

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, May 2, 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
Alicia Howard - Legislative Aide
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
Pamela Greene - Director - Department of Real Estate
Gail Lolis - Deputy County Attorney - County Attorney's Office
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano - Court Stenographer
Denise Weaver - Legislative Aide

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

CHAIRMAN MONTANO:

We're going to start the meeting with the Pledge of Allegiance.

SALUTATION

Are we all ready, Stenographer? How are you?

MS. CATALANO:

Very good, thank you.

CHAIRMAN MONTANO:

Okay. And the mike is on so let's move -- Bob, we don't have any correspondence. Am I correct? Okay. Do we have any cards from anyone? No cards, great. No presentation. We're going to move right into the tabled resolutions.

TABLED RESOLUTIONS

IR 1005, To Reduce the Printing Costs Associated with the County's Direct Deposit Payment System. (Cilmi) All right. Motion to table, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

IR 1012, Adopting Local Law No. -2012, A Charter Law To Make Transparent The County's Rule Making Process. (Cilmi) Needs to be tabled for a public hearing I understand. Counsel?

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

All right.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

All right. We have a motion to table and the public hearing has been closed. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

IR 1017, Adopting Local Law No. -2012, A Charter Law to Promote Openness and Participation in Legislative Business. (Cilmi) Public hearing was closed on 2/7/12. I'll take a motion to table by Legislator Calarco, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

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

LEG. CALARCO:

Motion.

CHAIRMAN MONTANO:

We have a motion to approve. I'll ask for an explanation. Do we have a second on the approve? I'll make a second to approve just for the purposes of discussion. Counsel, would you give us an explanation? Oh, Pam, how are you, Pam?

DIRECTOR GREENE:

Very well. Thank you, Mr. Chairman. I had sent a short e-mail to you and the members of the committee advising that as a result of some discussion on this item at the March 7th meeting, Wayne Thompson from the Division of Real Property and Nick Gibbons from the Parks Department met to review every parcel. And as a result of that, 38 parcels were removed from the original list, five of them will be going to auction this fall. The remainder will be offered for either adjacent sale and also for municipalities for 72-H.

CHAIRMAN MONTANO:

I don't know if it's the mike or it's me, but I'm having a little difficulty. I got most of that. The name of the bill is authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. What properties are those and why are we transferring? Because my understanding is when we transfer them to Parks we sort of lockbox them.

DIRECTOR GREENE:

They're surplus properties that have come into the County inventory that have not been successfully sold at auction, that there has been no interest in purchasing thus far, and also in many instances, are adjacent to existing parklands or have wetlands on them and would be the subject of proposed acquisitions. So if you recall --

CHAIRMAN MONTANO:

Proposed acquisitions by whom?

DIRECTOR GREENE:

By the County for open space purposes if they are near wetlands or environmentally sensitive.

CHAIRMAN MONTANO:

Right. But when we transfer them to Parks they're no longer available to untransfer them or whatever term you want to use for another purpose; am I correct?

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

So basically it's like putting them on the shelf; they can never be used for any other purpose; am I correct?

DIRECTOR GREENE:

Correct. And they also now will not be -- will longer be accruing a County investment, because they will no longer be considered taxable properties. So it's a means to transfer properties out of the County inventory that have had no interest in being sold.

CHAIRMAN MONTANO:

They have no interest now, but that doesn't mean there won't be a future interest.

MS GREENE:

Which is why as a result of your March meeting, every property was reviewed, and as a result, 38 were pulled off of the original list.

CHAIRMAN MONTANO:

And how many are on the list?

DIRECTOR GREENE:

You have your exhibit in front of you. I'm sorry.

CHAIRMAN MONTANO:

Let me pull it up. Does anybody have any questions while I pull it up? Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. One of the properties that had been previously listed was the Jamesport property. So, Pam, what happened to that one?

DIRECTOR GREENE:

If it was pulled off, we will certainly get back to you on that particular one. Again, each one was examined individually, and it will either be offered for auction this fall or offered for a direct sale to an adjoining property or made available to a municipality for 72-H if there's interest from that.

LEG. STERN:

So it remains in the inventory, and it's still subject to all of the tools that you had in the box previously.

DIRECTOR GREENE:

Correct.

LEG. STERN:

I also had a question here on the chart that was prepared. This is the revised chart, I thank you for that. The far right-hand corner, tax default development rights. That indicates what exactly?

DIRECTOR GREENE:

I believe it would be whether or not -- I'm speculating. I believe it would be whether or not there are any workforce housing credits to be stripped from the property. But can I look at the background?

LEG. STERN:

Sure. Sure.

DIRECTOR GREENE:

I have the County investment and the current taxes.

LEG. STERN:

I have a -- there's a column after that further to the right, tax default development rights. One of the questions that I had had when we were looking at the original list was to what extent might there be credits that are available on these various properties and what might be a corresponding value. When we take these properties off the rolls, what, if anything, can we do regarding those credits? Do they become an asset to the County that we can then turn around and sell for whatever purpose? It appears as though -- and they're not worth all that much, they're fractional shares here. But in the far right column, there's an indication to some type of a development right, I'm assuming it's a credit, although it doesn't say that.

DIRECTOR GREENE:

That's what would have happened as a result of the request to table this in March as part of that

analysis that took place between the Division and Parks Department to see if there were any credits to be yielded from these properties.

LEG. STERN:

So these are the credits. But do we know -- you had mentioned that perhaps they might be for affordable housing credits, is that going to be the case here?

DIRECTOR GREENE:

I will find that out for you. And I apologize for not having that.

LEG. STERN:

That's fine. My question would be whether -- it shows here, after this column on the far right that there is a total, it's a 6.5 total. So I'd be interested to know what that 6.5 represents exactly, and to what extent we then might hold it as an asset and the kinds of things we might be able to do with it going forward. I guess that's something that we can discuss further.

DIRECTOR GREENE:

Or we could hold and I can find out and get back to you at the end of the meeting.

LEG. STERN:

If that's possible.

DIRECTOR GREENE:

Okay.

LEG. STERN:

Okay, great.

CHAIRMAN MONTANO:

You know, Pam, what I'm going to do is request -- I'm going to withdraw my second on the approval. I'm going to make a motion to table. We're coming back in two weeks. What I'd like to do is have an opportunity to go over these parcels with you. We can do it either by e-mail -- I know you sent me one.

The reason is I am not prone to take property and put it into Parks, particularly if it's not being used, because my thinking -- and correct me if I'm wrong -- is that once we do that, we forever alienate that property. In other words, we can't use it for any other purpose in the future; we can't auction it, we can't do anything with it. And if it's adjacent to the park and it's not sold, then what is the point? Did you imply earlier that we were saving money by doing this process?

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

And how are we saving money?

DIRECTOR GREENE:

You will no longer be incurring the County investment once it's transferred.

