to include both name and title for the purposes of the application.

CHAIRMAN MONTANO:

I never heard of that. And if the title -- if the person name changes what happens then? The person that assumes the title replaces that individual?

DIRECTOR LANSDALE:

That's my understanding. That it would be the successor of whoever is in that title following.

CHAIRMAN MONTANO:

All right.

DIRECTOR LANSDALE:

If I could just --

CHAIRMAN MONTANO:

Sure, go ahead. Did you want to say something, Sarah?

DIRECTOR LANSDALE:

Yeah.

CHAIRMAN MONTANO:

Legislator Cilmi has some questions, but go ahead.

DIRECTOR LANSDALE:

Sure. I just wanted to follow up on Legislator Kennedy's question about who holds title and things like that and just emphasize that the Legislature, the way the bylaws are drafted right now, the Legislature has to approve any property that's transferred to the land bank individually, so one by one these parcels would be transferred over with your approval as the Legislature to the land bank.

CHAIRMAN MONTANO:

Okay. Legislator Cilmi, you had a question.

LEG. CILMI:

Yeah, very briefly. Just wanted to say how much I appreciate Miss Lansdale's work on this project and how much I appreciate the County Executive's leadership in this issue. Really look forward to working on this board with Legislator Gregory who is named along with me and -- but that does lead me to a question, sort of along the lines of what Legislator Kennedy was asking about, and I'll just throw in a quick -- you mentioned specifically Anna Throne-Holst, but she's the Chairperson or the President of the Town Supervisor's Association. Right?

DIRECTOR LANSDALE:

She is, yes.

LEG. CILMI:

So when that role -- when that -- when her role ends in that capacity and somebody else takes over, that new person would be the representative.

DIRECTOR LANSDALE:

That's right.

LEG. CILMI:

So that leads me to -- I'm specifically named in the resolution and Legislator Gregory is specifically named in the resolution. Is there a legal mechanism within the bill or the bylaws of the corporation that provides for if either Legislator Gregory or I are no longer in this capacity that there's a successor or that we're -- and that we would no longer serve on the board of this corporation.

MR. NOLAN:

It's not within this bill, but the law we previously enacted states that one director will be selected by the majority leader of the Suffolk County Legislature and this will initially be filled by DuWayne Gregory.

LEG. CILMI:

Okay.

MR. NOLAN:

So once DuWayne leaves this section will kick in, the majority leader will select another member to serve to fill that spot. It's the same with your slot, Legislator Cilmi, under the law it's designated by the minority leader of the Legislature going forward.

LEG. CILMI:

Okay. Okay, that answers my question. Thanks.

CHAIRMAN MONTANO:

All right. No further questions. We have a motion on the floor to call the vote. All in favor? Any opposition? Any abstentions? Okay. Motion carries. **APPROVED (VOTE: 5-0-0-1 Not Present: P.O. Lindsay)** Thank you very much.

DIRECTOR LANSDALE:

Thank you so much.

CHAIRMAN MONTANO:

Okay. Let's get back to **1702**. Legislator Kennedy, you had made the analogy with the Code of Federal Regulations and, I guess, the New York -- New York Code Rules and Regulations. We have

a motion to approve on the table. Are there any other motions on this?

LEG. CALARCO:

I made a motion to table.

CHAIRMAN MONTANO:

But you didn't get a second. Is there a second to the motion to table from Legislator Calarco? Is there a second to the motion to table from Legislator Calarco? Hearing none, I'll -- is there any further discussion on this?

LEG. STERN:

Yes.

CHAIRMAN MONTANO:

Legislator Stern, go ahead.

LEG. STERN:

Thank you, Mr. Chairman. We were having a conversation about some of the requirements here. I guess, my next question is to our Counsel, one of the elements here requires a posting of adopted rules and regulations on the website. That's something that we do now where we recently passed the requirement to do that. In what way, if any, does the requirement under this bill differ from that which we passed recently?

MR. NOLAN:

Well, actually I'm having trouble recollecting if we passed anything recently to require that, but if you could refresh my memory I could check the Code and see if there's any difference.

LEG. CILMI:

If I may, through the Chair, I don't think we did pass that. I think that was a bill that and had sponsored as well and I don't think it got anywhere.

LEG. STERN:

That was 1701.

LEG. CILMI:

Right.

LEG. STERN:

1701, which is before us, which is --

LEG. CILMI:

1702 is before us.

LEG. STERN:

And this is 1702. So the difference between 1701 and 1702?

MR. PERILLIE:

1701 was adopted at the 9/13 --

MS. HARRIS:

Yeah, we passed it.

CHAIRMAN MONTANO:

Tom, Legislator Cilmi, if I may, to the point that Legislator Stern raised earlier, one of the concerns I have in the bill is that second clause that talks about the notification. And, in all honesty, well, I

agree that these rules should be published. I agree that there should be a waiting period for purposes of public comment. What I'm concerned about is in the bill itself the way it's written the mechanism by which people would be, or interested parties would be notified, I think that there's -- I think the language, in my opinion, isn't clear enough. So what I was going to suggest or ask is whether or not you would be willing -- the bill doesn't die at the end of this session because, you know, it's not a -- an election year for us. Would you consider modifying that particular aspect of the language to make it clear how individuals and interested parties are going to be notified because this -- the component that says if I'm interested I have got to, you know, request a -- I'd rather see some standardized format that people will know that if they're interested, as Legislator Kennedy said, people in the industry will generally go to a particular place to see if there are any new rules and regulations that have been promulgated that affect their industry at any give time. And, John, wasn't that --

LEG. KENNEDY:

Absolutely.

CHAIRMAN MONTANO:

So I would ask that maybe you want do amend that part, work on it a little, you know, make it a little tighter with respect to the process by which because the concept I think is good, but it's the process that concerns me and I'd rather not pass a weak bill.

LEG. CILMI:

As Counsel suggested, the bill actually calls for notification upon request. So I don't know that we want to specifically tie the administration's hands in terms of, do they make a phone call to everybody, do they send a letter to everybody, do they e-mail everybody? You know, I think that's really up to the situation and up to -- up to them. As long as somebody's requested notification -- if I'm a gas station and I want to be, you know, notified of any rules that apply to gas stations, you know, so you keep a short list of those gas stations that have called and you either make a phone call or send an e-mail out or however the, you know, however it's easiest to accomplish. I don't know that we want to put that specifically in the bill. I think it's specific enough.

CHAIRMAN MONTANO:

Well, what I'm thinking of is having a -- whether it's on the County website or the departmental website or wherever, have a section that basically says, and you don't have to request, all you have to do is go online, look at this particular section that says rules promulgated by departments, as Legislator Kennedy indicated earlier, was his role so check the Code of Federal Register every day to see if there were any rules and regulations because someone's going to get a request today, they're going to get a request next week, they're going to get -- it's not a uniform request. So rather than have an employer or department be scrambling every time somebody calls up and says "can you send me a copy of the rules and regulations", that can turn out to be a full-time job.

What I think would be -- what I'm driving at is a system where someone doesn't have to request, they simply have to go somewhere, see whether or not rules have been promulgated and then turn around and submit, you know, and they'll be a date, any -- any comments must be submitted by close of business on this date and they can simply put in their comments and then take it from there.

LEG. CILMI:

That process is prescribed in the bill. It just doesn't say exactly which webpage or whether or not we require the County to develop a separate website to have all the rules and regulations. It says that they should be published online and then leave it to the administration as to exactly how they do that, if they do it on the individual webpages of the departments from which the rules are being developed or if they do it on some singular page for all proposed rules, I think is something that we should really leave up to the administration.

CHAIRMAN MONTANO:

I'm not sure where it says that, but I won't argue the point with you. Who -- you were looking up something, right?

MR. NOLAN:

Yeah.

CHAIRMAN MONTANO:

And I was buying time. Go ahead.

MR. NOLAN:

Yeah, my memory's gotten worse. We did adopt a resolution early this year, which does require departments to post their rules and regulations on their departmental websites. So one section of this law, the provision that the County department's post their rules and regulations after adopted, would be to duplicative of this earlier resolution. However, there are a couple other parts of this law that are not duplicative, you know, in terms of when a department is proposing rules and regulations -- posted on their website and allow public comment and so forth. So while there's some overlap it's not total.

LEG. CILMI:

And the overlap would actually make it easier than for the administrative branch to carry out the resolution that we already passed because they'd already have the information online that they could just transfer as adopted.

LEG. STERN:

Right so this is -- we had passed this September 13th. It was signed by the County Executive September 26th. So the notification part is something that -- that we've already done.

MR. NOLAN:

After the adoption -- after the adoption of a rule regulation.

LEG. CILMI:

After the fact.

LEG. STERN:

After the adoption it's required that -- that it be posted. So, if I may.

CHAIRMAN MONTANO:

Yeah, go ahead.

LEG. STERN:

Through the Chair, to Legislator Cilmi. The first part of the proposal says that prior to adopting the rules and regulations, the department is the going to post the rules on the website and allow for a 45 day comment period and during that comment period if there's any testimony that that testimony is going to be made available to each of us as Legislators in either electronic or a hardcopy form. So any time there's any kind of testimony regarding any proposed rule or regulation that's going to be transmitted to us automatically?

LEG. CILMI:

I would envision, and again, you know, the specifics of exactly how this gets done are not spoken to in the bill, but I envision having the comment period and then reporting to us in total of all the comments that were received. So I don't envision a situation where, you know, every time somebody sends a comment in via e-mail or letter or whatever that that information is scanned and sent to us, you know, as it happens, that would difficult for our departments to do. It would be difficult for us to really make any sense out of, I don't think. But if we got everything all at once I

think it would make it a lot easier and then we could digest all of the comments, you know, relative to one another.

LEG. STERN:

All right, so the posting is made, notice is given generally and then the next provision says "that a particular department upon request shall notify interested parties when they are either proposed, amended or adopted." And that goes to Legislator Montano's concern, who are these individuals or organizations and how do they get notified and you're suggesting that perhaps it's case by case. It depends on what we're talking about, who we're talking about; you don't see a need to define that in the bill in any way?

LEG. CILMI:

No, only because we don't do it now, I think this is just a step in the right direction, you know, this allows for that to happen when people call and have concerns. So we do no notification now whatsoever, we don't find out what those rules and regulations are as they're developed and promulgated, until such time as they are nor do any of the folks who are impacted by those rules and regulations find out until they're posted on the website.

