

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 30, 2012.

MEMBERS PRESENT:

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

MEMBER NOT PRESENT:

Legislator Robert Calarco - Excused Absence

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
Paul Perillie - Aide to Legislator Gregory
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Debbie Harris - Aide to Legislator Stern
Ali Nazir - Aide to Legislator Kennedy
Nick Gibbons - Suffolk County Department of Parks
Wayne Thompson - Suffolk County Department of Environment and Energy
Dot Kerrigan - AME
Mary McLaughlin - League of Women Voters
Rick Brand - Newsday
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano - Court Stenographer
Kim Castiglione - Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 9:58 A.M.)

(The following was transcribed by Kim Castiglione, Legislative Secretary)

CHAIRMAN MONTANO:

We're going to start the meeting of the Ways and Means Committee with the Pledge led by Legislator Stern.

SALUTATION

CHAIRMAN MONTANO:

We're going to start the meeting. Legislator Calarco has an excused absence. I want to congratulate him on the birth of his daughter, and Legislator Kennedy is en route. If there's anything that comes up that we want to debate I'll just skip that part of the agenda. We have a relatively short agenda and we have two Executive Sessions.

We have no cards. Would anyone like to address the Ways and Means Committee? Hearing none, correspondence. This is from Pam Greene. Did every member of the committee get a copy of this e-mail dated May 24th? "I'm taking the liberty of providing you with information on the following resolutions which were tabled at the May 2nd meeting of the committee." Is Pam Greene going to be here today? Does anyone know?

MR. MARTINEZ:

No, but we have two representatives from the Parks Department and Real Estate. Wayne Thompson is here and --

CHAIRMAN MONTANO:

Wayne, would you like to address the committee on this memo or just in the normal course?

MR. THOMPSON:

If there are any questions.

CHAIRMAN MONTANO:

Okay. They deal with Resolution IR 1404, 1406 and 1407. So when we get to them if we have question we'll deal with that. Moving right along. Let's move into the Tabled Resolutions.

Tabled Resolutions

IR 1005-2012, To Reduce the Printing Costs Associated with the County's Direct Deposit Payment System. (Cilmi)

I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

IR 1012-2012, Adopting Local Law No. 2012, A Charter Law To Make Transparent The County's Rule Making Process. (Cilmi)

Public hearing was closed on 3/13 this year. I'll make a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: 3-0-0-2 Not Present: Legislators Kennedy and Calarco)**

IR 1017-2012, Adopting Local Law No. -2012, A Charter Law to Promote Openness and Participation in Legislative Business. (Cilmi)

The public hearing was closed on 2/7. I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

IR 1132-2012, Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (Co. Exec.)

Would you like to address that?

MR. THOMPSON:

If Nick Gibbons can come up as well.

CHAIRMAN MONTANO:

Absolutely. Just put your name on the record, and title, Nick. And you have to speak into the mic unfortunately. And you have to press the button down and keep it down, like I'm doing. It's very annoying.

MR. GIBBONS:

Hi. Nick Gibbons, Parks Department.

CHAIRMAN MONTANO:

We had tabled this before. Obviously, it's in the Tabled Resolutions. You want to give us a quick synopsis?

MR. THOMPSON:

You had tabled it because obviously you had some questions on whether or not the property could be for other uses, which some were then reconsidered. I sat down with Nick, we went over the --

CHAIRMAN MONTANO:

Speak into the mic a little more?

MR. THOMPSON:

All right. We went over the properties. Nick and I sat down, which ones Parks absolutely had to have. There was possibly some that he didn't consider of worth to them, or more trouble to have than not, such as small lots that could have been sold to an adjacent owner, some parcels that were no longer in a program to purchase the area and --

CHAIRMAN MONTANO:

Right. If I may, generally speaking my concern, I don't know about the other Legislators, is that once we transfer property to Parks we forever alienate -- in other words, to get that back to any other use is literally impossible under State Law. Am I correct in that?

MR. THOMPSON:

It's never happened. I was always under the impression that it would take two sittings of the State Legislature to pull anything back out of Parks.

CHAIRMAN MONTANO:

Exactly. It would be like passing a Constitutional amendment.

MR. THOMPSON:

It's just not going to happen in the climate.

CHAIRMAN MONTANO:

Right. So then the question begs itself what use, if any, or what alternative use, if any, do these parcels have theoretically. Not that -- and these properties are not scheduled to be developed, am I correct in that? These properties that we are talking about, they are not in any way, shape or form scheduled for any type of development or any other use at this point; am I correct? They are just sitting there.

MR. THOMPSON:

That's true, yes.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

They're all tax deed, by the way.

CHAIRMAN MONTANO:

Excuse me?

MR. THOMPSON:

They're all tax deed.

CHAIRMAN MONTANO:

Right. We owned them because the --

MR. THOMPSON:

Non-payment, yes.

CHAIRMAN MONTANO:

What, if any potential, possible, theoretical use in some distant future could these properties be used for? That's the question that I had.

MR. THOMPSON:

Of course that would go case by case.

CHAIRMAN MONTANO:

Exactly.

MR. THOMPSON:

But what we've done is trimmed them down to the ones that are already within a park area shall we say, meaning there are other properties in the area that are already put aside because of environmental reasons.

CHAIRMAN MONTANO:

Are they surrounded by -- in other words, are they landlocked parcels of land surrounded by a park

or they are adjacent to the park?

MR. THOMPSON:

They are either adjacent to park property -- most are not landlocked because the paper streets are in, but -- the paper streets are there but they're not in as paved. It's not like they're on a paved road and we are putting them in Parks. I would consider that a saleable property.

CHAIRMAN MONTANO:

Okay. Then what is the need or the necessity at this point in time to make them part of the park? That's essentially what we're asking.

MR. THOMPSON:

I guess it's on a case by case like I was saying, which ones are actually in a park area which serve no purpose other than --

CHAIRMAN MONTANO:

How many properties are we talking about here in this bill? You don't want to go case by case, that I know.

MR. GIBBONS:

There appear to be 39 parcels. They total 14 acres.

CHAIRMAN MONTANO:

Legislator Stern, do you have any questions?

LEG. STERN:

Yeah, if I may, and it's more of a comment than a proposal. I think the -- initially the list was larger. There were larger parcels and I think there was some real legitimate questions as to whether or not those parcels had any future potential use. And, Legislator Montano, of course you are absolutely right there that you don't want to make the transfer and forever alienate those properties when we still had questions on whether or not they could be used in some viable way going forward.

I think what was left on the list were very small, fractional shares of properties that may very well have no use going forward and would be appropriate for these kinds of transfers. I think the real value here, the potential value, isn't necessarily in the property and whether or not they could be developed in the future, but the TDR value that they have and what creative way we might be able to use those values going forward. There is a TDR meeting that's going to be led by Sarah Lansdale coming up on June 7, so I would suggest then going forward perhaps we can table this resolution until after we've had the opportunity to meet on the larger TDR issue and make this proposal part of that discussion and then we can come back and discuss how best to proceed.

CHAIRMAN MONTANO:

I think that's a great idea. Is there anyone else who would like to comment? Legislator Stern, do you want to make the motion?

LEG. STERN:

Motion to table.

CHAIRMAN MONTANO:

I'll second the motion. Any other motions? We are going to table this and we'll have that discussion with the committee. There's no rush on this, there's no impending disaster coming down.

MR. THOMPSON:

As long as it's approved by next March, which would be a tax exempt status date. That's not going to change anything until then.

CHAIRMAN MONTANO:

We've got a lot of time.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

That's my question to you, Wayne, and I'm glad you hit on that. And since we're tabling it I'll take it up and I'll have the conversation with you individually, but for tax purposes properties that are held by the County in general status are treated differently than properties that are held in park status, I believe.

CHAIRMAN MONTANO:

I believe the taxes keep accumulating.

MR. THOMPSON:

They're both considered exempt. We don't pay taxes on them.

LEG. KENNEDY:

Both equally exempt?

MR. THOMPSON:

Yes, I'm fairly certain on that. The thing with general is we can pull them back out and sell them.

LEG. KENNEDY:

So that -- well, then I'll ask you. When I have my conversation with the department I want to know that one specifically, if the properties in both categories are treated similarly or equally when it comes to tax status for our jurisdictions, for our towns and schools, the whole gamut, because my understanding was that the general we wound up with exemptions in the three, you know, major categories, but only for a couple of years. Parks I think we were exempt across the board.

MR. THOMPSON:

General is until we change ownership.

LEG. Kennedy:

Okay. All right.

CHAIRMAN MONTANO:

Those are good points. Could you just kind of shoot me an e-mail outlining the answer to the question that was posed by Legislator Kennedy? My understanding is -- let me ask a question first. These properties, are these properties, since we acquired them by tax deed, are they all outside of the period where the land owner has the right to redeem?

MR. THOMPSON:

Yeah. Generally I wait the two and a half years, which --

CHAIRMAN MONTANO:

So these are all outside of -- they are past that.

MR. THOMPSON:

That's right, if not more.

CHAIRMAN MONTANO:

If not more, exactly. So once you get to two and a half years the landowner could not redeem as-of-right.

MR. THOMPSON:

That's true.

CHAIRMAN MONTANO:

Okay. Legislator Nowick, I believe you had a question?

LEG. NOWICK:

Yeah. I was just trying to understand if the -- the County took over these parcels so the County owns it, so the County doesn't pay County taxes. But have we been paying school taxes and town taxes and all of that on these right along? How does that work? I should know that but I don't remember.

MR. THOMPSON:

When they take a tax deed we get a three year exemption from County and town, but the school tax gets paid.

LEG. NOWICK:

So we've been paying school taxes. So if it goes into Parks would we then still be paying school taxes?

MR. THOMPSON:

No. It becomes totally exempt except for -- I think it's in rare cases you have to pay for sewage, very rarely a sewage charge comes in which is minor.

LEG. NOWICK:

All right. And the big taxes are the school taxes so that's why we want to do it before March.

MR. THOMPSON:

Yeah, that would be right.

LEG. NOWICK:

All right. Thanks.

CHAIRMAN MONTANO:

Okay. Thank you very much. We have a motion on the floor. All in favor? Opposed? Abstentions? Motion to table carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1186-2012, 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)

Counsel, do you know, is this bill at the six month period?

MR. NOLAN:

No, it was laid on the table 2/7, so that would take it into August.

CHAIRMAN MONTANO:

Okay. So I'd -- that property is in my district. It's property that was owned by the Knights of

Columbus. I would have liked to have a conversation with Pam Greene on this to see what, if anything, we can do. My understanding, Counsel, is that when we took title to the property the notice to the owner was actually sent to the town as opposed to the owner directly. Is my understanding correct on that?

MR. NOLAN:

I think that's an assertion that's being made by the Knights of Columbus, but I can't, you know, speak to the -- whether it's accurate or not.

CHAIRMAN MONTANO:

Would that be a fatal defect, if you know?

MR. NOLAN:

If it's accurate it would be -- when there's a notice problem this is when we do a Certificate of Abandonment. But when we do a Certificate of Abandonment generally, you know, they have to make us whole in their taxes.

CHAIRMAN MONTANO:

Right. And that's the issue, number one, can they come up with the money for the back taxes, and number two, was the notice improperly mailed. From what I saw there was a letter addressed to the Knights of Columbus but mailed to town hall.

Since we're not out of time I'm going to make a motion to table and I'll try and resolve this before that time. I need a second --

LEG. STERN:

Second.

CHAIRMAN MONTANO:

-- by Legislator Stern. All in favor? Opposed? Abstention? Motion to table carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1291-2012, Adopting Local Law No. -2012, A Local Law to Modify Requirements for Contract Agency Funding. (Calarco)

Public hearing was closed on 3/27.

MR. NOLAN:

Mr. Chairman.

CHAIRMAN MONTANO:

Yes, Counsel.

MR. NOLAN:

This needs to be tabled because there was an amendment made that was substantial. The public hearing is going to need to be reopened.

CHAIRMAN MONTANO:

Motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote:**

4-0-0-1 Not Present: Legislator Calarco)

IR 1341-2012, Adopting Local Law No. -2012, A Local Law to Amend the Prompt Payment Policy for all Not-For-Profit Contract Agencies. (Co. Exec.)

Public hearing was recessed, so I'm going to make a motion to table for public hearing.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1404-2012, 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.)

Does anyone have a question or maybe an explanation on this? I have a question mark. Wayne, you want to tell us about this one?

MR. THOMPSON:

Actually we were considering it kind of a win-win. The County and the town both have properties in an open space or wetlands preservation in the area, and by selling it to the town and getting some money out of it, it puts it into the same open space preservation and yet we get paid back our back taxes for it.

CHAIRMAN MONTANO:

All right. Do we have a motion on this? Do we have a motion? It's a 120 by 100, it just depends on where you live whether that is substandard.

MR. THOMPSON:

It's not a matter size, it probably is a buildable size lot.

CHAIRMAN MONTANO:

Excuse me?

MR. THOMPSON:

It's probably a buildable size lot.

CHAIRMAN MONTANO:

I would think so, right.

MR. THOMPSON:

But I believe it's all wetlands.

CHAIRMAN MONTANO:

Oh, okay. That further explains. All right. Do we have a motion? The question that we have is, is this property going to be part of the Forge River Preservation open space purposes?

MR. GIBBONS:

Yes, it's within the Forge River Watershed area.

CHAIRMAN MONTANO:

Okay. All right. Do we have a motion? Motion to approve by Legislator Nowick, second by

Legislator Kennedy. Okay. All in favor? Opposed? Abstentions? Motion to approve carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1406-2012, 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.)

Again, this is a part of the memo. It's a parcel 50 by 40, and even I would have to agree that's probably not buildable. You want to comment on that, Wayne?

MR. THOMPSON:

Yeah. I mean, that's why we did an adjacent owner sale, but I think your question originally was this guy's got the name water in his corporation.

CHAIRMAN MONTANO:

Well, he's got Long Island Pine Barrens Water Corp, so I assume that is a corporation.

MR. THOMPSON:

Yeah, I don't think it has any --

CHAIRMAN MONTANO:

And that's a public or I mean a not-for-profit?

MR. THOMPSON:

It's a profit.

LEG. NOWICK:

Non-for-profit.

CHAIRMAN MONTANO:

No, it's a for-profit he said. So it is a for-profit corporation.

MR. THOMPSON:

That's true.

CHAIRMAN MONTANO:

So I gather that title is vested in the individual and the corporation, is that what's going on here? In other words, the corporation and the individual are co-tenants or tenants in common, George?

MR. THOMPSON:

The way it is worded, yes, I would say that.

CHAIRMAN MONTANO:

Okay. All right. It's a 13. Any motion to approve? All right. I'll make the motion to approve. I need a second. Second by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1407-2012, 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.)

This is also part of the memo. It's a size 60 by 100 in the Hamlet of North Sea. All right. The zoning here is CR200 which requires 200,000 square feet. Okay. Is that a motion? Motion by Legislator Nowick. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion to approve is approved.
(Vote: 4-0-0-1 Not Present: Legislator Calarco)

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

Public hearing was closed on 5/8. Counsel, do you want to give a brief explanation on this one?
It's my bill, but.

MR. NOLAN:

Correct. This law would tweak, change the process by which we consider Certificates of Necessity from the County Executive. Right now when the County Executive brings over a Certificate of Necessity there is a memo he attaches which explains the reasons why we have to consider the bill immediately. This law would add a requirement that before the Legislature considers the substance of the bill that we will take a procedural vote whether to accept it as a Certificate of Necessity, whether the reasons that are given meet the criteria that we do have to consider immediately. So that would be a simple majority vote whether to accept the CN. If we accept the CN then we can vote on it that day. It would be a two-thirds vote to approve a CN as it is now. If we voted not to accept the CN the bill would just be assigned to committee in accordance with our legislative rules.

LEG. NOWICK:

A question.

CHAIRMAN MONTANO:

Go ahead, Legislator Nowick. You have a question?

LEG. NOWICK:

Yeah, I do have a question. Right now as it stands are there, almost like a bylaw of a corporation, are there any set written rules that say a CN can only be brought to the Legislature if it does A, B, C, D and E. I mean, if there was a set like that I would think then we would skip the procedural vote. Is there anything?

CHAIRMAN MONTANO:

No. Here's what happened. What I first got elected there was no -- no requirement whatsoever in the issuance of a C of N. And just historically my first day as a Legislator I think we had a stack of CN's, I don't know if you remember, Lynne, we had a stack of CN's that high. And what I did was, in my first year as a Legislator I introduced a resolution similar to this that required -- that spelled out requirements for the use of a C of N, but obviously it was opposed by the County Executive, Mr. Levy at the time, and we reached a compromise.

The bill that I introduced was modified and it was passed, and it simply said that we would -- when a C of N is introduced the County Executive was obligated to submit a certificate expressing what the need was, but that we would not use the explanation as a basis to bar voting on the bill. So we've kind of been in that limbo land and so long as they put anything, any reason, whether it was because, you know, my dog ate the homework or whatever, the C of N could be considered. So this is more or less, more or less along the lines of what you are saying.

I personally feel that there should be a limit the use of the C of N because it does bypass the process, and sometimes we don't have enough time to debate and look at the bill. So this is more or less a way of just insuring that we agree that we have a need for this type of bill, sort of what you're saying. And then we go back to you still need 12 votes to pass it.

LEG. NOWICK:

All right. Here's just my question.

CHAIRMAN MONTANO:

Go ahead.

LEG. NOWICK:

And I understand where you're coming from and I don't disagree, but I wonder if -- if we're going to do this and we are going to start voting a procedural vote, we're going to start debating something that is unclear. It's still a gray area. It sounds to me like when you had that bill with the criteria, that would have been the answer. So not unlike the Naming Committee, where there is certain criteria, and if we are going to vote procedurally we're going to be arguing about it's a gray area. I wonder if we could put somewhere in there here's the criteria. And this way when we vote procedurally we say does it contain this, does it contain that, and maybe it will, I have to say, shorten the process and make it a little more clear. Could we filter that into the bill?

CHAIRMAN MONTANO:

Counsel, you think?

MR. NOLAN:

I think it would be hard to establish a criteria that would fit all circumstances.

LEG. NOWICK:

Considering he already had something.

MR. NOLAN:

But the bill -- what the law says now, he has to state the reasons why immediate passage is required, and I think it's just -- it's a case by case determination really.

LEG. NOWICK:

See, that's my fear, because when we start debating for procedural, before we get to Certificate of Necessity itself.

MR. NOLAN:

I think we do that anyway. Quite often my experience is we sit here and usually it's Legislator Montano who says, "Why is this necessary, why is this necessary that we pass this today, why can't this go to committee?" So that question does come up. This law would just state we're going to deal with that threshold question, do we have to act today or should we send it to committee and let it go through the normal delivery of process that we use for legislation.

LEG. NOWICK:

Yeah, I know. I just think we're going to be debating twice. We're going to go first procedurally. I would like to see something a little more clear. I don't know if you could do that. Ric, you are pretty good at that sort of thing.

CHAIRMAN MONTANO:

Yeah, I agree. The problem is that what we don't want to do -- look, we want to make it -- my objective is to make it very clear that we only want to entertain C of N's that really are appropriate for C of N's. Now, the problem is that if we start doing criteria, then we're going to probably need a catchall phrase because there might be some examples or some instances where while it may not fit in the criteria, there may be a good reason why we want to pass that on an emergency basis. So we don't want to be so procedurally oriented that we, you know, we wind up not being able to pass a particular bill that's needed because it didn't fit into the criteria that we didn't think of when we wrote the bill, and then maybe we're going to have to call a Special Meeting to handle that.

So this is sort of gray, it's still gray, it's a darker shade of gray than it was before, but it still gives us the flexibility. And I maintain that we should have two dialogues, one on is this really necessary today, and number two okay, that's sometimes a simple question, yeah, it's necessary because A, B and C. Sort of like the way we do our bonds. We do our ten votes to pass the bond and then we do our 12 votes roll call to -- I mean first we do the bonding resolution and then we do the bond.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Legislator Kennedy, go ahead.

LEG. KENNEDY:

You know, I think that there's some validity to this because it is hard to quantify and predict every circumstance that's going to occur that would necessitate a CN. However, a CN is a set of circumstances that we should see infrequently and not frequently. And so really what you're articulating is something that's very common, as a matter of fact, in the law, as you know. First you establish procedurally that there's even validity to consider what's before you, and then once you've establish that, substantively you take up the particular matter. In essence, that's really what you're laying out, that there's a threshold first that you have to get beyond and that we're not looking at something that erodes a set of procedural parameters or boundaries. Quite frankly, I think it makes good sense for us to go ahead and examine is this even properly before us. And then if we make that determination then you jump in to whatever the particular matter is. I think it makes sense.

LEG. NOWICK:

I just wanted to say I understand determining if it makes sense, but right now if -- right now we don't have to take up every single CN by procedural vote. Right now if we disagree or if we have any, one of our Legislators, gee, I can't think of who it is, keeps saying let's commit to committee. I mean, you can do that in that way. If we do this every single CN has to be debated about the procedure. I think that we may be going perhaps just a little too far. We could still -- if we think that this is not right for CN we can say, just like you always do, Rick, I make a motion to commit to committee, is that how you say it, and we can do it and we can fight it. But now if we do this every single CN has to go through a whole nother process, while we still right now have a process.

CHAIRMAN MONTANO:

I don't disagree with you. All right, I'm going to make a motion to -- okay.

LEG. STERN:

And maybe this is just a question to Counsel. George, on the first -- if this was to pass, on the first motion, the first motion would be, the first part of the resolution would be to determine whether or not it's properly before us under some kind of standard, as gray as that might be. When that motion is made on that first round, before you have to approve it as a CN properly before us, would it be right for a motion to commit to committee or do you have to pass it, the CN-ness of it first to get it before us to even be able to make that motion.

MR. NOLAN:

I think you can make -- a motion to commit to committee would lie if that happened. But normally I think it would just be a motion to accept it, to accept the CN, but if somebody made a motion to commit before that then I think we would consider --

LEG. STERN:

So it wouldn't just die before us before you even had the opportunity to make the motion to commit. It could be made as a part of that initial upfront process.

MR. NOLAN:

Right. And even if you didn't accept the CN the bill wouldn't die, it would just be assigned to a committee at that point like a normal bill.

CHAIRMAN MONTANO:

Okay. I'm going to make a motion to discharge without recommendation and then we can discuss this at some later time, and if it needs to be tabled at the next session or if it needs to be -- we should have some more input, I think, from the Legislators before we decide which way we are going to go with this. So I will make the motion, I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Any other motions? All in favor? Opposed? Abstentions? Motion to discharge without recommendation carries. Thank you. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**. Moving on to Introductory Resolutions.

Introductory Resolutions

IR 1496-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Melvin E. Gavron (SCTM No. 0200-403.00-10.00-010.000). (Co. Exec.)

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

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

IR 1497-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barry Simmons (SCTM No. 0500-186.00-02.00-143.000). (Co. Exec.)

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

IR 1498-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Steven G. Accetta (SCTM No. 0800-075.00-05.00-045.005). (Co. Exec.)

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

IR 1499-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Hector Morales (SCTM No. 0500-223.00-03.00-087.000). (Co. Exec.)

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

IR 1526-2012, Directing the Division of Real Property Acquisition and Management to subdivide and offer for sale a certain parcel of land. (Kennedy)

Legislator Kennedy, I believe you want that tabled?

LEG. KENNEDY:

Yes, Mr. Chair. As a matter of fact, I'm still working with the department in order to go ahead and work out the particulars associated with having the pieces of property aggregate to the adjoining residential property owners. So, it needs some more work.

CHAIRMAN MONTANO:

Okay. Motion to table and I will second that. Any other comments? All in favor? Opposed? Abstentions? Motion to table carries. **(Vote: 4-0-0-1 Not Present: Legislator Calarco)**

(The following was transcribed by Donna Catalano, Court Stenographer)

IR 1527, Adopting Local Law No. -2012, A Charter Law to reapportion Suffolk County Legislative Districts. (Pres. Off.)

We need to table that for a public hearing. Do we have a Countywide map of what the districts look like?

MR. NOLAN:

Yes. It's on file in the Clerk's Office.

CHAIRMAN MONTANO:

Renee, could we get a copy of that? Does anyone not need a copy of -- and could we get it color-coded?

MS. ORTIZ:

I can ask IT.

CHAIRMAN MONTANO:

Okay. And do we have the map -- let me see yours, Steve. Do we have it broken up by EDs? I mean, I know in the bill it's now been modified to articulate or to explain the EDs, but do we have a map, a color-coded map that has all of the EDs? This I've seen, and you really can't make this out.

MR. NOLAN:

The map that's on file does not have the Election Districts within the Legislative Districts. It's the type of map that's always been filed with the redistricting bills. The bill itself has the breakout of the Election Districts.

CHAIRMAN MONTANO:

Right. I understand that. What I'm looking for is a -- whether you have it or not -- a map that outlines each of the districts -- I know there's a color-coded map floating around with the EDs.

MS. ORTIZ:

We don't have that on file.

CHAIRMAN MONTANO:

All right. Do you know if anyone has it?

MS. ORTIZ:

(Shaking head no).

CHAIRMAN MONTANO:

Well, we have to table this for public hearing, but I'd like to see that.

MS. ORTIZ:

We can check with the Board of Elections maybe, but we don't have one on file here.

CHAIRMAN MONTANO:

Okay. Would you do that? All right.

LEG. KENNEDY:

Can I also ask, I guess --

CHAIRMAN MONTANO:

Go ahead, Legislator Kennedy.

LEG. KENNEDY:

You know, having been involved with the prior effort, do we know what the number of residents was for the Legislative Districts and what the deviation was off of this?

CHAIRMAN MONTANO:

I know what the population is for my proposed district. I was not involved in the drafting of it, except after the initial. But there is a deviation rate in my district, and I think each Legislator was given or each district has a deviation rate. I don't know if, like my deviation rate differs from yours. I think mine was like maybe 2.8. I'll have to check that. George, do you know, Counsel, what the deviations rates are for each of the --

MR. NOLAN:

I know it has to be within 3%, but I don't know what the deviation is for each Legislative District. I don't know.

CHAIRMAN MONTANO:

When you say it has to be within 3%, what law are we talking about.

MR. NOLAN:

That's the Suffolk County Charter.

CHAIRMAN MONTANO:

Okay. All right. Now, I know mine is -- I think it's two point something. So if mine has a deviation rate of two point something, then yours has to have a deviation rate, because at the end of the day, it really should come down to zero.

LEG. KENNEDY:

Well, but it's dependent on the base number that we used. I think it was 83,366 was the number that we worked off of with the Bipartisan Commission. And I'm just curious, I've heard nothing about what the actual, you know, substantive determinations were associated with this plan that was basically put forward by the Majority.

CHAIRMAN MONTANO:

Well, I wouldn't say the Majority.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

But those are legitimate questions.

LEG. KENNEDY:

By members of the Majority.

CHAIRMAN MONTANO:

The bill was put forward by the Presiding Officer and we'll leave it at that. So I think these are

legitimate questions. We don't have the answer now. I would assume that these questions would be addressed at the public hearing on the 6th -- on the 5th. So I'm going to make a motion to table for a public hearing, unless I already did that, Renee.

MS. ORTIZ:

You did.

CHAIRMAN MONTANO:

I did. I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Any further discussion? All in favor? Opposed? Abstention? Motion carries. **TABLED for a PUBLIC HEARING (VOTE: 4-0-0-1; Not Present - Legis. Calarco)**

(The following was transcribed by Kim Castiglione, Legislative Secretary)

Now, it's 20 to 11. I had requested Executive Session and I had requested Mr. Besso to be here at 11:45 so he has five minutes, and we also had a request from -- 10:45, I stand corrected. And we have a request by the County Attorney's Office to go into Executive Session. So I'm going to make a motion to go into Executive Session to discuss two cases. One is the litigation Spota et al v. County of Suffolk. That has to do with the litigation on the County's term limit law. And then there's another matter, Lynn, I see you back there. Let me grab your memo. Just give me the name of the case -- or is it a case? Field Day et al v. County of Suffolk. All right. We have a motion and a second. All in favor? We are now adjourned to Executive Session. We'll reconvene after the session. And if Mr. Besso gets here would you just let know we're in session, Renee?

(Executive Session was held from 10:36 to 11:41)

CHAIRMAN MONTANO:

All right, we're back from Executive Session. The meeting is hereby adjourned.

(THE MEETING WAS ADJOURNED AT 11:45 A.M.)