CHAIRMAN MONTANO:

What is the County investment? What does that mean?

DIRECTOR GREENE:

The taxes thus far that's on your spreadsheet.

CHAIRMAN MONTANO:

Right. I understand that. We're paying those taxes; right?

DIRECTOR GREENE:

Yes, you are.

CHAIRMAN MONTANO:

To whom?

DIRECTOR GREENE:

To whom?

CHAIRMAN MONTANO:

Yeah.

DIRECTOR GREENE:

To the other municipalities. From the Suffolk County Tax Act you're required to make --

CHAIRMAN MONTANO:

I can't hear you. Go ahead.

MS GREENE:

The Suffolk County Tax Act requires that you make the other municipalities whole on properties that come into the County inventory until they are removed from the County inventory. This is one such avenue to remove them from the County inventory.

CHAIRMAN MONTANO:

All right. And your point is that you are absolutely certain that these properties have no future use whatsoever.

DIRECTOR GREENE:

That is the assessment of the Division and the Parks Department, correct.

CHAIRMAN MONTANO:

Legislator Stern has a question.

LEG. STERN:

If that's the case, I'm inclined to support the idea here going forward, because it appears as though we are trying to do is take those properties that are undevelopable off of the rolls, no longer have the investment, but it appears as though we might be taking something that doesn't have a value and converting it perhaps into something that does have a value in the form of these credits. So I'd be very interested to learn what these credits could or could not be used for, because I think that there is an underlying value here and there can be a source of revenue to the County for doing this very move here. But it would be interesting to know to what extent that that value could be realized.

DIRECTOR GREENE:

Absolutely. Would you like that today or at the next meeting?

CHAIRMAN MONTANO:

We can go a cycle then.

DIRECTOR GREENE:

Very good.

CHAIRMAN MONTANO:

All right.

DIRECTOR GREENE:

Thank you.

CHAIRMAN MONTANO:

Thank you very much. I'll make a motion to table, I need a second. Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstention? Motion to table carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

We will clear this up by the next meeting.

MR. LIPP:

For the record. Excuse me.

CHAIRMAN MONTANO:

Yes, go ahead.

MR. LIPP:

Our experience to date has been we really haven't used the credits. I think there was only one credit used out of several hundred so far. That being said, the Planning Department, I believe, is trying to look at the program upon BRO's suggestion to see if there's a way to market them. But so far, they really have not be marketable at all.

CHAIRMAN MONTANO:

Is there a reason for that other than they haven't had a chance to get there?

MR. LIPP:

There has not been a market to my knowledge. I'm not sure, you know, since the analysis has not been done, why there isn't the market. Maybe just that there isn't a procedure in place. But there really hasn't been an interest in those credits so far.

CHAIRMAN MONTANO:

Legislator Calarco, Legislator Stern next.

LEG. CALARCO:

Robert, can you tell us how many credits we actually have possession of?

MR. LIPP:

Off the top of my head I would say in the neighborhood of 300.

LEG. CALARCO:

Do we have a listing of those anywhere or do we make those available to people who are looking to obtain them? How do we actually market them to let people know that they're out there?

MR. LIPP:

That is the problem.

LEG. CALARCO:

Exactly, thank you.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. I was just going to make the comment that -- that, of course, that presents an opportunity for us to go through that process and develop a method for not only marketing what is a valuable asset but in selling. And there can be tremendous amount of revenue realized if done creatively.

MR. LIPP:

Right. My only point was that we have recognized that in the past, Budget Review Office, and have made recommendations. That being said, just making the point to you that it has not been utilized at all basically, I think there was one credit used at one time only or maybe a couple of credits actually, I think this past year there might have been one other.

CHAIRMAN MONTANO:

Thank you. I'd like to hear from Counsel on this.

MR. NOLAN:

I just was going to state that, and I think Legislator Stern is probably aware of this, that the Department or the Division of Planning right now, I think is doing a whole study an overview of the development right programs in the County. And I think coming from that will be recommendations as to how to better use the credits that we've accumulated.

CHAIRMAN MONTANO:

Yeah, and I would agree with that. And, Pam, if we could talk in the interim before the next meeting on this issue. And, Robert, if you have any information with respect to your comments, could you just send them over to my office so we could take a look at that.

MR. LIPP:

Yeah, I think as George was saying, and I had already said, that basically we're waiting on Planning's analysis.

CHAIRMAN MONTANO:

Okay.

DIRECTOR GREENE:

Right.

CHAIRMAN MONTANO:

Stenographer, you know what I'm going to ask, after the meeting if you can just excerpt, when your done, it's not a rush, if you can excerpt the conversation on this particular bill and send it to me I'd like to have that. Go ahead, Pam.

DIRECTOR GREENE:

And, again, that registry is maintained by the Planning Division.

CHAIRMAN MONTANO:

I'm sorry, I can't hear you.

DIRECTOR GREENE:

That registry is maintained by the Planning Division.

CHAIRMAN MONTANO:

Thank you very much. All right. We already tabled it. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

We're moving onto **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)**

That is the Knights of Columbus property on Carleton Avenue. I am going to make a motion to table, need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)** Counsel, we're not up on the six months on that bill yet. Right?

MR. NOLAN:

No.

CHAIRMAN MONTANO:

IR 1291, Adopting Local Law No. -2012, A Local Law to Modify Requirements for Contract Agency Funding. (Calarco) Legislator Calarco it's your bill, the public hearing was closed on 3/27.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

I'll second the motion to table. Go ahead.

LEG. CALARCO:

It's come to my attention that with the County Executive making the 10% cuts across the board the dollar figure is going to be reduced yet again. So I'm going to look to maybe just do a temporary one year waiver on the law.

CHAIRMAN MONTANO:

Okay. All right. We didn't take a vote. All in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

IR 1312, Adopting Local Law No. -2012, A Local Law to Make a Technical Change to Tax Map Verification fees. (Lindsay) The public hearing was closed on 4/24/12.

(Legislator Kennedy entered the meeting)

CHAIRMAN MONTANO:

Counsel, I just want to put on the record the change here.

MR. NOLAN:

Right. This is a request from the Real Property Tax Service Agency. The fee schedule presently references fees for temporary or dummy numbers that are assigned. They advise us that they no longer use temporary or dummy numbers and that it should be deleted from the fee schedule.

CHAIRMAN MONTANO:

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

IR 1341, Adopting Local Law No. -2012, A Local Law to Amend the Prompt Payment Policy for all Not-For-Profit Contract Agencies. (Co. Exec.) It needs to be tabled for public hearing. Am I correct on that? Okay. I'll make the motion to table for public hearing, second by Legislator Stern. On the motion, could you give me a quick explanation, Counsel?

