

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, March 7, 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
Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - County Executive's Office
Dennis Brown - County Attorney's Office
Paul Perillie - Aide to Legislator Gregory
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Wayne Thompson - Department of Environment and Energy
Dot Kerrigan - AME
Lisa Scott - League of Women Voters
Nancy Marr - League of Women Voters
Mary McLaughlin - League of Women Voters
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:13 A.M.*)

CHAIRMAN MONTANO:

We're going to call the meeting of the Ways and Means Committee to order pending -- we are waiting for Legislator Kennedy. We are going to start with the Pledge of Allegiance led by Legislator Stern.

SALUTATION

CHAIRMAN MONTANO:

Thank you. You may be seated we are going to get right into the agenda.

CHAIRMAN MONTANO:

There is some correspondence that was handed out to members of the committee. If you need, I'll give you a copy for the record. I have a letter dated February 9th, 2012, addressed to myself from David Besso. And he basically states that there will be -- "Please be advised that approximately 50% of the budget for the 2012 assigned County -- Suffolk County assigned counsel defender plan has been expended to pay a majority of last year's vouchers and a portion of those received in 2012. There's approximately 1.8 million remaining in the budget. This will obviously present a problem in that I anticipate we will most likely run out of money by June of this year." We will have to deal with that issue as we did last year.

The second correspondence -- was there another letter from Matt Pachman on this issue or from someone else?

MR. MARTINEZ:

No, not for this issue.

CHAIRMAN MONTANO:

I did speak with Matt Pachman who is the Chairman of the Suffolk County Bar Association, and he expressed the same concerns in terms of the 18B money being depleted prior to the end of the year. It's an issue, again, we're going to have to deal with. The other letter I have is dated March 5th, 2012. It's from the League of Women Voters, Lisa Scott. I think you have a copy. It's sort of self-explanatory. It deals with the bills that are presently before this committee on redistricting. Thank you very much.

We have members of the public that wish to address the committee. First one is Lisa Scott representing Long Island League of Women Voters, and she's going to be discussing or addressing us on the redistricting committee bills. Lisa, step forward, welcome.

MS. SCOTT:

Thank you, Mr. Montano. Again, I'm Lisa Scott, I'm President of the Suffolk County League of Women Voters. You have all received the correspondence. I'd just like to call your attention to a few of the elements of the letter. The letter was composed and approved by our board. We were fairly quiet and tried to work behind the scenes to ensure the success of the commission. However, we felt that at this state with the introduction of Presiding Officer Lindsay's bill and Legislator Kennedy's new bill to revise the Charter Law, we felt our attention needed to be devoted to this publically.

That law, the original law in 2006-7 was groundbreaking and historic for our County. And the League of Women Voters had worked very closely with the Legislature and the County Executive at that time. We urge our Legislators to act now to allow this Reapportionment Commission to do its work as an independent body and not return to a partisan system, which might be driven by the

Legislature itself.

Many people have asked why the commission has been unable to produce a result in the allotted the original Charter Law. The law itself wasn't realistic about the time allotted. The Census data was not available in time for a February 2012 deadline, and the commission has to wait until the New York State Assembly has fixed the boundaries of the election districts, which as you all know, has not yet happened. There were actions and inactions which served to delay, disable and deny some services to the commission. One is the inexcusable absence of qualified and legal Republican appointees, which has been a problem since last summer and is still not fully resolved.

And also, there is an issue of the reluctance of the Legislature to supply mandated support and some technical assistance for the commission's work as well as, in our view, the absence of bipartisan and engaged champions for the commission in the Legislature. We believe that the citizens of our County deserve better. The Legislature has been progressive, inspiring and concerned for the welfare and rights of all our County residents. The Reapportionment Commission awaits the full set of qualified Republican appointees. In the meantime, it is striving mightily to collect the full mapping information. We urge you to let them do their job since the County redistricting will not actually be needed until the 2013 Legislative election. And please let nonpartisan structural reform happen. Thank you.

CHAIRMAN MONTANO:

Thank you, Lisa. Twelve seconds to spare. I just wanted to say that prior to that 2006 legislation, the Legislature did pass redistricting reform, and then it was modified in 2006. But the way the law stands now -- and I was the author of the first redistricting bill -- what it requires is that redistricting be done six months within the publishing of the census.

Now, the committee -- the second bill delayed that until we can have a plan, etcetera, etcetera, but the Six Month Rule is still in effect, it's still good legislation. Just for the record, we spoke earlier, and my position -- I don't know what my colleagues' position will be -- but my position is that I'm simply prepared to table the bills, the two bills. One has to be tabled for public hearing, that's the Lindsay bill. And the bill to extend the timeframe for the committee, I'm prepared to table that. I don't know what my colleagues are going to do, we will see.

But at the same time, I'm also very clear that I will not ask the County Attorney to implement or to seek the intervention of a court-appointed master to redraw lines at this point, because I think it's premature. So we'll take that up when the bills come before us. But my feeling is that -- you're right, we're not in a particular hurry, because we don't have to deal with this until 2013, and unfortunately, the State can't get their act together in terms of doing a plan and coming out with fair districts. I've also spoken with Legislator Kennedy, and I've told him, in the interim, I believe that the committee that was appointed to craft lines for the Legislature, that they should continue working and come forward with your plan as soon as you can get it together. Okay?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Yes. Go ahead, Legislator Kennedy.

LEG. KENNEDY:

Thank you. Thank you for those comments. Thanks, Ms. Scott for being here to go ahead and speak with the League's support. Just to add, through the Chair, the committee has met, has done yoman's work. We've furnished them with some of the material that most recently was made available through our Planning Department, a universal census for the County, actuals for each of

the Legislative districts. We have had a new addition to the committee; Matt Pachman, President of the Suffolk County Bar Association has actually been appointed as the good-government representative or the government services representative.

The committee seems to be engaged and operational. And I concur with you that certainly we are embracing the spirit and the intent of what our prior colleagues came to and adopted in letting the process go through. And as you point out, as of today, the State Legislature ironically has not adopted the final lines for any of the categories that they are charged with adopting.

CHAIRMAN MONTANO:

Have they introduced lines?

LEG. KENNEDY:

Well, there apparently are a whole bunch of different, you know, iterations floating around out there, but from Congress right on down to the Assembly, there's no finality there whatsoever.

CHAIRMAN MONTANO:

Right. We've been following that very closely. The Federal master has issued proposed lines for the Congressional seats, but I understand that no redistricting plans for the Senate and the Assembly have been introduced in the Legislature at this time. Don't ask me why. Okay. Moving on, we have Nancy Marr. Nancy, also from the League of Women Voters, I guess you are going to reiterate some of the points that Lisa made. Go ahead, I'm not going to clock you.

MS. MARR:

My name is Nancy Marr. I am member of the League of Women Voters and the League representative to the bipartisan reapportionment commission. And I just want to repeat that the Commission members are eager to continue to play out the concept of a commission that can approach the task of redistricting as an independent body, and we are working on it. We have most of what we need. We are working with Jim Daly from Geographic Information Services. He has software, and we will need some help -- some technical help in using that software. But he has met with us helpful, and he has offered us something very helpful. We also do have to wait for the New York State Assembly lines to be drawn. But we are eager to continue, and we welcome your support. Thank you.

CHAIRMAN MONTANO:

Can I ask a question? Maybe I can ask this to Legislator Kennedy. John, why do they have to wait for the Assembly lines to come out? I mean, plans could be done on the computer without --

LEG. KENNEDY:

That is much of what the committee is doing at this point. However, as you know, the final adopted Assembly lines govern the makeup and composition of Electoral Districts and the committee members that actually wind up populating those Electoral Districts. So as you further know, our Legislative Districts are likewise comprised of a number of Electoral Districts, and absent finality on the Assembly lines, there is an element of certainty regarding EDs or LDs. So until we get, in essence, final Assembly lines in EDs that comprise that Assembly District, all else from there is a question. There's no degree of finality.

CHAIRMAN MONTANO:

All right. But the issue is you can draft preliminary lines based on the census-tracked data, and then once the EDs come in, you can make your modifications accordingly. But that's no reason not to come out and start drafting and crafting the lines that comply with the Voting Rights Act, the compact lines. You just base it on the census track. There's plenty of programs out there that do that. I, myself, have been in contact with the LatinoJustice in the city looking at some lines. We're

aware of the Common Cause lines. That should not be an impediment for you to start, you know, doing your work.

MS. MARR:

You are correct. We couldn't finalize them until that point.

CHAIRMAN MONTANO:

Okay. I gotcha.

MS. MARR:

In some counties, they have proceeded, and then the Board of Elections is the one who has to finalize it. So I guess we will be working with them. There are discrepancies between the lines from the Board of Election and the census data that I think I talked to Anita Katz about. I don't know what's going to happen with them. But there are places where the two lines diverge.

CHAIRMAN MONTANO:

If you have a problem, any issues come up, please feel free to call my office, and we'll inquire of Anita. You know, we have some familiarity with that, whatever we can do to expedite this process. When the time comes, we want to get the lines out as quickly as possible. Thank you. Mary McLaughlin. Go ahead, Mary.

MS. MCLAUGHLIN:

Mary McLaughlin, and I'm on the Board of the Suffolk County League of Women Voters and a regular observer of the Legislature as you probably know. I just wanted to underscore what my colleagues have said and let you know that the five leagues in Suffolk County; Brookhaven, Hamptons, Huntington, Shelter Island and Smithtown have all been a part of this letter that our president, Lisa Scott, sent to you. And we are all very much concerned and hope that this commission can go forward and make this County shine as they did when the bill was first passed. We were the first county in the State of New York to have a nonpartisan/bipartisan commission. And it would be a disaster, I think, for the reputation of the County to let it fail. Thank you.

CHAIRMAN MONTANO:

Thank you. All right. Is there anyone that wishes to address the Legislature? Okay. Hearing none, we are going to move along. We hadn't scheduled a presentation, but I believe that -- I've been informed that -- is Connie here? Connie Corso from the County Executive's Office, are you with Brenda Sloan? And you're with whom now? What -- why don't you come forward, have a seat. And state your name and affiliation for the record.

MS. SLOAN:

My name is Brenda Sloan. I'm here with the Suffolk County Comptroller's Office. Mr. Sawicki sends his apologies that he couldn't make it. And I'm sure that you may be aware that Christina Capobianco, she just lost her father, so she's not able to be here today.

CHAIRMAN MONTANO:

No, I wasn't aware. Please offer my condolences. We'll be on the lookout for her. I'm very sorry to hear that. Thank you for telling us. Connie, how are you?

MS. CORSO:

I'm very good. Thank you. We are here today because we have just an Certificate of Need for the resolution to authorize the issuance of a Revenue Anticipation Note, commonly known as a RAN.

CHAIRMAN MONTANO:

Is that on the agenda?

MS. CORSO:

It's not on the agenda, but we felt that we wanted to give the Legislature a head's up that we were filing a CN.

CHAIRMAN MONTANO:

Okay. Do you want to make a presentation, then we will ask questions, or you want us to ask questions?

MS. CORSO:

I think I'd prefer if you asked questions.

CHAIRMAN MONTANO:

Thank you for being brief, we appreciate that. Quick question. How much is the RAN this year?

MS. SLOAN:

The resolution is for 90 million.

CHAIRMAN MONTANO:

Ninety million, okay. And that's going to take us -- for how long a period of time do you anticipate we can use this money before we have to come back and do another RAN, if at all?

MS. SLOAN:

Well, we would borrow the RAN for a period of either nine months or 11 months, and it would be paid back in 2013. In 2013, we would have to reassess to see if we would need to issue another RAN at that point.

CHAIRMAN MONTANO:

Oh, boy. Lynne said, "Rick," first, John Kennedy raised his hand, Steve Stern raised his hand and then Schneiderman. Go ahead, Lynne.

LEG. NOWICK:

This is a revenue anticipation. Is this anticipating the revenue from sales tax?

MS. SLOAN:

No, it's revenue anticipation for Federal and State aid.

LEG. NOWICK:

Oh, okay. Thank you.

CHAIRMAN MONTANO:

John. Legislator Kennedy.

LEG. KENNEDY:

Thank you. I'm sorry, I was a little distracted. I think you did just talk a little bit about the interest rate associated with this. So then, why don't you, if you would, please, for me, because I always get a little confused between the TANS, the RANs and the BANs. All of them are financing instruments that are less than 365 days, I believe. In this case, as you said, this is a financing tool in anticipation of State and Federal aid?

MS. SLOAN:

That's correct.

LEG. KENNEDY:

Okay. Do we have specific categories of aid that we're anticipating receipt and receipt by a particular time?

MS. SLOAN:

No, it's all Federal and State aid for the 2012 year.

LEG. KENNEDY:

Okay. Then that portends another conversation, I guess. But first, let's stay on this. Today, without having had any reaction yet from this tsunami that we heard yesterday, what's the guesstimate on what the rate of interest is going to be with this vehicle?

MS. SLOAN:

The financial advisers are saying that we could expect to pay about one-and-a-quarter percent.

LEG. KENNEDY:

Okay. Obviously, again, you know, not a bad price, but who knows -- if you go out for -- I think you are looking for authorization of 90, the Comptroller said yesterday probably only 70 to 75 that will be needed. So if we're talking about 75 million, you have what, a \$75,000 cost on it? Is that about how the math shakes? I'm off on a point. All right, 750,000.

MS. SLOAN:

Depending on the time period, based on 11 months, I think it would be about 1.4 million.

LEG. KENNEDY:

One point four.

MS. SLOAN:

For the 90 million.