Again, this is a step in the right direction and it's simply a way to allow for some comment prior to the adoption of rules. Is it going to -- are we going to reach out to every single entity that's impacted by these rules, no, it's not. But it's much better than -- than what we have now.

LEG. STERN:

By having that language in there, do you have any concern that we're taking on an affirmative responsibility to notify individuals or organizations in any way? And let me give you an example, Legislator Kennedy mentions a couple of well-known organizations, well known to the community and well known to this body, and to Suffolk County government is if there's a particular issue, sure, at the top of the list any of us around this horseshoe might say, "well, you know, this is a group that needs to be notified." But on the next issue on our agenda perhaps that's not the case. Do we find ourselves then in a position where we are making an affirmative outreach effort to some but not to others. Do you have any concern about that?

LEG. CILMI:

I'm not an attorney, so I can't speak to the legal question there, but from a practical point of view it seems to me that if we've -- if we've indicated in the legislation that we'll notify people upon request then to me that doesn't seem to be any legal grounds then for -- for that issue.

CHAIRMAN MONTANO:

Thank you, Legislator Stern. I had a question. And I just want to make sure I understand how this is going to work. There's a 45 day comment period. The rules are published and sit out there for 45 days, people make comments. They have until the 45th day to make a comment. When do we get notified as a Legislature; on the 46th day? Because you said we're not getting notified as the comments come in. I don't want to read a comment every day for 45 days.

LEG. CILMI:

Of course.

CHAIRMAN MONTANO:

So on the 46th day all the comments are in. Does the rule and regulation become effective on the 46th day? Is there a period where the comments have to be reviewed? Is there a waiting period? Does it have to come to the Legislature to be approved after the comments are in? Do they have to be revived based on the comments? What is the process for these rules and regulations that are being promulgated to ultimately become the official rules and regulations?

LEG. CILMI:

Right.

CHAIRMAN MONTANO:

And where is that addressed in the bill, if it is?

LEG. CILMI:

There's no requirement that we reapprove or that we approve any rules and regulations in this bill.

CHAIRMAN MONTANO:

So then --

LEG. CILMI:

So all it requires is the notification.

CHAIRMAN MONTANO:

So then after the 45th day --

LEG. CILMI:

Right.

CHAIRMAN MONTANO:

-- the rule becomes effective.

LEG. CILMI:

I'll ask Counsel.

CHAIRMAN MONTANO:

I'll ask Counsel, yeah.

MR. NOLAN:

After the 45th day the department would follow their normal process in how they finalized their rules and regulations. All this says is before they do that, before they follow normal procedure in adopting rules and regulations, that they allow the 45-day comment period. So once that is run the department goes about its business in its normal way and however they do it now that's how they would do it going forward.

CHAIRMAN MONTANO:

Well, how do they do it now, that's my question?

MR. NOLAN:

I believe the -- probably like in the case of the Health Department, the health commissioner --

CHAIRMAN MONTANO:

Renew your motion.

MR. NOLAN:

The health commissioner would finalize rules and regulations by issuing it, signing it, however he does it, that's how he would do it. He's just -- he just has to let this 45-day period run. I don't think it's set forth anywhere in our Charter or Code precisely the method for adopting the rules and regulations.

CHAIRMAN MONTANO:

That's the problem that I have, I mean, I agree with the concept, I'm familiar with the process, I believe that there should be a comment period, but there's no mention in the legislation as to what

happens after the comment period. So what I can envision, maybe I'm incorrect, is that after 45 days and all the comments are in, the rules become effective so what's the point of the comments. There needs to be some kind of review and I don't think it should come necessarily to the Legislature although if that's the intent of, you know, your resolution then we can discuss that at that time.

So right now we have a motion to approve. Legislator Calarco, you still want to make your motion to table? I'm going to second the motion to table, so we have two motions. Is there anyone else that wants to discuss this?

LEG. CALARCO:

On the motion.

CHAIRMAN MONTANO:

Legislator Calarco.

LEG. CALARCO:

Yeah, Legislator Cilmi, is this -- I'm just looking for where the genesis of this comes from, is this out of a particular issue that we've come across maybe with like the Health Department, the way they promulgate their sanitation rules or -- because perhaps what we might want to do here is because there's so many different type of entities that we have maybe we want to look at just working within the Health Department itself, trying to figure out some sort of legal framework that works with them that accomplishes this. Because I think some of this goes to the Sanitary Code and the way we do our wastewater permitting, maybe we could find a way that works with them to address some of our issues and then work out the kinks and then move forward and applying it across to other departments.

LEG. CILMI:

You know, I don't really see that -- I don't really see the need to do that. I think what may happen if you do that is you create sort of a hodgepodge of processes that doesn't really make any sense. Again, all this does is it provides for a 45-day window for comment from us and from the public as to regulations that are being proposed. That 45-day period does not exist now. There is no comment period that exists now. No mechanism for any public comment on regulations that are proposed other than when we set the policy.

LEG. CALARCO:

Have you spoken to any to have other departments? Because I think the Health Department in doing their Sanitary Code does have a process by which they try to ferret out their proposals and their ideas here.

LEG. CILMI:

They may --

LEG. CALARCO:

They don't just come out with a new code without --

LEG. CILMI:

The Board of Health may have a comment period associated with what, you know, they're -- what they do. But, again, there was no specific issue or a specific department that this sort of was born out of. This is just born out of a desire for a general sense of sunshine and transparency to the rules and regulations that our departments promulgate.

LEG. CALARCO:

No, I could appreciate that. And I think I actually co-sponsored your bill earlier this year --

LEG. CILMI:

Yup.

LEG. CALARCO:

-- to have it all put on the web. So I think it's a matter of working out the kinks because I think, as Legislator Montano was getting at, if you have a 45-day period for comments and then actually no period for consideration of those comments, commissioner the next day just say "okay, rule goes in effect" and not actually reading anything that ever got sent.

LEG. CILMI:

So to that point and to Legislator -- to Chairman Montano's point, what if we -- what if we amended the bill to include a phrase that said something like, you know, you have -- there's a 45 day comment period after which there will be a ten day or some length of time period of review of the comments.

CHAIRMAN MONTANO:

Yeah.

LEG. CILMI:

And then the rule can go into effect after that.

LEG. CALARCO:

I think what we have here, and the way it is now, is just that you want to standardize the way the rules and regulations are made, but then you are leaving it up to them to figure out.

LEG. CILMI:

So it's missing that component.

LEG. CALARCO:

How to standardize it and it's -- I think it's missing that component and leaving it up to departments and administration to set the way they're going to set the rules.

LEG. CILMI:

I think that's -- I think that's a good point and, Counsel, if I could ask you to just amend the bill to include additional window for review of the comments after which the rules would be effective.

MR. NOLAN:

I would just also, if we are going to change the law, people are asking well, "how are the rules finally implemented or adopted by the department." Is the committee looking for us to address that issue as well in the amendments or are we just going to leave that for the department to determine?

CHAIRMAN MONTANO:

Well, Legislator Cilmi, if I may, what -- what I was thinking of in terms of asking for a change would be something along the lines of what you just said. Once those comments are in, and because it indicates in the bill that, I guess, the Legislator -- "their submitted testimony shall be made available" what I was thinking more along the lines because I'm not sure I want to read all, you know, get the comments as they come in. But for the rule to be implemented, and I don't know if you're looking for legislative approval on all bills, so something along the lines that after the comments are in, the commissioner or the department head or someone in his or her office would have a 15 day period to review the comments and then report to the Legislature their -- the nature of the comments, and if we want copies we can read them, you know, directly and also their position on these, you know, on these comments and then the rule can go into effect. So it would take, you know, let's say 45 days hypothetically for the comment period, 15 days for the review and report to the Legislature because we may or may not be in session within those 15 days or at the next Legislative -- whichever way you want to work it and then the rule becomes effective, this way

everybody's happy because the last thing we want to do is tell someone "make a comment" and then tell them, "we got your comment, we just didn't listen to it."

LEG. CILMI:

So, Counsel, if we incorporate as part to -- as part of the extra window, language that says that the department head or commissioner will present to us the full scope of comments from the public along with, you know, some are recommendations from that commissioner, that I think would accomplish Mr. Montano's request as well as Mr. Calarco's concerns. I'm not sure if it -- if it addresses Legislator Sterns's concerns or not. But --

MR. NOLAN:

Yeah. My only concern is -- is how deep do you go because what if after the comment period then the department decides, you know, "well, we're going to tweak the rules and amend them in some" -- do -- we have to do an additional step at that point. That's my only concern is that sometimes I think, you know, you can go too deep in your direction to -- in a law like this.

LEG. CILMI:

I agree.

MR. NOLAN:

But I'll leave that up to the committee.

CHAIRMAN MONTANO:

Actually, we'll leave that up to the drafter. Could we take a vote on this?

P.O. LINDSAY:

Could I ask?

CHAIRMAN MONTANO:

Legislator Lindsay.

P.O. LINDSAY:

Yeah, I'm a little confused. Are we saying that before any rules can be made that we have to approve them?

CHAIRMAN MONTANO:

No.

MR. NOLAN:

No, no.

LEG. CILMI:

No.

P.O. LINDSAY:

That the department will approve them or not approve them.

CHAIRMAN MONTANO:

Right.

P.O. LINDSAY:

Okay.

CHAIRMAN MONTANO:

It is simply saying that after the comments ---

P.O. LINDSAY:

Okay. So what happens if the rule is proposed by the Health Department and the comments are overwhelming against the rule that "it's horrible, it violates -- I'm going to have a hard time doing business in this County" --

CHAIRMAN MONTANO:

Right.

P.O. LINDSAY:

-- you know, anything you could possibly think of.

CHAIRMAN MONTANO:

Then I think the Department, correct me if I'm wrong, Legislator Cilmi, then I think the Department has the right and also the obligation to say, "you know what, we're not going to propose this rule."

P.O. LINDSAY:

And they also have the right to go forward with installing the rule any way.

CHAIRMAN MONTANO:

Exactly. They can do what they want and take the heat or they can be reasonable and say, "you know, we've gotten some very intelligent comments and we ought to reconsider, in fact, we're going to reconsider."

P.O. LINDSAY:

I agree -- probably with the publishing of any rules that we make, I'm not sure about the comment period and what it really does to change the process, you know.

MR. NOLAN:

If I may just add one thing though. You know, frankly any rule or regulation a department would adopt should be consistent with the local law that it's implementing. So if somebody's got a beef with a proposed rule or regulation then they probably have a problem with the underlying local law.

LEG. CILMI:

And to further address the Presiding Officer's concerns, initially when I drafted this bill, and it may not of been this particular number because it's gone through a couple of iterations, I think, but there was actually a section that required the Legislature to approve the rules and regulations once they were promulgated. And the feedback from many of us here was that that that was a little too onerous for the department so I took that part out.

P.O. LINDSAY:

I wasn't suggesting that should be part of the law, I just was getting a clarification of how it would work and is it going to make, I guess, not if we don't vote on it it doesn't -- it makes it longer for a department, the time period for a department to make any implementing rule changes --

LEG. CILMI:

It does.

P.O. LINDSAY:

-- but it really doesn't affect us at all.

LEG. CILMI:

It provides for a more cooperative process. But I agree with it -- with the Chairman's comments and Legislator Calarco's comments so we'll amend the bill and we'll address it at our next committee.

CHAIRMAN MONTANO:

All right. So I'm going to call --

LEG. KENNEDY:

I'll withdraw the motion to approve.

CHAIRMAN MONTANO:

All right. We have a motion to table and purposes of just clarifying the bill.

LEG. STERN:

I'll second the motion the table.

CHAIRMAN MONTANO:

Actually it was made by Legislator Calarco, I seconded it.

LEG. STERN:

Oh, you already seconded it.

CHAIRMAN MONTANO:

Yeah, I did. So we'll call the vote. All in favor? Opposed? Abstention? It's tabled to next meeting. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

At the moment I've seen that our Sheriff, Vincent DeMarco, has joined us so I'm going make a motion to go into executive session to discuss two matters. One is Mary Quinn vs. County of Suffolk and the other one is IR 2065, Directing the County to appeal the Supreme Court Decision in Spota vs. County of Suffolk. I need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. All in favor? Opposed? We'll be right out. We're going to go into back conference room. County attorney, do you want to join us?

[*AN EXECUTIVE SESSION WAS HELD FROM 11:00 A.M. UNTIL 11:50 A.M.*]

We're out of executive session and I just want to put on the record that the committee voted unanimously to approve the settlement in the case of Mary Quinn vs. the County of Suffolk and we also had a conversation with respect to some of legal issues involving IR 2065.

All right. We're going to get back to the agenda. I'm going to take one bill out of order. Is that 2020?

LEG. CILMI:

2041, Mr. Chair.

CHAIRMAN MONTANO:

2041. All right. IR -- make a motion to take 2041 out of order. Need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? The bill is before us. **(IR 2041 - Adopting Local Law No. -2012, A Charter Law to strengthen oversight of County**

contract agencies. (Cilmi) Anybody have a motion?

LEG. CALARCO:

Motion to table.

LEG. KENNEDY:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve. All right. Do we have a second on the motion to approve?

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

Second by Legislator Nowick, I'll second the motion to table for purposes of discussion. What's the discussion? Who wants to go first?

LEG. KENNEDY:

On the motion to approve. My understanding is that this bill would streamline and simplify the process by which our contract agencies do some of their basic reporting to the Comptroller's Office. I think it takes notice of the fact that we have a wide range of monetary levels. Some contracts are as small as five, ten thousand, others are much larger. I know it's been actively supported by the Comptroller. I believe the sponsor worked with Comptroller Sawicki at length. I know we have two people from the Comptroller's Office here today and, quite frankly, while we have an elected or weighs in with us, you know, who's charged with these tasks and is saying he supports this modifying of the process, I think it's incumbent on us to go forward.

CHAIRMAN MONTANO:

All right. And, my negligent, we have two people from the Comptroller's Office, Manuel Alban, Junior, CPA and Joseph Pecorella, CPA. Do you want to come forward and speak on this briefly? I guess that's what you were asking. Right, John? Okay.

LEG. KENNEDY:

Yes, please.

CHAIRMAN MONTANO:

Okay. Why don't you come to the center, I think you can sit down and --

LEG. CILMI:

Mr. Chair, if I may.

CHAIRMAN MONTANO:

Put your name and position on the record. Legislator Cilmi, go ahead.

LEG. CILMI:

Yeah, this is the bill that the Comptroller actually sent a letter to all of us in support of. I had called his office and working with some other ideas I had with regard to contract agency oversight and he suggested that there had been something that he had been working on for some time and wanting to do for some time and has revamped the process by which the reporting of contract agencies takes place and so I sat down with Christina Capobianco as well as these two gentleman here to actually draft a bill that I'm sure they will explain is not any more onerous on the contract agencies, but simply provides a better framework for which this process can continue in a practical way at the Comptroller's Office. So with that --

CHAIRMAN MONTANO:

All right. We're going to hear from them directly and just for information the letter you're referring to dated November 27th was distributed to everyone at the last meeting. So you're covered there. Gentlemen, you want to put your name and title on the record for the stenographer and then decide which order you want to speak.

MR. ALBAN:

My name is Manuel Alban.

CHAIRMAN MONTANO:

Speak into the mic, so she can pick it up.

MR. ALBAN:

Yes, my name is Manuel Alban. I'm a CPA and I am a Chief Auditor at the Comptroller's Office in the Audit Division.

MR. PECORELLA:

Joe Pecoralla, CPA, Investigative Auditor for the Comptroller's Office.

CHAIRMAN MONTANO:

Who wants to go first?

MR. ALBAN:

I guess I'll go first.

CHAIRMAN MONTANO:

Go ahead, Mr. Alban.

MR. ALBAN:

The Comptroller supports this bill before you. Basically, what this bill is doing is really housekeeping with regard to the Comptroller's attempt to comply with 9-2001. There were certain items in 9-2001 that were simply impossible and the Comptroller's Office, in its attempt to comply with the law, instituted various policies and procedures over the last ten or so years and the bill that's before you basically reflects the policies and procedures that we put in place in order to complete our contract agency disclosure report, which is provided to you each year.

P.O. LINDSAY:

I got a question.

CHAIRMAN MONTANO:

Well, do you want to have the questions now or do you want to hear the other part of the presentation? Is there another part of the presentation?

MR. ALBAN:

That's basically it. It's merely --

CHAIRMAN MONTANO:

Okay. That's it.

MR. ALBAN:

Yes.

CHAIRMAN MONTANO:

Then Legislator Lindsay has a question.

P.O. LINDSAY:

So, in other words, this would just codify what you do already.

MR. PECORELLA:

That is exactly correct.

P.O. LINDSAY:

Okay.

CHAIRMAN MONTANO:

Legislator Calarco had some questions. And I had him on the list and then I skipped him by mistake.

LEG. CALARCO:

No, that's okay. And, that's interesting, so my biggest question on this whole issue is regarding to the requirement that all these contract agencies submit a financial statement or audited financial statement. Is that true for every agency that we have regardless of the funding stream that come to them?

MR. PECORELLA:

They are required to submit either an audited financial statement or some other form of statement.

LEG. CALARCO:

And I tell you --

MR. PECORELLA:

For example, we have Little Leagues that get contracts through the County; we don't expect them to produce audited financial statements. However, we do expect some sort of financial report from that -- that institution.

LEG. CALARCO:

So what would satisfy that because I'll tell you a personal experience I have. One of the food pantries that services a very needy community of mine in North Bellport, they turned down County funding this year because they just could not manage all the paperwork anymore. And it's not a lot of money, they were getting the, you know, the 5000 minimum and they just -- they found it not just worth their while anymore to have to continue to do all this processing and the paperwork and they're actually, I think got even more complicated, because they're a member of the Catholic Church and they got into a whole process there.

I don't want to see this get to a point where it becomes so difficult for our smaller agencies. I could understand the need to have a comprehensive audit for some of these contract agencies that are getting large amounts of money from us, but when you have a food pantry or a chamber of commerce or a Little League that are getting \$5000 and we're going to require them to go out and hire a CPA that's going to cost them a couple of thousand dollars worth of work, you know, I don't want it to get too cumbersome and that's that concern I have, we continue to try to crack down on these agencies, were not having any discretion between what agencies we're trying to really go after and I'm looking at trying to see if maybe that's something that would be appropriate here.

MR. PECORELLA:

Yeah, that's not really the case, like the food pantries and stuff.

CHAIRMAN MONTANO:

Speak into the mic, Joseph.

MR. PECORELLA:

Oh, I'm sorry. Yes. Like the food pantries, we don't require audited financial statements, even a form 990. We take a profit loss statement, which could even be like a handwritten schedule of revenues and expenses for the -- and there's never a problem with them normally. If they called us, we'd work with them.

LEG. CALARCO:

I've helped many agencies fill out these forms. It seems like they're simple forms and it's not just what comes out of the Comptroller's Office, trust me, we've passed enough resolutions on our end of the table here that we've added probably 30 different forms to these, you know, I mean, it stacks up on these folks and even if it's not complicated it gets very daunting very quickly. And so I know it may seem like it's not asking a lot, but, I think, for some of them it is and that's probably part of the -- why we're having compliance issues with some of these groups.

CHAIRMAN MONTANO:

I wanted to make a comment. Are you done, Legislator Calarco?

LEG. CALARCO:

Sure, I guess.

CHAIRMAN MONTANO:

No, no, are you?

LEG. CALARCO:

For the moment.

CHAIRMAN MONTANO:

Okay. You know, I want to echo the comments of Legislator Calarco and quite frankly we had a -- my staff has also helped out a lot of the agencies, smaller agencies, not the big ones. I mean, you're CPA's, you know, I'm an attorney, we understand these things. But, for instance, we had a program in my community that's been there for 30 years, it's a dance troop that does cultural dancing, they're very well known, they've gotten national acclaim and we allocated money to them for, you know, costumes and travel, etcetera. And after a while they simply turned around and said, "we don't want the \$10,000, it's not that we can't use it, it's that we're a volunteer organization with young, you know, with young girls from the community and we don't have the time to be dealing with all of the paperwork that's required for the money that you're offering us." And we've -- right, Bob? We've had to -- we had to reallocate it and that is a problem with smaller agencies. How do you get over that when we impose more and more fiscal restraints and, in some cases, these agencies, they don't have the personnel.

MR. PECORELLA:

Well, the current law, as it exists, requires an itemized list -- an itemized listing of all prior year expenditures so the current law requires them to submit --

CHAIRMAN MONTANO:

Even monies that don't come from the County?

MR. PECORELLA:

Yes.

CHAIRMAN MONTANO:

That's what I mean, in other words, if an agency gets donations from an event and they get a small grant from the County, you're requiring to give an accounting of everything they receive for that year. Am I correct?

MR. PECORELLA:

That's correct.

CHAIRMAN MONTANO:

Yeah, okay. Legislator Nowick, you had some comments and then Legislator Stern.

LEG. NOWICK:

My only comment is if I was an organization, told that I could have \$10,000, I would certainly do the hour or two hours' worth of work if you really want the \$10,000. Now, I know my aide, of course, slash secretary, whatever they call them nowadays, helps my organizations in doing their paperwork. And, yes, it is onerous, but we also as a government agency, fiduciaries of the people, it's also incumbent upon us to be very, very careful about who we give money to or is it whom we give money to, so in a way we need to protect ourselves, we need to -- and I know it is a lot of work for small agencies, but \$5000, \$10,000; if I'm a food pantry and I want \$5000, I think I would have to do that extra work. Does it take 20 hours of work to accomplish this? Probably not. To probably fill the paperwork out, how long? What do you think?

MR. PECORELLA:

About ten minutes.

LEG. NOWICK:

Thank you.

CHAIRMAN MONTANO:

We have Legislator Stern then Legislator Calarco again.

LEG. STERN:

Yeah, thank you, Mr. Chairman. Welcome. I'm looking at Section B of the proposal that requires submission of the completed disclosure form, it's most recent audited financial statements or a financial report and that goes to what you were saying before that some agencies have to submit the required documentation, others might be able to submit a financial report, as they do. My question to you is how do you make that call? How do you determine what the requirement is going to be for a particular organization? Is it based on the amount of the grant, is it based on the size of the agency? How do you make that determination and who makes that determination?

MR. PECORELLA:

Basically we follow the federal guidelines. So if the agency is required to submit an audited financial statement in order to receive the awards that they're receiving, then we want to see that audited financial statement. If an agency is not required to submit an audited financial statement, then we will take any type of financial report that reflects their activities for the year.

LEG. STERN:

Got it. So if they're already doing it, that's what you want to see, but you are not going to require that they do something that they are not otherwise required to do.

MR. PECORELLA:

Correct, that's absolutely correct.

LEG. STERN:

Okay. I'm looking then -- the remainder of Section B talks about what needs to be submitted along with a schedule of all employees and their salaries for the previous calendar year. So two questions there. One, is the schedule of all employees and their salaries for the previous calendar year, does that apply, do you require that under this section if there's already an audited financial statement or only if it's the other format because they're not required to file an audited financial statement.

MR. PECORELLA:

It's required --

LEG. STERN:

I'm reading the clause and it's unclear as to where that, the requirement for the list applies. Is it under any circumstances or is it only if the less formal financial statement is provided?

MR. PECORELLA:

It's all employees. It's based on that prior law from 2001 requiring us to get a listing of all employees' salaries, that's basically coming from that. It's that requirement.

LEG. STERN:

The reason why I ask is cause when you look above it in Section A, the Department of Audit and Control is going to send the contract agency disclosure form to each of the contract agencies and then it calls for, you know, various, you know, items of information, but then it asks for direct program expenses and expenses of the top five employee salaries. So it looks like in Section A, you're asking for the top five employees and their salaries, but then in Section B it basically asks for a list of everybody. So which is it and when do the differences apply and when don't they?

MR. PECORELLA:

We're asking if all salaries for the agency. The top five get reported on the form that we send out. That's basically what we're asking then to do, put the top five on the form and give us a listing of all employee salaries.

MR. ALBAN:

The reason for all employee salaries is we're also trying to determine the percentage of admin salaries and the top five may not constitute the entire admin so in order to make that determination, we require all the salaries.

LEG. STERN:

Okay. So under all circumstances regardless of which form you're filing and why, you're requiring that information across the board for everybody, only on a particular form are you asking for the top five but under every circumstance you're asking for the entire -- the entire list.

MR. ALBAN:

That is correct.

MR. PECORELLA:

Correct.

LEG. STERN:

Okay, thank you.

CHAIRMAN MONTANO:

Legislator Calarco.

LEG. CALARCO:

Thank you. I have a couple of questions here and it feels, it goes to -- it may take you ten minutes to fill out the form, but for some of the agencies I've helped, it's taken weeks of fretting, many times reading it over, calling us eventually because they can't figure it out and then myself, and this is prior to becoming a Legislator, making several calls to the Comptroller's Office myself to figure out exactly what you're looking for information wise. So it may seem simple and easy to you as a professional CPA, but it's not simple and easy to some of these agencies that are smaller, that the \$5000 is all they're getting from us and it's not a lot of money.

But here's my other question and you're telling us that this bill is just ratifying the rules that you've put into place in order to implement local law number 9 of 2001, but the letter from the Comptroller -- from Mr. Sawicki says "the purpose of this local law is to is to repeal local law number 9, which has proven to unworkable and ineffective and replace it with the new financial regimen for contract agencies." So I'm confused. If this local law -- if this proposal is repealing that and replacing it with a regime and a new process by which you think it's going to be more efficient for the department to do their job, then why are we just ratifying what you're already doing? If you're already doing this and it's in place, why do we need to pass this in order for you to continue to do what you're or are we actually changing it and if we are changing it then what are we actually changing?

MR. PECORELLA:

Well, the current law requires us to audit every contract agency by March 1st. That's impossible, absolutely impossible.

LEG. CALARCO:

So we're changing the timeline?

MR. PECORELLA:

Correct. We're changing the timeline and the work that's required. Currently the Legislature through this bill 9-2001 is asking us to audit approximately 600 to 700 contract agencies by March 1st. One, it's impossible staff wise. Two, some agencies don't even have fiscal year end by that time. So that part absolutely needs to be changed.

LEG. CALARCO:

So what you're looking -- what the Comptroller needs to have changed is just a matter of how many agencies you need to audit and when they need to be audited by.

MR. PECORELLA:

Not only that -- there are no mentions of the forms that we're using in order to comply with the law. The way the law currently reads a contract agency could comply with the law without filling out our forms. And in order to provide the Legislature with the report that we file each year, we need the forms filled out. Because we couldn't take financial -- audited financial statements, a typical P&L from a Little League or a Church or a food pantry and then pull all that data together and give you a comprehensive analysis and a report without having some consistency of the data.

LEG. CALARCO:

If an agency does not comply with the paperwork that is sent by your department to them in order for you to process your audit, do you not put a hold on any payments to that agency in the future?

MR. ALBAN:

We do.

MR. PECORELLA:

We do, yes.

LEG. CALARCO:

You do.

MR. PECORELLA:

Yes.

LEG. CALARCO:

So us making reference to any particular form that you use now that you may want to use a different form in the future within our legislation and within the laws of the County is not preventing

your department from effectively saying to these agencies that you're responsible to audit, give us what we need to get from you or you're not going to get another dime from the County.

MR. PECORELLA:

What's been happening in the past, some don't comply with the request by the deadline. It happened this year. They sent the paperwork in nine months after the fact, then wanted their money and they got it so they kind bypassed the whole process. They didn't send their paperwork in on time, it wasn't reported to you guys in the report, then they got their money after the fact. Nobody sees their information when it comes in nine months -- nine months after the fact. We give them approximately three months to complete the paperwork.

LEG. CALARCO:

But if we just revised our timeline here and said instead of by March 1st, by the end of the calendar year, the financial year, whatever the case may be, would that just accommodate that problem in and of itself?

MR. PECORELLA:

Which problem?

LEG. CALARCO:

Well, an agency that doesn't provide the paperwork that's required. You put a hold on their funding, correct?

MR. PECORELLA:

Correct.

LEG. CALARCO:

Until the money -- until the paperwork comes in. If their paperwork comes in, say you have an entity, and I'll give you an example, Medford Chamber of Commerce, they failed to provide the requisite paperwork for an audit from a grant five or six years ago and all future grants were put on, you know, put on hold. Basically they couldn't get any money until things changed. And five or six years ago they had a completely different board of directors and now they have a better board of directors, they're -- got it together, they figuring it out, they were able to actually, you know, they have a couple bankers on the board, they can actually do this paperwork, they get it into you, they're not going to get that money from five years ago. I mean, that money's not coming, right? I mean, once the financial year is closed out, they don't get the money.

MR. PECORELLA:

No, just the prior year.

LEG. CALARCO:

Just whatever -- just whatever is an open financial year. Correct?

MR. PECORELLA:

I believe we paid somebody this past July for a prior year's contract.

LEG. CALARCO:

You were able to obtain that? Because I have an agency that's looking for money that's been told they're not going to get their money because they missed the February deadline.

MR. PECORELLA:

Well, I think -- I think the check was cut and it was held up. That was why.

LEG. CALARCO:

So the money was cut but they just held back.

MR. PECORELLA:

I think it was accounted for, yes.

LEG. CALARCO:

Okay, okay.

MR. PECORELLA:

In all honesty, I mean, currently there's like 13 noncompliant agencies. In the past it was like 80. The list is better than ever, compliant list. The paperwork, even for the smaller agencies, is really not complex. In all honesty, we give them three months to complete it, it's a matter of a couple lines to fill out and send in their form 990. If they don't do it right, I correct it for them and help them out with it and I call them. It doesn't take that much to get five or \$10,000 for a grant. They got to be willing to help out a little bit.

LEG. CALARCO:

Listen, I'm not saying that we don't get anything from them and we just go into this and say -- just give them the money. I understand that. My question is, you know, the letter that we received from Mr. Sawicki makes it seem like we were changing the whole law and the whole pattern. And, what you're basically telling us is no, we don't need you to really change anything other than the date of compliance so we have more time to process the audits and get people in and do the job that you've asked us that we're doing.

MR. PECORELLA:

I don't want you to be confused. These aren't audits. We're basically compiling information for contract agencies. They're not being audited. That's impossible to do. This has been done this way for like the last six or seven years. This is the procedure in place with the deadlines. We want on the record though to basically state what we're doing, when it's due by and to have it officially documented. The prior resolution doesn't really go into all this detail. There's no dates on it and it's not practical.