MR. NOLAN:

Yeah, what the -- under our current law we have a prompt payment policy where we have to pay the non-profit agencies within 30 days. This law basically would suspend it during any time where the County Executive has declared a funding deficiency where there is a deficit that's something he can do under of Charter. I believe he's done it for this year. He's announced a funding deficiency so basically that would suspend the effectiveness of the Prompt Payment Law.

CHAIRMAN MONTANO:

Well, if he's declared the -- what was it? The fiscal emergency.

MR. NOLAN:

The funding deficiency.

CHAIRMAN MONTANO:

Funding deficiency. Does that automatically kick into play the suspension of this policy or we would need a separate resolution?

MR. NOLAN:

No, that's why this -- that's why they proposed this law is to state when there is a funding deficiency then prompt payment does not -- will not be effective. At that point, we don't have to pay within 30 days. That's why they submitted this --

CHAIRMAN MONTANO:

So in other words, the declaration itself doesn't automatically suspend the prompt payment.

MR. NOLAN:

Not currently, no.

CHAIRMAN MONTANO:

You know what, it's tabled for a public hearing. Yes, go ahead, Legislator Nowick.

LEG. NOWICK:

Just while we have Counsel here, it's easier here sometimes than in public hearing. I understand suspending it but is there any type of a cutoff, I mean, people that are waiting for this money what'll go ad infinitum or will it be a 60 day because we heard testimony a few years ago, I remember people coming in here in different contract agencies and they were hurting because they did not get

the money. If we suspend it, does this call for a 60 day or a 90 day or is it ad infinitum?

MR. NOLAN:

No, it would set no time limit at all. Even though Department of Social Services has come in and said, "hey, you know, we could do it within 45 days without incurring overtime" but if you pass this law they could go 60, 90, 120 days whatever without there being any penalty to the County.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

Yes, my apologies --

CHAIRMAN MONTANO:

Did you want to say something, Lynne? Let her finish.

LEG. NOWICK:

It gives the County -- I understand our problems -- it gives the County so much leeway that I fear for these agencies who at that time when we heard testimony people were taking out second mortgages and couldn't pay. I just think the bill needs to be tweaked a little bit so -- otherwise we're going -- it just becomes a point where it's not fair.

CHAIRMAN MONTANO:

Yeah, and I, you know, if I may, Legislator Kennedy, before you I'll just interject. I tend to agree. I mean, you know, we just laid 315 people off, I'm sure that their families are going through fiscal emergencies and I don't see their credit card bills or their mortgages being suspended for indefinite period of time and to do that to agencies that we work with that have done the work, you know, I need to know more. But we're not going to discuss the bill today because it's for public hearing. Go ahead. I share your --

LEG. KENNEDY:

First of all, my apologies to the committee, I apologize for being late, we had an issue with my daughter. But, nevertheless, this bill was originally filed and brought forward, I think, when there was the former layoff list in place as a result of, you know, some significant changes the only layoffs in the Department of Social Services are the security guards.

So the point is is that I don't think this is applicable any longer because the Department of Social Services was adhering to the prompt payment schedule and, in fact, they're not losing any staff in their financial or fiscal areas. As of today the only staff that's being identified to be laid off from Social Services are security guards. Security guards didn't do vouchering or processing or payment. So that the rationale for the resolution in the first instance is no longer there, it's no longer present.

LEG. CALARCO:

It's going to be tabled anyway's for public hearing.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

Well, you know what, I know it's going to be tabled but I see Ben coming up, I assume that he

wants to say something, but, Ben, I'm going to put you on hold. I know it's going to be tabled for a public hearing and this might be academic, but I think it's good to have a discussion so that we understand because we may not get this chance again. Legislator Stern, go ahead.

LEG. STERN:

Just a brief comment to Legislator Kennedy's comment, I think you're right, the original rational might no longer exist, of course, we have a whole new rational now, which is a cash flow issue. And so same issue, but different cause. And I do hope that we get the opportunity to have an in depth discussion on this issue during public hearing because, and anybody listening, I would like to hear from those administrators of these agencies. You know, in the past, you know, anybody who served on not-for-profit boards in the past, I remember having those discussions about second mortgages and bridge loans and, I think, in the past we had been able to get by because these agencies had a -- although not a very good one at least another option. Those options no longer exist out there in the marketplace. And so we're dealing with a very different situation now and I would hope that those that come forward to have a discussion about this issue can speak to that because I think that's going to be a critical element here.

LEG. KENNEDY:

I agree.

CHAIRMAN MONTANO:

On thing, just from Counsel, I haven't read the law lately but just to be clear; the County under this prompt payment policy doesn't necessarily have to pay promptly, if they don't pay promptly then they're subject to a penalty. Am I correct?

MR. NOLAN:

That is correct.

CHAIRMAN MONTANO:

So it's conceivable that under the prompt payment policy, it doesn't necessarily mean that the company or the non-for-profit is going to get their money within 30 days but what it does say is that when they get their money it's sort of like the penalty you pay when you don't pay your mortgage on time, you pay a certain percentage or a \$15 fee, etcetera. So that's what we're dealing with here. Ben, I presume you want to say something.

MR. ZWIRN:

Yeah, I was just going to -- I wasn't going to say anything, but let me just respond. The reason --

CHAIRMAN MONTANO:

Well, wait a minute, you weren't going to say anything; it's not an invitation. I just want to -- I saw you sitting there so.

MR. ZWIRN:

Well, I just want to make -- I just want to clarify something that Legislator Kennedy said.

CHAIRMAN MONTANO:

Okay, go ahead.

MR. ZWIRN:

That the fact that we're not losing person -- as many in personnel in the Social Services, the reason they can comply with the 30 day date was because they were doing with overtime. And so with the restriction on overtime across the County right now, that's the problem, it wasn't a question as necessarily that they didn't have the personnel, they just didn't have enough personnel and they

couldn't process the claims for a number of reasons. But we have to remember this is --

CHAIRMAN MONTANO:

So just so I'm clear, what you're saying is that the reason that this is in effect is that we don't have the personnel to process the payments?

MR. ZWIRN:

It's a combination of things.

CHAIRMAN MONTANO:

All right, give me the combination.

MR. ZWIRN:

Computer systems that we had to deal with the State are not IT perfect. They had problems with them at the -- at Social Services.

CHAIRMAN MONTANO:

You mean they don't work?

MR. ZWIRN:

They work but they're not -- that they would like. It would be easier if they had a better system to get this stuff processed. They also have other things that they have to work on with the Empire Justice lawsuit with food stamps and things like that that they have to address first. You have a Social Service commissioner who's doing everything he can to try to process these claims as quickly as possible. In the past it may have been seen almost vindictive the way it was handled with these agencies getting their payments.

CHAIRMAN MONTANO:

I would agree with that but we can leave that alone.

MR. ZWIRN:

But that's not -- but that's not the case now and they are doing everything they can. The reason we're doing this was to avoid the fact if we can't get it done within the right amount of time we don't penalize taxpayers on top of everything else that we're trying to do.