LEG. KENNEDY:

Okay. Brenda, let me shift then to ask both Gail and Connie, we went through a bit of a debacle last year in receipt of State aid. Has that process been rectified, or are we still looking at, you know, delays?

MS. VIZZINI:

I'll defer to Connie.

MS. CORSO:

At that point, the State had owed us -- Federal and State aid pass through of about 192 million. Currently they only owe us about 40 million. So that has been rectified. And I thank you for your cooperation and your assistance there.

LEG. KENNEDY:

No problem at all. As a matter of fact, I'm glad you brought it to our attention. It helped us, I believe, dodge a bullet last fall. So your sense -- your experience is, in other words, claims are being processed and that lag had shrank considerably?

MS. CORSO:

Yes. The State has been extremely cooperative.

LEG. KENNEDY:

Okay. All right. And so we will see this on Tuesday. The authorization will be issued just like we

did last year. Will you then come back to us and tell us though when you actually do issue it, or?

MS. SLOAN:

By your request, we can let you know.

LEG. KENNEDY:

Yes. Through the Chair, as a matter of fact, I would like to know how that audit ultimately goes. Thank you.

CHAIRMAN MONTANO:

Quick thing, Legislator Kennedy. On this side, we know what the RAN is, we know what the TAN is, but we don't know what the BAN is.

LEG. KENNEDY:

Budget anticipation, I believe, right?

MS. SLOAN:

No. It's a bond anticipation.

CHAIRMAN MONTANO:

Oh, Bond Anticipation Note, okay. Now, I understand that this is the first time in 20 years that we're issuing a RAN.

MS. SLOAN:

Yes. In the early '90s we did issue RANs, but we haven't since then.

CHAIRMAN MONTANO:

Quick question before I pass it on to Legislator Stern. The money that we are going to use to pay this back, the State and Federal aid, is this anticipated State and Federal aid, or is this State aid that's already been appropriated, but we just haven't received it? There's a difference; am I correct?

MS. CORSO:

There's a difference because the State allocates the State aid quarterly. So it's anticipated -- in the budget, but it hasn't been appropriated by the State yet.

CHAIRMAN MONTANO:

Which budget, because the budget hasn't been --

MS. CORSO:

It's in -- the budget is good through March 31st. So it is in the budget.

CHAIRMAN MONTANO:

Right. So is this money that we are receiving from the budget that's good until March 31st, or is this money that we're going to be anticipating from the April 1st, assuming the State passes its budget April 1st. Do you understand my question?

MS. CORSO:

I absolutely understand your question.

CHAIRMAN MONTANO:

What's the answer?

MS. CORSO:

The answer is it's on the anticipated budget. It's kind of both. It would be '11-'12 and '12-'13.

MS. SLOAN:

It's on the 2012 portion of those.

CHAIRMAN MONTANO:

All right. So basically we are borrowing against money that we think we're going to get from the State, we probably will get from the State, but until the State passes a budget, we don't know for sure that we're getting this aid; am I correct?

MS. CORSO:

The amount is so large compared to the -- the amount of State aid and federal aid that we get, you know, far outweighs -- the borrowing power here is \$476 million, and we're borrowing 90, you know, potentially up to 90 on 475 or 476 million.

CHAIRMAN MONTANO:

So the translation, that we should have sufficient State aid under any scenario to pay back this money?

MS. CORSO:

Absolutely.

CHAIRMAN MONTANO:

Okay. Legislator Stern.

LEG. STERN:

Most of my questions were asked and answered. Thank you for that. But how did you arrive at the number of 90? Does that represent a floor or a ceiling or a certain percentage? How do you arrive at that number?

MS. SLOAN:

The 90 million is based on our cash flow projections for 2012 in discussions with the Treasurer's Office. Currently, we have projected to borrow 70 million in the current cash flow. We're asking for the 90 million so we have some leeway to determine what we need to borrow, you know, when we reach that point in May.

LEG. STERN:

So what you're asking for then is the authority, the ability to go up to 90, and we don't start to pay any interest on the bonds until you actually pull down from that money as necessary.

MS. SLOAN:

Until we would borrow the money in May. And the Comptroller will only issue, you know, what we feel is necessary at the time.

LEG. STERN:

Very good. Thank you.

CHAIRMAN MONTANO:

Okay. Legislator Kennedy has a follow-up question. And I believe -- Legislator Schneiderman, did you have any questions?

LEG. SCHNEIDERMAN:

Yes.

CHAIRMAN MONTANO:

Okay. John, go ahead.

LEG. KENNEDY:

I'll make it real quick. And again, this is for probably Connie and Gail more so than you Brenda. Why now? Why are we looking at this letting at this time period?

MS. VIZZINI:

All four financial offices have been meeting since the end of last year, the beginning of this year. And as was pointed out yesterday, not only is there a sobering budget shortfall, but there's an interrelationship with -- revenues are not keeping pace with expenditure.

So based on the projections, we are extremely fragile in the April/May timeframe. So similar to last year when we also recognized that fragility, we sought your approval for 80 million, we were able to make some -- we did some moving and grooving that we ultimately did not have to move forward on the RAN. But the cash situation has become even more fragile, and all four offices believe that we will definitely have to do the RAN or there will be other expenditures or commitments that we will not be able to pay, and we don't want that to happen.

LEG. KENNEDY:

Give me an example of some of those expenditures or commitments.

MS. VIZZINI:

Well, payroll is one of the largest commitments that we have.

LEG. KENNEDY:

That's a commitment we must meet every two weeks. And right now, on average, that's going at 31, 32 million, something of that magnitude.

MS. VIZZINI:

On average it's about 60 million, and then you have -- you know, various bargaining units have other special payrolls that add to that and bring it up to the 80 or 90 millions. I'm just trying to remember from Brenda's monthly cash projections, but, you know, the union workforce and exempts, you know, you have longevity payments, you have retro payments, you have overtime payments.

LEG. KENNEDY:

But in essence, absent this, in the early part of April, we would, in essence, have people coming to work without getting paid.

MS. VIZZINI:

I don't even know that we could go there, but if you're asking me for an example of why we need \$90 million, the most likely response is to continue to pay our obligations. And that's one of the biggest.

LEG. KENNEDY:

Good. Thank you. Again, thank you, Legislator Schneiderman, thank you, Mr. Chairman.

CHAIRMAN MONTANO:

You are welcome. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Chair. I'm not on the committee, but thank you for recognizing me. This is obviously an important issue to us in the County.

Typically in the past -- you know, last year we had cash flow problems as well, but we were able to move money about by borrowing against funds within the County and then paying those back. We did do the authorization for the RAN last year, but I'm happy that it wasn't necessary.

So when we talk about borrowing up to \$90 million of 2013's money, we're actually basically saying we have a \$90 million hole potentially this year, and we're pushing it to 2013 where, of course, we'll have a new budget, but we're going to have to figure out a way to close that hole, because that 90 million, would it belong to 2013, we would have need it in 2013. So we're shorting 2013 to get through 2012; is that correct?

MS. VIZZINI:

Not exactly.

LEG. SCHNEIDERMAN:

Okay. Explain why that's not accurate.

MS. VIZZINI:

Well, when you use the term "hole" as you and I have often talked about this, you're talking budget. The budget hole is, you know, depending on the assumptions that you make, a very large number. Cash is related to budget, but not the same. This is to address a cash flow problem.

One of the reasons our cash is so fragile is the use of the Tax Stabilization Reserve Fund as a one-shot to the General Fund without replenishing the cash there. One of the very sobering things we have discussed in our joint sessions is that normally it's not really until March that the Treasurer will have borrowed maybe \$75 million from within the County funds. It was February, and she had already exceeded that. Meaning that our expenditure obligations, our demands, were, like, one month ahead. And there's considerable concern.

When we put together the 2013 budget, which is probably what we're going to be deliberating as of yesterday, because of yesterday's announcement, we will have to take a really hard look in terms of what expenditures we include and what revenue we include in there. But this is specific to cash.

LEG. SCHNEIDERMAN:

But, Gail, you had warned us when we were putting together the budget that there were unrealistic expectations, that revenues were not probably going to come in as anticipated and expenses were understated and that there could be a hole in the 2011 budget. Is this indicative of that hole, that suddenly, we don't have enough cash to meet all of our obligations, we're short by potentially up to \$90 million, and if we do this RAN, which we haven't done since the '70s, we'll get through the year, but we're going to have to deal with it in next year's budget? It seems like that's a fair assessment?

MS. VIZZINI:

We didn't do the RAN -- the last time we did the RAN was '92 -- '93, it was not the '70s. Even I don't remember the '70s. Well, from the perspective that we need more cash, we do. So, you know, from a cash-only point of view, we need to be mindful of our reserve funds. They need to be replenished. That may not be our very first priority in order for us to get away with just borrowing from ourselves rather than going out to market for the RAN. But the cash flow projections are kind of fragile for 2013 also, but very preliminary.

LEG. SCHNEIDERMAN:

If we did do this RAN, then we would somehow have to cut out of our current budget \$90 million, something like that, in anticipated expenditures?

MS. VIZZINI:

Again, we want to fast forward the continuity between revenue and expenditures. We will get the 90 million in State aid, but not when we need it. We have obligations in April and May that we need to meet.

LEG. SCHNEIDERMAN:

But that lag in State aid has always been there, right, that's nothing new, right, that's historically been there. What is new is that we're borrowing against it.

MS. VIZZINI:

I think municipalities at all levels have cash flow problems. And last year, the State aid flow created more of a problem for us than this year. You know, as was asked and answered, this is not because the State is behind in any way on State aid. It is because we have maximized our borrowing from inter-funds, we have legal requirements to pay back within certain timeframes, and we have legal requirements to reserve, set aside money to pay back the TANS, the DTANS, and we will have do the same for the RANS. So the sun, the moon and the stars are not quite lined up. We will need this influx of \$90 million so we can pay our bills.

LEG. SCHNEIDERMAN:

But it does create a problem in 2013.

MS. VIZZINI:

Well, we have a budgetary problem in '13, we know. And cash is related to that.

CHAIRMAN MONTANO:

Gail, quick -- thank you, Legislator Schneiderman -- quick question. We looked up the Bond Anticipation Note, and the definition is a short-term interest-bearing security issued in the anticipation of future -- of larger future bond issues. Have we issued any BANs recently. How does that work? I'm not sure I get what that's all about?

MR. LIPP:

Bond Anticipation Notes are not like what we're talking about now. What we're talking about now is cash flow borrowing. Those are RANs, TANS and DTANS. Bond Anticipation Notes are basically -- is a note for within a year in anticipation of either paying it back or issuing a serial bond, a long-term serial bond. We've done it recently when we did the fiscal stimulus by the Federal Government, the ARRA, that we pushed a lot of money out the door, and we didn't have enough money to advance the funds so we had to issue Bond Anticipation Notes.

CHAIRMAN MONTANO:

And then we had to go and issue a bond to pay off the Bond Anticipation Note?

MR. LIPP:

Yes, but it's normal. Whether it's the short term.

CHAIRMAN MONTANO:

Extended. Okay. So it's sort of like a bridge loan?

MR. LIPP:

Bridge loans are serial bonds for capital projects. This is not that. This is for cash flow purposes.

CHAIRMAN MONTANO:

What is for cash flow -- no, we got that. We're not on the RAN. We're off that. We're just talking about the Bond Anticipation Note.

MR. LIPP:

That's capital.

CHAIRMAN MONTANO:

Okay. Gotcha. Thank you. Legislator Stern.

LEG. STERN:

This is for 90, we anticipated less than that, but have the ability to go up to that. What happens in the event that you need more later on in the year? In what way, if any, does doing this now for this amount and up to this limit impede the ability to consider this type of a thing later on in the year?

MS. SLOAN:

I don't think it does. I mean, if it was necessary, we'd have to come back to you and get approval for a second RAN. According to our projections, we don't believe that that would be necessary, because up to 90 million should be enough to get us through 2012.

LEG. STERN:

You don't see there being any inability to go out later on if that became necessary to the capital markets.

MS. SLOAN:

I don't believe that there is. And I think back in the '90s, there were some overlapping RAN issues. But like I said, we are not projecting that.

CHAIRMAN MONTANO:

Okay. Brenda, thank you very much. Good job. Connie, good seeing you again. We appreciate you coming. Give our condolences to Christine.

MS. SLOAN:

I will. Thank you.

CHAIRMAN MONTANO:

Thank you. All right. Moving right along. Page Two. We'll go through this very quickly because we have some people we want to bring forward.

TABLED RESOLUTIONS

1005, To reduce the printing costs associated with the County's Direct Deposit Payment System. (Cilmi)

I have a note here, table by sponsor. I'm going to make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0)**

1007, Requiring County Departments to post promulgated rules and regulations on departmental websites. (Cilmi)

I am going to make a motion to table, seconded by Legislator Stern. All those in favor? Any other motion? All those in favor? Opposed? Abstentions? Motion carries.

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

One opposed. **TABLED (VOTE: 4-1-0-0 Opposed: Legislator Kennedy).**

1008, Adopting Local Law No. -2012, A Charter Law to amend local legislation filing requirement. (Pres. Off.)

By the way, is Mitch Pally in the audience? I did get a call from him on this. This has to be tabled for -- no public hearing is closed. Okay. I will make a motion to approve, seconded by Legislator Stern. Any other motions? Any discussion? Does anyone want an explanation? All right. Hearing none, there's a motion to approve, no other motions. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)**

1009, Adopting Local Law No. -2012, A Charter Law to clarify Presiding Officer's authority to establish and appoint special legislative committees. (Pres. Off.)

The public hearing is closed. I will make a motion to approve, seconded by Legislator Stern.

LEG. KENNEDY:

On the motion.

