

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, May 29, 2013.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Robert Calarco
Legislator John Kennedy
Legislator Lynne Nowick

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk of the Legislature
Justin Littell - Aide to Legislator D'Amaro
Paul Perillie - Aide to Legislator Gregory
Debbie Harris - Aide to Legislator Stern
Greg Moran - Aide to Legislator Nowick
Sharen Wagner - Budget Review Office
Tom Vaughn - County Executive's Office
Dennis Brown - Suffolk County Attorney
Gail Lolis - Bureau Chief in General Litigation
Lenny Kapsalis - Deputy Bureau Chief in General Litigation
Rick Brand, Newsday
All other interested parties

MINUTES TAKEN BY:

Gabrielle Skolom - Court Stenographer

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

CHAIRMAN D'AMARO:

Okay. Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Legislature. Please rise and join the Committee in the Pledge of Allegiance led by Legislator Rob Calarco.

*(*Salutation*)*

Okay. Thank you.

Item II on the agenda is Correspondence. Just note for the record, the Committee has received a copy of a letter from Legislator Kennedy to Director Sarah Lansdale regarding IR 1252, which is on today's agenda, and that letter is dated May 13, 2013.

Next is the Public Portion of the committee meeting. We have received one card, and that would be Mary, Mary Finnin. You have three minutes to address the committee. Good morning and welcome.

MS. FINNIN:

Good morning. I'm here this morning to speak in opposition to Resolution 1357, which is the sale of the John J. Foley Skilled Nursing Home. I believe that we still have patients there. I think there's still a lawsuit pending on that issue, and members of the community, I know, have been opposed to the sale. It hasn't just been employees; it's been families, communities, et cetera. I also believe that the land that you're trying to sell on this, a part of it was land that was donated specifically to the County for the building of the John J. Foley Skilled Nursing Home. I believe to attempt to sell that land at this point violates a trust that was given to the County when the donation was made to build the County facility. So that I would ask that that be looked into and that no further action be taken until we have information about the true owner and the ability of the County to sell it.

I also believe that the County can't sell it as the John J. Foley Nursing Home because they don't have the authority to use his name. It's not clear, either, who the buyer is or what income is projected from the proposed sale. We have not seen the cost benefit ratio. I know that no matter what the amount is, it's not going to balance the County budget. I think that we need to take another look at how we deal with healthcare in Suffolk County and not keep giving away our precious resources. The Skilled Nursing Home has been used in disasters, both floods and hurricanes, and other things when people had to be evacuated from other facilities. So even in terms of, it's the only County facility we have since we don't have a County hospital. I believe that we need to keep it for part of our disaster plan as well as for the good of the patients that are served there who are special needs patients and hard to place anywhere else. Thank you very much.

CHAIRMAN D'AMARO:

Okay. Thank you, Ms. Finnin. Appreciate the comments this morning. I have no other cards. Is there anyone present who would like to address the committee this morning? For the record, there's no response.

Okay. We'll turn to the next section of our agenda, Presentations. This morning, I'd like to ask the County Attorney, Dennis Brown, to come up and address the committee with respect to the status of the County sales tax enforcement action against the Poospatuck Indian Reservation Smoke Shops.

Mr. County Attorney, welcome and good morning. Thank you for coming down.

MR. BROWN:

Good morning. Thank you.

CHAIRMAN D'AMARO:

Several years ago, the Legislature had passed a bill, which the County Executive signed, authorizing enforcement action against the Poospatuck Smoke Shops with respect to collecting sales tax, and I appreciate you coming down here today to give us at least a procedural update on the record with respect to where we're at with that litigation. If we want to go more into the merits, the committee is having an executive session after the public portion of this meeting, and we can discuss it further on the merits at that time. So good morning, and please go ahead.

MR. BROWN:

Good morning. Thank you, Legislator D'Amaro, and we can go into executive session at the conclusion of the agenda. It's something that you might wish to consider.

But, anyway, just to start. So it was resolution 1119 of 2008, that directed the County attorney to commence a sales enforcement action against the Poospatuck Indian reservation smoke shops. And just -- I'm remiss -- just let me introduce Gail Lolis and Lenny Kapsalis. Gail is presently the Bureau Chief in General Litigation, and Lenny is the Deputy Bureau Chief in General Litigation.

CHAIRMAN D'AMARO:

Welcome to both of you. Thank you.

MR. BROWN:

Because the case is pending, and it's been many years that the case is pending and it's complicated, and it ties closely into the case that the City of New York has against cigarette wholesalers as well as smoke shops as well. There's a lot of details, so I thought it was a good idea to bring them along.

But in any event, the actions were commenced. There was two actions commenced. One was against smoke shops, and the second was against the wholesalers. The case against the wholesalers was commenced on June 25, 2009, and the case against the retail shops was commenced on January 15, 2009. And with respect to the wholesalers case, that was almost immediately followed by a motion to dismiss by the retailers -- by the wholesalers and that was similar type of motion practice that was conducted in the City of New York case as well; and in the retailers case as well, it was also a motion to dismiss. There were never any decisions made on either of those motions to dismiss.

CHAIRMAN D'AMARO:

Those were motions that were made in the County litigation?

MR. BROWN:

In the County litigation. There were never formal decisions made with respect to those motions to dismiss, largely because they parallel what was going on in the City case, and as the City case progressed, the motions -- the dispositive motions that were submitted by the defendants in those cases, they, the defendants, were not successful on those dispositive motions, so they never proceeded this particular -- in our case as well. There was, also because of those pending motions, there was a limited amount of discovery, which occurred over a number of years, but there was documentation exchanged between the parties, particularly with respect from the wholesalers. The wholesalers maintained better records than the retailers, and there was one deposition conducted of the County as well.

Since we were piggybacking on the City case, we were able to ascertain that there was a decision in a summary judgment motion that was brought by the City against the retailers that was just decided

in March 2013. And also with respect to the wholesalers, there was a decision on the motion, and in connection with that motion, the City was authorized to participate in the penalty hearing against the wholesalers.

CHAIRMAN D'AMARO:

So that summary judgment motion in the City case against both the wholesalers and the retailers, the smoke shops themselves, determined that there was this obligation to remit sales tax to the City of New York?

MR. BROWN:

Yes. In connection with the case against the wholesalers, the retailers, there, in fact, was a judgment awarded by the court against one of the retailers, actually, in the sum of \$10 million and against another of the retailers in the sum of \$450,000. The court was not able to, and the City actually abandoned its claim against certain other retailers because of poor recordkeeping. And with respect to those retailers, the court authorized the penalty hearing with respect to those retailers, which to my knowledge hasn't been scheduled yet and hasn't been held. But with respect to the wholesalers, there was a penalty hearing with respect to the -- with respect to them on June 10.

CHAIRMAN D'AMARO:

So those are dispositive decisions that were not appealed?

MR. BROWN:

I do not know if there was a notice of appeal on the March 2013 decision with respect to the retailers, and, as far as I know, the penalty hearing with respect to the wholesalers is moving forward.

CHAIRMAN D'AMARO:

So for many years, the wholesalers as well as the retail smoke shops on various reservations were not collecting nor remitting sales tax to the County, or to the City in the case of the City, and now you have the courts having decided in dispositive motions that, in fact, wholesalers and the smoke shop retailers must remit that sales tax, collect and remit it to the County or whatever jurisdiction they are responsible to?

MR. BROWN:

I would say that's all generally correct. We're talking about the Poospatuck reservation, not multiple reservations. And with respect to the City of New York, it's -- also has to deal with the trafficking of cigarettes into the City of New York, whereas we don't really have that issue. Our issue only deals with the issue of the collection of the taxes, and, as you know, that's built into the stamps which are affixed to the packs of the cigarettes.

CHAIRMAN D'AMARO:

Right. That's how it's paid at the wholesale level with the stamps.

MR. BROWN:

Yes, that's correct, yes.

CHAIRMAN D'AMARO:

So the decisions in those City actions, are they affecting the litigation in Suffolk County in any way?

MR. BROWN:

We would view the decisions in the City cases at least as collateral estoppel with respect to liability issues. We would still need to conduct additional discoveries particularly in the forms of

depositions, if, in fact, we can get the depositions of the retailers at this particular time as to document the sales that were actually made by the retailers, and we have do have wholesale sales records as well, which you can utilize with respect to calculating some type of damages that the County may have incurred.

CHAIRMAN D'AMARO:

So you're almost at a damages phase.

MR. BROWN:

That's correct.

CHAIRMAN D'AMARO:

In the County's -- Suffolk County's litigation.

MR. BROWN:

That is correct.

CHAIRMAN D'AMARO:

Has a formal decision been made for Suffolk County based on the City decisions? Is there collateral estoppel? Has that --

MR. BROWN:

No.

CHAIRMAN D'AMARO:

Has the judge agreed with that?

MR. BROWN:

No.

CHAIRMAN D'AMARO:

Is the county going to mover in that direction?

MR. BROWN:

Yes.

CHAIRMAN D'AMARO:

Okay. That's good news.

MR. BROWN:

Those are the arguments we would make to the judge on the issue of liability.

CHAIRMAN D'AMARO:

Right, and so when would that motion be made to the court?

MR. BROWN:

We intend to attend the June 10 hearing with respect to the wholesalers penalty phase because with, you know, a little bit of luck maybe breaks our way, we would like to try and reach a parallel settlement with the wholesalers and never have to actually get to the issue of collateral estoppel, and what we still need to do is follow up with the court with respect to -- follow up with the court with respect to the penalty phase of the retailers as well to see if there would be any type of relief that can be sought without having to make a formal application before having collateral estoppel issues.

CHAIRMAN D'AMARO:

Right, but certainly having the actions pending and certainly the decisions of the City of New York are giving the County a much better position at the settlement table at this point.

MR. BROWN:

Yes, yes.

CHAIRMAN D'AMARO:

Uh-huh. All right. I don't want to go into the merits of those motions. The fact that the City of New York has already received those decisions, I think is very helpful to Suffolk County.

I want to ask you this, though, Dennis: Do you know, based on those decisions, whether or not going forward the wholesalers are now paying sales tax to the City?

MR. BROWN:

It's interesting. We were talking about that this morning because there were changes in the law, and as best as we can tell at this point in time, unstamped -- I'm sorry, only stamped cigarettes would be sold on the reservations, and those stamps -- and the law accounts for the untaxed sales to consumers -- to the Indian consumers on the reservations, and basically there were three options available to avoid the tax by the tribal members. One is a coupon system; the second is where the wholesalers would have to allot reasonable consumption amounts to the reservations. It's only going to avoid the mass undermining of the taxing scheme and the pricing scheme in cigarettes and also that that tribe can enter into tax agreements with the State of New York. But I'm not certain as to which enforcement mechanisms are currently being applied, but the laws that were changed were meant to address those issues.

CHAIRMAN D'AMARO:

Right; I do remember that happening. But certainly not yet in Suffolk County are we receiving sales tax from any retail sales at this particular reservation?

MR. BROWN:

I'm not certain, but I believe the state is exercising a forbearance policy.

CHAIRMAN D'AMARO:

Right, but that may change once we get through settlement and once we come up with a policy going forward where the liability has been established.

MR. BROWN:

I can't say, you know, if the forbearance policy of the State is going to change, but one of the comments that were noted in the summary judgment decision by the court in the City case was that the executive decision not to forbear with respect to the collection of taxes has nothing to do with the fact that the statute exists and that there is the right to receive those revenues, and that was one of the reasons why the City was able to survive its case. Going forward, I'm really not certain of the logistics or the strategy that would be used with respect to the collection of the taxes.

CHAIRMAN D'AMARO:

The State's policy of forbearance, is that binding on Suffolk County? Would that apply to the County portion of the sales tax as well?

MR. BROWN:

It's a good question because we don't collect the taxes, as you know; it's only passed through to us, and whether or not, and how we would identify each particular transaction and the sales tax that might be owed to us in those transactions, it's an issue, actually, that we've grappled with, that the

court has grappled with. We were actually successful in having our standing approved by the court with respect to the fact that we may have incurred an injury by the taxes not being paid and ultimately remitted to us, but I'm not certain as to how we would actually try and be the collection agent except other than as an agent of the State with respect to this particular litigation.

CHAIRMAN D'AMARO:

Right, or somehow is there any mechanism to compel the State to collect on behalf of Suffolk County? I don't know that we have --

MR. BROWN:

And, actually, I think that's been litigated, and I recall reading that we would not have the standing to bring such an action against the State.

CHAIRMAN D'AMARO:

Okay. Do any committee members have any questions? None? Okay. Mr. Brown, anything else you want to add?

MR. BROWN:

I would just like to ask if Lenny or Gail have anything to add; do you guys have anything else?

MR. KAPSALIS:

No, nothing. I think you've covered it.

CHAIRMAN D'AMARO:

Okay. Then that brings us up-to-date. At least procedurally, it seems to be moving in the right direction. Certainly the City of New York case's being decided favorably have helped the County. Keep us posted on your settlement discussions if you would. I think it's extremely important especially now given the County's financial situation to, you know, pursue every avenue that we possibly can including this one. And a great job by your office in following up with this and litigating this and bringing it to this point, so I appreciate that very much.

MR. BROWN:

Sure. Thank you. Would you like us to stick around for executive session?

CHAIRMAN D'AMARO:

You know, at this point, I don't think it's necessary. Unless, does any committee member have any desire to go more into the merits on this at this point? I don't think so.

MR. BROWN:

I don't think so.

CHAIRMAN D'AMARO:

I don't think so. I think that answers our questions for now, and at some point, I'll ask you to come back in if there's any further updates.

MR. BROWN:

Sure. No problem.

CHAIRMAN D'AMARO:

All right. Thank you to all three of you.

MR. BROWN:

Thank you very much.

CHAIRMAN D'AMARO:

Appreciate it.

All right. For the record, there will be an executive session immediately following the public portion of this meeting.

Let's go to Section IV of the agenda, *tabled resolutions*. I'll call the first.

1182 of 2013, Adopting Local Law No. -2013, A Charter Law to strengthen legislative oversight and public participation in lawmaking process (Montano). Requires a public hearing. I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

Resolution 1252 of 2013, Authorizing transfer of property to the Department of Parks, Recreation and Conservation (Kennedy).

LEG. KENNEDY:

Motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Legislator Kennedy offers a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. ***Tabled (VOTE: 5-0-0-0)***

Resolution 1292 of 2013, Instituting a six-month moratorium on Requests for Proposals.
Legislator?

LEG. KENNEDY:

I have been -- I was requested to go ahead and make a modification on this. I've made one modification. I do want to be able to talk to the administration to see if we're any closer to something that's going to be palatable, so I'll make a motion to table for this time. Wherever we get, my intents will be to move it into the next cycle.

CHAIRMAN D'AMARO:

Okay. That's a motion to table.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

Next is **Resolution 1302 of 2013, Adopting Local Law No. -2013, A Local Law to clarify Board of Ethics authority to issue advisory opinions.** I sponsored this resolution. The public

hearing has been closed, and this was a request from the Board of Ethics to memorialize the standard policy that we've had in the past that was offering advisory opinions to both prospective employees and former employees. I'm going to offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern. Legislator Nowick, please go ahead.

LEG. NOWICK:

I just wanted, if you could just explain it a little more thoroughly.

CHAIRMAN D'AMARO:

I believe in the case where someone is contemplating employment with the County but may have a conflict, it would allow the prospective employee to get an advisory opinion from the Board of Ethics. And also let's say an employee leaves County employment, wants to go into the private sector, there might be a cloudy issue with respect you could get advisory opinion to clarify that as well; guidance.

LEG. KENNEDY:

Mr. Chair, can I just go a little bit -- one step further with that, you know, through yourself or the counsel, and I'm trying to recall when we did the Ethics Boards revisions. George, would this authority extend to somebody who was a candidate for office? Let's say there is somebody who is looking to run for the Legislature or County Clerk, Comptroller, something like that, and they have a question based on something they are either currently doing, you know, employment-wise or interest they may hold in the property, or who knows what; are they, likewise, able to go ahead and query the Board for an opinion?

MR. NOLAN:

Good question. I would think so. If they were running and they thought that them being elected to office might impose some conflict to something they are doing privately, I think they could ask for an opinion. I don't think the Board is bound to give an opinion, but I don't think it's appropriate, but they certainly can request an advisory opinion, and if the Board thinks it's appropriate, they can issue one.

LEG. KENNEDY:

Right. So at least procedurally and within the group of individuals that I guess would be covered or eligible individuals to seek an opinion.

MR. NOLAN:

I think so. I think there's enough flexibility in the language that if the Board thought it was appropriate and it was a legitimate question, they could answer it.

LEG. KENNEDY:

Okay. All right. Good. Thank you. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Yeah, and, Legislator Kennedy, also I note just from my own past experience, often a conflict may be created by the fact that someone else was already in County employment. That person certainly would have the standing to request the opinion.

LEG. KENNEDY:

Sure.

CHAIRMAN D'AMARO:

So, either way, this would now authorize either the prospective employee or the present employee to do it.

LEG. KENNEDY:

Well, that was our intention, Mr. Chair, I think, when, you know, we sat down and we looked at doing all the many revisions we did with the ethics legislation. We wanted it to be something that acts similar to the boards that we're familiar with. You know, as attorneys we hit on things all the time that we may have questions as far as conflict. So a call into our bar association or other places that we go to kind of get guidance and advice, and so I would think that's the case, I would hope. That was our intention, actually.

CHAIRMAN D'AMARO:

I agree with you, and I think even for the former employees it's probably even more important.

LEG. KENNEDY:

No doubt.

CHAIRMAN D'AMARO:

Because when people leave the County, they want to comply with the law, but sometimes it's not all that clear of what you can and cannot do and for how long and what length of time and what provisions of the code apply.

LEG. KENNEDY:

Yep.

CHAIRMAN D'AMARO:

So I think this would give the Board of Ethics an opportunity to issue opinions.

LEG. KENNEDY:

Okay.

CHAIRMAN D'AMARO:

All right. There is a motion pending. It's received a second. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. The resolution is *approved*. **(VOTE: 5-0-0-0)**

Next is Resolution **1357 of 2013, Authorizing sale of Foley facility and property, Yaphank (Gregory)**. This resolution now has been reviewed and approved by CEQ, and I also note that in the IR itself it is not an approval of any kind of sale of this land and building. It is just, I believe, authorizing the County to look at the best way to market the property, should that need arise. So I'm going to offer a motion to approve. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern.

LEG. KENNEDY:

I'll offer a motion to table.

LEG. NOWICK:

Second.

CHAIRMAN D'AMARO:

Motion to table by Legislator Kennedy. Second by Legislator Nowick. Any discussion?

LEG. KENNEDY:

The tabling from my perspective, Mr. Chair, is -- and I'll keep my conversation brief on this -- as you know, there's still active litigation regarding the sale of the property to the Shermans. The method in which the sale was brought about, the whole surplus declaration process, the underlying zoning issues, there are many, many complex issues that are actually before Judge Farnetti right now, and quite frankly, I would see this as being something that I don't think is right or prudent at this point, since we're actually seeking judicial direction. We're going the whole range of gamut on things.

CHAIRMAN D'AMARO:

Okay. Just, I appreciate those comments. I'm looking at the resolution. The second resolve clause does empower the Department of Planning and Environment to maximize the monetary return and, in fact, to offer the real property for sale at a public auction bought through an RFP process at the earliest time practicable. But I do note the third resolve clause says "Any contract of sale entered into by the County of Suffolk in accordance with this resolution will be subject to Legislative approval."

So I think what we're doing here is starting to market this property, seeing what type of response we would get, but certainly not making a decision whether or not to sell the property. That would come at a later date if and when the property was, in fact, successfully marketed and a contract was agreed to by a prospective purchaser. So I think it's good to start the process now. I realize, and we did hear testimony this morning from Ms. Finnin also, that there are some issues to contemplate with respect to the sale of this property whether it's pending litigation or how it could be used as part of our Disaster Relief Program. These are all legitimate issues, and I appreciate you bringing that to the attention of the committee as well; but, nonetheless, there will be time to consider those issues, but I think it's also prudent to get this process up and running as well, so I'm going to support this particular bill.

All right. Anyone else? Okay. There is a motion to table pending as well as a motion to approve. The motion to table takes precedence. I'll call the vote. All in favor of the motion to table? Three to tabled. Opposed? Two opposed. The motion to table is approved, and the resolution is **tabled**.
(VOTE: 3-2-0-0, Opposed: D'Amaro, Stern)

Next is Resolution **1370 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen Gassick and Lisa Gassick, his wife (SCTM No. 0200-072.00-01.00-019.002)**. This is a 120 by 100 lot in Sound Beach, appraised and sold for \$25,000. I'm offering a motion to approve.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

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

1371 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Chestnut Realty Corp. (SCTM No. 0400-266.00-01.00-011.000) (County Executive). I'll offer a motion to approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **Approved/Consent Calender (VOTE: 5-0-0-0)**

1372 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Melva J. Norden (SCTM No. 1000-033.00-04.00-009.000) (County Executive). Same motion, same second, and without objection, same vote. *Approved/Consent Calender (VOTE: 5-0-0-0)*

1373 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Christine Kara (SCTM No. 0200-831.00-03.00-044.000). Same motion, same second, same vote. *Approved/Consent Calender (VOTE: 5-0-0-0)*

1374 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Douglas E. Schanars and Jessica B. Schanars (SCTM No. 0400-235.00-01.00-088.000) (County Executive). Same motion, same second, same vote. *Approved/Consent Calender (VOTE: 5-0-0-0)*

1375 of 2013, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John McCracken (SCTM No. 0200-787.00-07.00-003.000) (County Executive). Same motion, same second, same vote. *Approved/Consent Calender (VOTE: 5-0-0-0)*

1376 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Edward A. Hanus and Ortrud B. Hanus (SCTM No. 1000-115.00-11.00-027.000) (County Executive). This is an irregular-shaped parcel located in Mattituck appraised for \$465 and sold for \$500 to the adjoining owner. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. *Approved (VOTE: 5-0-0-0)*

1377 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Bildan Realty LTD (SCTM No. 0101-009.00-01.00-002.000) (County Executive), again appraised for \$330, sold for 1500, irregular-shaped parcel in Amityville. I'll offer a motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. *Approved (VOTE: 5-0-0-0)*

1378 of 2013, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael J. Kearns and Stacy A. Kearns, his wife (SCTM No. 0500-359.00-06.00-026.000) (County Executive), another parcel of land located in Bayport, appraised and sold for \$550 to the adjoining owner. All in favor? Opposed? I'm sorry. Motion to approve. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. *Approved (VOTE: 5-0-0-0)*

1404 of 2013, Authorizing certain technical corrections to Adopted Resolution No. 600-2012 (County Executive). This modifies a capital project number in a resolve clause. I'll offer a motion to approve and place on the consent calendar. Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. *Approved/Consent Calendar (VOTE: 5-0-0-0)*

And, finally, **1423 of 2013, Consenting to the acquisition of additional land at Sag Harbor – East Hampton Turnpike (NYS Route 114), Town of East Hampton, County of Suffolk, State of New York, by Temple Adas Israel for cemetery expansion purposes (Schneiderman).** It's a one-acre parcel located in Sag Harbor for cemetery expansion. It requires the consent of the County Legislature, and the Fiscal Impact Statement indicates that there is no fiscal impact or tax implications. I'll offer a motion to approve.

LEGS. KENNEDY and STERN:
(In unison) Second.

WM 5/29/2013

CHAIRMAN D'AMARO:

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

There's no further business at this time before the committee, so we will now adjourn to executive session. I'll offer a motion. Second by Legislator Stern. All in favor? Opposed? Abstentions?
(VOTE: 5-0-0-0).

We'll be back on the record in a few moments. Thank you.

(*An executive session was held from 10:41 a.m. to 10:55 a.m. *)

Okay. Back on the record from executive session. The committee considered a potential settlement in the action Fashion Institute of Technology against the County of Suffolk and decided to take no action on that proposed settlement at this time. That concludes our meeting. We are adjourned. Thank you.

(*The meeting was adjourned at 11:16 a.m. *)