CHAIRMAN MONTANO:

No, we don't penalize taxpayers, we penalize those people that are providing services to the County on behalf of the taxpayer. I mean, I'm not going to get into an argument with you but someone's being penalized here.

MR. ZWIRN:

Well, it's going to be the taxpayers ultimately if we have to pay a fine or interest penalty on trying to do the best we can.

CHAIRMAN MONTANO:

Right, but what if we don't pay these agencies and then they can't do the work. Who's penalized there? Because that's what happens if you don't get paid you don't come to work and if you, you know, if you don't get your money on time you can't pay your employees so you have to close down because your employees are looking to go somewhere else. Isn't this a vicious cycle?

MR. ZWIRN:

I think this happens in the real world, I mean, you know, sometimes --

CHAIRMAN MONTANO:

Where's the real world?

MR. ZWIRN:

The real world is that when I had customers who didn't pay me when I ran my business; we stopped doing business with them and we started going -- got other customers and we went out and we did other things. Some of these agencies, I think, are going to probably at some point if they can't survive, we had the living wage issue, which we have addressed in the omnibus plan to mitigate expenses in the County. We're going to wean some of these agencies off of that. There's a combination of things that are coming home to roost with respect to not-for-profits and how they work with the County. I mean, these are very difficult times.

CHAIRMAN MONTANO:

We understand that.

MR. ZWIRN:

And it's not as if we're trying to single anybody out.

CHAIRMAN MONTANO:

I keep hearing that. I know that they're difficult times. They're difficult times for everybody.

MR. ZWIRN:

That's correct.

CHAIRMAN MONTANO:

But we're talking about this particular bill and the impact on this bill.

MR. ZWIRN:

That's correct.

CHAIRMAN MONTANO:

So I just, you know, I want to leave it to where we're at now. My understanding is that if we don't pay on time within a certain period, there's a penalty that the County has to pay and the incentive is to be able to -- the penalty is there not so we can get more money, but as an incentive to make sure that agencies get paid on time after they perform the work. And this bill, as I understand it, basically says "we'll pay you when we get around to it." And you're telling me that the reason we're not paying them is that we don't have anyone in the office to process the claims.

MR. ZWIRN:

We can't -- we don't have enough bodies and the ability to process these claims fast enough.

CHAIRMAN MONTANO:

Okay, I understand that.

MR. ZWIRN:

So what you do is you have the people that are trying to do this, you know, if they can't get it done fast enough.

CHAIRMAN MONTANO:

They're doing something else because we don't have enough staff. That's the point you're making. Am I correct?

MR. ZWIRN:

Correct, correct.

CHAIRMAN MONTANO:

Okay. Does anyone have any further? Legislator Nowick.

LEG. NOWICK:

Just one thing, I wasn't saying that in this economy maybe the 30 days was something we could -- the one bill -- we could of -- I'm saying it should be a ceiling.

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

We shouldn't just leave it where it could go on forever.

CHAIRMAN MONTANO:

Right. In other words --

LEG. NOWICK:

And that's where the tweaking -- I get the 30 days, I do get that because we are in trouble, even your mortgage sometimes if you -- you have to the 15th, maybe not the first, but --

CHAIRMAN MONTANO:

Fifteenth.

LEG. NOWICK:

But there should be some type of a ceiling to this, I think, so these people know that they have a shot.

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

With nothing; what do they do? And a lot of the contract agencies, maybe your right, Ben, maybe a lot of them they have to go elsewhere, but there's a lot of contract agencies that do services for the County of Suffolk that we can't afford to do --

CHAIRMAN MONTANO:

Right.

LEG. NOWICK:

-- so we don't want to lose them. So all I'm saying is some type of an agreement on a ceiling so they know where they're going.

CHAIRMAN MONTANO:

And I agree with that. It may not be -- 30 days may be too short a period in terms of processing with the, you know, with the lack of staff and all that. Forty-five days may be something that could be a little more feasible. Maybe 60, maybe a schedule, but to say, "hey, you know what, forget about it, you'll get the check when I send it to you," is a little bit -- is little bit open-ended and I have to agree with Legislator Nowick. So that's really the message. If you can take that back and tweak this before the public hearing then we can discuss it more intelligently or at least, you know, look at it from a different perspective. But that's the way I feel.

MR. ZWIRN:

That sounds like a reasonable approach.

CHAIRMAN MONTANO:

Thank you, Ben. All right. We had the tabling motion. Public hearing; I don't think we took a vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 5-0)**

IR 1342, Adopting Local Law No. -2012, A Local Law to Amend Advertising in the County Tax Map Album and Set Advertising Rates. (Co. Exec.) Public hearing was closed on 4/24. I'll ask Counsel for a brief explanation.

MR. NOLAN:

Again, this is a request from the real property tax service agency. They asked us to correct a fee schedule for the tax album advertising to reflect higher pricing on the back cover and lower pricing on the inside cover so it's just kind of flipping those two things in the current fee schedule.

CHAIRMAN MONTANO:

Okay. I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0)** All right. Moving onto the introductory resolutions. I'm going to go through these quickly because a lot of them are pro forma.

INTRODUCTORY RESOLUTIONS

IR 1382, Authorizing certain technical corrections to Adopted Resolution No. 970-2011. (Co. Exec.) Counsel, would you give a quick explanation?

MR. NOLAN:

It's just changing a fund number on a grant that we received.

CHAIRMAN MONTANO:

I'm going to make an motion to approve and place on the Consent Calendar, second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1404, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-787.00-07.00-007.000). (Co. Exec.) Quick explanation, Counsel.

MR. NOLAN:

No. No, problem. Transferring this to the Town of Brookhaven under 72-h for them to use for passive recreational purposes and open space.

LEG. CALARCO:

Motion.

CHAIRMAN MONTANO:

Okay. Do you want to -- Pam, are you still here?

MR. NOLAN:

We are getting \$4400.

CHAIRMAN MONTANO:

We are getting back our money. Forty-four hundred or forty-four thousand? Forty-four. Pam, just give me an explanation. Generally 72-h goes to affordable housing and other municipal purposes. This is a municipal purpose. Right?

DIRECTOR GREENE:

It's a municipal purpose. It will go to another committee if it's for affordable housing. So this is a --

CHAIRMAN MONTANO:

And we no longer get those. Okay.

DIRECTOR GREENE:

Yeah, this is a 120 by a 100 foot piece of property located in the Hamlet of Mastic. The town of Brookhaven has requested it for open space purposes, they are paying the County investment of 4,427.54. We are also taking off of the property before the transfer, Legislator Stern, point three -- three tenths of workforce housing development credits.

CHAIRMAN MONTANO:

All right. Steve, did you get that? This was not auction though. This was not a property that was attempted to be auctioned or cannot be auctioned.

DIRECTOR GREENE:

It was actually requested by the Town of Brookhaven and then requested by another Legislator to be pulled from the 2011 auction as part of the Forge River corridor so that is what the town is asking it to be dedicated for open space purposes.

CHAIRMAN MONTANO:

What are the dimensions of the property again?

DIRECTOR GREENE:

One twenty by one hundred.

CHAIRMAN MONTANO:

And the surrounding area is what?

DIRECTOR GREENE:

It's also vacant property on, I believe, three sides.

CHAIRMAN MONTANO:

Vacant on three sides.

DIRECTOR GREENE:

Undeveloped.

CHAIRMAN MONTANO:

Front, side and back?

DIRECTOR GREENE:

Uh-huh.

CHAIRMAN MONTANO:

Is it developable, I guess, is the question. Can you put a house on it?

DIRECTOR GREENE:

I don't know that it would meet zoning. And again, it was requested to be pulled by another Legislator because it's adjacent to --

CHAIRMAN MONTANO:

I understand. I got that. I got it was requested by the town, it was requested by the Legislator; I get all that. My question was is it developable?

DIRECTOR GREENE:

I don't know that it would meet zoning code. I believe Brookhaven zoning is one acre, I don't know that it would meet that. So there would have to be a question for the town to ask if it meets zoning.

CHAIRMAN MONTANO:

Okay. And what were the credits you said? Three point something?

DIRECTOR GREENE:

Point three.

CHAIRMAN MONTANO:

Point three.

DIRECTOR GREENE:

Three tenths. Uh-huh.

CHAIRMAN MONTANO:

Legislator Stern, any questions?

LEG. STERN:

Pam, do you know if this is a property that just kind of sits out there on its own or is it part of their overall plan for preservation in that area?

DIRECTOR GREENE:

They requested it to be contiguous for the Forge River corridor. I can show you the aerial and you can see the other surrounding uses.

LEG. STERN:

But it's part of the town's overall plan for the area?

DIRECTOR GREENE:

That may be in their resolution, they have a town board resolution that they had to pass to request the property.

CHAIRMAN MONTANO:

Okay. We have a motion, Renee. Do we have a second on the motion.

MS. ORTIZ:

No second.

CHAIRMAN MONTANO:

We need a second. There was a motion to approve by Legislator Calarco. Is there a second? All right. You can't second your own motion. No, it's not that, there were some questions with respect to the property. This was -- is it your -- just so I'm clear, is it -- are you the Legislator that requested this be pulled or was another Legislator?

LEG. CALARCO:

Not my bill.

CHAIRMAN MONTANO:

All right. Yeah, but she said it was requested by a Legislator. The County Executive introduced it, the town requested it and a Legislator asked it to be pulled. Excuse me? You're not a Legislator, so -- chill. Go ahead, Pam, I'm sorry.

DIRECTOR GREENE:

Legislator Romaine requested it be pulled from the last auction.

CHAIRMAN MONTANO:

Oh, Legislator Romaine, okay. All right. We don't have a second yet. Do we have a second? If not, I'll make a motion to table.

LEG. KENNEDY:

I'll make the motion to second.

CHAIRMAN MONTANO:

All right. We have a motion to approve.

LEG. STERN:

I'll second the motion to table and I'll --

CHAIRMAN MONTANO:

Okay.

LEG. STERN:

I'm seconding the motion to table because I don't have a copy of that town resolution so I can't see to what extent it was made a part of their overall plan there, we're on a short cycle so I'm sure we can produce it and we'll get there.

CHAIRMAN MONTANO:

All right, you know what --

LEG. CALARCO:

Yeah, we can take it up next time.

CHAIRMAN MONTANO:

We'll take it up next time. It's not going anywhere.

LEG. STERN:

But just procedurally it'd be good to have that documentation from the town so we can see to what extent it's going to be made part of their overall plan.

CHAIRMAN MONTANO:

Yeah, I would agree.

LEG. KENNEDY:

Through the Chair.

CHAIRMAN MONTANO:

Through the Chair, Legislator Kennedy.

LEG. KENNEDY:

To Pam. Pam, then what I would also ask is if you don't have the information associated with whether or not this particular parcel is developable either in the current zoning or if it was a single and separate. You know, over the course of the years we've had this discussion many, many, many times and I don't want to beat the dead horse again, but it's important for us to know and differentiate whether or not this property would, in fact, be a developable property.

DIRECTOR GREENE:

Be happy to get that for you.

LEG. KENNEDY:

So anything you could do to help provide us that -- provide me that information would be helpful for me.

DIRECTOR GREENE:

We'll get a determination from the Town of Brookhaven.

LEG. KENNEDY:

Thank you very much.

DIRECTOR GREENE:

You're welcome.

CHAIRMAN MONTANO:

All right. So, Renee, we have a motion to table and a second and no other motions. All in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 5-0)** Pam, stay where you are.

We're at **1405, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Incorporated Village of Lindenhurst (SCTM No. 0103-025.00-03.00-109.000). (Co. Exec.)** You want to give us an explanation on that?

DIRECTOR GREENE:

Be happy to. This is a piece of property that is a small triangle shape. It's 20 by 60 by 20 by 57. It is being requested by the Village of Lindenhurst for open space purposes. It is too small for any workforce housing development credits to be stripped from it and the village --

CHAIRMAN MONTANO:

And it's too small to develop on.

DIRECTOR GREENE:

And the Village is, yes --

CHAIRMAN MONTANO:

Okay.

DIRECTOR GREENE:

The Village is paying the County investment of \$2,214.52.

CHAIRMAN MONTANO:

Okay. But the real issue is that you couldn't develop this anyway even if we -- even if we kept it, you couldn't auction it because it has no value. Am I correct?

DIRECTOR GREENE:

It's unlikely that there be value, there be interest. And the Village request --

CHAIRMAN MONTANO:

All right. Explain to me what unlikely means in legal terms. In other words --

DIRECTOR GREENE:

I can't speculate that no person would ever bid on this. But it is --

CHAIRMAN MONTANO:

No, but what I'm saying is that it's in an area -- I'm assuming it's in an area where it cannot be developed, you know, you can't put a house on it.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Okay. All right. Any questions? I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstentions? Motion to approve is approved. **APPROVED (VOTE: 5-0)** All right.

1406, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen J. Paterson III and Long Island Pine Barrens Water Corp. (SCTM No. 0600-085.00-03.00-033.000). (Co. Exec.) This is adjacent property.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

And the price is?

DIRECTOR GREENE:

This is a 50 by 40 piece of property located in the Hamlet of Aquebogue, 2,000 square feet. Its appraised value was \$2,600. That was bid by one adjacent owner and they are -- they are the successful bidder.

CHAIRMAN MONTANO:

Who's the Long Island Pine Barrens Water Corporation?

DIRECTOR GREENE:

The owner of record. Is it the owner of record or the purchaser?

CHAIRMAN MONTANO:

Yeah, it's on the bill. It says sale of County owned, Stephen Paterson III and Long Island Pine Barrens Water Corporation. Counsel, do you know who they are?

MR. NOLAN:

No.

CHAIRMAN MONTANO:

All right. Any questions?

LEG. STERN:

I would just question who the Long Island Pine Barrens Water Corporation is and how it came that they are apparently a joint owner with Mr. Paterson III.

DIRECTOR GREENE:

When we do our owner -- our adjacent owner searches that's how the property would of come up as in ownership.

LEG. STERN:

Sure.

CHAIRMAN MONTANO:

Let me ask you this; because it says Long Island Pine Barrens Water Corp., is it a, to your knowledge, a for-profit or a not-for-profit corporation?

DIRECTOR GREENE:

I don't know that.

CHAIRMAN MONTANO:

Let's just find out.

DIRECTOR GREENE:

Okay.

CHAIRMAN MONTANO:

Okay. Do you want me to skip this? Do you want to -- is this something that has to be done today? I can't imagine that, but.

DIRECTOR GREENE:

No, we can find that out for you.

CHAIRMAN MONTANO:

Excuse me?

DIRECTOR GREENE:

We can find that out for you.

CHAIRMAN MONTANO:

Okay. It raises some questions, they may not be -- maybe simply resolved. I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

IR 1407, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Mark M. Cirillo (SCTM No. 0900-045.00-01.00-039.000). (Co. Exec.) Again, just give us a brief explanation.

DIRECTOR GREENE:

This is a 60 by 100 piece of property located in the Hamlet of North Sea. The appraised value is \$5,000. That was bid by one successful bidder who is an adjacent property owner. It was taken by the -- by tax deed in 2008. The County investment is \$311.82.

CHAIRMAN MONTANO:

Sixty-five by a hundred, is that something that is developable or not?

DIRECTOR GREENE:

Again, I can't speak to the zoning in that Town; North Sea. It is being transferred --

CHAIRMAN MONTANO:

North Sea?

DIRECTOR GREENE:

Yeah, Southampton.

CHAIRMAN MONTANO:

Southampton.

DIRECTOR GREENE:

It is being transferred to the adjacent owner with a covenant restriction that it cannot be independently improved upon.

LEG. KENNEDY:

Can I, through the Chair ask a question --

CHAIRMAN MONTANO:

Sure.

LEG. KENNEDY:

-- on this as well. The adjacent owner that's acquiring; the parcel that he owns now is improved or is it vacant?

DIRECTOR GREENE:

It's improved. This property once it's merged with their property cannot be improved with a habitable dwelling.

CHAIRMAN MONTANO:

How large is his property?

DIRECTOR GREENE:

I'll get that for you.

CHAIRMAN MONTANO:

For the record I see a 39 with a yellow arrow and, I don't know --

DIRECTOR GREENE:

Mr. Cirillo is --

CHAIRMAN MONTANO:

Okay. I see a property -- 39, is that the parcel we're talking about?

DIRECTOR GREENE:

Yes.

CHAIRMAN MONTANO:

So it's a little square. The other property is a rectangle.

DIRECTOR GREENE:

And Mr. Cirillo owns the improved structure adjacent to the property and is, in fact, the only adjacent owner.

CHAIRMAN MONTANO:

Yeah, because I think what's adjacent is a street. Is that what I see here? Does anybody want to see this by the way? Does anyone care?

DIRECTOR GREENE:

I had asked the same question. It is on an improved street.

CHAIRMAN MONTANO:

All right. I appreciate the information, I still need a motion.

LEG. CALARCO:

Motion.

CHAIRMAN MONTANO:

Motion by Legislator Calarco, need a second. Need a second, I need a second. All right. Well, motion fails for lack of second. In light of that, I'll make a motion to table. Do we have a second on that?

LEG. KENNEDY:

Yeah, I'll second on the table and through the Chair, I guess I'm going to ask again as I did with the prior property in Brookhaven on the Forge River --

DIRECTOR GREENE:

You'd like a determination as to its viability as a building lot.

LEG. KENNEDY:

You know, if it's a recently broken out lot then clearly it wouldn't be something deemed developable. But, you know, if it's a lot that's existed from the 20's or the 30's, you know, there's a possibility

that it could be treated as a substandard, nonconforming, but nevertheless developable and that certainly is going to factor into what the market value for the property is. And, you know, if it is de minimis and there could be no other value then the fact that we get anything from an adjoining owner has some factor to it. But, you know, if it had some larger value to it, it's information we should have before us. Thank you.

CHAIRMAN MONTANO:

What was the purchase price or the appraisal price?

DIRECTOR GREENE:

The appraised value is \$5,000.

CHAIRMAN MONTANO:

\$5,000. All right. Do we have any other motions on the table? Then all in favor? Opposed? Abstentions? Motion to table carries. **TABLED (VOTE: 5-0)**

IR 1408, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Louise G. Brown (SCTM No. 0100-056.00-02.00-055.000). (Co. Exec.) This is of right. Am I correct, Counsel?

MR. NOLAN:

Correct.

CHAIRMAN MONTANO:

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

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1409, Authorizing the Sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Arnold Snetiker and Linda Snetiker, his wife (SCTM No. 0200-538.00-04.00-029.000). (Co. Exec.)

I'll make the same motion, same second, same vote. If it's okay with everyone. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1410, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carlo S. Dimarco and Jennifer A. Dimarco, his wife (SCTM No. 0200-242.30-02.00-026.000). (Co. Exec.)

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

IR 1411, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Julia Parks and John Ross, husband and wife (SCTM No. 0200-479.00-01.00-018.000). (Co. Exec.)

Same motion, same second, same vote. These are all as-of-right, they're on the Consent Calendar. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1412, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Avi Sivan and Regina Sivan (SCTM No. 0300-193.00-02.00-007.001). (Co. Exec.)

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

IR 1413, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Channing Beach Plum, LLC (SCTM No. 0300-109.00-02.00-009.003). (Co. Exec.)

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

IR 1414, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Rosa Gomez and Louis Garcia (SCTM No. 0500-158.00-01.00-025.001). (Co. Exec.)

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

IR 1415, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jamie and Mario Mohan (SCTM No. 0100-122.00-03.00-042.000). (Co. Exec.)

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

IR 1416, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Marianne Glaser (SCTM No. 0800-068.00-06.00-018.000). (Co. Exec.)

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

IR 1417, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Roland Stern, individually as Devisee and as Executor under the Last Will and Testament of Marie E. Potucek (SCTM No. 0204-015.00-02.00-019.000). (Co. Exec.)

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

IR 1418, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Wayne A. Koons and Debra Koons, husband and wife (SCTM No. 0900-024.00-04.00-010.005). (Co. Exec.)

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

IR 1419, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Nelson Rodriguez (SCTM No. 0500-140.00-03.00-004.000). (Co. Exec.)

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

IR 1420, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lorraine Comisso, as surviving tenant by the entirety (SCTM No. 0500-258.00-03.00-009.008). (Co. Exec.)

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

IR 1421, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sharon Anders, (as to 10% interest) to be held jointly with Stephen Berg, Jacqueline Berg and David Berg (as to 90% Shared Interest) held jointly with Rights of Survivorship (SCTM No. 0200-215.00-02.00-026.000). (Co. Exec.)

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

IR 1422, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert G. Cianci (SCTM No. 0400-156.00-01.00-038.000). (Co. Exec.)

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

IR 1423, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act MWF Realty Inc. (SCTM No. 0500-393.00-04.00-061.000). (Co. Exec.)

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

IR 1424, Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act. (Co. Exec.)

Pam, do you want to step up. Let's get an explanation and then we can take a motion.

DIRECTOR GREENE:

The Division is required to submit the auction rules for annual approval by the Legislature. We are anticipating a auction taking place in late October and we're putting forward the auction rules that govern that auction. There is no change from last year.

CHAIRMAN MONTANO:

There are no changes from last year's rules.

DIRECTOR GREENE:

Correct.

CHAIRMAN MONTANO:

Okay. I'll make a motion to -- well, first of all -- no, I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second. And on discussion are there any questions from Counsel, I mean, from anyone? Counsel, you have anything? Okay. All in favor? Opposed? Abstentions? The rules are in effect once it's signed. **APPROVED (VOTE: 5-0)**

IR 1425, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Donald and Donna Livoti, his wife (SCTM No. 0100-230.00-01.00-063.000). (Co. Exec.)

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

IR 1426, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Margie Mitchell (SCTM No. 0101-002.01-01.00-045.000). (Co. Exec.)

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

IR 1427, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Ward (SCTM No. 0100-190.00-03.00-074.000). (Co. Exec.)

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

IR 1429, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Gregory Weil and Tara Watkins, joint tenants with Right of Survivorship (SCTM No. 0200-054.00-06.00-035.000). (Co. Exec.)

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

IR 1430, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert J. Buchta and Anne M. Buchta, his wife (SCTM No. 0200-471.00-05.00-027.000). (Co. Exec.)

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

IR 1431, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Patrick Ingegno and Susan Ingegno (SCTM No. 0200-881.00-03.00-036.000). (Co. Exec.)

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

IR 1432, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maria Estrada (SCTM No. 0500-075.00-01.00-047.002). (Co. Exec.)

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

IR 1433, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act The Polish National Catholic Church of the Holy Cross (SCTM No. 0800-062.00-03.00-001.000). (Co. Exec.)

Same motion, same second, same vote.

LEG. KENNEDY:

On the motion, Mr. Chair.

CHAIRMAN MONTANO:

On the motion, strike that vote. Go ahead.

LEG. KENNEDY:

Okay. I just need to find out from Ms. Greene, ordinarily as we all know religious corporations are exempt from real property tax. This church is in the northern part of Smithtown, I believe, I'm somewhat familiar with the property as is Legislator Nowick, but how is it that this comes to us and how do we even have property tax associated with the property that's being redeemed? I'm curious.

DIRECTOR GREENE:

The church purchased this additional property to be used as a residence for, we believe, as a rectory. At the time they purchased it they did not timely file their religious corporation's exemption. The taxes accrued. They've had the tax deed taken. They have made an application. The payment for the back taxes has been paid in full. We can presume, they've corrected the error now and applied for their religious exemption from the assessor.

LEG. KENNEDY:

What year is -- what lien are we curing? How far back does it go?

DIRECTOR GREENE:

It would of been 2008.

LEG. KENNEDY:

The '08/'09 year?

DIRECTOR GREENE:

Yes.

LEG. KENNEDY:

They still would be within the three year time period.

CHAIRMAN MONTANO:

Yeah. May I ask a question?

LEG. KENNEDY:

Yeah.

CHAIRMAN MONTANO:

What was the taxes that they paid? Do you have that? Okay.

LEG. KENNEDY:

It's fairly substantial. I think it's --

CHAIRMAN MONTANO:

The other -- I guess what you're questioning, Legislator Kennedy, is the retroactivity in terms of whether or not the exemption can be applied further back?

LEG. KENNEDY:

Yeah.

CHAIRMAN MONTANO:

Yeah, I would question that too.

LEG. KENNEDY:

It's usually, I believe the Assembly --

CHAIRMAN MONTANO:

Three years.

LEG. KENNEDY:

-- is holding to 36 months, that they will adopt a bill. The Senate will pass no matter how far back you go, but the Assembly's view on this, I believe, in conjunction with Real Property Law is that they'll entertain a bill to set aside the levy.

CHAIRMAN MONTANO:

So we would need -- what I'm gathering is that we would need a special bill to be passed and then would we need to do a Home Rule Message here?

LEG. KENNEDY:

I believe that's what would be in play. Yes, as a matter of fact --

CHAIRMAN MONTANO:

Counsel.

MR. NOLAN:

Yeah, I don't think we've done one of these in the last five or six years where the State did a bill like that. But, yeah, probably would need a Home Rule Message. And, by the way, getting that type of bill from Albany is dicey, you know, so that obviously the church made a determination this is the safest and best way to go.

LEG. KENNEDY:

Well, but again as to our question here, I have two figures, is it 27,000 or is it 4,000?

DIRECTOR GREENE:

They paid the back taxes of \$27,533.57. The tax deed was taken August 3rd, 2011. And they timely made an application to redeem.

LEG. KENNEDY:

So they actually -- they've redeemed already.

DIRECTOR GREENE:

They have, they have. They're complied with all requirements to successfully redeem and, again, it was property off site that they were going to be using for a residence.

LEG. KENNEDY:

Well, then let's move it through the committee and we'll have a conversation, you know, with the church.

CHAIRMAN MONTANO:

Okay.

LEG. KENNEDY:

If there's something that's done subsequent --

CHAIRMAN MONTANO:

Is that a motion to -- do we have a motion, Renee?

MS. ORTIZ:

Yes.

CHAIRMAN MONTANO:

All right. Who made the motion, was it me? I did. Okay. No, no, I made a motion to approve. It's a motion to approve.

MS. ORTIZ:

Okay.

LEG. STERN:

I'll second.

CHAIRMAN MONTANO:

All right. So, just so we're clear, we have a motion to approve, but not to approve and place on the Consent Calendar. So we can discuss it at the next meeting. Is that okay, Legislator Kennedy?

LEG. KENNEDY:

Yeah, that's fine. Thank you.