CHAIRMAN MONTANO:

On the motion. Let's get an explanation for the record from Counsel and then you can ask the questions. First we'll do Legislator Kennedy, then Legislator Nowick.

LEG. KENNEDY:

Thank you.

MR. NOLAN:

All this bill does is it amends the Administrative Code to state expressly that the Presiding Officer has the authority to establish special committees of the Legislature and appoint its membership.

Right now, the Presiding Officer, you know, we believe has that authority under our rules, but you may recall, there was a lawsuit a couple of years ago regarding the special committee that was established on ethics. One of the challenges, legal challenges to that was that the Presiding Officer lacked the authority to establish special committees of the Legislature. So it was determined it would be wise to establish that principle by Local Law in addition to our rules to avoid that type of challenge in the future.

LEG. KENNEDY:

Okay. Mr. Chair, can I follow up with Counsel then?

CHAIRMAN MONTANO:

The floor is yours.

LEG. KENNEDY:

Okay. Thank you. Having been one of the members of that Ethics Committee along with Legislator Nowick, Legislator Stern at one point, you know, I'm always in favor of belt and suspenders when there may be some ambiguity there, but clearly, the Presiding Officer had inherent authority to convene groups of us as Legislators for particular purposes and missions. The Charter gives him broad authority in the first instance.

MR. NOLAN:

Actually there is a bit of ambiguity, because under New York County Law, the County Law states that the Legislature has the authority to establish special committees, and that that was argument that was raised. We, by Local Law, can supercede anything that's in the County Law, but we should do that by Local Law, not through our rules. So there is some ambiguity, which I think we should resolve by putting this in the Administrative Code under the Presiding Officer's authority.

LEG. KENNEDY:

Was the litigation that was brought, George, was there any kind of ultimate determination or was it withdrawn?

MR. NOLAN:

No, there was a determination. Essentially, the Legislature prevailed. But on that particular issue in terms of the authority of the Presiding Officer to establish special committees, there were a couple of Legislative resolutions that the court found had given the imprimatur of the full Legislature to that special committee. So, again, that's why I believe the Presiding Officer proposed this. I actually suggested he do that so that this not be a question in the future.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN MONTANO:

Thank you. Legislator Nowick.

LEG. NOWICK:

Actually, I was going to ask the same question. I thought that the Presiding Officer -- that was a question -- I thought he already had the authority, but from what I'm understanding, this just solidifies it. So, thank you.

CHAIRMAN MONTANO:

Okay. Any further discussion? Any further motions? All those in favor? Opposed? Motion carries. **APPROVED (VOTE 5-0)**

1012, Adopting Local Law No. -2012, A Charter Law to require legislative approval of Department Rules and Regulations. (Cilmi)

The public hearing was recessed, so I'll make a motion to table for public hearing, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 5-0)**

1017, Adopting Local Law No. -2012, A Charter Law to promote openness and participation in legislative business. (Cilmi)

Public hearing was closed. I'm going to make a motion to table.

LEG. KENNEDY:

I'll make a motion to approve.

CHAIRMAN MONTANO:

All right. I need a second on either motion.

LEG. NOWICK:

Second to table.

CHAIRMAN MONTANO:

We have a second for the tabling -- I mean, the approval. Oh, table. You second to table. Sorry. Gotcha. I need another cup of coffee. We need a second for the motion to approve; am I correct, Legislator Kennedy?

LEG. KENNEDY:

Yes.

CHAIRMAN MONTANO:

Do we have one? Hearing none, we will take a vote. If anyone wants an explanation before that, let me know now. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

One opposition. **TABLED (VOTE: 4-1-0-0 Opposed: Legislator Kennedy)**

INTRODUCTORY RESOLUTIONS

1062, Appointing member of Suffolk County Board of Ethics (Thomas A. Isles). (Pres. Off.)

Tom, you are in the audience, I see you back there. You want to step forward? I'm also going to move -- we have another appointee -- perspective appointee to the Ethics Board. And we'll bring her up next. We'll take that resolution out of order. You can have a seat Tom. Good morning, Tom. How are you?

MR. ISLES:

Good morning, Legislator Montano.

CHAIRMAN MONTANO:

For the record, why don't you, you know, identify yourself again, affiliation, and tell us -- does everybody have the resume or does anyone need the resume? Tom, go ahead, do your introduction.

MR. ISLES:

Thank you, Legislator Montano and Members of the Ways and Means Committee. It's a pleasure to be back. It's been a year since I've been here.

By way of background, I went to school for city planning at Rutgers University. That was my love I discovered when I was in high school, and that's the career I pursued. I subsequently got a Masters Degree as well from Stony Brook and proceeded in 1979 to work in the public sector in the

planning field, and then became the Director of Planning for the Town of Islip in 1987. And then in 1991, I became the Commissioner of the Department of Planning and Development in the Town of Islip, which I held until 1999. So at that point, I served as a department head for about 12 years at the town level.

I then went to the Cayman Islands for two years working as the Deputy Director of Planning for that country. I then came back as Director of Planning for Suffolk County under the Gaffney Administration in 2001. I was then asked by County Executive Levy to stay on when he assumed office in 2004. I continued as the County Planning Director until March of 2011. I did retire at that point.

In terms of what I've been doing since then, I have been involved in a lot of personal things that I've wanted to get caught up with and pursue. I've also been volunteering for two organizations, one of which I've been doing a fair amount of time to and I've enjoyed it tremendously, and then one a little less time to, but still enjoy it as well. So in a nutshell, that's my background. And certainly, if you have any questions, I will try to answer those questions as best I can.

CHAIRMAN MONTANO:

Before we have any questions, I just want to read into the record the qualifications for the position as I understand in the legislation, that's Section 30-2, Membership on the Board, Subsection B, "No more than three members of the board shall belong to the same political party, no person while serving as a member of the board shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office, appear as a lobbyist before the County or make a contribution to any elected official or candidate for a public office." Are you aware of those rules?

MR. ISLES:

Yes, I am.

CHAIRMAN MONTANO:

Okay. And you are in compliance with those rules?

MR. ISLES:

Yes, I am.

CHAIRMAN MONTANO:

Okay. Are there any questions from any members of the committee?

LEG. KENNEDY:

Mr. Chair, just one question.

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

Tom, nice to see you again, and thank you for offering to step forward to fill this position. You are a consummate planner. As a matter of fact, I had the great privilege to work with you on many different issues, and thank you for everything that you've done there.

The Ethics Commission is a little different than Planning though. And I labored hard with my colleagues when this bill was put together, and we had a particular vision for the role that our Ethics Commissioners were going to play when posed with a wide range of matters that employees or anybody else could bring to them. It's ironic that you have such deep detailed and good knowledge

of municipalities at the town and the County level, and yet, here we are now asking you to step into a position where you're really having to apply a little bit different body of knowledge and criteria. Tell me a little bit about how you see it, and in particular you're ability to be objective with facts that may be brought to you.

MR. ISLES:

It's an item I've thought about in terms of, obviously, I do have a history with Suffolk County in terms of having worked for Suffolk County. And I understand a couple of perspectives here in terms of how this could be approached; one being the standpoint of, you know, having outsiders come in and someone who's not been involved with the County. Well, I can see there's a definite advantage to that, somebody who is totally blind, so to speak, to local -- County Government and so forth and doesn't bring any attachment or any knowledge that would basically warp their judgement in any way. So I could definitely see that side of it.

I thought about this. And certainly, I was honored when Presiding Officer Lindsay asked me to stand in nomination for this position. I gave it a lot of thought, because -- and one aspect I think I can bring to this, obviously I trust the judgment of this body, the Legislature, in terms of what you deem to be best for this position, but in thinking about it and responding to Presiding Officer Lindsay, I think my time, my 32 years in public service, can be an asset and maybe a nice balance on the commission in terms of if it is primarily private sector, nongovernmental people, I think there's a strength and a quality to that.

I also think there may be a benefit in terms of I certainly do know the inner workings of running a department. I've done that. I do know that ethics deals with that vast gray area oftentimes in terms of judgements and being, at least on the inside and understanding that it's not all black and white. And in terms of analyzing, being objective, I've always tried to be nonpartisan, I'm not registered with a political party. Those types of things, I think are important.

So that's how I've thought about it in my end. I do appreciate the need to be objective. It's something I've tried to carry in terms of my duty to my job. And I'll just make the point too that as part of being a planner, I am nationally certified, I have been since 1983. We're bound by a Code of Ethics. We're required to take continuing maintenance credits to maintain our professional status, and that requires ethics training as well. I also volunteer with the local chapter of the American Planning Association. We've actually conducted a lot of those sessions, and I've been involved in doing that.

So whether -- you know, that's my background, my perspective. Here again, I'll trust completely your judgement as to what's the best fit, because I do know how important this is. It is very important, and you want to make sure the fit is right with what you're intending with this body.

LEG. KENNEDY:

Okay. You know, you articulated good rationale. And certainly, I'm please to hear that you've had CLE and in-service training in the whole category of ethics as it stands. And thank you for offering to come on board. Thank you, Mr. Chair.

CHAIRMAN MONTANO:

I have some comments, but any other Legislator that would like to question Mr. Isles?

LEG. STERN:

Just a quick comment.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

First of all, to our former Director, welcome. It's always good to see you. I think Legislator Kennedy brings up a very important point. And when you are creating a new structure in going forward, having a fresh look, outside looking in, is incredibly important. And when the former Director talks about whether or not he is the right fit, I think that is just one part of the question. Do you fit -- does anybody fit into a particular position? And then how does that position fit into the larger organization?

I couldn't agree more, I do think it's important to have outside -- a fresh pair of eyes, a fresh take looking in, but I think it's important to strike the right balance. And I think that our former Director has an invaluable institutional knowledge that I think can be helpful as a part of a larger group in making these very important decisions going forward. Director Isles, you've always been very professional and a pleasure to work with. And I look forward to supporting him as we go forward.

CHAIRMAN MONTANO:

Okay. I just wanted to point out for the record also, this is a compensated position as I understand the legislation. The members of the board shall receive compensation of \$200 for each board meeting they attend, however, it shall not exceed \$400 per month. You're aware of that?

MR. ISLES:

I am.

CHAIRMAN MONTANO:

Okay. What is your status, retired?

MR. ISLES:

Yes.

CHAIRMAN MONTANO:

Are you collecting a County pension?

MR. ISLES:

I'm collecting a New York State pension for my County service and my town service.

CHAIRMAN MONTANO:

I'm sorry. What was that.

MR. ISLES:

I'm collecting a New York State pension for my County service and my town service.

CHAIRMAN MONTANO:

Okay. Legislator Gregory, you had some questions.

LEG. GREGORY:

Thank you, Mr. Chairman. I was wholeheartedly in support of your appointment without reservation, and then you went through your background. I said, "Well, I don't know anymore." I say that tongue-in-cheek because you gave up a job in the Cayman Islands to work in -- really, I have to question your judgement.

But I think that -- I say that jokingly, but I think that can also can illustrate your commitment to public service. And it's important that someone with your commitment to public service be put in a position such as this so that you can be in a position to ensure the integrity of government officials

in the government. So I certainly will support your appointment.

MR. ISLES:

Thank you, Legislator Gregory.

CHAIRMAN MONTANO:

All right. Any other further comments or questions, because I have some? Tom, I had a conversation with Legislator Lindsay this morning. And I have to be very frank as I explained to Legislator Lindsay. I'm going to abstain on the appointment, but I assured him that it would go through committee and be voted on.

I respect and appreciate your service in the County. I think you are excellent planner. But from my perspective, having served in the County for so long and knowing so many of the players here, to be asked now to sit in on a panel such as this with no particular background in ethics other than what you said earlier, leads me to the conclusion that this is a County -- this is a Presiding Officer appointment, and I respect that. But from my perspective, I would like to see people with other backgrounds and less affiliation with the County come into such a delicate position.

So you are a professional, I'm a professional, and I'm sure that you appreciate where I stand on this issue. And for that reason, I have decided to abstain on the vote. I will leave it at that. So with that, we have a motion to approve. All in favor? Let's wait so you can have all the votes. Lynne, we have a motion to approve Tom Isles to the board. All those in favor? Opposed? Abstentions? I will abstain on this vote for the reasons I indicated. Thank you very much. **APPROVED (VOTE: 4-0-1-0; Abstention - Legis. Montano)**

Congratulations. We'll see you on Tuesday.

I will make a motion to take **IR 1177, Appoint member to the Suffolk County Board of Ethics (Heather M. Palmore, Esq.). (Gregory)**

Heather, I see you in the back. And I'm sorry that you've had to wait so long. Why don't you come forward and have a seat. You're probably thinking, after sitting here for an hour and 15 minutes, "Do I really want to do this?"

MS. PALMORE:

I'm fine with it.

CHAIRMAN MONTANO:

We need a vote first to take it out of order. Motion by Legislator Kennedy, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? Motion carries. We now have this resolution before us. Before we make a motion, I read your resume. I'm extremely impressed with your background, as we all are, but we do want to hear from you directly. Why don't you tell us something about yourself and why you want to take this position, and we'll take it from there. It's good seeing you again.

MS. PALMORE:

Okay. Nice seeing you. My name is Heather Palmore. I was born and raised here on Long Island, a resident of Amityville, New York, until I went to Cornell University in 1988. I graduated in 1992. During that time, I was a student at Yale University in the Graduate School. After I graduated from Cornell, I went to Syracuse University College of Law in which I graduated with a Jurist Doctorate.

Subsequently, after graduating, I became an employee of the Queens County District Attorney's Office and served under the Honorable Richard Anthony Brown as a prosecutor in his office. I left in

the Major Case and Crime Unit and became an associate at Conway, Farrell, Curtin and Kelly located on Wall Street, served as a partner there up until this past December. And I'm currently a senior trial attorney at the offices of James Perrier in Garden City in New York.

In terms of public service, I serve as the Chair of the Ivy Foundation of the Suffolk/Nassau County of the Chapter Alpha Kappa Alpha Sorority. I am member of the Links Incorporated, a host of other organizations in which I serve in leadership positions. During my tenure at Conway, Farrell, I was a compliance officer for the firm. I served in that capacity for five years during my tenure there. I'm a member of the Malloy College Board of Trustees where I serve on the Advancement Committee and also a member of the Energeia Partnership, academy for regional stewardship out of Malloy College, in which servant leaders of our community come together to discuss issues relating to Long Island as a region, such as land use, race, the media, energy and a myriad of issues that we come to speak about.

With that being said, as an attorney, I'm very much aware of ethics and the canons of ethics. It guides everything that I do every day, from the time I became a prosecutor up until this day. I'm familiar and fully aware of the ethical standards that attorneys are upheld to. I've also engaged in continuous, continuing legal education and have also worked as a presenter of the same to members of the New York State Bar.

CHAIRMAN MONTANO:

Thank you very much. Your specialty, I believe, is employment law?

MS. PALMORE:

Employment law, in addition to that, insurance defense. I've also practiced education law. And in that regard, I'm somewhat familiar with the area of municipalities; schools operating as municipal entities. Of course, my criminal background as a former prosecutor.

CHAIRMAN MONTANO:

You were here when I read the qualifications for the position in terms of serving on the board and not being able to hold political office, etcetera, etcetera, and you can state that you are in compliance with that?

MS. PALMORE:

I saw -- I understood it as you read it. As you can see from my resume, I was a former board member at the Roosevelt Public School. I was appointed by the State, no I longer hold that appointment as the State takeover is now done.

CHAIRMAN MONTANO:

And as far as -- it says that three members of the board cannot belong -- no more than three members shall belong to the same political party. What party are you registered with, if any, just so that we know on the record?

MS. PALMORE:

Sure. I'm a registered Democrat.

CHAIRMAN MONTANO:

Are there any questions from any members of the committee? Legislator Kennedy.

LEG. KENNEDY:

Good morning. Thank you for agreeing to come forward. And your background seems excellent. Tell me a little bit about the firm you're with now. As a trial attorney, do you have any occasion to do any work that involves the County of Suffolk representation?

MS. PALMORE:

In fact, because I knew I was coming before this committee, I had my -- there's a specialized department within the company I work for, which is a subsidiary of Nationwide Insurance, to determine whether or not they have any work with the County of Suffolk, and I understand that they do and my firm does not. I also made a request that none of any Suffolk County cases come through my firm of that office should I be appointed.

LEG. KENNEDY:

So, in essence, what you'll do is, as you know with the ethical canons, you will ask the firm to basically create that -- it's called a Chinese Wall -- so that if, in fact, the firm does have any kind of litigation for or against the County of Suffolk, any of its contract entities, you will step forward that installation so that you don't gain any of the particulars or become directly familiar with anything that might involve that?

MS. PALMORE:

Yes. And that was actually one of the -- because I was aware that this appointment was coming up, during my interview, I discussed with them that this may become a potential issue. They did do -- undertake a database search and determined that there was no work done with the County -- currently, and that any in the future would be sent to another firm.

LEG. KENNEDY:

At this point, you basically enjoy a good relationship with the firm? Hold on a second. You enjoy a good relationship with the firm, and you anticipate that you're going to continue on with them as far as employment goes?

MS. PALMORE:

Yes.

CHAIRMAN MONTANO:

Thank you very much. I appreciate it. Thank you, Mr. Chair. Okay. Are there any other questions? Legislator Stern.

LEG. STERN:

No questions. I just want to say welcome. Taking a look at the information that was provided to us, your background experience is most impressive. So welcome, and I look forward to supporting your nomination.

CHAIRMAN MONTANO:

I will make a motion to approve. Do I have a second? Seconded by Legislator Calarco. Any other motions? All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-1-0 Abstention: Legislator Montano)**.

Congratulations. I don't think you need to be there on Tuesday; am I correct, even though it is an Ethics appointment? You don't need to be at the meeting on Tuesday, but we will take a vote to confirm your appointment on Tuesday. Legislator Nowick.

LEG. NOWICK:

I don't want to belabor this, but I just want to say I am so impressed with your resume and what you've accomplished and even more impressed that you could remember all that stuff without even looking at your notes.

MS. PALMORE:

Thank you very much.

LEG. NOWICK:

Thank you for volunteering.

MS. PALMORE:

Thank you. Look forward to working with you.

CHAIRMAN MONTANO:

Thank you. Congratulations. Good luck. Hopefully we won't be seeing you.

1066, Authorizing the conveyance of County-owned real property having a Suffolk County Tax Map Identification Number of District 0903 Section 002.00 Block 03.00 Lot 023.001 for municipal purposes pursuant to Section 72-h of the General Municipal Law. (Schneiderman)

Can I have an explanation of this? Is this the beach?

LEG. SCHNEIDERMAN:

If I may?

CHAIRMAN MONTANO:

All right. Yeah, you may.

LEG. SCHNEIDERMAN:

Thank you, Mr. Chair. I've come prepared today, because I realize there may be some questions, so I've distributed to members of the committee two things; one is a photograph that I took the other day of this beach parcel. You can see there's windmill on it that's not actually a historic windmill. It was built, I think, in the 1970s to replicate one of the historic windmills. You can see some work has been done on that. The village has been maintaining it. They use it as a, like, a kiosk almost. Inside they have tourist informational packets that I believe either the Chamber of Commerce or the Historical Society sits inside and helps distribute. They spent around 20,000 residing it. You can see the lightly colored shingles on it. You can see the vane is also broken, and they're anticipating another 10,000 in expenses there.

I also show you -- I've also distributed to you an aerial which shows the various ownership in this area. You can see the Long Wharf. You can see the beach. The beach is actually bifurcated. You'll see the -- I'm sorry, Mr. Chair. I'm hoping to not have to repeat myself, so if you may. On this diagram, you'll see the beach is actually split into two. On the left side, as you're coming over the bridge from North Haven, which is now called the Jordan Haerter Bridge in honor of a Sag Harbor resident that was killed in the Iraq conflict.

You will see on the left side of the bridge and the right side, the area is all owned by the Village of Sag Harbor. So most of this beach is actually already in the ownership of Sag Harbor. There's a small slice of that beach as it adjoins the Long Wharf that is owned by the County. It was a tax default parcel, and the County took ownership of it. It would complete the ownership on both sides of the bridge for the village. You know, the village uses this beach. It's not a bathing beach. It's used for events when the village has their festivals, they do a Polar Bear Plunge, which is a charity fundraiser. They also do little whale boat races off this beach.

They have asked for this property. Again, it is not part of the Long Wharf, and which we're studying separately. I can't really see any reasonable explanation as to why the County would want to hold

on to it. There's no revenue, only liability for the County. There's no signs say that say this is a County beach. In fact, it would only be a small piece of it. So, Mr. Zwirn, from the County Executive is also very familiar with the parcel, and he has had conversations at length with the mayor. I'm hoping we can discharge this. I will bring the mayor to the full Legislature, which will meet in Riverhead next week. It's a slightly shorter drive for the mayor. And he'll be able to answer questions as well. Mr. Zwirn, do you want to add anything to that presentation?

MR. ZWIRN:

I do not live in the Village of Sag Harbor, but I live in the Town of East Hampton which incorporates -- part of the Village of Sag Harbor is in the Town of East Hampton. Legislator Schneiderman has accurately presented this. I think there was some concern originally that this might be a piece of -- you know, that there's a beach in the Hamptons that the County was going to give away. And this is not a bathing beach at all, there's no room for development at this beach for any purpose, it couldn't be sold privately, nothing could be built on it.

It's maintained by the village. As Legislator Schneiderman said, it's used maybe twice a year. People can sit on the beach and have an ice cream cone or something like that, but that's -- it's a vista and where people could walk. It would be nice, I think, for the village to have it since they maintain it anyway. I think this only came to light when the former County Executive was looking to sell all the property that was left in the County, including -- this piece came across his desk. Otherwise --

I sit on the Long Wharf Committee, which Legislator Schneiderman chairs, and I was appointed by the Presiding Officer and now I have been appointed by the County Executive, so -- partially I think because nobody wanted to travel that far out East to attend the meetings. But I would support and I think the County Exec would support Legislator Schneiderman's initiative here.

CHAIRMAN MONTANO:

I have some questions. You are on this Long Wharf Committee. That was a bill that was introduced last year. When is that report coming forward?

MR. ZWIRN:

I think just asked for -- the committee -- Legislator Schneiderman asked for an extensions, but I think they're looking to have the report come out very shortly, certainly before the summer.

CHAIRMAN MONTANO:

Okay. Now if this beach is maintained -- first of all, I think you said that the former County Executive was looking to sell this parcel.

MR. ZWIRN:

He was looking to sell the Long Wharf. Originally, he was ready to give it to the village for a dollar, and then there were some concern over --

CHAIRMAN MONTANO:

We rejected that.

MR. ZWIRN:

That's correct.

CHAIRMAN MONTANO:

And then we formed the Long Wharf Committee.

MR. ZWIRN:

Correct.

CHAIRMAN MONTANO:

And that committee is doing an ongoing study and is supposed to come forward with recommendations for that area; am I correct?

MR. ZWIRN:

Yes.

CHAIRMAN MONTANO:

So let me ask you this then: We're not receiving any compensation for -- under this bill, we're not receiving any compensation for anything, any back taxes or anything, or are we?

MR. ZWIRN:

No.

CHAIRMAN MONTANO:

Okay. You say that the village maintains it now.

MR. ZWIRN:

Correct. They have waste receptacles there, and they provide security for the beach.

CHAIRMAN MONTANO:

If we don't pass this, what is the harm? I mean, if we wait until we get the Long Wharf study so that we can analyze this in a total context, what, if any, would the harm be if we tabled this today?

MR. ZWIRN:

Well, I think the only harm -- the only thing that could happen going forward -- we certainly want to stay on good terms with all the municipalities that we can. If the village doesn't think they're going to have control over this at some point, the village can, at some point say, "Look, we understand the County wants to keep it and maintain it for their purposes, well, the County is going to have a maintain it."

CHAIRMAN MONTANO:

Right. But we're not faced with that issue today, are we? That's your speculation of some possibility in the future; am I right?

MR. ZWIRN:

I only raise it as speculation because the village's budget cycle is different from the County's cycle, so that when they allocate revenue that they have for expenses, will they put this in their budget? I think they have to have some sort of definitive answer as every municipality is struggling today with their expense side. You know, this would be one that I think they'd like to have as quickly as possible.

CHAIRMAN MONTANO:

Okay. I hear you. I've spoken with Legislator Schneiderman at length about this, and I've told him very clearly what my position was, which is that -- I mean, if the committee passes it, I have no problem with that, but I'm not in support of doing any transfers at this point unless there's a particular need. We just had a budget presentation yesterday that outlined the financial conditions of the County. And this is a County asset along with many other, and I don't feel that it's -- you know, really necessary that we get this done today. And I've explained that Legislator Schneiderman. But it is his bill, he wants to argue for it, I have no issue with that. So does

anyone have a motion on this? Oh, question, Legislator Calarco. My apologies.

LEG. CALARCO:

To the sponsor, Jay, is the windmill on the County property?

LEG. SCHNEIDERMAN:

Yes, it is.

LEG. CALARCO:

Is there some sort of agreement with the village in terms of who is supposed to maintain that and in liability issues if somebody got hurt in that windmill.

LEG. SCHNEIDERMAN:

Youk now, there are obviously liability questions when the County owns it. Is somebody gets hurt, they're likely to sue the County. We have not -- I know the village has been maintaining it. Again, they just spent \$20,000 on residing it, and they have another ten to go with the vanes of the windmill.

The village has treated it as if it is their property historically. Typically, with these 72-H parcels -- this is not a developable parcel; you can't build a hotel here, you can't build a house. This is a small piece that, you know, probably for tax default purposes came into the County's possession. It just completes the village's holdings on both sides of the bridge. And typically, it would a relatively simple review on this. I'm not quite sure why it's been an issue.

MR. ZWIRN:

I don't think anybody really knew that the village didn't own it. And I think if adverse possession applied to municipalities, this would have passed to the village a long time ago.

LEG. CALARCO:

Who built the windmill?

MR. ZWIRN:

The windmill, I believe, originally was built by the Chamber of Commerce, and that's who uses it. The village maintains that as well. It's open in the summertime with brochures, when the Sag Harbor Festival goes on, it's open. They sell Christmas trees there, one of the service organizations. That's the extent of its use.

LEG. CALARCO:

Who has the lease agreement or the arrangement with the Chamber to use that property.

MR. ZWIRN:

I don't know, but it's probably between the village and the Chamber. It maybe informal out there, because --

LEG. SCHNEIDERMAN:

The County has a wonderful relationship with the village as well, and they do generate a lot of sales tax for the County. They do see this as downtown -- part of the village -- and the mayor, again, will come to the Riverhead meeting. But, of course, the bill has to get there for him to comment on it. So I would ask, you know, at least to discharge it without recommendation so the mayor can come to the full Legislature and have this -- the village would very much like this fully considered. You know, they believe this is part of the village, and they would like to have this piece. I ask respectfully to the public servant that is the mayor that we can at least get it in front of the full Legislature.

LEG. CALARCO:

So the County owns the property, the Chamber built the windmill and operate out of it, and they have a lease arrangement with the village to do that?

MR. ZWIRN:

I don't know.

LEG. CALARCO:

I'm just trying to figure out who has the liability issues here if somebody got hurt.

MR. ZWIRN:

Well, when that happens, I think -- if somebody got hurt there, I think everybody would get sued as a practical matter. Whoever has the deepest pockets is usually the target.

LEG. CALARCO:

Does the village have plans to use this property for anything this summer?

MR. ZWIRN:

No. The village just maintains it, and it's just part of the village landscape.

CHAIRMAN MONTANO:

Do they want to run some sort of boat program or something off of this property that would make them want to have ownership in the immediacy?

MR. ZWIRN:

I think what brought this to a head was the potential sale of the Long Wharf. And they would like to control this property within the village because it has implications for the vitality of the downtown area. I mean, it's one of the few villages on Long Island in Suffolk County which is actually on the water. It is a deep-water port. People come in, you have a lot of tourists in the summertime who walk around there, and they'll buy an ice cream or a slice of pizza or a sandwich or something, and there are picnic tables along this little tiny beach where people will sit with their families and look out over the harbor and at the bridge. The State has property in this vicinity as well. It's a State bridge that's named after a fallen hero from the Village of Sag Harbor, Jordan Haerter, who won the Navy Cross, in fact, for defending his fellow Marines in Iraq, 19 years old. It was very sad.

LEG. CALARCO:

It looks like there's some dock space on the left side of the Long Wharf there, who owns that, is that the village?

MR. ZWIRN:

Those were -- I think they're called finger docks -- those were put in by the village.

LEG. CALARCO:

And the only access for those is through the Long Wharf now?

MR. ZWIRN:

Yes.

LEG. CALARCO:

And if they took ownership of this beach, it would give them an access point to those docks?

MR. ZWIRN:

Possibly.

LEG. CALARCO:

I'll make motion to discharge without recommendation to hear what the mayor has to say on Tuesday.

CHAIRMAN MONTANO:

Do I have a second? Motion to discharge without recommendation made by Legislator Calarco. I don't hear nothing, so.

LEG. SCHNEIDERMAN:

Is there a second on the motion?

CHAIRMAN MONTANO:

Not yet. All right. Then if there's no second --

LEG. KENNEDY:

No. I have further questions that I need to ask, but, no, I'm not going to second on the discharge without recommendation.

CHAIRMAN MONTANO:

You want to ask you questions now, or do you just want to make a motion to table or a motion to approve, you tell me.

LEG. KENNEDY:

Well --

CHAIRMAN MONTANO:

I've made my position known.

LEG. KENNEDY:

All right. Let me pose then, and I'll pose, I guess, either to Mr. Zwirn or I see we have Mr. Thompson in the audience. Has anybody requested or obtained an appraisal? Is there any market value or true value on this piece of property, or it is just something that's incidental?

MR. ZWIRN:

I don't think an appraisal's been done, because there's nothing that could be -- there's no other use for this property except to walk a little bit on it or sit on it. I mean, there's no -- you can't build anything on it. There's no room for any commercial structure or any residential structures, so it's not as if it can be sold and somebody can build a house there of any size or anything. The village would control -- well, if it was in private hands, it would be controlled as zoning. But there's nothing -- if you look at the picture, there's really nothing that could be done there.

LEG. KENNEDY:

I'm looking at it, Ben. And as a matter of fact, I'm seeing that it looks like it comes down to just a point that would be accessed on Ferry Road. It looks like it's bordered by the parcel that's owned by Sag Harbor that runs west, I guess. And then is it the State of New York that's the owner of the -- that paved back?

MR. ZWIRN:

I haven't got the picture in front of me.

LEG. KENNEDY:

I would more comfortable supporting the transfer if we had something from somebody, either from our Division of Real Estate or somebody with the village, anybody who can give us an attestation that, in essence, the property has no inherent value to it, because if that's the case, then I will join with Legislator Schneiderman to cosponsor the transfer.

But without something where somebody who's got some expertise can determine use and value on it, I can't support that. You know, I just got told yesterday we're going to the bottom of the sea. So, you know, I have to look at if there's any kind of inherent value on this. That's what I would request, either through the sponsor or whomever can bring some of that.

LEG. SCHNEIDERMAN:

Again, you know, I'd like to have the mayor present as well, and they can talk about their insurance on this piece, etcetera. I believe there's a negative value to this, because of the fact that there's liability associated and no possible revenue. You know, we've talked about the hole that the County is in. And perhaps one of reasons is we're businesses we ought not to be in; we have exposure. We just settled a \$4 million malpractice issue the other day; that's exposure, that's real. We have to think about those things. We had somebody drown off the Long Wharf recently, last year. You know, who knows what will come of that.

So if you want Real Estate, I can ask Real Estate to come on Tuesday to speak on this, but I would like to get it before the full Legislature so I can have the mayor come to Riverhead and explain the village's position. We've always tried to work closely with our towns and villages. And with respect to the mayor, I would like to -- whether you discharge it without recommendation -- obviously, I would prefer it to be discharged, you know, with a positive recommendation, but at least that will get it to the Legislature. I will get you that information, John, is that's important to you. And, you know, if you're not satisfied, then table it on the floor. But I will try to get you, to the best of my abilities, a value assessment of this piece.

CHAIRMAN MONTANO:

If I may, I want to move this along. The mayor is certainly welcome to come to the Legislature next week. We don't have to have the bill before us. If it gets out of committee, fine. If it doesn't get out of committee, you can make an application to get it discharged. You know, we can -- we have another meeting this month. I'd like to get some more information. If the mayor comes forward, we don't need the bill there. We have, I guess, a half a motion on the floor, we didn't get a second, I don't think so yet.

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

Now we have a second. Are there any other -- this is to discharge without recommendation. Are there any other motions on the floor? All right. I will make a motion to table. Do we have a second on that?

LEG. NOWICK:

Yes.

CHAIRMAN MONTANO:

We have a second on the tabling. Which goes first, Counsel?

MR. NOLAN:

The tabling.

CHAIRMAN MONTANO:

All right. I'm going to withdraw my motion to table. Let's take a vote on the discharge without recommendation. If it is not discharged without recommendation, I will renew my motion to table. Is that all right with everybody?

LEG. KENNEDY:

Mr. Chair, I'm going to reiterate one more time, you know, I have benefited from efforts on the behalf of my colleagues for issues particularly that have to deal with villages. And I know sometimes village employees or part-time individuals -- you know, I hear what Legislator Schneiderman is speaking about as far as trying to make a case to have this considered for all of us.

I don't want to oppose his efforts to advocate, but if I do support this, which I may be inclined to do, under no circumstances am I going to support it without somebody who is an appraiser, a certified licensed appraiser, indicating to us that this parcel has no inherent value. Because, you know, many of us can sit here and speculate, opine and do whatever. Quite frankly, to me, it sounds like we have an issue of trespass with somebody who put up some structure on a parcel that's a County-owned parcel that's accessed and used by the village. It almost approaches what you would see on a Bar Exam. I agree with the sponsor; you know, we need to shed some of this disaster, not embrace it. But we have to have some value on the property.

CHAIRMAN MONTANO:

I agree with you. And my position as I have made very clear to Legislator Schneiderman, I am not going to support something -- a transfer of an asset without the proper documentation and explanation that I can read, I can look at, something tangible. I'm not going to do it simply on speculation and explanations. That is my position. Not everyone has to take the same position.

And I agree with you, I would like someone to come whether from Real Estate or from the County Exec's Office to state specifically with backup information, "This is what we want to do and this is why we want to do it." That's all I'm asking. I'm not being obstructionist, but I'm just asking for the process to work itself out in a logical fashion. I also believe that because we have a Long Wharf study that was passed, I'd like to see what that says.

Now, maybe this is relevant, maybe it is not. But I can't make that determination, because I've never been to this beach. So all I can tell you is it's a County asset. If it gets out of committee, fine. If it doesn't, I will -- you know, it will stay here. We're going to have another meeting. You can bring in whatever data you want. We can debate it until -- you know, until we're tired of it. But the bottom line is my position is not going to change until we have a proper process to getting this through and understanding it. Does anyone else have any comments?

LEG. SCHNEIDERMAN:

If I may, I understand that, Mr. Chair. What I can do is reach out -- if this satisfactory -- to Fred Ford and, you know, the County appraisers, if you're comfortable with them -- they're the ones that do our appraisal review -- and have them take a look at this. And hopefully, by Tuesday I'll be able to have them file some kind of memo or report on it.

CHAIRMAN MONTANO:

Let me explain this. I am not compromising here. We're taking a vote to either discharge without recommendation, table or approve. I said that clearly the other day. I'm not being a hard -- you know --

LEG. SCHNEIDERMAN:

I'm just simply trying to satisfy your concerns. We have County in-house appraisers.

CHAIRMAN MONTANO:

I would prefer that it come back to committee, Jay. I mentioned that to you the other day. I know that you came out here all the way. But I also told you that that would not change -- your presence here, with all due respect, is not going to change my position, it hasn't changed it. We have a motion on the floor. Is there another motion? I withdrew the motion to table. We are going to take a vote on the motion to discharge without recommendation.

LEG. KENNEDY:

One last question, Mr. Chair.

CHAIRMAN MONTANO:

Go ahead, Legislator Kennedy. Who made a comment? Hold on, Gregory. Legislator Kennedy.

LEG. KENNEDY:

We have a tight cycle here as a matter of fact. What is the urgency for moving this today.

LEG. SCHNEIDERMAN:

Again, the village is preparing their budget; they have a June-to-June situation; so, you know, whatever budgetary aspects in terms of planning for this. I would like to see this move forward.

MR. ZWIRN:

The meeting is in Riverhead.

LEG. SCHNEIDERMAN:

It's also that I'd like to have it in front of the Legislature in Riverhead.

LEG. KENNEDY:

Hold on a second. Hold on a second. Wait a minute. Time out. The Chair brought up a good point. And, Ben, you know this. We accommodate any elected official from any place, anywhere, any time at a General Meeting to come before us to address whatever issue they have from their village, from their town, from libraries. And I do agree with the Chair that we would extend the invitation to the mayor to come and speak to us in Riverhead regardless of what happens here. But I think there's a more important point that we're looking at here since a number of us have some concerns about the technical aspects with it. You know, I really do think -- to the sponsor, I encourage you to table it, Jay, because we should have some of that in front of us. There's a number of us that have these concerns.

CHAIRMAN MONTANO:

Okay. I'm going to take the prerogative of the Chair, I'm going to renew my motion to table. Do I have a second on the motion to table? Lynne.

LEG. NOWICK:

I'll second the motion.

CHAIRMAN MONTANO:

All right. Let's take a vote. The tabling motion goes first.

LEG. GREGORY:

Mr. Chair.

CHAIRMAN MONTANO:

Be brief.

LEG. GREGORY:

Thank you. You know. In light of the budget presentation yesterday that we're in a severe deficit situation, you know, I think the County has not maintained this property, I think it's very likely that the Long Wharf Committee will come back with the recommendation to turn the whole vicinity over to the town. Legislator Wayne Horsley, because of lack of funds in maintenance on our part, has introduced a bill to take over historic sites. To me, it's not dissimilar. We don't have the funding to --

CHAIRMAN MONTANO:

All right. Let me -- because we're reaching twelve o'clock. I got your point. When the Long Wharf Committee comes in with their recommendation, if this bill is still before us, we will deal with it. I don't know what the Long Wharf is going to do; what's likely, what isn't. We have a motion to table on the floor. I'm calling for a vote on the tabling. If it doesn't get tabled, we'll do something else. Who is in favor of the tabling, raise your hand. (Legislator Montano and Legislator Nowick raised their hand).

Okay. Go ahead. Give me another motion. Tabling fails. We have two vote in the affirmative and three votes opposed, no abstentions. Now, give me another motion.

MS. ORTIZ:

We have a motion.

CHAIRMAN MONTANO:

We have a motion to discharge without recommendation. Give me a vote. Who's in favor? Raise your hands. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 3-2-0-0 Opposed: Legislator Nowick & Legislator Montano)**

1075, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Helen M. Brandt by Arthur V. Brandt, Administrator (SCTM No. 0500-014.00-01.00-020.000). (Co. Exec.)

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

1076, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Anthony J. Carfagno (SCTM No. 0500-378.00-02.00-027.000). (Co. Exec.)

Same motion, same second, same vote, if that's okay with everybody. That's to approve and place on the Consent Calendar. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

1077, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ronald A. Maisano and Lorraine A. Maisano, his wife (SCTM No. 0100-027.00-02.00-058.000). (Co. Exec.)

I have a note here; amended 3/12, quit claim deed. I guess we're doing this by quit claim deed.

MR. NOLAN:

I think I would have somebody from Real Estate explain the amendment and why they're doing it.

CHAIRMAN MONTANO:

All right. Real Estate, are you in the house? Step forward, please. Hey, Dennis, how are you? You just want to identify yourselves for the record.

MR. THOMPSON:

Wayne Thompson from Property Acquisition Management.

CHAIRMAN MONTANO:

Hi, Wayne, how are you? Dennis Brown, I already know who you are. We're going to ask you to be quick. We're trying to get out of here within the next seven minutes.

MR. BROWN:

It's pretty simple. The taxable status date was March 1st, so the Director of Real Estate came to us with the question about -- asking if she would be able to execute the deeds, but not record them on these Local Law 16 redemptions and date them February 28th and asked that the Legislature approve her actions as --

CHAIRMAN MONTANO:

You mean to backdate the transfer?

MR. BROWN:

Not to backdate the transfer, no. Just to date the deeds -- execute the deeds on February 28th and that these resolutions -- this series of resolutions approves her action as opposed to it being prospective.

