

**WAYS AND MEANS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES**

A 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, 725 Veterans Memorial Highway, Smithtown, New York, on November 14, 2012.

Members Present:

Legislator Montano - Chairman
Legislator Stern - Vice-Chair
Legislator Calarco
Legislator Nowick
Legislator Kennedy

Also In Attendance:

George Nolan - Counsel to the Legislature
Bill Lindsay - Presiding Officer
Michael Pitcher - Aide to Presiding Officer Lindsay
Tom Vaughn - County Executive's Office
Gail Vizzini - Director - Budget Review Office
Wayne Thompson - Economic Development and Planning
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk
Bob Martinez - Aide to Legislator Montano
Debbie Harris - Aide to Legislator Stern
Paul Perillie - Aide to Legislator Gregory
Greg Moran - Aide to Legislator Nowick
Ali Nazir - Aide to Legislator Kennedy
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken and Transcribed By:

Gabrielle Skolom - Court Stenographer

(*The meeting was called to order at 10:10 a.m.)

CHAIRMAN MONTANO:

I'm going to call the meeting to order starting with the Pledge of Allegiance led by Legislator Stern.

(Pledge of Allegiance)

We would just like to take a moment of silence for any of the victims of the storm, Hurricane Sandy, particularly those two kids who passed away.

(Moment of Silence Observed)

Superstorm Sandy. There's no hurricane deductible?

LEG. CALARCO:

That's right

LEG. MONTANO:

And, if I may, what is the standard for a superstorm versus a hurricane? Is there a legal category?

(Inaudible)

All right. I thank all of you for being here. I don't believe we have any correspondence; is that correct, Bob?

MR. MARTINEZ:

Yes.

CHAIRMAN MONTANO:

Any public comments? No cards today. No presentation. We're going to get right to the agenda.

IR 1526 was stricken, so that's knocked off, and we're going to move on to -- it's a **tabled resolution**.

IR 1598, Directing a cost/benefit analysis of sale of Kermit W. Graf Building (Schneiderman).

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Motion to table is made. Second by Legislator Stern. All in favor? Opposed? Abstentions? Bill is **tabled**. **(VOTE: 4-0-0-1, Not Present: Kennedy)**

IR 1702, Adopting Local Law No. -2012, A Charter Law to make transparent the County's rulemaking process (Cilmi) Public hearing, I believe, was closed on 9/13. Any motions on this?

LEG. CALARCO:

Table.

CHAIRMAN MONTANO:

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

LEG. STERN:

Second.

LEG. CALARCO:

Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstentions? Motion to **table** is carried. **(VOTE: 4-0-0-1, Not Present: Kennedy)**

Where's John? Does he want to come in? If there's anything you want me to skip, let me know now because we're moving fast.

IR 1708, Adopting Local Law No. -2012, A Charter Law requiring legislative approval of fee changes (Cilmi). Public hearing was closed on 8/21. Any motions on this?

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

Was it recessed or tabled?

MR. MARTINEZ:

Recessed.

CHAIRMAN MONTANO:

Recessed. All right. My notes -- I'm going to change my notes.

MR. NOLAN:

I have it tabled.

CHAIRMAN MONTANO:

It was recessed. I will make a motion -- no. Legislator Calarco has a motion to table. I will second. All in favor? Opposed? Abstentions? Motion carries. **Tabled for Public Hearing (VOTE: 4-0-0-1, Not Present: Kennedy)**

IR 1757 of 2012, I believe was withdrawn. Okay. So that's off the calendar.

Likewise, IR 1931 --

LEG. STERN:

1840.

CHAIRMAN MONTANO:

Excuse me? Oh, I'm sorry. I skipped over 1840. That's correct.

IR 1840, Adopting Local Law No. -2012, A Local Law to expedite the return of blighted properties to the tax roll and productive use. Now I believe that was closed on 9/13.

LEG. CALARCO:

Motion to table.

CHAIRMAN MONTANO:

I will second the motion to table. All in favor? Opposed? Abstention? Motion carries. **Tabled (VOTE: 4-0-0-1, Not Present: Kennedy)**

Now we're at **IR 1931**. That bill was withdrawn, so we'll knock it off the calendar.

Moving on to the **Introductory Resolutions**.

IR 1940, Authorizing the use of a portion of County premises located at 150 West Main Street, Patchogue, New York, for use by Blue Sand NY Inc. for outdoor dining (Calarco).
Legislator Calarco?

(P.O. Lindsay entered the meeting)

LEG. CALARCO:

Motion to approve.

CHAIRMAN MONTANO:

I'll second it, but I just ask, can you just give me a brief explanation on this?

LEG. CALARCO:

Sure. This is a restaurant in my district on Main Street in Patchogue. They are looking for some outdoor seating there. The restaurant is adjacent to the County's courthouse building, and we have some extra space there. This is just a lease for them to use that so they can have outdoor seating, which is a premium for restaurants these days. There has been appraisal done. They will be paying \$200 a month to the County for use of the premises. They can't put any kind of permanent fixtures there. And in the appraisal, it actually came back at \$100 as fair market, so we're getting twice the appraised value in the lease, and it's just to give them an opportunity to have some outdoor dining.

CHAIRMAN MONTANO:

All right. Counselor, any comments on there? I'm going to withdraw my second.

LEG. NOWICK:

I'll second it.

CHAIRMAN MONTANO:

Legislator Nowick will second it. All in favor? Opposed? Abstentions? I'll abstain on this.

Approved (VOTE: 3-0-1-1, Abstain: Montano, Not Present: Kennedy)

1942, Authorizing certain technical corrections to Adopted Resolution No. 728-2012 (County Executive). I'll make a motion to approve and place on the consent calendar. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Counsel, is this a pro forma?

MR. NOLAN:

It's a point number.

CHAIRMAN MONTANO:

It's a point number. Okay. All in favor? Opposed? Abstention? Motion carries.

Approved/Consent Calendar (VOTE: 5-0-0-0)

IR 1951 of 2012, Directing a claim for MTA tax refund (Romaine). Do we have a motion on this? I have a question mark here. Can we have an explanation on this? Can you hear me? My mike is off.

MR. NOLAN:

This has to do with the MTA tax. There was a lower court decision which invalidated the MTA tax, which, of course, is on appeal. The New York State Department of Taxation and Finance -- the municipalities along with businesses have to file paperwork with the State to preserve their rights to get back the tax moneys that were paid previously. The State is developing a form that will be a placeholder that will allow the County to recoup money if paid in the MTA tax should the lower court decision be upheld on appeal. This basically just directs the Department of Law to file that paperwork with the State to claim a refund with the MTA tax money paid by the County of Suffolk during 2009.

CHAIRMAN MONTANO:

If I may, my understanding is that -- first of all, this is -- this was in the newspaper. My understanding is this was already done; am I correct? And isn't the deadline to make the claim, has that passed?

MR. VAUGHN:

Legislator Montano, we had the County Attorney's Office speak to the Comptroller's Office about this, and yes, it is my understanding that the deadline has passed as well and that the Comptroller has filed the appropriate paperwork to make this claim.

CHAIRMAN MONTANO:

Right. That was my understanding. So with that, I'm going to -- you know what? I'm going to make a table -- a motion to table subject to call because I think this really is academic; am I correct, in your opinion, I mean?

MR. VAUGHN:

Yes.

CHAIRMAN MONTANO:

That doesn't make us correct. It just makes us in agreement. Do I have a second on that?

LEG. CALARCO:

I'll second your motion.

CHAIRMAN MONTANO:

I don't have a second. Do we have another motion? Do we have any motion?

LEG. CALARCO:

I'll second your motion.

CHAIRMAN MONTANO:

All right. The motion is to table subject to call. Second by Legislator Calarco. And the reason is that the time in which to make the application for the tax refund, I believe, has expired. And number two, the County Attorney has already directed -- either done it himself or directed the Comptroller to make the application to preserve our rights for the refund of the tax should the case be upheld, so there really is no reason to keep this on the agenda. Any other motions? All in favor? Opposed? Abstentions? Motion to **table subject to call** is approved. **(VOTE: 5-0-0-0)**

IR 1969, Authorizing the use of County premises located at Cohalan Court Complex, by Ultimate Games Indoor/Outdoor Sports Complex, LLC for periodic use of parking lots (County Executive.) That sounds very similar to the one you had, Mr. Calarco.

LEG. CALARCO:

My understanding is this is an entity that will be trying to use our parking lots when the Ducks Stadium is not being used and it's after hours so it wouldn't affect the courts' parking rules.

CHAIRMAN MONTANO:

All right. We need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Counsel, these are -- I guess they are more pro forma than I thought? What is the process for this?

MR. NOLAN:

I believe the County is authorized to lease its property. We have to get a fair return when we do that. I believe the County is going to receive \$500 per event when this entity uses County parking, so I don't see any legal problem with it.

CHAIRMAN MONTANO:

Okay. I'll call the vote. All in favor? Opposed? Abstention? Motion carries. **Approved (VOTE: 5-0-0-0)**

Mr. Calarco, in reference to your bill, if you want to recall it, I will vote in favor of it. Okay. I just don't want to be accused of not giving food to patrons. There were some technical reasons I had in my mind.

(Laughter)

Okay. No mailings coming out?

LEG. CALARCO:

Not anytime soon.

CHAIRMAN MONTANO:

At least not for a year. It's an inside joke.

IR 1972, Sale of County-owned real estate pursuant to Local Law No. 13-1976 United Properties Corp. (SCTM No. 0200-894.00-03.00-089.000) (County Executive). I'll take a motion. I'll make a motion. Need a second by --

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Legislator Calarco. That's adjacent property. Any discussion? All in favor? Opposed? Abstentions? Motion carries. **Approved. (VOTE: 5-0-0-0)**

Did I say 1976?

LEG. STERN:

You said 72.

CHAIRMAN MONTANO:

All right. Good. Now it's **1976, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-012.00-02.00-005.005)**. Anyone from Babylon want to make a motion? I'll make a motion. I need a second.

LEG. CALARCO:

Second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. This is for what purposes now? This is for 72-h, so it's for housing?

MR. NOLAN:

Not housing?

CHAIRMAN MONTANO:

Not housing. What's it for?

MR. NOLAN:

Highway purposes.

CHAIRMAN MONTANO:

We have a motion. Any other motion? All in favor? Opposed? Abstentions? Motion carries.
Approved (VOTE: 5-0-0-0)

IR 1977, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-197.00-03.00-001.000) (County Executive). I'll make a motion.

MR. NOLAN:

This is for one dollar.

CHAIRMAN MONTANO:

All right. I won't make a motion. Somebody make a motion. John?

LEG. KENNEDY:

What are we doing?

CHAIRMAN MONTANO:

IR 1977. Why don't we get an explanation first? Actually, we have Real Estate here. I had said that I didn't have any questions. I guess your presence is required. Thank you. Just put your appearance on the record.

MR. THOMPSON:

Wayne Thompson, Department of Economic Development and Planning. All right. Can you hear now? Okay. Now we changed the routine. There's two parcels both for a dollar. When we have property that is not able to be sold, basically worthless to us, such as roadways, recharged basins, and sumps, if the town won't give us our investment, we've asked them if they would just put in for it even for a buck so we would be out from under the taxes--

CHAIRMAN MONTANO:

What is our investment in these properties, and why would we invest properties that are only worth a dollar? Or did we take them from --

MR. THOMPSON:

By tax deed.

CHAIRMAN MONTANO:

By tax deed. Okay.

MR. THOMPSON:

So we're stuck with them. So the purpose -- we've done this in the past -- is to get rid of our liability. It would come with sumps and roads in general, and having to pay any tax on it. In most cases, we move to being exempt. They serve no purpose. DPW doesn't want them and any way we can get rid of them -- if we can recoup our money, I would obviously ask for it. We do ask for it, and if the town is not interested in reimbursing us, it's still better, at least in my opinion, to be rid of the property.

CHAIRMAN MONTANO:

Well, just for the record, how much money are we talking about in terms of the value of these two properties, if you know?

MR. THOMPSON:

It's in the reso. Do you have that handy there?

CHAIRMAN MONTANO:

Counsel tells me it's not in the reso. It might be in the backup.

MR. THOMPSON:

Oh, that's where it is. It should be in the backup. Just bear with me for a second.

CHAIRMAN MONTANO:

Not a problem. We're going to be here for a while.

MR. THOMPSON:

On the lot in Babylon, the section 12, it was \$2242.90.

CHAIRMAN MONTANO:

Okay. And the other one? So they are not significant is what you're telling me.

MR. THOMPSON:

No, no. I believe the other one is significant. 1976 and 1977, the two resos. That one was \$19,916.98.

CHAIRMAN MONTANO:

So we're talking about \$21,000.

MR. THOMPSON:

Yeah.

CHAIRMAN MONTANO:

Now, these are 72-h transfers. Do you know what use they are going to be utilized for in the town?

MR. THOMPSON:

One of them is a road -- roadway actually being used in service by the Town of Babylon.

CHAIRMAN MONTANO:

Okay.

MR. THOMPSON:

And the other one is part of a public -- the 19,000 one is part of a public parking, in the that area for the town, which apparently DPW had put the parking lot in and turned it over to them but not this piece which we later took by a tax deed and it was in our inventory, it was discovered-

CHAIRMAN MONTANO:

And how big is this piece? How large?

MR. THOMPSON:

I think it's 25 by 130.

CHAIRMAN MONTANO:

Okay. All right. Does anyone have any questions? All in favor? Opposed? Abstentions? Motion -- did we make a motion on this? Yeah. Motion carries. **Approved (VOTE: 5-0-0-0)**

That was IR 1777 -- I mean 1977. I keep going back to -- we did 76 before. That was if one that's being used for the highway.

Okay. Next page. **IR 1983, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Holly Lyons (SCTM No. 0208-020.00-07.00-004.002) (County Executive).** I'll make a motion to approve and place on the consent calendar. Second by Legislator Stern. This is as of right, right, Counsel?

MR. NOLAN:

Right.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstention? Motion carries. **Approved (VOTE: 5-0-0-0)**

IR 1984, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kathleen Seiter and Mark N. Christiano, joint tenants (SCTM No. 0200-255.00-03.00-054.000) (County Executive). Same motion, same second, if you will, same vote. **Approved (VOTE: 5-0-0-0)**

IR 1985, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Cherry Tree Properties, Inc. (SCTM No. 0206-019.00-02.00-002.000) (County Executive). Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0)**

IR 1986, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Eric Golden and Sandra Lopez (SCTM No. 0100-090.00-01.00-008.002) (County Executive). I'll make the same motion, same second, same vote. **Approved (VOTE: 5-0-0-0)**

Moving on. **2002 of 2012, Authorizing Suffolk County to enter into an agreement with the Society for the Prevention of Cruelty to Animals ("SPCA") in connection with the Animal Abuse Offenders Registry (County Executive).**

CHAIRMAN MONTANO:

Who said "if?"

LEG. CALARCO:

I said "if."

CHAIRMAN MONTANO:

Legislator Calarco, go ahead.

LEG. CALARCO:

If I could just ask the County Executive's Office, perhaps they can give us some indication here. We've been dealing with this issue -- actually, my committee -- for the last -- since the beginning of the year. My understanding is they were waiting for the SPCA to tell them whether or not they were okay with this contract. Have they given us any indication?

CHAIRMAN MONTANO:

Want to step to the mike, Tom?

MR. VAUGHN:

Sure.

CHAIRMAN MONTANO:

By the way, when you're getting there, I'm going to ask Counsel for an explanation, a technical explanation for the record.

MR. NOLAN:

You'll recall that a couple years ago, we passed a law establishing this Animal Abuse Offenders Registry. Since then, I think there's been a lot of discussion about how to actually implement this. I think the intention always was for the SPCA to actually run the registry, but it's been stormed up with some issues, perhaps indemnification again rearing its head. But this resolution has come in, so I believe those issues have been revolved. I'm sure Mr. Vaughn can clarify that.

CHAIRMAN MONTANO:

I'm sorry, Counsel, and I apologize for that interruption. Did you say that this -- this doesn't have to do with indemnification, right?

MR. NOLAN:

No, but in terms of reaching this agreement, the SPCA, I thought -- at least, I heard, maybe I'm wrong -- that one of the issues was indemnification was an issue in terms of running this particular registry. I'm assuming that issue has been worked out to the satisfaction of all parties, but that's where I punt it to Mr. Vaughn.

CHAIRMAN MONTANO:

Mr. Vaughn, do you want to clarify that?

MR. VAUGHN:

Sure. So this resolution would be to provide the SPCA limited indemnification in the case of running the animal abuse registry.

CHAIRMAN MONTANO:

What do you mean by "limited": Dollar amount or limited liability to simply what they do with with respect to the registry?

MR. VAUGHN:

Limited liability with respect to what they do with regards to the registry. So there was a concern by the SPCA that if they were provided incorrect information and somebody was inadvertently put on the registry who did not belong on the registry, that they would be held accountable for it. They had presented --

CHAIRMAN MONTANO:

And then by indemnifying them, we would be held responsible for paying for the damages.

MR. VAUGHN:

Right.

CHAIRMAN MONTANO:

So that is indemnification.

MR. VAUGHN:

Indemnification for their operation of the animal abuse registry, for no other purpose but running the animal abuse registry. At this time, there is supposed to be a contract that is -- that will be attached to this resolution. They have a copy of that contract, and we're currently waiting for them to review the contract and get back to us with their thoughts on it.

CHAIRMAN MONTANO:

Wait a minute. There's no contract signed.

MR. VAUGHN:

No, sir, there is not.

CHAIRMAN MONTANO:

Let me ask you this: Why not do what we did in the other case of indemnification which is simply to appropriate money so that they can get their own insurance? Because we are self-insured, as I understand it, and our pockets are about as deep as they go. Well, our pockets are as deep as the taxpayers can afford, which is right now not a whole lot. So why would we want to indemnify with unlimited resources when they can simply go out and acquire insurance because they are not a County agency. We have gone down this road before.

MR. VAUGHN:

I understand your point, Legislator Montano, and the thought process on this was that this was a service that the County had directed the SPCA to run. Unlike them doing their other normal day-to-day operations, which we don't direct them to do, the County had adopted this legislation in order -- and simply assigned the task to the SPCA to run, so when the SPCA brought it to the County Executive's attention that, *Look, we've been tasked to do this and we are concerned that you guys are the ones who will be providing us the information*, and if the County were to provide us with incorrect information, somebody is going to sue us, that was the concern.

CHAIRMAN MONTANO:

Let me ask -- I'm sorry, Tom. Let me ask you this: When we passed this resolution, did we consider in the financial impact statement the issue with respect to indemnification, and if not, why not? And if it's a new issue, why does it come up now? Obviously, it has some fiscal impacts that we may not have considered at the time. Renee, could you do me a favor? Could you research the bill that we're talking about it? I'd like to see the tally on that bill, who voted for it, who voted against it.

MS. ORTIZ:

Sure.

CHAIRMAN MONTANO:

Could you answer that, Tom?

MR. VAUGHN:

The original bill, I actually believe, was put forward by Legislator Cooper, so I don't really have the answers to those questions.

CHAIRMAN MONTANO:

Well, it was 18-0. That means we all voted for it. BRO, if I may, could you research that bill and look at the fiscal impact and tell me whether or not indemnification was a consideration when we voted on the bill? Is that a "yes, we did"?

MR. LIPP:

That's a "yes, we will."

CHAIRMAN MONTANO:

Oh, you will. That's not a "yes, we did." Does that take a while? All right. Why don't we skip over this?

MR. VAUGHN:

Legislator Montano, we would be asking today that this bill be tabled because the contract is not ready --

CHAIRMAN MONTANO:

So why didn't we say that first?

MR. VAUGHN:

I do believe that was Legislator Calarco's first statement.

CHAIRMAN MONTANO:

Sorry, Tom. Motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

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

Tom, you gotta be quicker.

MR. VAUGHN:

Very good.

CHAIRMAN MONTANO:

Where am I? I lost my place. All right.

2005, Adopting Local Law No. -2012, A Charter Law making certain technical changes to Legislative Reapportionment Plan (Gregory). That needs to be tabled for public hearing. I'm going to make the motion to table for public hearing. I need a second.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

I have a question on this, Counsel. Is the reapportion -- these are changes to the redistricting plan that we made. My understanding of the State is that once it's passed or in the Congress, it's good for 10 years. Can we do this? Can we simply, at any point in time, amend the redistricting plan?

MR. NOLAN:

In my opinion, I think we can do -- once we have an election under the lines, whatever lines have been adopted by the Legislature, you can't change it after that for the preceding time. I think because we have a legal action pending, these are minor changes to the plan and we haven't run an election under these lines -- the lines in the law, I think we can do it.

CHAIRMAN MONTANO:

Well, I'm very clear that if we settle a legal action which changes the plans subject to the Legislature's approval, we can do that. I'm not clear that we can simply at any point in time amend the redistricting, but if we can, I'd like to know that.

MR. NOLAN:

In my opinion, yes, we can.

CHAIRMAN MONTANO:

Okay. So we can reconsider this issue. All right. We have a motion to table for public hearing on the agenda. I mean motion to table for public hearing has been made and seconded. All in favor? Opposed? Abstention? Motion carries. **Tabled/Public Hearing (VOTE: 5-0-0-0)**

IR 2016, Adopting Local Law No. -2012, A Local Law to safeguard the personal information --

LEG. STERN:

It's 2006.

CHAIRMAN MONTANO:

All right. I see 2016 on my sheet here. I guess that's an error. I'll amend that to 2006 of 2012; am I correct?

MR. MARTINEZ:

No, you're up here, Legislator.

CHAIRMAN MONTANO:

Oh. Okay. Getting ahead of myself.

2006, Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) SCTM Nos. (0200-749.00-07.00-020.000, 0200-749.00-07.00-041.000, 0200-749.00-07.00-042.000, 0200-786.00-04.00-032.000, 0200-787.00-01.00-036.000) (Romaine).

LEG. CALARCO:

Motion.

CHAIRMAN MONTANO:

Motion by Legislator Calarco. I need a second --

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

-- by Legislator Kennedy. Just a brief explanation. Wayne, are you still here? Or maybe the sponsor?

LEG. CALARCO:

I believe these were the reso -- these were the properties that were on the auction list that Legislator Romaine was looking to have transferred to the Town of Brookhaven at the last full Leg. meeting. The County Executive's Office made -- told them they would be happy to work with them on that, and this is a resolution to actually implement that.

CHAIRMAN MONTANO:

And we're getting the tax money, right, Wayne? We're getting reimbursed for this?

MR. THOMPSON:

(Inaudible).

CHAIRMAN MONTANO:

No problem. We have a motion and a second. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0-0-0)**

Now at **2012, Adopting Local Law No. -2012, A Local Law to amend Local Law No. 18-2012 creating the Suffolk County Landbank Corporation (County Executive)**. We need to table this for public hearing. I'll make the motion. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

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

2016, Adopting Local Law No. -2012, A Local Law to safeguard the personal information of minors in Suffolk County (Gregory). We need to table this for public hearing also. I'll make the motion.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. I'd like to know more about this, but we'll do that at the public hearing. All in favor? Opposed? Abstention? Motion carries. **Tabled/Public Hearing (VOTE: 5-0-0-0)**

IR 2020, Adopting Local Law No. -2012, A Local Law to maximize use of County funds provided to contract agencies (Cilmi). Again, that needs to be tabled for public hearing; am I correct, Counsel?

MR. NOLAN:

Correct.

CHAIRMAN MONTANO:

I'll make a motion. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled/Public Hearing (VOTE: 5-0-0-0)**

IR 2021, Authorizing certain technical correction to Adopted Resolution No. 738-2012 (County Executive). I'll make a motion to approve and place on the Consent Calendar.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Technical correction minor?

LEG. CALARCO:

Very minor.

CHAIRMAN MONTANO:

Very, very minor. All in favor? Opposed? Abstention? Motion carries. **Approved/Consent Calendar (VOTE: 5-0-0-0)**

IR 2022, Authorizing certain technical correction to Adopted Resolution No. 454-2012 (County Executive). Same motion same second. Same explanation?

LEG. CALARCO:

It's a point number in a capital project.

CHAIRMAN MONTANO:

Same vote. **Approved/Consent Calendar (VOTE: 5-0-0-0)**

IR 2041, Adopting Local Law No. -2012, A Charter Law to strengthen oversight of County contract agencies (Cilmi). Needs to be tabled for public hearing. I'll make the motion. Second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **Tabled/Public Hearing (VOTE: 5-0-0-0)**

IR 2053, Accepting and appropriating a grant in the amount of \$2,106,258 from the New York State Office of Indigent Legal Services, to provide enhanced defense representation for cases assigned to the Legal Aid Society of Suffolk County with 100% support (County Executive). I will make a motion to approve, place on the Consent Calendar. Second by Legislator Stern. I will also ask to be a cosponsor on this bill. All in favor? Opposed? Abstention? Motion carries. **Approved (VOTE: 5-0-0-0)**

Any other cosponsors?

IR 2056, Authorizing the sales of surplus property sold at the October 23, 2012 Auction pursuant to Local Law No. 13 1976 as per Exhibit "A" (Omnibus Resolution) (County Executive).

Mr. Wayne, you want to -- is Wayne here? Mr. Thomas?

MR. MARTINEZ:

Thompson.

CHAIRMAN MONTANO:

I'm sorry. I've had a rough year. All right. I'll make a motion to approve. I need a second. Second by Legislator -- Calarco was louder. All right. Wayne, just give us the, you know, the skinny.

MR. THOMPSON:

We sold 113 parcels for 4.4 million. That's probably the highest amount in about four or five years, which, if you're interested, it seems to be showing an incline towards -- real estate is making a comeback on Long Island, because we were selling things that couldn't sell.

CHAIRMAN MONTANO:

That's what I was going to ask you. How is the market out there? Buyers are coming in?

MR. THOMPSON:

Very competitive. That was the biggest showing we've had for people, highest number of registered bidders, and pieces were put in for \$100 wound up going to for \$8,000. I can't explain that sometimes.

CHAIRMAN MONTANO:

Good. That may be a sign that the economy is taking a boost, right?

MR. THOMPSON:

I would hope so.

CHAIRMAN MONTANO:

At least the real estate market.

MR. THOMPSON:

At least we had it the week before the storm; let's put it that way. We had it the 23rd. If we had it a week later, I might not have been giving you numbers, you know?

CHAIRMAN MONTANO:

Are these just residential or a combination of commercial and residential?

MR. THOMPSON:

Just about everything but I would say 90 percent residential.

CHAIRMAN MONTANO:

And scattered throughout the County or -- give me some areas where you would say that they were most pronounced.

MR. THOMPSON:

Well, most pronounced is where your economy is the lowest, which would be areas like Mastic Beach, North Bellport, parts of Babylon.

CHAIRMAN MONTANO:

How about Brentwood?

MR. THOMPSON:

Not too much in Brentwood.

CHAIRMAN MONTANO:

C.I.? That's because I represent those areas and we had a lot of foreclosures, but I don't see the vacancies.

MR. THOMPSON:

A few but not too many. I don't see houses that way. Those areas have -- I've been here long enough to see a reversal in that, ever since Carleton Park disappeared into -- what is that? College Park, College Woods.

CHAIRMAN MONTANO:

College Woods and Park Row.

MR. THOMPSON:

That was a bad area for us at one time.

CHAIRMAN MONTANO:

That was, what, in the 80s?

MR. THOMPSON:

Yeah. I think we owned 75 percent of that Oak Street, Pine Street area, which was redone.

CHAIRMAN MONTANO:

I think the County condemned about 400 parcels; am I correct?

MR. THOMPSON:

Yeah, we turned them over to the town, and then the town developed them into that system there. Most of them went to the town, and then they condemned the rest.

CHAIRMAN MONTANO:

Right. Well, no, I'm happy to say that, at least in my district, I don't see that many of the abandoned -- I see more than I like, but I don't see them as pronounced.

MR. THOMPSON:

The concentration has shifted. It used to be North Bellport was our largest holding. It no longer is, nor is it coming in in that area, so there is a shift.

CHAIRMAN MONTANO:

Okay. Anyone have any questions or comments? Okay. We had the motion. Congratulations. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5-0-0-0)**

IR 2060, Establishing a permanent Contract Agency Oversight Committee (Cilmi).

Does anybody want to make a motion?

LEG. STERN:

Motion to table.

CHAIRMAN MONTANO:

I'll second it. Comment on this. A while back -- well, first of all, can I have an explanation on what this oversight committee that's proposed is going to do?

MR. NOLAN:

I'll just read you the resolve clause, which is pretty short: "The committee is created to review the County's relationship with contract agencies, eliminate waste and duplicative services, and provide

oversight of contract agencies." All the people who are going to be on the committee are in County government. The goal is to approve efficiency of service delivery, provide oversight of contract agencies.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN MONTANO:

Yes. Go ahead, sir.

LEG. KENNEDY:

First of all, I -- we're tabling for purpose of public hearing, or has the public hearing already --

CHAIRMAN MONTANO:

No, I don't think a public hearing is required. We're tabling because --

LEG. KENNEDY:

Yeah, but now it's a local law. Don't we have to table for public hearing on local law?

LEG. STERN:

It's a resolution.

LEG. KENNEDY:

Then I'm reading the wrong caption, because I see "adopting local law number -- Charter Law to strengthen oversight of County Contract agencies."

MR. NOLAN:

That's an earlier bill.

CHAIRMAN MONTANO:

Just for the record, my agenda reads "2060 of 2012, Establishing a permanent Contract Agency Oversight Committee." Is that correct Counsel.

MR. NOLAN:

Correct.

CHAIRMAN MONTANO:

Okay. So it does not need today be tabled for public hearing? So there's a motion to table, if you want to put another motion --

LEG. KENNEDY:

I will, as a matter of fact. I'll put a motion to approve. The purpose for putting a motion to approve --

CHAIRMAN MONTANO:

We need a second, first of all.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

Do we have a second?

LEG. NOWICK:

Second.

CHAIRMAN MONTANO:

We have a second. Go ahead, Legislator Kennedy, on the motion.

LEG. KENNEDY:

Okay. The reason that I would put this forward is because the Presiding Officer, who is with us here today, took the initiative some, I guess, three, four, maybe five years ago to convene a legislative committee --

CHAIRMAN MONTANO:

Six.

LEG. KENNEDY:

Was it six? Okay. That actually brought contract agencies in and it was a good process. It was a very good process. It provided an excellent look into how the contract agencies operated, and quite frankly, we've had a lot of new agencies that have formed. We've had existing agencies that have disbanded, and I believe there's some value and merit to taking that hard look again, and so I see this committee as being something that would be able to kind of follow with that function that the Presiding Officer put into place sometime ago.

CHAIRMAN MONTANO:

All right. If I may -- any other comments? I'd like to make one. I believe it was six years ago, and I served on that committee, and it was a grueling process, I might say. I do not think that I would want to go through that again, and I'm not on that committee, right?

MR. NOLAN:

Not yet.

CHAIRMAN MONTANO:

Not ever. I'm going to support the tabling. Having been through it, and for no sinister purpose other than that I'm not sure we want to do -- I'm not sure anyone wants to do this. I'm not sure what purpose it would serve. It was good at the time that we did it because there were a lot of agencies that were not getting their money on time. They were complaining that they had to take bridge loans because the County was delaying the implementation or the signing of the contract, and I believe a lot of those issues have been resolved. So my experience with this is that we've been down this road, and I haven't heard of any of the issues that lead to the creation of the Presiding Officer's committee since that time, which doesn't mean that they're not out there, but I just don't know enough about it at this point. Is there anyone that wants to weigh in on this conversation?

LEG. NOWICK:

I'd like to.

CHAIRMAN MONTANO:

Legislator Nowick. I think you served on it, right, Lynne?

LEG. NOWICK:

Actually, I think I co-chaired it with Legislator Lindsay. But I think that committee at the time was more not -- not the complaints about money. I believe what we wanted to do, and I think we did in that committee, was when we brought contract agencies in, we had -- I think Cameron Alden was on that committee too -- there were questions asked: administrative fees, do you do fundraising. What we were doing there, we weren't asking them if they were getting paid by the County. What

we were doing was to find out what they were doing, how they serve the community, if it was duplicative. Did I say that right? Yep. What the administration cost was, if it was more than what they were bringing in for the actual contract agencies, so but I think with this, the way to go about it is not to bring in every single contract agency all the time. Maybe the way to go about it is to do 10 a month, or 5 a month or just do it more -- the way we did it, we had everybody in here. I don't think that could be sustained. But it wouldn't be a bad idea, instead of across the board, bring five in a month and learn about them. Certainly we have a whole year before we go into the budget process and we decide where the money goes.

CHAIRMAN MONTANO:

Right. And you're absolutely correct. That was a major part: getting to know the contract agencies, what they did, how they did it, how much they were able to raise on their own, what the real need was, making sure they didn't have duplication of services, et cetera. But I do recall that one of the impetus that led to the creation of the committee, in addition to what you said, there were a lot of complaints that they just weren't getting, you know, refunded in time and their contracts weren't being -- so it was a combination of both, and I found it to be very, very enlightening. I'm glad to see I'm not on this committee. But I'm really hesitant to support it at this point, and we can -- I'm going to support the tabling. I'm going to call the vote unless there's any other comments. Now what do we have -- we have a motion? All right. We'll wait for John to come back.

LEG. NOWICK:

Well, while we're waiting, actually that Committee was very interesting. We got to learn about a lot of agencies.

CHAIRMAN MONTANO:

Yeah, we did, but it was also a lot of work.

LEG. NOWICK:

Oh, no kidding.

CHAIRMAN MONTANO:

It really is a lot of work, and I'm not so sure that we want to pull all these people from their other assignments because that really is time and money, and, you know, we're short on staff in the County anyway, and I would like, before we get into this, I would like to ask those agencies that are affected by this -- for instance, the Commission of Social Services, the Commission of Health Services, the County Executive's Office.

By the way, Tom, you're here. Can I bring you back forward to the chair for a second. Does the County Executive have a position on this? Does he favor this committee? Does he not favor it? Do you have the personnel to devote to these -- to this task or not, or you don't know?

MR. VAUGHN:

I would say at this point in time, we would certainly support the tabling motion.

CHAIRMAN MONTANO:

Okay. That's all you need to say. Thanks, Tom. All right. We're going to call the vote. The first one we have is motion to table. All in favor? I'm going to vote to table. Legislator Stern, Legislator Calarco. That is three. Any opposed?

LEG. KENNEDY:

I'm opposed.

CHAIRMAN MONTANO:

Legislator Kennedy, Legislator Nowick is opposed. Motion carries. Three two. It's **tabled** for the next hearing. **(VOTE: 3-2-0-0, Opposed: Kennedy, Nowick)**
IR 2065, Directing the County to appeal the Supreme Court Decision in Spota v. County of Suffolk (Montano). This is my resolution. I'm going make a motion to table. Do I have a second?

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. On the motion, are there any other motions? On the motion, I just want to make some statements. First of all, I spoke with Mr. Besen this morning, and I had spoken to him last week. He has filed the notice of appeal yesterday in this matter, which simply preserves the County's right to -- and, Counsel, correct me if I'm wrong -- to perfect the appeal.

MR. NOLAN:

Right. That's what Mr. Besen has done.

CHAIRMAN MONTANO:

Does that notice of appeal provide for an automatic stay because we're a municipality?

MR. NOLAN:

I believe so.

CHAIRMAN MONTANO:

Now, let me say this. I see Mr. Brand is in the audience today, and Mr. Brand wrote a column in today's paper, and in today's paper, he, second to last paragraph, says, "John J. LaValle, Suffolk GOP Chairman, said Montano," meaning me, "filed a resolution as quote, "political retribution," end quote, "because the prosecutor," referring to Mr. Spota, "refused to agree to investigate Republican Assemblyman Philip Boyle during their recent State Senate race, which Boyle won."

Number one, I have put in a call to Mr. LaValle's office, his headquarters, and his law office asking him to appear here today, and I would like him to appear before the committee, and I would like him to explain his comments. I'm personally offended that he would somehow attribute motivation to my introducing this resolution. I would like to know on what information he made these statements. I consider these statements bordering on slander. I'm going to speak to my attorneys to see what, if any, recourse I have as a public official. And for Mr. LaValle, who I have not had a conversation with, to somehow come into my mind and attribute any kind of motivation is just absolutely outrageous. I'm publicly making a call for him to appear before the committee to explain these comments, and I will be sending him a letter to that effect, and I will be speaking with the Presiding Officer, and, if necessary, I will make a request to have him subpoenaed if we have the power.

So with that, we have a motion. Any other motions or comments? All in favor? Opposed? Abstentions? Motion to table carries. **Tabled (VOTE: 5-0-0-0).**

We're going to go into executive session. I'm making a motion. I need a second. Second by Legislator Stern. I just want to reference the case. I think I need to do that, right?

MR. NOLAN:

You have to say why we're going in.

WM 11/14/12

CHAIRMAN MONTANO:

We're going into executive session to discuss a potential settlement involving Francine Baranello-Lippman versus County of Suffolk Board of Election, Suffolk County, et. al. We'll be back in five minutes.

By the way, I will not be attending the executive session. I will ask Legislator Stern to attend it. And the reason is I have filed an injunction against the Board of Elections relative to the election that was just held for State Senate as a petitioner, and I feel it would be inappropriate for me to involve myself with a case involving the Board of Elections while I have them under a restraining order. Go ahead.

(Committee met in executive session at 11:35 a.m.)

Okay. The meeting has been -- we're out of executive session, and I don't know if there was a result. What's the result? There's a settlement in the case previously -- Baranello-Lippman versus County of Suffolk, and the settlement was approved by, I guess, a vote of four to nothing -- four to nothing with one recusal. Thanks.

(Meeting adjourned at 11:37 a.m.)