LEG. CALARCO:

We leave it up to department head who happens to be an elected official to promulgate those rules and regulations on how to apply the program.

MR. PECORELLA:

We're trying to help you guys out with this, I mean, this is, you know --

LEG. CALARCO:

All right. I don't have any more questions. I just -- I've got -- and, I guess, I do have one more question and this is just my own ignorance, what's the difference between a financial report and a financial audit and who is responsible for developing a financial report and how is that -- you know, is that just submitting bank statements? I mean, what is that?

MR. ALBAN:

No, that's not submitting bank statements, but a financial report is a report prepared by the entity reflecting their activities for the year an audited financial report has been audited by certified public accountants who are attesting to the validity of the report that you will be reading.

LEG. CALARCO:

So in completing a financial report and say I'm just a lay volunteer working in that soup kitchen, how do I know what I'm supposed to put into a financial report? What does that contain or do I need to go out and hire somebody to do that for me?

MR. ALBAN:

You know what, you could tell your food pantry to call Joe and I'm sure he'd be happy to help them.

MR. PECORELLA:

It's also detailed in the instructions to go with the form, what's required, what we accept, and they do call sometimes, same people call every year, help them out over the phone, fill it out with them over the phone and it's done.

LEG. CALARCO:

Okay.

CHAIRMAN MONTANO:

Yeah, just very quickly, we're not talking about a certified audit report, which is different, we're talking about any financial statement made by any office of the -- the corporation, right?

MR. ALBAN:

As long as it's not required by federal guidelines for that contract agency, yes, we'll take any type of financial report.

CHAIRMAN MONTANO:

And you also said that you would accept the report that was required to be filed to another agency. Did you not?

MR. PECORELLA:

What do you mean to another agency?

MR. ALBAN:

Yeah, I'm not --

CHAIRMAN MONTANO:

Well, let me give you an example. For instance, my -- in the AG's Office any not-for-profit that has over \$25,000 is supposed to register with the Attorney General's Office on a yearly basis. Am I correct in that?

MR. ALBAN:

Okay. So they're registering and then what --

CHAIRMAN MONTANO:

And then they have to submit a financial statement I understand.

MR. ALBAN:

Okay. So if there's --

CHAIRMAN MONTANO:

You would accept that statement in lieu of what you're -- what's required in this bill?

MR. ALBAN:

You mean --

CHAIRMAN MONTANO:

That's a question.

MR. ALBAN:

-- would I accept that financial statement in lieu of the contract agency disclosure form? Is that what you're asking?

CHAIRMAN MONTANO:

No. In lieu of the audit?

MR. ALBAN:

In lieu -- yes.

CHAIRMAN MONTANO:

Or the -- in lieu of the financial statement?

MR. ALBAN:

Yes.

MR. PECORELLA:

If they're required to fill out the form 990 by the IRS, we take that. If they're below the threshold for the form 990.

CHAIRMAN MONTANO:

What's the threshold for the 990?

MR. PECORELLA:

I'd say about 30,000 or so.

CHAIRMAN MONTANO:

I think it's 25.

MR. PECORELLA:

Yeah, something.

CHAIRMAN MONTANO:

Maybe we're talking the same thing. I don't remember what it is.

MR. PECORELLA:

If they're below that threshold, we'll take like a profit and loss statement.

MR. ALBAN:

Generated by QuickBooks. If they're using QuickBooks.

MR. PECORELLA:

Right, any type of --

MR. ALBAN:

Print the P&L out of QuickBooks, we'll take that.

CHAIRMAN MONTANO:

Right. And my staff tells me that your staff has been very gracious in terms of any agency that has a problem can call your office and you'll be more than happy to sit down with them and run them through the process.

MR. ALBAN:

Yes.

MR. PECORELLA:

Absolutely.

MR. ALBAN:

Yes, it's been done in the past numerous times.

CHAIRMAN MONTANO:

That's what I hear. Okay. Any other questions?

MR. PECORELLA:

People actually come into us with their form, we sit down with them --

CHAIRMAN MONTANO:

I'm sorry, Joe, what was that?

MR. PECORELLA:

People actually come in with the form and sit down with us and we help them fill the form out.

CHAIRMAN MONTANO:

Good. So next time they come to my office we're going to send them directly to your office.

MR. PECORELLA:

Send them over.

CHAIRMAN MONTANO:

With that I think we'll call the vote. We have two motions. You still want to --

P.O. LINDSAY:

Mr. Chair.

CHAIRMAN MONTANO:

Oh, I'm sorry, Legislator Lindsay, I didn't realize that.

P.O. LINDSAY:

Yeah, I just want to put on the record and for my colleagues, I had a long discussion with the Comptroller about this bill and he, you know, he helped Legislator Cilmi with the wording of it and we talked about it for a long time and he said this would clarify some by us approving it of what he does now. And then we talked about the whole contract agency process because it's been a pain in the neck for all of us over the years. And we discussed ways that we could help him and, you know, he needs some more help in this area and I said that I would see what we could do to get him some additional help as well as some other tweaks in reporting, which we had a very controversial bill a couple of years back, if you remember, that became a real slugfest between the Executive Branch and the Legislative Branch. I told him we would take a look at that again as well. So that will come up during the year, but together the whole process we're trying to tighten it up.

CHAIRMAN MONTANO:

Sounds good. Legislator Calarco, you still want to move on the motion to table or do you want to withdraw it?

LEG. CALARCO:

I'll withdraw the motion.

CHAIRMAN MONTANO:

Okay. Motion withdrawn. Motion to approve is on the table. All in favor? Opposed? Abstention?

LEG. CALARCO:

Abstain.

CHAIRMAN MONTANO:

Motion carries. **APPROVED (VOTE: 5-0-1-0 Abstain: Legislator Calarco - P.O. Lindsay included in the vote)** Thank you very much, gentlemen. Sorry that we tied you up.

LEG. CILMI:

Mr. Chair, thank you very --

CHAIRMAN MONTANO:

One abstention, one abstention.

LEG. CILMI:

Mr. Chair, thank you very much. Just note for the record there's a number of other bills on the agenda that I'm the sponsor of, but I don't want to tie up the committee's time on discussing those bills today. They're at your pleasure.

CHAIRMAN MONTANO:

Pleasure of the committee. Okay, thank you, Tom, appreciate you being here, Legislator Cilmi. All right.

Moving right along, **IR 1708**, I believe, **A Charter Law requiring legislative approval of fee changes (Cilmi)** Public hearing was closed on 8/21. Do I have any motions on this?

LEG. KENNEDY:

I'll make a motion to approve.

CHAIRMAN MONTANO:

Do I have a second?

P.O. LINDSAY:

I'll second it.

CHAIRMAN MONTANO:

Second by Legislator Lindsay. Do I have any other motions on this? Hearing none, I'll take a vote. All in favor? Opposed? Abstentions?

Motion carries. **APPROVED (VOTE: 5-0-1-0 Abstain: Legislator Calarco - P.O. Lindsay included in the vote)**

LEG. CALARCO:

Abstain.

CHAIRMAN MONTANO:

IR 1840 - Adopting Local Law No. -2012, A Local Law to expedite the return of blighted properties to the tax roll and productive use. (Anker) I'm going to make a motion to table. I have a note about possibility of -- not yet. All right. The motion to table was made by whom, Renee? By me? That was quick. Second by Legislator Calarco. All in favor? Opposed? **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

P.O. LINDSAY:

No, wait, wait, wait. Is that at the request of the sponsor. Yeah, okay.

CHAIRMAN MONTANO:

I believe so, yes. What I was alluding to was that my understanding was that there may be a withdrawal on this but there isn't as of this moment. All right.

IR 2002 - Authorizing Suffolk County to enter into an agreement with the Society for the Prevention of Cruelty to Animals ("SPCA") in connection with the Animal Abuse Offenders Registry. (Co. Exec.)

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Second by Legislator Kennedy.

CHAIRMAN MONTANO:

Do we need a discussion on this? All right, go ahead.

P.O. LINDSAY:

I'd like to know the reason for the tabling motion.

CHAIRMAN MONTANO:

Let's first get into the bill then.

LEG. CALARCO:

I could probably explain both quickly --

CHAIRMAN MONTANO:

All right, Legislator Calarco, you're on.

LEG. CALARCO:

-- because we've had similar issues going through my committee in granting indemnification to this agency for some time. There's quite a bit of discrepancy about what -- whether or not we should provide indemnification. I think everybody may remember we had a vote at this body once --

CHAIRMAN MONTANO:

We voted on that twice.

LEG. CALARCO:

-- and we voted -- voted it down actually at that one point in time.

This resolution grants them indemnification strictly for implementation of the animal abuse registry, which is a law that this body passed a few years back. Unfortunately, at this point in time it's my understanding the SPCA is not willing to enter into the agreement right now so there's no point in passing this because there's no agreement between the County Executive's Office and the SPCA on the matter.

CHAIRMAN MONTANO:

Are there any other questions or comments from the Legislature?

LEG. KENNEDY:

My second is in sum and substance exactly what Legislator Calarco was talking about. I saw the most recent matter where we're being noticed and advised by them that, in fact, they're not going to report to, I guess, calls for, you know, animals in danger or offenses or something like that and they put us on notice specifically because they've not received the indemnification that they're now advising these calls should go to our PD's and, you know, our town based police forces and stuff like that.

CHAIRMAN MONTANO:

Okay. What letter are we talking about and does anyone have a copy of it?

LEG. KENNEDY:

I don't have one with me, Mr. Chairman, I believe I saw it sometime in the last week or so, it came to my office. It was by the Chair of the agency, Lockor (ph), Lauber (ph) or something like that.

CHAIRMAN MONTANO:

Was that letter distributed -- Bob is looking for the letter.

MR. MARTINEZ:

I think I have it.

LEG. KENNEDY:

I believe it went to all Legislators.

CHAIRMAN MONTANO:

He may -- if anyone has it, Bob has it. I haven't -- I think I read the letter, but I can't recall right now. I see you standing there, Tom, but Legislator Nowick wanted to say something. I'm going to recognize her first.

LEG. NOWICK:

So because they did not get the indemnification that they requested and they are no longer protecting the animals --

CHAIRMAN MONTANO:

But I think they are. They just rescued a duck the other day. Didn't they?

LEG. NOWICK:

A duck?