CHAIRMAN MONTANO:

All right. Any other motions? All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE: 5-0)

That was 1433. Moving onto **IR 1434, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Francis J. Pellegrino and Maeve R. Pellegrino (SCTM No. 0905-009.00-01.00-026.000). (Co. Exec.)**

Pam, just for discussion purposes could you give us a brief explanation.

DIRECTOR GREENE:

I can. This is 24 by 9 by 26 piece of property that is landlocked. There are two adjoining property

owners. It is in the Hamlet of Westhampton Beach. The appraised value is \$500. There's one bid submitted for \$550. The County investment is \$409.95.

CHAIRMAN MONTANO:

Okay, but the property is landlocked.

DIRECTOR GREENE:

It is.

CHAIRMAN MONTANO:

So it's never going to be developed. I'll make a motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

Moving onto **IR 1436, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ellis W. Konkel III (SCTM No. 0200-682.00-02.00-005.000). (Co. Exec.)**

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

IR 1437, Amending Resolution No. 851-2004 and authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, Suffolk County Tax Map No. 0900-021.00-02.00-050.000, pursuant to Section 40-D of the Suffolk County Tax Act. (Co. Exec.)

Pam, did you want to --

MR. NOLAN:

Gail knows.

CHAIRMAN MONTANO:

Oh, Gail, you want to -- I didn't see you there. How are you, Gail?

MS. LOLIS:

Good Morning.

CHAIRMAN MONTANO:

Good morning. Gail, do we have an Executive Session today?

MS. LOLIS:

No, we don't.

CHAIRMAN MONTANO:

Okay.

MS. LOLIS:

I'm here just for this one.

CHAIRMAN MONTANO:

All right.

MS. LOLIS:

The County took purportedly took a tax deed to that parcel. It's slightly over a tenth of an acre out in Southampton. We learned late last year that the prior owner, the owner of record, was actually never notified, never sent the tax bills and wasn't given any of the Mennonite notices and he actually found out when we sent the letter asking him to stop using the property and that was when he realized that it was a purported taking. So we're recommending that we issue the certificate of abandonment.

CHAIRMAN MONTANO:

All right. So the reason we're doing it is that we really -- we took title inappropriately and we would not be able to sustain a challenge in the first instance if he brought one.

MS. LOLIS:

Absolutely and the attorney has been extremely patient.

CHAIRMAN MONTANO:

Okay. Well, has everything been paid up?

MS. LOLIS:

As part of this they will pay all the back taxes; yes.

CHAIRMAN MONTANO:

What does that mean as part of this? Is there a stipulation -- is there a stipulation of settlement or something?

MS. LOLIS:

It's still -- no, we have an agreement. This resolution only allows the Division of Real Estate to sign whatever papers have to be signed once they receive the monies.

CHAIRMAN MONTANO:

Okay, so I -- Legislator Stern's question was that we will receive the full payment?

MS. LOLIS:

Yes, we made --

CHAIRMAN MONTANO:

In other words, he hasn't been paying the taxes. Am I correct? He hasn't been paying the taxes on this?

MS. LOLIS:

He hasn't been paying taxes because he hasn't been receiving the tax bill.

CHAIRMAN MONTANO:

Okay. But now he's going to make whole.

MS. LOLIS:

He will make us whole.

CHAIRMAN MONTANO:

Does that include the interest and penalties or is that waived?

MS. LOLIS:

The interest and penalties should be waived in this scenario.

CHAIRMAN MONTANO:

Because we took it improperly.

MS. LOLIS:

Yes. And he was not on notice of it. The corporation was not on notice of it.

CHAIRMAN MONTANO:

Yeah, we all have a question now, Legislator --

MS. LOLIS:

I said too much.

CHAIRMAN MONTANO:

Did you want to go? Legislator Nowick's going to go and then Legislator Stern and then -- this is 1437, Town of Southampton and -- go ahead.

LEG. NOWICK:

Are you saying -- you're saying they didn't pay taxes because they didn't get a tax bill? Is that what you said?

MS. LOLIS:

Yes.

LEG. NOWICK:

But pursuant to the Suffolk County Tax Act whether or not you get your tax bill; you're still liable to pay the taxes. You know that; right? I think it says it, actually says it on the back of your tax bill.

MS. LOLIS:

That may be true, but we would still be required to provide the owner of record with sufficient notice, which was not done.

LEG. NOWICK:

On the taking. But, so how much years did he not pay his taxes?

MS. LOLIS:

I don't -- this is --

LEG. NOWICK:

Maybe I misunderstand this, but --

MS. LOLIS:

Okay. It's a little confusing. This is a very small parcel of land adjacent to a golf course. The golf -- the corporation that owns the golf course owns this small parcel of land. They did not realize they were not paying taxes they were paying whatever taxes they're required to pay on the course. I don't have the date. I don't know if this was given a -- when this was given a tax map number, that specific date I don't know because the deed goes back to '67 that the property was conveyed to

the golf course.

LEG. NOWICK:

So what you're saying was they were paying taxes on the golf course.

MS. LOLIS:

Absolutely.

LEG. NOWICK:

But the 18th hole dropped off --

MS. LOLIS:

Actually, it's not -- it's even off the 18th hole.

LEG. NOWICK:

-- and they didn't realize that. Okay.

*(*Laughter*)*

CHAIRMAN MONTANO:

That clarifies things. Thank you. Anyone else have a question? Do we have a motion, Renee, I believe not. Okay. I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

And a second by Legislator Stern. Lynne, do you want to cosponsor? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)** Thank you, Gail.

MS. LOLIS:

Thank you.

CHAIRMAN MONTANO:

IR 1446, Adopting Local Law No. -2012, A Charter Law to protect the County Legislature's deliberative law making process. (Montano).

That needs to be tabled for a public hearing, I'll make the motion, second by Legislator Stern. Does anyone want to have a discussion on this? Okay. All in favor? Opposed? Abstentions? Motion carries. **TABLED for PUBLIC HEARING (VOTE: 5-0)**

IR 1447, Authorizing certain technical correction to Adopted Resolution No. 211-2012. (Co. Exec.) I'll make a motion to place on the consent calendar.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Could we have a quick explanation, Counsel.

MR. NOLAN:

This is correcting a resolution that appointed Richard Halverson to the new Board of Ethics. The original resolution incorrectly gave him a three year term initially. It should have been two years on

his initial appointment. So it's making that correction going from three to two.

CHAIRMAN MONTANO:

So we knocked a year off. Okay. And -- we can place that on the Consent Calendar? All right. I'll make a motion to approve and -- Renee, did we put a motion on that? We did, right? We have a motion there. Okay. Motion to approve place on the Consent Calendar, second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1448, (Authorizing the drilling of wells on County parkland for firefighting purposes.) (Romaine) Was reassigned to Health.

And having no further business of this Committee, we are hereby adjourned.

THE MEETING CONCLUDED AT 11:12 A.M.

{ } DENOTES SPELLED PHONETICALLY