

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

A regular meeting of the Environment, Land Acquisition & Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **February 13, 2001**.

**MEMBERS PRESENT:**

Legislator David Bishop - Chairman  
Legislator Michael Caracciolo - Vice-Chair  
Legislator Ginny Fields  
Legislator George Guldi  
Legislator Cameron Alden  
Legislator Allan Binder  
Legislator Vivian Fisher

**ALSO IN ATTENDANCE:**

Paul Sabatino - Counsel to the Legislature  
Maeghan O'Keefe - Aide to Legislator Bishop  
Ellen Martin - Aide to Presiding Officer Tonna  
Thomas Donovan - Aide to Presiding Officer Tonna  
Jom Dobkowski - Press Secretary to Presiding Officer Tonna  
Terrence Pearsall - Aide to Legislator Guldi  
Frank Tassone - Aide to Legislator Crecca  
Jim Spero - Deputy Director/Budget Review Office  
Nicole DeAngelo - County Executive's Office/IR  
Carmine Chuisano - County Executive's Budget Office  
Peter Scully - Commissioner/Suffolk County Department of Parks  
Allen Grecco - Director/Division of Real Estate - Dept of Planning  
Jim Burke - Division of Real Estate  
Loretta Fischer - Suffolk County Planning Department  
Vito Minei - Department of Health Services  
Edward Densieski - Councilman/Riverhead Town Board  
Eric Russo - Nominee/Suffolk County Water Authority  
James Bagg - Council on Environmental Quality  
Amie Hamlin - New York League of Conservation Voters  
Laurie Farber - Long Island Sierra Club  
Emi Endo - Newsday  
All Other Interested Parties

**MINUTES TAKEN BY:**

Alison Mahoney - Court Stenographer

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(\*The meeting was called to order at 3:17 P.M.\*)

**CHAIRMAN BISHOP:**

Good afternoon, everybody. Welcome to the Environment, Land Acquisition and Planning Committee, this is the meeting of February 13th. Last meeting we set a record, we went to I believe three and a half hours. We'll see if we can be a little more efficient today.

LEG. GULDI:  
Oh, I doubt it.

CHAIRMAN BISHOP:  
Legislator Binder, Legislator Guldi.

LEG. BINDER:  
I have nothing to say.

CHAIRMAN BISHOP:  
Legislator Fisher, Caracciolo, Legislators Fields, are we all revved up or we're calm today?

LEG. FIELDS:  
We're revved up.

CHAIRMAN BISHOP:  
We're revved up, then we might be here a while. We'll begin with the pledge of allegiance led by Terry Pearsall.

#### Salutation

We have a reappointment to the Water Authority, Eric Russo; Mr. Russo is here, correct?

MR. RUSSO:  
Yes.

CHAIRMAN BISHOP:  
Please come forward, we'll try to get you -- normally on a reappointments, Mr. Russo, we don't ask the official to come back to the committee that has jurisdiction, but the Water Authority is such an important post and your work there is important enough that we felt that it was important to have you come back.

MR. RUSSO:  
I appreciate that.

CHAIRMAN BISHOP:  
So welcome back to the Legislature. Tell us how long you've served, what you feel is good about the Water Authority and what you hope to accomplish in your next term.

MR. RUSSO:  
Well, Mr. Chairman, Members of the Committee, I appreciate the opportunity to come before you today. I have been on the Board of the Suffolk County Water Authority since January of 1991, this would be my third appointment by the board. I was initially there filling the

unexpired term of Mr. LoGrande who, at that particular time, went on to become the chairman of the authority and then the Legislature saw fit in March of '91 to reappoint me again for a five year term. I had a reappointment again five years ago and I have gone to the Water Authority -- as the committee may or may not know, we have meetings monthly, I attend all of the meetings at the authority.

Our goal at the present time has been to try and improve water quality throughout the County. It has been part of our goal as well to improve management at the authority. And as you've seen from the reports that you've read either in the paper or that had been distributed to the Legislature, our bond rating is by far one of the best. Our water quality throughout the State and the nation is, again, one of the best, and we are bringing more water mains and extending water mains throughout Suffolk County. Right at the moment we are working on the north fork and we are also handling various pocket sections throughout the western townships.

It's been my pleasure to serve with Mr. LoGrande as well as with the other members of the board, Jim Tripp, Dr. Fritz, as well as John Gee and we have been working as a cohesive unit with -- and managing the personnel in the authority to try and provide the best water quality at the lowest possible cost to the residents of Suffolk County.

If there are any specific questions, I'd be happy to respond to those of the committee.

CHAIRMAN BISHOP:

Has the Water Authority ever contemplated participating in our Open Space Acquisition and Quarter Cent Drinking Water Program with its revenues since your mission and those programs are directly in line with one another?

MR. RUSSO:

Well, I believe Mr. LoGrande and now also with the new staff person, Mr. Jones, coming on, there have been discussions and reviews of those programs and they're trying to ascertain what direction we should proceed. I know that the Water Authority at our last meeting has been discussing a challenge grant within the Pine Barrens area and that they are reviewing what the issues would be and the relationships between the County, the State and the various towns in that area as well as the property owners, so that's under consideration at the moment. And they are here trying to develop programs that would be prudent to preserve the aquifers as well as to expand and protect the water quality for the County.

CHAIRMAN BISHOP:

And your feeling on those efforts, you're in support --

MR. RUSSO:

I'm in a hundred percent agreement with them.

CHAIRMAN BISHOP:

So you'll also carry back the suggestion -- I mean, you don't have to adopt it but at least carry it back that if they contemplate, whether they have without raising rates, the revenues to participate in our

acquisition program. We're always looking for partners, be it the Federal, State and town level, perhaps the authority can be a partner with us on those programs as well.

MR. RUSSO:

I'm certain if you wrote the correspondence to the Chairman and also to Mr. Jones, it would be addressed by the board members, discussed and acted upon in a matter that they felt was appropriate.

CHAIRMAN BISHOP:

Very efficient.

LEG. BINDER:

Sounded like a politician or a lawyer.

CHAIRMAN BISHOP:

Another concern -- I don't know if others have questions, but another concern of mine during my tenure in the Legislature with the Water Authority has been the practice to use outside of New York State contractors, bring them on to Long Island and they do not hire union to do Water Authority work. I don't know if that's ever come up at Water Authority meetings, I know that I've written correspondence to the Director about this.

MR. RUSSO:

Well, the board has adopted a resolution that we would, when participating with different contracts in relation to unions, we would support the union standards where possible, okay, and we've adopted a resolution towards that end.

CHAIRMAN BISHOP:

All right. I think that it's -- my concern is obvious, that seeking contractors from out of State to avoid paying Long Islanders union scale is not the kind of activity that the Water Authority should be engaged in and I would hope that any Director who serves with the approval of the Legislature concurs with that.

MR. RUSSO:

Our practice has been that what we are trying to do is we advertise the bids locally and try and use individuals within the County, corporations within the County, unless they cannot provide the service or they haven't entertained the bid or responded to the Requests For Proposals. If they have responded to the Requests For Proposals or the bids, in evaluating it, provided that it's the lowest possible bid and that they are qualified bidders under the law, then we have hired those individuals and tried to stay within the County. There are some instances such as painting of tanks or repairs of tanks that we've had to go outside but that's because there's been no one from within the County to respond to the proposals.

CHAIRMAN BISHOP:

Okay. If that's the case, there is no qualified local bidder then I understand, but that's not the information that I have. But that was

an incident in the past and I'm sure if comes up in the future I will make sure that you're contacted as part of the --

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MR. RUSSO:  
I'd be happy to respond.

CHAIRMAN BISHOP:  
-- effort to redress it. Are there any ore other questions for Mr. Russo? Be warned, he's very good at answering, a smooth style here.

LEG. BINDER:  
We're good.

CHAIRMAN BISHOP:  
That's it? Remember your oversight obligations. Thank you, Mr. Russo.

MR. RUSSO:  
Thank you, Mr. Bishop.

CHAIRMAN BISHOP:  
I'll call the resolution out of order at this time.

LEG. GULDI:  
Second.

CHAIRMAN BISHOP:  
Seconded by Legislator Guldi to take it out of order. All in favor?  
Opposed?

LEG. FIELDS:  
Abstain.

CHAIRMAN BISHOP:  
The resolution is now before us. What's the bill number?

LEG. ALDEN:  
1056, right?

LEG. BINDER:  
Second.

CHAIRMAN BISHOP:  
1056-01 (P) - Reappointment member of the Suffolk County Water Authority (Eric Russo) (Haley). Thank you, Legislator Alden, I'll make you the mover of it, seconded by Legislator Binder. All in favor?  
Opposed?

LEG. FIELDS:  
Abstain.

CHAIRMAN BISHOP:

Legislator Fields abstains. Thank you very much, congratulations.  
Approved (VOTE: 5-1-1-0 Not Present: Legislator Caracciolo -  
Abstention: Legislator Fields). \*\*\*\*SEE CHANGE IN VOTE ON PAGE 4\*\*\*\*

MR. RUSSO:

Thank you, Mr. Bishop and Members of the Committee.

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CHAIRMAN BISHOP:

You do not need to come to the full Legislature, you have done your penance. Thank you.

MR. RUSSO:

Okay, thank you. Have a good afternoon. Happy Valentine's Day.

LEG. CARACCIOLO:

You made a motion?

CHAIRMAN BISHOP:

It was approved.

LEG. BINDER:

Why don't we just --

CHAIRMAN BISHOP:

All right.

LEG. CARACCIOLO:

This is on Eric Russo? I'd like to make a motion to reconsider.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion to reconsider by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? The bill is before us. Same motion, same second. Add Legislator Caracciolo as in favor. Legislator Fields still abstains. \*\*\*CHANGE IN VOTE\*\*\* Approved (VOTE: 6-0-1-0 Abstained: Legislator Fields).

We have two cards and we have a request from Mr. Bagg that he has to leave by five o'clock; apparently he was apprised of our last meeting and considers himself savvy as a veteran of County government. Ed Densieski, are you here to speak to us?

MR. DENSIESKI:

Yes, sir

CHAIRMAN BISHOP:

Come forward, please.

MR. DENSIESKI:  
Good afternoon.

CHAIRMAN BISHOP:  
Good afternoon.

MR. DENSIESKI:  
Ed Densieski from the Town of Riverhead here to speak of the Town Board, a bipartisan request of the majority -- I mean, the --

CHAIRMAN BISHOP:  
You're a member of the board?

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MR. DENSIESKI:  
Yes, sir.

CHAIRMAN BISHOP:  
I'm sorry. Congratulations.

MR. DENSIESKI:  
It's okay. We have a bipartisan request with a unanimous decision to send a resolution to Suffolk County for the acquisition of properties in the Town of Riverhead, and we'd like to request that the County move forward with that.

CHAIRMAN BISHOP:  
Okay. This is on a -- Legislator Caracciolo, this is on one of your proposals?

LEG. CARACCIOLO:  
Yes.

CHAIRMAN BISHOP:  
Give us a background on it.

LEG. CARACCIOLO:  
Okay. This resolution has been before the committee previously, it's actually presently working its way through the parks trustees; is that not right, Commissioner Scully?

COMMISSIONER SCULLY:  
Yes, we have recognized the circumstances and the time constraints -- I'm sorry, I apologize. The matter had been brought before the Parks Trustees for consideration and at the time there was a question regarding one of the parcels involved in the acquisition. The Parks Trustee from Riverhead, Mr. Park, met with the Supervisor and received clarification, there apparently was an error on the tax map number. The Trustees, recognizing the criticality of the time element, convened by telephone and authorized a recommendation in favor of acquisition.

CHAIRMAN BISHOP:  
Criticality.

MR. DENSIESKI:  
Yeah, there was a typographical error which we corrected.

LEG. GULDI:  
Can we get a ruling on whether or not criticality is a word in English?

CHAIRMAN BISHOP:  
Out of order; criticality is out of order. Critical nature would be our --

LEG. FISHER:  
Is this the Miamogue piece?

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LEG. CARACCIOLO:  
No, no, that's what I wanted to clarify.

CHAIRMAN BISHOP:  
Clarify for us what it is.

LEG. CARACCIOLO:  
This is a piece of property located adjacent to an existing town park.

MR. DENSIESKI:  
Correct. Actually, there's two parcels that are adjacent to the town park.

LEG. CARACCIOLO:  
One of them is owned by an individual who has the same last name as our Legislative Counsel; is that not correct, Mr. Sabatino?

MR. SABATINO:  
There is only one of me, I am not related to any of these people.

LEG. CARACCIOLO:  
What I had hoped the Councilman would do today was make a brief presentation, are you prepared to do that, Ed?

MR. DENSIESKI:  
I didn't bring a packet because I wasn't aware. I can tell you briefly what I'd like to do and what the Town Board would like to do, if that's acceptable.

CHAIRMAN BISHOP:  
Tell us how big the parcel is, what the plans are and why you're for it.

MR. DENSIESKI:

Sure. One of the parcels is 1.4 acres adjacent to the existing town park and we're going to hopefully put tennis courts there which will be open to the residents of Riverhead and the County of Suffolk. The other parcel, we're going to expand the fields, baseball, softball and lacrosse fields and also some parking, and that would take place on the eight acre parcel also adjacent to the Stotsky Park in Riverhead.

CHAIRMAN BISHOP:

That sounds like the perfect Greenways proposal, exactly what the program was designed to accomplish.

LEG. CARACCIOLO:

Mr. Chairman?

CHAIRMAN BISHOP:

But last -- I just want --

LEG. CARACCIOLO:

It's resolution 1022 for those who may want to look up the resolution.

CHAIRMAN BISHOP:

Right. Last year I seem to recall that we did Greenways in Riverhead?

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LEG. CARACCIOLO:

No, we did not. We approved --

LEG. GULDI:

Southold.

LEG. CARACCIOLO:

That's right.

CHAIRMAN BISHOP:

What was the one that we're --

LEG. CARACCIOLO:

That was Southold, that was the Strawberry --

CHAIRMAN BISHOP:

We're always accusing you of doing an open space disguised as an active recreation?

LEG. GULDI:

That was Southold.

LEG. CARACCIOLO:

That was Southold. And then preceding the Southold acquisition --

CHAIRMAN BISHOP:

It had an amphitheater.

LEG. CARACCIOLO:

No, that was the Broad Cove property which we are still actively negotiating to acquire. Mr. Grecco is still here; Allen, could you just give us a brief update on Broad Cove?

LEG. GULDI:

Yeah, why didn't you buy it yet, Allen?

CHAIRMAN BISHOP:

It's in Riverhead, though, let's start there.

MR. GRECCO:

Originally there was a concept by the Town of Riverhead to put an amphitheater there and consider this under the active park component of Greenways. I guess when they looked at the price and other issues they did not come through, so Legislator Caracciolo switched the funding source to drinking water protection. It became a little problematic and we're still negotiating this transaction. The problem is one of the environmental condition of the site, other issues which are in negotiation at this time. But the one you're thinking of is Broad Cove, it was not passed for active parks.

CHAIRMAN BISHOP:

So this is Riverhead's --

LEG. CARACCIOLO:

First and only.

CHAIRMAN BISHOP:

-- active recreation proposal.

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

And it sounds like a perfect proposal.

MR. GRECCO:

Right.

CHAIRMAN BISHOP:

Thank you.

MR. DENSIESKI:

I believe it is.

CHAIRMAN BISHOP:

But we're not ready -- in spite of being perfect, we're not ready to vote on it today, is that it?

LEG. CARACCIOLO:

Well, we could vote on it today. Commissioner Scully? Peter?  
Commissioner Scully?

COMMISSIONER SCULLY:  
Sorry.

LEG. CARACCIOLO:  
The chairman just raised the issue as to whether or not this resolution would be eligible for consideration today by the committee. Could you just tell us what the other approvals are required because we need Trustees approval and you had indicated to me that that could take place between now and next week; is that not correct?

CHAIRMAN BISHOP:  
First of all, I don't think you need trustees' approval under the Greenways Program.

COMMISSIONER SCULLY:  
On the active rec you do and that's the reason that we convened them by telephone, it's the only piece of Greenways that they're in on. And we got the Trustees approval --

CHAIRMAN BISHOP:  
By what authorization -- not to go on a little tangent --

COMMISSIONER SCULLY:  
It's in the Charter, in the Charter law itself.

LEG. CARACCIOLO:  
Okay. So to answer --

COMMISSIONER SCULLY:  
How many of you are authors of that bill?

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LEG. CARACCIOLO:  
To answer the question --

CHAIRMAN BISHOP:  
These two, right?

LEG. CARACCIOLO:  
Right here. To answer the question --

COMMISSIONER SCULLY:  
CEQ is the one outstanding issue. I see that Mr. Bagg is here, I did sign today the EAF and we did ship that over to planning. CEQ is next schedule to meet --

LEG. FIELDS:  
Tomorrow.

MR. BAGG:

The 21st.

COMMISSIONER SCULLY:

The 21st.

MR. BAGG:

The agenda for CEQ went out.

COMMISSIONER SCULLY:

So with respect to whether the committee would be free to act, I defer to Counsel on that issue. CEQ remains to be --

LEG. CARACCIOLO:

Okay. We may have to table this resolution one more cycle, but --

CHAIRMAN BISHOP:

I got you. No, the issue is not on this -- it is on this specific parcel, so what's the bottom line on this specific parcel?

LEG. CARACCIOLO:

Bottom line is we will -- I will make a motion to table this resolution --

CHAIRMAN BISHOP:

It's not ready today.

LEG. CARACCIOLO:

-- pending the approval by SEQRA -- I mean by CEQ which will take place on the 21st. It would then be eligible at our very next committee meeting and it would be my hope and intention to move it at that time.

CHAIRMAN BISHOP:

Right. Now, when we first proposed Greenways, I recall specifically saying and asking that the Parks Trustees not have a role other than advisory, and I thought that's how the resolution and the referendum was written.

MR. SABATINO:

That's correct, they were given an advisory not an approval process for Greenways. They can look at it, they can give opinions but their opinion carries no legal weight.

COMMISSIONER SCULLY:

Okay. And that's only in the active recreational component, correct?

MR. SABATINO:

No, that's for everything in Greenways.

COMMISSIONER SCULLY:

Oh, okay.

CHAIRMAN BISHOP:

See, Commissioner Scully is of the belief that in the active --

COMMISSIONER SCULLY:

I was misadvised.

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

You think -- I was out of the room but you think that for the open space portion they're required?

COMMISSIONER SCULLY:

No. Until I entered the room, last time I requested clarification from staff I was advised at the Trustees meeting that the only component for which the Trustees had a role was in active rec and that that role amounted to a recommendation; if that's not the case, it's a good thing for me to know.

MR. SABATINO:

Well, they just look at it. I mean, the idea was to write them out of the process because all they do is slow things down and then prevent the Legislature from accomplishing what they want to accomplish.

LEG. CARACCIOLO:

Are any Parks Trustees present?

CHAIRMAN BISHOP:

The Counsel only speaks facts, never an opinion.

LEG. FIELDS:

Wait, wait, wait. Can I add something to that? I have been going to those Parks Trustees meetings for a year and I would tell you that they have some very, very valuable information and very good knowledge of the park -- of the properties that they talk about. So I would ask that they really do have a part and a very important part.

CHAIRMAN BISHOP:

But what happened was -- why don't --

MR. SABATINO:

We changed the --

CHAIRMAN BISHOP:

You know, it's just among friends even though there's a stenographer. When we created the Greenways bill, at the time Legislators were frustrated by several initiatives that they had that were being slowed up by Parks Trustees and we specifically, when we wrote the Greenways

bill, had them relegated to an advisory capacity and not to the same capacity they have with open space acquisitions where they are -- they must be part of the process and they must approve on it, it's different for Greenways. And that was my recollection, you concur, but I think that we better get the Executive Branch on board with that so we can put that issue to bed.

COMMISSIONER SCULLY:

Well, don't make the Executive Branch responsible for my error. I'll make sure that I don't rely on staff for those opinions moving forward.

CHAIRMAN BISHOP:

All right. But that doesn't affect us today on this resolution. We thank you for your presentation today, it sounds like a very good project.

MR. DENSIESKI:

On behalf of the people of Riverhead --

LEG. FISHER:

Well, I second your opinion absolutely.

MR. DENSIESKI:

-- I want to thank you.

CHAIRMAN BISHOP:

Thank you.

MR. DENSIESKI:

Thank you very much, Mr. Chairman and committee members.

LEG. CARACCILO:

Ed, before you leave. Mr. Chairman? Counsel? Paul? Can we have some order around the horseshoe, it's very noisy up here today. Geez. No, don't go, I want you to hear this.

CHAIRMAN BISHOP:

With bated breath.

LEG. GULDI:

We're all waiting, Mike.

LEG. CARACCILO:

Questions for -- well, I have to wait for Counsel to take his seat which he now did. Paul, with respect to this resolution, we have attached a town board resolution adopted by the Town of Riverhead. We have Jim Bagg who has indicated a few moments ago that this issue will

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be taken up by CEQ on the 21st. Are there any other requirements that will have to be met before we can move this resolution at our next committee meeting?

MR. SABATINO:

No, you just need the SEQRA determination which you say is going to happen on the --

LEG. CARACCIOLO:

Twenty-first.

MR. SABATINO:

-- 21st and the Town Board resolution which already has happened. So you've got two out of the three things you need, the third of which is the Legislative approval.

LEG. CARACCIOLO:

Okay. I would like to take this opportunity to make inquiry among the committee members, if they have any questions relative to the town's proposal, that the Councilman is present and this would be an opportunity to raise any issues or concerns or support for the resolution if you so inclined.

LEG. FIELDS:

Which number is that, Mike?

LEG. CARACCIOLO:

1022, it's acquiring 13 acres adjacent to an existing town park for the purposes that were stated by the Counsel.

MR. DENSIESKI:

I believe it's a little over --

LEG. CARACCIOLO:

Nine acres.

MR. DENSIESKI:

-- nine acres, yes.

LEG. FISHER:

I can't find it on the agenda.

LEG. CARACCIOLO:

It's under Tabled Prime Resolutions.

LEG. FISHER:

There it is.

LEG. CARACCIOLO:

So does anyone have any questions? You know, we had a lot of conversation when the Wedge came up, and rightfully so. But I'd like to take this opportunity, while we do have someone from the town --

CHAIRMAN BISHOP:

Is this on a different issue?

LEG. GULDI:  
A point of clarification; this is the park on Pulaski

LEG. CARACCIOLO:  
Stotsky Park, across --

LEG. GULDI:  
Stotsky Park.

MR. DENSIESKI:  
Columbus Drive off of Pulaski.

LEG. GULDI:  
Right.

LEG. CARACCIOLO:  
I want to make sure for any committee members who have questions that they avail themselves of the opportunity.

CHAIRMAN BISHOP:  
Michael, that's why we're here, we've gone through this, they don't.

LEG. GULDI:  
Can I ask a question now?

LEG. CARACCIOLO:  
He's got a question.

CHAIRMAN BISHOP:  
Now they have questions.

LEG. GULDI:  
I have a question; can I ask it?

CHAIRMAN BISHOP:  
Please.

LEG. GULDI:  
Thank you. The nine acres you're going to acquire, it's to the north and adjacent to the park or is it across the road?

MR. DENSIESKI:  
It's to the east of Columbus Avenue and east of the existing park.

LEG. GULDI:  
To the east of Columbus Avenue; Columbus Avenue is the street they do the road tests on?

MR. DENSIESKI:  
Yes.

LEG. GULDI:  
Okay. It's --

MR. DENSIESKI:  
You're familiar with the business Gearworks on that road?

LEG. GULDI:

I'm trying to visualize it; no, I don't remember the business. It's on the north end of the road, it's not down on it.

MR. DENSIESKI:

One parcel is on the north end and the other is on the south end. One parcel is --

LEG. CARACCIOLO:

It's adjacent, George, adjacent to the existing --

LEG. GULDI:

So you're going to have a road right between the existing park in the new land.

MR. DENSIESKI:

That's correct.

LEG. GULDI:

The road's going to stay.

MR. DENSIESKI:

It will be between on the first piece but it's adjacent to on the second piece.

LEG. CARACCIOLO:

Are you talking about the firemen's drill field?

LEG. GULDI:

No, no. I'm just checking.

MR. DENSIESKI:

The road actually ends at a cul-de-sac.

LEG. GULDI:

Yeah, I just was wondering, I thought you might have been on the other side.

LEG. CARACCIOLO:

No, no.

LEG. GULDI:

Right by where the building supply place is.

LEG. CARACCIOLO:

No, no, not near Riverhead Building Supply.

MR. DENSIESKI:

No, the other side of the park, the east side.

LEG. GULDI:

Yeah, I understand where you are. Thank you.

MR. DENSIESKI:

Thank you.

LEG. GULDI:

Yeah, I'm fully supportive of the resolution. I'd like to move it as soon as we can. Thank you.

CHAIRMAN BISHOP:

Legislator Alden.

LEG. ALDEN:

And you're not coming back I take it, that's why we're doing this.

MR. DENSIESKI:

If you need me, I'll come back.

LEG. ALDEN:

Well, no, we'll ask now. Is there any type of application before you right now for rezoning?

MR. DENSIESKI:

No, there is not.

LEG. ALDEN:

And it's zoned what?

MR. DENSIESKI:

I believe it's zoned residential but I'm not sure of that.

LEG. ALDEN:

Okay. So residential you think -- all right, you don't know, so we don't know how many lots, what kind of yield you could get out of the property?

MR. DENSIESKI:

Well, one is a previous sand mine, the ground is distorted and would have to be leveled. And the other is right next to Gearworks which is a local business out there, there's not going to be anything put on that piece of property.

LEG. ALDEN:

Okay. Sand mines, so you're going to have to bring topsoil in?

MR. DENSIESKI:

No, I think it's just going to have to be leveled off. I mean, it wasn't a complete sand mine as we know them today. I think it will be -- once it's leveled off, it will be perfect for fields.

LEG. ALDEN:

All right.

LEG. CARACCILO:

Ed, while you're here, let me just again -- to amplify the town's role and commitment -- I didn't have the mike on. Could you just amplify

what the town's role? Assuming we're successful in negotiating a purchase price for the nine acres with the two existing property owners, what's the timetable and what are the facilities and the financial commitment that the town is prepared to make with regard to making this a reality?

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MR. DENSIESKI:

Mike, we're lucky in Riverhead, we have park and rec fees which we have a substantial amount --

LEG. CARACCIOLO:

You mean a district, right, taxing district.

MR. DENSIESKI:

Uh-huh, which we have a substantial amount of money in it. So I believe as soon as we acquire the property we're going to start

immediately. It makes no sense for the town to wait to expand recreation in the town, so we plan to move immediately with both parcels if we're lucky enough to --

LEG. CARACCIOLO:

Okay. So the town is making not only a moral commitment to this project but a financial commitment based on the revenues that exist in a town account for this very purpose.

MR. DENSIESKI:

That's correct.

LEG. CARACCIOLO:

Thank you.

LEG. ALDEN:

I just had a couple more questions, Mr. Chairman?

CHAIRMAN BISHOP:

Sure.

LEG. ALDEN:

Thanks. As far as other available properties in the Town of Riverhead, are there many? And where on the list of priority -- I'm assuming that Riverhead does a priority list of what you'd like to acquire and when you'd like to acquire it. So where on this list was this?

MR. DENSIESKI:

This is on the front burner, so to speak, this is our number one priority. Yes, we have some other parcels that I'm hoping to bring forward, too, but this is our highest priority at this point in time.

LEG. ALDEN:

Okay. When did it become the highest priority?

MR. DENSIESKI:

I took office last January and I started on it immediately, so.

LEG. ALDEN:

Okay. And now you mentioned you have a number of other parcels that you're going to be looking to partner with Suffolk County on?

MR. DENSIESKI:

Yes, we are going to be looking to partner on some other properties.

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LEG. ALDEN:

Roughly how many and what kind of acreage?

MR. DENSIESKI:

The one I can think of off the top of my head is small, about an acre, 1.8 acre.

CHAIRMAN BISHOP:

Are you -- Legislator Alden, when you speak about a partnership, you're talking about active recreational parks?

LEG. ALDEN:

That's what I'm assuming.

CHAIRMAN BISHOP:

Or are you talking about -- because Riverhead and the County are going to be doing extensive partnerships on farmland acquisition.

LEG. ALDEN:

Right. Well, right now we were talking about active parklands.

CHAIRMAN BISHOP:

Okay. So the only other active park you have is a two acre?

LEG. ALDEN:

One acre he said.

CHAIRMAN BISHOP:

One acre.

LEG. CARACCILOLO:

Jim?

MR. DENSIESKI:

The one that we're looking at is 1.8, but that hasn't gone through resolution or any of the process yet.

CHAIRMAN BISHOP:

Okay.

LEG. ALDEN:

Anything else? And how far up on the priority list is that one?

MR. DENSIESKI:

I would say --

LEG. ALDEN:

Your priority list.

MR. DENSIESKI:

Oh, my -- they're all on my priority list.

LEG. ALDEN:

Well, the board's; sorry.

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MR. DENSIESKI:

I would be surprised to see anything acted on until probably Fall of this year.

LEG. ALDEN:

Okay. And anything else on that list?

MR. DENSIESKI:

I don't believe anything else would come up before then.

LEG. ALDEN:

Okay, thanks.

LEG. CARACCIOLO:

Mr. Chairman, I believe Mr. Bagg wanted to bring something to our attention relative to this acquisition; Jim?

CHAIRMAN BISHOP:

He's just trying to get up there so he doesn't have to leave, so he can go next.

MR. BAGG:

Yes, on Resolution 1044, implementing Greenways in connection with acquisition of open space and while --

LEG. CARACCIOLO:

That's a different location.

MR. BAGG:

That's a different location and the acquisition of open space, that program had already been reviewed, this would be considered ministerial, it would be a Type II Action as in the past. It's the active recreational parcels which is the subject of 1022 which is before CEQ.

LEG. CARACCIOLO:

Right, but that's not the parcel that's under discussion right now.

MR. DENSIESKI:

I believe that's being reconsidered, to tell you the truth.

LEG. CARACCIOLO:

That's right. I've spoken to the Supervisor about doing land partnership on that. Two different pieces of property.

MR. BAGG:

Right, and that's what I'm saying. In the first one I think you tabled pending SEQRA on 1044 which --

LEG. CARACCIOLO:

It's also been tabled for another reason.

MR. BAGG:

Okay.

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LEG. CARACCIOLO:

Okay? Thank you, Jim.

LEG. ALDEN:

I don't have it on my agenda.

LEG. CARACCIOLO:

Okay, thank you very much, Mr. Densieski.

MR. DENSIESKI:

Thank you very much.

CHAIRMAN BISHOP:

All right. Aimee Hamlin, do you wish to speak?

MS. HAMLIN:

I think I'm going to pass. Thank you.

CHAIRMAN BISHOP:

You're waiving? Okay. Mr. Bagg?

MR. SABATINO:

Real quickly, Mr. Chairman, I double checked the Statute and open space was actually written out, the active parklands we just wrote in advisory language, just to clarify for the record.

CHAIRMAN BISHOP:

Mr. Bagg, as you do for every one of our meetings, you're here to advise us on the SEQRA's, is that it, CEG?

MR. BAGG:

Yes, I'm here to advise you on CEG's recommendations.

CHAIRMAN BISHOP:

Okay.

MR. BAGG:

With respect to SEQRA, and it's after their meetings, it will not be every meeting per se.

CHAIRMAN BISHOP:

Right, if you're lucky. Okay.

MR. BAGG:

Would you like me to proceed with what's on the agenda?

CHAIRMAN BISHOP:

Please.

MR. BAGG:

All right. The first one is a proposed SEQRA classification of Legislative Resolutions Laid on the Table for 11/21, 12/5 and 12/19 as well as 1/2. This is fairly proforma. CEQ advises the Legislature as to which actions they feel are Type II actions or unlisted requiring EAF's.

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CHAIRMAN BISHOP:

Okay.

MR. SABATINO:

Just take them one at a time.

CHAIRMAN BISHOP:

We go one at a time? All right.

MR. BAGG:

The next one is the proposed Sewer District #1, Port Jeff --

CHAIRMAN BISHOP:

Oh, I need a vote on that? Well, he didn't say what -- I guess I didn't follow what he said.

MR. SABATINO:

This --

CHAIRMAN BISHOP:

I thought he was telling me what he does, I didn't think it was required to vote.

MR. SABATINO:

No, there's a statutory procedure.

LEG. GULDI:

It's called SEQRA.

MR. SABATINO:

But the procedure itself is at first the recommendations are brought in the form of these CEQ resolution numbers. So you see it starts with one for the beginning of the year, so today we'll have one through whatever the number is, seven.

MR. BAGG:

Nine.

MR. SABATINO:

Nine, okay, nine. After the presentation of each one individually, the committee has to vote as to whether or not we want to have a resolution.

CHAIRMAN BISHOP:

Did you just present one?

MR. BAGG:

Yes, that was a CEQ resolution.

LEG. GULDI:

This is our hard look under SEQRA to comply with the environmental quality --

CHAIRMAN BISHOP:

Well, which one did you present?

MR. BAGG:

I presented CEQ No. 1-01.

CHAIRMAN BISHOP:

And the recommendation of CEQ was?

MR. BAGG:

They were sent out in the packet, there's a list of recommendations. Usually what the Council does, on those that are all Type II Actions we try to cover the County's bases.

CHAIRMAN BISHOP:

These are the type II's, okay. Motion by Legislator Binder who seems to know what's going on, and Legislator Guldi will second. All in favor? Opposed? All right, those are Approved (VOTE: 7-0-0-0).

MR. BAGG:

All right. The next one is proposed Sewer District No. 1, Port Jefferson Pilot Facility, Town of Brookhaven. Project involves the installation of a small truck-mounted facility with tanks and pumps adjacent to the existing tankage at the Port Jefferson site which will operate for a six month period. Council recommends that it's a Type II Action pursuant to NY CRR part 617.5C15 and 25 since it involves equipment and the minor temporary use of land having negligible or no

permanent impact on the environment.

LEG. GULDI:  
Motion.

LEG. FISHER:  
Second.

CHAIRMAN BISHOP:  
All in favor? Opposed? Approved (VOTE: 7-0-0-0).

MR. BAGG:  
One comment. The Legislature in Resolution 48 of 2001 approved this project already and said it was a Type II Action, so.

LEG. GULDI:  
Okay.

CHAIRMAN BISHOP:  
Okay. Next?

LEG. FISHER:  
That's what I was asking about.

MR. BAGG:  
The next one is the proposed renovation of CO 50, North Complex, Hauppauge. The action involves engineering studies and the design of improvements to the sewage treatment plant only. The Council recommends it's a Type II Action pursuant to 617.5C21 since it involves the conducting of concurrent engineering preliminary planning and design studies.

LEG. BINDER:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Binder, seconded by Legislator Alden. All in favor? Opposed? Approved (VOTE: 7-0-0-0).

LEG. BINDER:  
Did you skip No. 3?

CHAIRMAN BISHOP:  
I thought No. 3 was skipped, because No. 3 is also Port Jefferson, this is the engineering?

MR. BAGG:  
Oh, excuse me, yeah.

LEG. BINDER:  
I think you did No. 2.

CHAIRMAN BISHOP:  
We only did one Port Jefferson.

LEG. BINDER:  
Right.

MR. BAGG:  
I think that that's --

CHAIRMAN BISHOP:  
Would it help if I read it?

MR. BAGG:  
Yeah, the other one --

CHAIRMAN BISHOP:  
Proposed sewer district No. 1, Port Jefferson, Engineering Services,  
Town of Brookhaven, Type II Action, CEG Resolution No. 3-01.

MR. BAGG:  
Basically that's for design and construction of additional facilities  
at the sewage treatment plant in Port Jefferson.

LEG. BINDER:  
Motion.

LEG. FISHER:  
Second.

CHAIRMAN BISHOP:  
Motion by Legislator Binder, second by Legislator Fisher. All in  
favor? Opposed? It's approved (VOTE: 7-0-0-0).

MR. BAGG:  
The proposed renovations to CO 50 in the North Complex, project and  
design -- involves the design as well as the replacement of mechanical

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equipment, lighting and suspended ceilings in the various locations  
throughout the building. Council recommends that it's a Type II  
Action.

LEG. BINDER:  
The juvenile detention center? Where is this?

MR. BAGG:  
This is the North complex.

CHAIRMAN BISHOP:  
Are we in the North Complex?

MR. BAGG:  
It's Building CO 50, yes.

LEG. BINDER:  
You're doing No. 4 now again?

MR. BAGG:  
Yes.

LEG. BINDER:  
We did the motion.

LEG. ALDEN:  
No, this is 5-01.

LEG. BINDER:  
No, I know, but No. 4 we already made the motion, second.

MR. BAGG:  
Okay.

LEG. BINDER:  
We already passed that.

MR. BAGG:  
All right, 5-1.

LEG. BINDER:  
Right, 5-01.

MR. BAGG:  
This is the proposed new residential juvenile detention facility.

CHAIRMAN BISHOP:  
Is there no motion, is that the problem?

LEG. FIELDS:  
Where is this one located?

MR. BAGG:  
The proposed juvenile detention facility?

LEG. FIELDS:  
Yes.

MR. BAGG:  
This is for planning and design only.

LEG. FIELDS:  
But where is it located?

MR. BAGG:  
I believe it's been proposed for Yaphank but they weren't told, they just said it's for planning and design.

LEG. FIELDS:  
Okay.

CHAIRMAN BISHOP:  
Well, it says town of -- first of all, it says Town off Brookhaven which is a pretty strong indicator of where it's going.

MR. SABATINO:  
No, no. The SEQRA determination has to be real, it's got to be definitive.

CHAIRMAN BISHOP:  
Oh, it doesn't say a town, that's the next one.

MR. SABATINO:  
If the presentation is --

LEG. BINDER:  
But here's my question, right.

MR. SABATINO:  
-- they don't know what they SEQRA'd --

LEG. BINDER:  
Right.

MR. SABATINO:  
This has to be tabled or rejected.

LEG. BINDER:  
That's my question, how could you not know where?

MR. BAGG:  
Well, basically this is not for the action, this is simply --

LEG. BINDER:  
It doesn't matter.

MR. BAGG:  
Planning and design monies are considered Type II. I think they're just designing a building, irrespective of where it's going to go.

MR. SABATINO:  
Let me tell you this right now, and there's a vested interest on a lot of people to bring a legal challenge, possibly. So I would go back to the drawing board and get --

LEG. BINDER:  
I'm going to make a motion to table. I agree, totally, I agree with Counsel.

LEG. FIELDS:

Second the motion to table.

LEG. GULDI:

On the motion.

CHAIRMAN BISHOP:

Can I understand something? Why would the planning and design of a building that is generic and goes possibly anywhere or nowhere requires SEQRA to begin with?

MR. SABATINO:

Under New York State Law, every action you take is subject to a SEQRA process. I think people think that SEQRA means we have an adverse environmental impact, that's not what SEQRA means. What SEQRA means is that you have to look at government action and determine whether or not the government action is going to have some environmental impact; good, bad, indifferent, positive, negative, whatever, but there's got to be a process.

LEG. BINDER:

Well, normally Counsel -- normally what we do is put the SEQRA right into the resolution, it doesn't come like this. So for something that seems clear that it's not going to have an environmental impact, like planning and design, normally it's in the resolution. For some reason here it's got a separate SEQRA process which is not usual, I mean, I don't usually see planning and design SEQRA's coming.

CHAIRMAN BISHOP:

Right.

LEG. BINDER:

I mean, I think this is just unusual for us.

CHAIRMAN BISHOP:

Right.

LEG. BINDER:

Right, we usually embed it in the resolution itself and so SEQRA is taking care of when we do the resolution. I don't know why this is separate, but I would make a motion to table. If CEQ in doing this can't tell us where it is, and I understand what you're talking about some generic planning and design, but as far as I'm concerned that you if you can't tell me what that planning and design and where it is, then I can't know whether you're classifying the action as Type II is reasonable under process and I can't make a determination.

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LEG. GULDI:

On the motion.

CHAIRMAN BISHOP:  
They're studying --

MR. BAGG:  
I understand that. What I'm --

LEG. GULDI:  
Hello, on the motion. If you're not going to build it, if it's merely a hypothetical, why are you designing it if you don't have a place for it? You know, it strikes me that, come on now.

CHAIRMAN BISHOP:  
Do you want to take a crack at it?

MR. BAGG:  
Well, I'm just saying that these are submitted by the Department of Public Works --

CHAIRMAN BISHOP:  
Right.

MR. BAGG:  
-- as a Type II action because they're only asking that design and planning monies be appropriated for projects. CEQ doesn't look behind that, they simply say this is for planning and design monies per se that has a Type II action.

LEG. GULDI:  
This is akin to saying we're going to buy land and we're going to put a building on it, but it doesn't have a fiscal impact because we're not going to pay for it until later, so we're not going to do a fiscal impact statement. This is the equivalent in CEQ of we're going to design the building but we haven't decided where to put it yet, so we're not going to comply with SEQRA.

LEG. BINDER:  
No, but generally -- what they're saying is --

CHAIRMAN BISHOP:  
I think their mission is -- I mean, let's bring this down to a more elementary level. Their mission is to see if a government action will have an impact on the environment. They look at this and they say, "Oh, some engineers are going to be in an office designing a building," that has no impact on the environment, only when the building is actually, you know, a shovel goes into the ground is there an impact on the environment and that would be a subsequent SEQRA resolution; is that correct?

MR. BAGG:  
Yes. If you were to take this one step further, now CEQ is not involved in this, I understood that the committee picked the site. Now, technically -- and that site was binding, but technically under SEQRA you cannot pick a site where you're going to place a facility

without having completed SEQRA and a full site design and everything else. And technically, from what I understand, the committee said they thought that might get a negative declaration but nothing has been submitted to CEQ relative to that proposal at Yaphank or the build-out.

CHAIRMAN BISHOP:

Let's go back to my --

LEG. BINDER:

Let me ask Counsel why --

CHAIRMAN BISHOP:

I want to go back to planning and design SEQRA.

LEG. BINDER:

I just want to understand why this is not -- why this wasn't in the resolution. Do you know if this was -- this is a County Exec's resolution? This will get to your same question.

MR. SABATINO:

Well, I want to be fair to the comment you made before, it's partially true. We do get a lot of mixes and matches because sometimes when you've got the resolution that's appropriating the money you put the SEQRA clause right in there, but what predated that, what predated that frequently -- not always, but frequently -- was one of these CEQ recommendations. So sometimes what gets short circuited is the intermediary step of the stand-alone SEQRA resolution; sometimes you'll see a lot of stand-alone SEQRA resolutions that are not accompanied -- accompanying, I should say -- the actual appropriating resolution. So that's a little bit different than what's being described here.

I believe that the original resolution that set up the committee that led to the process did have a SEQRA determination, because that was just the process to get people together to do the meeting. There's nothing wrong with the next step occurring. What this would lead to if this was approved today is a stand-alone SEQRA resolution, the kind you're accustomed to seeing. Another possibility would be not to make it a stand-alone but to take that recommendation to make it part of the appropriation resolution which would be the scenario that you described earlier. So --

LEG. BINDER:

I would suggest to the County Executive that he make SEQRA as part of the resolution itself so that this a separate CEQ process like that, you know, just a stand-alone resolution. I don't see any need for it.

CHAIRMAN BISHOP:

What would be the point now to change the course that they're on? Is there any --

LEG. BINDER:

Let me --

CHAIRMAN BISHOP:

Is there any substance to the form?

LEG. BINDER:

Yeah. The point that I would bring up is that the resolution that would include the SEQRA would necessarily include the location, and this Legislature then would understand --

MR. SABATINO:

Well, actually --

LEG. BINDER:

They would understand where we're doing it, not just -- because I don't see this Legislature voting for a resolution that says go ahead with plan and design, we just don't want to know really where it's going to be, we're not going to vote for that.

CHAIRMAN BISHOP:

Well, let me ask Counsel --

LEG. BINDER:

We're going to vote for it with the location.

CHAIRMAN BISHOP:

Let me ask Counsel this question. I know you're eager to speak but it relates to what he's saying. Does this form, this method that is being used by the County executive, dose it shield the process from a vote on the location? Which is probably what they're trying to accomplish, which is to remove the "politics" from the siting of the facility.

MR. SABATINO:

I think it was an inadvertence, I don't think it was designed to shield anything. Because as I was listening to Legislator Binder speak, I recalled that there's a resolution in this packet that appropriates the planning money. So I think that what may have happened here is --

CHAIRMAN BISHOP:

So if it's inadvertent, why don't we just approve the darn thing since there's no substance, there's no substant distance --

MR. SABATINO:

Well, inadvertent doesn't mean it's not important. Inadvertent just means that it wasn't done by design, you know, to try to shield something from something, you know, from a process. I'm just trying to find the resolution that appropriates the monies as we speak so I can tie the two together. I just think that CEQ, because they only meet once a month, may have just fallen behind the learning curve.

LEG. BINDER:

I would make a motion to table. I would allow the County Executive's resolution to incorporate the SEQRA into the resolution so this way we do it in one shot. I'm just uncomfortable with CEQ not know the location --

LEG. CARACCIOLO:  
1107, Paul.

LEG. BINDER:  
-- giving us a neg dec. So I'm just going to make a motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Binder.

LEG. CARACCIOLO:  
On the motion.

MR. SABATINO:  
No, it's not, 1107 is Legislator Alden's alternative to --

LEG. CARACCIOLO:  
Oh, I apologize, I looked at the wrong one. It's -- here we go, 1026.

MR. SABATINO:  
1026, okay.

CHAIRMAN BISHOP:  
Is there a second to Legislator Binder's motion?

LEG. CARACCIOLO:  
On the motion.

CHAIRMAN BISHOP:  
There's no second at this point. I will second it just to --

LEG. CARACCIOLO:  
On the motion. Has Counsel had an opportunity to look at IR 1026?

MR. SABATINO:  
Yes, I just jumped ahead. 1026 has the SEQRA determination in it and that appropriates the \$1.2 million of planning money, okay, and that SEQRA determination is site specific.

CHAIRMAN BISHOP:  
So is this duplicative?

LEG. CARACCIOLO:  
That was my question.

MR. SABATINO:  
So what I would say is I would say vote down what you have in front of you and go with whatever the vote that takes place on 1026.

CHAIRMAN BISHOP:  
Motion to table subject to call by myself.

LEG. BINDER:  
Right, second.

CHAIRMAN BISHOP:  
Second by Legislator Binder. All in favor? Opposed?

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LEG. GULDI:  
Opposed.

CHAIRMAN BISHOP:  
Opposed, Legislator Guldi. That one is sent into oblivion.

LEG. GULDI:  
No, limbo, not oblivion.

CHAIRMAN BISHOP:  
Limbo, oblivion.

LEG. GULDI:  
There's a difference.

CHAIRMAN BISHOP:  
They're right next to each other.

MR. SABATINO:  
1026 is the actual -- it's prime in a different committee,

LEG. GULDI:  
Public works.

MR. SABATINO:  
It's prime in Public Safety because --

LEG. GULDI:  
Public Safety?

MR. SABATINO:  
1026 is probably --

LEG. FISHER:  
It's not on our agenda.

MR. SABATINO:  
I know it's not. I was trying -- it's prime in Public Safety because this is -- 1026 is the resolution that actually appropriates the money for planning purposes in that resolution, and it's site specific, it talks about Yaphank, it's got the SEQRA determination which is the correct one that ties into what's being done. It just kind of reinforces my point about the inadvertence.

LEG. CARACCIOLO:  
Okay.

MR. SABATINO:

I think CEQ just kind of fell beyond the curve.

CHAIRMAN BISHOP:

This was supposed to be the easy part of our agenda.

MR. BAGG:

I have a question.

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MR. SABATINO:

This is important, though, because if you get challenged -- that's what led to this law, there was a challenge in 1980 which set aside --

CHAIRMAN BISHOP:

I think I'm going to have send Legislator Binder to court since he seems to be very knowledgeable about this.

MR. BAGG:

I have a question about this. The departments, and especially the Department of Public Works' Architectural Division, is submitting a lot of requests for planning and design, only monies so that those monies can be appropriated to plan certain projects. That's all they give CEQ.

CHAIRMAN BISHOP:

Tell them that they do not need to do that if it's in the appropriating resolution.

MR. BAGG:

I mean, that's the next resolution. They did not give us an appropriating resolution per se, they just sent that to us.

MR. SABATINO:

This just points up the inadvertence, okay. It just happened because maybe the scheduling of the holidays, I don't know, this thing happened during the transition period. Continue to do what you do, do it the right way, it's just in this particular -- see, normally what would have happened is your end of the process would have been completed in sufficient time to catch up with this resolution, but for whatever reason it didn't happen. I suspect it's because of the holidays and the gap between meetings that things kind of fell by the wayside, but don't change the procedure you're doing.

MR. BAGG:

Okay.

MR. SABATINO:

Except be site specific if it's a specific site that's being proposed.

CHAIRMAN BISHOP:

All right. Why don't -- I hate to do this. Why don't you tell us what

the correct procedure is for the consideration of planning steps in SEQRA.

MR. SABATINO:

It is still correct for a department, whatever the department might be that has the project, to bring the documents to the Council on Environmental Quality for its review and recommendation. Whatever that determination is for recommendation should then be forwarded as it currently is to this committee to be placed on its agenda for consideration. This committee is not bound by the recommendation.

CHAIRMAN BISHOP:

As a separate SEQRA resolution.

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MR. SABATINO:

Yeah, it gets a CEQ number. CEQ has its own internal numbering system, it will run through the end of the year. After those are voted on in this committee -- today's a good example. If you voted this one down, that particular recommendation would not now see the day of light as that particular SEQRA determination, and that's what controls the next step which is the actual resolution. So you're not bound by the recommendations, but by law you have to at least look at what they recommended.

CHAIRMAN BISHOP:

So then the fact that it is in the resolution before the Public Works Committee is not duplicative. That's where I'm -- Legislator Binder says, well, it shouldn't be here separately, it should be part of the resolution.

LEG. BINDER:

It doesn't have to be.

CHAIRMAN BISHOP:

Normally it is not, I think is what you were telling us.

MR. SABATINO:

Well, no. What I --

CHAIRMAN BISHOP:

So now I'm confused.

MR. SABATINO:

What I had said was, to try to clarify, was that they do come before you in the form of a CEQ recommendation. It's the second stage, the second stage which is the actual IR resolution, it happens two different ways, sometimes it happens on a stand-alone basis. If the project has not advanced as far as this one has, you'll see a separate resolution that says SEQRA determination across the top, we do 20 of those probably every committee -- Legislative meeting. In a case like this where the project is moving relatively quickly, and there was

probably a gap here because of the holidays, it will be part of the same resolution, so you can see it both ways. CEQ didn't do anything wrong in terms of the procedure, getting the CEQ recommendation, the only questionable action was not making it site specific. But this committee did its job, found that it wasn't site specific and rejected it.

LEG. FISHER:

Paul, I have a question. Well, actually I could ask Jim, Jim Bagg a question.

CHAIRMAN BISHOP:

Yes.

MR. BAGG:

Sure

LEG. FISHER:

When the site is selected, wouldn't it come back to CEQ?

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MR. BAGG:

Oh, most definitely.

LEG. FISHER:

I recall sitting at meetings because I attended CEQ meetings and I would see projects come back when the site had been selected so that **you can, in fact, judge whether or not there's an environmental impact based on the site that's chosen.**

MR. BAGG:

That is correct. In other words, if the Legislature appropriates planning and design monies which is all it is for planning, then the initiating department would have to do an EAF. Once they find a site and they propose the facility, they would have to have an Environmental Assessment Form filled out for the entire site build-out, where it's going to go and everything else and present that to CEQ for a recommendation before the Legislature, yes.

LEG. FISHER:

In other words, this proposal couldn't go forward, the actual implementation of the planning that would come out of this -- these planning steps could not go forward without going back to CEQ for approval.

MR. BAGG:

Yes, and the Legislature, too.

LEG. FISHER:

And the Legislature.

MR. BAGG:

The build-out would need a full Environmental Assessment Form and a

negative declaration at the very least.

CHAIRMAN BISHOP:

Counsel, somewhere in a dusty box or on a discarded disk or in the deep, dark recesses of your mind, you must have a memorandum that explains the SEQRA process to Legislators like myself who need to be assisted and educated, and I think there are a number of new members of this committee who would also stand to benefit from that. So if you could find and, you know, provide that, it would be appreciated. Moving on, are there any others?

MR. BAGG:

Yes. The next one is CEQ Resolution No. 6, it's the proposed addition to the 6th District Court, Town of Brookhaven. The action involves the planning and design only of the construction of 1,500 square foot addition to the existing 9,517 square foot building to provide two hearing rooms with officers, jury deliberation room with rostrum, a jury empaneling room and renovations to the existing facility as requested by the courts. The courtroom will be renovated to include jury box as well as configuration of existing building space to tie into the building. Again, this is for planning and design monies and the council recommends that that's a Type II Action.

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CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Fisher. All in favor? Opposed? Approved (VOTE: 7-0-0-0). Next?

MR. BAGG:

The next one is the proposed construction of a Maritime Building at Cedar Point County Park, Town of East Hampton. Council recommends that that is an unlisted action. The project involves the construction of a 4,000 square foot maintenance building at Cedar Point County Park in the Town of East Hampton. Council recommends that it is an unlisted action that will not have a significant impact on the environment for the following reasons. The proposed action will not exceed any of the criteria in Section 617.17 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment. Two, no significant habitats will be affected. And three, none of the work is in close proximity to salt or fresh water wetlands.

LEG. FISHER:

Motion.

LEG. BINDER:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Binder. All in favor? Opposed? It's approved (VOTE: 7-0-0-0).

MR. BAGG:

The next one is the proposed preparation of an Historic Landscape Study for the ten acre Blydenburgh County Park Historic Trust and National Register District. This project involves the preparation of an Historic Landscape Study for the ten acre Blydenburgh Historic Trust and National Register District including the farm fields east of the officially designated district. The study --

CHAIRMAN BISHOP:

Motion by Legislator Binder.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fisher. It's approved (VOTE: 7-0-0-0).

MR. BAGG:

And the last one is proposed planning to upgrade/replace electric, plumbing and heating systems in the main building of the Hard Estate at West Sayville County Golf Course - Type II Action (CEQ Resolution No. 9-01).

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Fisher. All in favor? Opposed? Approved (VOTE: 7-0-0-0). Thank you

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MR. BAGG:

Thank you.

CHAIRMAN BISHOP:

Let's go to the top of the agenda. I will ask for all members of the committee to return since we're getting to the significant portion of our program, or more significant.

#### Introductory Prime Resolutions

1024-01 - Adopting Local Law No. 2001, a Charter Law to authorize payments in lieu of taxes (pilots) for Suffolk County Community Greenways Fund (Caracciolo). Legislator Caracciolo is the sponsor; does this need any other public hearings, have the hearings been closed on this?

LEG. CARACCIOLO:

I'm not sure.

CHAIRMAN BISHOP:

Are you doing six things at once?

MR. SABATINO:

1024 is a public hearing, it has to be tabled at least for the public hearing.

LEG. CARACCIOLO:

Motion.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Binder. All in favor? Opposed? 1024 is tabled (VOTE: 7-0-0-0).

1034-01 - Establishing Suffolk County Aqua Culture Committee in connection with programmatic dispute (Guldi). That's a very bureaucratic title. Could you explain what that is?

MR. SABATINO:

Okay, this is an outgrowth of that group of fisherman who --

LEG. GULDI:

This needs to be tabled, I need to rewrite the resolution.

LEG. BINDER:

Second.

CHAIRMAN BISHOP:

All right. Could you just --

LEG. GULDI:

We'll deal with it next month. Motion to table.

CHAIRMAN BISHOP:

What is it?

LEG. FISHER:

Second.

LEG. GULDI:

Aquaculture? It's fish, it's clams.

CHAIRMAN BISHOP:

Motion to table by Legislator Guldi.

LEG. BINDER:

Bishop, don't worry, it's not kosher.

CHAIRMAN BISHOP:

Second by Legislator Fisher.

LEG. GULDI:

I hope that was on the record, Allen.

CHAIRMAN BISHOP:

All in favor? Opposed? It's tabled (VOTE: 7-0-0-0).

1040-01 - Authorizing land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (Oakdale Property, Town of Islip, SCTM No. 0500-402.00-020.00-001.010,001.011 and 001.006 FKA Lot 1.2) (Fields).

LEG. FIELDS:

That's withdrawn.

CHAIRMAN BISHOP:

Withdrawn, I'm sorry.

1044-01 - Implementing Greenways Program in connection with acquisition of open space at Miamogue Point (Town of Riverhead) (Caracciolo).

LEG. CARACCIOLO:

Motion to table.

LEG. FIELDS:

Second.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion to table. First of all, I thought that fund is exhausted or over subscribed.

LEG. CARACCIOLO:

That's why we're tabling it and we're going with Land Partnership.

LEG. BINDER:

Excellent.

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LEG. BINDER:

We can't pass it unless they change the amount anyway

CHAIRMAN BISHOP:

Miamogue? Tabled (VOTE: 7-0-0-0).

1056-01 - Reappointing member of the Suffolk County Water Authority (Eric Russo) (Haley). That was already accomplished, that was approved.

1066-01 - Implementing Greenways Program in connection with acquisition of active parklands (Oak Beach Inn Property, Town of Babylon) (Bishop).

LEG. CARACCIOLO:

We did that.

CHAIRMAN BISHOP:

No, this is the Greenways portion, we did the Quarter cent residuary portion. This, though, has to be tabled because we need CEQ to meet and this meeting is advance of CEQ which always creates a problem.

LEG. BINDER:

Second to table.

CHAIRMAN BISHOP:

Second by Legislator Binder to table. 1066 is tabled (VOTE: 7-0-0-0).

1067-01 - Approving acquisition under Suffolk County Land Preservation Partnership Program (Oak Beach Inn Property, Town of Babylon) (Bishop). Motion to table by myself, second by Legislator Binder. Tabled (VOTE: 7-0-0-0).

1092 two approved by a CN at the last meeting; is that correct? That's my information.

LEG. CARACCIOLO:

Yes, yes.

CHAIRMAN BISHOP:

1095-01 - Amending Resolution No. 792-1998, to add the Village of Dering Harbor, Inc., as a participant with Suffolk County and Shelter Island in Land Preservation Partnership Acquisition of Third Creek Woods (SCTM No. 0701-01-03.019)(County Executive). Oh, very good for the Village of Dering Harbor.

LEG. BINDER:

Sure.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? Approved (VOTE: 7-0-0-0).

Resolution 1100-01 - Authorizing the subdivision of the remainder fee of land in the Suffolk County Farmland Development Rights Program

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(Friars Head Farm) (0600-041.00-02.00-005.003 & 005.004) (County Executive).

LEG. FISHER:

I don't understand this.

CHAIRMAN BISHOP:

Counsel, you want to explain?

LEG. CARACCIOLO:

I think Real Estate should come up and address this resolution.

CHAIRMAN BISHOP:

Well, while they're coming up, Counsel will explain what he knows.

MR. SABATINO:

Okay. Well, under the Farmland Development Rights Law that was adopted in the 1970's, once land goes into the Farmland Preservation Program, if the owner of the property wants to do something with it like subdivide it or put a farm stand or do some other kind of activities, they have to get Legislative approval. Apparently what happened here was the property was subdivided at an earlier time into two parcels of what appears to be 80 acres and 50 acres but they forgot to get Legislative approval. So retroactively after the fact, they're now asking for the Legislature to approve what was previously done. The Farmland Select Committee apparently gave a positive recommendation last summer. You know, the question is how did the subdivision take place without Legislative approval, what was the motivation and what was the goal and the objective.

CHAIRMAN BISHOP:

Well, I think the critical -- I mean, the precedent that was established or reaffirmed last time we had this issue was the proposal for -- to take a farm and turn it into a golf course?

LEG. FISHER:

Talmadge?

CHAIRMAN BISHOP:

Talmadge, thank you. And we said no, once it's in farmland it stays in farmland.

LEG. FISHER:

The difference is he wants to develop it, right?

MR. SABATINO:

I think this is Talmadge again, if I understand correctly.

LEG. FIELDS:

It is.

MR. SABATINO:

So I'm a little apprehensive because of what happened the last time. But more importantly because the approval took place --

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CHAIRMAN BISHOP:

Therefore, the question is would this adoption of this resolution in any way facilitate an exit of these parcels from the Farmland Program?

LEG. CARACCILOLO:

Mr. Chairman, it's my understanding, because this property is located

in my district, that this will -- the property will remain in agricultural use. It is not for any other purpose like limited or unlimited use for development or a golf course, it's for agricultural use. They want to turn a portion of the property into I think a vineyard and the 50 acres for greenhouses?

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

Is that the right --

MR. GRECCO:

Right. The continued use of the property would be consistent with the Development Rights Program, all that you're looking at is a subdivision which requires our approval. The development rights deed would remain unaffected.

LEG. CARACCIOLO:

I think the trigger word is when we talk about development rights, some get the notion we're talking about building buildings and structures and violating the trust with the public to keep this in agricultural use.

MR. GRECCO:

Right. The retention of the fee interest, the remainder fee interest is what we call the ag rights and that has to be just consistent --

LEG. CARACCIOLO:

Wait a minute, Allan.

MR. GRECCO:

-- agricultural rights.

LEG. CARACCIOLO:

Just repeat that last sentence?

MR. GRECCO:

The retention of the remainder fee interest is what we call the Ag or agricultural rights. And for so long as their use of the property is consistent with the Ag and Markets Law, then there's no violation of any kind of covenant or deed with us.

LEG. CARACCIOLO:

And who monitors the use of the property to make sure there is no violation?

MR. GRECCO:

The Farmland Select Committee and the Division of Real Estate. Well,

with our development rights deed.

LEG. CARACCIOLO:

Okay. Counsel, I don't know if you have the benefit of this information that was just provided. Having heard Mr. Grecco's presentation, do you see any reason why this could not be achieved in this manner?

MR. SABATINO:

Well, I think there are two issues because when I looked at the legislation I took extensive notes. I think the two issues are, number one, how did the subdivision occur without Legislative approval? I mean, that in and of itself violates the statute. Number two, when you read the backup to try to get the explanation, I tried to figure out what it was that they were trying to accomplish and it makes no sense -- well, it makes no sense from the standpoint of the way it's worded. It says that the applicants have to do this because, "The reconfiguration relates to the addition of an equity partner on to the title of the 80 acre parcel."

LEG. FISHER:

What's the equity part? My question was who's the equity partner?

MR. SABATINO:

So number one, well who's the equity partner? But quite frankly, who cares about their need to have an equity partner on the land. So I'm not sure what it is that the County Legislature is being asked to do, especially given the fact that it's after the fact. It sounds a little odd, you know, but maybe there's some explanation. My notes basically said this requires a lot of explaining at the committee because I don't understand --

LEG. CARACCIOLO:

Is there anyone from the division that could provide the committee with those answers?

CHAIRMAN BISHOP:

How is --

MR. GRECCO:

Yeah, Roy {Fedlam} of the planning department who is the farm administrator--

MS. MAHONEY:

{Fedlam}?

MR. GRECCO:

Fedelem, F-E-D-E-L-E-M -- would probably be able to give you the most information on this.

LEG. CARACCIOLO:

Is that person present?

MR. GRECCO:

No, I don't see him here.

CHAIRMAN BISHOP:

I'm sure we'll be here a good, long time, maybe he can be called.

MR. GRECCO:

Would you like to table it and I'll have him here next time?

LEG. CARACCIOLO:

Mr. Chairman, what I'd like to follow-up on in terms of Legislative Counsel's -- the two issues he has brought to the floor is, first of all, has the property been subdivided? And in this context, what does subdivided mean?

CHAIRMAN BISHOP:

Right. That's a good question.

MR. GRECCO:

It means conveyance of a portion of the remainder fee interest to another party.

LEG. CARACCIOLO:

So in other words, another party would have fee interest in the property instead of just one party.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

There would be two owners of this property instead of one.

MR. GRECCO:

Yeah, I think you're at a technical issue here.

LEG. CARACCIOLO:

A what issue?

MR. GRECCO:

A technical issue. When you think of subdivided you're thinking of houses and that.

LEG. CARACCIOLO:

Right.

MR. GRECCO:

What you're looking at instead of having say like a 100 acre farm you'd have to 50 acres farms or four 25 acre farms.

CHAIRMAN BISHOP:

Why?

LEG. CARACCIOLO:

I mean, is there someone that benefits --

LEG. FISHER:

Does the covenant carry to the new equity partner?

MR. GRECCO:

Oh, absolutely, it runs with the land. The issue of development rights --

LEG. FISHER:

Yes.

MR. GRECCO:

-- runs with the land forever.

LEG. CARACCIOLO:

All right. So let's take this from the top. The property was the first parcel in Suffolk County to be incorporated in the Farmland Development Rights Program as I understand it.

MR. GRECCO:

That's correct.

LEG. CARACCIOLO:

Okay. Who is the present owner?

LEG. FISHER:

Talmadge, right?

MR. GRECCO:

I think it's Talmadge but --

LEG. CARACCIOLO:

Right, that's my understanding. Right, the Talmadge Family.

CHAIRMAN BISHOP:

Mr. Friars Head.

MR. GRECCO:

It's called the Friars Head Farm.

LEG. CARACCIOLO:

They and someone else at this point would like to subdivide this property.

MR. GRECCO:

For continued agricultural use.

LEG. CARACCIOLO:

Understood, and I don't think I have a question regarding that.

CHAIRMAN BISHOP:

And in order to do that they have to come here.

LEG. CARACCIOLO:

In order to do that, instead -- so that this 100 acre -- well, this is 130 acres, right?

MR. GRECCO:

I was using it just for example purposes.

LEG. CARACCIOLO:

Okay, 80/50 are numbers that I heard before.

MR. GRECCO:

Uh-huh.

MR. SABATINO:

That's part of the confusion. Because first it talks about -- initially it talks about reconfiguring the holdings from 100 acres and 30 acres into 80 and 50.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

So that's why I used the 80 and 50 because I was reading off their application.

LEG. CARACCIOLO:

Right, that's what I recorded, 80 and 50. But I think the parcel is a 100 acres, not 130 acres. That said --

MR. SABATINO:

But that's significant, though, because --

LEG. CARACCIOLO:

I understand, I understand.

LEG. FISHER:

It looks like it's 130 acres because 80 and 50 equals 130.

MR. GRECCO:

Yes.

LEG. FIELDS:

Couldn't we table this?

MR. GRECCO:

I was using 100 for example purposes.

LEG. CARACCIOLO:

Well, I'm going to make a motion to table also. But I think that so when we reconsider it or take it up at the next --

CHAIRMAN BISHOP:

Then we won't have to go through it again.

LEG. CARACCIOLO:

We don't have to go through all if this again, exactly.

MR. GRECCO:

Okay.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. So Allan, the question is --

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MR. GRECCO:

I'll have Mr. Fedelem here the next meeting.

LEG. CARACCIOLO:

-- the two partners, if you will, that are going to subdivide the property for agricultural use, as I understand it one of those entities is the Talmadge Family, the current owner.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

And someone else.

MR. GRECCO:

That's correct.

LEG. CARACCIOLO:

The question that Legislator Fields raised or Legislator Fisher raised was do we know who the other equity partner is?

MR. GRECCO:

I personally do not know.

LEG. CARACCIOLO:

All right. So we need to know that --

MR. GRECCO:

I'm sure Roy Fedelem has --

LEG. CARACCIOLO:

We need to know that, we need to know the exact size of the acreage and we need to know which of the entities will farm for agricultural use, what amount of acreage for the Talmadge and what amount of acreage for the partner, equity partner.

CHAIRMAN BISHOP:

Legislator Fields, but first Legislator Alden has a question, he was waiting.

LEG. CARACCIOLO:

Thank you, Mr. Chairman.

LEG. ALDEN:

Allan, this is -- when you say subdivision, it was filed, a filed map with Suffolk County and the town?

MR. GRECCO:

It was approved I believe as a minor subdivision in Riverhead, Riverhead Town, not Riverhead County center.

LEG. ALDEN:

Okay.

MR. GRECCO:

It's a minor sub they call it, a lot change.

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LEG. ALDEN:

Right, it's two, and whatever number, three or less or something. But anyway, how did it come to our attention?

MR. GRECCO:

It came to the attention of the Farmland Select Committee I believe. Jim, do you have -- were you at that meeting?

MR. BURKE:

As far as I know, they make an application to the Farmland Select Committee as part of the program where this Legislature has the power to approve or disapprove.

LEG. ALDEN:

Right, but wait a minute.

MR. BURKE:

They're changing ownership, it's not really --

LEG. ALDEN:

They did a subdivision --

CHAIRMAN BISHOP:

They did it without us, so how did we find out about it?

LEG. ALDEN:

Right. So how did we find out that they did a subdivision --

MR. BURKE:

I didn't know they did it without you to be honest. I didn't know that it was done prior, they came before the Suffolk Farmland Committee for approval for a -- you know, it's a lot line change, it's ownership change, it's not --

LEG. ALDEN:

And who brought it before the committee?

MR. BURKE:

The owners, they petitioned the Farmland Committee.

LEG. ALDEN:

And when did they do the subdivision?

MR. BURKE:

Well, they were seeking the approval for a subdivision this past summer.

LEG. ALDEN:

But they already did the subdivision according to --

CHAIRMAN BISHOP:

Yeah, it looks like the subdivision got done in July.

MR. BURKE:

I don't know, and that's not according to Allan. I don't know where that information came from.

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MR. SABATINO:

The July event was the Select Farmland Committee of the County approving it, that was July 25th. But in the application it says the applicants acknowledge that prior subdivision of the property took place before they even got to the County. It's in the application. That's how --

CHAIRMAN BISHOP:

All right, so we understand that.

LEG. ALDEN:

I need that --

CHAIRMAN BISHOP:

We understand it's backwards.

LEG. ALDEN:

I need the information, if it's in there.

CHAIRMAN BISHOP:

He wants to know how we found out.

MR. SABATINO:

If he wants to know how I knew, the reason I knew is because I read the document but I don't know the date.

CHAIRMAN BISHOP:

He doesn't know, the answer is nobody knows. Does anybody know? Okay.

LEG. CARACCIOLO:

So that's what we need to know.

MR. BURKE:

The program is administered by Roy Fedelem in the Planning Department.

CHAIRMAN BISHOP:

Okay.

LEG. ALDEN:  
But when?

CHAIRMAN BISHOP:  
Legislator Fields has a question, if Legislator Alden is done; are you done?

LEG. FIELDS:  
If we're going to table this today --

LEG. ALDEN:  
But I still need --

CHAIRMAN BISHOP:  
I'm sorry.

LEG. ALDEN:  
I'm going to need an answer to this.

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CHAIRMAN BISHOP:  
But we're not moving it today.

LEG. ALDEN:  
No, I know. But we said that we're getting ready with questions, they're going to have to come back.

CHAIRMAN BISHOP:  
With that answer, right.

MR. GRECCO:  
Sure.

LEG. FIELDS:  
In addition to what I think Legislator Alden is saying, is it possible next time that we meet that the land owners come here and answer some of the questions directly?

MR. BAGG:  
As to what they want to do with the property?

LEG. FIELDS:  
All of them, not just Mr. Talmadge but the other silent equity guy.

LEG. BINDER:  
The new guys.

LEG. ALDEN:  
This is discretionary, right, Paul?

MR. SABATINO:  
Yes, this is purely discretionary, the application is --

LEG. ALDEN:

They have to convince us.

MR. SABATINO:

Right. That's why it's important to know --

CHAIRMAN BISHOP:

Is the concern of the committee that have concerns that it's going to be removed from the program; is that the underlying concern?

LEG. BINDER:

Mr. Chairman, one of my concerns is precedent also.

CHAIRMAN BISHOP:

Well, they violated precedent, they did the wrong thing.

LEG. BINDER:

No, and that we don't set a precedent that we're not doing correct oversight to make sure we understand all the underlying reasons and causes for what's happened so that something doesn't slip by and then we just give approval. And I think that's what the concern is.

CHAIRMAN BISHOP:

So in English, we want to torture them because they didn't do the right thing. Okay, that's fine.

LEG. BINDER:

No.

CHAIRMAN BISHOP:

That's fair.

LEG. BINDER:

That is not a fair interpretation of what I said. I think -- my interpretation is --

CHAIRMAN BISHOP:

Withdrawn then, I'm sorry.

