

RESOLUTION NO. 539 -2009, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW 24-2007 (SHAW PROPERTY, FORGE RIVER WATERSHED – TOWN OF BROOKHAVEN)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program; and

WHEREAS, these parcels are located within the area of the Forge River watershed and the County has targeted these parcels for preservation; and

WHEREAS, a subdivision application has been submitted to the Town of Brookhaven Planning Board; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER, from 31.10% of the sales and compensating use tax proceeds, for the acquisition of such land as open space; now, therefore, be it

1st RESOLVED, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 32.4 acres, is hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

3rd RESOLVED, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s); and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th RESOLVED, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid

for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

6th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

7th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

8th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 23, 2009

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 7-9-09

****VETO OVERRIDE ADOPTED ON AUGUST 4, 2009****

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District 0200 Section 675.00 Block 04.00 Lot 019.000		Arthur Shaw c/o Eric Russo, Esq. 140 Main Street Sayville, NY 11782
2	District 0200 Section 675.00 Block 04.00 Lot 032.000		Arthur Shaw c/o Eric Russo, Esq. 140 Main Street Sayville, NY 11782
3	District 0200 Section 675.00 Block 04.00 Lot 033.000		Arthur Shaw c/o Eric Russo, Esq. 140 Main Street Sayville, NY 11782
4	District 0200 Section 675.00 Block 04.00 Lot 035.001		Arthur Shaw c/o Eric Russo, Esq. 140 Main Street Sayville, NY 11782
5	District 0200 Section 675.00 Block 04.00 Lot 035.002		Arthur Shaw c/o Eric Russo, Esq. 140 Main Street Sayville, NY 11782
TOTAL ACREAGE		±32.4	

EXHIBIT "A"

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

July 9, 2009

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 539-2009, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW 24-2007 (SHAW PROPERTY, FORGE RIVER WATERSHED – TOWN OF BROOKHAVEN)

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 539-2009; “Authorizing Planning Steps for the Acquisition of Land under the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007 (Shaw Property, Forge River Watershed- Town of Brookhaven)”** vetoed in its entirety.

Low Rating

While the County and my administration have invested significantly in the preservation of open space and protection of watersheds – \$335 million of county money over the past five years, plus another \$85 million in contract or accepted offers -- it must be recognized that given a finite amount of money available for acquisition purposes, we must prioritize properties which are deemed most environmentally significant.

It is for that reason we developed Master Lists and utilize a point-based evaluation system for proposed acquisitions.

This property's low, eight-point rating under the Open Space Rating System for Natural Environments does not meet the typical threshold for an appropriate expenditure under the Suffolk County Drinking Water Protection Program for open space acquisition.

Location

The property is located within the vast Forge River watershed (10,639 acres according to a study conducted by the SCDHS); however this site is located over 1,200 feet from the headwaters of the Forge River.

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

Master Lists I and II identified almost 200 acres of land within the Forge River Watershed for possible acquisition -- all within a couple hundred feet of the river itself. These 200 acres are primarily located immediately adjacent to the river including associated freshwater and tidal wetlands and buffer area.

Activities within this immediate watershed area have the most direct impact to the river's surface water quality. Therefore, protection of these immediate watershed lands, associated wetlands and buffer areas of this river are being implemented by the County at this time. Since 2004, the County has invested more than \$13 million by acquiring approximately 62 acres of open space and 135 acres of Farmland Development Rights in this immediate watershed area.

We must prioritize and continue to concentrate our efforts and our dollars on those properties most directly impacting the river and its watershed.

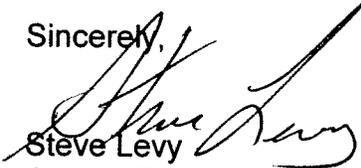
Furthermore, there are no County-owned properties adjacent or near to this site.

Property Use

The property, presently operating as farmland, has been recommended for reconsideration for the Purchase of Development Rights, rather than an open space acquisition. Although the sponsor of the resolution has informed the County that the current owner is no longer interested in farming the land, this fact should have no bearing on the property's low rating as an open space acquisition.

According to representatives from the Town of Brookhaven, this property was recommended only as a Farmland PDR acquisition; it was not recommended for open space acquisition by the Town's Open Space Committee.

For these reasons, I strongly urge the legislature to sustain my veto of this resolution.

Sincerely,

Steve Levy
County Executive of Suffolk County

SL:srt

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Frederick B. Pollert, Deputy County Executive for Finance and Management
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff

Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 4, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1315 Res. No. 539

June 23, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

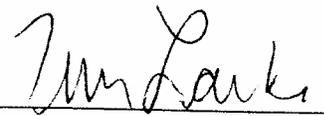
Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	↑				
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO		/			
10	Cameron ALDEN	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	↓				
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY	/				
16	Steven H. STERN			/		
17	Lou D'AMARO	/				
18	Jon COOPER	↓				
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		11	6	-	1	-

MOTION	
<input checked="" type="checkbox"/>	Approve
Table:	_____
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED	
<input checked="" type="checkbox"/>	ADOPTED
<input type="checkbox"/>	NOT ADOPTED



 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res. 1315 Res. No. 539

August 4, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Brian BEEDENBENDER	/				
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO		/			
10	Cameron ALDEN		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY		/			
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.		/			
	Totals	12	6			

MOTION
<input type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input checked="" type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote