

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, June 13, 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
Tom Laube - Clerk of the Legislature
Alicia Howard - Legislative Aide
Ben Zwirn - County Executive's Office
Wayne Thompson - SC Department of Environment and Energy
Paul Perillie - Aide to Legislator Gregory
Robert Martinez - Aide to Chairman Montano
Justin Littell - Aide to Legislator D'Amaro
Robin L. Long, Esq.
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(*THE MEETING WAS CALLED TO ORDER AT 9:59 A.M.*)

CHAIRMAN MONTANO:

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

SALUTATION

Thank you. Hi, Pam. How are you?

MS. GREENE:

Good. How are you doing?

CHAIRMAN MONTANO:

I'm well, thank you. Is that Wayne? Okay. The correspondence that we have is -- does everybody had a copy of it? Okay. Do you want to explain it or self explanatory. "As per your request regarding the above subject, I am forwarding a summation of the uses of the past Section 406 of the N.Y.S. Real Property Law: Since the days of Board of Supervisors it has been used to exempts parcels taken by tax deed that were part of filed maps which were considered as not able to be located on Suffolk County maps. Additionally, the same procedure has been used to exempt for general purposes those parcels that 1. Have severe title problems. 2. Were deemed as overlays. 3. Oyster lots or 4. Fire Island parcels in the vicinity of FINS, F-I-N-S. All these parcels remained under the jurisdiction of the Suffolk County Division RPAM. The same procedure, as you are aware, is used to exempt and dedicate lands in the Suffolk County Parks system."

All right. Do you want to give me a brief explanation; someone? Good morning.

MR. THOMPSON:

Good morning.

CHAIRMAN MONTANO:

Just put your name on the record, Wayne.

MR. THOMPSON:

Department of Economic --

CHAIRMAN MONTANO:

We got it. What are you saying in that memo exactly.

MR. THOMPSON:

You had asked about the exemption process for parks and that. Okay. And they were using the same State Law for exemption, which generally refers to general purposes. So it's a good exemption, but in the case of Parks we add that it's dedicated to Parks. All other problems that we can't handle and I don't feel we should be going paying taxes until the problems are resolved we put in this general category, which still sits in our inventory and still watched over, but we're waiting for either a resolve, some of the parcels that I said were unlocatable, they found some of these file maps, they come back on and then we can sell them or dispose of them -- that. If title problems resolve themselves we pull them out and sell them. So you can sell from that general purposes. You just can't sell it if it's dedicated to Parks.

CHAIRMAN MONTANO:

All right. And I think that was the question. Am I correct? That once in goes into Parks you're

basically put it in sort of a lockbox or you forever alienate the property. Am I correct on that?

MR. THOMPSON:

That's correct, yeah.

CHAIRMAN MONTANO:

So if it stays in this general category while it could be used for Park purposes, correct me if I'm wrong, if at some point things were to change it sort of could be -- could be sold, could be auctioned, could be developed, something could happen with it other than it remaining in Parks. Is that correct?

MR. THOMPSON:

I don't have a lot of information on that, but it would seem logical, that's a conclusion that can be made, I don't have Parks opinion on what --

CHAIRMAN MONTANO:

Right.

MR. THOMPSON:

-- you know, what would constitute a jurisdictional change, but not a dedication.

CHAIRMAN MONTANO:

Right. But generally when it's in this General Fund it's sort of safe and we're not paying taxes on it. Right?

MR. THOMPSON:

That's right.

CHAIRMAN MONTANO:

Okay. I think that was the question. Thank you for the memo. Anyone have questions? Bear with us.

LEG. STERN:

What's the downside, if any, to keeping the properties classified the way they are right now?

MR. THOMPSON:

You mean classified as nonexempt in our inventory?

LEG. STERN:

In the current inventory and not transferring them to Parks, just keeping it the way it is status quo. Is there a downside?

MR. THOMPSON:

Well, it has always been considered our job was to go out of business, to get rid of every piece of property either be the public use, sold or into some other category other than sitting in the County's inventory. I don't know if that answers where you were going with that.

LEG. STERN:

That's the answer. It's a policy issue and I understand that we want to get them off of one roll and onto the other and I understand that. I think ultimately we do need to make a decision regarding these properties. And the reason why I ask is because I had the opportunity to sit in on the first meeting of the TDR Advisory Group and a lot of great ideas were thrown around. I understand that they're at the very beginning of that process. This issue I think can tie into some of the things that

may come out of that advisory committee and their work and so at least for the foreseeable future, as long as they're conducting their work and they're coming up with recommendations, I'd be interested to know if these properties play a role in what they might come up with, if any, and if -- as we're waiting for them to complete their work, if there's no downside to keeping the status quo classification for those properties, that would be my preference unless there's a compelling reason to make a change now.

MR. THOMPSON:

A lot of the properties that were on this first list they have reviewed and assigned a value to. In most cases if they're wetlands or they're very small parcels, they will not issue any credits involved. So in that case it would just be sitting there for no reason whatever, we couldn't take any money out of it and if it's wetland it really should go to Parks. But if I can extend that --

LEG. STERN:

I'm sorry to interrupt, but --

MR. THOMPSON:

-- but that doesn't apply to core parcels though; does it?

LEG. STERN:

The -- no, I don't believe so. And going through the list there were larger parcels that had been taken out because there was clearly some type of value that could be assigned to it, whether we realize that or not, a different issue --

MR. THOMPSON:

Yes.

LEG. STERN:

-- but there were those more substantial properties that were taken out the first round leaving properties, my understanding is that those properties that are still on the list might have partial credits, I think there are percentages or decimals. Cumulatively they might add up to some type of value that might be realized in some way going forward, we just don't know what that might be. But my preference personally would be to allow the TDR Advisory Group to do their work for some period of time and then reexamine the issue. Again, unless you think that there's some compelling reason not to wait.

MR. THOMPSON:

Not in particular but on these parcels they had already done that work. I have that research done before I would put it before you. So they had already assigned a credit to it, which would of been put off to the side, but -- and this is why you're having the committee meeting is to decide; do we have the right to do this; how do we do it; where do we store them; what do we do with them. But in the meantime they were taking those parcels and per se, analyzing them and saying there's a credit over here, which I told them they could not assume until it passed legislation, I mean, until you made it exempt, you're not taking those credits off.

CHAIRMAN MONTANO:

Okay. Yeah, my only point is that as long as these properties are in this status there, you know, you're going -- there ain't no harm no fowl. So we're not disrupting any process other then keeping them on a list, sort of in a limbo stage. Am I correct on that?

MR. THOMPSON:

That's correct.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

But you would have no problem, or the committee wouldn't have any problem if I submitted a legislation for submission to Parks of core parcels, which I understand you can't take credits off of.

CHAIRMAN MONTANO:

Oh, okay. I think your terminology -- in other words, the County Executive would introduce a resolution. Is that what you're saying?

MR. THOMPSON:

Yes.

CHAIRMAN MONTANO:

Okay. Yeah, no, we'll consider it. We have no problem with it. His right to submit the resolution. When he does we'll look at it and then we'll probably have the same discussion.

MR. THOMPSON:

Okay.

CHAIRMAN MONTANO:

Okay. And if you provide us with the backup it makes it a lot easier.

MR. THOMPSON:

Will do.

CHAIRMAN MONTANO:

Okay. Thanks, Wayne.

MR. THOMPSON:

Sure.

CHAIRMAN MONTANO:

Is there anyone that would like to speak before the Legislature, before I go into the agenda. Okay. I'm gonna -- I notice that we have an appointee. One of our bills there's an appointee to the Suffolk County Board of Ethics, Robin L. Long, and I believe she's here in the audience. Oh, I'm sorry, I was looking the other way, Robin. How are you? First let me make a motion, procedural motion to take 1637 out of order. I need a second.

LEG. CALARCO:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. All in favor? Opposed? Abstentions? We are -- now before us or the bill is now before us. Have a seat there. And the way this works is you got to keep your finger on the button in order for the stenographer to pick it up. It's not like court,

MS. LONG:

Got it. Thank you.

CHAIRMAN MONTANO:

How are you? Robin, why don't you -- I have your resume here. I believe everybody has a resume. You're a solo practitioner, you live out in Hampton Bays. Am I correct?

MS. LONG:

Yes. I wanted to just say good morning and thank you for the opportunity to speak here today. Just by way of background I was born in Brooklyn raised in Queens and chose to move to Suffolk County over 30 years ago to raise my own children.

I am currently a single practitioner with a concentration in real estate but I have been able to pride myself that throughout my career professionally there's been two motivations; one has been my children and family and the second has been public service. So regardless of where my career has taken me, whether it was in the years that I was doing directly governmental work or later on in my career as an attorney, I've always had an extensive volunteer commitment to public service.

CHAIRMAN MONTANO:

Okay. I see you are a graduate of St. John's University School of Law in 1980. You're admitted into Federal court for the eastern district and -- thank you. Are there any questions from any members of the committee? Legislator Stern.

LEG. STERN:

Thank you, Mr, Chairman. I don't have any questions but I just wanted to welcome Ms. Long.

MS. LONG:

Thank you.

LEG. STERN:

Thank you for being with us this morning. I've had the opportunity to review your resume as well and I thank you for willingness to serve.

MS. LONG:

Thank you.

CHAIRMAN MONTANO:

No this is a County Executive appointment, Counsel. Am I correct?

MR. NOLAN:

Yes.

CHAIRMAN MONTANO:

Okay. You want to say anything further anything with respect to the Ethics Committee of the Ethics Law or anything of that nature?

MS. LONG:

Well, I wanted just to share one observation with you. It's very interesting being a single practitioner because being a single practitioner, ethics is very important to attorneys. But being on your own it's even more important because every case that you take, every client that you deal with, every person that you deal with, even in your volunteer work, you have to be very careful to avoid any signs of impropriety, any conflicts of interest and making sure, that of course, your representation of your clients is tempered with the cannons of ethics. So I think being an attorney has brought me logically and my career has brought me logically before you today.

CHAIRMAN MONTANO:

I would agree. Having been a sole practitioner myself and the way things have moved, I agree with

you and, you know, I just point out that during the last recession I think Suffolk County had more disbarred attorneys than any other region in the State. And, you know, it -- the ethics is really important and there's -- you know, we're glad to have you on the committee. The County Executive appointed you. I'm going to make a motion to approve the appointment. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstentions? **Approved (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)** Congratulations. Welcome to the board and look forward to actually not hearing from you. **(Laughter)** Thank you very much.

MS. LONG:

Thank you very much.

CHAIRMAN MONTANO:

I'm sorry, I can't hear you, Ben. I don't think it's necessary. Does the committee think -- well, I'll tell you what, because it's the Ethics Board there may be other Legislators that would want to ask questions in light of the history, which I'm sure you're aware of. So it might be better to come before the full Legislature. I think after 11:00 would be fine because we could take it out of order. Am I correct? We try and get the public hearing done by 11:00 we're not usually successful, so 11:00, 11:30. Or, if not, even in the afternoon after we do the public hearings, Ben. As soon as she comes in I think we can make a motion to take it out of -- you know, she might have to be in court that day or something. So we'll work it out.

MS. LONG:

Not a problem.

MR. ZWIRN:

It's in Riverhead.

CHAIRMAN MONTANO:

It's in Riverhead.

MR. ZWIRN:

Makes it even easier.

CHAIRMAN MONTANO:

You just hop out of bed and you're there. So it's not a problem.

MS. LONG:

Thank you.

CHAIRMAN MONTANO:

Thank you.

Okay, moving onto the tabled resolutions.

TABLED RESOLUTIONS

IR 1005 - 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 by Legislator Stern. Any discussion? 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) Public hearing was closed on 3/13/12. Again, I'll make a motion to table.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstention? 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 of this year. I'll make a motion to table, second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0)**

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

Is that the discussion that we were having earlier? Okay. I'll make a motion to table.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstention? Motion carries. **Tabled (VOTE: 5-0)**

IR 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) Counsel, we're still not at six months on this. Am I correct?

MR. NOLAN:
Correct.

CHAIRMAN MONTANO:
Okay. I'll make a motion to table.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled**

(VOTE: 5-0)

IR 1291 - Adopting Local Law No. -2012, A Local Law to Modify Requirements for Contract Agency Funding. (Calarco) Public hearing reopened to 6/19/12 general session.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table, I'll second it. All in favor? Opposed? Abstention?

Motion carries. **Tabled (VOTE: 5-0)** So the public hearing is reopened is what we're saying.

LEG. CALARCO:

I made an amendment to the resolution --

CHAIRMAN MONTANO:

Okay.

LEG. CALARCO:

-- with changes in the contract agencies, the County Executive made a 10% cut across the board cut changed the number again. What we decided to do is just make a exemption for the single year of the law all together and then next year we'll be back at square one.

CHAIRMAN MONTANO:

Okay. So we'll have the public hearing on 6/19/12.

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.) Again, recessed to 6/12 -- 6/19/12. Is that a motion I'm making or is that what happened? All right. Motion to table for public hearing.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1526 - Directing the Division of Real Property Acquisition and Management to subdivide and offer for sale a certain parcel of land. (Kennedy) John, do you want to table this?

LEG. KENNEDY:

It still requires some additional work, Mr. Chair. Yeah, it's best probably at this time that we table.

CHAIRMAN MONTANO:

I'll second. That's a motion and I'll second it. All in favor? Opposed? Abstention? Motion carries. **Tabled (VOTE: 5-0)**

IR 1527 - Adopting Local Law No. -2012, A Charter Law to reapportion Suffolk County Legislative Districts. (Pres. Off.) Public hearing was closed on 6/5/12.

LEG. CALARCO:

Motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Okay. Any other motions? All in favor? Opposed? Abstention? I'm opposed.

LEG. NOWICK:

Opposed.

CHAIRMAN MONTANO:

All right. Hold on a second. We're going to take a five minute recess if it's okay with all of you.

(* A Recess was Held*)

Okay. We did not call the vote so we're going to do this again. We have a motion to approve and I'm going to make a motion to discharge without recommendation. All right. Second by Legislator Nowick.

LEG. CALARCO:

And I'll withdraw my motion.

CHAIRMAN MONTANO:

All right. That's even better. So we have a motion to discharge without recommendation. All in favor? Opposed? Abstentions? Motion to discharge without recommendation carries.

Discharged without Recommendation (VOTE: 5-0)

Okay. We're moving onto the introductory resolutions.

INTRODUCTORY RESOLUTIONS

IR 1532 - Authorizing certain technical corrections to Adopted Resolution No. 905-2010. (Co. Exec.) I'll make a motion to approve and place on the Consent Calendar. Counsel, this is a pro forma thing. Am I correct?

MR. NOLAN:

Right. It involved a grant and the money was misallocated in the original resolution as to fund.

CHAIRMAN MONTANO:

Okay. I need a second on the motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention?

Motion carries. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)** I'm going to do same motion, same second on these.

IR 1541 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Nissim Azoulay (SCTM No. 0300-146.00-05.00-006.000 and 0300-147.00-09.00-034.000). (Co. Exec.) This is as-of-right. Right; Counsel?

MR. NOLAN:

Yes.

CHAIRMAN MONTANO:

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

IR 1542 - Authorizing certain technical correction to Adopted Resolution No. 59-2012. (Co. Exec.) Same motion. Do you want to explain that quickly?

MR. NOLAN:

This just involves the name of the Elsie Owens Health Center. Just makes a correction to that so it's correct.

CHAIRMAN MONTANO:

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

IR 1546 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose A. Ospina and Adriana M. Rojas, his wife (SCTM No. 0500-055.01-01.00-009.000). (Co. Exec.) Same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1547 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Volpe (SCTM No. 0400-259.00-01.00-037.000). (Co. Exec.) I'll do same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1548 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Harriet Magil, Bernard Magil and Margaret R. Magil, Trustees or their Successors in Trust under the Harriet Magil Living Trust, dated February 19, 1999 (SCTM No. 0900-231.00-01.00-015.000). (Co. Exec.) I'll do same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)** These are all as-of-right.

IR 1549 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lisa Grossman (SCTM No. 0102-016.00-03.00-072.000). (Co. Exec.) I'll do same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1550 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bonnie Braun (SCTM No. 0404-015.01-02.00-006.000). (Co. Exec.) Same motion, same second, same vote. **APPROVED and PLACED on the CONSENT CALENDAR (VOTE: 5-0)**

IR 1555 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Enrico V. Cardillo and Cathy A. Cardillo, his wife (SCTM No. 0200-559.00-01.00-033.000). (Co. Exec.) Brief explanation.

MS. GREENE:

Good morning, Mr. Chairman.

CHAIRMAN MONTANO:

Good morning.

MS. GREENE:

I'm very happy to provide the committee with a little background on this resolution before you. This is a Local Law 13, a direct sale of a piece of property located in the Hamlet of Manorville. It's size is 60 by 100. There are two adjoining owners. The appraised value was \$6000 and that is the successful bid we are getting from one of the adjacent owners. There will be a covenant in the deed that it cannot be independently approved for a habitable structure and will be merged with the existing property. I think it is important for the committee to understand background on this particular parcel. This particular parcel was the subject of Legislator D'Amaro's Local Law 3 of 2009, the law that was targeted for the intent of building affordable homes on substandard lots and as such was offered for auction in 2009, it was sold for \$10,000 at auction with those provisions attached. That sale was then forfeited. As every other Local Law 3 law property has been forfeited. Local Law --

CHAIRMAN MONTANO:

When you say forfeited you mean it was --

MS. GREENE:

The owner was unable to provide the compliance --

CHAIRMAN MONTANO:

Couldn't get the zoning through is what you're saying.

MS. GREENE:

To get change of zone and the County had to refund all of their money. This became a subject at your last full Legislative meeting.

CHAIRMAN MONTANO:

Yes, it did. I was going to ask you about that. Thank you.

MS. GREENE:

There was a Local Law 13 in the Town of Southampton, Legislator D'Amaro asked you to table that and that was the same provision where that was also subject to Local Law -- it was not subject to Local Law 3 as it was not on an improved street.

So in my last meeting before this committee may I state for the record that Local Law 3 of 2009 has been an abject failure. It has done nothing but serve as an impediment and a costly one at that for the County to hold onto property and we have never had one successful sale.

CHAIRMAN MONTANO:

Okay. I will convey your message to Legislator D'Amaro. In the interim I'm going to make a motion to approve.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Pam, I didn't hear what the upshot was of the auction. It went out -- the parcel was --

MS. GREENE:

Offered for sale.

LEG. KENNEDY:

Ten grand was bid what? Subject to the ability to go ahead and secure, in other words, it wasn't an outright transfer it was a subject to?

MS. GREENE:

The provisions of Local Law 3 of 2009 required the successful bidder to first ask the municipality for a building permit. Have that building permit denied because the lot is substandard, then seek a change of zone in order to be able to either get a change of zone or a variance to be able to build on a substandard lot, then to build a home, have it occupied by a family that meets the provisions of the affordable housing component, have that family live in that property for ten years with the reverter in the deed that if the family does not comply with the affordable housing component, the property will revert back to Suffolk County and the County can only relay the deed upon the individual who has been on the property obtaining the Certificate of Occupancy from the municipality. There's not been one successful sale to date. All of them have resulted in the County either holding onto these properties because no one will bid on them or having to forfeit all of the down payment and the auction fees back to the people who have bid.

LEG. KENNEDY:

Well, it sounds like it's an ambitious task. I mean, I'm familiar with, you know, how the genesis of this and what came about and I still struggle with this notion that, you know, we're giving what otherwise would be possibly a buildable lot to an adjoining owner for \$6000. But my question with this lot in particular is, did the successful bidder then go ahead and make application to the Brookhaven, I guess, planning board or B.Z.A. in order to obtain the variances? In other words, did they do the steps that one would normally do to improve a substandard lot?

MS. GREENE:

On this particular property we don't know if they did try that. Every other person who has has not been successful. This lot was previously offered to the Town of Brookhaven for use for affordable housing and the Town of Brookhaven chose to not accept it. So this is a substandard lot, it does not meet local zoning provisions. So if they had asked for a building permit it would have been denied and if they had gone for a variance that would have been the purview of the town.

LEG. KENNEDY:

Are you familiar with Manorville in particular, I mean, what is a minimum lot size there? Is it one acre, two acre?

MS. GREENE:

This is zoned A2 residential and that requires a minimum area of 80,000 square feet and a minimum street frontage of 200 feet.

LEG. KENNEDY:

Two hundred?

MS. GREENE:

Yes. And this is a 60 by 100 piece of property.

LEG. KENNEDY:

Sixty by a hundred. So you have 60,000 in the square footage but 200, I mean, that's a huge jump

from a 60 foot presumably -- that's the road frontage, it is on an improved road?

MS. GREENE:

It is. It's on a corner. So this direct sale will go to the adjacent owner who cannot improve it with a habitable building.

LEG. KENNEDY:

Okay, okay. All right, thank you.

MS. GREENE:

You're welcome.

LEG. KENNEDY:

I'll yield, Mr. Chair.

CHAIRMAN MONTANO:

Pam, I didn't realize this was your last meeting. First, I'm going to be sorry to see you go.

MS. GREENE:

Thank you.

CHAIRMAN MONTANO:

But since it is your meeting don't hold back anything; okay. What I was going -- can't hear you, can't hear you. What was that?

MS. GREENE:

I don't think Rick Brand has enough paper, ink in his pen.

CHAIRMAN MONTANO:

He will see you outside, trust me. What I was going to ask you to seriously was you indicate that, I guess you weren't too impressed with the bill that we passed allow and you said it -- the Lou D'Amaro bill, and you said it also costs the County money. Do you have any idea how much it cost us?

MS. GREENE:

I do. I can get -- we have been keeping those figures accumulating since 2009 with every year then those properties go up for sale and are not bid on. In fact, last year's auction some of the buildings that were not, the properties that were not bid on were subject to Local Law 3. We can get you that information.

CHAIRMAN MONTANO:

All right. And, by the way, you're absolutely correct at the last meeting we had one these that came up and could not recall, I know we had vetted fully in committee, but I could not recall the specifics of it, I didn't have my notes with me, and I guess you heard about that.

MS. GREENE:

I was listening.

CHAIRMAN MONTANO:

Oh, you were there?

MS. GREENE:

I was listening to the meeting.

CHAIRMAN MONTANO:

Oh, you weren't there, but you were listening.

MS. GREENE:

Correct. Local Law 3 requires a minimum front -- a minimum square footage of 5000 square feet, it also requires that the property be located on an improved street. This -- the property of your last full meeting was not on an improved street.

CHAIRMAN MONTANO:

Okay.

MS. GREENE:

And it also requires that it be in keeping with the nature and character of the neighborhood such that if this was in an area with two acre zoning a substandard lot would not normally be one that would receive such a variance. This was also the case in that.

CHAIRMAN MONTANO:

And that's really the issue, I mean, the real issue is the zoning irrespective of the size of the lot. Am I correct?

MS. GREENE:

The issue is the zoning and the provisions of requiring the occupants of the home to never get a raise and never win the lottery and never not be subject to the parameters of being in the affordable housing income guidelines.

CHAIRMAN MONTANO:

Thank you, Pam.

LEG. KENNEDY:

Mr. Chair, can I --

CHAIRMAN MONTANO:

1555 - (Sale of County-owned real estate pursuant to Local Law No. 13-1976 Enrico V. Cardillo and Cathy A. Cardillo, his wife (SCTM No. 0200-559.00-01.00-033.000). (Co. Exec.)) Yes, Legislator Kennedy.

LEG. KENNEDY:

Pam, I want to echo the Chair's compliments to you and to, you know, for all the time that I've worked with you in your office you've helped us tremendously on many difficult challenging real property issues not the least of which was the Nesconset First Responders Park, but for your intervention that park would not have come to be and it is a jewel not only in the Smithtown area but throughout Suffolk County. So I want to take the opportunity and personally thank you for your efforts to go ahead and work on that. Your insight is invaluable as well.

Is there anything that we can do with this local law that would make these properties more likely to be able to be developed?

MS. GREENE:

No.

LEG. KENNEDY:

What would you suggest to us if we were going to somehow modify it? I'm not the sponsor but I do

have an interest in this.

MS. GREENE:

Repeal the law.

LEG. KENNEDY:

There you go. So your sense is that there's nothing that we can do to go ahead and make these substandard lots attractive to the development community so that they can meet what our mission was for veterans housing or affordable housing or what our intent was our Legislative intent?

MS. GREENE:

The County's commitment to affordable housing is second to none and the amount of homes, uninhabitable homes that are transferred through Jill Rosen-Nikoloff's program of affordable housing is to be commended and has come at a great expense if you merely look at the County investment that the County has forgone in the transfer of these properties. There are significant numbers of homes available to be developed for veterans for young families for those who meet already the requirements of the affordable housing program. That program is a success. Support that program, continue to support that program.

LEG. KENNEDY:

Okay, thank you.

MS. GREENE:

And, may I, Mr. Chairman, say that it has been an absolute pleasure serving the residents and taxpayers of Suffolk County to have the opportunity to work with many of you that I had known previously as colleagues, as elected officials, and with the wonderful staff of the Division and it has been a dream job for any land use attorney to literally buy and sell dirt all day every day. I loved every day I was here and good luck to all of you. Thank you.

CHAIRMAN MONTANO:

And we wish you well; okay.

MS. GREENE:

Thank you.

CHAIRMAN MONTANO:

Thank you very much.

*(*Applause*)*

LEG. STERN:

Thank you so much.

MS. GREENE:

Thank you.

CHAIRMAN MONTANO:

All right. I think we had a motion to approve but we didn't take a vote. Am I correct? No second. I need a second on this motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Approved (VOTE: 5-0)** And I guess we'll have a debate at the next hearing.

IR 1586 - Adopting Local Law No. -2012, A Charter Law to ensure the independence and integrity of the County Ethics Process. (Romaine) I believe this has to be tabled for public hearing. I'll make the motion, second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1593 - Authorizing extension of lease of the Long Wharf (CR 81) with the Village of Sag Harbor. (Schneiderman) Let me have an explanation from Counsel please.

MR. NOLAN:

This is, of course, the Long Wharf. The County has been leasing the Long Wharf to the Village of Sag Harbor for about 20 years, over 20 years. The lease has expired. This resolution would authorize an extension of the lease through, I believe, June of next year. Until such time as the County makes a policy determination as to the long-term future of the Long Wharf, are we going to sell it or give it to the Village, are we going to retain it. And this would provide some continuity from the sponsor's point of view in terms of maintenance and insurance at the Long Wharf.

LEG. CALARCO:

Mr. Chair?

CHAIRMAN MONTANO:

There's a motion. Do we have a second?

LEG. CALARCO:

I'm going --

CHAIRMAN MONTANO:

In the interim Legislator Stern has a question.

LEG. STERN:

I'm going second the motion and my understanding, maybe Ben can correct me if I'm wrong, but the -- that the primary reason for the extension and why it is time sensitive right now is because it ties into the ferry service that they want to establish there. And that, of course, has to be in place for the summer season, that's my understanding of this legislation before us. And it's a timely issue that's a factor and if we want the ferry service to be a success this has to be in place.

CHAIRMAN MONTANO:

Yeah, go ahead, I invited you up, Ben.

MR. ZWIRN:

Yes, Legislator Stern, that's my understanding. They have a -- the Villages of Greenport and Sag Harbor have both approved a pilot project for a ferry service to run between the north and south forks just for passengers. And the docking point is the Long Wharf, has been identified, and that is -- it's a County road officially. There has been a lease in place for many, many years. When the lease expired everything pretty much continued the way it was. The Villages maintaining the Long Wharf capital projects had been done by the County. This is a short term lease so that a policy decision can be made before -- by next year at some point, but this will get them through the season and their time constraints are very tight. They'd like to get this thing up and running before July 1st. Public Works has no problem with it. They've examined the site where they would use -- they

have no problem now, boats dock there at the present time. So this would be a way for the Village to be able to have some control over what goes on on the dock and how the ferry operates.

CHAIRMAN MONTANO:

Okay. Just a procedural question. Generally these lease authorizations come through the County Exec's Office because the County Attorney's the one that handles them. Was there any particular reason why this one came through from Legislator Schneiderman as opposed to -- not that I care, I'm just curious.

MR. ZWIRN:

Yeah. I don't think there's any pride in ownership of this.

CHAIRMAN MONTANO:

Okay.

MR. ZWIRN:

I think Legislator Schneiderman represents Sag Harbor's --

CHAIRMAN MONTANO:

Understandable.

MR. ZWIRN:

-- part of his district and he's been --

CHAIRMAN MONTANO:

And you've been working cooperatively.

MR. ZWIRN:

Yes, I serve on the Long Wharf committee.

CHAIRMAN MONTANO:

That's right, you live out there.

MR. ZWIRN:

And -- I live out there as well. I think this is -- the Village has not really been supportive of this in the past but this is a pilot project. It may be a terrific boon for tourism and people using -- they're parking their cars at the high school so the high school actually made a few bucks dealing with the Hampton Jitney because that's where we're going to park the cars, they use this and they're going to ferry people around. It's a very ambitious and it's -- everybody's looking forward to seeing how it works out.

CHAIRMAN MONTANO:

And is this where we still own the beach next door?

MR. ZWIRN:

You don't own the beach any longer. The beach has been -- the beach property may have been transferred back in the 70's and the deed never recorded.

CHAIRMAN MONTANO:

Okay.

MR. ZWIRN:

But we've done it again. So hopefully this time the Village will record the deed.

CHAIRMAN MONTANO:

All right. We have a motion and a second. All in favor? Opposed? Abstention? Motion carries.
Approved (VOTE: 5-0)

CHAIRMAN MONTANO:

**IR 1598 - Directing a cost benefit analysis of sale of Kermit W. Graf Building.
(Schneiderman)** You want to give an explain, Counsel, on this?

MR. NOLAN:

I think it's better known as the Cornell Cooperative Building out in Riverhead by the courthouse. Basically what it says, that it's directing the Division of Real Property Acquisition and Management to do a study, a cost benefit analysis of selling this building and reporting back to the Legislature within 90 days and that's it.

CHAIRMAN MONTANO:

Who is doing the analysis again; Counsel?

MR. NOLAN:

The Division of Real Property Acquisition and Management.

CHAIRMAN MONTANO:

Is that you, Pam?

MS. GREENE:

Not anymore, sir.

CHAIRMAN MONTANO:

You haven't left.

MR. ZWIRN:

I just might add that Legislator Romaine's Legislative Office is in this building.

CHAIRMAN MONTANO:

I know, I was going to ask that.

MR. ZWIRN:

Part of the sale would be that he would have to go with the new owner.

*(*Laughter*)*

CHAIRMAN MONTANO:

Pam, we're not going to let you out until the meeting is over.

MS. GREENE:

In reading the directive of this bill, I would offer several comments for the committee.

CHAIRMAN MONTANO:

Go ahead and don't hold back.

MS. GREENE:

One, it would require an analysis of how the building came into the County inventory; when it was

purchased, how much it was purchased for, what the debt service is that this County is continuing to pay, what the PPU, period of probable usefulness was for the building at the time the capital improvements were done to building, how far out have you anticipated owning this building and factor that into your debt service already. Then to look at whatever would be the appraised value now, I believe, would have to actually be a fixture appraisal, because this is also the site of the Suffolk County Community College Culinary Arts Institute Program if I'm correct -- yes? No. Whatever is in the building, if that were going to be part of the sale, that would be a fixture appraisal, which is a bit beyond the scope of our highly talented general appraisers.

In reading the provisions of this bill, I would note for the committee and the Legislature that the firm of Newmark, Knight, Frank is on retainer with the County. They, in turn, have an appraisal firm on retainer with the County. This would be a project, I believe, best suited for your professional real estate team or perhaps the management team recently come on board with the administration to examine the cost benefit, because all of those occupants, the leases they currently have, the amount of money they're currently paying, Legislator Romaine's District Office would have to be analyzed to see what the cost would be to the County to now relocate any of those County offices that are already in this building.

CHAIRMAN MONTANO:

And all that's going to be in the analysis? And the office you're leaving behind is equipped to do that?

MS. GREENE:

I believe it's beyond the scope of anyone in the Division of Real Property, and I would recommend it be handled either by perhaps -- there's a management team now in the administration or the outside firm of Newmark, Knight, Frank.

CHAIRMAN MONTANO:

All right. Thank you very much.

MS. GREENE:

You're very welcome.

LEG. STERN:

Motion to table.

CHAIRMAN MONTANO:

All right. Motion to table by Legislator Stern, seconded by Legislator Kennedy. And I think we do need to hear a little more on this, particularly after that presentation. So all in favor? Opposed? Abstention? Motion to table carries. **Tabled (4-0-0-1; Not Present - Legislator Nowick)**

IR 1601 - Adopting Local Law No. -2012, A Local Law to update the County's Domestic Partnership Registry. (Spencer) We need to table that for public hearing. I'll make the motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled for Public Hearing (VOTE: 5-0)**

IR 1635 - Further strengthening procedures for procuring consultant services. (Kennedy)

LEG. KENNEDY:

I'm going to make a motion to approve, Mr. Chair.

CHAIRMAN MONTANO:

All right. We have a motion to approve, we need a second. Second by Legislator Nowick. I'd like an -- excuse me?

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Calarco.

LEG. KENNEDY:

On the motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern on the motion to table. I'm going to ask Counsel first for an explanation -- unless you want to explain it?

LEG. KENNEDY:

Well, let me start off, Mr. Chair, if I can and then George will jump in. This bill's brought forward for a very simple reason. Waiver of the normal RFP process for contracts or for services that the County needs to retain by its definition basically is supposed to be something that's an exception and something that occurs on a relatively infrequent or rare basis. There is a Waiver Committee that's in place right now specifically to take up those requests that's comprised of three individuals, one being the Presiding Officer or his representative, the other two I believe at this point being Mr. Pollert and Mr. Kopp. For anybody who seen the e-mails and the whole even reporting process goes back to some work we had done, Mr. Chair, going back a couple of years ago where there now must be notification to all of us.

We have over 70 waivers that have been sought since the beginning of the year. And quite frankly I'm concerned. I'm concerned of what's happening is the exception is becoming the rule and I think that, you know, as we all struggle with this, you know, budget deficit that we have and the multiple millions of dollars that we're looking at trying to close we have this process that's going along almost outside of our normal realm where three individuals are getting to go ahead and administratively authorize a whole bundle of different types of services that were they in front of us we may not necessarily concur.

So the bill will do a couple of things. First of all it expands the membership. It expands the membership to five members, it keeps the three that are there, but it also gives an additional -- two additional Legislative appointments between the majority leader and the minority leader. Secondly, what it would do is it would provide a requirement that the agenda for the Waiver Committee meeting be available to all minimum, what is it George, two days, three days before?

MR. NOLAN:

Two days.

LEG. KENNEDY:

Right, 48 hours before the meeting would actually take place and it also gives a public portion to

that Waiver Committee meeting as well. You know, emergencies come up we're a multi-billion dollar corporation, we need to have the ability to allow our governmental structure to respond to emergencies, but we have to balance that with, you know, the aspects of public notice, of oversight, and quite frankly it's what we all talk about, it's transparency. And a dose of sunshine is always a good measure. What'd I leave out; George?

MR. NOLAN:

Just two things, I think. That the meetings have to take -- have taken place with at least five days notice and also that there'll be public notice of these meetings in accordance with Open Meetings Law and that minutes will be taken at these -- not verbatim minutes but minutes will be taken at these meetings.

CHAIRMAN MONTANO:

You mentioned the contract notification. I wanted to ask the Clerk or my colleagues, is that being complied with, are you getting your notifications on a regular basis because that's tied into this is it not?

LEG. KENNEDY:

It is, it is.

CHAIRMAN MONTANO:

Because I was the sponsor of that bill.

LEG. KENNEDY:

Yes you were, as a matter of fact. We sponsored a series of bills going back a couple of years ago specifically to give all of us the opportunity to have better notice. I think the contract notification is by access to one of our main drives.

CHAIRMAN MONTANO:

T-drives.

LEG. KENNEDY:

Yeah. Sitting here now I couldn't tell you how to get to it. So I think it occurs but it's a somewhat --

CHAIRMAN MONTANO:

I think and I don't disagree with you, I think, and I'll have to go back to the office on this, at one time when I first introduced the contract notification a compromise was to put it on the T-drive, which really wasn't accessible. And then my understanding was that the Clerk's Office, the Legislative Clerk would forward the contract -- the requirements of the contract notifications bill to the Legislators. Ben, do you know where we're at on that? Or is there anyone from the County Attorney's Office here on this? Is there anyone from the County Attorney's Office here?

MR. ZWIRN:

I don't think so.

CHAIRMAN MONTANO:

I think we should have people in the future, but we'll make a note of that, Bob, to ask them to please send a representative. Go ahead, Ben.

MR. ZWIRN:

Yeah, no we would -- there's certain aspects of this bill that, you know, some of the -- the

transparency stuff is always important to the County Executive. I served on the Waiver Committee under the last administration and I must tell you that when the Legislature wanted to add the Presiding Officer to the three people in the room I supported that as did the other two members on the Waiver Committee at the time for transparency purposes. There was times you would feel uncomfortable in the room, it was good to have the Legislature represented.

This would completely change the scales. I mean, this would be a Legislative board as opposed to a County Executive board. You'd now have five members. Right now you have two members from the County Exec's Office and one member from the Legislature. It's the Presiding Officer. I think that's important because the Legislature should be informed and should have somebody there who's their eyes and ears to get back to them if there's a problem. I think the transparency issue with respect to that has been addressed.

The fact, and I think Legislator Kennedy has said it, that we have to, you know, move quickly at times. There may be a -- more waivers in the beginning of this year because we have a new administration and we're dealing with problems that we did not anticipate coming in in January so there may be efforts to move things along, we don't have time. Sometimes we do a waiver in anticipation of an RFP going out so that we can get something done, there's no lapse in service.

So I would ask that the Legislature move cautiously on this. It would change the dynamics of the process if it's respect to notification or notice. Right now they do meet on a regularly informal basis when they have to meet. When something comes up then they call a meeting of the Waiver Committee. But I don't know if we have to go this far. We would like to still have the County Executive, who's the chief budget officer of the County, have the ability, you know, to call this group together and to move quickly. And we think this could just slow things down at a time when we have to move fast on occasion to try to get things done. So we're not supportive of this bill in its current form.

CHAIRMAN MONTANO:

Tim, I guess you were listening or something?

MR. LAUBE:

Yes.

CHAIRMAN MONTANO:

That always amazes me. Where are we at with the contract notification bill? I mean, is that something that is being complied with on a regular basis?

MR. LAUBE:

The consultant services contracts?

CHAIRMAN MONTANO:

Yes.

MR. LAUBE:

That I e-mail out as soon as I get them?

CHAIRMAN MONTANO:

Yes.

MR. LAUBE:

You get them in your e-mail boxes within hours of me receiving them. If I get them -- if I'm sitting at my desk I do it immediately.

CHAIRMAN MONTANO:

Okay, great. With respect to this bill I've long been critical of that Waiver Committee. However, I'm not prepared at this point to move this out of committee. I'd like to, you know, I would probably suggest some changes and I think there should be some discussion on this. And, you know, the way I see the bill it's really not going to change much anyway because the bill is written for the majority leader, you already have the Presiding Officer and you have two members of the County Exec's Office so I don't see that it's going to be a substantive change. But we have two motions before us, one is to table, one is to approve. Any comments by anyone?

LEG. KENNEDY:

You know, Mr Chair, look I'm going to, you know, stand by my motion. Obviously if it's the will of the majority of the Committee to go ahead and table I'll speak to Mr. Zwirn and see if there's something that I can do as far as working with the bill. One thing that I would suggest when we look at this is, you know, my object in putting this forward was not to go ahead and to completely obliterate the flexibility that a Waiver Committee needs, but I'll say again, and Ben, you know, you've indicated it's a new administration, obviously there's always a transition, different focus, different types of things, but there are waivers that have been approved here already that are -- things that are -- they're real policy issues, if you will, we have a consultant that's looking at insurance and risk management and has presented itself as an auditor, when in fact they're actually a firm retained specifically to come in and contemplate redrafting that whole process. Now that moves from what is an executive function to a Legislative or policy function. And so, you know, my concern here is is that what's happening is is the Executive branch side of government is utilizing this Waiver Committee process to bypass what would be something that would be before us that would actually be a policy decision we would either reject or embrace. So, you know, I don't want to beat a dead horse here. We'll take it up maybe you can up sit on, maybe there's something that we can do to get at least some of the elements of this. But I believe it's important that, you know, this not go by the wayside because that waiver process is something that's supposed to be sparingly used and not something that's supposed to be an end run around a normal process.

CHAIRMAN MONTANO:

Ben, I would -- while I'm going to support the tabling I would ask you to speak. As I said earlier, I've been critical of the waiver process. I've questioned some contracts in the past, you know, some have slipped by, the notion of three men or three people in a room doing this is something that doesn't sit well with me as a member of the Legislature because I think we have a responsibility to know what is going on in the County, who's getting contracts and why and why we need to waive certain procedural requirements, etcetera. So I would encourage you to keep talking about this and I'm going to call the vote unless there are any other comments. All right. Motion to table precedes. All in favor? Opposed?

LEG. KENNEDY:

I'm opposed.

LEG. NOWICK:

Opposed.

CHAIRMAN MONTANO:

All right. Motion to table carries. Legislator Kennedy and Nowick are opposed. **Tabled (VOTE: 3-2-0-0 Opposed: Legislator Kennedy & Legislator Nowick)** We'll take this up at the next meeting.

Moving along. We did 1637, that was approved.

IR 1638 - Authorizing an amendment of the Second Ballpark License Management and Operations Agreement between the Long Island Ducks Professional Baseball Club. LLC and the County of Suffolk. (Co. Exec.) That is located in my Legislature district. Frank Bolton was the owner and the CEO would like to come to the next meeting on Wednesday, August 1st, so I'm going to make a motion to table.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

IR 1641 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 428 Route 25A Realty Corp. By Daniel Carr, President (SCTM No. 0200-098.00-07.00-004.000). (Co. Exec.) I'll make a motion to approve and place on the Consent Calendar, second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Approved and Placed on the Consent Calendar (VOTE: 5-0)**

There being no further business of the Committee, Pam, we want to wish you the best. We really enjoyed -- I really enjoyed working with you. You've always been a straight shooter and we wish you well.

MS. GREENE:

Thank you very much.

CHAIRMAN MONTANO:

Thank you all. Committee meeting is adjourned.

THE MEETING CONCLUDED AT 10:55 A.M.

{ } DENOTES SPELLED PHONETICALLY