LEG. BINDER:

-- we have a committee and the committee's responsibility is oversight, and we have to do that.

CHAIRMAN BISHOP:

Understood.

LEG. BINDER:

And by the way, if they get tortured in the process it's because they didn't follow procedures; no, but if they do in the process. But that is oversight, oversight function doesn't exactly make it easy for people.

LEG. GULDI:  
I have an idea.

CHAIRMAN BISHOP:  
I agree with you.

LEG. GULDI:  
I got an idea; we can torture them by having them come down here and answer Allen's questions.

CHAIRMAN BISHOP:  
Well, that's apparently what's going to happen. Leaving aside the issue of torture, is there any --

LEG. FISHER:  
How about tabling it?

CHAIRMAN BISHOP:  
I don't know who's going to communicate with them, is it Jim, is it Allen, is it you?

MR. BURKE:  
We're all talking. I think Roy Fedelem has all the information.

CHAIRMAN BISHOP:  
Okay. I think one of the questions is does the change from 130 acre

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single parcel to two 80 and 50 in any way jeopardize the enduring nature of the commitment to the Farmland Preservation Program?

MR. BAGG:  
No, not at all. It's two farmers, one is going to farm 50 acres, the other one is going to farm 80 acres, that's my understanding.

CHAIRMAN BISHOP:  
When you have 50 acres in Riverhead, does that give you any better rights to ultimately develop than if you had 150?

MR. BURKE:  
You can't develop it. The development rights are off the property.

CHAIRMAN BISHOP:  
Because that was my sense --

LEG. FISHER:  
Does it mean two farm stands instead of one or does it change the size of the retail operation that they might be able to have?

MR. BURKE:  
No. Farm stands --

LEG. FISHER:  
Well, a winery could mean putting up something where people come for

wine tasting and etcetera, etcetera, that kind of thing. Does it mean that you could have two? I don't know what the ramifications are and that's why we're concerned. As Allan said, we're concerned about what kind of precedent we're setting when we say that we're approving of a subdivision when there's an intent to preserve agricultural land. If the subdivision can be done after the fact and before the fact that they come before the Legislature, does that mean that you can have farmland being divided up with buildings where you could have wine tasting and farm stands that might be of certain size? We don't know those answers.

CHAIRMAN BISHOP:

Is that necessarily a bad thing?

MR. GRECCO:

With town approval.

LEG. FISHER:

I'm not saying that they're bad things, but I think we should be apprised of what's going on.

MR. GRECCO:

The process as I understand it, we have the development rights deed, they keep the agricultural rights deed. Any kind of let's call it agricultural structure, whether it's a barn or a storage facility --

LEG. CARACCIOLO:

A winery.

MR. GRECCO:

A winery or a tasting room, etcetera, you have a couple of approvals. First of all, you have to go to the Farmland Select Committee, and we have seen times when they have said no. And then secondly, because it is a structure, you're required to go to the town for a building permit and Certificate of Occupancy. So to the extent that you can build, it's only building that would be consistent with agricultural use as defined under the Ags and Market Law. And in fact, in terms of enforcement, we have taken measures against say fellows who have allowed model planes flying on their property because that's not agricultural. You know, the -- I think the concept you've got to keep in mind here is that we wouldn't even be here but for the fact that they're putting this lot that says one person owns on one side and one owns on the other side.

CHAIRMAN BISHOP:

Questions are bubbling.

MR. GRECCO:

The use would still be consistent.

CHAIRMAN BISHOP:

The more you talk the more questions. Legislator Fields then Legislator Alden and Legislator Caracciolo.

MR. GRECCO:

By the way, I'm trying to reach Roy Fedelem now, if we can get him here it would probably resolve much. We'll see what we can do.

LEG. FIELDS:

If we were to approve this, would they be allowed to put a structure in for -- let's say it's a winery and they put in a structure for wine tasking and they add on to that and make a catering facility.

MR. GRECCO:

No, no, your approval here deals with the issue of title not usage. The issue of usage or structures is really something that the Farmland Select Committee and the Town of Riverhead would have to deal with.

LEG. CARACCIOLO:

Okay. I have a suggestion.

LEG. FIELDS:

Wait.

LEG. CARACCIOLO:

I have a suggestion.

MR. GRECCO:

We can't reach Mr. Fedelem, I'm sorry.

LEG. CARACCIOLO:

I have a suggestion.

LEG. FIELDS:

Wait, I'm not finished.

LEG. CARACCIOLO:

Would you suffer an interruption?

LEG. FIELDS:

Maybe.

LEG. CARACCIOLO:

I think there's a sense among some committee members that perhaps there should be language incorporated in the resolution that would limit or restrict -- you like those words, where is he? Stuart, you like those words, restrict -- the use of the subdivision so that some of the things that we may not be aware that are ideas or potential uses on part of the equity partner don't come to pass and then we find out, low and behold, we gave them approval for things we had no idea were going to take place.

MR. GRECCO:  
I think --

LEG. BINDER:  
You probably can't under the Development Rights Law.

MR. GRECCO:  
I think that if you're going to consider something like that we should have further discussions, because if you have a farmer who has a 400 acre farm and wants to join our program, he may want to whack it up into four 100 acre farms which is easier to sell than one 400 acre farm.

CHAIRMAN BISHOP:  
Sell as a farm.

MR. GRECCO:  
Yes, as a farm.

CHAIRMAN BISHOP:  
That's the point, these guys, they want --

MR. GRECCO:  
They want -- the whole concept here --

CHAIRMAN BISHOP:  
The land isn't leaving the program.

MR. GRECCO:  
-- is that it's still going to be consistent with farming.

LEG. CARACCILOLO:  
Well, we shouldn't confuse a farmer's property owner rights and a program under Farmland Development Rights, they are two different issues there.

MR. GRECCO:  
Yes.

LEG. CARACCILOLO:  
Okay. So let's not try to confuse the issue that way.

MR. GRECCO:  
No. But --

LEG. CARACCILOLO:  
Let's stick with I think the concern on the part of committee members is that, first of all, how did we get to this point where this property has already been subdivided; do we know?

MR. GRECCO:

We're not happy either, by the way.

LEG. CARACCIOLO:

Okay. Who has jurisdiction or who gave the authority to subdivide?

MR. GRECCO:

No one gives them the authority, they just do a lot change --

LEG. CARACCIOLO:

They did it.

LEG. ALDEN:

He said the town.

LEG. CARACCIOLO:

No, no, no, I didn't hear who did it.

LEG. ALDEN:

The town granted the subdivision.

CHAIRMAN BISHOP:

All right.

MR. SABATINO:

The Town Planning Board approved it.

LEG. CARACCIOLO:

But is that the final action, the Town Planning Board?

MR. GRECCO:

There's a -- well --

LEG. CARACCIOLO:

Obviously not because that's why the resolution is before us.

MR. GRECCO:

That's why they're here.

LEG. CARACCIOLO:

That's right. So that said, unless this resolution is approved --

MR. GRECCO:

They have a problem.

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LEG. CARACCIOLO:

-- then they cannot proceed in subdividing this property as they intend to; is that not correct?

MR. GRECCO:

They already have a legal subdivision.

LEG. CARACCIOLO:

But what does that mean they already have; I mean, what does that mean?

MR. BURKE:

I don't believe that the town has blessed this subdivision yet, I don't think there's any approvals from the town for the subdivision at this time, if there was any subdivision at all, and this is the first time I'm hearing about any kind of subdivision on this property. But if there has been anything, maybe there was just a change in ownership, maybe it went from one deed to two deeds. And of course, we don't have any control over that, that's a private matter.

MR. SABATINO:

It's in the application. With all due respect, it's in the application. This is really a serious matter, it's a serious matter for a couple of reasons. One is separate and apart from the statute being real, if you now retroactively approve something, what you're telling the rest of the world is that anything you want to do on farmland development property, just break the rules, wait a couple of months and you can get it squared away. But there's a second level to it also which is that I believe, if my memory serves me correctly, the old Talmadge proposal that generated all of the controversy was that they were going to take land, trade the development protection right land for other land and then build the golf course. The only reason that was blocked was because the Legislature made a lot of noise about that not being part of the program.

LEG. CARACCIOLO:

And with good purpose the Legislature didn't go along with that scheme because that was going to turn it from something other than agricultural use.

CHAIRMAN BISHOP:

Was this residuary from that effort?

MR. SABATINO:

But the point being is that maybe dividing the property into 80 and 50 acres leads to some alternative proposal out there that --

LEG. CARACCIOLO:

Let me ask you then, Legislative Counsel. What is the process for someone who wants to undertake subdivision of FDR rights, where does the process begin?

CHAIRMAN BISHOP:

With the County.

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MR. SABATINO:

It begins with the County because the burden, the overriding burden runs with the land out of the '74 --

LEG. CARACCIOLO:

When you say runs -- I mean begins with the County, you mean a resolution such as this is introduced for consideration by the Legislature.

MR. SABATINO:

Right, and it has to be detailed --

LEG. CARACCIOLO:

Okay. In the absence of this resolution being favorably considered, any actions previously taken by the property owner, or property owners as the case may be, is null and void.

LEG. ALDEN:

No, maybe not.

LEG. CARACCIOLO:

Well, I want to know, I'm not a lawyer, I'd like to know what the answer to that is.

CHAIRMAN BISHOP:

I don't know if he can answer that.

MR. SABATINO:

In my judgment it's null and void, but -- but, but that doesn't mean that the town and local jurisdictions are operating on that same premise. I have no idea what the town -- how the town is treating the land. They may currently show it on their records as an 80 and a 50 acre parcel with two separate tax bills, two separate owners, in which case we have to bring a lawsuit to try to rectify it.

LEG. CARACCIOLO:

Okay.

MR. GRECCO:

Counsel may be right, it may be null and void. But then again, we may take a position that this is an overreaching on our part in terms of the residual. I think perhaps we should look upon this that if the spirit of the law is being complied with then you should not have any problem with such retroactive subdivision. I'm not in proposal of people doing things in this fashion.

LEG. ALDEN:

Mr. Chairman?

MR. GRECCO:

All right? However, if the spirit of the law that there's continued agricultural production, I don't see why you should have much of a concern as to whether one person owns it or two people own it.

LEG. CARACCIOLO:

Well, I think the concern that I would have, and it was raised by

Legislator Fisher, was that you have a situation where theoretically you have a piece of land that's subdivided for agricultural use, but the next thing you know you have several structures that are consistent with agricultural use, i.e., a winery, a tasting room.

MR. GRECCO:  
Uh-huh.

LEG. CARACCIOLO:  
And now you pretty much have a commercial enterprise on the property, and are those types of entities permitted under FDR?

MR. GRECCO:  
You're correct. But you know what, you still have that problem whether or not they subdivide it anyway.

LEG. CARACCIOLO:  
So what do you recommend we do?

MR. GRECCO:  
Well, obviously a -- I would recommend we'll table it until Roy Fedelem comes here and gives us --

LEG. CARACCIOLO:  
Motion to table. Thank you.

LEG. FIELDS:  
Second.

MR. SABATINO:  
If I could just make a recommendation.

LEG. ALDEN:  
On the motion.

MR. SABATINO:  
With all due respect, I think --

CHAIRMAN BISHOP:  
Hold on. Everybody stop. I mean, you have unilaterally decided to end the dialogue. Legislator Alden is next, he has questions.

LEG. CARACCIOLO:  
I just made a motion, that's all.

CHAIRMAN BISHOP:  
Legislative Counsel is eager to speak, Chris Nuzzi joined the conversation, we still have more to go.

LEG. ALDEN:  
Actually, Legislator Fields, were you done when you yielded?

LEG. FIELDS:  
Yes, thank you.

LEG. ALDEN:

Okay. The principle that I'm having a little problem with is, and I'm glad that you mentioned it, there might not have been town action on this. But if that was subdivided by the town with our restrictions on that property, you know, what's to prevent a subdivision where they're building houses or they're building the commercial structure as was brought up before? So I have a basic problem with the town allowing subdivision of a property where it's restricted from being subdivided without approval. So I'm glad that we're going to develop this a lot further because I really want to hear now whether the town actually granted that subdivision or not, because if they have, then we've got to overhaul this whole program. Because obviously -- no, obviously our restriction is not running with the land and is not considered.

CHAIRMAN BISHOP:

It does run with the land. It doesn't mean -- perhaps they just out of ignorance made an error.

LEG. BINDER:

What he's saying is -- no, but the question is how come a requirement of County law is not being followed by other municipalities?

LEG. ALDEN:

It should have been on the deed.

MR. GRECCO:

Right. We'll investigate it.

LEG. ALDEN:

Well, that's why we've got --

CHAIRMAN BISHOP:

We'll have a full-fledged investigation.

LEG. FIELDS:

An inquisition.

CHAIRMAN BISHOP:

Legislative Counsel, do you wish to say something?

MR. SABATINO:

Just the closing thought was that what's really missing is detail. I mean, there's no detailed explanation of what it is they're trying to accomplish, what's motivating it, what the goal is, the objective.

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

And whether it's part of some other larger program. If you have the answers to those questions, you can make the informed judgment that you're looking for, but right now you can't.

CHAIRMAN BISHOP:

And that's where we were 25 minutes ago. Chris Nuzzi, do you want to add anything?

MR. NUZZI:  
(Shaking head no).

CHAIRMAN BISHOP:  
All right. I want to add one thought, though, because I -- listening to this conversation, the one thing that concerns me is that when a parcel enters the Farmland Preservation Program, we don't want to over regulate to the point where we're going to provide enormous disincentive for them to enter the program. That's the hardest part right now is getting these farmers to enter the program, they have a bias against, you know, government regulation and if we start to say, "Oh, well, you can't have that shed there because we don't want you to sell tourists glasses of wine," then we're going to drive away their ability to make a property and their incentive to enter into the program. So I just wanted to do raise that issue for our future contemplation.

LEG. FISHER:  
That's a good point.

CHAIRMAN BISHOP:  
Thank you; occasionally I stumble on one.

LEG. FISHER:  
Every now and then.

LEG. FIELDS:  
He made a motion.

CHAIRMAN BISHOP:  
Yes, we're tabling the Friars Head. Motion to table, second by -- Legislator Caracciolo, second by Legislator Guldi. 1100 is tabled (VOTE: 7-0-0-0).

1101-01 - Approving the appointment of Thomas Isles as Director of the Suffolk County Department of Planning (County Executive). Now, we're not going to do this today. Mr. Isles is flying in from the Cayman Islands to be --

LEG. FISHER:  
I thought he was going to fly us there to interview him; I was ready.

LEG. GULDI:  
I second Legislator Fisher's motion.

CHAIRMAN BISHOP:  
We held --

LEG. FIELDS:  
What are we doing with this?

CHAIRMAN BISHOP:

This committee on Friday morning is flying to the Cayman Islands.

LEG. GULDI:

We have money in the 454 Account, don't we?

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CHAIRMAN BISHOP:

He really wants this job.

LEG. GULDI:

Then he must be out of his mind.

LEG. CARACCIOLO:

Legislator Fisher?

CHAIRMAN BISHOP:

Because we want to know what's so bad about the Cayman Islands that you'd actually want to come back to Long Island.

LEG. BINDER:

That's the first question.

LEG. FIELDS:

I can tell you --

CHAIRMAN BISHOP:

Kidding aside, nine o'clock on Friday morning we're having a special meeting of this committee. Originally we thought that this committee would meet to do the agenda at that time --

LEG. FISHER:

When did we decide that?

CHAIRMAN BISHOP:

He made travel plans --

LEG. FISHER:

Excuse me, when did we find out about that?

CHAIRMAN BISHOP:

You were noticed.

LEG. FISHER:

I haven't been told.

LEG. FIELDS:

I haven't been told.

LEG. CARACCIOLO:

No, I haven't either.

LEG. FISHER:

I'm not available Friday at 9 A.M.

LEG. ALDEN:  
I was told about two seconds ago.

CHAIRMAN BISHOP:  
Well, he's flying in.

LEG. GULDI:  
No way.

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LEG. FISHER:  
Well, he can wait a couple of hours.

LEG. BINDER:  
More than that, I have my --

CHAIRMAN BISHOP:  
Call her and find out what happened.

LEG. CARACCIOLO:  
Legislator Fisher, while we're waiting for an answer, Mr. Grecco is going to also be taking the flight and I understand he's going to --

MR. GRECCO:  
Another nice warm place, yes.

LEG. CARACCIOLO:  
Another nice warm place. Why don't you tell us a little bit about your pending trip.

MR. GRECCO:  
Well, Friday morning I'm closing the Jacob's Farm matter. It's our drop dead date and so I have to get that done, it's like a \$9 million pres partnership, and then in the afternoon I'm flying out to {Moscow} to straighten them out.

LEG. CARACCIOLO:  
Legislator Fisher would like to come along.

CHAIRMAN BISHOP:  
Why don't we do this. On Mr. Isles appointment, are there -- is there a wish of the committee to move it at this time?

LEG. FIELDS:  
May I?

LEG. GULDI:  
Motion to table.

LEG. FISHER:  
Yes.

CHAIRMAN BISHOP:  
The difficulty is that, as we know, he's not in the country, so we

have to arrange for a time and a place.

LEG. GULDI:

Can he be at our meeting on Tuesday if he's flying in on Friday?

LEG. CARACCIOLO:

A week from Tuesday.

CHAIRMAN BISHOP:

I don't know what the availability of flights are, I don't know what the financial burden at this late date to arrange a flight. What had

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happened was originally we had planned on having the committee on Friday, we were told that --

LEG. GULDI:

Who's we?

LEG. FISHER:

Mr. Isles and Mr. Bishop.

CHAIRMAN BISHOP:

Mr. Isles and Mr. Bishop's office.

LEG. GULDI:

I see.

CHAIRMAN BISHOP:

And we were told by the Presiding Officer that we couldn't have it when we planned on having it because of the availability of the auditorium. So what we --

LEG. GULDI:

Well, I have an appointment on Friday from six weeks ago.

CHAIRMAN BISHOP:

What we did maintain was the Friday date, but we were told that we could only have the auditorium in the very beginning of the day, that's why we had Friday at 9 A.M.

LEG. CARACCIOLO:

Could we reschedule?

CHAIRMAN BISHOP:

Well, what I was thinking was that perhaps we could approve this at this time --

LEG. FIELDS:

Can I --

CHAIRMAN BISHOP:

-- move it forward to the full Legislature and between now and

Tuesday we can communicate with him our specific questions and concerns.

LEG. FIELDS:  
Will he be here on the Tuesday meeting?

CHAIRMAN BISHOP:  
No.

LEG. FIELDS:  
No, because it's a week from Tuesday.

LEG. FIELDS:  
Okay. May I?

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CHAIRMAN BISHOP:  
Sure. If anybody has a solution, I'm open.

LEG. FIELDS:  
I have known Tom Isles since about 1970 something I believe. He was --

LEG. BINDER:  
(Inaudible).

LEG. FIELDS:  
And he was the Planning Director in the Town of Islip and is probably one of the -- he's an excellent professional, knows planning in and out, worked very well I think within the town, and then went to the Cayman Islands. But I would make a motion to approve.

LEG. CARACCIOLO:  
Second.

LEG. ALDEN:  
Now, this should convince most of the members of the committee, Legislator Binder is totally against this appointment.

LEG. FISHER:  
Oh, there you go, there's an approval.

LEG. ALDEN:  
So I think we have got it.

LEG. CARACCIOLO:  
There is a motion and a second, Mr. Chairman.

LEG. GULDI:  
It's called negative psychology, he's trying to convince everyone else to vote for it.

LEG. FISHER:

Right.

LEG. GULDI:

On the motion. In the event that -- while you may have known him, I only know what I know of Islip Planning but what I see of Islip.

LEG. ALDEN:

Watch where you're going, Guldi.

LEG. GULDI:

And I have a couple of questions that I'd like to ask anybody who's relocating from the Cayman Islands to come back to Suffolk County politics, like are there extradition considerations and the like?

LEG. FIELDS:

I think if you can handle politics in Islip, you can handle them in the County.

LEG. GULDI:

In any event, if the concerns are all addressed and resolved by our

regular session meeting a week from Tuesday, a discharge motion would only require ten votes of the Legislature at that time and we would have the information before us at the time that was entertained. So I'd suggest that that would be a more appropriate solution to the scheduling morass that we're faced with here.

LEG. FIELDS:

I would withdraw my motion to approve and I agree with you, make a motion to discharge without recommendation.

CHAIRMAN BISHOP:

I'm going to urge that we adopt a discharge without recommendation.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

It will be my burden to figure out a solution to this dilemma. Perhaps --

LEG. GULDI:

Conference call.

CHAIRMAN BISHOP:

Well, perhaps that's one of them, but I was -- we won't meet on Friday at nine o'clock, that's clear that there's no desire to do so. But what we may do is urge Mr. Isles to change his travel plan to our meeting a week from next Tuesday, the 27th.

LEG. BINDER:

I think Legislator Fisher had the right idea, to be honest with you.

LEG. ALDEN:  
Let's go down there and check it out.

CHAIRMAN BISHOP:  
That's what she said, right?

LEG. FISHER:  
We go down there and interview him.

LEG. BINDER:  
We could talk to people, we could interview his boss.

CHAIRMAN BISHOP:  
Okay, so that's what we'll do.

LEG. GULDI:  
We could sit on the beach.

CHAIRMAN BISHOP:  
So we have a motion to discharge without recommendation.

LEG. CARACCIOLO:  
Second.

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CHAIRMAN BISHOP:  
On the motion, anybody wish to speak? No. All in favor? Opposed?

LEG. GULDI:  
Abstain.

CHAIRMAN BISHOP:  
Abstention by legislator Guldi, and so we move on. Discharged without recommendation (VOTE: 6-0-1-0 Abstention: Legislator Guldi).

1103-01 - Authorizing land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (Property West of Dennison Building in Hauppauge) Town of Islip, (0500-001.00-01.00-005.000) (Crecca). How much is left in that residuary? Quite a lot, I would think, right?

MR. GRECCO:  
In the Islip portion, approximately \$3 million. We should have sufficient funds for this acquisition.

LEG. ALDEN:  
On the motion.

CHAIRMAN BISHOP:  
Okay. Is this recommended by the Town of Islip Planning Department?

LEG. ALDEN:  
As a matter of fact, I had a call made, so I think Legislator Crecca's

Aide could address that.

CHAIRMAN BISHOP:

The other question I have, while that's occurring, is that does the Islip delegation -- usually we like to try to get the town's delegations to agree on the priorities in the towns, as we've done in Babylon and as has been done in Huntington.

LEG. FIELDS:

This happens to be a very nice piece of property with some water on it and some wetlands and it would be very worthy --

CHAIRMAN BISHOP:

So all of you discussed it and feel it's worthy?

LEG. FIELDS:

-- I think of acquisition.

LEG. ALDEN:

We'll be discussing it right now, though. Are you all done, Ginny?

LEG. FIELDS:

Yes.

LEG. ALDEN:

Now, when you mention there's \$3 million left in there.

MR. GRECCO:

Yes.

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LEG. ALDEN:

Does that take into consideration there are some pending acquisitions in the Town of Islip, does that take that into consideration?

MR. GRECCO:

No, but I'm just judging by -- they're not sizeable acquisitions, as I recall.

LEG. ALDEN:

Well, one of them could be up to a million dollars.

MR. GRECCO:

I know.

LEG. ALDEN:

Okay.

MR. GRECCO:

I'm quite confident --

LEG. ALDEN:

But there's other ones in line.

LEG. FIELDS:  
Cameron?

LEG. ALDEN:  
Yours, yours.

LEG. FIELDS:  
Yeah, there is a big one. Jim?

LEG. ALDEN:  
But if there's three million and you don't anticipate this going over that, cause I don't want to see that type of --

MR. GRECCO:  
And as we know, that's the end of the program.

LEG. ALDEN:  
Right. Well, not really, not really.

MR. GRECCO:  
I know. No, you could always link it to the new program if you want.

LEG. ALDEN:  
Exactly.

MR. GRECCO:  
That's right. But I'm just saying in terms of this funding source, that --

LEG. FIELDS:  
But you just said that there are no other properties that you're --

MR. GRECCO:  
No, no.

LEG. FIELDS:  
I mean, Jim, is this not --

MR. BURKE:  
No. We're saying there's \$3 million in the fund right now and this would be an additional property that's going to be considered for purchase using that \$3 million.

LEG. ALDEN:  
But I have an acquisition also on Union Boulevard and we have one that we're --

MR. BURKE:  
Right.

LEG. ALDEN:

There are a number of acquisitions that, you know --

MR. BURKE:

That may or may not happen, right.

LEG. ALDEN:

Right, but they're starting to add up.

MR. BURKE:

You're right.

MR. GRECCO:

We don't -- as opposed to a lot of other programs, we don't feel that this would be an over subscription.

LEG. ALDEN:

Okay, good.

MR. GRECCO:

Okay?

LEG. ALDEN:

Good. Okay, thanks. And my other question, Frank, did you talk to?

MR. TASSONE:

Yes. They're following up with it right now, with the planning Department in Islip.

LEG. ALDEN:

Okay. Because I do understand that this property was on Islip planning's list and I'm not sure where on the priority of their list, but fairly high on that list.

MR. TASSONE:

I just wanted to just throw one thing in there, just about the importance of this proposal. It includes the head waters of the Nissequogue River and the Brook Trout is included also, the Atlantic

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Cedar tree also border right on two other parcels that real estate has been negotiating for quite some time now.

MR. BURKE:

It is adjacent to --

MR. TASSONE:

Right.

MR. BURKE:

Adjacent to three other properties that are on our Greenways Open Space list that we're in negotiations.

LEG. FIELDS:

Motion to approve.

LEG. ALDEN:  
I will second that.

CHAIRMAN BISHOP:  
Okay, Islip is in agreement, Smithtown. Okay, motion to approve by  
Legislator Alden, second by Legislator -- motion to approve by  
Legislator Fields, second by Legislator Alden. All in favor? Opposed?  
The resolution is approved (VOTE: 7-0-0-0). That residuary fund is  
great, it allows the whole County to participate.

Introductory Non-Prime Resolutions

LEG. CARACCIOLO:  
Motion to approve.

CHAIRMAN BISHOP:  
All right. 1036-01 - To amend RFP Committee process for Plum Island  
Health and Environment Risk Assessment (Caracciolo). Motion to defer  
to prime by Legislator Caracciolo, second by myself. All in favor?

LEG. CARACCIOLO:  
Well --

CHAIRMAN BISHOP:  
Opposed? That's how we handle it. Deferred to prime (VOTE: 7-0-0-0).

LEG. CARACCIOLO:  
That's fine. What committee is prime, Counsel?

MR. SABATINO:  
Health.

LEG. CARACCIOLO:  
Health, okay. For the members on the Health Committee, since I am not  
a member -- no, it's important they have some information.

LEG. FIELDS:  
We can talk about this after the meeting, if you want.

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LEG. CARACCIOLO:  
All right, fine.

LEG. GULDI:  
Okay.

LEG. FISHER:  
Thank you.

Tabled Prime Resolutions

CHAIRMAN BISHOP:

Okay. Tabled Resolutions, continuing on the same page.

1004-01 - Dedication of certain lands now owned by George Nikolopoulos to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law (Towle).

LEG. FISHER:

Why did we table this?

CHAIRMAN BISHOP:

Why was this tabled last time; it was Legislator Towle's resolution. Legislator Guldi, were you the mover of the tabling? It sounds --

LEG. GULDI:

Like something I would do?

CHAIRMAN BISHOP:

-- like something you would do.

MR. SABATINO:

This was tabled because a lower ranking individual from the Planning Department indicated that --

LEG. GULDI:

Oooh.

MR. SABATINO:

Well, a person without the authority to commit had indicated that there was a problem from the planning perspective about taking a dedication, so the committee asked for somebody from the Health Department to appear.

CHAIRMAN BISHOP:

Has the problem been resolved?

MS. FISCHER:

May I?

CHAIRMAN BISHOP:

Yes, please. State your rank.

MS. FISCHER:

Okay. I'm Principal Planner at the Planning Department.

LEG. CARACCIOLO:

Where is that in the hierarchy of the department?

LEG. GULDI:

Somewhere higher than Legislative Counsel?

MS. FISCHER:

I'm middle ground, I suppose.

LEG. FIELDS:  
Loretta, ignore them.

MS. FISCHER:  
I spoke with Towle's office today. One of my concerns was three out the four lots were in our Mastic/Shirley relocation area which is a residentially developed area and we were not interested in seeing those dedicated to County parks. And he indicated to me that he would be considering withdrawing this.

LEG. GULDI:  
Motion to table.

LEG. FISHER:  
Second.

CHAIRMAN BISHOP:  
But we want the property, we just don't want it in a preserve. So, I mean, did you make clear --

MR. SABATINO:  
The problem, with all due respect to everybody, was that the bill was filed to implement something that the Health Department asked for in a Health Services Board Review decision of 1994.

MS. FISCHER:  
Yeah, their request was to sell to an adjacent owner with the restrictive covenant that it not be developed. One of adjacent owners, being the County at this present time, but the County is not indicating that we're going to be recommending that to go to parks, that will probably be sold at auction in our sales. So you know, there's a -- that might be a misunderstanding there. But there was no interest on the part of the County to take this into the County Parks Department or Nature Preserve. And I spoke with also Peter Scully and he agreed as well.

CHAIRMAN BISHOP:  
Right. I guess the question I have, is this something that Legislator Towle can resolve by changing the destination of these parcels, or is this something that needs to be withdrawn completely to achieve his goal? Because if it's something he can change I'll table this, if it's something that he needs to withdraw we'll table it subject to call and get rid of it.

LEG. GULDI:  
Well --

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CHAIRMAN BISHOP:  
It's not a big issue but I just want --

MR. SABATINO:

Well, it depends on how you view it. If the objective was to protect -- if the objective is to preserve the land then yes, it can be done through this vehicle of changing the language. If the objective is just to get rid of the land, then it can go to auction. I was under the impression it couldn't go to auction because the Health Department had a concern about it, but if it can go to auction --

MS. FISCHER:

Well, it's owned privately at this time.

CHAIRMAN BISHOP:

It's owned privately and the man wants to dedicate it to the County.

MS. FISCHER:

And the man wants to dedicate it, but his other option is to sell to another adjacent owner or just hold it period. So there was no caveat in the determination by the Health Department with, you know, sending this over to our ownership. So it's up to the individual to decide what he wants to do with his residual use.

CHAIRMAN BISHOP:

Once again I'm confused.

LEG. FISHER:

So am I.

CHAIRMAN BISHOP:

This is about the fourth or fifth time today. There's a man Nikolopoulos who lives out in Mastic/Shirley in the area that we have land swaps.

MS. FISCHER:

Right.

CHAIRMAN BISHOP:

We want to have this property so that we can swap it with somebody who has wetlands so that they can develop on it. So he wants to give it --

LEG. GULDI:

Somebody has a house that's subject to flooding.

LEG. FISHER:

To flooding and --

CHAIRMAN BISHOP:

But he wants to give it --

MS. FISCHER:

Right, but we couldn't use this as a swap.

CHAIRMAN BISHOP:

Hold on, let me go through my scenario. He wants to give it to the County, Fred Towle puts in a bill and says give it to the County but give it to Parks as a preserve which means that we can't do a swap on it.

LEG. GULDI:

Right.

CHAIRMAN BISHOP:

So you say, "Hey, wait, don't do that. We want this land to be swapable," there's a word that's not a word.

MS. FISCHER:

Not necessarily.

CHAIRMAN BISHOP:

And so we're at that point right now, we don't -- we want to have the land but we don't want it in this particular program; isn't that accurate?

LEG. GULDI:

Motion to table.

LEG. FISHER:

That's part of it except for the health piece, then that puts another wrinkle on it.

CHAIRMAN BISHOP:

And what's the health piece?

LEG. FISHER:

It's old, it's from 1994, Mary Hibberd signed it.

LEG. GULDI:

Yeah, but that was before the swap program.

MR. GRECCO:

Real quick, we don't want it to be put into parks because it would create a bunch of pocket parks which are really not what we're looking to do from a planning standpoint.

CHAIRMAN BISHOP:

Right.

MR. GRECCO:

I believe he wants to be able to donate this to us so that he could use whatever density he has on this as a swap piece for the Health Department use so you we --

LEG. GULDI:

I see, for density of another parcel.

MR. GRECCO:

-- could build somewhere else on a substandard lot.

MS. FISCHER:  
But he's already done that.

LEG. GULDI:  
He's already stripped the development rights?

MS. FISCHER:  
He's already stripped the development rights, it's already been approved by the Board of Health. Now he's looking to get rid of the residual which he can't do anything with anymore.

LEG. GULDI:  
I see.

MS. FISCHER:  
So what his suggestion was in the Board of Health was either sell to adjacent owner or just let the property be. And then he came around and said --

LEG. GULDI:  
Yeah, but if he let's the property be he has to pay taxes on it

MS. FISCHER:  
Right, on the residual.

LEG. GULDI:  
And if donates it to us he takes a write-off for it.

MS. FISCHER:  
Exactly.

LEG. GULDI:  
And doesn't pay taxes on it.

MS. FISCHER:  
And he's asking the County, do we want this piece and our --

LEG. FISHER:  
How big is it, Loretta?

LEG. GULDI:  
Motion to table.

MS. FISCHER:  
It's less than an acre, it's small lots by 40 X 100. They're very small in an existing residential area and they're asking the County do you want it, basically. And we're saying we have --

LEG. GULDI:  
Without development rights.

MS. FISCHER:  
Right.

LEG. GULDI:  
So it can't be used in the Swap Program anyway.

MS. FISCHER:  
No, it couldn't be.

LEG. GULDI:  
Motion to table subject to call.

LEG. FISHER:  
Second. Okay, Mr. Chair, table subject to call?

CHAIRMAN BISHOP:  
Why can't we give the guy a break?

LEG. FISHER:  
Because its' --

CHAIRMAN BISHOP:  
Motion to table subject to call by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? I'm opposed. Tabled Subject to Call (VOTE: 6-1-0-0 Opposed: Legislator Bishop).

LEG. GULDI:  
He transferred the development rights to another parcel and used them there.

LEG. BINDER:  
We could always call it if we have to.

LEG. GULDI:  
Yeah. Tabled until Legislator Bishop understands it.

CHAIRMAN BISHOP:  
Oh, thank you. That's very kind of you.

LEG. FISHER:  
Mr. Chair, are you going to explain the difference between 1006 and 1021?

CHAIRMAN BISHOP:  
Yes, because -- Counsel, which vehicle did you --

MR. SABATINO:  
1021 became the vehicle, the corrected copy.

CHAIRMAN BISHOP:  
1021 is the vehicle. That 1006 I'll withdraw, please.

LEG. GULDI:  
It's Caracciolo's.

CHAIRMAN BISHOP:  
Oh, I'm sorry.

LEG. FISHER:

It still can be withdrawn anyway.

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LEG. CARACCIOLO:

No, no, 1000 -- we made this announcement at the last committee meeting.

CHAIRMAN BISHOP:

Yeah. The question was which one is the vehicle, which one became the final?

LEG. CARACCIOLO:

1021.

LEG. GULDI:

Yeah, so it's 1006 is your bill to withdraw.

CHAIRMAN BISHOP:

So 1006 is withdrawn.

LEG. CARACCIOLO:

Is withdrawn, I am withdrawing it as of today.

CHAIRMAN BISHOP:

That's what I attempted to do and it's your bill. I apologize.

LEG. GULDI:

He can't do it for you.

LEG. CARACCIOLO:

Thank you, George.

LEG. GULDI:

Just watching out for you, Mikey.

CHAIRMAN BISHOP:

1021 is the proposed new referendum which we discussed at the last meeting.

LEG. GULDI:

What's the last corrected copy date?

MR. SABATINO:

January 25th.

CHAIRMAN BISHOP:

You want to go over the formula?

LEG. BINDER:

Is there a public hearing?

LEG. CARACCIOLO:

Yes, I'll make a motion to approve.

LEG. GULDI:

Can we have a Legislative explanation of this version?

LEG. BINDER:

Wait, is it closed, is the public hearing closed?

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CHAIRMAN BISHOP:

Oh, is it closed. I guess it's not closed.

MR. SABATINO:

The public hearing was closed, yes, Mr. Chairman.

LEG. CARACCIOLO:

Okay.

LEG. BINDER:

Was it closed before you had the final copy?

MR. SABATINO:

It was closed after, it was closed on January 30th but the corrected copy was filed on January 25th.

LEG. CARACCIOLO:

Okay. Mr. Chairman, may I --

LEG. FISHER:

And we don't have a copy of it.

LEG. CARACCIOLO:

-- answer the question?

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

I am referring to correspondence from Legislative Counsel, it begins by stating that, "Pursuant to the request of you and Legislator Bishop of January 23rd, enclosed please find corrected copy for the captioned matter which is IR 1021-2001 which makes the following changes:"

"One, the amount of principle to be borrowed under the Open Space allocation is set at \$79 million," that's up from \$59 million which was an aggregate figure in 1006. "The aggregate debt service to be permitted is set at 109 million instead of \$100 million."

"Two, the amount of principle to be borrowed under the water quality protection allocation is set at \$65 million and the aggregate debt service to be permitted is set at \$90 million instead of \$100 million."

"Three, the amount of principle to be borrowed under the Farmland

Development Rights Acquisition allocation is set at \$25 million and the aggregate debt service to be permitted is set at \$34 million instead of zero dollars. Borrowing will be limited to interest rates of 51% or less of the prime rate instead of a flat 3% or less for each of the programs." And I would defer to the Chairman to discuss how that particular formula was devised.

The Legislative Intent is modified to conform to these changes. The proposal to include the Land Partnership -- Preservation partnership Program under Open space and Land Acquisition Program is deleted. "The

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obligation, seven, to secure matching State, Federal or local funds is added to all three authorizations."

"Eight, the former proposition is changed in Section 6. And "Nine, a new Exhibit A is added in subsection" -- I'm sorry, "In Section 12-A(1) containing criteria under which the open space acquisitions shall be made," which as I recall, Counsel, it was our intent that it be in conformance with the open space criteria of Suffolk County?

MR. SABATINO:  
That's correct.

LEG. CARACCIOLO:  
Right. And ten --

CHAIRMAN BISHOP:  
It means Parks Trustees.

MR. SABATINO:  
No, no, this was the --

LEG. CARACCIOLO:  
And ten, "Sponsorship of the bill has been changed from Legislator Bishop as prime sponsor to Legislators, Caracciolo Bishop and Foley." And we invite our colleagues to join us in the committee.

CHAIRMAN BISHOP:  
Ruthless.

LEG. GULDI:  
I don't have the exhibit A criteria.

CHAIRMAN BISHOP:  
I think there are a couple of questions that we probably want to address. First is, Counsel, could you read us the exact referendum language as it will appear on the ballot?

MR. SABATINO:  
Yes. Okay, this is going to be a long one because you're doing a lot of changes. So what I did in this proposition was I broke it out into

the three components, so it's going to read as follows:

"Shall resolution No. -2001, Adopting a Charter Law to, one, accelerate open space acquisitions by authorizing up to \$79 million of low interest (51% of prime rate or less) borrowing by Suffolk County using up to \$109 million for such borrowing from the Quarter percent sales tax revenues. Number two, accelerate Water Quality Protection Programs by authorizing up to \$65 million of low interest (51% of prime rate or less) borrowing by Suffolk County using up to \$90 million from Quarter Percent sales Tax proceeds. And three, accelerate farmland development rights acquisitions by authorizing up to \$25 million of low interest (51% of prime rate or less) borrowing by Suffolk County using up to \$34 million from the Quarter Percent Sales Tax revenues be approved."

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CHAIRMAN BISHOP:

Okay. That's what's on the ballot.

LEG. CARACCIOLO:

So there's no confusion.

CHAIRMAN BISHOP:

There is no confusion, it's very clear, very long but very clear. Legislator -- all right, who wants -- raise your hand if you have questions so I just know who. I know Legislator Alden is in. Okay. I will be begin with Legislator Alden and work my way up.

LEG. ALDEN:

I have a question. I guess the first question would go to Legislative Counsel about the legality of doing this when we have a finite number of years that are left. And when I wrote the original bill, you know, we negotiated because I wanted a shorter period of time but we ended up stretching it out. So now we have a finite number of years that this Quarter Cent money is coming in, now we're going to be authorizing to borrow money against this revenue stream, and I don't see any limiting language in here as far as when we stop borrowing, how much we can borrow. And looking at the actual number of years that are left in this program, I don't think it's legal for us to go and authorize the borrowing of money where you don't have money to repay it. That would be the first question.

MR. SABATINO:

No, it's -- I mean, it's been constructed in a legal fashion. It's changing the concept, you're going from the original program which was pay as you go to a program that will allow for borrowing. So the reason those numbers are so explicit with regard to the aggregates is to make certain that they fall within the projected revenue stream. So for example, on farmland the projected revenue stream is \$64.4 million, open space is 118.8 and water quality is 98.6. so that the

aggregate figures which were described in the legislation fall within that. It's a pol -- it's not a legal issue, it's a policy choice if you want to go from pay-as-you-go to borrowing this is the vehicle to do it.

LEG. ALDEN:

Okay. So just without explanation, I'm just going to make an obvious statement. That when you go and borrow money with the expectation of paying it back with a revenue stream that is very, I would say unpredictable, actually. So I think that you're going down a very very **rocky road when you do that and a very treacherous and dangerous road when you do that.**

**Given what has just happened to us with our projections of sales tax, were we to go and borrow this money within the first couple of years with the expectation that all this revenue is going to materialize some way where we're going to waive the magic wand and have all this money come so we can pay this back, I really think that we're going in a dangerous direction. So I'm actually going to leave my comments at that point and just -- with that warning.**

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And also, just one further thing. What the voters approved was a pay-as-you-go program. And it was obvious that when I introduced the bill and through the debate and everything else, it was a pay-as-you-go program. It saved on refinancing of sewer debt, over 240 mill -- it's somewhere between 220, \$240 million, and really this actually cuts completely against that whole concept. So I'm going to leave my comments there.

CHAIRMAN BISHOP:

You know, it's not rude to disagree. You always cut yourself --

LEG. ALDEN:

All right.

CHAIRMAN BISHOP:

Fine. Legislator Fields.

LEG. FIELDS:

No, I think you mean Fisher.

CHAIRMAN BISHOP:

Well, I thought -- now I'm going to Fisher, moving my way down to the right.

LEG. FISHER:

I just had a question about the fourth category, Paul. I couldn't --

CHAIRMAN BISHOP:

Use your mike.

LEG. FISHER:

I'm sorry, I thought it was on; oh, it is on. The 64 million, that fourth category, Paul? I heard you mention --

MR. SABATINO:

Third category.

LEG. FISHER:

There's water quality and after water quality there was farmland.

MR. SABATINO:

Oh, it's farmland and open space.

LEG. FISHER:

And then after farmland --

MR. SABATINO:

Open space, those are the three.

LEG. FISHER:

Okay. Can you just say what the open space numbers were, I didn't hear you.

MR. SABATINO:

Yeah, the open space numbers are -- the aggregate projection is 118, this bill would use up 109 million of that; farmland was 64.4, this

would use 34 million; and the water quality component is 98.6 million, this would use 90 million.

LEG. FISHER:

Okay. Thank you, Paul.

CHAIRMAN BISHOP:

Legislator Guldi?

LEG. GULDI:

I'm reading the language here and I'm a little confused, so I would like Counsel to clarify for me what it means to -- why the language in any manner, shape or form including underwriting the bond costs associated with the projects under the Water Quality Protection Program, I'm reading from Subdivision C, "Including borrowing from the EFC only if such alternative EFC borrowing includes the least amount of debt service and associated underwriting and Bond Counsel costs for the pertinent proposed acquisition as compared to a traditional New York Finance Law borrowing." Could you tell me, A, exactly what that language means?

CHAIRMAN BISHOP:

I think I can.

LEG. GULDI:

And B, why it's stated in such a prolix and technical way?

CHAIRMAN BISHOP:

It's frightening, I think I understand it.

LEG. FISHER:

We all understand it, George.

MR. SABATINO:

Okay. Well, the first answer is --

CHAIRMAN BISHOP:

I can't believe you were law review, George; it's so clear. It means you go with the lowest interest rate.

MR. SABATINO:

The sponsors asked that the EFC borrowing situation be limited to those situations in which it would be cheaper to do it that way than to do your normal traditional borrowing.

LEG. BINDER:

As determined by who?

MR. SABATINO:

And the reason that it's wordy is because you need to touch all of the bases and all of the costs in order to make that distinction. I mean, you can't do it in three words, it's the comparative costs between a local finance law which is your normal very two weeks you pass a Bond Resolution versus whatever this EFC borrowing concept is going to be. But the idea is that you can only do the EFC if it's cheaper than doing it the traditional way.

LEG. CARACCIOLO:

That's true.

LEG. GULDI:

Okay.

LEG. CARACCIOLO:

The lowest cost, it's very simple.

CHAIRMAN BISHOP:

Reloading.

LEG. GULDI:

I'm reloading. The --

CHAIRMAN BISHOP:

You'll have to wait, Professor. All right, do you want me to go to Mr. Grecco who wants to say something while you peruse?

LEG. GULDI:

No, I'm just not -- I want to study the language more and I'm concerned that we could simplify this.

CHAIRMAN BISHOP:

You mean the referendum language.

LEG. GULDI:

The referendum language and the actual law change language. I wasn't --

CHAIRMAN BISHOP:

Okay.

LEG. GULDI:

-- aware that you had reached a resolution of it. I do, however, want to respond to the concerns of my colleague, Mr. Alden.

LEG. BINDER:

Who left.

LEG. GULDI:

Who must have known I was going to do this. With respect to both the history of the quarter penny fund and with respect to the wisdom of borrowing, because there is an astounding distinction between borrowing, for example, for a sewer service agency for capital or operations since the sewer agency as providing a service is essentially a cost center and must operate on a daily basis by definition. The open space, unlike the products for the sewer agency, they're not making it anymore and they're never going to make any more of it in the future.

In addition, the cost of borrowing is infinitesimal when compared to the market increase in the value of the open space we want to preserve. Someone was talking to Fred Pollert before at our previous meeting and asking him to compare the cost of acquisition if you factor in the debt service on the land we bought during the heavy

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borrowing period in the early 90's, and I asked and still ask, I have a pending request in, to tell us what the cost of that land would be today. Yes, we pay debt service on it, but the market value of open space is doubling, traditionally since 1950 on the east end, every five years if you look at it in long-term, regardless of up economy, down economy, booming economy.

What we've seen -- and, in fact, we can see it anecdotally on particular parcels where we've seen doubling in six to twelve month periods. When the market price is doubling in a 12 month period, failing to use the opportunity to borrow at 5% interest or less is insane. The distinction between the objectives of sewer rate stabilization, tax reserve fund creation and open space acquisition are so radically different that unlike my colleague, when I

participated in the negotiation of keeping an environmental element in the quarter penny extension, I remembered no discussion of pay-as-you-go regarding the open space program. The objectives of saving interest for sewer district financing were clear in the referendum at the top, but I do not and I didn't agree with or buy into the definitions that it was prohibited or intended to be prohibited. And frankly, I was rather actively involved in that prior legislation.

So I'm concerned that the prolix language in the proposed referendum is not in our best interest and I want to reflect on it before I decide whether I could support the language in this proposed form. This is the first time I'm looking at it. I'll proceed to do that.

LEG. BINDER:  
Mr. Chairman?

CHAIRMAN BISHOP:  
Prolix is the language before the referendum? What is prolix, complicated; what does it mean?

MR. SABATINO:  
Wordy.

CHAIRMAN BISHOP:  
Wordy?

LEG. GULDI:  
Prolix is -- yes, prolix would be a word in English meaning wordy.

MR. SABATINO:  
It's a short word for wordy.

LEG. BINDER:  
How ironic was the comment from the Chair?

CHAIRMAN BISHOP:  
Legislator Binder.

LEG. BINDER:  
Yes. Thank you, Mr. Chairman. Legislator Guldi's question is outstanding as to how much this land would be worth now; there's no

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need for it to be answered because it has no meaning. It doesn't matter how much it would be worth now because the question is how fast can we buy the land, would it even here now or not be here now? It seems to -- it seems very interesting that Legislator Guldi and others who support this want to just go right over what was absolutely clear in its face at the last meeting that took so long and the discussion with Dick Amper and our Budget Review Office. He couldn't absorb it but obviously the Budget Review Office understands this and Legislators are having a hard time understanding this, and I'll ask

Jim again. Jim, can we buy land so fast as to make it worth our wild to get all this money upfront and incur this interest, do we outpace in our ability to buy land -- let's talk about just the speed at which we buy land, we're able to buy and close land. Are we buying it so fast and so furiously as to save ourselves from this five year inflationary cost of land that Legislator Guldi talks about, are we buying it so fast that we need all this upfront money and to incur -- and have we done that, to incur all this interest or --

CHAIRMAN BISHOP:

Wait, you want him to answer that part?

LEG. BINDER:

Or, and I'll give him the or, or have we bought land at a pace probably pretty close to pay-as-you-go, as the money comes in we pretty much pay, we have enough money coming in and we buy land at about the pace that it comes in and so we couldn't do it any faster anyway. Is that -- which one is the case?

MR. SPERO:

My recollection when we borrowed the 137.5 on the Water Quality Program is that, you know, at the time there were many -- it was mentioned the fact that they were going to spend the money within six months. My recollection is it took a couple of years or so, it may be more than a couple of years to spend that money down. And that was borrowing in anticipation of buying, of purchasing the land.

LEG. BINDER:

And weren't we almost --

MR. SPERO:

There's physical impossibilities to closing on so much land in a short period of time. You have to get appraisals, you have to have willing negotiation --

LEG. BINDER:

Well, let's get that line again. So in case Legislators happen to miss it because I know this is a little complicated here, there are physical impossibilities to closing as fast as they want to get this money, so now we're incurring interest for no reason. In fact, didn't we almost get ourselves into a rebate situation?

CHAIRMAN BISHOP:

Isn't that true?

LEG. BINDER:

No, I just want to let everybody know --

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MR. SPERO:

You have to spend the money down within three years, so we probably came close.

LEG. BINDER:  
So here's the problem.

CHAIRMAN BISHOP:  
Before you go on, I just want to --

LEG. BINDER:  
Sure.

CHAIRMAN BISHOP:  
Because you may not have the grasp of a certain fact which is leading you astray.

LEG. BINDER:  
I guess so.

CHAIRMAN BISHOP:  
That's my suspicion.

LEG. BINDER:  
Thank you for helping me.

CHAIRMAN BISHOP:  
I'm going to try, I'm going to try to help you. We don't have -- if this referendum were approved, there is no mandate to borrow the full amount --

LEG. BINDER:  
I know that, I know.

CHAIRMAN BISHOP:  
-- in the beginning. So the argument that we can't close that fast may be specious.

LEG. BINDER:  
You can come back and I'll debate that, too. But I understand. Jim, go ahead, I saw your hand up there.

MR. SPERO:  
Clearly you would only want to borrow money against a certain piece of property if, in fact, you were close to closing on that property.

LEG. BINDER:  
And we didn't have the money.

MR. SPERO:  
And at the moment you did not have the sufficient cash to cover that purchase.

LEG. BINDER:  
Right, but we just haven't been in that situation. The bottom line is I understand, that is Mr. Amper's contention, that we should have the

flexibility and the ability to do this if we were in some -- but you know what? My guess is that we would be under the pressure from certain people on certain occasions, maybe on regular occasions, to go and load up with money upfront, not on just individual cases, and incur the interest because there are people who would like us to have all this cash sitting on hand incurring interest so we have "the ability" and the money upfront to be able to have that. That's what, left to our own devices, I believe we would do. I don't -- I mean, we could say that there's no really real reason for a 4% cap or all these other caps because the truth is we can control ourselves. We don't have to increase spending by certain amounts, we're Legislators, we can control others. Except that once you're given the opportunity to incur interest, once you're given the opportunity under various pressures to incur this interest, it has been my observation that we kind of go down that road. And it would seem to me that we put ourselves down that road at one point in our history here where we came very close to a rebate, couldn't spend the money fast enough. And as you know, that gets us into something called arbitrage where we're actually making money at a higher interest after we borrowed money at lower interest because we can because we're a municipality, and that is illegal. And so we would end up with a rebate situation which would have cost us millions of dollars and that is a dangerous thing. Why would we get in that situation? We get in that situation because we can. And that is something that this Legislature has prohibited itself from when it did the cap laws and other things we've done to restrict ourselves from doing things that are bad, economic or fiscal decisions.

We have an opportunity here to continue on a very good and sound fiscal road which is pay-as-you-go. Pay-as-you-go allows us to do exactly what we can do physically. We have not been in a situation -- I mean, why pass something when I don't know of a situation where we've been precluded from buying a piece of land because we didn't have -- I would like to hear it, do we have a piece of land that we've been precluded from buying because we didn't have the upfront money at the time under a pay-as-you-go and we needed to borrow, so we have a situation, you know, that comes up? I mean, normally --

LEG. FISHER:  
Would you suffer an interruption?

LEG. BINDER:  
Sure.

LEG. FISHER:  
I recently had a conversation with Mr. Grecco and it seems that we're getting dangerously close where there are closings that are coming up and we're -- our funds are very low in some programs.

MR. GRECCO:  
In some programs, I've stated this before, we're either over subscribed or we're very dangerously close of being over subscribed; Drinking Water Protection, for example

LEG. BINDER:  
Over subscribed in terms of closings?

MR. GRECCO:

Yeah. We spent 47 million last year, by the end of -- we're closing Jacob's Farm on Friday, we're going to be up to about 20 million by the end of this month.

LEG. FISHER:

And you're in contract for --

MR. GRECCO:

And we've got a lot of other transactions, we have some sizable farms.

LEG. BINDER:

And when do we get another influx of cash?

MR. GRECCO:

Well, that's what's interesting. Because we're not clear as to what the actual amounts under the old Drinking Water Protection Program are and less than what we anticipate, we don't know exactly how much we're getting and we're anticipating maybe May, June. So we're in a --

LEG. BINDER:

Okay. Well --

MR. GRECCO:

-- an odd limbo situation.

LEG. BINDER:

Wait, May/June, now we're in February.

MR. GRECCO:

I understand.

LEG. BINDER:

So May/June we could close what we need to close, the price is not going to change May/June, February to May/June. So the price is not going to change, we're going to have money May/June. Now, I don't know how much but it would seem to me we're probably going to have enough to cover what we need to buy because that's what historically we've been able to do.

LEG. FISHER:

That's what you're saying, that's not what Allen said.

MR. GRECCO:

Well, what I'm saying is if you're going to have new resolutions coming in from this point on --

LEG. GULDI:

Yeah, we have no money.

MR. GRECCO:

I'm telling you, in all likelihood we will not have money. For example, we look at the Islip things today, I'm pretty sure we can do it, we are not over subscribed in Islip's money. You put in another Islip transaction under the 12-5(E)1(A) account, we may have a problem.

LEG. CARACCIOLO:  
Mr. Grecco.

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
Legislator Binder yielded.

CHAIRMAN BISHOP:  
No, I --

LEG. CARACCIOLO:  
Thank you.

MR. GRECCO:  
Can I make one comment?

LEG. CARACCIOLO:  
Well, I just want to follow this line, okay. Because the reality is by virtue of the public being misinformed about Proposition II, we are in the very situation --

MR. GRECCO:  
Absolutely.

LEG. CARACCIOLO:  
-- that you are in .

MR. GRECCO:  
Absolutely.

LEG. CARACCIOLO:  
We would have had bridge money with Prop II for 2001 and we wouldn't be facing the situation by June where you run out of money.

MR. GRECCO:  
I agree.

LEG. CARACCIOLO:  
But no, those who opposed Prop II said oppose Prop II.

CHAIRMAN BISHOP:  
{Jackous}ASK BISHOP

LEG. CARACCIOLO:  
Well, they prevail. Now you throw the dice and you hope come November that the voters approved this. But in the meantime, it is they, not us, who have jeopardized acquisitions that won't be made in 2001.

MR. GRECCO:  
It's an unfortunate situation, but I do agree that --

CHAIRMAN BISHOP:  
All right, you don't need to comment.

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LEG. BINDER:  
Well, let me just take --

MR. GRECCO:  
I have a real --

LEG. BINDER:  
Let me take the time -- I'd just like to get my time back so I can --

MR. GRECCO:  
Mr. Chairman?

LEG. CARACCIOLO:  
The truth hurts, Allan, the truth hurts. I have yet to hear one of those individuals apologize for the actions they took in misleading the public of this County.

LEG. BINDER:  
If I can just --

MR. GRECCO:  
Well, nor I.

LEG. BINDER:  
How much -- can I get an idea of how much is coming in? How much money, so we can understand, how much money is coming into the program, or the various programs?

MR. GRECCO:  
Okay.

CHAIRMAN BISHOP:  
Well, why don't we go through that. And Legislative Counsel did it before, but we'll --

MR. GRECCO:  
All right, let's talk about --

CHAIRMAN BISHOP:  
But Allen will --

MR. GRECCO:  
I'll be really brief.

CHAIRMAN BISHOP:  
I guess I don't run the committee.

MR. GRECCO:

Greenways.

LEG. BINDER:

Well, I asked a question, mr. Chairman.

MR. GRECCO:

All right, Greenways Farmland, I have 20 million in it, I have about 10 million of acceptances at this point; I would anticipate we're

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going to run through that money probably by the end of the year either in closing or in contract.

LEG. BINDER:

How much is -- and there any replenishment?

LEG. GULDI:

No.

MR. GRECCO:

No.

LEG. FISHER:

No, Greenways was --

MR. GRECCO:

Greenways active --

LEG. BINDER:

Right, so Greenways we had a finite amount anyway. All right.

MR. GRECCO:

Greenways Active Park started out with 20 million, we spent about 15 already, I'm going to run through that this year.

LEG. BINDER:

Let's focus ourselves on what this is about. This is about the Quarter Percent, right?

MR. GRECCO:

All right, the Quarter Percent money --

LEG. BINDER:

Let's talk about that.

MR. GRECCO:

Right now I'm probably seven million in the hole.

LEG. BINDER:

What do you -- give me what you mean by that.

MR. GRECCO:

What I'm saying is things that I have acceptances on under the old program --

LEG. BINDER:  
Closed, you closed on?

MR. GRECCO:  
No, no, no, acceptances on.

LEG. BINDER:  
Contracts.

LEG. GULDI:  
Contracts.

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MR. GRECCO:  
Contracts ready to go upstairs that I can't do that because I don't have the money. We are over subscribed by at least seven million in the old Drinking Water Protection Program even with what we consider the amount we're going to get in May/June, whenever I get that.

LEG. BINDER:  
How is that? Wait a minute, if you're seven million now and then you're getting more money in May or June --

MR. GRECCO:  
No, no, I'm including that. I'm including about the -- they're talking about two, three, four million; Legislator Caracciolo, was that the number that gave us this afternoon?

LEG. CARACCIOLO:  
Yes.

MR. GRECCO:  
Two, three, four million. Assuming I get that in in June, I'm still going to be about seven million short with things that I can go after which I have acceptances on, I'm still going to be short.

LEG. BINDER:  
I'm still not sure --

MR. GRECCO:  
So if they did pass the 25% rule --

LEG. BINDER:  
Wait, let me --

MR. GRECCO:  
-- I could have done it.

LEG. BINDER:  
I want to ask -- I want to understand something; I'm allowed to ask a question, thanks. The word acceptance, so I can understand exactly what you mean by an acceptance, when you have an acceptance --

MR. GRECCO:

I have an appraisal, I have spoken to the sellers, they accepted our offer, I don't have the money.

LEG. BINDER:

Acceptance by the seller.

MR. GRECCO:

By the seller, yes, handshake.

LEG. GULDI:

Did they teach Real Estate where you went to law school?

LEG. BINDER:

Well, they didn't use the term acceptance.

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LEG. ALDEN:

There's a bigger problem here and that is that --

LEG. BINDER:

It's a contract, it's not a term --

LEG. ALDEN:

When is a contract formed? Offer, acceptance.

LEG. BINDER:

Acceptance, but I didn't know if he's talking in contract sense. They're not -- forget it, let's go on.

MR. GRECCO:

I have contracts out that they have signed that are sitting on my desk that I can't send upstairs until I know I have money.

LEG. BINDER:

So they're not signed contracts but you have accept --

MR. GRECCO:

Oh yeah, I have signed -- not fully executed, I have signed by the sellers. I just spent four and a half million this afternoon -- no, this morning, almost totally depleting what I have left in the balance of that account.

CHAIRMAN BISHOP:

Which account, which account are you in now?

MR. GRECCO:

The drinking water, the old Drinking Water account.

CHAIRMAN BISHOP:

Okay.

MR. GRECCO:  
So there's a bigger problem.

CHAIRMAN BISHOP:  
The old Drinking Water Program --

MR. GRECCO:  
There is a bigger problem here and it deals with the money and it also deals with the will of this Legislature, and that is that that money under 12-5 A was to be utilized for the acquisition of the Central Pine Barrens. Now, the original plan in 1993 called for public acquisition of approximately 75% of the remainder of the property. I'm happy to say we have, through the State, the towns, the County and the TDR Bank, acquired the 75% number. By all -- would you agree, Stuart?

MR. LOWRIE:  
Seventy-five percent of the core has been acquired, no doubt about it.

MR. GRECCO:  
Thank you, hooray, we agree. All right, 75% of the core was acquired,

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that was the goal. The question that has not been answered is what is to happen to that remaining 25%? Now, it was hoped that it would be TDR'd, it was hoped that other entities would step up to the plate and acquire, but we still have approximately 3,000 some-odd acres out there which we are somewhat **obligated, along with the State and the TDR Bank and perhaps the towns to acquire without funding.**

LEG. BINDER:  
Who paid for the core?

MR. GRECCO:  
Well, we did most of it. The Quarter Percent Sales Tax went to pay for the core, the State --

LEG. BINDER:  
As a percentage of who paid for it.

MR. GRECCO:  
Oh, us; we own the bulk of the core, we did the bulk of the acquisitions. About 2% of it is TDR 's, I don't have the State, I think we own about 20,000 acres and the State owns about 13; am I correct, Stuart, on those numbers?

MR. LOWRIE:  
I think the County actually owns slightly more than that.

MR. GRECCO:  
We own more than all the other governmental entities combined.

LEG. BINDER:

Let me ask a question. Why --

MR. GRECCO:

Why are we keeping on doing this?

LEG. BINDER:

No. Why in the past -- I get from Budget Review, Budget Review has said that in the past we even got to a rebate situation, that we couldn't close fast enough to take the -- that money coming in when we tried to borrow, we had up front money we couldn't close fast enough because of the process. Why is there a difference in our ability or in the time span to close compared to in past history?

MR. GRECCO:

Yeah, that was then and this is now. What we did was we did an Omnibus Resolution that allowed us to go after everything in the core. What they used to do was they had resolutions which are parcel specific, so they would do like eight parcels, they'd go after those eight and then they'd do another eight, that sort of thing. We did one resolution three years ago, a large lot and small lot resolution.

LEG. BINDER:

So most of this is --

MR. GRECCO:

So basically that entire core is fair game.

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LEG. BINDER:

So most of this is Pine Barrens core, right?

MR. GRECCO:

What I'm --

LEG. BINDER:

Most of the Quarter Percent money, let's say the bulk is --

MR. GRECCO:

Not all of it. No, some of it --

LEG. BINDER:

The bulk of it is going to -- has been going, that's where the money has been going in let's say a large --

MR. GRECCO:

Had been, had been.

LEG. BINDER:

Okay. So now -- well, that's drained, that's one of the reasons we're in a \$7 million --

MR. GRECCO:

Hole, yes.

LEG. BINDER:

Okay. Now, this core, was it appreciating very quickly?

MR. GRECCO:

No.

LEG. BINDER:

Why?

MR. GRECCO:

Because there was no market.

LEG. BINDER:

Right. So now we're talking about, we have Legislator Guldi talking about how fast appreciating property and that's why we need this.

MR. GRECCO:

He's talking about outside the core.

LEG. BINDER:

I understand, but the reason we're in the place that we're at is we spent most of the money on something that wasn't even appreciating, right?

MR. GRECCO:

No, no, that's part of the picture. We also bought parcels under the Drinking Water Protection outside of the core; for example, I think it's in your district, the Benjamin property, maybe not your district.

LEG. BINDER:

It's not mine.

MR. GRECCO:

Forsythe Meadows I believe was bought, the Wading Brook parcels, these are parcels under 12-5 (E) which are outside core acquisitions and subject to market conditions. So we had some big ticket items outside the core as well which we were authorized to do under the law.

LEG. BINDER:

That Benjamin parcel wasn't subject to market conditions.

MR. GRECCO:

I beg your pardon?

LEG. BINDER:

The Benjamin parcel was not subject to market conditions.

MR. GRECCO:

I knew it was in Huntington.

LEG. BINDER:

No, no, it's in Northport but it wasn't subject to any market conditions. He didn't want to build and it wasn't a question of market really. That's what that was about, I mean --

MR. GRECCO:

Okay.

LEG. BINDER:

I mean, I can give you so we can look at how much of this money went to parcels, the percentage of this money didn't even go to places that were subject to market conditions which is the very reason we're arguing that we need this in the first place.

MR. GRECCO:

Well, I don't think that's a fair statement because the Pine Barrens core --

LEG. BINDER:

Just accurate, not fair. It's accurate.

MR. GRECCO:

It's not accurate because there were so many other parcels way outside of the core. I wasn't prepared to come in with these kind of stats, but what we spent in the core and what we spend outside the core which we were authorized under this program --

LEG. BINDER:

Or even some of them outside. I can show you at least one very large acquisition which you mentioned, the Benjamin parcel in Northport.

MR. GRECCO:

Right.

LEG. BINDER:

There wasn't a question of market conditions, he wanted to sell, he did not want to build, he wanted to do get out, we devised a three piece program with three different programs just so we can find the money to get to the guy but he wasn't looking to increase. And if he holds it will be more and maybe we can get it later, if we didn't buy, I mean --

MR. GRECCO:

No, no, actually we were -- we had to close by the end of the year for tax reasons or else the price would have changed.

LEG. GULDI:

Right.

MR. GRECCO:

I have the same problem with {Sabin} that I've got to close Friday morning.

LEG. BINDER:  
No, he probably just --

LEG. GULDI:  
Hold on, if you'll suffer the interruption, I'll put this on the record. {Sabin} who we're closing on, what, a 19 day basis?

MR. GRECCO:  
Yes.

LEG. GULDI:  
Nineteen days from Legislative approval to closing, we're going to buy the parcel for 4.5 million. He told me yesterday, where among other things he said Mike Caracciolo is a really nice guy, that he has a backup offer and if we defaulted the closing he's going to take the 12.3 million that he's being offered for the same parcel by another buyer. That's a parcel that appraised a year ago for what, Allen?

MR. GRECCO:  
Twelve.

LEG. GULDI:  
No, a year ago. The market escalation on that parcel, what was it a year ago? It was less than six.

MR. GRECCO:  
Was it?

LEG. GULDI:  
Yeah.

MR. GRECCO:  
I haven't kept a scope on it.

LEG. GULDI:  
And you don't want to borrow the money to close on it?

MR. GRECCO:  
Let me say this. Without getting into the issue of borrowing money, if it is the will to borrow money, I assume you would want to accelerate acquisitions. I'm making a pitch for staff if we're going to do this.

LEG. BINDER:  
There you go.

MR. GRECCO:  
You knew it.

LEG. BINDER:

There you go.

MR. GRECCO:

Wait, let's think logically, let's think logically. Now, I have another --

CHAIRMAN BISHOP:

I don't know if your timing is good.

MR. GRECCO:

I have another question which I want --

LEG. BINDER:

Oh, it's perfect, actually, Dave; Dave, this is perfect.

LEG. GULDI:

Allen, we'll just let you work harder, you don't need more staff.

MR. GRECCO:

Yeah, I have no life. I have one question, and this is really a very important question.

CHAIRMAN BISHOP:

You're exactly right, you do need more staff and this committee should be the one to advocate for you.

MR. GRECCO:

Now, assuming --

CHAIRMAN BISHOP:

And I'm sure they will at some point, but let's not discuss this now.

MR. GRECCO:

The question I really want to ask is this.

CHAIRMAN BISHOP:

Yes.

MR. GRECCO:

Assuming this passes and we have this ability to borrow, am I correct that I borrow kind of like on a pay-as-I-go, a credit line?

CHAIRMAN BISHOP:

Correct, exactly.

MR. GRECCO:

That as I need it I pull it out?

LEG. GULDI:

That's right.

MR. GRECCO:

In other words, you're not going to give me --

CHAIRMAN BISHOP:

It's like George's home equity loan.

MR. GRECCO:

That I'm going to be paying interest on money I haven't spent? I want to be clear.

CHAIRMAN BISHOP:

Yes.

MR. GRECCO:

Okay. Now, if it is your will to borrow, I have to assume you want more acquisitions.

LEG. CARACCIOLO:

Well, we're giving you a resolution to --

CHAIRMAN BISHOP:

Well, we want the flexibility to pursue more acquisitions.

MR. GRECCO:

I mean, that's kind of a given. So what I'm saying to you is, you know, I will be here asking for money more staff. If the voters want more acquisitions and the voters want us to borrow money and you're going to be putting acquisition roses through, and if time is money and the quicker I get it the less it actually costs us; I will be here for more staff and I think it's a reasonable request, I'm just letting you know.

CHAIRMAN BISHOP:

You're not behaving well today, you're not listening to me. It's not the time or the place.

LEG. BINDER:

There it is, that's what this is all about now.

CHAIRMAN BISHOP:

Well, it's not like -- I mean, it's obvious, if you want him to be more aggressive then he needs more staff. Actually, he needs more staff to be doing what he's doing right now.

MR. GRECCO:

Thank you.

CHAIRMAN BISHOP:

Legislator Caracciolo. Where are you going, Guldi?

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LEG. CARACCIOLO:

Allen?

MR. GRECCO:  
Yes, sir.

LEG. CARACCIOLO:  
I think there's another concern that no one has really addressed and that gets back to 2001 and the situation of demand and supply, at least in terms of County funding for environmental acquisitions. In the absence of Prop I, we have a finite amount of money.

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
And you had indicated previously that by June you could be sitting in a situation where the demand to purchase properties will far exceed your supply.

MR. GRECCO:  
Absolutely.

LEG. CARACCIOLO:  
What recommendation would you like to make to the committee to deal with that situation; do you have a contingency you'd like us to consider? Because I have talked to you privately about this --

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
-- but it's something I think really the Legislature has to take up so that we don't miss opportunities.

MR. GRECCO:  
Okay, thank you. In order to not miss opportunities, I think what we ought to do is consider in every resolution some sort of preservation partnership language to the extent that some municipality, whether it's the State or the town, will pony up a certain amount of money; I can then stretch out my existing funding, number one. Number two --

LEG. CARACCIOLO:  
Well, before you go on to number two, let's talk about that. If you're talking about land partnership acquisitions where you have two willing, or two or three willing partners, that's a given. But if we make as a requirement acquisitions where you don't have a partner that has either the financial capability or otherwise, we need another mechanism to be able to make these acquisitions.

MR. GRECCO:  
Right, that's correct.

LEG. CARACCIOLO:  
So what recommendation do you have along those lines? Here's what I'm thinking. Counsel, is there some way we can devise a method so that

the Division of Real Estate will have sufficient funds through the end of this year wherein hopefully the voters will consider this proposition favorably and we'll have sufficient funds for many years to deal with future environmental acquisitions? We need a bridging mechanism and I'm thinking along the lines of discussing with you a means by which we can write into resolutions pledging funds from this new 13 year extension program at some future date irregardless of whether or not the voters approve it.

CHAIRMAN BISHOP:

Well, how can we borrow against future --

LEG. CARACCIOLO:

I don't know, I'm just talking out loud here.

MR. GRECCO:

One thing -- my second point was I'd like to see appropriations for the 2000 Budget with respect to the new --

LEG. CARACCIOLO:

2000 or 2001?

MR. GRECCO:

2001, excuse me, I'm sorry. The new Drinking Water Protection Program, that can give me \$7 million right now.

LEG. CARACCIOLO:

What do you mean?

MR. GRECCO:

There -- the projection was about \$7 million, I believe, in the new program?

MR. SPERO:

If I could read these --

LEG. CARACCIOLO:

Okay, so you would like to advance.

MR. GRECCO:

Well, yeah. According to Ken Weiss, if I get an appropriation you can advance me the money for 2001. So I would like to see that appropriated, and we expect we're going to be putting in a resolution soon for that appropriation; that gives me at least seven million.

LEG. CARACCIOLO:

Okay. Now, that's something you and I have talked about.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

But I would like to get Legislative Counsel's take on whether or not that would be permissible.

CHAIRMAN BISHOP:

It's got to be accurate, though, it has to be fully -- I'm sorry.

MR. SABATINO:

Oh, I thought you were talking to me, I'm sorry. This is not revelation, I mean, it's not double counting. This is the same \$7.1 million that we spoke about at the end of last year, the beginning of this year, it's the same \$7.1 million.

MR. GRECCO:

Yes, right.

MR. SABATINO:

So I have no problem appropriating the money but it's not new money.

MR. GRECCO:

But I do not have access to it now.

LEG. CARACCIOLO:

No, no, it's not new or additional money.

CHAIRMAN BISHOP:

You usually can't get at it until after it's certified, is that it?

LEG. CARACCIOLO:

Right, until it's in your hands usually; right, Jim?

MR. GRECCO:

Yeah. I need to get it --

CHAIRMAN BISHOP:

Jim Spero, I know you --

MR. SPERO:

There are two possible ways to go. If we need cash immediately, we don't have the long-term borrowing ability. We may authorize the Treasurer to advance funding from the County General Fund coffers to buy the land and as the cash comes in from the Water Quality, the new Quarter Cent money --

LEG. CARACCIOLO:

So we can pledge one against the other.

MR. SPERO:

-- it goes back to the General Fund.

LEG. CARACCIOLO:

Okay.

MR. SPERO:

Or, and I don't know if this would be considered borrowing and Paul would have to answer this legal term, perhaps we could issue a one year Capital Note, get the cash and pay the note off in one year or less.

MR. SABATINO:

That's borrowing, notes and bonds are the same.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

But if you're looking for a source of money, I mean, \$5 million could be achieved immediately if you're willing to make an adjustment in the current Capital Budget and Program. What you have is you've got \$20 million of Farmland Preservation money sitting in Greenways which is a 70/30 ratio. The towns aren't putting up their 30% because you consistently spend \$5 million a year on hundred percent money. What I would recommend you do is take the \$5 million of hundred percent money for farmland preservation, immediately move it over as an offset for open space, you now drove up 45 million of open space to go buy land tomorrow and you still have the \$20 million of Greenway --

LEG. CARACCIOLO:

We can do that?

MR. SABATINO:

You could do it tomorrow.

LEG. CARACCIOLO:

We can do it by -- do we need a Legislative resolution?

MR. SABATINO:

All you need is a resolution to do it.

LEG. CARACCIOLO:

Prepare the resolution. Thank you, Allen.

MR. GRECCO:

All right. The other thing, too, is in future resolutions, I'd like to see greater funding in preservation partnership, even if it means we have to reduce open space and/or the capital farmland resolution. We can -- by doing preservation partnership, not only do we get a better bang for our buck, but it gives us a broader ability. We can do open space, we can do drinking water, we can do parks, we can do historic preservation, we can do farmland. But when you start putting Capital appropriations, for example, for open space or for farmland, I'm constrained to buy within that program and buy ourselves. So I would like you to think in the future, load up pres partnership, it gives the most amount of leverage in programs and it gives us the greatest ability to get another partner in.

LEG. FISHER:

Mr. Chairman, is there a motion yet?

CHAIRMAN BISHOP:

Legislator Alden?

LEG. ALDEN:

Jim, I'm going to just address this to you, we had a discussion. Can

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you address the over subscription issue as far as from your perspective? Just something to keep in mind.

MR. SPERO:

There's a finite amount of money we'll spend on land and there's more land out there than we'll ever have money to purchase. So no matter what program we enter into it can end up being over subscribed because there's always going -- and always has been more land to purchase than we've ever had the money to purchase it with.

LEG. ALDEN:

Thank you.

MR. SPERO:

Just another -- just for the record. Our projection of the new sales tax money, at the end of this year we're projecting having \$3.9 million in farmland, about \$7.2 million in additional open space money, and about \$6 million in additional farmlands money. So that's the new Quarter Cent money by the end of this year --

LEG. FISHER:

You said farmlands twice.

LEG. GULDI:

You said farmlands twice, give it to us again.

LEG. FISHER:

Can you give it to us again?

MR. SPERO:

Six million dollars on water quality.

LEG. GULDI:

Water quality, that's it.

MR. SPERO:

I'm sorry, did I mix it? Six million on water quality, there would be about 7.2 on open space and about four million on farmland.

CHAIRMAN BISHOP:

Right, that's from the new program.

MR. SPERO:

The new program.

CHAIRMAN BISHOP:

The new Quarter Cent Program.

MR. GRECCO:

Right. Now, open space includes drinking water protection.

CHAIRMAN BISHOP:

Where we began this discussion was somebody suggested that we appropriate against that which we're taking in right now. Counsel, can we do that, or do we have to wait to the close of the books in the

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beginning of next year in order to access the money that we're collecting this year?

MR. SABATINO:

No, this is a stand-alone fund, this is the Quarter Percent. But I want to reiterate, this is not new money. I think there's an impression that --

CHAIRMAN BISHOP:

Answer the question, though, please.

MR. SABATINO:

The answer is yes, you can do the \$7.1 million, but it's not in new money.

LEG. GULDI:

It's already in our budget, is that what you're saying?

MR. SABATINO:

No, it's already been factored in to all of the calculations that we've made.

LEG. GULDI:

I understand that.

MR. SABATINO:

It's sitting -- no, the way -- it's sitting in a trust fund in the budget to be appropriated on an as needed basis as the year progresses. Doing it in January versus June --

CHAIRMAN BISHOP:

So does that solve Director Grecco's problem?

MR. GRECCO:

Part of it, yeah. And a month or two from now I'm going to be in the same boat.

CHAIRMAN BISHOP:

Do we need a resolution in order to authorize?

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

No, that was on farmland, that was a different --

LEG. FISHER:

Yeah, that was a different resolution.

LEG. CARACCIOLO:

No, open space.

CHAIRMAN BISHOP:

Michael --

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MR. GRECCO:

There's two issues.

CHAIRMAN BISHOP:

-- it's two issues.

LEG. FISHER:

That was two different issues.

CHAIRMAN BISHOP:

Do we need a resolution to authorize them to do that, or is he free to do that?

MR. SABATINO:

No, the money has to be appropriated. The money --

LEG. GULDI:

So you need appropriating resolutions, is that it?

MR. SABATINO:

Right, for the entire program.

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

Legislator Guldi, do you wish to sponsor that?

LEG. GULDI:

I have another question. I'd love to sponsor that bill.

CHAIRMAN BISHOP:

With Legislator Caracciolo.

LEG. GULDI:

And I'll take any position on the bill with anyone who wants to go ahead or behind me on it. I have another question for Counsel. Paul, the Director of Real Estate just said that when we fund programs the best place to put the money is partnership, preservation partnerships. None of the 3.97.2 or six million from drinking water can be

reallocated to that, can it?

CHAIRMAN BISHOP:

I think there's something that says it could.

LEG. GULDI:

Or is there a way to do that? Because if there's a way to do that, I'd like to put that in the same resolution.

MR. GRECCO:

You could put language in each resolution that says to the extent that any municipality that wants to participate they would get their percentage interest; it's boiler plate language which makes it a de facto partnership.

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LEG. GULDI:

Oh, I see. Because what we do is we divide the parcel, we buy Lot A they buy Lot B, bingo, it's --

MR. GRECCO:

Or we take 75%, they take a 25% interest.

LEG. GULDI:

Fine. Can you include that language in these resolutions for appropriating those amounts, Counsel?

MR. SABATINO:

I'm not sure what you're trying to propose there. If you are saying that you have a specific parcel that comes before the County where somebody else is putting up for open space purpose acquisitions a matching fund, sure, then you can appropriate a matching fund to that.

LEG. GULDI:

Right. No, what he's talking about is that, for example, let's assume that in the Town of Riverhead we have a farmland parcel, rather than doing it a hundred percent farmland from the town, they want to use their share of transfer funds to participate. But rather than make it a Charter Law amending partnership per se, we'll buy 70 acres, they'll buy 30 acres of the 100 acre farm.

MR. SABATINO:

But we already have that. I mean, I said it before, we've got that with the \$20 million.

LEG. GULDI:

Right, but put that in the appropriating resolution --

MR. GRECCO:

What I'm -- here's what I'm --

LEG. GULDI:

No, I want that in the appropriated resolution on this money as well because we can do it that way.

MR. GRECCO:

Just two points. I'll take Wading Brook, for example, I closed today. Assuming the resolution which came under drinking water had boiler plate language in it as we've put in other ones, to the extent that the Town of Brookhaven wants to participate, whatever money they put in is equal to their percentage interest. That gives us a leverage to go to the towns on anything, for any purpose, farmland, open space, drinking water, parks, etcetera, to get them to put some money in. Some of them are looking for ways to spend money, quite frankly.

LEG. GULDI:

Right.

MR. GRECCO:

So that gives us not a de jure but a de facto partnership. So I'd like to see that in any resolution.

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LEG. GULDI:

Please.

MR. GRECCO:

To the extent that a municipality wants to participate, let them do so. Regarding your idea of switching the funding of the five million of farmland to drinking water because it's in the Capital Budget, I would oppose that because I, quite frankly, have a whole bunch of farms which are ready to go and I'd like to see that money there. I made a commitment to you that if you gave me that five million I'd spend it this year, and I'm going to spend it. So I would not -- I would not be happy if you took that money away from me because I'm counting on it for a number of deals.

CHAIRMAN BISHOP:

But the logic behind it was that you have all those 70/30 money, \$20 million in the Greenways.

MR. GRECCO:

I have some jurisdictions that don't have CPF funds like on the south fork.

CHAIRMAN BISHOP:

So do you have \$5 million worth of those jurisdictions?

MR. GRECCO:

Specifically Riverhead does not have the amount of money that Southampton and East Hampton has on the 2% transfer tax.

LEG. CARACCIOLO:

Where is most of the farmland in the County?

LEG. GULDI:  
Most of the farmland is in Riverhead.

MR. GRECCO:  
And I'm looking at Riverhead, I need 100% money to save Riverhead farms.

LEG. GULDI:  
And most of the development rights.

CHAIRMAN BISHOP:  
So Legislator Caracciolo can explain why he sponsored that.

LEG. FISHER:  
Yes.

MR. GRECCO:  
No, no, I'd really -- I think it would be foolhardy.

CHAIRMAN BISHOP:  
Are you withdrawing it?

MR. SABATINO:  
No, the question is -- no, no, the answer to that is really simple.

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Do you have more than \$4 million worth of farmland preservation acquisitions in the Town of Riverhead?

LEG. GULDI:  
Yes.

MR. GRECCO:  
Oh, yeah.

MR. SABATINO:  
That you currently are contracting for.

MR. GRECCO:  
Yeah, yeah.

MR. SABATINO:  
We didn't even spend \$5 million in the entire farmland preservation program last year for all of the towns all together.

MR. GRECCO:  
I understand that.

MR. SABATINO:  
You're telling me Riverhead by itself.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

Let me add to this. Counsel, just for your information and everybody else's. For the last month and a half, Mr. Grecco, Mr. Burke and myself have been meeting with the town to get them to move ahead to make farmland acquisitions and we are meeting on a biweekly basis to accomplish the goals that Mr. Grecco just outlined.

MR. SABATINO:

You know what it comes down to is you've got tons of money, you can only take the money to a certain point. You've got \$20 million that the voters approved sitting in a fund that we're not accessing. Tell me the logic and the rationale of leaving that money on the side and going out and committing to \$5 million when you know you've got \$4 million that you can assign to Riverhead, if Riverhead is a special situation.

MR. GRECCO:

Yeah, Riverhead is a special situation.

MR. SABATINO:

And then turn around and say we don't have enough money, but we have more than enough money if you'll --

LEG. CARACCIOLO:

Allen, so you understand I think, and I'm sure you, what Counsel has just elaborated, is that his position is we have right now \$25 million between Capital Program and Budget money and Greenways 20 million.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

Right?

MR. GRECCO:

Right, but Riverhead doesn't --

LEG. CARACCIOLO:

Why would you be opposed to transferring five million from Greenways to open space?

LEG. FISHER:

No, you can't do that.

LEG. ALDEN:

You can't go from Greenways.

LEG. CARACCIOLO:

I'm sorry.

MR. GRECCO:  
You mean Capital.

LEG. GULDI:  
No, he's talking about moving the farmland money from a hundred percent County to partnership.

LEG. CARACCIOLO:  
Right.

LEG. GULDI:  
And the reason is there's no partner for that in Riverhead, we need that money in Riverhead.

MR. GRECCO:  
Right, right. And I need the 70/30 south fork.

LEG. CARACCIOLO:  
Well, I want to make sure Counsel understood why you were --

MR. GRECCO:  
All right. What happened is on the 70/30 I'm getting a lot of cooperation from Southampton and East Hampton.

LEG. GULDI:  
We've got the money.

MR. GRECCO:  
They've got the money and we're making the deals. We might run through that 20 million this year.

LEG. GULDI:  
Yeah, but the farmland is in Riverhead that we've got to buy.

MR. GRECCO:  
And the farmland in Riverhead is under the most development pressure, it is the most number of farms, and it's also the most --

LEG. CARACCIOLO:  
So what is your recommendation then?

MR. GRECCO:  
My recommendation is let --

CHAIRMAN BISHOP:  
Riverhead wasn't part of that tax?

LEG. CARACCIOLO:  
Yeah, but they don't have the real estate transactions you have on the south fork.

MR. GRECCO:

Don't touch the capital 100% farmland. Give us a chance -- how about we do this? Give us several months, I'll come whack to you and I'll tell you what I -- if I haven't spent that money, if I haven't made a significant dent in that money and tell you where it's going and what I need it for, then you can make that decision at that time.

LEG. CARACCIOLO:

We want to make sure there isn't a lapse or a missed opportunity on your part for not having funding in place. A couple of months you can get by?

MR. GRECCO:

Yeah. How can I -- I am doing a solicitation in Riverhead, you know what we're doing, okay.

LEG. CARACCIOLO:

Right.

MR. GRECCO:

And it has been one of our primary objectives for this year is to preserve Riverhead farmland, and I think it's very important. And I need the 100% money. If you take a portion of that money away, we're going to lose a lot of credibility.

CHAIRMAN BISHOP:

Legislator Alden.

LEG. ALDEN:

Jim, just so it clarifies it a little bit, before you said that we're anticipating how much money under the Quarter Cent for farmland preservation?

LEG. CARACCIOLO:

Four million this year.

MR. SPERO:

About four million by the end of this year.

LEG. ALDEN:

Four million on top of the five million on top of the 20.

MR. SPERO:

Five million is Capital money, this will be --

LEG. ALDEN:

That's pay-as-you-go.

MR. SPERO:

-- four million pay-as-you-go money.

LEG. ALDEN:  
So four million pay-as-you-go for farmland acquisition.

MR. SPERO:  
So that will be nine million by the end of this year.

LEG. ALDEN:  
So nine million by the end of the year, okay. In addition to that, there's still 20 million sitting in the Greenways, right?

MR. SPERO:  
Right.

LEG. ALDEN:  
And that's the partnership type of thing.

MR. SPERO:  
That's right.

LEG. ALDEN:  
All right.

LEG. BINDER:  
So \$29 million.

LEG. ALDEN:  
Now you've got \$9 million in cash basically to go out and buy -- you don't need a partner, there's nine million; are we going to spend nine million or are we going to spend four or five million? Because we've got cash coming in -- we don't have to borrow money, we've got the cash coming in --

MR. GRECCO:  
I understand.

LEG. ALDEN:  
-- to the tune of \$4 million.

MR. GRECCO:  
Well --

LEG. ALDEN:  
Why wouldn't use that first?

MR. GRECCO:  
I'm anticipating that we're going to be doing a lot in Riverhead.

LEG. ALDEN:  
But a lot, five million is lot, four million is a lot.

MR. GRECCO:  
I'm thinking more like ten million.

LEG. BINDER:  
We're at nine million now.

LEG. ALDEN:  
Then we get back to the over subscription that you --

MR. GRECCO:  
I understand that.

LEG. ALDEN:  
No matter how much money you put in there, an infinite number --

MR. GRECCO:  
I'm over subscribed in 100% anyway.

CHAIRMAN BISHOP:  
He's telling you that this year he's going to be super aggressive with the farmland program.

MR. GRECCO:  
Absolutely.

CHAIRMAN BISHOP:  
And that \$5 million is actually going to be --

MR. GRECCO:  
What we did in the Pine Barrens a couple of years ago now is going to happen in Riverhead Farmland.

LEG. ALDEN:  
But we've got all of these other programs that you're trying to close and get together, too.

MR. GRECCO:  
Yes.

LEG. ALDEN:  
And it doesn't seem like that we're going to be able to expend, again, all the money that we've got.

CHAIRMAN BISHOP:  
You know, you ought to ask for more staff.

MR. GRECCO:  
We spent 47 million last year, I've spent 20 million already this year. I think we're going to do better than last year. How much money

do you think we have in all these programs? You know, I have to figure --

LEG. ALDEN:

Well, I'm hearing some numbers here that --

MR. GRECCO:

Okay. In terms of farmland --

LEG. ALDEN:

Anyway, now we're up to over \$9 million --

MR. GRECCO:

Right.

LEG. ALDEN:

-- in this cash for farmland.

MR. GRECCO:

Right.

LEG. BINDER:

Plus 20.

MR. GRECCO:

Right.

LEG. ALDEN:

Plus 20, so that's almost \$30 million in farmland.

CHAIRMAN BISHOP:

Yeah, farmland has a huge surplus.

LEG. CARACCIOLO:

Huge. But he says he's going to spend it, he's going to blow through it, he's got deals going under the Greenways Program in East Hampton and Southampton which have the 70/30 split and he needs the 45 million to move aggressively in Riverhead.

LEG. ALDEN:

Here's the point, Dave. If these -- if the towns want to work with us and preserve land, then they don't grant zoning for -- like oversaturation of town homes and things like that, they can preserve just by zoning. So for us to be like going out aggressively, that's fine, but are there other parcels that are more sensitive to preserving as far as for water quality and things like that to transfer some money out of this program to go after some other sensitive parcels? And that I think is something that we really --

CHAIRMAN BISHOP:

I don't think it's true that the towns can preserve --

MR. GRECCO:

You know, I'll be more than happy -- next committee meeting is March 5th? Oh, great, the day I get back. Well, Mr. Burke will put something together.

CHAIRMAN BISHOP:

It's a long flight, you can prepare.

MR. GRECCO:

You know, Legislator Caracciolo can support me on this I'm sure, and that is that Riverhead farms are under a tremendous amount of development pressure.

LEG. CARACCIOLO:

Yep.

MR. GRECCO:

Greater than anywhere else.

CHAIRMAN BISHOP:

Yeah, but Allen, Allen, let's -- if we address each other's points these discussions will go faster. His point is Riverhead -- Alden's point is that Riverhead can take care of that through careful zoning; isn't that your point?

LEG. ALDEN:

Right, and then we can go buy -- we can buy some sensitive properties.

MR. GRECCO:

I agree, I agree. The other thing, too, is I get a good value in Riverhead; I still get a good value in Riverhead for farms.

CHAIRMAN BISHOP:

Right, the land.

LEG. ALDEN:

Yeah, but I'd rather preserve some sensitive --

LEG. BINDER:

(Inaudible).

MR. GRECCO:

As opposed to Guldi's district?

CHAIRMAN BISHOP:

By agreeing with him, though, you're suggesting that the only reason we have the Farmland Preservation Program is to bail out Riverhead politicians.

MR. GRECCO:

No, no. The purpose of the program is to preserve an industry.

CHAIRMAN BISHOP:

Right.

MR. GRECCO:

It's not an open space initiative, it's to preserve an industry.

CHAIRMAN BISHOP:

I think the issue is more complicated than just zoning because there's -- the zoning is not, you know --

MR. GRECCO:

I think it's a serious issue and I think what you have to say is do we want to recognize what we have and be selective in what we do and pay-as-you-go and keep going at the same cost, or do we want to take a more aggressive position and say, "Look, there's development pressure, in the blink of an eye this County will look very different and we want to do something now." If you want to say pay-as-you-go and, you know, then we'll do that.

CHAIRMAN BISHOP:

Then it will go.

MR. GRECCO:

If you say we want to -- you know, we're drawing the line in the sand and we want to be aggressive, fine, but I need some direction. I'm not taking a policy position.

LEG. BINDER:

Can I just ask one question?

CHAIRMAN BISHOP:

And that's why we have the committee, because we have a full range of arguments.

LEG. ALDEN:

Take your vacation and we'll give you some direction when you get back.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN BISHOP:

No, wait, stop.

LEG. BINDER:

I just want to ask one thing, if I can ask him something.

CHAIRMAN BISHOP:

No, you can't because Legislator Fisher is next.

LEG. BINDER:

Oh, sorry.

CHAIRMAN BISHOP:

And, you know, I've been waiting for more than an hour but I yield to everybody.

LEG. GULDI:

And you never stop talking while you do it.

LEG. FISHER:

Okay.

CHAIRMAN BISHOP:

At least I'm in my chair.

LEG. FISHER:  
So may I ask my question?

CHAIRMAN BISHOP:  
Yes, you may.

LEG. FISHER:  
Thank you. Allen, I'm just perplexed about something and I just need you to clarify it. A few minutes ago you suggested that we have a tremendous amount of money in farmland acquisition and shouldn't we -- don't we have the ability to move some of that out and somewhere else and Legislator Caracciolo said, "Well, let's have a resolution," we could do it by resolution. Wasn't that -- did I -- and now you're saying we can't do that.

MR. GRECCO:  
Well, no. I didn't join --

LEG. FISHER:  
Explain this.

MR. GRECCO:  
You know, I started doing numbers in my head and I started saying wait a minute, I don't think that's a good thing, and I didn't have the ability to discuss with you what we've been doing.

LEG. FISHER:  
Okay. So we jumped the gun on that one, okay.

MR. GRECCO:  
I would prefer -- or at least give me an opportunity to show you in black and white why I don't think we should move those capital monies.

LEG. FISHER:  
All right. I just wanted that clarified.

MR. GRECCO:  
In fact --

LEG. FISHER:  
You don't have to go on too long, I understand.

MR. GRECCO:  
Okay.

LEG. FISHER:  
Thank you

CHAIRMAN BISHOP:  
Okay. Now, anybody else?

MR. GRECCO:  
It really depends on what you want to do.

LEG. CARACCIOLO:

Yes, on that very point. On that very point so that this is clearer to

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everyone. For 2001, what would you like to have set aside as a farmland preservation budget and from what existing County environmental protection programs? We have Greenways which is a 70/30; yes?

MR. GRECCO:

I would like to see everything in Preservation Partnership, because not only --

LEG. CARACCIOLO:

Fifty/fifty.

MR. SABATINO:

That just contradicts --

MR. GRECCO:

No, no, no, no, no.

LEG. CARACCIOLO:

See, that's why there's confusion.

MR. GRECCO:

I would like to see everything --

CHAIRMAN BISHOP:

He wants the option.

MR. GRECCO:

I want the option.

CHAIRMAN BISHOP:

He wants the option to have partnerships.

MR. GRECCO:

I want the option to be able to look at properties as they come in and be able to not worry about the funding source, I would like to have one pot.

LEG. CARACCIOLO:

But Allen, when we talk about Riverhead, if you are saying you need for the years -- I heard you say a little while ago \$10 million, right?

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

And the point that Legislator Alden made and Legislator Binder is that when you add up existing fund balances of five million in the Capital

Program and Budget --

MR. GRECCO:  
Right.

LEG. CARACCIOLO:  
-- and four million that will be received from the sales tax, that

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gives us \$9 million.

MR. GRECCO:  
Right.

LEG. CARACCIOLO:  
Do you need something in excess of those two funding sources from another program to meet what you perceive will be the demand for this year in farmland?

MR. GRECCO:  
No, I think I should be okay with that.

LEG. CARACCIOLO:  
Okay, so farmland is off the table. Let's go to open space.

MR. GRECCO:  
Open space, the amounts of money I have, including the 2001 money, should be sufficient to be able to close the open space acquisitions which I'm very close to negotiating.

LEG. CARACCIOLO:  
Didn't you say earlier that you would be running out of money by June, open space acquisitions?

MR. GRECCO:  
No, on drinking water.

LEG. CARACCIOLO:  
Drinking water, okay.

MR. GRECCO:  
Drinking water is a real problem.

LEG. CARACCIOLO:  
So open space and farmland, you feel comfortable that you have sufficient fund balances to carry us through the year.

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
Okay. Let's talk about Quarter Percent or Water Quality Protection money.

CHAIRMAN BISHOP:

He's \$7 million short but he's going to get it through this year's money.

LEG. CARACCIOLO:

Okay. So now we've addressed 2001 funding for all environmental programs?

MR. GRECCO:

Well, assuming I can get a linkage between the --

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LEG. CARACCIOLO:

Yes, we agreed that you can do that.

MR. GRECCO:

All right. And that some sort of -- are you in favor of some sort of resolution that simply states anything authorized under the old program is now authorized under the new program?

LEG. CARACCIOLO:

I'd like Counsel to answer that question. What's the best way to do it, Paul?

MR. SABATINO:

No, that's absurd because I have no idea what's sitting out there. I mean, that's a blank check --

MR. GRECCO:

That's right.

MR. SABATINO:

-- to just say that the whole array of --

CHAIRMAN BISHOP:

You've got to come in with your list which ones you want.

MR. GRECCO:

Well, what I'm saying to you is I've got these have 3,000 acres in the Pine Barrens and a whole bunch of other projects.

MR. SABATINO:

Wait, wait, wait. You know, this 3,000 acres, it's being described as though this is somehow a function of the Quarter Percent Program or the County Legislature.

MR. GRECCO:

It was.

MR. SABATINO:

No it's not.

MR. GRECCO:

It was.

MR. SABATINO:  
No, that's not true.

MR. GRECCO:  
Under the old program.

MR. SABATINO:  
No, the 3,000 acres you're talking about came out of the State  
legislation in 19 --

MR. GRECCO:  
That's right.

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MR. SABATINO:  
Well, that's not the Suffolk County Legislature that adopted that  
statute.

MR. GRECCO:  
No, we didn't adopt the statute, but we had an Omnibus resolution, a  
small lot and large lot which allowed us to go after all of it, if you  
recall.

MR. SABATINO:  
Okay. And you know what, you got as many parcels as you could within  
existing funds, but that doesn't now become the driving force for an  
entirely new program.

MR. GRECCO:  
Absolutely. But what is to become of it?

MR. SABATINO:  
What is to become of what?

CHAIRMAN BISHOP:  
Of the ones he didn't obtain, what happens?

MR. GRECCO:  
Right.

LEG. CARACCIOLO:  
Those 3,000 acres.

MR. SABATINO:  
On a case-by-case basis, you can come back to the Legislature and seek  
an acquisition.

LEG. CARACCIOLO:  
Okay, fine.

MR. GRECCO:

Okay, so we'll be parcel specific.

LEG. CARACCIOLO:  
All right. So now --

CHAIRMAN BISHOP:  
Hold on. Allen, is that what you need seven million for?

MR. GRECCO:  
No.

CHAIRMAN BISHOP:  
All right. So that's in addition --

MR. GRECCO:  
What I need is outside the core stuff.

LEG. CARACCIOLO:  
That's in addition, that's in addition.

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CHAIRMAN BISHOP:  
Okay, that's the problem.

LEG. CARACCIOLO:  
All right. So let's talk about, one last time, 2001. You're okay in farmland, you're okay in open space.

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
If you advance the seven million from the monies that will be coming in under Quarter Percent, not a dance but transfer those funds, whatever the proper terminology is.

MR. GRECCO:  
Right.

LEG. CARACCIOLO:  
You'll be fine on Water Quality Protection.

MR. GRECCO:  
And the rest of you agree no further resolutions for environmental acquisitions for the rest of the year?

LEG. CARACCIOLO:  
Well, people can file resolutions but then you'll have to inform us that you don't have the funding for it.

MR. GRECCO:  
Okay.

LEG. CARACCIOLO:

And then it comes back to us to find the funding.

MR. GRECCO:  
As long as you're aware.

LEG. CARACCIOLO:  
Allen?

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
That's the way it works.

MR. GRECCO:  
Right, okay. You know, unless you're going to do separate bonds or  
Capital offsets.

LEG. CARACCIOLO:  
Well, that's been done on occasion.

MR. GRECCO:  
Absolutely.

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LEG. CARACCIOLO:  
All right, so that's an option.

MR. GRECCO:  
And I think we're coming to that point that you're going to have to  
understand why something --

LEG. CARACCIOLO:  
That's an option, that requires 12 votes and that's an option.

MR. SABATINO:  
Well, just for the record, that's exactly how the Open Space Program  
was done from 1986 to the present date, I mean, that's not revelation.  
It's just that you have get offsets.

LEG. CARACCIOLO:  
So we're not setting any new policy as far as that goes.

LEG. GULDI:  
Can I --

LEG. CARACCIOLO:  
The issue before us is this resolution, 1021.

LEG. GULDI:  
Right.

CHAIRMAN BISHOP:  
And --

LEG. GULDI:  
And on 1021, I want to make a motion to table.

LEG. FIELDS:  
Right.

LEG. FISHER:  
Second.

LEG. CARACCIOLO:  
Okay. But I wanted to hear from Mr. Grecco before I conclude what your position is on this resolution, because this is a perspective funding source for the Division of Real Estate.

MR. GRECCO:  
If we get that funding source, it's going to impact the way we do business. It is clearly going to give us a significant funding source. There's going to be positives and there's going to be negatives to it. The positives is that we're going to be able to be competitive with the developers for any parcel which we deem appropriate. The negatives is that there are going to be parcels which are not that important to acquire but for the fact that we have the funding and there's going to be a race to see how quickly we can spend it. And then I project forward, what is to become after that? After we have taxed ourselves for a quarter percent for I don't know how many years, after we bonded ourselves for \$60 million under

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Greenways, and after we front load this entire program. It's all great, I'm not against it, but what then? We know we're not going to save this planet, we know we're not going to get everything.

LEG. CARACCIOLO:  
But couldn't the same question --

MR. GRECCO:  
And then what is to happen at that point? So the question is what is your foreseeability, what is your will?

LEG. BINDER:  
We buy more.

MR. GRECCO:  
Perhaps 25% was not a terrible idea.

LEG. CARACCIOLO:  
Oh, you and I agree about that.

MR. GRECCO:  
Okay? So that you have the best of both worlds.

LEG. CARACCIOLO:

Obviously some of the people who sponsored it originally had second thoughts after all.

MR. GRECCO:

You know, it is good and it is bad, there are arguments on both sides and I'm not going to suggest otherwise.

LEG. CARACCIOLO:

All, let me quickly go to Budget Review. Fred, in terms of this resolution and the bonding costs that would be incurred under it, would that direction be consistent with the Legislature's desire over the last decade to keep County debt service -- reduce County debt service and keep it at a level that is sustainable and affordable?

MR. SPERO:

This debt won't impact General fund property taxes. This is going to be funded out of the Quarter Cent Program.

LEG. CARACCIOLO:

No, I know that, but I want it on the record so other people understand what this does and what it doesn't do.

MR. SPERO:

The term of the bonds, if any are issued, would be structured to conform to the termination of that program.

CHAIRMAN BISHOP:

I think everybody wants to move on.

LEG. BINDER:

Mr. Chairman?

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

I want to get one question in at some point, but I will yield to Legislator Binder.

LEG. BINDER:

Yeah, let me just follow that up. So but now we're going to be going after the sales tax and what if we have a significant downturn in sales tax in a time when we need to be paying these bonds back? Can you tell me about that? Because we're not putting it on General Fund property taxes. Talk to me a little bit about a downturn in our funding source.

MR. SPERO:

Well, you would only borrow an amount of money and project your debt service and you'd have to have enough coverage to cover that debt. Make sure that no matter what happens you would have enough sales tax

to cover that debt.

LEG. BINDER:

And if we had a significant downturn, would we have to use money that we would normally use as a pay-as-you-go type money? Because now the idea -- see, the idea here is that we can only use it when we need it, right, we can only borrow when we need it and other times we're going to pay-as-you-go. But if we had a significant downturn and we had a draw upon that money for debt service, wouldn't that then limit our ability to keep buying land as pay-as-you-go because now we're going to be paying debt service on old land we bought and we're no longer buying land which we talk about is appreciating every five minutes, right?

MR. SPERO:

Even bonds in the first Water Quality Program were issued as General County obligations. Even though they were covered by the sales tax, they were general County obligations and not tied specifically to the revenue of that sales tax.

LEG. BINDER:

But I think that --

CHAIRMAN BISHOP:

Over the long run land appreciates, though, right; you agree?

LEG. BINDER:

Agree. But the problem which just became clear is while we're not putting this on the General Fund, we're putting it in sales tax. Sales tax in an environment of possibly decreasing sales tax amounts. If you then have to dedicate amounts that -- and we're getting less money than we figured or projected, that means that there's less money to buy land because it has to go to debt service, more of a percentage of the amount coming in.

CHAIRMAN BISHOP:

So let me just --

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LEG. BINDER:

And that can hurt our bond program.

CHAIRMAN BISHOP:

That's a theoretical and it's a valid one, but let me point this out with actual numbers. If we were to borrow at the current 50% of prime rate which is the Environmental Facilities Corporation rate and we were to borrow the entire amount up front, you know, completely blowing through our discretion and saying we're going to borrow every single penny that we can that's authorized, how much would the debt service be? I think I know the answer. I think we could -- under that scenario we could borrow \$79 million and the total debt service would only be 13 million, 92 million.

LEG. BINDER:  
Debt service, annual debt service?

CHAIRMAN BISHOP:  
The entire cost of the debt.

LEG. ALDEN:  
Seventy-nine plus 13.

CHAIRMAN BISHOP:  
Right, so you're really only speaking about \$13 million.

LEG. ALDEN:  
No, you're talking --

LEG. BINDER:  
No, you have to pay back the principal and the interest.

CHAIRMAN BISHOP:  
Yeah.

LEG. ALDEN:  
Then you have to look at your revenue stream; how does that match up?

MR. POLLERT:  
One of the difficulties is yesterday one of the exhibitors at the NYSAC Conference was this group that does the subsidized borrowings and I picked up a lot of literature from them. We have also contacted them in person. It's not as seamless as a process as you have been led to believe, there's an application process. They just don't advance you the funds. You could actually lose parcels because you have to be part of their planned borrowing. So dealing with them is not as seamless as it would appear.

CHAIRMAN BISHOP:  
But no one's going to borrow 79 million up front or --

MR. POLLERT:  
Right. But what I'm saying is --

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CHAIRMAN BISHOP:  
-- anything like that. The point was that if went out and did the most aggressive and probably some would argue imprudent borrowing, the total cost of the borrowing would only be \$13 million. And I would argue that if you bought \$79 million of land today, that in 12 years it would appreciate a hell of a lot more within \$13 million. I think that's your argument and I've heard you insist that.

MR. POLLERT:

Right.

LEG. CARACCIOLO:

And more importantly, it may not be available, it may have been developed.

CHAIRMAN BISHOP:

Right, and the most basic argument that it may be gone.

MR. POLLERT:

Just one point that I had wanted to make, though, is we had been led to believe that there's an application process. So if you have a piece of property that you want to purchase today, you will not be able to use the New York State funding mechanism, you have to go through an application process and it has to be prioritized. So there could be a three, four, five, six, seven month wait while they review the application for -- to meet the eligibility.

CHAIRMAN BISHOP:

You should be happy about that.

MR. POLLERT:

So that what you may have to do is what was done in the past is if the County has the authority to issue the bonds, issue the bonds and then refinance them later on with this lower cost type of financing.

LEG. ALDEN:

We can't do it under this resolution, though.

CHAIRMAN BISHOP:

Right.

MR. POLLERT:

It doesn't appear that you can. But if the resolution is tabled, that would give us an opportunity to find out --

LEG. ALDEN:

No, don't fool around with it, just leave it.

CHAIRMAN BISHOP:

I don't know if we want to do that kind of --

LEG. FIELDS:

Motion to table.

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CHAIRMAN BISHOP:

The motion to table offered by Legislator Guldi and Legislator Fisher --

LEG. CARACAPPA:

I'll second.

LEG. BINDER:  
Mr. Chairman, can I --

CHAIRMAN BISHOP:  
Is the purpose of the tabling to come up with clearer language?

LEG. GULDI:  
The purpose was not to necessarily come up with clearer language, but to analyze, reflect on and consider the language rather than in --

CHAIRMAN BISHOP:  
Which is what you failed to do in this last period?

LEG. BINDER:  
Mr. Chairman, can I --

LEG. GULDI:  
You guys were still making up your mind which version you were going to move, and until you did that I didn't want to spend a lot of time analyzing stuff that wasn't going to get moved for approval.

CHAIRMAN BISHOP:  
Counsel, what day was this final version?

LEG. FISHER:  
The 25th.

MR. SABATINO:  
January 25th.

LEG. GULDI:  
January 25th.

CHAIRMAN BISHOP:  
And today is the what?

MR. SABATINO:  
The 13th.

LEG. BINDER:  
Mr. Chairman?

LEG. GULDI:  
The 13th, yeah, but you didn't tell us you really meant it.

LEG. BINDER:  
Mr. Chairman, before --

Touche

LEG. BINDER:

Before you call the vote, can I ask Allen Grecco one more thing?

CHAIRMAN BISHOP:

Sure.

MR. GRECCO:

Yes?

LEG. BINDER:

One more thing. You had said there are a number of parcels that -- so you're over subscribed, you've got all these acceptances, you've got this pile that you want to go upstairs. Are these all crucial, sensitive, important -- why are these all important that every one of these -- because we're over subscribed, so we want to buy all of these. Let's assume that all of these we want, okay, every one of them that you have acceptances on, why are they important to us? Is this because they were in the water -- groundwater protection area?

MR. GRECCO:

No, not necessarily. You know, land is unique. It's the first thing we learned, right, in equity, land is unique?

LEG. BINDER:

Yeah. Well, we could buy all of Suffolk County that right now doesn't have a house on it. I mean, we can do that.

MR. GRECCO:

That is true, that's true.

LEG. ALDEN:

No, even with the houses on it, why not?

MR. GRECCO:

But no --

LEG. BINDER:

Oh, we could buy the houses, too, I guess. Yeah, we could buy the houses.

MR. GRECCO:

We buy for different reasons, whether it's water quality, whether it's open space, parks, etcetera. The one I was most concerned about was preserving an industry which is the farming industry, it happens to be our oldest acquisition program.

LEG. BINDER:

I understand. But I'm

MR. GRECCO:

And I think --

LEG. BINDER:

I'm right now in the Quarter Percent, this is about Quarter Percent money.

MR. GRECCO:

Right.

LEG. BINDER:

Let me ask you a question. Could you give me, could you give me the list of these acceptances? I don't want to know -- I don't want the -- I don't want the amounts, obviously, I don't want to see how much for, but I'd like to know which ones we have acceptances on. So how many we have, what they are, and if you can put just a little note by it why it's important that we go forward with this so I can understand why we --

MR. GRECCO:

Okay.

LEG. BINDER:

-- are seven million behind and why all of these put us seven million behind and why we want all of these. That's what I'd like to understand.

MR. GRECCO:

Okay. I --

LEG. BINDER:

I mean, it's --

MR. GRECCO:

This is not a brand new revelation, I've cautioned this committee on this several times.

LEG. BINDER:

I understand.

MR. GRECCO:

Number one. Number two, there is a rising --

LEG. BINDER:

And it's not a criticism or anything.

MR. GRECCO:

No, I understand.

LEG. BINDER:

I just want to know what's --

MR. GRECCO:

No, it is a reality, it is a reality. There's another thing which is food for thought, we may be at the peak of the real estate market anyway.

LEG. BINDER:

I'll sell my house.

MR. GRECCO:

And if, in fact, you know, we buy at the height of the market and borrow, it makes it even worse. It's a crap shoot. If you believe that the real estate is going to continue to rise and we can borrow at a rate less than the way it's going to rise, then it's a good investment. On the other hand --

LEG. BINDER:

But if the bottom falls out --

MR. GRECCO:

-- if you believe that the bottom falls out and we're buying at the height of the market and borrowing, then we've made a bad investment. So --

LEG. BINDER:

But I'm just --

MR. GRECCO:

It's if you're looking at number crunching -- but again, I say land is unique.

LEG. BINDER:

Just so you understand, I am concerned because it's easy to say I have plenty to buy because -- and I'm sure there's more to buy and I'm sure we're putting in more resolutions to tell you to buy.

MR. GRECCO:

Yeah.

LEG. BINDER:

Right, but that doesn't mean we need to or should for very sound reasons buy all the parcels that are out there. And if we had a good priority system, that maybe instead of being seven million in the hole we're actually ahead because we really don't have to buy all of them.

MR. GRECCO:

We actually do have some priority systems, for example, in open space Greenways we've had a priority system.

LEG. BINDER:

No, I understand.

MR. GRECCO:

And we're following that.

LEG. BINDER:

I'm trying to really focus on this program, this one, this Quarter Percent is over subscribed. All the acceptances we have, where are they, I mean, maybe -- I want to know what they are and why they're important that we buy -- a short thing on why each one of them --

MR. GRECCO:

Understood.

LEG. FIELDS:

And can you list them by town?

MR. GRECCO:

Oh, yeah. Section, block and lot, acreage, the whole -- yeah, I could do that.

LEG. BINDER:

Great.

LEG. FIELDS:

Can we have it by the next meeting?

MR. GRECCO:

You kidding?

LEG. FIELDS:

Well, you must have the list.

LEG. BINDER:

Not without more staff.

LEG. FIELDS:

Don't you have the list in front of a grid?

MR. GRECCO:

I'm flying back the night before. I mean -- I'll see.

LEG. FIELDS:

Allen, how do you know what to do next if you don't have them all written down?

MR. GRECCO:

No, I do have them, it's just, you know --

LEG. BINDER:

Culling; culling is hard, I know, when you don't have it in the order that we're asking for it.

MR. GRECCO:

I'm going for hit you guys for more staff.

LEG. BINDER:

I understand. When you don't have it in the form that we're asking for it, it makes it difficult.

MR. GRECCO:

Yeah. I have it in --

LEG. BINDER:

But for us to make a decision --

MR. GRECCO:

I have it in form, you know, and -- but if what you're asking me for is additional information as to why I need it, well then I have to go

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back to say Loretta as to what the sensitivity of the parcels are. But it can be put together, you know.

LEG. BINDER:

Great. Thanks.

MR. GRECCO:

Oh, sure.

CHAIRMAN BISHOP:

Are we finally exhausted?

LEG. BINDER:

I think so. I have to go to the bathroom anyway.

CHAIRMAN BISHOP:

Wonderful. George, back to your cage.

LEG. GULDI:

All right, I'm in my cage.

CHAIRMAN BISHOP:

1021, there's a motion to table.

LEG. FISHER:

And a second.

LEG. GULDI:

Mr. Chairman, call the question, please.

CHAIRMAN BISHOP:

Motion to table by Legislator Guldi, second by Legislator Fisher. All in table? All in favor?

LEG. GULDI:

Favor, favor.

LEG. FISHER:

All under the table.

CHAIRMAN BISHOP:

1021 is tabled (VOTE: 7-0-0-0).

1022 - Implementing Greenways Program in connection with acquisition of active parklands at Riverhead (Town of Riverhead) (Caracciolo). We already tabled that, is that correct? Yes, that is correct, I believe.

1851-01 - Implementing Greenways Program in connection with acquisition of active parklands at Miamogue --

LEG. FISHER:  
That was tabled also, wasn't it?

CHAIRMAN BISHOP:  
We tabled that as well.

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2029-01 --

LEG. FISHER:  
Why are these repeated?

CHAIRMAN BISHOP:  
I think we took them out of order because the Councilman was here, perhaps.

LEG. FISHER:  
Oh.

CHAIRMAN BISHOP:  
-- Adopting Local Law No. 2001, a Charter Law to impose additional requirements on Suffolk County Community Greenways Fund for active parkland acquisitions (Caracciolo).

LEG. CARACCIOLO:  
Town Board resolution?

CHAIRMAN BISHOP:  
No, this is -- you have some sort of Charter Law to impose new requirements on active parks?

LEG. FISHER:  
Excuse me, Mr. Chair, they were repeated. That Miamogue has two numbers, 1851 and 1044.

LEG. CARACCIOLO:  
They're different programs, different programs.

LEG. GULDI:  
Different funding mechanisms.

LEG. FISHER:  
Okay.

CHAIRMAN BISHOP:  
Okay, so let's go back to this Miamogue. You want to table this, correct?

LEG. CARACCIOLO:  
Yes.

LEG. FISHER:

Oh, active open space, I see.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by myself. 1851 is tabled (VOTE: 7-0-0-0).

The one preceding that, 1022, what's the deal with that? 1022-01 - Implementing Greenways Program in connection with acquisition of active parklands at Riverhead (Town of Riverhead) (Caracciolo).

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LEG. CARACAPPA:

Same thing, motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by myself. That is tabled (VOTE: 7-0-0-0).

All right, that brings us to 2029-01 - Adopting Local Law NO. 2000, a Charter Law to impose additional requirements on Suffolk County Community Greenways Fund for active parkland acquisitions (Caracciolo).

LEG. CARACAPPA:

Motion to table

LEG. BINDER:

Second.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

All right, 2029 is tabled (VOTE: 7-0-0-0).

2031-00 - Approving acquisition under Suffolk County Land Preservation Partnership Program (Rolling Oaks Golf Course in Rocky Point) (Town of Brookhaven) (Haley). Is this eligible, does anybody know?

MR. GRECCO:

We need a Town Board resolution.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Now, I just want to point out that the Greenways Programs specifically says that you can't -- oh, it's land partnership preservation, excuse me.

2037-00 - Implementing --

LEG. FIELDS:

Wait, wait, wait, we didn't table that.

CHAIRMAN BISHOP:

Yes, we did.

LEG. GULDI:

Call the question.

CHAIRMAN BISHOP:

Motion by myself, second by Legislator Caracciolo. Tabled (VOTE: 7-0-0-0).

2037-00 - Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst (Town of Babylon)

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(Bishop). Motion to table by myself, second by Legislator Fisher. All in favor? Opposed? 2037 is tabled (VOTE: 7-0-0-0).

2184-00 - Amending 2000 Operating Budget and appropriating funds from the Water Quality Protection Program, Fund 475, and Environmental Trust Fund, Fund 176, in connection with the Town Revenue Sharing for the acquisition of land for the Towns of Riverhead, Southold, Southampton, Brookhaven, East Hampton and Huntington. (County Executive).

LEG. GULDI:

Motion.

LEG. FISHER:

Second.

LEG. ALDEN:

Question.

CHAIRMAN BISHOP:

This is the left over --

MR. SABATINO:

This has been tabled twice because you keep asking for someone to come down.

CHAIRMAN BISHOP:

Right. Did anybody find out the answer?

LEG. CARACCIOLO:

The answer is --

MR. SPERO:

The answer is you could adopt this resolution, this is a finite amount of money and it's not dependent on the final sales tax coming in for the 12-5 (E) Program.

CHAIRMAN BISHOP:  
Motion.

LEG. ALDEN:  
On the motion, though.

CHAIRMAN BISHOP:  
Hold on. Motion by myself, second by Legislator Guldi. On the motion,  
Legislator Alden wishes to be heard.

LEG. ALDEN:  
There's a couple of towns that are missing from there, they were  
separate -- that was a separate resolution?

LEG. FISHER:  
They were separate.

LEG. GULDI:  
They got theirs

LEG. ALDEN:  
Right, I'm just making sure.

CHAIRMAN BISHOP:  
All in favor? Opposed? 2184 is tabled (VOTE: 7-0-0-0).

LEG. GULDI:  
Approved.

CHAIRMAN BISHOP:  
Approved, excuse me. I'm sorry. (VOTE: 7-0-0-0).

Motion to adjourn by myself, second by Legislator Alden. All in  
favor? Opposed? We stand adjourned.

(\*The meeting was adjourned at 6:21 A.M.\*)

Legislator David Bishop, Chairman  
Environment, Land Acquisition & Planning

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