CHAIRMAN MONTANO:

Yeah, that got shot with an arrow.

LEG. CALARCO:

That was on the East End. That wasn't within the Police District.

LEG. NOWICK:

Okay. So are they defunct now? I mean, if they -- if they're not rescuing animals --

LEG. KENNEDY:

Well, I don't think that they're telling us that they disbanded. I think what they're saying is because they've come to the point where they fear that their volunteers are at risk and there's been no agreement -- Tom, am I misspeaking? What's the Executive's take on where this is at this point? Through the Chair, I'm sorry, Mr. Chair.

CHAIRMAN MONTANO:

That's all right.

MR. VAUGHN:

I'm not positive what the Executive's take is on it at this point in time, but I can tell you as the person who's been trying to speak with SPCA, and work through many of these issues with the SPCA, I personally am incredibly frustrated by this at this point in time. We've had multiple conversations including a conversation as recently as the night of the public hearing that was hosted by this Legislature with the SPCA. At that point in time they didn't even bear to mention that they had sent a letter to this body so I haven't even seen the letter that's in question. During that meeting, before the meeting even started, I spoke extensively with Mr. Steve Laton of the SPCA, he informed me at that time that they had sent some changes back to the -- what will be eventually the

exhibit A to this bill, which is why we would like to see this tabled at this point in time because it doesn't have an exhibit A, but that they had sent some changes back they wanted to see and our County Attorneys are reviewing those changes.

And as far the indemnification, the question that he asked me was, are we still in the same place where we agree to sit down and continue talking about that in the future and I said absolutely, I gave you my word that we would do that. So to now hear that they are pulling out services or this that and the other thing, it was not something that I have personally been informed of yet and I have not read the letter. So that's what --

LEG. KENNEDY:

I have it in my office. I will get a copy and get it to you and to the rest of the committee.

LEG. NOWICK:

Just so I could get a clarification.

CHAIRMAN MONTANO:

Well, go ahead, Legislator Nowick.

LEG. NOWICK:

Just a clarification. My question is, are they still performing those duties or those jobs, those saviors that they have always performed or are they -- and I'm not sure, Legislator Kennedy, if you said they're backing off or are they still performing all the duties? They're still doing all of that?

CHAIRMAN MONTANO:

What? I'm sorry, I didn't hear that. Bill, what was that?

P.O. LINDSAY:

They are only protecting Canadian geese.

CHAIRMAN MONTANO:

That get shot with arrows.

*(*Laughter*)*

LEG. KENNEDY:

The letter that they -- that I read was pretty specific. As a matter of fact, it really seemed to be basically to try to achieve notice to us that they were no longer going to be the entity that would take a referral or a complaint of animals in danger or something that falls under their jurisdiction, I guess, in the Ag Law and that the County should now refer those matters to the various police departments only.

LEG. NOWICK:

Because that's what I remembered during the indemnification --

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

-- debate that they said if they didn't get it they're out of business.
So that --

CHAIRMAN MONTANO:

Yeah, I -- thank you, Legislator Nowick.

LEG. KENNEDY:

Yeah.

CHAIRMAN MONTANO:

Legislator Kennedy, I was going to say, are you referring to the letter or a letter that we received after the indemnification vote because I know I got a letter from Mr. --

LEG. CALARCO:

No, no.

LEG. KENNEDY:

This is very recent.

CHAIRMAN MONTANO:

A separate letter? Okay.

LEG. CALARCO:

Much more recently.

CHAIRMAN MONTANO:

Oh, wait, here we have the letter.

LEG. CALARCO:

And if I could just add on that.

CHAIRMAN MONTANO:

Go ahead, Legislator Calarco.

LEG. CALARCO:

This issue, the Canada geese that you just brought up that was recently in the news, that happened out in South Hampton, I believe, and which just goes to the point of the indemnification issue, are we going to indemnify this agency to respond to an incident that's outside of the Police District and would otherwise not be responded by County personnel. And so it's all of these different issues that we're trying to figure out and work through the County Attorney's Office and it's -- we just haven't worked all those issues out and that's why this resolution's not right for movement at this point in time.

CHAIRMAN MONTANO:

Right. And, question, Tom. They're not indemnified by the Town of Southampton. Are they?

MR. VAUGHN:

Not to the best of my knowledge, no, sir.

CHAIRMAN MONTANO:

Right. So, Legislator Calarco, if they're not indemnified by Southampton and they go out there, why won't they come on -- in this part of town?

LEG. CALARCO:

That's our point. That's one of the points of contention is are we going to indemnify them for acts that they're going to do in Southold or Southampton, which are not parts of the Police District or are we only going to hold them harmless for actions they take within the Police District and is it going to be only complaints that they get furnished through our Police Department or is it going to be anybody who calls? There's a lot of questions at play that the County Attorney's Office has been trying to negotiate --

CHAIRMAN MONTANO:

Okay.

LEG. CALARCO:

-- and figure out and the SPCA, my understanding is, they just want a blank indemnification from Suffolk County and that's where the point of contention has been.

CHAIRMAN MONTANO:

Right, and I agree with you. Okay. Tom, you've indicated that the County Executive also would like this tabled. I'm going to end the discussion, take a vote. All in favor? We have a motion to table on the floor. All in favor? Opposed? Abstention? It's tabled to the next hearing. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

We're having a sidebar conversation. The point is that if there is an issue with an animal, you can call the town, the various town animal shelters. And I know in my case, last week we picked up stray dog because it was in a spot where we were concerned that it was going to get hit by a car, and it was a pure breed dog. I opened the door and it just jumped in, it came home with us that night and the next day I called up the animal shelter and they actually came and picked up the dog.

LEG. NOWICK:

Hope it's chipped.

CHAIRMAN MONTANO:

Yeah, we were hoping he was chipped too. It was a Basset Hound. Really nice dog, I have a photo of him. And I had to go pick up a cage to keep the dog in the cage overnight.

LEG. NOWICK:

You had to go to the shelter to get the cage?

CHAIRMAN MONTANO:

No, I got it from one of my relatives.

All right, moving along. Let's -- we're moving onto **2016 -**

Adopting Local Law No. -2012, A Local Law to safeguard the personal information of minors in Suffolk County. (Gregory) Public hearing was closed on 11/20. Do we have a motion on this? Do we have a motion here?

LEG. CALARCO:

I'll make a motion to approve.

CHAIRMAN MONTANO:

Motion to approve by Legislator Calarco, we need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Okay. Brief explanation on this, Counsel, I know we discussed it before.

MR. NOLAN:

This Legislature requires that in all County contracts with agencies that provide services to minors that there be a provision prohibiting that agency from selling or providing identifying information of any minor participating in their program to any third party.

CHAIRMAN MONTANO:

Okay. All in favor? Any other motions? All in favor? Opposed? Abstention? Motion to approve carries. **APPROVED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2020 - Adopting Local Law No. -2012, A Local Law to maximize use of County funds provided to contract agencies. (Cilmi) I think the public hearing is still open. Am I correct, Legislator Cilmi?

LEG. CILMI:

It's closed but please table.

CHAIRMAN MONTANO:

Oh, that's right, it closed 11/20. Make a motion to table, second by Legislator Kennedy. All in favor? Opposed? Abstention? Motion carries. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)** 2041 was dealt with.

IR 2060 - Establishing a permanent Contract Agency Oversight Committee. (Cilmi) I need a motion on this.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Calarco. Do I have a second?

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2065 - Resolution No. -2012, Directing the County To Appeal The Supreme Court Decision in Spota v. County of Suffolk. (Montano) We actually discussed this in executive session. I'm going to -- what I'm going to do is I'm going to provide all the committee members with a copy of the retainer, a copy of the decision, if you've haven't already gotten it and a copy of the letter that was sent out by the County Executive and we can take this up at another time. Right now I'm going to make a motion to table, I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstention? Motion to table carries. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2092 - Pursuing acquisition of sensitive parcels in the Mastic-Shirley area. (Browning) I need a motion.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Calarco.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstention? Motion carries. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2165 - Confirming the appointment of Richard I. Horowitz as District Court Judge for and of the First District to fill a vacancy. (Co. Exec.) I'm going to make a motion to approve.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Second. There was a revised resolution that makes the appointment effective January 1st, which is why we had asked. So, all in favor? Opposed? Abstention? Motion carries. **APPROVED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2168 - Setting date for Special Election to fill vacancy in the 1st Legislative District. (Kennedy) Legislator Kennedy, I believe that we passed this.

LEG. KENNEDY:

No need to even talk about this one, Mr. Chair.

CHAIRMAN MONTANO:

Right, no need.

LEG. KENNEDY:

I'll be asking the Clerk to withdraw this bill.

CHAIRMAN MONTANO:

Okay. **It is withdrawn.**

All right. Moving along to introductory resolutions.

INTRODUCTORY RESOLUTIONS

IR 2181 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert I. Toussie (SCTM No. 0200-167.00-03.00-020.000). (Co. Exec.) That's interesting. Can we have an explanation on this one? And this is a 13. This is adjacent parcel? Where's Real Estate? You want to do it, Tom?

MR. VAUGHN:

Actually yes, sir, if you don't mind. IR 2181, IR 2185 and IR 2186 are all parcels that are part of a sod farm. We want to work through with the County Attorney similar to what we want to do with a couple of bills that are on the table right now at the general meeting. Want to work through with them, make sure the proper covenants are on those properties.

CHAIRMAN MONTANO:

So do you want these tabled?

MR. VAUGHN:

We would like all three of them tabled please.

CHAIRMAN MONTANO:

All right. I have no problems with that. Is there a motion on there?
No.

LEG. KENNEDY:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Kennedy, I'll second it. Any other motions? All in favor? Opposed?
Abstention? IR 2181 is tabled. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2182 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Lawrence C. Schulz, Jr. (SCTM No. 0209-030.00-02.00-022.000). (Co. Exec.) Adjacent property, very quickly, Wayne, do you want to --

P.O. LINDSAY:

Is there a motion?

CHAIRMAN MONTANO:

I'll make a motion to approve. We're just going to get a very quick explanation, I mean, really quick. I need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. It's a 13 -- 2182. It's forty by ten, someone told me. And what town is this, 209? What town? How much?

MR. THOMPSON:

Forty by a hundred.

MS. ORTIZ:

Can you use the microphone?

MR. THOMPSON:

Forty by a hundred. Adjacent owner sale.

CHAIRMAN MONTANO:

Oh, it's a village. That's why it's 209? What village is that?

MR. THOMPSON:

That'd be Mastic Beach.

CHAIRMAN MONTANO:

Okay. All right. Forty by a hundred.

LEG. KENNEDY:

So this is --

CHAIRMAN MONTANO:

Well, I'm fifty by a hundred.

LEG. KENNEDY:

Yeah, what are we doing? This is going to adjacent owner?

CHAIRMAN MONTANO:

Yeah, it's a 13. It's going to an adjacent owner. So, let me ask this, what's the appraisal on this?

MR. THOMPSON:

Appraisal came in at 2000 -- 2000.

CHAIRMAN MONTANO:

For forty by a hundred?

P.O. LINDSAY:

It seems low.

CHAIRMAN MONTANO:

It seems -- I didn't say that, Legislator Lindsay said it, but I agree with him.

LEG. KENNEDY:

I'll make a motion to table.

CHAIRMAN MONTANO:

Does anyone want to second this? The tabling?

P.O. LINDSAY:

How are we going to resolve it if it's tabled?

CHAIRMAN MONTANO:

Yeah, that's the thing. You want to give us an explanation of forty by twenty is -- I mean, forty by a hundred is not a small piece of property and 2000 seems like a -- an appraisal that, I don't care where you're at, would be low.

LEG. KENNEDY:

I mean, unless it's wetlands or something like that.

P.O. LINDSAY:

I'll second the tabling with the provisor that someone come in from Real Estate to explain why the appraisal's so low.

CHAIRMAN MONTANO:

Yeah, you want to do this another time cause we're really running over. There's no emergency on this.

MR. THOMPSON:

Yeah, that's no problem.

CHAIRMAN MONTANO:

The property's not going anywhere. All in favor? Opposed? Abstention? Motion to table carries.

TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)

IR 2183 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Angel Medrano and Elizabeth Medrano, his wife (SCTM No. 0100-058.00-01.00-037.000). (Co. Exec.) Brief explanation on that, Wayne, so we can decide what to do.

MR. THOMPSON:

Appraised at, I'm sorry, appraised \$1500.

CHAIRMAN MONTANO:

And what's the lot size?

MR. THOMPSON:

And the size of it is, again, that's a forty by a hundred in Wyandanch.

CHAIRMAN MONTANO:

Yeah.

MR. THOMPSON:

Apparently between two houses, not considered buildable and it doesn't fall under Local Law 3-2009, which requires us --

CHAIRMAN MONTANO:

Which is what? Local Law 3-2009 is what?

MR. THOMPSON:

That's the one that requires anything fifty by a hundred or larger to be offered at auction with affordable housing stipulations.

CHAIRMAN MONTANO:

Oh, okay. Right. I remember.

MR. THOMPSON:

Yeah.

CHAIRMAN MONTANO:

So what's the appraised value here?

MR. THOMPSON:

The appraised value came, I'm sorry, the appraised value came in at \$1500. In a lot of these cases we're lucky to get any -- any stimulation on them. But apparently --

CHAIRMAN MONTANO:

What was that?

MR. THOMPSON:

In a lot of these, I'm sorry, and it was sold for 4000.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

So they offered us 4000.

CHAIRMAN MONTANO:

But what you're saying is you really can't do anything with the property. You either sell it for the price or you build it or you simply hold onto it. Am I correct?

MR. THOMPSON:

Right. Because even at auction I don't know who would buy a piece that's unbuildable between houses.

CHAIRMAN MONTANO:

Right, this is landlocked.

P.O. LINDSAY:

The offer is 4,000?

MR. THOMPSON:

Yes, that's what was offered.

P.O. LINDSAY:

Okay, all right. So it was appraised at 1500, it came in at double the appraised rate. That's more justifiable.

CHAIRMAN MONTANO:

Okay. We have a motion to approve. Do we not? And a second, Renee, do we? All right. Who made the motion?

P.O. LINDSAY:

I'll make the motion.

CHAIRMAN MONTANO:

Bill will make the motion.

LEG. KENNEDY:

I'll second.

CHAIRMAN MONTANO:

Legislator Kennedy will second it. All in favor? Opposed? Abstention? Motion to approve carries.

APPROVED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)

IR 2185 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Myron A. Hauptman and Ralph Delea, Trustees (SCTM No. 0200-188.00-03.00-029.000). (Co. Exec.)

Motion to table by Legislator Calarco.

LEG. CALARCO:

I'll second it.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Legislator Kennedy seconded. All in favor? Opposed? Abstention? Motion carries. **TABLED**

(VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)

IR 2186 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Myron A. Hauptman and Ralph Delea, Trustees (SCTM No. 0200-167.00-04.00-025.000). (Co. Exec.)

Same motion, same second, same vote. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2188 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barrett's Cool Spot Beverage, Inc. (SCTM No. 0100-189.00-03.00-003.001). (Co. Exec.) I have a note here to table and I'm not quite sure why. I'll make the motion to table, I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

And I need an explanation. Tom, you want to speak on this?

MR. VAUGHN:

The County Attorney's Office and Real Estate both want to take a second look at this bill. I was either going to withdraw it or ask you guys to table it. If you don't table it, I'll withdraw it. If you would do --

CHAIRMAN MONTANO:

Say that again, I'm sorry.

MR. VAUGHN:

Both the County, I'm sorry, both the County Attorney's Office and Real Estate want to take a second look at it so the option was to either this committee to please table the bill or withdraw it. We can do without, whatever the pleasure.

CHAIRMAN MONTANO:

Let me just say this, you're more than happy to table it. But 16 is, as of right, I think Legislator Calarco was pointing that out also.

MR. VAUGHN:

Yes, sir.

CHAIRMAN MONTANO:

Why would you either withdraw it or why do you want it tabled?

MR. VAUGHN:

We wanted to make sure it was in the appropriate timelines of the Local Law 16.

CHAIRMAN MONTANO:

No problem. All right. Did we get a motion to table, Renee? And a second. All in favor? Opposed? Abstention? It's tabled. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2189 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Helen M. Cerabino (SCTM No. 0500-318.00-03.00-010.001). (Co. Exec.) I'll make a motion to approve and place on consent calendar. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **APPROVED and PLACE on the CONSENT CALENDAR (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2190 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jane E. Meisse (SCTM No. 0400-140.00-01.00-042.000). (Co. Exec.) I'll make the same motion, same second, same vote. And that's to place on the consent calendar. **APPROVED and PLACE on the CONSENT CALENDAR (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

IR 2191 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Gravino (SCTM No. 0100-192.00-02.00-033.000). (Co. Exec.) Same motion, same second, same vote. APPROVED and PLACE on the CONSENT CALENDAR (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)

IR 2205 - Increasing Transparency of § 72-h Program. (Cilmi)

LEG. KENNEDY:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve by Legislator Kennedy. Do we have a second?

P.O. LINDSAY:

What does this do?

CHAIRMAN MONTANO:

Let's get a second first.

P.O. LINDSAY:

All right. I'll second for the purposes of --

CHAIRMAN MONTANO:

Second by Legislator Lindsay, and Lindsay would like an explanation and so would I.

MR. NOLAN:

This will require that all -- 72-h resolutions that come before the Legislature in the future and those are the transfers to municipalities generally for affordable housing purposes and municipal purposes are going to have to include the parcels' lot size the County's investment of the property and an appraised value for the property we're transferring. And if that information is not included in the resolution, it cannot be discharged from the committee to which it's assigned or be approved by the full Legislature.

CHAIRMAN MONTANO:

Good question. Legislator, I mean, well, I'll ask the question then. Is that not what we're doing now? No? What are we doing now?

LEG. CILMI:

Not all of the bills have any of that information in them now. Sometimes the information is provided as backup. Sometimes it's not. And that's -- we had a resolution recently that that was the case and that's why this came up.

CHAIRMAN MONTANO:

So if we don't ask sometimes it's not in there, if we do ask, like we've done in this situation, then we get the information. What your bill does is require that we don't need to ask, it's in front of us.

LEG. CILMI:

Exactly.

CHAIRMAN MONTANO:

All right. I don't have a problem. Real Estate, do you have a position on this, Wayne?

MR. THOMPSON:

Basically, we don't have any problem. I always thought that at least the first two items are always

there, the lot size and our County investment, which is basically the taxes we've been paying.

CHAIRMAN MONTANO:

Well, it's not include --

MR. THOMPSON:

But in the past, no appraiser -- appraisal has been attached. We didn't put an appraised value on anything we transferred to the towns, which is basically your 72-h.

CHAIRMAN MONTANO:

I'm sorry, could you repeat that, I didn't hear you.

MR. THOMPSON:

An appraised value was not included in any resolution either for affordable housing or for transfer to the town for municipal purposes.

CHAIRMAN MONTANO:

Okay. You didn't alright -- I stand corrected. This bill would require that you do an appraised value?

MR. THOMPSON:

Yes.

CHAIRMAN MONTANO:

But it would also require that it include the cost to the County before the transfer. Am I correct?

MR. THOMPSON:

I was under the impression that it always is.

CHAIRMAN MONTANO:

Do we need, my question to you is do we need both? In other words, if we're transferring it for municipal purposes, Legislator Cilmi, and the value of or the amount that the County has expended on this is coming -- generally comes back to us. Does it not?

MR. THOMPSON:

With most cases of 72-h the town for sumps and roads and this and that, we try to get our investment, which is the taxes back.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

Sometimes we have to give it up for less because they won't pay, but in the case of affordable housing it's a dollar --

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

-- no matter what the value or investment is.

CHAIRMAN MONTANO:

Because of the purpose that it's being used for. So my question, either to Legislator Cilmi or to yourself is, if, in fact, it's going from one municipality to another, and the investment of the County is included in the presentation, do we really need to spend money on the appraisal, or do we even

spend money on the appraisal or is that done in-house?

MR. THOMPSON:

That hasn't been done before, but I would presume that we would turn to an in-house use rather than spend a couple of hundred dollars more to get a --

CHAIRMAN MONTANO:

That's what I was going to say, why spend money on an appraisal if you can do it in-house, the question is do you really need it in-house? That's the question, do you need the appraisal? I mean, to me the bill seems fine.

LEG. CILMI:

Right.

CHAIRMAN MONTANO:

I'm just wondering if we need that extra step because it's going to a municipal agency or subdivision.

LEG. CILMI:

I mean, I'd like to know the value of the property that we're transferring even if we are just transferring it for a dollar and the bill does speak to the fact that we should do it in-house whenever possible and it leaves that authority up to the director.

CHAIRMAN MONTANO:

Can you do it all in-house? In other words, we don't want to be spending money on -- my feeling is we don't want to be spending money on outside appraisers for something that's going to a town or a village.

MR. THOMPSON:

Well, in the case of affordable housing, which I guess is what you're primarily directing it at, right? Right, because the other case is we're getting back what we're -- what we paid into it.

LEG. CILMI:

And when we are though, I want -- I want that to be apparent to us in the resolution itself rather than have to rely on backup that may or may not come.

MR. THOMPSON:

I don't think that's much of a problem because there aren't that many parcels going through affordable housing.

CHAIRMAN MONTANO:

Legislator Calarco has some questions for you.

LEG. CALARCO:

Well, it goes to the appraisal issue again and what does it cost us to go to an outside appraiser?

MR. THOMPSON:

That depends on the size of the property and the complication. When we do vacant lots it's like \$250 to have, you know, a forty by a hundred if we go outside.

LEG. CALARCO:

To have somebody go do the appraisal.

MR. THOMPSON:

A house would probably cost a lot more.

LEG. CALARCO:

But we -- we don't have any appraisers sitting on their hands. Right? Everybody's kind of busy to the point that we're assigning out work all the time?

MR. THOMPSON:

Yeah. I was just speaking to both of them yesterday and I said, "you know, this could be some more work guys, you know."

LEG. CALARCO:

Well, that's my point. So if we were to do this and have them start appraising these vacant lots, then there's a good chance on any of our open space parcel acquisitions instead of using our in-house appraiser we're going to be going out -- out of house and having somebody else do that work.

MR. THOMPSON:

That's true. The director would to prioritize the work.

LEG. CALARCO:

And those other acquisitions could get more costly in the appraisal value.

MR. THOMPSON:

That's entirely possible.

LEG. CALARCO:

So in order to -- okay, I'm going to motion to table.

MS. HALLORAN:

Legislator Calarco.

CHAIRMAN MONTANO:

I'm sorry, who was talking?

MS. HALLORAN:

Oh, I was starting to volunteer.

CHAIRMAN MONTANO:

Before you start put your name on the record so the stenographer can get it.

MS. HALLORAN:

Laura Halloran. I'm with Budget Review.

CHAIRMAN MONTANO:

I know, Laura. And I was going to ask do we have a second to the motion to table? Do we have a second?

LEG. STERN:

I'll second the motion.

CHAIRMAN MONTANO:

Second by Legislator Stern. And go ahead, Laura, I'm sorry.

MS. HALLORAN:

I was just going to mention I think usually for acquisitions for open space I think then they usually get outside appraisals and the in-house staff reviews it. So we often usually do and they are

usually more expensive for those type of acquisitions. But I guess the appraisal on this would give more information as to the value of a property so you could decide whether you want to use it for 72-h for.

LEG. CALARCO:

No, I understand that but unless our appraisers are sitting on their hands right now, they're pretty busy is my understanding. So if we're going to give them more sites to go out and appraise, then there's going to be less work they can do that they were doing already, which means the likelihood we're going to have to go out and assign out -- even if we're only paying 250 for an outside person to come and do it, that's that many more appraisals and we're making a policy decision to the 72-h Program already to give these properties to the towns to facilitate whatever it might be, whether it's a sump or affordable housing. And so, you know, the appraised value of the particular property, while I could understand seeing some need to see that cost, that appraisal, you know, we may be -- we set the policy to the 72-h law already that we want to facilitate certain activities by the towns and to give the properties to them so they can do that.

So, you know, the appraisal in my opinion is not necessarily necessary and it's an extra cost and I don't want to have to force upon the County.

CHAIRMAN MONTANO:

Wayne, with respect to the appraisal, if it's vacant land that appraisal can be done in the office. Am I correct? You don't have to do a physical inspection or do you still have to send someone out there?

MR. THOMPSON:

They still go out to --

CHAIRMAN MONTANO:

They still go out.

MR. THOMPSON:

-- make sure it is what it says, to check out the neighborhood, in fact, go to the local area real estate brokers to get comps, that sort of thing.

CHAIRMAN MONTANO:

Okay. And so the question that you have, Legislator Calarco, and I think I share with you is, is the appraisal a necessary component of this bill? Legislator Cilmi, do you -- what is your --

LEG. CILMI:

I mean, yeah, I still think we don't do all that many 72-h's. In the scope of the work that the department does, especially given what Laura has, from Budget Review has said, with regard to utilizing outside appraisers for the open space parcels, for the larger parcels anyway, I think it's important that we know how much -- how much these properties are worth that we're deeding over to the towns. I think it's important information.

CHAIRMAN MONTANO:

I think the County Executive's Office, Tom, would like to weigh in. Am I correct, Tom? I see you standing there.

MR. VAUGHN:

Yes, with all -- if you don't mind, sir.

CHAIRMAN MONTANO:

No, not at all, go ahead.

MR. VAUGHN:

The only question that I would add is I was unaware that Legislator Cilmi was, for lack of a better term, upset about the 72-h process and I thought the information that we had included up to this point was pretty detailed. And had the only thing that I would ask, sir, is if perhaps the committee would consider a tabling motion and I would offer we do have an extensive break between now and our next meeting, I would be happy to see if there is a way that our offices could sit down and see if maybe this is not a matter that could be worked out administratively rather than through a piece of legislation.

CHAIRMAN MONTANO:

Well, Legislator Cilmi, are you upset about something?

LEG. CILMI:

I'm not upset at all, I'm not upset at all.

MR. VAUGHN:

I apologize for that.

LEG. CILMI:

This is just another means of --

MR. VAUGHN:

Sure.

LEG. CILMI:

-- making things more transparent for us and for the public. That's all. It's no big deal. I'm not upset about anything. It's, you know, I wasn't, you know, if I needed information on a bill, I always get it, that's not a problem. This just would make it simpler. It'd all be right there and I don't think the extra cost is so significant that, and the extra work is so significant that it --it, you know, it overshadows the value of having appraisals on property that we're basically giving away. That's all.

CHAIRMAN MONTANO:

All right. Is there -- Legislator Calarco, are they going to your committee or I think they're split between yours and mine.

LEG. CALARCO:

They're split.

CHAIRMAN MONTANO:

Right.

LEG. CALARCO:

I get the affordable component and you get all the others.

CHAIRMAN MONTANO:

Legislator Cilmi, I share the concern, you know. I've done a lot of real estate over my years and I'm not quite sure that when transferring to a municipality that I want to burden the Real Estate Department with going through an appraisal. If the bill didn't have that I would have no issue. But number one, I think you said, just to be clear, that we would prefer these appraisals to go in-house, which means that that preference may not always take place so we might have to expend money later on down the road to do appraisals. If it were going to, you know, like auction or something, it's a whole different ball game, but to give something to the Town of Islip for -- under the 72-h Program, I don't feel I feed the appraisal, I'd like to know how much the County invested in that. I think that's something we should know and the other issues are certainly things. Would you be willing to, you know, delete that from the bill or you want to vote today? I mean, I don't want to

pass something just to pass it because we have an instant gratification to have a bill. I'd rather have it so that everybody's --

LEG. CILMI:

Yeah, I have no need for instant gratification. I think the appraisals important.

CHAIRMAN MONTANO:

And you're not upset also.

LEG. CILMI:

And I'm not upset.

*(*Laughter*)*

And I appreciate the committee's deference today. I think the appraisals are important. Legislator Calarco said we've done about 20, you said.

CHAIRMAN MONTANO:

Twenty-one.

LEG. CILMI:

Twenty-one. Even if -- even if you had to pay for every single one of them, if the average price for the appraisal's a couple of hundred dollars --

CHAIRMAN MONTANO:

No, it's actually probably more.

LEG. CILMI:

-- you're talking about \$4000, and, of course, if you paid for every single one of them. And I'm sure Wayne could -- we would do most of these in-house. Is that a fair statement?

MR. THOMPSON:

In usual circumstances we could, but if there's a parcel coming up that was extremely unusual, we would have to put it out.

LEG. CILMI:

Of course, right.

MR. THOMPSON:

Would you be acceptable to a range rather than exact value?

LEG. CILMI:

Sure.

CHAIRMAN MONTANO:

Would that make it easier for you?

MR. THOMPSON:

It makes it easier for the appraiser to say it's worth someplace between 100 and 125,000 rather than saying it's 100.

CHAIRMAN MONTANO:

Right, but how would he base that on? Wouldn't he have to do an appraisal?

MR. THOMPSON:

Well, to a certain extent he could but he might be able to use our in-house auction sales or existing data that he can get from Real Estate, other offices.

CHAIRMAN MONTANO:

Okay. Legislator Lindsay has some questions.

P.O. LINDSAY:

Yeah, not so much a question, just go along with Tom's suggestion. I would, I don't know if we have a tabling motion, but I'd be happy to make it and to look at this whole issue a little bit further and address it in the new year. And the one thought is if it isn't a housing parcel, we try to get our cost back on as far as back taxes, if we had to do an appraisal, why can't we have the recipient of the property pay for the appraisal? Then it's no cost to the County.

LEG. CILMI:

Makes total sense.

CHAIRMAN MONTANO:

So you want to table it to put that in there?

LEG. CILMI:

If we could find a way to that in the bill, I think that makes absolute sense.

CHAIRMAN MONTANO:

That's a good idea. All right. So the problem is that we don't have time to amend it for the next meeting. So you'd have to table it.

LEG. CILMI:

It's all right. I'm in no rush.

CHAIRMAN MONTANO:

Okay. So we're going to withdraw the motion to approve; am I correct? Motion to table. All in favor? Opposed? Abstention? Motion carries. **TABLED (VOTE: 6-0-0-0 - P.O. Lindsay included in the vote)**

TABLED SUBJECT TO CALL

We have item seven, tabled subject to call. I am informed IR 1951, **(Directing a claim for MTA tax refund.) (Romaine)** I am informed that all of Mr. Romaine's pending bills have been *stricken*.

We are adjourned.

(*THE MEETING WAS ADJOURNED AT 12:54 P.M.*)