CHAIRMAN MONTANO:

You know what? Dennis, I'm sorry. That's what happens when you rush, you tend to make mistakes. So let's do this again. What's today's date?

MR. BROWN:

Today is the 7th.

CHAIRMAN MONTANO:

Of what?

MR. BROWN:

March 7th.

CHAIRMAN MONTANO:

All right. So what's this February 28th.

MR. BROWN:

The February 28th date is the date --

CHAIRMAN MONTANO:

Passed.

MR. BROWN:

Pardon?

CHAIRMAN MONTANO:

It passed already, right?

MR. BROWN:

Yes. That's the date that the Director executed the deed, but not recorded the deeds.

CHAIRMAN MONTANO:

All right. But she has, what, ten days to record? There's no statutory limit on recording the deed, is there?

MR. BROWN:

No, in fact, there's not. We record to protect our liens.

CHAIRMAN MONTANO:

Right. You want to get there first so that your lien is first in time. First in time, first in whatever. So what is the issue?

MR. BROWN:

March 1st is the taxable status date, and some of these people would have been eligible for exemptions if they had reacquired the property, such as veteran exemptions or senior exemptions. So she came to us with the proposition, with the notion that she would sign the deeds on February 28th prior --

CHAIRMAN MONTANO:

She's looking for approval nunc pro tunc is what you're saying?

MR. BROWN:

Exactly.

CHAIRMAN MONTANO:

Okay. Why didn't you say that? Does anyone have any questions? I don't mean to go after you, Dennis. Does everybody know what nunc pro tunc means?

LEG. KENNEDY:

Who actually catered the deeds conveying back?

MR. THOMPSON:

That would be the director. Pam Greene signs our deeds.

LEG. KENNEDY:

And in each case, you had satisfactory proofs before you that -- all the delinquencies had been cured, everything was tendered, there was no -- in other words, all parties had addressed everything that was needed to be addressed regarding unpayment of tax, penalty and interest, and we were whole. The County was whole on February 28th?

MR. THOMPSON:

Some of them were advanced resolutions, which means they had a contract of sale in place.

LEG. KENNEDY:

We don't cure, Wayne, unless we have actually received consideration, right? We don't cure an anticipation of a sale, do we?

MR. THOMPSON:

Knowing it's going to go through, it's based on that; that it will go through, we will get our money, otherwise, I can't see us turning over the deed.

LEG. KENNEDY:

How many of these do we have before us?

CHAIRMAN MONTANO:

Three or four.

LEG. KENNEDY:

Okay. Are we -- wait a minute. Time out. So we are agreeing to allow or ratify a prior act without underlying authority for the purposes of facilitating the exemptions. But, in fact, these properties are in contract, and those exemptions aren't going to run with the property when they change hands.

I'll tell you what. If you're talking about somebody who is a hardship and genuinely cured, I'll go there. But, no, I'm not going to go to perfecting an exemption that's coming into a purchaser who may or may not be in similar shoes or situation. The only thing that runs for the full year would be Senior STAR. Your veterans and your senior regular 467, they don't run the full calendar year if a purchaser is not similarly situated.

MR. THOMPSON:

I'm sorry. I misspoke before. This is not that type of advance resolution. It's not someone else is going to take over.

LEG. KENNEDY:

So in all three cases, these are owners who are in distress and cured? He talked about the fact that sometimes we redeem to facilitate a transfer. That's not the case here. All three of these are owners who are in distress, they found a way to go ahead and resolve, they are remaining in title, and the redemptions will benefit -- will be a benefit that will run to that distressed owner.

MR. THOMPSON:

Yes, the way I understand it.

LEG. KENNEDY:

Yes. Fine. Okay. All right.

CHAIRMAN MONTANO:

Do we have a motion on this?

LEG. CALARCO:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve and place on Consent Calendar. I will second that. Do we have any motions? All those in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

You want to, Dennis, explain what nunc pro tunc means just real quickly so everybody gets it?

MR. BROWN:

Right. To do in now would -- to be in effect then.

CHAIRMAN MONTANO:

Yeah. It's retroactive. It's a Latin term that we learned in law school and we probably never used until today.

1078, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gordon W. Nelling Jr. (SCTM No. 0500-153.00-02.00-016.000). (Co. Exec.)

I'll do the same motion, which is to approve and place on the Consent Calendar, same second. Do we have the same issue? No. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

1079, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard A. Ruymen as Trustee of the Ruymen Family Trust (SCTM No. 0100-130.00-01.00-016.000). (Co. Exec.)

Same motion, same second, same vote, if that's all right with everybody. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

1080, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Mary P. Ruffino, individually and as administrator of the Estate of Susan Napoli (SCTM No. 0800-169.00-03.00-034.000). (Co. Exec.)

Same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**. These are all to approve and place on the Consent Calendar.

1081, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Alexander Ferker (SCTM No. 0100-226.00-02.00-155.000). (Co. Exec.)

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

1082, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Anthony Civorelli (SCTM No. 0200-979.10-03.00-033.000 n/k/a 0209-023.00-03.00-033.000). (Co. Exec.)

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

1083, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act J.B.M. Precision Honing, Inc. (SCTM No. 0500-192.00-02.00-016.000). (Co. Exec.)

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

1085, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Georgia Hansen, by Cindy Hansen Gullo, executrix (SCTM No. 0400-052.00-02.00-017.000). (Co. Exec.)

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

1086, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Clifford Morgan (SCTM No. 0500-265.00-02.00-050.000). (Co. Exec.)

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

1090, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maria E. Veras-Alba (SCTM No. 0200-978.90-04.00-022.000 n/k/a 0209-021.00-04.00-022.000). (Co. Exec.)

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

1091, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ernest Pereira (SCTM No. 0200-156.00-02.00-011.003 and 0200-738.00-01.00-002.000). (Co. Exec.)

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

1092, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Carnell Odell Evans a/k/a C. Odell Evans, by Jennie M. Nickens and Earl P. Evans as Administrators (SCTM No. 0200-357.00-02.00-012.000). (Co. Exec.)

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

With your permission, Stenographer, I'm just going to name the names and you have the standard language; is that all right?

MS. CATALANO:

Yes.

CHAIRMAN MONTANO:

1093, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Fabian & Associates Group, Inc. (SCTM No. 1000-063.00-01.00-020.000). (Co. Exec.)

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

1094, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Mary Ann Hennen, by Todd Hennen as administrator (SCTM No. 0404-006.00-02.00-055.000). (Co. Exec.)

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

1095, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas Senenfelder and Deborah Senenfelder, husband and wife (SCTM No. 1000-110.00-03.00-013.000). (Co. Exec.)

Back to quit claim deed. Dennis, same issue, right? Okay. We don't need another explanation. I'm going to make the same motion, motion to approve and place on Consent Calendar. Do we have a second? Seconded by Legislator Kennedy. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

**1097, Authorizing certain technical correction to Adopted Resolution No. 1126-2011.
(Pres. Off.)**

This is all pro forma standard stuff, Counsel.

MR. NOLAN:

Yeah. All of these corrections are minor corrections to capital project resolutions.

CHAIRMAN MONTANO:

Okay. Motion to approve and place on the Consent Calendar. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

**1098, Authorizing certain technical corrections to Adopted Resolution No. 1128-2011.
(Pres. Off.)**

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

**1999, Authorizing certain technical corrections to Adopted Resolution No. 1146-2011.
(Pres. Off.)**

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

**1100, Authorizing certain technical corrections to Adopted Resolution No. 1147-2011.
(Pres. Off.)**

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

**1101, Authorizing certain technical corrections to Adopted Resolution No. 1150-2011.
(Pres. Off.)**

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

**1102, Authorizing certain technical corrections to Adopted Resolution No. 1151-2011.
(Pres. Off.)**

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

Are you okay with this, Stenographer?

MS. CATALANO:

Yes.

CHAIRMAN MONTANO:

Good. I'm glad. **1103, Authorizing certain technical corrections to Adopted Resolution No. 1152-2011. (Pres. Off.)**

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

1104, Authorizing a certain technical correction to Adopted Resolution No. 1214-2011. (Pres. Off.)

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

1108, Authorizing certain technical corrections to Adopted Resolution No. 1209-2011. (Pres. Off.)

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

1109, Authorizing certain technical corrections to Adopted Resolution No. 1139-2011. (Co. Exec.)

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

1110, Authorizing certain technical correction to Adopted Resolution No. 1142-2011. (Pres. Off.)

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

1111, Authorizing certain technical corrections to Adopted Resolution No. 1144-2011. (Pres. Off.)

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

1113, Authorizing certain technical correction to Adopted Resolution No. 1154-2011. (Pres. Off.)

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

1114, Authorizing certain technical corrections to Adopted Resolution No. 1156-2011. (Pres. Off.)

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

1115, Authorizing certain technical correction to Adopted Resolution No. 1194-2011. (Romaine)

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

1116, Authorizing certain technical correction to Adopted Resolution No. 1208-2011. (Pres. Off.)

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

1117, Authorizing certain technical correction to Adopted Resolution No. 1218-2011. (Pres. Off.)

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

1118, Authorizing certain technical correction to Adopted Resolution No. 1212-2011. (Pres. Off.)

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

1131, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 North Babylon Volunteer Fire Company, Inc. (SCTM No. 0100-151.00-01.00-104.000). (Co. Exec.)

This is adjacent property, correct?

MR. NOLAN:
That's what it says.

CHAIRMAN MONTANO:
Any questions?

MR. NOLAN:
It's a 54 by 90 by 104.

CHAIRMAN MONTANO:
That's a big piece of property. What's the value?

MR. NOLAN:
The appraised value according to the backup was \$200.

CHAIRMAN MONTANO:
What's the size of the parcel?

MR. NOLAN:
It's 54 by 90 by 104.

CHAIRMAN MONTANO:
Is it landlocked? If it's landlocked, it's not worth anything. It's landlocked, okay. Motion to approve, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0).**

By the way, I assume that these are properly vetted by Real Estate before they get here.

MR. THOMPSON:

Yes, sir.

CHAIRMAN MONTANO:

Okay. So we can hold you responsible if we do something that we shouldn't be doing, right?

MR. THOMPSON:

No, sir.

CHAIRMAN MONTANO:

No, sir? Okay. I like. I guess the buck stops here.

1132, Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (Co. Exec.)

I'd like an explanation on that. As you can see, I don't like to transfer property unless I know why I'm doing it. We're transferring properties to the Parks Department. Where do these properties emanate from?

MR. ZWIRN:

These were properties that the County picked up I guess through tax deeds, I'm pretty sure, and they're being given to the Parks so we can stop paying taxes on them.

CHAIRMAN MONTANO:

Well, do they have any value in terms of an auction?

MR. ZWIRN:

If they would have been, they would have been on the auction (sic).

CHAIRMAN MONTANO:

Well, that doesn't answer the question. Real Estate, you want to come up here for a question? I already broke my rule of trying to get out of here by 12:00. So these are delinquent tax properties that we acquired. I know they're adjacent to the park. Everything is adjacent to something, but my question is are these parcels that could be developed for some particular reason? I live next to town property, there's no problem with that. Can they be developed?

MR. THOMPSON:

These properties are all reviewed by Planning and Parks to see if it's something we can use in our system. In some cases, which are not included in here, Parks has said, "The property has been disturbed. We don't want it," in which case, I would sell it. And if I may say, if I can sell something, that's what I've been doing for 30 years.

CHAIRMAN MONTANO:

Right. But once you transfer it to Parks -- right now, we have delinquent taxes on this property; am I correct?

MR. THOMPSON:

Correct.

CHAIRMAN MONTANO:

So we are owed money on this property.

MR. THOMPSON:

That's true.

CHAIRMAN MONTANO:

That means it was a private owner to this property at some point in the past.

MR. THOMPSON:

That's true.

CHAIRMAN MONTANO:

So theoretically -- number one, if we transfer it, we are waiving any future collection of taxes. By the way, Ben, how much money is the County owed in uncollected back taxes as of today, do you know?

MR. ZWIRN:

In Suffolk County?

CHAIRMAN MONTANO:

In Suffolk County. I mean, it used to be ten million. Give me the number today -- I think it used to be 100 million, right? How much was it for delinquent tax. Was it 10 million?

LEG. KENNEDY:

Property tax was upwards of 33.

CHAIRMAN MONTANO:

Thirty-three million that we would do.

MR. ZWIRN:

Just this year?

CHAIRMAN MONTANO:

No. I mean, how much are we due today from all the delinquent properties -- all the delinquent tax properties? It's a lot of money. So once we transfer this property, we're never going to collect taxes on it. So the question I'm asking is are you sure you want to transfer it?

MR. ZWIRN:

Well, we're paying \$35,000 a year now on this to keep this property the way it is. If we turn it over to Parks, we save that money and it becomes part of the Parks system.

CHAIRMAN MONTANO:

No. If we turn it over to Parks, we lose the money that we paid, and we'll never collect anything in the future. We're not saving anything.

We save further paying of delinquencies, which is not a savings.

MR. ZWIRN:

But by the time we take title of these properties, the opportunity for people to pay their back taxes to save these properties have gone on a long time.

CHAIRMAN MONTANO:

I agree with you. But I don't know what the value of these properties --

MR. ZWIRN:

So the likelihood of we're going to get that money at some point is, you know, like a Disney story; it just doesn't happen as a practical matter.

CHAIRMAN MONTANO:

Well, it depends what the property is going to be used for and what it's worth. All right. I'm not going to debate it with you. Do we have a motion on this

MR. ZWIRN:

We own these properties now. They're not --

CHAIRMAN MONTANO:

I know that, but we could sell them. It's an asset that the County has; am I correct?

MR. ZWIRN:

Well, in this case, it's more of a liability right now, because we're paying taxes on it.

CHAIRMAN MONTANO:

Yes, it's a present liability, but we can sell them in the future and maybe derive some revenue from it. I mean, you can't argue with that, Ben. I know that you're trying to steer into approving the bill, but let's be honest, you know, give me the facts as they are.

MR. ZWIRN:

I'm not trying to steer the Legislature any particular way. I would be glad to go through the addendum and go through the particular properties with you, which should have been part of the Legislation packet.

CHAIRMAN MONTANO:

I'm not going to go through that right now. I'm just going to ask for a motion. Does anyone have a motion to approve?

LEG. STERN:

I'm going to make a motion to approve.

CHAIRMAN MONTANO:

All right. We need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Calarco. Any other motions?

LEG. KENNEDY:

I'll make a motion to table.

CHAIRMAN MONTANO:

I'll second the motion to table.

LEG. STERN:

On the motion.

CHAIRMAN MONTANO:

On the motion.

LEG. STERN:

Ben, I'm looking at the addendum here, and there's a lengthy list. The overwhelming majority of them are for tiny little slivers, and so I would agree that there's not much value there. But a couple of them do jump out. A couple of them do catch the eye. One here for East Creek Wetlands County Park. It looks like we've had ownership, if this is correct, since June of 1993, we're about \$100,000 in, it's for 38 acres. Is there an explanation on something like that?

CHAIRMAN MONTANO:

Where is that located by the way?

MR. THOMPSON:

That's a parcel in Riverhead.

CHAIRMAN MONTANO:

That park is in Riverhead?

MR. THOMPSON:

Yeah. I believe that's the one you're talking about, Legislator Stern?

CHAIRMAN MONTANO:

The 38 acres. I'm asking where the 38 acres are located. That's the one in Riverhead, because I don't have the addendum -- I have it but I'm not going to pull it out right now.

LEG. STERN:

What's the story there? As with Legislator Montano's inquiry, I mean, that's a large parcel. What's the story?

MR. THOMPSON:

It was a parcel we took by tax deed that was on a subdivision that was already sterilized for open space according to the development of the subdivision. For many years, we tried to get it into the town holding, because a subdivision like that should belong to them. Failing to do so, at this point, we decided we might as well just put it in our park system.

CHAIRMAN MONTANO:

Is that because the town wouldn't go along with subdividing to build housing on it; is that what you're telling me? I know what sterilizations means.

MR. THOMPSON:

I wasn't trying to explain that to you. But on that subdivision, it had that. You can't go -- once it's sterilized, I can't do anything with it.

CHAIRMAN MONTANO:

All right. Legislator Nowick.

LEG. NOWICK:

If these properties go into Parks, it means that they could never be taken out again; is that --

CHAIRMAN MONTANO:

That's correct. You hit the nail on the head. And not only that, we never derive revenues from these properties in the future. We can't auction them -- once they're in Parks, they are gone.

LEG. NOWICK:

So right now, they belong to the County because we've taken title because it's been so many years.

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

So now we have an option of selling it maybe eventually, otherwise it goes into Parks and we could never sell it, and that was the point you were making.

CHAIRMAN MONTANO:

Yeah, it's a lockbox. My personal position is that I would -- I mean, I know it's been through Planning. We have a new County Executive, I can't imagine that he's really analyzed all of the properties yet. I would like to see a comprehensive, you know, this is what we're going to do with the land that we have, because we have to get out from under these properties that we're holding. We either have to sell them -- and if we sell them, you know, we'll derive some revenues from the sale, and we'll also pick up the future taxes on the property from the purchaser, which will offset -- which will, you know, in a small sense, offset our tremendous budget deficit.

LEG. NOWICK:

Legislator Stern, you were looking through the list and you said you saw mostly small parcels, but do you know or can you tell or can you derive some larger parcels that might be parcels that we could -- there might be a prospective buyer?

LEG. STERN:

That was one that I had asked Mr. Thompson about, and that was the answer. As I looked through the list -- Mr. Thompson, I think I'm looking at your list prepared by you, so if I refer to it as Number 32, Mud Creek County Park -- that's the description, 2.8 acres. Is there an explanation on that one?

LEG. NOWICK:

That's already a County Park, Mud Creek? After listening to what you're saying, it almost sounds like this list should be gone over maybe a little bit more carefully, get rid of the little stuff --

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

-- clean it up and then --

CHAIRMAN MONTANO:

Hold on. Hold on, please. We're having too many conversations, and the stenographer cannot record. Legislator Nowick has the floor. Who wants to talk next?

LEG. NOWICK:

Just to finish my thought.

CHAIRMAN MONTANO:

Go ahead. Sorry we interrupted.

LEG. NOWICK:

If we could pull out some of the parcels that might be of value, what's the difference? We hold on

to them anyway, we're not getting paid anyway. Get rid of the other stuff, clear it up. But then I think this list would have to be looked over.

CHAIRMAN MONTANO:

I agree. My feeling is that those properties that have no value -- for instance, if you're landlocked, let's get rid of it. But if something has potential value, I think we would like to know -- certainly I would like to know -- because we are in a bad spot. We can't be increasing -- you know, we're increasing the park, but we're decreasing the potential for revenue. That's all we're asking. We're not giving you a hard time, Wayne. You gave us a list of -- I don't know how many properties are on that. Some may be -- maybe 90% of them we should get rid of. But if there's 10% there, they should be parceled out in my opinion. Question from Legislator Stern.

LEG. STERN:

Mr. Thompson, when you are preparing this list, was it just a list of these available properties or was there some kind of standard that you applied in placing these properties on the list?

MR. THOMPSON:

The recommendation comes from Suffolk County Planning who reviews them as to whether they're environmentally sensitive, whether they're adjoined to an existing park, that sort of thing.

CHAIRMAN MONTANO:

We don't need to expand the park simply because it's adjacent. I mean, the park may be big enough for its use. That's my point. So I'm not going to argue with anybody. I just want to know what motions we have on the floor. Renee, what's on the floor?

MS. ORTIZ:

A motion to approve and a motion to table.

CHAIRMAN MONTANO:

Legislator Kennedy, go ahead.

LEG. KENNEDY:

Thank you, Mr. Chair. Just one last question. And I'm going to hold to the motion to table, because I have to take a look at some of the items.

But as we're talking about use, size and all those other things, you know, there's another element that some of us have spoken about, but I don't think that it's gotten full blown treatment yet. Wayne, you know better than anybody that developers from time to time are looking to pick up portions and parcels of property that may still have the underlying sanitary capacity associated with it so it can facilitate a project elsewhere that they might, in fact, be looking to get increased yield on. So if we have an irregular half acre, I don't know yet, I don't know that, you know, what we look at under this list may not have some value there in a development community, where if a developer acquires some of the rights, strips it and sterilizes it, we may get some value. We get the same objective that you talked about with that 38 acre conservation easement out in Jamesport, and ultimately, there's preservation. I don't know yet -- I'm not comfortable yet that there's not some inherent value in what we're talking about transferring, so I'm going to go with the tabling.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Yes. I'm going to tend to agree with Legislator Kennedy, even if there is no monetary value to the business community in that regard. I'm looking at a note here that says these are worth valuable

TDR credits. So at the very least, we should be looking at the TDR credit to determine whether or not there is that kind of underlying value, and maybe we could have a win-win situation, rather than just taking over these properties, which, again, if you take a look at the list, many of them are so small that you could probably make the assumption there's no underlying value. But there are some properties that are more substantial. Is there any kind of time element here? I mean, this is really just a matter of course, isn't it? But we're not backed up against any kind of a time issue on these, are we?

MR. ZWIRN:

No, not in the sense that -- look, there's two meetings in March. If you want some more information, we'll have to get Planning in here to explain. I mean, there's a large parcel here. You know, if it was available, we might want to go out and get it, you know, with 477 money. I mean, there's a way to expand a parcel without having to spend any more money, but that's something that Planning could explain to the committee.

CHAIRMAN MONTANO:

Legislator Calarco.

LEG. CALARCO:

I think Ben just made a very good point. Ben made a very good point. You know, we talked about the property down on Mud Creek, and we've have been buying land along on Mud Creek. That's an important estuary in my district that we're spending money on. And the frustrating thing that I have come across and seen that we've done a number of times is we're buying land back that we sold at auction years ago. We're paying twice, three times, four times the amount that we sold it at auction for. You know, we're wasting County dollars in that regard.

And perhaps if Planning or Real Estate can come back and say to us for these properties that are of sizeable portions -- a lot of these are under a quarter acre -- "This is an important property and one we would be targeting under our Land Acquisition Program," maybe it makes sense to be putting these into our Parks inventory, that's where they'd end up." I don't want to sell the land for auction just to make a few dollars on tax defaults that we lost, but then turn around and buy it all at full market value five years down the road. It would just be a waste of our money.

MR. ZWIRN:

Mr. Chair, may be tabling is the best way to go, because I think -- Legislator Romaine is here, he may be familiar with that parcel in his district. It may be something that he would say, "Well, look, let's make it part of the Parks system because it --

LEG. ROMAINE:

Most of it's wetlands. Most of it's wetlands, and the reason why --

MS. ORTIZ:

Can you use the microphone?

LEG. ROMAINE:

Most of it's wetland. And the reason I'm familiar with this parcel is because a ton of garbage and stuff drifted up on this property. And in fact, it created rats and rodents that all the neighbors began to complain about. And we had to get people out there to clean up this property. So it's already cost the County for maintaining this property. And part of the problem was getting someone to address this, because I sent it over to Parks and they said, "Well, it's not ours." And Real Estate was hoping to transfer it because before they got stuck with the clean-up costs.

MR. ZWIRN:

My only question is because it's in Legislator Romaine's district, would you be in favor of it going -- becoming part of the Parks system as opposed to it being sold at auction?

LEG. ROMAINE:

I don't know if it's a buildable lot. It's mostly wetlands.

MR. ZWIRN:

So tabling is probably a good idea.

CHAIRMAN MONTANO:

Ben, here's my personal position. I'm one of 18 Legislators. Whenever ten get together, they make a decision that's binding. But in light of what is going on right now, I think that my role or my responsibility as a Legislator is to hold off and look at everything because these are very difficult times.

We just had a comprehensive budget report that says we wound up with a \$33 million hole this year, 2011, that just passed. What is it, 187 in 2012 and 349 in 2013? I want to see -- I want to look at this comprehensively, not, you know, the same old, "Oh, it went through Planning, it would be a nice addition to a park, and we're giving away this and that." I'm not doing that.

So my colleagues are free to do what they want. I'm taking the position, let's wait until we get some real clear explanations. I wouldn't give away a shell on the beach without knowing if I can get \$10 for it.

So we have a motion on the floor. The tabling goes first. All in favor of tabling? We have five. All right. Conversation over, we'll see you next week. **TABLED (VOTE: 5-0)**

Next resolution **1133, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Richard J. Scola and Claire Scola, his wife (SCTM No. 0200-762.00-04.00-082.002). (Co. Exec.)**

That's a 13. What's the size of the property and how much? This is adjacent property that apparently can't be sold.

LEG. KENNEDY:

This is a small -- if I can, Mr. Chair, I know the family and I've worked with them in Legislator Muratore's district.

CHAIRMAN MONTANO:

Okay.

LEG. KENNEDY:

It is a small 20 foot by about 80 foot strip that comprised the right-of-way that the family had provided for an adjacent property owner to get access on to the Expressway North Service Road over in the Ronkonkoma area by Exit 60. Adjacent owner never perfected the transfer, didn't record the deed, didn't pay tax on it, it lapsed. It's somebody's backyard. It's about 20 feet of backyard.

CHAIRMAN MONTANO:

Just so I'm clear, once we add this, once we sell this to the adjacent owner, it's added or next to his property and he's taxed on it, right?

LEG. KENNEDY:

Yes.

CHAIRMAN MONTANO:

So we have income. Not a bad deal. Let's go. Motion to approve, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0).**

1141, Approving list of appraisers and engineers as designated by the Division of Real Property Acquisition and Management. (Co. Exec.)

Does this list deviate in any way, shape or form from the approved list that we had last year? I remember, Kennedy, you had some issues on the list last year.

LEG. KENNEDY:

Well, my concerns last year actually ran to the title insurers. This I see -- and I have not seen who the list of authorized are, are only, I guess, commercial and residential appraisers and engineers. Why do we have a list of engineers? What do we go out to engineer?

MR. THOMPSON:

I think that includes surveyors.

LEG. KENNEDY:

Caption here is engineers.

CHAIRMAN MONTANO:

By the way, my question was does this list deviate in any shape or form in terms of the people on the list from last year's list?

MR. THOMPSON:

I understand it's pretty much the same as last year.

CHAIRMAN MONTANO:

I'm sorry, Wayne, but pretty much doesn't cut it for me. It's either yes or no; am I correct? I don't mean to be snippy, but -- does it deviate, Dennis?

MR. BROWN:

I can't answer that question, Legislator Montano. You may have to wait for Pam Greene to get back. This list was originally approved for condemnation purposes for fixture appraisers and engineers in connection with condemnation proceedings. This was done by statute two years ago.

CHAIRMAN MONTANO:

I know.

MR. BROWN:

So this is the renewal of that. Theoretically, technically, it should be the same list. We recommended that you do this again and that you do a new RFQ, an RFP for when this expires.

CHAIRMAN MONTANO:

Right. But you're not saying affirmatively that there are no changes to the list.

MR. BROWN:

I can't answer that question. Pam Greene has the answer to that question.

CHAIRMAN MONTANO:

That's the concern I had. Legislator Romaine.

MR. THOMPSON:

I have a note here that says it's the same appraisers.

LEG. ROMAINE:

My understanding -- these are appraisers and surveyors or these are appraisers and engineers?

MR. BROWN:

Appraisers and engineers.

LEG. ROMAINE:

What happened to the surveyors? My understanding is that the contracts for the appraisers, the engineers and the surveyors expired on December 31st; is that correct?

CHAIRMAN MONTANO:

But we're still using them, I imagine, right?

LEG. ROMAINE:

I would think that if we were using them without a contract, we'd be in violation of several -- we're not using them. Let me emphasize that for the record, because there are people saying, "Oh, we need a moratorium on land sales."

We haven't had appraisal, engineering or surveying services since December 31st. Therefore, anything in the pipeline looking to get appraised, surveyed or engineered has not been done in terms of land acquisition or farmland development rights.

CHAIRMAN MONTANO:

Is that accurate, Dennis?

MR. BROWN:

Legislator Romaine, can I get back to you? I'll follow-up with your office this afternoon with the exact status of the surveyor's contract.

CHAIRMAN MONTANO:

Dennis, can we table this?

LEG. KENNEDY:

I'm going to make a motion to table, Mr. Chair, because actually, I never recall having dealt the engineers associated with any aspect of land acquisition or condemnation. Quite frankly, as my questions earlier had gone to the abstract companies and title insurers, how does one go ahead and get on this list? How do we get a list of approved engineers? Who are they?

LEG. ROMAINE:

I have a ton of questions.

CHAIRMAN MONTANO:

All right. Did you make a motion, Legislator Kennedy?

LEG. KENNEDY:

Yes.

CHAIRMAN MONTANO:

I'm going to second the motion. Dennis, is there any reason why you would recommend -- you know, not tabling this, you know, a legitimate reason?

MR. BROWN:

I think that if you need -- I can't answer the question whether or not this list is exactly the same list as the one that was approved by the Legislature two years ago.

CHAIRMAN MONTANO:

That gives me pause for concern, and for that, I would table.

MR. BROWN:

We're on a short cycle, two weeks. I am not aware. That question would have to be answered by Wayne or somebody else from Real Estate as to why -- or even DPW -- as to why you can't wait two weeks.

CHAIRMAN MONTANO:

Bear with me. I'm rushing because of time, not because of anything in particular. Are there any other motions on the floor? All in favor? Opposed? Abstentions? Motion to table carries.

TABLED (VOTE: 5-0-0-0). *(VOTE AMENDED - PLEASE SEE PAGE 62)*

We'll take this up next week. And I'm sure you'll come in with the answers, right, Dennis.

MR. BROWN:

Pam or I, yes.

CHAIRMAN MONTANO:

I think Pam is away, so I hope she's having a good time.

1151, Authorizing certain technical correction to Adopted Resolution No. 1187-2011. (Co. Exec.)

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

1158, Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (Town of Islip) (SCTM No. F/k/a 0500-157.00-02.00-007.000 and 004.000). (Co. Exec.)

Just to be consistent, can I have an explanation of what we're doing here? We're giving away land, and what I'm asking is why are we giving away land? I know we're giving it to the town. What are they going to do with it? Let me rephrase the question. Is this for affordable housing?

MR. THOMPSON:

No, sir.

CHAIRMAN MONTANO:

What's it for?

MR. THOMPSON:

It's getting back to the town. They had a condemnation back in the late '70s on this property, and one year was left open that they didn't pay taxes on.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

And the town now wants to sell the property off to an adjacent owner, through industrial --

CHAIRMAN MONTANO:

Are we making money on this?

MR. THOMPSON:

We're getting back what we're owed.

CHAIRMAN MONTANO:

We're going to be made whole?

MR. THOMPSON:

Yes, sir.

CHAIRMAN MONTANO:

And they're going to sell it to an adjacent owner, and they're going to put it back on the tax roll?

MR. THOMPSON:

There you go.

CHAIRMAN MONTANO:

Okay. I'm making a motion to approve. You are talking money, we like that. I need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Calarco. Any other -- Dennis, you want to say something?

MR. BROWN:

After your current vote.

CHAIRMAN MONTANO:

Well, if it's on this bill, you better say it now. All right. All in favor? Opposed? Abstentions?

Motion passes. **APPROVED (VOTE: 5-0)**

1159, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Nicholas J. Busa and Rosaria Zarro Busa, his wife (SCTM No. 0209-028.00-03.00-041.001). (Co. Exec.)

This is adjacent property, 80 by a 100, nice size parcel. I own property where I have a house that's less than 80 by a 00. Why can't we build a house on it?

MR. THOMPSON:

The development right had been stripped off before we took it for tax deed. So it's virtually -- it's sterilized.

CHAIRMAN MONTANO:

Okay. Any other questions? Any motion?

LEG. STERN:

Motion to approve.

CHAIRMAN MONTANO:

All right. Second?

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (5-0)

1161, Approving list of Environmental Site Assessment Companies as designated by the Division of Real Property Acquisition and Management. (Co. Exec.)

LEG. KENNEDY:

Do we have a list?

CHAIRMAN MONTANO:

Well the question is -- good question. Do we have a list now?

MR. BROWN:

This list should have been established via the RFQ process by Pam Greene.

CHAIRMAN MONTANO:

RFQ meaning? Meaning what's the "Q" for?

MR. BROWN:

Request for Qualifications.

CHAIRMAN MONTANO:

Did we have a list or is this a new list?

MR. BROWN:

This is a new list.

CHAIRMAN MONTANO:

All right. So this is the first time this list is being put forward?

MR. BROWN:

To the best of my knowledge, yes.

CHAIRMAN MONTANO:

Do we need to approve this?

MR. NOLAN:

Is it legal?

CHAIRMAN MONTANO:

Is this a legal requirement? I'm echoing my comments from, Counsel. Note the pause on the record.

LEG. KENNEDY:

I make a motion to table.

CHAIRMAN MONTANO:

I will second it. Any other motions. All in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 5-0).**

Let's discuss this at the next meeting, Dennis.

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

1165, Authorizing The Sale, Pursuant To Local Law No. 16-1976, Of Real Property Acquired Under Section 46 Of The Suffolk County Tax Act Liberty Estates, Inc. (SCTM Nos. 0200-736.00-01.00-021.000, 0200-737.00-01.00-005.000, 0200-737.00- 01.00-006.001 and 0200-932.00-03.00-016.000). (Co. Exec.)

I'm going to make a motion to approve and place on Consent Calendar. Second by Legislator Calarco, right.

LEG. CALARCO:

Sure.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstentions? **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

1166, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Russell Caldwell and Rosemarie Caldwell, his wife (SCTM No. 0200-783.00-02.00-027.000). (Co. Exec.)

This is another quit claim deed. Same situation. You're asking us to approve this nunc pro tunc back to February 28th?

MR. BROWN:

Yes.

CHAIRMAN MONTANO:

Okay. I made make a motion to approve and place on Consent Calendar. Seconded by Legislator Calarco. All in favor? Opposed? Abstentions? **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0).**

We did 1177.

1186, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. 0500-120.00-04.00-024.000, pursuant to the Suffolk County Tax Act. (Montano)

This has to do with the Knights of Columbus property in the Town of Islip, the Hamlet of Central Islip. I sponsored the bill, and I will make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All those in favor? Opposed? **TABLED (VOTE: 5-0).**

1195, Adopting Local Law No. -2012, A Charter Law to prevent a Court Imposed Redistricting Plan. (Pres. Off.)

That needs to be tabled for public hearing, so I'm going to make a motion to table for public hearing, second by someone -- who?

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Legislator Kennedy. All in favor? Opposed? Abstentions? **TABLED for PUBLIC HEARING (VOTE: 5-0)**

1196, Adopting Local Law No. -2012, A Charter Law to extend the deadline for Reapportionment Commission to propose new legislative boundaries. (Kennedy)

We had discussed this earlier with presentation by the League of Women Voters who have stayed here for two-and-a-half hours. And I want to thank you. And we're going to make a motion to -- I'm going to make a motion to table for a public hearing.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

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

And I have one last item of business on this agenda, and that's **HR.01-2012, Requesting the New York State Legislature amend the General Municipal Law, the Vehicle and Traffic Law, and the Criminal Procedure Law in relation to establishing a Traffic and Parking Violations Agency in the County of Suffolk (Assembly Bill A.8239 and Senate Bill S.5634) (Cilmi)**

Ben, you want to say something?

MR. ZWIRN:

Yes. Going back to **IR 1141.**

CHAIRMAN MONTANO:

We can't. Too late now, guy. Just joking. Go ahead.

MR. ZWIRN:

The committee tabled it. The engineers, the appraisers.

CHAIRMAN MONTANO:

Okay. Go ahead.

MR. ZWIRN:

I would ask that this would be reconsidered so we would have the opportunity to amend this bill.

CHAIRMAN MONTANO:

I'll make a motion to reconsider. Do we need to reconsider it? Can't you amend it anyway?

MR. BROWN:

We're asking that you reconsider it, because the engineers will be needed for testimony in connection with condemnation litigations. So we would ask that you reconsider it and discharge it without recommendation. And between now and next Tuesday, we'll get you the answer as to whether or not it's the exact same list that was approved two years ago.

CHAIRMAN MONTANO:

Anyone have a problem with that?

LEG. KENNEDY:

I'll entertain a request. I mean, obviously, we don't want to delay litigation, that's costly across the board. But I would like a list then faxed to my office of who the engineers are.

Dennis, this was totally unknown to me that we had maintained this list heretofore. If we have engineers that are engaged already, then that speaks to the fact that there's been this selected group of individuals who perform this function for us. You know, give me something. I mean, it goes back to the same thing that I did with title companies and abstract companies. There is hundreds of them out there. There is hundreds of engineering firms. How do we get this group that are ones we use?

MR. BROWN:

I will get you the list and I'll get you the background on the legislation and as it was developed two years ago. I'll absolutely get that to you before Tuesday.

CHAIRMAN MONTANO:

And Dennis has always complied with our requests, and I appreciate that. Are you making a motion to reconsider?

LEG. KENNEDY:

Yes.

CHAIRMAN MONTANO:

I'll second the motion. All those in favor? Opposed? Motion now is to discharge without recommendation, seconded by Legislator Kennedy. All those in favor? Opposed? Abstentions? Motion carries. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0-0-0).**

Don't leave, John, we have this Home Rule Message. I'm not really clear -- I haven't really looked at the bill. Who is the sponsor of the Assembly bill? Graf. Who is the sponsor of the Senate bill? Zeldin. Okay. Do we have a motion on this?

LEG. KENNEDY:

I'll make a motion to approve. I do know that we reached out -- a number of us reached out to Assemblyman Graf. He is in the minority in the Assembly, so obviously there would be some need to perhaps work with some other members in the delegation. But nevertheless, I think it's

important that we have -- show our support for the measure, you know, in Albany. So I will bring forward the motion to approve the Home Rule Message.

LEG. NOWICK:

I'll second it.

CHAIRMAN MONTANO:

We have a motion and a second. Legislator Calarco would like to ask some questions of Mr. Zwirn.

LEG. CALARCO:

Ben, I know that this is something that the County Executive has been advocating for, a Traffic Violations Bureau of some sort. Is this bill a version that the County is looking -- that the County Executive's Office is looking to have approved? Are we working with somebody else on an alternate type of version? Does this lock us into doing it in a specific way that we'd prefer not to?

MR. ZWIRN:

No. We've asked the Governor to include in his budget, it was not done. There are ongoing negotiations. There are reasons why it hasn't gotten State support, and we're trying to work on some of the language to get that done. There's a -- Traffic Violation Bureaus quickly just went into effect. What's happening is the plea bargaining is going on, and so far, the State is not getting revenue anymore. They're going down and they're reducing the fines in the different Traffic Violations Bureau, so they didn't want to give up control of that. They just want to know if they can get rates -- they're losing money, the State is. So they're not anxious to see the program expand until they can get a handle on it. But this bill is okay, this Home Rule Message.

CHAIRMAN MONTANO:

Your office is okay with this Home Rule Message?

MR. ZWIRN:

Yes. Let me make sure I'm looking at the right one.

CHAIRMAN MONTANO:

You better look. I'm going to make a motion to table.

MR. ZWIRN:

I don't see the sponsors -- who the Assembly sponsor and who the Senate sponsors are in this.

CHAIRMAN MONTANO:

We just mentioned that. Zeldin is the Senate sponsor and Graf is the Assembly sponsor.

MR. ZWIRN:

As you well know, in Albany, it's not going anywhere.

CHAIRMAN MONTANO:

I'm going to make a motion to table. Do I have a second?

MR. ZWIRN:

Thank you.

CHAIRMAN MONTANO:

We don't have a second on the tabling.

LEG. CALARCO:

I'll second it.

CHAIRMAN MONTANO:

Seconded by Legislator Calarco. We'll take this up in two weeks. You'll have those answers and you'll let us know if the bill is -- it's not -- I can guarantee you that it's not going to be passed in Albany within the next two weeks. I mean, they can't even do a redistricting plan, you think they're going to worry about a Traffic Violation Bureau?

MR. ZWIRN:

It certainly would not go in this particular form.

CHAIRMAN MONTANO:

Exactly. We will take a vote. All those in favor? Opposed? Two opposed. It is **TABLED (VOTE: 3-2-0-0 Opposed: Legislator Kennedy & Legislator Nowick)**.

We are done. Thank you so much for putting up with us.

(*THE MEETING WAS ADJOURNED AT 12:36 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY