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

10 A meeting of the Ways and Means Committee of the Suffolk County
11 Legislature was held via Hybrid In-Person/Zoom Video Conferencing
12 in the Rose Y. Caracappa Legislative Auditorium of the William H.
13 Rogers Legislature Building, 725 Veterans Memorial Highway,
14 Smithtown, New York on June 17, 2021.

15
16 **Members Present:**

17 Legislator Bridget Fleming - Chair
18 Legislator Susan A. Berland - Vice Chair
19 Legislator Kara Hahn - D.P.O.
20 Legislator Thomas Donnelly
21 Legislator Leslie Kennedy
22 Legislator Robert Trotta

23
24 **Also in Attendance:**

25 Presiding Officer Robert Calarco - District No. 7
26 Sarah E. Simpson - Counsel to the Legislature
27 Dan Dubois - Chief Deputy Clerk/Suffolk County Legislature
28 Derek Stein - Aide to Presiding Officer Calarco
29 TJ Corcoran - Budget Review Office
30 Bob Braun - County Executive's Office
31 All other interested parties

32
33 **Minutes Taken By:**

34 Gabrielle Severs - Court Stenographer
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(The meeting was called to order at 12:35 p.m.)

CHAIRWOMAN FLEMING:

Good afternoon, everyone, and welcome to a regular meeting of the Suffolk County Legislature's Ways and Means Committee. We'll start with a pledge to the flag led by Legislator Piccirillo.

LEG. PICCIRILLO:

Thank you, Madam Chair.

(Pledge of Allegiance)

CHAIRWOMAN FLEMING:

Thank you. I do not have any correspondence this afternoon, so we will move to public portion, and I note that we do not have any speakers signed up, but I do see "JHH Home" in the waiting room. Is anyone aware of who that might be.

I'm going to let them in and see if this is a public portion request.

MR. BRAUN:

That's Jessica Hogan from our office.

CHAIRWOMAN FLEMING:

Oh, Jessica. Good afternoon. You're welcome to join us. I know you're here on the 18-B Legal Aid IMA, and if there are any questions, we'll know that you're here for when we get to it in the agenda.

MS. HOGAN:

Okay. Thank you.

CHAIRWOMAN FLEMING:

Thanks for being with us. So we don't have anyone for public portion, but for the public who is listening, the Legislature is resuming in-person public attendance and in-person public portion comment at the legislative committee meetings, which are held here at the William H. Rogers Legislature building. Speakers will be limited as always to three minutes. In accordance with County and State Covid 19 safety protocols, members of the public who wish to enter the building will undergo temperature checks. Visitors who are vaccinated against Covid 19 and who are willing to provide proof of vaccination if requested will not be required to wear a mask while inside the building. Those who are not vaccinated or who do not wish to disclose their vaccination status will be required to wear a mask at all times while inside the building. Inside the Rose Caracappa Auditorium, there will be designated seating areas for vaccinated and unvaccinated individuals. Remote testimony options remain available. Those interested in addressing legislators over Zoom may sign up at SCNYLegislature.US/CommitteePublicPortion.

Members of the public may also send written testimony by e-mail to clerk.legislature@SuffolkCountyNY.gov or by regular mail to the attention of the Clerk's Office at the Suffolk County Legislature,

1 P.O. Box 6100, Hauppauge, New York 11788. Audio testimony will be
2 accepted by voicemail at (631) 853-3685. Callers may leave a
3 three-minute message. Submitted comments will be distributed to
4 legislators. We have no appointments this afternoon and no
5 presentations, so we'll move right to the Tabled Resolutions.
6

7 **IR 1054, Naming the Supreme Court Building at the John P. Cohalan,**
8 **Jr. Court Complex in Honor of Justice Marquette L. Floyd.**
9 **(McCaffrey)** I will make a motion to approve.

10
11 **LEG. DONNELLY:**

12 Second.

13
14 **CHAIRWOMAN FLEMING:**

15 Seconded by Legislator Donnelly. On the motion, I will just note
16 that Justice Crecca and I spoke this afternoon. He is fully
17 supportive of this bill and will be with us for the General
18 Meeting. The six-month time period that we needed to wait in order
19 to name the building after Justice Floyd has expired, so we're
20 ready to move forward.

21
22 We have a motion to approve and a second. Roll call.

23
24 *(The roll was called by Mr. Dubois)*

25
26 **CHAIRWOMAN FLEMING:**

27 Yes.

28
29 **LEG. DONNELLY:**

30 Yes.

31
32 **LEG. BERLAND:**

33 Yes.

34
35 **LEG. HAHN:**

36 Yes.

37
38 **LEG. KENNEDY:**

39 Yes.

40
41 **LEG. TROTTA:**

42 Yes.

43
44 **P.O. CALARCO:**

45 Yes.

46
47 **MR. DUBOIS:**

48 Seven. **APPROVED (VOTE: 7-0-0-0)**

49
50 **CHAIRWOMAN FLEMING:**

51 Resolution 1054 is approved.

52
53 **1403, Adopting Local Law No. -2021, A Local Law authorizing the**
54 **sale of 184 Dixon Avenue from the Suffolk County Department of**
55 **Social Services to Daniel Fernandez. (Co. Exec.)**
56

1 **LEG. BERLAND:**
2 Motion to table.

3
4 **CHAIRWOMAN FLEMING:**
5 Seconded by Legislator Trotta. On the motion, Legislator Kennedy.

6
7 **LEG. KENNEDY:**
8 Are we looking into -- I think that the business that this
9 gentleman runs owes the County some money. Are we looking into
10 that before we --

11
12 **MS. SIMPSON:**
13 The public hearing on this was recessed. I don't know exactly
14 what's going on in terms of looking into the money issue with this
15 individual, but the public hearing is still recessed so this cannot
16 move forward at this point.

17
18 **LEG. KENNEDY:**
19 Okay. Thank you.

20
21 **CHAIRWOMAN FLEMING:**
22 In deference to Leslie's question, is there anyone from Real Estate
23 who could update us? And if you could just note your name for the
24 record, please.

25
26 **MS. HEWITT:**
27 Hi. Good afternoon. Principal Assistant County Attorney Karlesha
28 Hewitt assigned to DSS.

29
30 **CHAIRWOMAN FLEMING:**
31 Good afternoon.

32
33 **MS. HEWITT:**
34 Good afternoon. What was the question? I apologize.

35
36 **CHAIRWOMAN FLEMING:**
37 Leslie.

38
39 **LEG. KENNEDY:**
40 What I had heard is that the business that this gentleman runs owes
41 the County money, about 500,000 and change. I have not been able
42 to confirm or deny it, but I think we should check into it before
43 we --

44
45 **MS. HEWITT:**
46 Do you happen to have any information as to whether that owing is
47 --

48
49 **LEG. KENNEDY:**
50 I can get it for you. Your name is Carlita?

51
52 **MS. HEWITT:**
53 Karlesha. I just want to know whether or not it's related to the
54 shelters or the properties.

55
56

1 **LEG. KENNEDY:**

2 Yes.

3

4 **MS. HEWITT:**

5 Okay. So you have information --

6

7 **LEG. KENNEDY:**

8 I think it is. I think it is, yeah.

9

10 **MS. HEWITT:**

11 Okay. I can give you my e-mail address if you would like to just
12 send me additional information and we can certainly look into it.

13

14 **LEG. KENNEDY:**

15 I certainly will look into -- yeah, I will. You want to send me
16 the e-mail?

17

18 **MS. HEWITT:**

19 Sure, I will do.

20

21 **LEG. KENNEDY:**

22 Okay. Thank you.

23

24 **CHAIRWOMAN FLEMING:**

25 Very good. Anything else, Legislator Kennedy?

26

27 **LEG. KENNEDY:**

28 No, that's it.

29

30 **CHAIRWOMAN FLEMING:**

31 Thank you. Anyone else on the motion? Legislator Berland.

32

33 **LEG. BERLAND:**

34 I just still don't like this.

35

36 **MS. HEWITT:**

37 What don't you like about it?

38

39 **LEG. BERLAND:**

40 I don't like the fact that we're taking a property that we could
41 use for Housing Our Homeless Heroes. If it's going to go to a, you
42 know, as a regular house and give it back to a veteran and a
43 veteran's family who can be in need as opposed to a for-profit
44 individual who, even though they would agree to keep it as a
45 shelter for a maximum of five years, assuming we would even need
46 it, which is very subjective as well, and if we don't, then he gets
47 to do what he wants with it and sell it and make it a house. It
48 should go to a veteran's family as we do with the other properties.
49 It just doesn't sit well with me, this whole arrangement. I just
50 don't like it.

51

52 **MS. HEWITT:**

53 So I'd just like to run through the history very briefly with you.
54 The County got these properties by a tax deed in 1987. Ultimately,
55 the properties -- I'll spare you those details, but they made their
56 way --

1
2 **LEG. BERLAND:**

3 Just so you know, I read the whole description. It still doesn't
4 change the final piece for me but feel free, yes.

5
6 **MS. HEWITT:**

7 So the one thing I will emphasize then, since you're already aware,
8 is that we have in this situation a landlord who is already
9 familiar with the operator tenants, which is the shelter that's on
10 that property, because he was already acting as a landlord for
11 another one of that shelter operator's properties. They are
12 familiar with him. He is already in relationship, so to speak,
13 with the Office of Temporary and Disability Assistance, our State
14 oversight agency, and so this is a certified shelter where he's
15 obligated to make timely repairs and make sure that they're in
16 compliance from that perspective. He's done that very well since
17 2007 when he was overseeing the property at the other location.

18
19 And so with that, we have a landlord here -- yes, he's an
20 independent landlord, obviously. He would be a private owner if
21 within five years there were no need for temporary housing
22 assistance, but he does have experience working with operator
23 shelters on these properties, and so he would be someone who is
24 trustworthy, right; who has already got a good standing
25 relationship, again, with the current tenants, so we won't have to
26 worry about whether or not that relationship will falter within the
27 next five years.

28
29 I'll also just note that the five-year deed restriction is
30 something that DSS proposed because we are aware that there has
31 been a decrease in the need for temporary housing assistance in
32 that specific location. So it's not general overall, but there has
33 been a decrease in our shelter capacity usage since 2019 prior to
34 Covid.

35
36 So all that being said, you're still going to have your opinion, I
37 understand, right, but I just want to make it very clear that this
38 is someone who is already in good standing with the County and
39 already in good standing with the current operators who he'd
40 ultimately be landlording.

41
42 **LEG. BERLAND:**

43 I heard everything you said, and I can agree with all of that. I
44 don't agree with the bottom-line piece to sell it to him when the
45 five years is up. It's in our inventory, and I think it's our
46 responsibility to take the properties that are in our inventory and
47 either give them to a town under a 72-h program, give it to Habitat
48 for Humanity to get a family in there, or give it to Housing Our
49 Homeless Heroes. You know, he's making money. He's not doing this
50 out of the goodness of his heart. He's a for-profit organization
51 that makes money running these shelters, so let him make his money
52 for five years and then if we determine that there's no use for it,
53 then it should go to one of these other organizations.

54
55 The piece I disagree with is giving it to him. Let him continue --
56 we have a great relationship with him, that's fine. Whether he

1 owes money or not, that's something I hadn't heard before, but I'm
2 sure Legislator Kennedy will flush that out. But, you know, let
3 him run it for five years if there's a need, and then not sell it
4 to him. It's a five-bedroom unit. I'm sure there's a veteran with
5 a family who would love to be in that house, and that's where it
6 should go or Habitat for Humanity family that's been working to
7 rehab houses and is waiting patiently on the list for their turn.
8 That's where it should go, not to this -- he may be the greatest
9 guy in the world and run this perfectly and fine. I'm all with you
10 until like the last line. That's the part that you're just not
11 going to be able to move me, I don't believe.

12
13 **MS. HEWITT:**

14 And something that I just want to make clear is that the need for
15 temporary housing assistance at this particular location is still
16 in existence, right; so as much as you are suggesting that it
17 should be given to some other entity for a different type of
18 population, we still very much have a need in this particular
19 location for the population that they're serving currently, and so
20 it's not DSS's intention to terminate the contract that is
21 currently in place with the operators that are already on this
22 property. We just don't want to own the property, right; so we're
23 looking to engage in that contract continually, even after we
24 transition the ownership of the property whether to a private owner
25 or someone else. Obviously we're looking to convey this property
26 to Dan Fernandez for sale with the expectation that we're still
27 going to engage and utilize the property for the purposes that the
28 County needs.

29
30 **LEG. BERLAND:**

31 Well, assuming that in year six, you know, that there's a need for
32 it. If there's no need for it at that point, then it's his and,
33 you know, he owns it. I understand the need for DSS to get these
34 properties off their rolls, but it shouldn't be to some private
35 entity who is a for-profit organization. If they're not willing to
36 enter into the contract for the five years and they're only willing
37 to do -- are you saying they're only willing to enter into the
38 contract and won't continue doing the work they are doing unless he
39 gets to buy it at the end?

40
41 **MS. HEWITT:**

42 Right now, Mr. Fernandez, just to clarify, has no relationship with
43 this property other than a potential buyer, just to make that
44 clear. Right now, DSS is the owner. We are the landlords. We
45 have a relationship with the current shelter operator called
46 Penates; that is it. Dan Fernandez is a potential buyer as
47 associated with this property right now today. His relationship
48 would be, should he own the property, that he would be responsible
49 for the maintenance and the care and repairing things that go awry
50 at the property, whereas -- and he would also pay taxes, right, as
51 a private owner, and so that would become his relationship with the
52 property. But otherwise, Penates' role would remain the same.
53 DSS's role in overseeing Penates, which is the current shelter
54 operator, would remain the same.

1 **LEG. BERLAND:**

2 Well, and who maintains -- so DSS maintains the property? The
3 County maintains the property? Who does repairs on the property?
4

5 **MS. HEWITT:**

6 We have to. We are the owners. We are the landlord currently, and
7 it costs us to maintain the property. We also pay sewer fees and
8 other such fees associated with property ownership.
9

10 **LEG. BERLAND:**

11 Right. All right. But if we feel that, you know, any time within
12 the five years there's no use for this homeless shelter any longer,
13 which, I believe -- Legislator Richberg is not on here today, but I
14 think he actually debates whether that's accurate or not because I
15 think there's another shelter that's very close by that is utilized
16 or is not going to be utilized. I don't know. It's his district;
17 I really don't want to speak for him, but if it turns out that we
18 can't maintain it anymore or that it's not going to be utilized,
19 then you'll also get it on the tax rolls if you go with Housing Our
20 Homeless Heroes and the same thing with Habitat for Humanity. Our
21 property is not going to a private company.
22

23 **MS. HEWITT:**

24 The first thing I just want to say is this current landlord has had
25 a relationship with the County overseeing a property with a shelter
26 on it since 2007. He has every intention -- he's represented, but
27 also his track record has shown us he's had every intention to
28 continually maintain this property as a shelter. So let's say he
29 owned this property now. If the need for temporary housing
30 assistance no longer existed at this particular location as a
31 private owner, just like any other shelter owned by a private owner
32 right now, if it were closing, we would be faced with the same
33 scenario you're representing.
34

35 But again, he has every intention of maintaining it as a shelter
36 and that's something that he's done with his other property, so we
37 have no reason to believe he's going to do otherwise.
38

39 The second thing I just wanted to address briefly is you mentioned
40 Legislator Richberg represented something about another shelter in
41 the area. Understand that each shelter is serving a certain
42 population, so just because there's another shelter down the
43 street, for instance, it doesn't mean that that one should remain
44 open because we intend to keep this one open. It's all subject to
45 the population we're serving and whether or not the capacity is
46 being met. In other words, whether or not people -- homeless
47 population are coming to DSS to utilize temporary housing
48 assistance services, and that's something that we have no control
49 over, that's something the County can't control whether or not a
50 landlord owns the property or an entity like Habitat for Humanity
51 owns the property.
52

53 **LEG. BERLAND:**

54 Okay. But why can't we enter into a contract with this particular
55 gentleman who runs his other facilities and has contracts with us?
56 Can we enter into a contract with him or someone else to maintain

1 the property here if that's what the issue is?
2

3 **MS. HEWITT:**

4 I just want to make clear again just so there's no confusion, we
5 are not in a contract with Dan Fernandez right now.
6

7 **LEG. BERLAND:**

8 No, no. I said that. I'm saying why can't we enter into a
9 contract with him to do exactly what he's doing at his other places
10 and run this for us and not sell it to him. That's the problem I
11 have. You enter into whatever contract you want, let him maintain
12 whatever you want. Selling it to him after the five years is up is
13 the problem that I have, so if the County doesn't want to do the
14 repairs and run it, then we should enter into contractual
15 relationship with him to maintain it but not without selling it.
16

17 **MS. HEWITT:**

18 I don't foresee that a private owner will have any incentive to
19 want to take over a County-run and County-owned property for the
20 purposes of maintaining it. You're right; I don't disagree with
21 you. He's going to make money if he owns this property, but what
22 better landlord to run a property than someone who already has a
23 consistent good relationship with the County again, compliant with
24 OTDA expectations and who already knows how to do this and who is
25 already in relationship with the shelter operator.
26

27 **LEG. BERLAND:**

28 Well, then make it for a 20 or 30 year term or make it in
29 perpetuity, you know? I just don't agree with handing it over to
30 him, but thank you. I appreciate your thoughts.
31

32 **MS. HEWITT:**

33 Thank you.
34

35 **CHAIRWOMAN FLEMING:**

36 Thank you. We have a question from the Presiding Officer.
37

38 **P.O. CALARCO:**

39 Thank you, Madam Chair, and thank you, Ms. Hewitt, for being here
40 today. So I'm going to follow up on that line of questioning from
41 Legislator Berland because I am a little confused on this, why and
42 how we came about to getting this resolution before us. So I guess
43 the first question I have is to dig into that statement you made
44 about the different types of shelters, right, so what is this
45 current -- this location being used as right now?
46

47 **MS. HEWITT:**

48 It's a single male shelter.
49

50 **P.O. CALARCO:**

51 A single male shelter. So the shelter that is in close proximity
52 that we are closing that was operated by a church and
53 well-received, what kind of shelter was that?
54

55 **MS. HEWITT:**

56 It is a women and children shelter.

1
2 **P.O. CALARCO:**

3 Okay. So the reason you're closing that facility is because we
4 don't have a demand for that particular type of shelter in that
5 location?

6
7 **MS. HEWITT:**

8 Exactly. There's a low census. That population has not come in to
9 access those services, not to the level needed to maintain that
10 shelter.

11
12 **P.O. CALARCO:**

13 Okay. Was there a -- did we ask them if they would be willing to
14 change their style and become a shelter for single males?

15
16 **MS. HEWITT:**

17 We already have a shelter serving single males in that vicinity.

18
19 **P.O. CALARCO:**

20 I know; the property we're talking about.

21
22 **MS. HEWITT:**

23 Exactly.

24
25 **P.O. CALARCO:**

26 Okay. But you didn't answer my question. Did we ask them if
27 they'd be willing to --

28
29 **MS. HEWITT:**

30 No.

31
32 **P.O. CALARCO:**

33 Okay. So here's the question I have: So we have this shelter
34 here. We're not selling it to the shelter -- we have this property
35 we're using as a shelter for males, right? We're not selling it to
36 the operator of that shelter.

37
38 **MS. HEWITT:**

39 Can I make a comment before you continue your question?

40
41 **P.O. CALARCO:**

42 Sure. Go ahead.

43
44 **MS. HEWITT:**

45 So the original way that this property came to be negotiated or
46 discussed with Dan Fernandez in the first place was that we
47 initially had given notice to the current shelter operator to let
48 them know we are intending to convey this property or no longer
49 landlord it at some point. We did ask that current operator
50 whether or not they would be interested in purchasing because that
51 would seem like a good idea.

52
53 **P.O. CALARCO:**

54 Okay.

1 **MS. HEWITT:**
2 Ultimately, they could not afford it. They made that
3 representation to us, and they actually let us know that they had
4 another landlord from another property of theirs who would be
5 interested in the sale, so they had discussions with Dan Fernandez
6 at first. They gave us his information and gave him our
7 information and then we engaged in these discussions. That's how
8 it came to be -- this all came to be.

9
10 **P.O. CALARCO:**
11 Okay. So we offered it to them --

12
13 **MS. HEWITT:**
14 Correct.

15
16 **P.O. CALARCO:**
17 -- and they said they couldn't afford it.

18
19 **MS. HEWITT:**
20 Correct.

21
22 **P.O. CALARCO:**
23 Okay. So instead of, then, saying to the other operator who wanted
24 to continue to operate, Would you take males? We're going to be
25 selling this property, you entertained the operator here acting as
26 basically a real estate agent and going out there and finding us
27 somebody who could buy it for them?

28
29 **MS. HEWITT:**
30 Your scenario makes it seem as though, while we were assessing what
31 to do with this location, this Dixon location that we were
32 considering and assessing this other location. There's a different
33 time frame happening.

34
35 **P.O. CALARCO:**
36 Well, they are running concurrently.

37
38 **MS. HEWITT:**
39 There's a different time frame, though, at which we notify the
40 other property that is not relevant for the purposes of this, but
41 there's a different time frame at which we notify that property of
42 the termination and the closure. That was in April 2021. These
43 discussions were happening in the summer of 2020 or thereabouts.

44
45 **P.O. CALARCO:**
46 On us disposing of this parcel?

47
48 **MS. HEWITT:**
49 Correct, and that was long before the need to close that other
50 shelter even existed.

51
52 **P.O. CALARCO:**
53 Did we get an appraisal on this property?

54
55 **MS. HEWITT:**
56 We did in the summer of 2020.

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P.O. CALARCO:
Who did it go through? Did it go through ETRB?

MS. HEWITT:
It was a County-approved appraisal as listed on the I.R. that's relevant to County-approved appraisals, and it was John E. Grossman Associates.

P.O. CALARCO:
Did that come through ETRB who usually gets all these kind of appraisals when we sell and buy properties?

MS. HEWITT:
I can't speak to that. I'm trying to see if Ms. Sinclair is available.

P.O. CALARCO:
I'm going to guess that's a no. That's okay.

MS. HEWITT:
It's not necessarily a no.

P.O. CALARCO:
I sit on it, and I don't recall seeing it so I'm going to guess it's a no, but that's --

MS. HEWITT:
I don't know.

P.O. CALARCO:
I could be mistaken. Why don't we just auction this?

CHAIRWOMAN FLEMING:
Can I also suggest -- I see Commissioner Pierre is here. Sorry to interrupt for a second. If there is at any point -- not that your attorney is not doing an extraordinary job -- thank you for your professionalism -- but if you would like to be heard, please feel free to come to the podium as well. On those bigger issues of why we're not auctioning property might be a fair question for the Commissioner, but, Rob, I don't know if you have specific questions for the attorney --

P.O. CALARCO:
No, it doesn't matter to me who answers the question. I'm just trying to figure out why --

MS. HEWITT:
I can try to address the question.

P.O. CALARCO:
I guess for all of us, the question is so now you're bringing in this third party to buy it that we don't have a relationship with but this particular shelter operator has a relationship with, to keep this particular shelter operator operating in this particular location where we have another shelter that's closing and we aren't

1 just -- I mean, I understand Legislator Berland's perspective about
2 doing a 72-h and putting this into affordable housing in some
3 capacity, whether it's for veterans or Habitat for Humanity or
4 whoever it might be, but even to I'm sure Legislator Trotta's
5 perspective, why are we not just auctioning this and getting top
6 dollar or the best dollar we can for it in that process.

7
8 I guess to me, it's just the direct sale of a County parcel to an
9 entity that we don't know is a pretty unusual situation. I could
10 only think of one other time where we've done that kind of thing.
11 It was several different attempts at selling the County nursing
12 home which were very unique situations, and I just don't understand
13 why we would be doing this as opposed to just auctioning the
14 property off. I mean, I could understand trying to do a direct
15 sale to the people who own it, but to do some other third party who
16 we don't know, do we know if there's a relationship there that
17 extends beyond that? Does Fernandez have a relationship with a
18 shelter provider in any fashion other than just owning other
19 parcels they operate in?

20
21 **MS. HEWITT:**

22 That's the nature of their relationship. And one thing that I do
23 want to say is earlier you said that we, DSS, does not have a
24 relationship with Mr. Fernandez. While that's true contractually,
25 we are familiar with him as the landlord of our other property and
26 so we are familiar to the extent that I can say for sure he has
27 been compliant with OTDA expectations. When there have been
28 repairs needed at that other property with our other shelter
29 provider, he has timely responded. He has done well with
30 maintaining and managing that property, and so to that end, we do
31 know him. His track record has proven that he's a reliable
32 landlord.

33
34 And I also want to say it's not that we are opposed to entering
35 into bidding for this property. It's just the way that this
36 happened, he was someone that became available as a potential buyer
37 very early on and knowing who he was, not only his relationship
38 with the tenants, but also his track record again is what caused us
39 to say okay, this would actually be a good person to convey this
40 property to because he has a relationship with this operator. We
41 know that he's going to be good to maintain this property, and so
42 he was a reliable person to begin to engage in negotiations with.

43
44 **P.O. CALARCO:**

45 Okay. Perhaps I could ask the Commissioner a question just about
46 -- I mean, maybe you can answer them but just the broader numbers
47 in terms of where we are in need or demand for emergency shelter.

48
49 **MS. HEWITT:**

50 You could certainly direct your questions as well but.

51
52 **COMMISSIONER PIERRE:**

53 So as far as shelters are concerned, we have had a decrease of the
54 amount of people that are coming through our front door especially
55 on the family side. So when we first started working with the
56 shelters again as Attorney Hewitt stated, dealing with the parcel

1 was one thing because it was, again, owned by the Department of
2 Social Services so it was a business that we felt was a conflict of
3 interest to be in the emergency housing business and so that was --
4

5 **P.O. CALARCO:**

6 I don't disagree with wanting to dispose of the property.
7

8 **COMMISSIONER PIERRE:**

9 Right.
10

11 **P.O. CALARCO:**

12 We've had others that have gone to the land bank that weren't being
13 currently utilized. I understand the reason the department wants
14 to no longer own the parcel, and I do somewhat question the
15 mechanism by reaching who we're selling to here where we're doing
16 this direct sale which is why it's a local law and not just a
17 regular resolution, and I'm not sure I'm completely satisfied on
18 the answers.
19

20 But my question is more of just now where are we with that housing
21 and emergency shelter need? You have identified other locations to
22 close, and I know everybody maybe has some concerns about what
23 happens when the moratoriums on evictions come due that we -- let
24 me put it this way, Commissioner. I have seen this cycle a few
25 times over the years, and I remember maybe 10, 15 years ago,
26 shelter need was lower, people were moving out of the shelters. We
27 started closing some shelters down. Some of those providers were
28 very unhappy about it, and then, you know, times changed, numbers
29 went up. We ended up having to use far more hotels because we
30 didn't have any shelters available to us, and it was this
31 ever-growing cycle, and are we setting ourselves up to enter that
32 cycle again is I guess part of the question here.
33

34 **COMMISSIONER PIERRE:**

35 Well, thank you so much; so you understand the cycle very well, as
36 I have been in the homeless business for a little while seeing the
37 ups and downs, ebbs and flows of the homeless population as well.
38 So we have, as of August 14, would've closed 37 shelters. Prior to
39 closing those shelters, what we did is we saw a decrease in the
40 amount of families that were coming into the shelter, so we were
41 able to communicate -- I was able to communicate with the providers
42 to flip some of them, so some of them that were families with
43 children became single shelters just, again, trying to manage our
44 front door. So at this juncture, we have noticed the decrease. We
45 are at 80 percent overall with the capacity that we have in
46 shelters currently.
47

48 With that said, we have one shelter that's closing on June 30th,
49 and they received funding from another licensed provider so that's
50 excellent; and of course, Legislator Richberg has stated the last
51 one. So we looked at our portfolio and really stated that with the
52 moratorium closing on August 31st, there's an influx of funding
53 that has been made available throughout Suffolk County, so those
54 fundings became available on June 1st -- that's the ERAP funding --
55 has been made available, and with that the funding is available for
56 at least a year to assist people with rental issues as well as

1 utilities.

2
3 So the expectation, as you really won't see the influx if timing
4 works out right, the influx of individuals coming through the front
5 door for probably another year, so that's why we're trying to
6 manage understanding the relationships that we have with some of
7 the providers, they've brought to our attention if you see an
8 increase, we are well able to open up other opportunities for you.
9 So there's a real good partnership and collaboration that's there
10 as we monitor the ups and down of our homeless individuals.

11
12 **P.O. CALARCO:**

13 Have we seen a uptick or a decrease in the amount of individuals
14 receiving the temporary housing assistance through the voucher
15 program?

16
17 **COMMISSIONER PIERRE:**

18 Yes. Actually prior to the moratorium, we saw that there was a
19 decrease in the TANF folks that were applying as well. That could
20 be due to workman's compensation, stimulus, and various other
21 things that were going on, but we did see a decrease.

22
23 **P.O. CALARCO:**

24 Okay. Thank you very much, Commissioner.

25
26 **COMMISSIONER PIERRE:**

27 You're so very welcome.

28
29 **CHAIRWOMAN FLEMING:**

30 Thank you. We have a list. Legislator Piccirillo.

31
32 **LEG. PICCIRILLO:**

33 Thank you, Madam Chair. Commissioner, good morning. Good
34 afternoon, excuse me. How are you?

35
36 **COMMISSIONER PIERRE:**

37 I'm good, and yourself?

38
39 **LEG. PICCIRILLO:**

40 Hanging in. So that was actually my question: With the eviction
41 moratorium ending, where are these people going to go when they're
42 on the street? And your answer was we have other options. Could
43 you list those other options for us?

44
45 **COMMISSIONER PIERRE:**

46 We have relationships with other providers that we can speak to
47 them and they would engage in finding alternative locations for us,
48 present that to us, and we would explore if that would be the right
49 location to place homeless individuals.

50
51 **LEG. PICCIRILLO:**

52 But what kind of locations are we talking about: Hotels, motels,
53 houses? What are we --

54
55 **COMMISSIONER PIERRE:**

56 Right now, we're not looking at motels. We're looking at other

1 homes within the community.

2

3 **LEG. PICCIRILLO:**

4 So we're closing shelters but then we're going to have other homes
5 made available for us?

6

7 **COMMISSIONER PIERRE:**

8 Perhaps in a year or so if need be. We don't know what really is
9 going to occur within a year or so. So right now with the
10 capacity, I can only speak to the capacity that we've seen in the
11 past six months or so, and that's the adjustments that we've made.

12

13 **LEG. PICCIRILLO:**

14 Your counsel made a statement that Mr. Fernandez was in good
15 standing, and I'm just curious if he owes \$533,000 to the County,
16 how does that say that he's in good standing?

17

18 **COMMISSIONER PIERRE:**

19 We were not aware that he had owed the County money and we asked
20 Legislator Kennedy for clarity on that.

21

22 **LEG. KENNEDY:**

23 I will clarify it's not him that owes it. It's the agency that's
24 in there that owes it.

25

26 **COMMISSIONER PIERRE:**

27 Oh, Penates.

28

29 **LEG. KENNEDY:**

30 Which doesn't he work for them?

31

32 **COMMISSIONER PIERRE:**

33 No, he's just a landlord.

34

35 **LEG. KENNEDY:**

36 I thought they said at the last meeting he worked for Penates.

37

38 **COMMISSIONER PIERRE:**

39 I don't believe so. No, he does not.

40

41 **LEG. KENNEDY:**

42 Okay. Thank you.

43

44 **COMMISSIONER PIERRE:**

45 You're welcome.

46

47 **LEG. KENNEDY:**

48 Sorry for interrupting.

49

50 **COMMISSIONER PIERRE:**

51 No problem.

52

53 **LEG. PICCIRILLO:**

54 I would just be very careful to the fact of closing shelters when
55 we're going to face an eviction moratorium, and we don't know how
56 many people are going to be affected by this, but I would say if we

1 have options to keep County shelters open, then we should probably
2 do everything we can before we're left with thousands of people on
3 the street and no place to go. I think that would be just
4 detrimental for everyone, especially that I've been in that
5 situation as a child, and it's not good. So just please do
6 everything you can to make sure that there's going to be room for
7 people to go to these places, and they're not laying on the street.
8 Thank you, Madam Chair.

9
10 **COMMISSIONER PIERRE:**
11 Absolutely.

12
13 **CHAIRWOMAN FLEMING:**
14 Thank you. That was it, Legislator Piccirillo? Okay, thank you.
15 Next is Legislator Trotta.

16
17 **LEG. TROTТА:**
18 How many people live in this house?

19
20 **COMMISSIONER PIERRE:**
21 Sixteen.

22
23 **LEG. TROTТА:**
24 Sixteen people, and how much is the landlord getting paid for them,
25 for each person?

26
27 **COMMISSIONER PIERRE:**
28 Currently we're the landlords.

29
30 **LEG. TROTТА:**
31 So how much money is the County collecting from Social Service?

32
33 **COMMISSIONER PIERRE:**
34 Nothing.

35
36 **LEG. TROTТА:**
37 Nothing. The Federal government, the State doesn't give us any
38 money?

39
40 **COMMISSIONER PIERRE:**
41 Well, we get contracted money. Ken will talk about the finances.

42
43 **MR. KNAPPE:**
44 Good afternoon. The way that the budgets work for the operating
45 shelters, and specifically this one with this operator, they submit
46 an annual list of expenditures that they are forecasting their
47 budget, and we review that work with Audit and Control in some
48 cases, and we come up with a per diem budget for the operator.

49
50 **LEG. TROTТА:**
51 How much money do they collect a year?

52
53 **MR. KNAPPE:**
54 They collect -- I believe their per diem is about \$105 to \$110 per
55 person per night, which is at the low end of the single shelters,
56 and the reason why it's at the low --

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LEG. TROTТА:

Just stop a second.

MR. KNAPPE:

I'm sorry, yep.

LEG. TROTТА:

So it's 1600 bucks a night?

LEG. KENNEDY:

For their full occupancy.

LEG. TROTТА:

Okay. Do you understand where I'm going with this? This is a cash cow. This is a cash machine.

MR. KNAPPE:

The per diem rate offsets all the expenses that the Penates shelter needs to operate their shelter. We get staffing, utilities, that type of stuff, case workers.

LEG. TROTТА:

How many people are staffed in there?

MR. KNAPPE:

I may have to get back to you on that specific number, but I did just want to mention just for your point that the reason why their per diem is lower than other shelter per diems is because there is no rent that is included in the budget because we cannot --

LEG. TROTТА:

They don't even pay us rent?

MR. KNAPPE:

Well, they wouldn't because --

LEG. TROTТА:

That's a half a million dollars a year.

CHAIRWOMAN FLEMING:

Legislator, try not to -- let him finish his answer and then -- if you would.

MR. KNAPPE:

The reason why OTDA will not allow us to charge them rent is because, in theory, we are then paying the rent.

LEG. TROTТА:

How much did they offer you for the house? Three-hundred and something?

MR. KNAPPE:

That I'm not a hundred percent sure of.

1 **LEG. TROTТА:**

2 I'll offer you 400,000 cash tomorrow. I'll buy the house from you.

3
4 **MR. KNAPPE:**

5 The reason why the rent is not included is because OTDA regs does
6 not allow us to include the rent.

7
8 **LEG. TROTТА:**

9 All right, let's back up. So there's 1600 -- how many other houses
10 are there like this that you have?

11
12 **MR. KNAPPE:**

13 It's our entire shelter operation is set up in this regard.

14
15 **LEG. TROTТА:**

16 About how many, approximately.

17
18 **COMMISSIONER PIERRE:**

19 We have 65 shelters to date.

20
21 **LEG. TROTТА:**

22 Sixty-five house -- and those shelter operators, were they notified
23 that this house might be for sale and one of those might be able to
24 bid on it?

25
26 **COMMISSIONER PIERRE:**

27 No, we did not.

28
29 **LEG. TROTТА:**

30 Okay. Wouldn't that be a start to go from the beginning where, you
31 know, hey, look, I'm sure a lot of those other people are in good
32 standing, and if, you know, the revenue stream is over a half a
33 million dollars a year on a house that you're selling for \$340,000,
34 and maybe there's one employee -- I don't know if they're
35 handicapped. I mean, just off the cuff, that house is a cash cow.
36 How much? 315, they offered, for a house that has 500,000 worth of
37 revenue. It appraised for 340. No wonder we're number 62 out of
38 -- listen, this is a public hearing. Let's just get rid of it
39 because this is a disaster.

40
41 **CHAIRWOMAN FLEMING:**

42 Thank you, Legislator Trotta. I don't see any other questions. I
43 would ask, can you just maybe comment on the observation that
44 homelessness is -- or the folks who are coming through the door, as
45 you put it, Commissioner, are -- the trend is that that's going
46 down that number? I've observed housing insecurity. I've
47 observed, you know, skyrocketing housing prices in the pandemic.
48 Do you have a thought as to -- it doesn't seem like those two data
49 points match up. Why is it, do you think, that homeless is going
50 down or that we have less knowledge of it or folks are coming to us
51 less and reporting that they are without homes?

52
53 **COMMISSIONER PIERRE:**

54 I think just with the fact that there is a moratorium currently
55 that people are just staying where they're at. I do believe that
56 once the moratorium is lifted, one of the things we saw with the

1 ERAP that just started on June 1st in Suffolk County, we had a
2 little over a thousand people that have already applied for
3 assistance in rentals, so these are probably some of the folks that
4 we would have seen at our front door, but they're now going for
5 rental assistance.

6
7 **CHAIRMAN FLEMING:**

8 Understood. And the basis for your reasoning here with regard to
9 offering this home is in order to ensure that this home remains a
10 homeless shelter to the extent it's needed?

11
12 **COMMISSIONER PIERRE:**

13 Correct.

14
15 **CHAIRWOMAN FLEMING:**

16 So if it's auctioned, there's no way for us to put an easement on
17 it or any kind of affirmative requirement that it's used to serve
18 the homeless population of Suffolk County, correct?

19
20 **COMMISSIONER PIERRE:**

21 That is correct.

22
23 **CHAIRWOMAN FLEMING:**

24 Okay. And what's your experience with regard to getting community
25 buy-in when you have to locate a new homeless shelter? Is that
26 something that's easy for you to do, difficult for you to do?

27
28 **COMMISSIONER PIERRE:**

29 It's usually not an easy task, and it's the fact that our providers
30 have a relationship with the community sometimes or the landlords
31 that helps to facilitate the process.

32
33 **CHAIRWOMAN FLEMING:**

34 And is that part of the thinking around this transaction that you
35 asked us to authorize?

36
37 **COMMISSIONER PIERRE:**

38 Yes, it is.

39
40 **CHAIRWOMAN FLEMING:**

41 Okay. Thank you.

42
43 **COMMISSIONER PIERRE:**

44 Thank you.

45
46 **CHAIRWOMAN FLEMING:**

47 And I would note, everybody, that we do have a public hearing
48 that's been recessed, so we can't approve this one way or another
49 today anyway, so. Yes, Legislator Berland.

50
51 **LEG. BERLAND:**

52 On that note, this is -- the shelter would close if the need is not
53 there pursuant to this agreement within five years, correct?

54
55 **COMMISSIONER PIERRE:**

56 Right. And I guess to the point that was made by Legislator

1 Piccirillo, we don't know what the next year is going to bring once
2 the moratorium is lifted, once the subsidies or the fundings are
3 not made available, the resources that are currently made
4 available. We don't want to have to open up other shelters, so we
5 want to maintain what we have, especially when that was within our
6 portfolio.

7
8 **LEG. BERLAND:**

9 All right, but then why not -- the other shelter that's closing
10 that's being run by the church, why not offer the services that are
11 at this shelter to that one that's being closed and then sell this
12 house either at auction or to Legislator Trotta for \$400,000 or to
13 housing your homeless heroes. I mean, why -- this sole offer to a
14 sole person without anybody else entering into the equation for a
15 for-profit for him so now the shelter operator is going to have to
16 pay rent, will they not, to this operator?

17
18 **COMMISSIONER PIERRE:**

19 Right. It would be part of that contract, yes.

20
21 **LEG. BERLAND:**

22 Right, but you just said they don't pay rent to us.

23
24 **COMMISSIONER PIERRE:**

25 Well, we currently own the property.

26
27 **LEG. BERLAND:**

28 Right, but they don't pay rent. You said they do not pay rent.

29
30 **COMMISSIONER PIERRE:**

31 Correct.

32
33 **LEG. BERLAND:**

34 So now it's going to cost them more money to do what they're doing
35 in the same place they're doing it because now they'll have rent,
36 right or no?

37
38 **COMMISSIONER PIERRE:**

39 Well, the contract would accommodate -- adjust for the rental, yes.

40
41 **LEG. BERLAND:**

42 Right, they will have to pay for it --

43
44 **COMMISSIONER PIERRE:**

45 Yes, that's correct.

46
47 **LEG. BERLAND:**

48 The answer's yes, they'll have to pay for rent where they haven't
49 paid rent now because it's with the County.

50
51 **COMMISSIONER PIERRE:**

52 Correct.

53
54 **LEG. BERLAND:**

55 So moving this particular use to the other shelter that you're
56 closing, which according to Legislator Richberg is a shelter that's

1 welcomed in that community and operated by people that are
2 welcoming it, move that to -- move this use to that one and sell
3 this property in the normal course that we would sell property for
4 a parcel that's appraised at 340, but you're selling it at 315.
5 Why are you selling it at 315 when it was appraised at 340?

6
7 **COMMISSIONER PIERRE:**

8 The only other concern -- I'm going to go back to your original
9 question.

10
11 **LEG. BERLAND:**

12 Sorry.

13
14 **COMMISSIONER PIERRE:**

15 The provider that currently were looking to close that facility,
16 their specific expertise is with mother and children, and so a lot
17 of our different providers have their own level of expertise, so
18 I'm not sure of that provider and they only had one shelter where
19 we have other providers that have several shelters would be willing
20 to move their mother and child shelter to 15 men shelter, and that
21 would be 15 men in that community.

22
23 **LEG. BERLAND:**

24 Well, but nobody asked them, right?

25
26 **COMMISSIONER PIERRE:**

27 Excuse me?

28
29 **LEG. BERLAND:**

30 Nobody asked them?

31
32 **COMMISSIONER PIERRE:**

33 No, we did not ask them.

34
35 **LEG. BERLAND:**

36 Okay. Maybe they'd be willing to work with this shelter operator
37 together so that, you know, they would have less cost.

38
39 **COMMISSIONER PIERRE:**

40 Again, because of the familiarity of the provider wanting to stay
41 with this facility and they were the ones that brought this --

42
43 **LEG. BERLAND:**

44 Right, but that shouldn't --

45
46 **COMMISSIONER PIERRE:**

47 -- landlord to us, that's why we engaged it.

48
49 **LEG. BERLAND:**

50 I don't mean to interrupt you, but that should not enter into our
51 calculation to sell a piece of property to a private, you know,
52 for-profit business, which is what this landlord is, and now this
53 particular not-for-profit is going to have to pay more money to do
54 what it's doing because it's doing it with a landlord as opposed to
55 us. So, I mean, if we have to be stewards -- they might like this
56 guy, but they're going to pay more or they're going to have to get

1 more funding to pay for the same thing that they're doing now, so I
2 mean, it's -- on each side you look at it, it just doesn't sit
3 right. It just doesn't. I mean, answer me why if it appraised at
4 340 are we, you know -- are we allowed to accept 315 when the
5 appraisal was 340?

6
7 **COMMISSIONER PIERRE:**

8 I know there was some -- there were things that needed to be fixed
9 in the property, so there was a negotiation that occurred and I
10 want to ask Attorney Hewitt if that's, in fact, the case. Right.
11 So there was some repairs that needed to be done, and that's why it
12 lessened the price as you see it currently.

13
14 **LEG. BERLAND:**

15 All right. Well, can we get copies of those documents and what
16 entered into that negotiation, because I'd like to see that as
17 well?

18
19 **COMMISSIONER PIERRE:**

20 The negotiation of the price fluctuating from 340 to 315.

21
22 **MS. HEWITT:**

23 Those were oral discussions. What document in particular are you
24 asking for? There's no documentation of the negotiation, if that's
25 what you're asking for.

26
27 **LEG. BERLAND:**

28 Well, the appraised price is 340.

29
30 **MS. HEWITT:**

31 Correct.

32
33 **LEG. BERLAND:**

34 And we're accepting less.

35
36 **MS. HEWITT:**

37 Correct.

38
39 **LEG. BERLAND:**

40 And I'd like to know why, and if we are accepting less, this is a
41 County-owned property, we have a responsibility to our constituents
42 to let them know if we approve this sale, why are we approving a
43 sale for under the amount that it was appraised at. So if you, you
44 know, whatever those conversations were had to result in something,
45 so I'd like to know what that was.

46
47 **MS. HEWITT:**

48 So ultimately, and the Commissioner correctly represented, there
49 were some repairs that were needed on the property anyway, but also
50 because DSS is aware that there's a decrease in the need for
51 temporary housing assistance generally and now we're asking this
52 person to engage in an exchange with us, in a sale, knowing that
53 his purpose for this property -- because, like I said, the
54 potential owner, Dan Fernandez, has every intention -- and I
55 understand you can't know that for sure; neither can we, but he has
56 represented and his track record has supported that he has every

1 intention on continuing to maintain this as a shelter. It would
2 put him at a grave disadvantage, actually, for us to sell this
3 property to him and then a week later say we're going to close the
4 property -- the shelter operator at that location because then the
5 purpose that he had in mind for the property, it would fall apart,
6 right? So ultimately --

7
8 **LEG. BERLAND:**

9 Well, then he sells it.

10
11 **MS. HEWITT:**

12 So ultimately he was offered --

13
14 **LEG. BERLAND:**

15 He owns it and he sells it.

16
17 **CHAIRWOMAN FLEMING:**

18 Let's just be careful. The reporter is having a little trouble
19 because --

20
21 **MS. HEWITT:**

22 I apologize.

23
24 **CHAIRWOMAN FLEMING:**

25 You're both good lawyers. You know better.

26
27 **MS. HEWITT:**

28 You're right.

29
30 **LEG. BERLAND:**

31 Which is why we're engaging in conversation because we do know.

32
33 **CHAIRWOMAN FLEMING:**

34 No, no. I'm just saying that the reporter is having difficulty
35 when you're talking over each other. Thank you.

36
37 **LEG. BERLAND:**

38 Thank you very much, Legislator. Your turn or mine?

39
40 **MS. HEWITT:**

41 Your turn.

42
43 **LEG. BERLAND:**

44 My turn. Okay. So now I forgot what we were talking about because
45 we had that lovely break in our conversation.

46
47 **MS. HEWITT:**

48 You were saying you think he might sell the property.

49
50 **LEG. BERLAND:**

51 Right.

52
53 **MS. HEWITT:**

54 Which I'll just say every owner of every shelter right now who is a
55 private owner of the 63 that we have, if we terminated, and that's
56 five of the 63, if we terminated their contracts right now today,

1 they would do the same thing. You're right; there's no opposition
2 there. What I am wanting to emphasize to you, though, is what kind
3 of landlord would we want over our shelters. I understand that he
4 is going to make money; you're right again. But he's someone who
5 is good for maintaining shelters. It's not as though he has a bad
6 reputation. We've gotten the clarity we needed. He does not owe
7 the County money. It's the operator; that's a different story not
8 for this occasion, but ultimately he's in good standing, and he's
9 saying he's going to maintain this property, and we have no reason
10 to believe he won't because he's done so well since 2007.

11
12 **LEG. BERLAND:**

13 In all due respect, the piece that you're missing, the other houses
14 that you're referring to, are you referring to County-owned
15 properties that are run or properties that the shelters are run by
16 other people that own that property?

17
18 **MS. HEWITT:**

19 The other property that he owned was not County-owned. He owned
20 it.

21
22 **LEG. BERLAND:**

23 Right.

24
25 **MS. HEWITT:**

26 The County was in -- is in direct relationship with the shelter
27 operator on that property and he has maintained that property as a
28 landlord since 2007.

29
30 **LEG. BERLAND:**

31 Right, because he owns the property. If you're a landlord, you
32 maintain your property and the problem is this County --

33
34 **MS. HEWITT:**

35 That doesn't always happen.

36
37 **LEG. BERLAND:**

38 Right, but it -- okay, so yes, there are landlords that don't
39 maintain their property and you certainly don't want to enter into
40 contracts with those, but that does not necessitate selling County
41 property to a landlord just because he's a good landlord. It
42 necessitates selling County property in the way that we usually
43 sell County property, which is either a 72-h, Housing Our Homeless
44 Heroes, or at auction and moving that shelter, and maybe that
45 shelter operator -- the shelter operator owes the County over
46 \$500,000, maybe they can't take on additional rent as well, and
47 maybe they will fold as soon as this closing happens and he has the
48 property, and then they're like, You know, we want out, we can't
49 afford this now to pay the 500,000 that we already owe plus rent,
50 which we didn't have to pay before. So, you know what, we've got
51 to close. And now this guy has a property that appraised for 340,
52 which he now has for 315, and we all know that property values
53 throughout the County are going up tremendously. So, you know,
54 it's just -- I just think it's backwards.

1 **MS. HEWITT:**

2 The shelter provider is aware that they are going to have to pay
3 rent if DSS is not the landlord. They are already aware of that.

4
5 **LEG. BERLAND:**

6 Right, but if they already owe the County over \$500,000, maybe they
7 can't make that happen. You have to understand from our
8 perspective, this is very, very unusual.

9
10 **MS. HEWITT:**

11 I understand.

12
13 **LEG. BERLAND:**

14 I do not think -- and certainly for me personally, this is not a
15 precedent that I want to start. So I, you know, I don't think
16 there's any permutation to this -- if you are going to let me vote
17 for this because I just do not think that we should be doing this
18 with our properties. I think the best thing that you can do, if
19 the current shelter operator is 500,000-plus in debt to the County
20 and doesn't have the money to maintain it, then you need talk to
21 Legislator Richberg, the Legislator where both these locations are,
22 talk to the one that has the church and negotiate with them and see
23 whether they can, you know, change their -- the way that they
24 operate and who they, you know, take in as their clients. And
25 then, you know, put this out for auction if you don't want to do it
26 for Housing Our Homeless Heroes. I'd be willing to bet just about
27 anything that second to Legislator Trotta buying it for 400,000
28 that I can get housing your homeless -- Our Homeless Heroes to, you
29 know, want to take this house and get involved and get a veteran
30 and his or her family in there.

31
32 **MS. HEWITT:**

33 Except that, again, just to reemphasize, we still have a need for
34 service of the population that we're already serving at this
35 location.

36
37 **LEG. BERLAND:**

38 Right, right, until you don't and then, you know, when you don't
39 then sell it or give it to Housing Our Homeless Heroes, not this
40 guy.

41
42 **MS. HEWITT:**

43 I just want to, something you said earlier about the potential of
44 the current shelter operator not being able to pay rent and then
45 closing. One thing that that five -- that five-year deed
46 restriction does is guarantee that the property will still need to
47 be utilized to benefit Temporary Housing Assistance, and so what
48 that means is let's say a year from now Penates, the current
49 operator under Mr. Fernandez's ownership says, *you know what, I*
50 *can't afford this, we have to close.* They notify DSS that they
51 want to terminate their contract with DSS, he is still bound to
52 utilize that property for the benefit of Temporary Housing
53 Assistance and so it would leave room for a new operator to
54 potentially come in, but either way at least for a minimum of five
55 years it would always be serving that purpose and serving the need.

1 **LEG. BERLAND:**

2 Unless there is no need.

3
4 **MS. HEWITT:**

5 That's accurate.

6
7 **LEG. BERLAND:**

8 Right, so and then he gets a windfall earlier. Just I -- you're
9 doing a great job, you're just, you know, not going to sway me.

10
11 **MS. HEWITT:**

12 That's fair.

13
14 **LEG. BERLAND:**

15 But thank you, thank you for your -- your diligence. I appreciate
16 it.

17
18 **MS. HEWITT:**

19 Thank you.

20
21 **CHAIRWOMAN FLEMING:**

22 Thank you and we have more folks who want to be part of this
23 conversation. Just bear in mind that we cannot approve this out of
24 committee today. The public hearing is recessed so there will be
25 additional opportunity for more of the discussion on this
26 obviously -- issue people have a lot of passion about.

27
28 So I see the Deputy Commissioner of Economic Development is with
29 us, Rebecca Sinclair, and I have two more Legislators who also want
30 to be heard, including Legislator Richberg, who is -- this is in
31 his district but not -- Legislator Richberg is not on the
32 committee, so he does want to be heard.

33
34 So, Rebecca, did you have something you wanted to add or are you
35 here just to listen, just want to make sure you're heard if you
36 need -- if you need or want to be.

37
38 **DEPUTY COMMISSIONER SINCLAIR:**

39 I just wanted to be available in case there are any questions
40 related to like the transactional piece, but I just wanted to
41 clarify that the -- the type of transaction that Legislator
42 Berland's referenced is Housing Our Homeless Heroes or any resident
43 homes, that's exactly what we've done with the rest of this
44 portfolio. In this one case, is where we're seeking to maintain
45 continuity of this shelter, this is the effort being made to allow
46 for that to happen. So, you know, I don't think this is precedent
47 setting because this is an usual situation where DSS was
48 essentially in receipt of these properties and we've taken these
49 properties one by one and worked together to have a quality
50 disposition to a quality provider of housing for families or for
51 veterans. And I think in this one case, again, to maintain
52 continuity, you know, this is -- this is what's been presented but
53 we've done exactly the things that you're saying you want to do
54 related to who should be having these sites.

1 But, you know, the County is not the best landlord, right, we're
2 not the best owner of property. If you take a look at the sites
3 that we have of the inventory of parcels we have around the County,
4 they are not the best maintained. They are not the best operated
5 buildings and seeking this dispose of sites that are currently a
6 burden on the limited infrastructure we have to maintain them is
7 something that we do regularly.

8
9 **CHAIRWOMAN FLEMING:**

10 Okay. Thank you, that's helpful. Legislator Kennedy, you wanted
11 to be heard.

12
13 **LEG. KENNEDY:**

14 Yes, I have a question for the Commissioner or two questions.
15 You're going by OTDA rules for how this house functions?

16
17 **COMMISSIONER PIERRE:**

18 Yes, they're under OTDA; yes.

19
20 **LEG. KENNEDY:**

21 So, did I hear you correctly, there's 16 men living in a
22 five-bedroom house? That's legal under OTDA?

23
24 **COMMISSIONER PIERRE:**

25 Correct.

26
27 **LEG. KENNEDY:**

28 It is. Oh. I have to say, I don't think that in five years we're
29 going to do away with homelessness in any area. I think it's going
30 to be worse and I don't mean to just be negative on this. Should
31 it -- you said in this area, in five years if the need has gone
32 down, who makes that decision in that area?

33
34 **COMMISSIONER PIERRE:**

35 In that location?

36
37 **LEG. KENNEDY:**

38 Yeah.

39
40 **COMMISSIONER PIERRE:**

41 So we just look at the folks that are coming into our portfolio and
42 what exactly is the deed. If it's singles, is it families with
43 children, so that's what I'm referring to when I speak of the deed.
44 And as I stated earlier, we saw a decrease in the amount of
45 families with children walking through our front door so that's
46 where the adjustments were made.

47
48 **LEG. KENNEDY:**

49 I just think that single males that are disabled in some way will
50 always need housing.

51
52 **COMMISSIONER PIERRE:**

53 I agree with you.

54
55 **LEG. KENNEDY:**

56 So I -- yeah, I think we need to keep it in our array in some way.

1 I understand the County can't keep it but we have to just check
2 into this a little bit further so that the five-year thing is not
3 sitting well with me. But, thank you.

4
5 **COMMISSIONER PIERRE:**
6 Understood.

7
8 **LEG. KENNEDY:**
9 Thank you.

10
11 **CHAIRWOMAN FLEMING:**
12 Thank you, Legislator Kennedy. Legislator Richberg, welcome. You
13 had questions?

14
15 **LEG. RICHBERG:**
16 Yes.

17
18 **CHAIRWOMAN FLEMING:**
19 You're muted.

20
21 **LEG. RICHBERG:**
22 Yes, I did, thank you. Thank you, Madam Chair, for allowing me to
23 speak.

24
25 **CHAIRWOMAN FLEMING:**
26 Of course.

27
28 **LEG. RICHBERG:**
29 I want to thank my colleagues for making a lot of points I was
30 going to make. You must have been looking at my notes.

31
32 But I have some questions, I guess, in terms of the process. And,
33 I guess, the first set of questions is I know there's conversation
34 about Resurrection House and I want to sort of put that to the side
35 for a second. Are there any other men's shelters in the Amityville
36 or North Amityville, Copiague area?

37
38 **COMMISSIONER PIERRE:**
39 I'd have to -- I can't answer that right now.

40
41 **LEG. RICHBERG:**
42 Because I think -- I think there's at least one in that area. So
43 why, I guess, my question -- my next question goes to process and
44 Legislator Berland had sort of started this, like, started down
45 this road. I'm unsure why we -- why we went down the road of
46 talking to this one provider as opposed to advertising to the other
47 -- to the other providers in the area. I -- just a quick search, I
48 think we found that there are four other shelters in the area where
49 there might be -- there might be more but we're, you know, we're
50 trying to do our search on our side. So I'm unsure why we didn't
51 reach out to those other shelter providers in the area who have
52 relationships with the two school districts that are right there if
53 they were going to be family or anything else as opposed to with
54 this one operator.

1 **COMMISSIONER PIERRE:**

2 Again, Legislator Richberg, we started out really making a request
3 to Penates. They said that they were not available to do the
4 transaction and they presented us with a landlord that they were
5 familiar with and was already in the shelter business. So that was
6 the only reason we did not go outside of that.

7
8 **LEG. RICHBERG:**

9 And so that's sort of my hesitation, right, because if you would
10 had said that we did a RFP and, you know, Penates was the one who
11 came out with it, I would probably -- I probably still wouldn't be
12 100% on board with it, but I would be more comfortable and that's
13 not really what happened.

14
15 And so you did and, I guess, I don't know who did the appraisal, I
16 don't know if it was Real Estate or if it was you folks, but so the
17 appraisal was done last summer.

18
19 **COMMISSIONER PIERRE:**

20 Yes.

21
22 **LEG. RICHBERG:**

23 Is that correct?

24
25 **COMMISSIONER PIERRE:**

26 Yes.

27
28 **LEG. RICHBERG:**

29 Okay. So, I did my best Rob Trotta interpretation and I came up,
30 and it's interesting. So I'm seeing an estimate right now of
31 430,000 and it's funny because I just bought -- a friend of mine
32 just bought a house in the Village of Amityville for about, I have
33 to ask him, but it's more than 400,000. So I would -- I have a
34 question about the estimate, too. And if we, again, to quote my
35 colleague, if we are -- if we are due about \$500,000 worth of
36 business from this shelter and we're -- but we are saying it's --
37 the estimate was 330,000, which was really done in the middle of a
38 pandemic, if we had did the appraisal probably in September, you're
39 probably talking about another \$150,000 in general, especially in
40 that area because the houses in that area have gone up and up and
41 up and up. I think we're sort of shortchanging ourselves. So I'm
42 not sure why didn't say \$500,000.

43
44 **COMMISSIONER PIERRE:**

45 So, Legislator Richberg, just to be -- to correct ourselves, the
46 appraisal was actually done in October, 2020.

47
48 **LEG. RICHBERG:**

49 And it came back with 315,000?

50
51 **COMMISSIONER PIERRE:**

52 Three hundred and forty and then there was a need for repairs where
53 we made the adjustment because of the repairs that needed to be
54 done.

1 **LEG. RICHBERG:**

2 I mean, I would love to see that appraisal because -- I mean, it's
3 not near the water but, I mean, houses over there are going more
4 than 400,000.

5
6 **COMMISSIONER PIERRE:**

7 Again, to Rebecca's point, we're not the best landlords in the
8 County so the buildings that we have are not always in the best
9 care.

10
11 **CHAIRWOMAN FLEMING:**

12 Is there a process by which we could do an RFP for the sale of this
13 property?

14
15 **DEPUTY COMMISSIONER SINCLAIR:**

16 Can I just issue a point of clarification?

17
18 **CHAIRWOMAN FLEMING:**

19 Yes.

20
21 **DEPUTY COMMISSIONER SINCLAIR:**

22 All right. So, this property wasn't -- so, you're familiar with
23 the way that EDP and our Real Estate Department handles 72-h
24 transfers and our regular inventory that we get through tax
25 default. This property is not within those bucket of properties.
26 Again, this was a settlement so essentially DSS was handed these
27 eight properties, I think, probably instead of a -- a bunch of
28 money owed to them, they -- were in receipt of these properties.
29 So they were not, like, so in our real estate portfolio, we have a
30 budget for maintenance and all of these other issues and we have a
31 team of folks dedicated to making sure not necessarily that they're
32 kept in the best condition but at least like, you know, they're
33 boarded up or whatever needs to happen here.

34
35 And, so, the way that DSS received these properties and the way
36 that's it's being handled is because it's not subject to the rules
37 of our typical real estate component here. And so I think, again,
38 the goal being maintaining continuity of the current function but
39 knowing that there's an inability to maintain it. So the gentleman
40 -- the appraiser used is what we referenced one of our County
41 appraisers, we used a County appraiser we typically use for our
42 regular real estate work. There was the issue of the home required
43 -- I don't understand or remember the exact repairs but there was
44 issues related to water and gas line and major repairs that needed
45 to be done and that's why there was a discounting of the price.
46 But, you know, I just -- I want to offer that clarification why
47 it's being handled differently and I think, I don't want to speak
48 for DSS and I certainly didn't mean to say that they're not a good
49 landlord, I'm just saying that government, in general, isn't the
50 best landlord. And so I think there could be another way to
51 dispose of it, but I think you need to weigh out what the goal is
52 here, which is to maintain continuity in its operation or to, you
53 know, seek revenue for the County. I think those are two different
54 things.

1 **LEG. RICHBERG:**

2 Deputy Commissioner, I want to thank you for that. So in my past
3 role, one of my positions I sat on was on the Space Management so I
4 know Fred, I've had a lot of conversations with Fred over the
5 years. And so a friend of mine bought a house not near the water
6 in Amityville Village, not on that side of Dixon, for 550,000 and
7 it's a -- has to be worked up. So while I agree and, you know, but
8 we could take some money off because it's on Dixon, it's on a main
9 road, I think, okay, and it's above Merrick -- above Merrick Road,
10 so it's definitely not water bound.

11
12 So while I agree with what we're saying, I think, I'm not
13 comfortable with this because I don't -- I don't like the process.
14 I would, and, I guess, you know, to the, you know, the Chair's
15 point and thank you, Legislator Fleming, you know, can we do an RFP
16 for this property?

17
18 **COMMISSIONER PIERRE:**

19 I think if we were to look at an alternative it would just be to do
20 what we've done with the other properties and basically tell the
21 provider that we will no longer need their services and give the
22 property, you know, work with Economic Development to find an
23 alternative purpose for this home.

24
25 **CHAIRWOMAN FLEMING:**

26 Okay.

27
28 **LEG. RICHBERG:**

29 Okay. And I would, you know, I would really want to know what
30 other shelters are in the area that are available. In fact, I
31 remember -- I remember meeting one of the -- a constituent from
32 there because actually his dog died on the street so I remember
33 that.

34
35 **COMMISSIONER PIERRE:**

36 Legislator Richberg, we give you a quarterly report with all the
37 shelters in your area so I don't know if you want to reference that
38 or I could forward that to you as well.

39
40 **LEG. RICHBERG:**

41 No, we have it.

42
43 **COMMISSIONER PIERRE:**

44 Oh, okay.

45
46 **LEG. RICHBERG:**

47 That's where I came up with the list of shelters in the area.

48
49 **COMMISSIONER PIERRE:**

50 Okay.

51
52 **LEG. RICHBERG:**

53 But I wanted to know if there are other men shelters, you know,
54 close by, what's the nearest men shelter?

1 **COMMISSIONER PIERRE:**

2 Unless they're in your area I wouldn't be able to share that
3 information with you, Legislator Richberg.

4
5 **LEG. RICHBERG:**

6 Well, you could possibly share it with the Chair of the Ways &
7 Means Committee or with the committee -- or with the Human Services
8 Committee.

9
10 **COMMISSIONER PIERRE:**

11 That's fine.

12
13 **CHAIRWOMAN FLEMING:**

14 Okay. So we'll -- so if you want to make that request through me,
15 Jason, I'm happy to work on that.

16
17 **LEG. RICHBERG:**

18 I will, thank you.

19
20 **CHAIRWOMAN FLEMING:**

21 So send me an e-mail and, again, we're not closing this because it
22 has to stay open because the public hearing is recessed. I do see,
23 I'm sorry, I don't mean to cut you off, Jason, but we do have an
24 executive session in this committee as well today, so.

25
26 **LEG. RICHBERG:**

27 No problem, that was -- that was it. Thank you, Madam Chair.

28
29 **CHAIRWOMAN FLEMING:**

30 Great. Thank you for joining us. And, Legislator Donnelly.

31
32 **LEG. DONNELLY:**

33 Thank you, Bridget. So, I really wasn't going to weigh in on this
34 but I did want to just pass a comment quickly. Supervisor Ed
35 Romaine had sent the entire Legislature a letter that he was
36 concerned about occupancy levels within our shelters. And then, I
37 don't want to say it's disturbing, but I thought I heard some
38 unsettling kind of news that, you know, as a County we're saying
39 we're not good landlords. And I just -- I want to be clear about
40 the County's responsibility to provide safe shelters. You know,
41 and it goes directly to the Commissioner as well as the Deputy
42 Commissioner.

43
44 So, I'm going to speak to the Chair of Human Services, I think,
45 about this because I think we should get a review of all our
46 shelters to make sure that the occupancy level is within proper
47 limits and that these facilities continue to be safe.

48
49 So it was more of a statement, Bridget, I appreciate you letting me
50 chime in for a couple of minutes.

51
52 **COMMISSIONER PIERRE:**

53 Legislator Donnelly, actually what Town Supervisor Romaine was
54 referring to were rooming houses and not shelters, and rooming
55 houses are not under our jurisdiction.

1 **LEG. DONNELLY:**

2 But I would make the argument, with all due respect, Commissioner,
3 I would make the argument that they're one in the same and that we
4 want to ensure that our shelters are equally as safe as the rooming
5 houses. I'm sure you would agree.

6
7 **COMMISSIONER PIERRE:**

8 Again, I do agree that rooming houses should be safe but, again,
9 the shelters are -- oversight is OTDA, which is what we oversee,
10 but we do not oversee the rooming houses. Just for clarity
11 purposes.

12
13 **LEG. DONNELLY:**

14 So the shelters -- I'd be interested to know, and it's not really a
15 discussion for this, so -- so I'll save it for Human Services.
16 Thank you.

17
18 **CHAIRWOMAN FLEMING:**

19 Thank you, Tom. And I see our colleague, Legislator Krupski, has
20 joined us. In case you missed the earlier discussion, Al, this is
21 a public hearing that's been recessed so we cannot approve this out
22 of committee today and that's the context of this discussion. But
23 good to have you here and did you have a question for the
24 Commissioner?

25
26 **LEG. KRUPSKI:**

27 Thank you, Madam Chair. I appreciate the opportunity here. So it
28 goes to what Legislator Donnelly was saying, if we're going to look
29 into, and the comment that I heard that we're a very poor landlord
30 or something like that. And I just wonder if we could get
31 something, as Legislators, what standards do County buildings have
32 to be kept up to, is it New York State Building Code or is there
33 some other standard that by law we're required to meet? And kind
34 of like the status of who does the inspections and is there -- and
35 who's the judge whether those standards are being met really,
36 because I know if you have a -- if you have any sort of noncounty
37 or nongovernmental housing, you know, you've got Department of
38 Health, you've got New York State Department of Labor, you've got a
39 lot of red tape agencies coming down and inspecting your facility.
40 I wonder if this is the same equal playing field for County-owned
41 facilities.

42
43 **DEPUTY COMMISSIONER SINCLAIR:**

44 Would you like me to respond on that?

45
46 **LEG. KRUPSKI:**

47 Anything would be great.

48
49 **DEPUTY COMMISSIONER SINCLAIR:**

50 Sure, sure. So the building code standards that must maintain
51 jurisdictionally are generally whatever the town requirements are.
52 And so in many cases when we receive properties that are vacant we
53 board them up. We are often contacted by the towns if there's
54 concerns or sightings of folks going in and out. You know, our
55 budget for property maintenance is \$200,000 a year. When we had a
56 tropical storm, I think it was maybe six months ago, we spent

1 \$65,000 of that budget on tree removal, right, which doesn't leave
2 us a whole heck of a lot to do all of the other things we need to
3 do. So we have a crew of folks who are regularly out inspecting
4 the properties if they're vacant to assure that they're not being
5 broken into, that do board-ups or all of the other work around
6 that, and we do have to adhere to whatever the local building code
7 is. But in the case where it's vacant, right, there's no, you
8 know, we're not renovating to the point of habitable and a lot of
9 what we receive in our inventory has been neglected by the time we
10 receive it.

11
12 So, I mean, that's, you know, why, you know, you all at the last
13 Legislative session had allowed us now for this online auction
14 platform to move forward so we can start to dispose of these --
15 these buildings. So, you know, I -- I bring up us not being a good
16 landlord just for the point of we are, again, we are not designed
17 to be a large-scale property maintenance entity, right, we are
18 simply in receipt of these properties by default and we handle them
19 to the best we can. But, you know, there are complaint-driven
20 responses to a lot of issues on these sites. And I don't want to
21 put that in the bucket with the DSS properties because that's
22 separate and apart from what's under our real estate purview.

23
24 And this -- which shelter site needs to be kept will be at the
25 State standards for Health Department and the local building codes
26 so that's a separate bucket of properties and issues.

27
28 **LEG. KRUPSKI:**

29 Thank you for that explanation. I appreciate it. And, thank you,
30 Madam Chair, for the indulgence.

31
32 **CHAIRWOMAN FLEMING:**

33 Of course, thank you. Good to see you, Al. And thank you,
34 everyone, for being here. We have a motion to table and a second.
35 Would anyone else like to be heard on the motion? Roll call.

36
37 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

38
39 **LEG. BERLAND:**

40 Yes.

41
42 **LEG. TROTTA:**

43 Yes.

44
45 **CHAIRWOMAN FLEMING:**

46 Yes.

47
48 **D.P.O. HAHN:**

49 Yes.

50
51 **LEG. KENNEDY:**

52 Yes.

53
54 **LEG. DONNELLY:**

55 Yes.

1 **MR. DUBOIS:**
2 Six. **TABLED (VOTE: 6-0-0-0)**

3
4 **CHAIRWOMAN FLEMING:**
5 And 1403 is tabled.

6
7 *Introductory Resolutions*

8
9 Moving onto Introductory Resolutions. **1428 - Approving payment to**
10 **General Code Publishers for Administrative Code Pages. (Pres. Off.)**

11
12 **D.P.O. HAHN:**
13 Motion.

14
15 **CHAIRWOMAN FLEMING:**
16 Motion by Legislator Hahn; I'll second. Anyone on the motion?
17 Roll call.

18
19 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

20
21 **D.P.O. HAHN:**
22 Yes.

23
24 **CHAIRWOMAN FLEMING:**
25 Yes.

26
27 **LEG. BERLAND:**
28 Yes.

29
30 **LEG. KENNEDY:**
31 Yes.

32
33 **LEG. TROTТА:**
34 Yes.

35
36 **LEG. DONNELLY:**
37 Yes.

38
39 **MR. DUBOIS:**
40 Six. **APPROVED (VOTE: 6-0-0-0)**

41
42 **CHAIRWOMAN FLEMING:**
43 1428 is approved.

44
45 **1431 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
46 **real property acquired under Section 46 of the Suffolk County Tax**
47 **Act Robin Prager (SCTM No. 0400-251.03-01.00-047.000). (Co. Exec.)**
48 This can go on the consent calendar. Do I have a motion; from
49 Legislator Trotta.

50
51 **LEG. BERLAND:**
52 Motion.

53
54 **CHAIRWOMAN FLEMING:**
55 Seconded by Legislator Berland. Anyone on the motion? Roll call.

(Roll Called by Dan Dubois - Chief Deputy Clerk)

1
2
3 **LEG. TROTTA:**

4 Yes.

5
6 **LEG. BERLAND:**

7 Yes.

8
9 **CHAIRWOMAN FLEMING:**

10 Yes.

11
12 **D.P.O. HAHN:**

13 Yes.

14
15 **LEG. KENNEDY:**

16 Yes.

17
18 **LEG. DONNELLY:**

19 Yes.

20
21 **MR. DUBOIS:**

22 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

23
24 **CHAIRWOMAN FLEMING:**

25 And 1431 is approved.

26
27 **1459 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
28 **real property acquired under Section 46 of the Suffolk County Tax**
29 **Act Edward Francis Stannard, Jr. (SCTM No.**
30 **0102-003.00-02.00-132.000). (Co. Exec.) We'll do same motion, same**
31 **second, without objection, same vote.**

32
33 **MR. DUBOIS:**

34 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

35
36 **CHAIRWOMAN FLEMING:**

37 1459 is approved.

38
39 **1460 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
40 **real property acquired under Section 46 of the Suffolk County Tax**
41 **Act Paula Luongo (SCTM Nos. 0200-975.00-11.00-035.000 and**
42 **0200-975.00-12.00-015.000). (Co. Exec.) Same motion, same second,**
43 **without objection, same vote.**

44
45 **MR. DUBOIS:**

46 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

47
48 **CHAIRWOMAN FLEMING:**

49 1460 is approved.

50
51 **1461 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
52 **real property acquired under Section 46 of the Suffolk County Tax**
53 **Act Zachary Plevritis, Sole Heir of the Estate of John Plevritis**
54 **(SCTM No. 0103-018.00-01.00-061.002). (Co. Exec.) Same motion,**
55 **same second, without objection, same vote.**

1 **MR. DUBOIS:**

2 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

3
4 **CHAIRWOMAN FLEMING:**

5 1461 is approved.

6
7 **1462 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
8 **real property acquired under Section 46 of the Suffolk County Tax**
9 **Act Lakhvinder Singh and Parveen Singh, Husband and Wife (SCTM No.**
10 **0200-676.00-02.00-023.000). (Co. Exec.) Same motion, same second,**
11 **without objection, same vote.**

12
13 **MR. DUBOIS:**

14 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

15
16 **CHAIRWOMAN FLEMING:**

17 1462 is approved.

18
19 **1463 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
20 **real property acquired under Section 46 of the Suffolk County Tax**
21 **Act Reo Renovations Group, LLC (SCTM No.**
22 **0200-973.90-03.00-024.000). (Co. Exec.) Same motion, same second,**
23 **without objection, same vote.**

24
25 **MR. DUBOIS:**

26 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

27
28 **CHAIRWOMAN FLEMING:**

29 1463 is approved.

30
31 **1464 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
32 **real property acquired under Section 46 of the Suffolk County Tax**
33 **Act Janet Kohilakis (SCTM No. 0500-040.00-02.00-006.000). (Co.**
34 **Exec.) We'll have the same motion, the same second, without**
35 **objection, same vote.**

36
37 **MR. DUBOIS:**

38 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

39
40 **CHAIRWOMAN FLEMING:**

41 1464 is approved.

42
43 **1465 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
44 **real property acquired under Section 46 of the Suffolk County Tax**
45 **Act Jae Wook Joo and Bong Ja Joo (SCTM No.**
46 **0204-012.00-03.00-010.001). (Co. Exec.) Same motion, same second,**
47 **without objection, same vote.**

48
49 **MR. DUBOIS:**

50 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

51
52 **CHAIRWOMAN FLEMING:**

53 1465 is approved.

54
55 **1466 - Authorizing the sale, pursuant to Local Law No. 16-1976, of**
56 **real property acquired under Section 46 of the Suffolk County Tax**

1 **Act Edward Percesepe (SCTM No. 0500-021.00-01.00-041.000). (Co.**
2 **Exec.)** Same motion, same second, without objection, same vote.

3
4 **MR. DUBOIS:**

5 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

6
7 **CHAIRWOMAN FLEMING:**

8 1466 is approved.

9
10 **1470 - Accepting and appropriating a grant in the amount of**
11 **\$4,212,513 from the New York State Office of Indigent Legal**
12 **Services, to improve the quality of services provided under Article**
13 **18-B of the County Law with 100% support. (Co. Exec.)** I believe
14 that's also eligible for the consent calendar.

15
16 **MS. SIMPSON:**

17 It is a 100% grant funding and it's not first instance by the
18 County; so yes.

19
20 **CHAIRWOMAN FLEMING:**

21 I'll make a motion to approve; seconded by Legislator Hahn. Anyone
22 on the motion? We do have Mr. Braun from the County Attorney's
23 Office. Do I see a hand up there? Oh, I'm sorry, we have --
24 you've been waiting around this whole time, Jan, thank you for
25 being here. Since you're here, why don't you just tell us quickly,
26 you know, I don't mean to rush you, but why don't you tell us what
27 exactly the Indigent Legal Services Panel is and what this funding
28 is intended to achieve.

29
30 **MS. HOGAN:**

31 The funding is -- we are mandated under New York State Law to
32 provide defense for indigent legal defendants who are accused in
33 Criminal Court or who have issues in Family Court. In order to
34 assist the County mandate to provide this, the State Indigent Legal
35 Services Office provides us with funding and this particular
36 funding is just a continuation of funding that both the Legal Aid
37 Society and the Assigned Counsel Defender Plan, also known as the
38 18-B attorneys, have been receiving for the last several years,
39 also from the Indigent Legal Services Office. So this is really
40 just a continuation of those programs that will let the attorneys
41 from both Legal Aid Society and the 18-B panel represent indigent
42 defendants in both Criminal Court and Family Court.

43
44 **CHAIRWOMAN FLEMING:**

45 And it's my understanding having served on the Indigent Defense
46 Panel that the constitution requires competent counsel for anyone
47 who can't afford it and the funding supports that constitutional
48 right. Is that accurate?

49
50 **MS. HOGAN:**

51 Yes.

52
53 **CHAIRWOMAN FLEMING:**

54 Can I just ask you also, I was speaking to a former colleague of
55 mine in the Manhattan DA's office yesterday about the extraordinary
56 costs that have been imposed upon law enforcement by the recent

1 criminal justice reforms and the discovery requests, I mean the
2 discovery requirements. It's extraordinary what's required now of
3 law enforcement within 20 days of an indictment. Are you -- are
4 you noting that 18-B and Legal Aid have increased costs to -- to
5 handle this massive new requirement of, you know, discovery so
6 early in the process?

7
8 **MS. HOGAN:**

9 Some of their budgets have been redirected to try to address that
10 so, yes, there has -- we have noticed to a certain extent that
11 there have been increased costs.

12
13 **CHAIRWOMAN FLEMING:**

14 And you should note also that this committee actually wrote to the
15 Governor and asked that he suspend for a year implementation of
16 that particular requirement because we recognized what an enormous
17 cost it was to government but we were unsuccessful.

18
19 So -- but thank you for your efforts. Is there anyone else who has
20 any questions or comments? Seeing none, roll call.

21
22 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

23
24 **CHAIRWOMAN FLEMING:**

25 Yes.

26
27 **D.P.O. HAHN:**

28 Yes.

29
30 **LEG. BERLAND:**

31 Yes.

32
33 **LEG. KENNEDY:**

34 Yes.

35
36 **LEG. TROTTA:**

37 Yes.

38
39 **LEG. DONNELLY:**

40 Yes.

41
42 **MR. DUBOIS:**

43 Six. **APPROVED** and **PLACED** on the **CONSENT CALENDAR (VOTE: 6-0-0-0)**

44
45 **CHAIRWOMAN FLEMING:**

46 1470 is approved and will be placed on the consent calendar. Thank
47 you, Janet.

48
49 **MS. HOGAN:**

50 Thank you, thank you.

51
52 **1472 - Amending the 2021 Capital budget and Program and**
53 **appropriating funds in connection with Legislature Technology**
54 **Upgrades and Maintenance (CP 1832). (Pres. Off.) I'll make a**
55 **motion to approve.**

1 **LEG. BERLAND:**

2 Second.

3

4 **CHAIRWOMAN FLEMING:**

5 Seconded by Legislator Berland. Anyone on the motion? Roll call.

6

7

(Roll Called by Dan Dubois - Chief Deputy Clerk)

8

9 **CHAIRWOMAN FLEMING:**

10 Yes.

11

12 **LEG. BERLAND:**

13 Yes.

14

15 **D.P.O. HAHN:**

16 Yes.

17

18 **LEG. KENNEDY:**

19 Yes.

20

21 **LEG. TROTТА:**

22 Yes.

23

24 **LEG. DONNELLY:**

25 Yes.

26

27 **MR. DUBOIS:**

28 Six. APPROVED (VOTE: 6-0-0-0)

29

30 **CHAIRWOMAN FLEMING:**

31 1472 is approved.

32

33 1475 -- thank you. 1475 - Adopting Local Law No. -2021, A Charter
34 Law to set term limits for the offices of County Executive, County
35 Legislator and County Comptroller at 12 years in total. (McCaffrey)
36 This needs to be tabled for a public hearing. Do I have a motion?

37

38 **LEG. TROTТА:**

39 Motion.

40

41 **CHAIRWOMAN FLEMING:**

42 From Legislator Trotta; seconded by Legislator Kennedy. Anyone on
43 the motion? Roll call.

44

45 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

46

47 **LEG. TROTТА:**

48 Yes.

49

50 **LEG. KENNEDY:**

51 Yes.

52

53 **CHAIRWOMAN FLEMING:**

54 Yes.

55

56

1 **LEG. BERLAND:**
2 Pass.
3
4 **D.P.O. HAHN:**
5 Yes.
6
7 **LEG. DONNELLY:**
8 Yes.
9
10 **LEG. BERLAND:**
11 No.
12
13 **MR. DUBOIS:**
14 Five. **TABLED** for PUBLIC HEARING (VOTE: 5-1-0-0 - Opposed: Leg.
15 **Berland**)
16
17 **CHAIRWOMAN FLEMING:**
18 1475 is tabled for public hearing.
19
20 **1477 - Granting a retroactive leave of absence to Board of**
21 **Elections Commissioner Nicholas LaLota. (McCaffrey and Calarco)**
22
23 **LEG. TROTТА:**
24 I'll make a motion.
25
26 **CHAIRWOMAN FLEMING:**
27 What would that motion be?
28
29 **LEG. TROTТА:**
30 To approve.
31
32 **CHAIRWOMAN FLEMING:**
33 Legislator Trotta made a motion to approve. Do we have a second?
34 Second by Legislator Kennedy. Anyone on the motion? Roll call.
35
36 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*
37
38 **LEG. TROTТА:**
39 Yes.
40
41 **LEG. KENNEDY:**
42 Yes.
43
44 **CHAIRWOMAN FLEMING:**
45 Pass.
46
47 **LEG. BERLAND:**
48 Pass.
49
50 **D.P.O. HAHN:**
51 (No answer)
52
53 **LEG. BERLAND:**
54 Can I change my pass to maybe like discharge without
55 recommendation.
56

1 **CHAIRWOMAN FLEMING:**

2 There's no motion to table. Would you like to make a motion to
3 table?

4
5 **LEG. TROTТА:**

6 I'll make a motion to -- I'll withdraw my motion to approve and
7 make a motion to discharge without recommendation. How's that?

8
9 **CHAIRWOMAN FLEMING:**

10 Okay. We still have a second on the motion to approve. Leslie;
11 what's your pleasure?

12
13 **LEG. KENNEDY:**

14 I will go with discharge without recommendation as a second.

15
16 **CHAIRWOMAN FLEMING:**

17 So we have a motion to discharge without recommendation and a
18 second. Susan, did you want to make a motion to table?

19
20 **LEG. BERLAND:**

21 No, I think it's fine if it gets discharged without recommendation.

22
23 **CHAIRWOMAN FLEMING:**

24 Okay. All right, so, Dan, I think we have to start our roll call
25 again. So the roll call that you started is no longer valid
26 because the motion's been withdrawn. We now have a motion to
27 discharge without recommendation and a second. Roll call.

28
29 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

30
31 **LEG. TROTТА:**

32 Yes.

33
34 **LEG. KENNEDY:**

35 Yes.

36
37 **CHAIRWOMAN FLEMING:**

38 Yes.

39
40 **LEG. BERLAND:**

41 Yes.

42
43 **D.P.O. HAHN:**

44 Yes.

45
46 **LEG. DONNELLY:**

47 Yes.

48
49 **MR. DUBOIS:**

50 Six. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 6-0-0-0)**

51
52 **CHAIRWOMAN FLEMING:**

53 1477 is discharged without recommendation.

54
55 **1489 - Adopting Local Law No. -2021, A Local Law to enact a**
56 **campaign finance reform act to limit campaign contributions from**

1 **County contractors and public employee unions. (Trotta)**

2
3 **LEG. TROTТА:**

4 Motion to table for public hearing.

5
6 **CHAIRWOMAN FLEMING:**

7 Motion by Legislator Trotta; I'll second. We have a motion to
8 table for public hearing and a second by myself. Roll call.

9
10 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

11
12 **LEG. TROTТА:**

13 Yes.

14
15 **CHAIRWOMAN FLEMING:**

16 Yes.

17
18 **LEG. BERLAND:**

19 Pass.

20
21 **D.P.O. HAHN:**

22 Yes.

23
24 **LEG. KENNEDY:**

25 Yes.

26
27 **LEG. DONNELLY:**

28 Yes.

29
30 **LEG. BERLAND:**

31 No.

32
33 **MR. DUBOIS:**

34 Five. **TABLED** for PUBLIC HEARING (VOTE: 5-1-0-0 - Opposed: Leg.
35 **Berland)**

36
37 **CHAIRWOMAN FLEMING:**

38 1498 is tabled for public hearing.

39
40 We have no procedural motions. There is executive session on the
41 agenda so I will make a motion to adjourn to executive session, I'm
42 sorry, to recess to executive session for purposes of litigation.
43 Can I get a second? Second from Legislator Berland.

44
45 **LEG. BERLAND:**

46 Yes.

47
48 **CHAIRWOMAN FLEMING:**

49 Thank you. Roll call.

50
51 *(Roll Called by Dan Dubois - Chief Deputy Clerk)*

52
53 **CHAIRWOMAN FLEMING:**

54 Yes.

1 LEG. BERLAND:

2 Yes.

3

4 D.P.O. HAHN:

5 Yes.

6

7 LEG. KENNEDY:

8 Yes.

9

10 LEG. TROTTA:

11 Yes.

12

13 LEG. DONNELLY:

14 Yes.

15

16 MR. DUBOIS:

17 Six.

18

19 CHAIRWOMAN FLEMING:

20 We are recessing to the Clerk's conference room for purposes of
21 exec session to discuss litigation.

22

23 [*AN EXECUTIVE SESSION WAS HELD FROM 1:56 P.M. UNTIL 2:07 P.M.*]

24

25 Okay. We are back on the record. We discussed in -- the committee
26 discussed in executive session a litigation matter, which without
27 taking any action and seeing no further business of the committee,
28 this committee meeting is adjourned.

29

30

31

THE MEETING CONCLUDED AT 2:18 PM

32

33

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