

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

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **May 21, 2001** at 3:15 P.M.

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, Legislative Counsel
Legislator Brian Foley
Jeanine Dillon, Aide to Legislator David Bishop
Jim Dobkowski, Press Secretary to Presiding Officer Paul Tonna
Terry Pearsall, Aide to Legislator George Guldi
Ron Verrang, Suffolk County Planning Department
Lorraine Dittko
Fred Daniels, Suffolk County FRES
Ben Wright, Chief Engineer of Sanitation, Suffolk County
James Bagg, Suffolk County Planning Department
Vito Minei, Suffolk County Department of Health Services
Jim Burke, Suffolk County Planning Department
John Turner, The Nature Conservancy
Stuart Lowrie, The Nature Conservancy
Peter Scully, Commissioner, Suffolk County Parks Department
All Grecco, Director, Suffolk County Real Estate
G. Gackenheimer, Deputy Director, SCFA
Lauretta Fischer, Suffolk County Planning Department
Tom Isles, Commissioner, Suffolk County Planning Department
Nicole DeAngelo, County Executive's Office
Gerard McCreight, Aide to Legislator Jon Cooper
Dewitt Davies, S.C.P.R.
Bill Shannon, Department of Public Works
Kevin Duffy, Budget Review Office
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 4:00 P.M.)

CHAIRMAN BISHOP:

Okay, let's begin. Legislator Fisher, to ensure the enforcement of the rule that we do the pledge, please?

SALUTATION

CHAIRMAN BISHOP:

Not only great integrity but a great patriot as well, you are. All right. Legislator Binder reminds us that the Democratic and Republican Convention are this evening. So maybe we'll take extra long.

LEGISLATOR FOLEY:

Is it at the same location?

CHAIRMAN BISHOP:

Hopefully not.

LEGISLATOR BINDER:

Not easy to save us.

CHAIRMAN BISHOP:

We'll all get cross endorsements.

LEGISLATOR BINDER:

I heard there was a coalition convention also.

LEGISLATOR FOLEY:

I'll say, coalition convention, right.

LEGISLATOR GULDI:

Which one are you going to?

CHAIRMAN BISHOP:

All right.

LEGISLATOR BINDER:

I'm sure we're not invited to the coalition convention.

LEGISLATOR GULDI:

Whichever --

CHAIRMAN BISHOP:

All right. All right. That's it. Stop. I don't have the cards. I know some people have filled out cards. You have them? Lorraine, are you Ms. Dittko? That's the only card? All right. Come on up. Yes, there it is. We found the

card. It's all-official now. Hi. Good afternoon. You're here to speak to us regarding the Clancy Road Preserve?

MS. DITTKO:

Right. I live in Manorville in the compatible growth area that became completely incompatible very quickly. We've had seven developments in the last two years, last five years and in the last ten years and it's getting so horrendous. It's just as if it's just descended upon Clancy Road. And so, I thought as a last ditch effort, maybe I could have a Preserve -- to Preserve what's left of Clancy Road. At least the frontage on a lot of it. It was a -- it still is in many ways a very pretty country winding road and I'd just like to see if we can get a County Preserve going. You all have your packets there, I guess. And I guess I could read from this.

CHAIRMAN BISHOP:

We all have them? I have mine.

MS. DITTKO:

Okay, the acreage, it's approximately 85 acres, 43 acres of which are currently Preserved Open Space and part of an established County Preserve. The acreage is part of the compatible growth region of the Pine Barrens and is over saturated with development. Seven new developments totaling three hundred homes are in various stages of progression in this region within a half mile of the proposed Preserve on Clancy Road, destroying the natural beauty of this region and further burdening the Eastport School District, which cannot sustain additional students. The addition of 39.9 acres of the existing County Preserve would create a sloth of greenery, an oasis amid the ongoing destruction of this beautiful area. And if you see the map that I've enclosed, it's color-coded, you can see the blocks and look them up as I read this off.

The Preserve, the Suffolk County Preserve, the little Preserve in the back, it borders Head of the Neck Road and that's a paper road on the south and it's composed of numerous abutting lots and the Preserve totals about 35 acres and is situated south of several ongoing developments on Clancy Road. The Preserve harbors over pitch pine and scrub oak, as well as native groundcover and grasses, deer, pheasant, red tail hawks and fauna indigenous to the Pine Barrens inhabit this region. And hikers, hunters and horseman use and maintain these trails throughout the Preserve. Protected Open Space adjacent to the Preserve, if you look on the map, it says East Moriches Fire District. This 6-acre parcel is part of a cluster housing agreement with the developer of Spring Briar Greens. That was Fairway Lake one. It's located next to the Preserve and it's protected Open Space, as specified by the final environmental impact statement ratified by the Brookhaven Planning Board on October 15, 1992. It is not on the tax roles.

In 1992, the Planning Board recommended the parcel become part of the adjacent County Preserve. In 1997, the Brookhaven Town Council illegally gave the parcel to the East Moriches Fire District. The community challenged the transfer. The EMFD recognizes that the parcel is protected Open Space

and has no plans for the property. The official transfer of this land to the County Preserve will satisfy the terms of the FEIS, as specified by the Brookhaven Planning Board in 1992. Brookhaven Councilman Edward Hennessey is facilitating a resolution that will transfer the property to the County Preserve and I just spoke with him today and that's still going on. The acreage north of the County Preserve and that's lots 9.1 and 11, the 14.5 acres north on Clancy Road is composed of a thin strip of land owned by the Town of Brookhaven and totaling 3.5 acres and is of no use to the town. It's a very narrow strip and 10.9 acres of privately owned land; the property is heavily treed. As of this proposal, there are no plans to develop the property; the purchase of the privately owned acreage would be to the County using appropriate Open Space funding. The town land would be acquiesced as an easement to the County Road Preserve in an effort to maintain natural frontage on Clancy Road, Lot 17 and that's the adjacent 28 acre property east of lots 9.1 and 11 and it's private owned, heavily treed and it's not slated for development at this time.

I wrote down the impediments to this. There's only one, privately owned property, the north portion of the Preserve and we believe that the main obstacle is the purchase of the two lots of privately owned land, which would be funded by the appropriate County Land Preservation Agency and/or the town. And we just received word a couple weeks ago that the owner of one of the lots wants to be reimbursed for this property and will link the lot to the County Preserve, which was pretty good news, -- affordability, although the Clancy Road Preserve would incorporate 85 acres of protected Open Space, only 38.9 acres would be eliminated from the tax roles and its creation and compared with larger land acquisitions throughout the County, the cost of acquiring 39 acres is marginal. Two, no development project has yet been proposed for the two privately owned parcels. No one has yet dug their heels in, so that's not so bad.

LEGISLATOR FISHER:

Excuse me?

MS. DITTKO:

Yes?

LEGISLATOR FISHER:

Just a brief question? Where is Clancy Road on the map? Does it have two names? Is that why I'm not seeing it?

MS. DITTKO:

That's why I --

LEGISLATOR FISHER:

Highlighted it. It's Moriches Road?

MS. DITTKO:

It's Moriches Road. It's Clancy Road and it's also Head of the Neck Road.

LEGISLATOR FISHER:

Okay, I just wanted to double check, because I wasn't seeing the name on the map.

MS. DITTKO:

I know.

LEGISLATOR FISHER:

Thank you.

MS. DITTKO:

It's confusing and that's why I did that. Let's see. All right, the Clancy Road Preserve would offer relief again to the Eastport School District, which is dangerously overcrowded and continues to accept students from ongoing developments. The proposed new high school, which has not yet been built is years from completion and I have to tell you, development goes on and on. They just put up a two hundred and seventy six home development, Country Point; it's north of the shrine. I really don't know where those kids are going to school. You know, I really don't. So the development continues and the school is very overcrowded.

Four, the Clancy Road Preserve will conserve a portion of the national integrity of this region, which is disappearing at an alarming rate. Animals indigenous to this region, including deer, fox, pheasant, owls, hawks, milk snakes, they are not poisonous, box turtles and other animals have migrated to the proposed property since their natural habitats have been destroyed and they're just pouring in from up north by the Shrine, especially because of that Country Point Development. There was really no place for them to go and they're coming south to these lands now that have not yet been touched and that's it. It's been proposed by the residents of Clancy Road in Manorville and presented and spearheaded by me.

CHAIRMAN BISHOP:

Well done. Mr. Isles, will you please come forward? But does anybody, any members of the committee have questions for Ms. Dittko?

LEGISLATOR CARACCILO:

Well, I just point out that there is a resolution that's 1415. I've had extensive conversations with the Planning Department regarding this acquisition. And I would welcome Mr. Isles to comment about the proposal before us, as well as the request to add some smaller parcels south of Clancy Road, which is north of Head of the Neck Road that Ms. Dittko recently contacted my office for inclusion.

MR. ISLES:

The Planning Department has reviewed this parcel and we can report that as Ms. Dittko explained, the property is about 29 acres. It is within the Central Suffolk Special Groundwater Protection Area. It's also classified as Pine

Barrens type vegetation. In looking at the parcel, we noted the surrounding parcels, as explained by the speaker, this is directly across the street from the South Manorville Nature Preserve. So there's County holdings in this immediate location, as well as properties owned by the Town of Brookhaven, which have been put into a protective parks category. It's our view of this application of this proposal; we feel that this is a prudent step to be taken by the Legislature at this time. The resolution before you is for planning steps and we would recommend this to you today.

CHAIRMAN BISHOP:

Where is the County Preserve?

MR. ISLES:

The County Preserve is to the west and north across Clancy Road. It's an old-filed map layout.

MS. DITTKO:

It's there. It's on your map.

LEGISLATOR CARACCIOLO:

One hundred acres.

CHAIRMAN BISHOP:

Mark this what?

MR. ISLES:

I'm not sure what the acreage would be.

MS. DITTKO:

Established Preserve.

MR. ISLES:

Outlined in the green, I guess?

MS. DITTKO:

In the green.

CHAIRMAN BISHOP:

Oh, okay. I thought that was -- I thought that was developed because it's so densely marked.

MS. DITTKO:

No, isn't that funny, you know --

CHAIRMAN BISHOP:

Wood lots, okay.

MS DITTKO:

It all says streets in it.

MR. ISLES:

We also note too that it may be possible upon further planning to do an actual wildlife corridor here by linking up these parcels in the future and having some real wildlife value to this area.

CHAIRMAN BISHOP:

Why are those -- the green condos go right up to the property line? They developed all of that?

MS. DITTKO:

They're still developing. I think they're like on phase four now. I always think they're over but there's another phase that's going on and they are still going. I still hear the hammering, so --

CHAIRMAN BISHOP:

And this is a Groundwater Protection area, Tom?

MR. ISLES:

Yes, it is.

CHAIRMAN BISHOP:

So why is -- well, explain that to me? Explain to me why there's such dense new development in a Groundwater Protection area?

MR. ISLES:

Well it is within the Pine Barrens receiving zone. So it is a zone --

CHAIRMAN BISHOP:

So this is getting all the --

MR. ISLES:

A certain density and a certain --

CHAIRMAN BISHOP:

It's their fault, behind you.

MR. ISLES:

There's always a balancing and in this case, it is getting pretty intensely developed in a very short period of time. But I don't think that necessarily means that we can just let loose and let anything happen there. That we have a case here of substantial public holdings by the County and by the Town. A worthwhile purpose with the Groundwater Protection Zone and contiguous property ownership in many cases.

CHAIRMAN BISHOP:

What does 29 acres go for out there?

MR. ISLES:

I don't know. The planning steps would enable us to do an appraisal.

CHAIRMAN BISHOP:

I know that but give me the rough --? I do I want -- okay. All right, any other questions for anybody in the administration also want to comment on this particular topic, since we're on it? Real Estate, do you have anything to say? Parks? Nobody? Okay. It's on the agenda for today. Why don't we -- we have no other cards. Is there anybody else who wishes to address the committee? Why don't we do the SEQRA? Right, yes. We're going to do SEQRA, agenda, presentation.

LEGISLATOR FISHER:

I'd like to ask a question about the CEQ Resolutions Jim?

MR. BAGG:

Yes.

LEGISLATOR FISHER:

The first few meetings of this committee this year, we received these resolutions in our offices beforehand. The last couple of meetings I haven't gotten it until the meeting. What is the usual format?

MR. BAGG:

The usual format is is when CEQ is on a Wednesday and your committee is on a Monday, we do not have enough time to prepare all the resolutions and get them to the committee. So we transpired the agenda to Mr. Bishop's Office and asked him if it was all right. What did he want us to do and he said to hand them to the committee members. If there is enough time, if there's more than two weeks, we will get them to you.

LEGISLATOR FISHER:

Okay, so it's just a matter of time expediency?

MR. BAGG:

Yes, exactly.

LEGISLATOR FISHER:

Okay.

CHAIRMAN BISHOP:

Hit it.

LEGISLATOR FISHER:

I would just like to look at them a little bit beforehand.

MR. BAGG:

Okay, well the first one is CEQ Resolution Number 35, which is the Counsel's recommendations for classifications on resolutions laid on the table on April 24th and May 8th. That's fairly pro-forma, I believe.

CHAIRMAN BISHOP:

Motion. All in favor? Opposed? 35 is adopted.

CEQ RESOLUTIONS:

NO. 35-01 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table April 24 and May 8, 2001

VOTE: 7-0-0-0 APPROVED

MR. BAGG:

The next resolution is proposed construction of County alternative DWI facility. The project involves the construction of a 16,000 square foot one story masonry building to replace the existing modular DWI building next to the existing jail. Counsel recommends it's an unlisted action and they also recommend something a little bit different, which is a conditional negative declaration. They would like to see the site plan and architectural plan with respect to the project prior to it going up and make sure it's in character with the surrounding --

CHAIRMAN BISHOP:

Is this based in law?

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

The conditional negative declaration?

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

All right, tell me about it?

LEGISLATOR GULDI:

It's a conditional negative declaration. It's a negative dec. providing you meet the required conditions.

MR. BAGG:

They would also like to see the --

CHAIRMAN BISHOP:

It's a shoe step process. I mean, it's got to go back to you then?

MR. BAGG:

Well, it goes back to CEQ, yes.

CHAIRMAN BISHOP:

All right and then it comes back to us. So what's the point of it?

MR. BAGG:

I don't necessarily know if that's the case. Well, the condition would be to bring it back to CEQ and also make sure that it's shielded from the proposed golf courses at Yaphank and that all demolition debris will be disposed of in an approved facility.

CHAIRMAN BISHOP:

Shielded from the golf course, so the balls don't have --

MR. BAGG:

Aesthetic point of view.

CHAIRMAN BISHOP:

This is the golf course that's yet to be built?

MR. BAGG:

Yes, there are two proposed golf courses at Yaphank, which have been approved by the Legislature.

CHAIRMAN BISHOP:

Yes, we're well aware of it before, seven. All right. Everybody in favor of a conditional --?

MR. BAGG:

Just let the record --

CHAIRMAN BISHOP:

Skip over it. We'll come back to that one.

MR. BAGG:

The next one is the proposed construction of a Salt Storage Building at Commack, Town of Smithtown. The project involves the construction of seven thousand two hundred and eighty square foot salt storage building within a cleared unpaid bulk storage area with some grass and its within the existing public works west end highway facility. Counsel recommends that it's unlisted action. That will not have a significant effect on the water.

CHAIRMAN BISHOP:

Motion.

LEGISLATOR FISHER:

Second.

CHAIRMAN BISHOP:

Second. All in favor? Opposed? 37 is approved.

NO. 37-01 Proposed Construction of Salt Storage Building, Commack, Town of Smithtown, Unlisted Action - Negative Declaration.

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

Thirty-eight.

MR. BAGG:

This one is a proposed intersection improvements on CR 67 Motor Parkway at Adams Avenue, Hauppauge, Town of Smithtown.

CHAIRMAN BISHOP:

Motion. Is there a second? You want to look at the --

LEGISLATOR GULDI:

Second.

CHAIRMAN BISHOP:

Second. Thank you. All in favor? Opposed? 38 is approved.

NO. 38-01 Proposed Intersection Improvements on CR 67, Motor Parkway at Adams Avenue, Hauppauge, Town of Smithtown. CP#3301 - Unlisted Action - Negative Declaration.

VOTE: 7-0-0-0 APPROVED

MR. BAGG:

The next one is the proposed intersection improvements at CR 31, Old Riverhead Road at CR 4, Quogue/Riverhead Road in the Town of Southampton.

LEGISLATOR GULDI:

104.

MR. BAGG:

104.

LEGISLATOR GULDI:

This project is already underway. Work in progress there this week.

MR. BAGG:

The Department of Public Works would have to answer that. It was submitted to us, as if a proposal.

LEGISLATOR GULDI:

Well, I'm going to ask somebody from DPW, are you here on DPW matters?

CHAIRMAN BISHOP:

Oh, you got the right guy.

LEGISLATOR GULDI:

Bill, this will teach you to come to meetings. May I have a microphone

please? Bill, I was through 31 and 104 yesterday and the day before. They're doing repaving and working on an intersection. Is it a different project?

MR. SHANNON:

That may have been some minor repair type improvements. This is the realignment of the intersection to improve the sight distance and to cut down those accidents.

LEGISLATOR GULDI:

Okay, I understand the difference. Thank you. Motion to approve.

CHAIRMAN BISHOP:

You're the only one. Motion by Legislator Guldi, second by Legislator Fields. All in favor? Opposed? 39 is approved.

NO. 39-01 Proposed Intersection Improvements on CR 31, Old Riverhead Road at CR 104, Quogue/Riverhead Road, Town of Southampton. CP #3301- Unlisted Action - Negative Declaration.

MR. BAGG:

CEQ 40-01 proposed intersection improvements on CR 46 at Surrey Circle, Mastic, Town of Brookhaven.

CHAIRMAN BISHOP:

Michael?

LEGISLATOR CARACCILO:

Motion to approve.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? 40 is approved.

NO. 40-01 Proposed Intersection Improvements on CR 46 at Surrey Circle, Mastic, Town of Brookhaven. CP #3301 - Unlisted Action - Negative Declaration.

MR. BAGG:

The next one is proposed intersection improvements on CR 13, Fifth Avenue at Candlewood Road, Brentwood, Town of Islip.

LEGISLATOR GULDI:

Motion, right turn lane.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 41 is approved.

NO. 41-01 Proposed Intersection Improvements to CR 13, Fifth Avenue at Candlewood Road, Brentwood, Town of Islip. CP #3301 - Unlisted Action - Negative Declaration.

VOTE: 7-0-0-0 APPROVED

MR. BAGG:

42-01 is proposed drainage improvements on CR 40, Three Mile Harbor Road, Town of East Hampton.

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 42 is approved.

NO. 42-01 Proposed Drainage Improvements on CR 40, Three Mile Harbor Road, Town of East Hampton. CP #5542, Type II Action.

VOTE: 7-0-0-0 APPROVED

MR. BAGG:

And the final one is proposed demolition of a concrete arch bridge over CR 4, Commack Road, Town of Huntington.

CHAIRMAN BISHOP:

All right. Is this a bridge that is -- the New York State for example parks brickwork?

MR. BAGG:

It's historic.

CHAIRMAN BISHOP:

It is historic? You know what I'm speaking of? Like on the --

MR. BAGG:

Yes, it was submitted to the State Office of the Historic Preservation. They gave a ruling that it was not a historic bridge and said that they didn't have a problem with it coming down. What I understand now --

CHAIRMAN BISHOP:

Allan is this in your district?

MR. BAGG:

It's a traffic safety problem because trucks on Commack Road cannot get under that bridge.

LEGISLATOR BINDER:

It's basically a graffiti wall.

CHAIRMAN BISHOP:

So it's concrete. It doesn't have the bricks that I'm referring to? Stone work? We're looking for those for the Robert Moses Statute.

LEGISLATOR BINDER:

We can leave them to you. We can check if those are bricks that you want.

CHAIRMAN BISHOP:

You're in charge of checking. Thank you. Motion by Legislator Binder.

LEGISLATOR FISHER:

I have a question.

CHAIRMAN BISHOP:

Second by myself. A question on the motion.

LEGISLATOR FISHER:

Why did Mr. Mallamo abstain? Is it because it's historic resources?

MR. BAGG:

Well, Lance did not necessarily agree with the State Office Historic Preservations findings. He felt that it may have some historic significance. He mentioned that the CEQ, however, the State Office Historic Preservation thought otherwise. The Department of Public Works feels that is a traffic hazard to stay the way it is right now. It should be removed. It's not owned by the County. It's owned by, I believe the State Office's General Services.

LEGISLATOR FISHER:

Well he represents that area.

CHAIRMAN BISHOP:

And it doesn't come to the full Legislature, so this is the last shot at it. Legislator Binder, are you sure you want to move forward?

LEGISLATOR FISHER:

I'm not going to vote for it.

CHAIRMAN BISHOP:

Can we -- would you yield to a --

LEGISLATOR FISHER:

I'd like to make a motion to table until we can look at it again.

CHAIRMAN BISHOP:

What's there? I know graffiti you're going to tell me.

LEGISLATOR BINDER:

Graffiti. It doesn't go from anywhere to anywhere, right? I mean --

MR. BAGG:

That's right. It's to nowhere.

LEGISLATOR BINDER:

It does nothing. It attracts graffiti. It causes a problem for traffic and it's a safety problem on a major thoroughfare in my area. So I don't know why we would want to keep this thing.

LEGISLATOR ALDEN:

At one time and it's not in the real, real distant past but that was a bridge that they used farm equipment to get to one side of Commack Road to the other side. They did farm both sides of that.

CHAIRMAN BISHOP:

Very good.

LEGISLATOR BINDER:

We no longer have the --

CHAIRMAN BISHOP:

Very impressive.

LEGISLATOR BINDER:

Yes, I was impressed that he told me. I didn't know.

CHAIRMAN BISHOP:

All right. He's not yielding. What's your wish?

LEGISLATOR FISHER:

Well, I don't know the area and he does. So I'll just --

CHAIRMAN BISHOP:

Withdraw?

LEGISLATOR FISHER:

I'll just abstain.

CHAIRMAN BISHOP:

Okay. Motion to approve by Legislator Binder, second by Legislator Alden. All in favor? Opposed? Abstentions? I'll abstain.

NO. 43-01 Proposed Demolition of Concrete Arch Bridge Over CR 4, Commack Road, Town of Huntington - Unlisted Action - Negative Declaration.

VOTE: 5-0-2-0 APPROVED

CHAIRMAN BISHOP:

Two for historic preservation. We need to go back to that one that we skipped earlier. Why did we --

LEGISLATOR GULDI:

It's a DWI facility.

CHAIRMAN BISHOP:

A DWI facility.

LEGISLATOR FISHER:

A DWI facility.

CHAIRMAN BISHOP:

Why did we --

LEGISLATOR FISHER:

Why did Finkenberg vote against it? What were his reasons?

LEGISLATOR GULDI:

It was just too close to the golf course.

MR. BAGG:

That I don't know.

LEGISLATOR GULDI:

Motion to approve.

LEGISLATOR FISHER:

Okay, I thought there might have been a discussion.

CHAIRMAN BISHOP:

Well that's the problem. I mean, when we don't get the resolutions except you know for five minutes before the meeting --

LEGISLATOR FISHER:

Right, you haven't had time to really look at it.

CHAIRMAN BISHOP:

All right, so motion to table by Legislator Fisher. I'll second the motion to table and we'll see if we can get an answer on that.

NO. 36-01 Proposed Construction of County Alternative DWI Facility. (Replacement of) CP #3044, Town of Brookhaven - Unlisted action - Conditional Negative Declaration.

VOTE: 7-0-0-0 TABLED

CHAIRMAN GULDI:

Okay that concludes CEQ. Now, we have the agenda to go to.

LEGISLATOR GULDI:

Jim, with respect to that conditional approval? I note that the conditions in the conditional approval are somewhat open-ended and perhaps we could get clarification about what we want to see in the site plan?

LEGISLATOR FISHER:

Thank you.

LEGISLATOR GULDI:

When it comes back before us rather than in a nebulous, we want to see the flight site plan.

MR. BAGG:

I think that could be a good request. I mean, you could send it back to the Department of Public Works and say we would like to see the site plan and the architectural drawings before we finalize, you know what the SEQRA is on it.

LEGISLATOR GULDI:

Well is that what they're saying? Is that what CEQ is saying?

MR. BAGG:

Yes that's what CEQ is saying.

LEGISLATOR GULDI:

Yes, because the conditions they put on the resolution aren't that clear, so --

MR. BAGG:

What CEQ would like to --?

LEGISLATOR GULDI:

Why don't -- can I make a suggestion that we reconsider the tabling motion that we recommit it to CEQ and ask them for a clarified final resolution and that to go ahead and take this and steps that they're recommending is conditional to us?

LEGISLATOR FISHER:

Do I have to withdraw my tabling motion in order to consider a recommitment?

CHAIRMAN BISHOP:

We have to reconsider.

LEGISLATOR GULDI:

Motion to reconsider.

CHAIRMAN BISHOP:

Is there a functional difference?

LEGISLATOR GULDI:

Yes, there is. Because a functional difference is that the resolution stays the way it is before us now and if we recommit it to them and tell them to go ahead and do the work, they'll go do the work.

CHAIRMAN BISHOP:

And what is it? You want them to specify in more detail?

LEGISLATOR GULDI:

If you look at the conditions they attach here?

LEGISLATOR FISHER:

What are the conditions?

LEGISLATOR GULDI:

The conditions are a site plan and architectural plan will be submitted and approved. Well, go ahead and do it. Why make it conditional? If you don't know what --

CHAIRMAN BISHOP:

That was my objection because the point is if you do conditional approvals, you're seeding all your oversight back to CEQ. So it's like we become a rubber stamp.

LEGISLATOR GULDI:

That's why I want to send it back.

CHAIRMAN BISHOP:

Well, that's why I wanted to vote the thing altogether and say that it's bad form to have --

LEGISLATOR FISHER:

Well, we tabled it, didn't we?

LEGISLATOR GULDI:

You didn't vote it down.

LEGISLATOR FISHER:

We tabled it.

LEGISLATOR GULDI:

You made a motion to table.

CHAIRMAN BISHOP:

But I'm saying that initially, I was arguing that it was --

LEGISLATOR FISHER:

Oh, I didn't understand.

LEGISLATOR GULDI:

So I think take a different course than tabling it, let's send it back to them

and tell them to do their work and come back with an unconditional resolution.

CHAIRMAN BISHOP:

Okay.

LEGISLATOR CARACCILO:

Second.

CHAIRMAN BISHOP:

Fine. I have a motion to reconsider by myself, second by Legislator Caracciolo. All in favor of reconsideration? Opposed to reconsideration? There are none.

LEGISLATOR GULDI:

Motion to recommit.

CHAIRMAN BISHOP:

The motion is before us. Motion to recommit by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? The CEQ resolution is recommitted back to CEQ.

NO. 36-01 Proposed Construction of County Alternative DWI Facility (Replacement of) CP #3044, Town of Brookhaven - Unlisted Action - Conditional Negative Declaration.

VOTE: 7-0-0-0 RECOMMITTED BACK TO CEQ

LEGISLATOR GULDI:

And Jim, you have sufficient specificity of what we want him to do from the dialogue here?

MR. BAGG:

Yes, I will notify the Department of Public Works they have to resubmit the EAF architectural drawings, as well as the site plan.

LEGISLATOR FISHER:

Okay.

LEGISLATOR GULDI:

Thank you.

CHAIRMAN BISHOP:

Real Estate, assume the position. All right, do we have all relevant departments ready to go?

LEGISLATOR GULDI:

We don't have the department --

CHAIRMAN BISHOP:

Where's parks? You're hiding? You don't want to sit up here? All right resolution 1415 authorizing planning steps for acquisition of land under the Pay As You Go Quarter Cent Program, Clancy Road, Town of Brookhaven. My only question is as to the funding mechanism? Where are we at Pay As You Go Quarter Cent funding?

MR. SABATINO:

Well this one is later on the agenda, which will appropriate -- this bill is just the planning steps.

CHAIRMAN BISHOP:

Yes, it's just planning steps. It's a good point, just planning steps. Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? 1415 is approved.

INTRODUCTORY PRIME:

I.R. NO. 1415 Authorizing planning steps for the acquisition of land under Pay As You Go 1/4 Cent Taxpayer Protection Program (Clancy Road property, Town of Brookhaven. (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1418 making a SEQRA determination in connection with the proposed reconstruction of Shinnecock Canal Locks, Phase IV.

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 1418 is approved.

I.R. NO. 1418 Making a SEQRA determination in connection with the proposed reconstruction Shinnecock Canal Locks, Phase IV, C.P. #5343, Town of Southampton. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1419 making SEQRA determination in connection with the proposed repairs and upgrades to the H. Lee Dennison Building.

LEGISLATOR CARACCIOLO:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

What repairs are these exactly?

MR. SABATINO:

Heating, ventilation, equipment, elevators, electrical work.

LEGISLATOR FISHER:

Motion.

LEGISLATOR CARACCIOLO:

Well that's -- this bill is exactly right. I mean --

CHAIRMAN BISHOP:

It's part of the Capital Project?

MR. SABATINO:

It will be, if the SEQRA process is completed. Then there will be funding at some point.

LEGISLATOR CARACCIOLO:

Well, let's go back to the renovation of the building and the costs associated with that? First, let's go back to when the building was built.

LEGISLATOR GULDI:

Well, hold on. Can we do that when we talk about the appropriating resolution and let's today deal with the environmental impact of the construction, as it is pertinent to this --?

LEGISLATOR CARACCIOLO:

This committee will not move on that appropriating resolution, DPW will.

LEGISLATOR GULDI:

No but the full Legislature will.

LEGISLATOR CARACCIOLO:

Public Works, all right. So I'll resolve, prepare my questions for that time. Thank you.

CHAIRMAN BISHOP:

Are they doing anything outside on this?

MR. SABATINO:

Parking lot lights.

CHAIRMAN BISHOP:

Parking lot lights. All right. Motion to approve by myself, second by Legislator Guldi. All in favor? Opposed? 1419 is approved.

LEGISLATOR CARACCIOLO:

I'm opposed.

CHAIRMAN BISHOP:

Please note on 1419 Legislator Caracciolo is opposed.

I.R. NO. 1419 Making a SEQRA determination in connection with the proposed repairs and upgrades to the H. Lee Dennison Building, CP 1659, Town of Islip. (Presiding Officer Paul Tonna)

VOTE" 6-1-0-0 APPROVED

CHAIRMAN BISHOP:

1420 a Local Law to require verbatim minutes for the Suffolk County Planning Commission.

MR. SABATINO:

A public hearing.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself for a public hearing. 1420 is tabled.

I.R. NO. 1420 Adopting a Local Law No. 2001, A Local Law to require verbatim minutes for the Suffolk County Planning Commission. (Legislator Ginny Fields)

VOTE: 7-0-0-0 TABLED PENDING PUBLIC HEARING

CHAIRMAN BISHOP:

1425 establishing policy for securing land management grants. Motion to approve by Legislator Fields, second by Legislator Fisher. Explanation please? Counsel?

LEGISLATOR FISHER:

It's a good idea.

MR. SABATINO:

This is going to set up an RFP process to supplement, in this case, the Parks Department's activities in seeking other sources of grants or aid for environmental protection, recreation, parkland, open space purposes. It will be done on a contingent fee basis. The RFP committee recommendation for the award of a contract will come back to the Legislature for approval of that contract and there are deadlines built in that it's got to be completed within a hundred and fifty days. The RFP process but the recommendation has to be completed within a hundred and fifty days.

LEGISLATOR FISHER:

It has the possibility of bringing in money without costing us any money?

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

Yes, on the motion, Legislator Alden.

LEGISLATOR ALDEN:

We have the Commissioner of Parks with us today. Mr. Commissioner, do you at this present time, did make application for any type of grants that you're -- is that part of your normal operations?

MR. SCULLY:

We do from time to time, not to cover expenses, such as these, which I would consider operating expenses but we do apply for grant money for construction projects.

LEGISLATOR ALDEN:

Okay, just out of curiosity and why don't you apply for any operating type grants?

MR. SCULLY:

Well, we don't have the staff necessary to focus on grant applications and other than in situations where another agency makes us aware of a program, most recently State Programs are available for grant funding. We really don't target them as much is because we don't have the staff. Part of the background here is at the behest of Legislator Foley, the Operating Budget this year includes funding for a grant right or a grant analyst in the department because he had the same idea, which is that the department could use more resources. And given what's been going on with respect to the fiscal concerns of both the Executive and the Legislature have been dealing with, we haven't really gotten a clear idea as of yet how many of the positions that are in our 2001 Operating Budget we'll be able to fill. We hope to get a better handle on that within the next week to ten days. So in direct response to your question, from time to time we do apply for grants but we don't have the staff necessary to take a hard look at what is really out there available for us.

LEGISLATOR ALDEN:

Okay, I'm going to just a -- for the record, I'm going to voice my opposition actually to this and it's fairly simple reasons. When you put things out on contingency basis, especially when you have budgeted positions that should be going out there and doing grant writing and things like that and those people should be on staff, you're giving away money that really rightfully should go to the program and should go to the County of Suffolk. So this sounds like something that's going to put money in some outside consultant's pockets. And I believe that there's been testimony in this legislative body that most Legislators find it's inappropriate to be putting all this money in -- in all these outside consultant's pockets when we actually could have people

on staff. And I'll just throw out as an example, the Department of Public Works goes outside constantly and hires consultants and design engineers and things like to the tune of millions of dollars a year. So this is going to add on to that millions of dollars a year that we're going out and just basically throwing away. So I'm going to state my opposition to it.

LEGISLATOR FIELDS:

May I?

CHAIRMAN BISHOP:

Legislator Fields.

LEGISLATOR FIELDS:

A --

LEGISLATOR FISHER:

Where do I begin?

LEGISLATOR FIELDS:

I have no idea where to start but if you were -- are you familiar with the Internet? Do you go into the Internet from time to time, Cameron?

CHAIRMAN BISHOP:

Legislator Alden.

LEGISLATOR FIELDS:

I'm just asking you, are you familiar at all with you know --? No, I'm not. I'm asking a simple question.

CHAIRMAN BISHOP:

Okay. All right. He's not going to answer that. So let's just --

LEGISLATOR FIELDS:

Okay. Well, I was just going to show you, this is just an example of the catalogue of federal domestic assistance, programs listed alphabetically. This is just some a -- grants that are available out there. We don't, we heard from the Commissioner of Parks that we don't have the manpower to go in and find out what's available. This doesn't cost the County any money. It's grant money that's out there from the Department of State, from the Federal Department, from all over the place. We're not paying anybody to do this. This is money that we don't have that if a grant writer were able to go get that money, they would give it to the County and they would take a little portion of it. So it's not money that the taxpayers have paid. It's money that the taxpayers will receive for the County to give us better services and enable some of these Commissioners to run their departments the way that they would love to have their departments run. But they're short of men and the ability to be able to get the money into their department.

CHAIRMAN BISHOP:

Short of personnel, not men. Commissioner Scully?

LEGISLATOR FISHER:

Mr. Chairman?

CHAIRMAN BISHOP:

Commissioner Scully, there's no personal privilege there. Commissioner Scully, is there somebody on your staff who is the grant person? Legislator Alden's point is -- yes of course. There is no personal privilege because you didn't say anything against --

MR. SCULLY:

Of the administrative staff in the department, mostly grant work would go through Judith Gordon, Assistant Deputy Commissioner. But that would be one of the myriad of responsibilities.

CHAIRMAN BISHOP:

Yes, numerous responsibilities. So there's no person, there's no civil service title, grant?

MR. SCULLY:

There's currently one budgeted in the Operating Budget, a newly created position for this year. As I had indicated earlier, given the budget issues that the Legislature and the Executive have been dealing with, we haven't really gotten clarification as to which are the vacancies in the budget we're going to be able to fill. We hope to get clarification on that within the next couple of weeks.

CHAIRMAN BISHOP:

If we were to approve this resolution, are you certain that grant funds would be located?

MR. SCULLY:

I really hate to be put on the spot like that but the sponsor of the bill has done some research he's indicated and feels quite confident that that's the case.

LEGISLATOR FISHER:

And if we didn't, we have nothing to lose.

CHAIRMAN BISHOP:

Well that's the point. The point is that it is speculative, so that's why it's appropriate for this type of arrangement.

LEGISLATOR FISHER:

May I just add Mr. Chair that at the Park Trustees Meeting, there have been -- there is a group that's working at the -- aren't there trustees, Mr. Commissioner who have a sub-committee working on grants and those needs

and didn't they report to the Park Trustees Board that that was a need? I only caught part of that conversation. But I thought that was a point that was made at a Parks Trustees Meeting.

MR. SCULLY:

Certain, I think, I understand what you're speaking about, Legislator Fisher. There are certain members of the Board of Trustees who are interested in identifying other potential funding sources for parks operations and those are the discussions of which you're speaking.

LEGISLATOR FISHER:

Okay.

MR. SCULLY:

That committee is working. It has not yet reported back to the board.

LEGISLATOR FISHER:

But that is part of their mission, working together, looking for other funding sources? Because we know there's grant money out there that we haven't accessed.

MR. SCULLY:

That's one of the issues that they're looking at, yes.

LEGISLATOR FISHER:

Okay and since Legislator Fields and I do attend the Park Trustees Meetings fairly regularly, I feel that Legislator Fields is very much in touch with the needs and responded to them by introducing this resolution.

CHAIRMAN BISHOP:

Right, okay. Motion pending but Legislator Binder has a question.

LEGISLATOR BINDER:

I'm trying to understand the process on this. What happens is that a person from the outside brings in the grant and we pay them for bringing that in.

I'm not sure exactly and we pay them as a percentage of the grant. How does -- what's the mechanism for how this works? So I can understand exactly how? I don't know if Counsel wants to explain?

MR. SABATINO:

It's going to be based on a percentage of the amount that's brought in. The contingent fee based on percentage of the amount secured by the responder.

LEGISLATOR BINDER:

Okay. Now that being the case, how do we determine that this person actually brought it in? Is it because they wrote the grant? What's the standard by which payment is made?

MR. SABATINO:

The document would have to be filed on behalf of the County of Suffolk to

secure the money. If the money comes in -- in response to that particular application or grant, then you'll know that you have money to make payment from.

LEGISLATOR BINDER:

So they can only take it from those grants for which they actually write the request or fulfill that application? There's no way they can take credit for any other grants that we may have done through the County? I just want to make sure that there's no --

MR. SABATINO:

I understand your point. It's a point well taken, absent fraud, okay! Fraud is a risk in any program we have. It would be from the monies actually secured.

LEGISLATOR BINDER:

Are there generally people out there that do this professionally? Because I don't know that our organizations or --

LEGISLATOR FIELDS:

I have a group of those organizations that do that, yes. If you would like to see them?

LEGISLATOR BINDER:

Now, we would solicit or I would assume that if when we pass this legislation, there would be all of these organizations would know that we did this and would basically start writing grants for us? Or how do they contact through the County? Do we have to approve the process, approve the application?

MR. SABATINO:

No, what happens is there would be an RFP committee that would be consisting of three individuals. They're given a deadline to write the RFP, get back responses and they would make a recommendation.

LEGISLATOR BINDER:

That's what I didn't understand. The RFP committee is our committee?

MR. SABATINO:

Right, our committee, right.

LEGISLATOR BINDER:

Now we would RFP, we would -- so we wouldn't let everybody go out and try to do whatever they want. We'd actually pick someone to be our grant writer that would only be paid on a contingency basis?

MR. SABATINO:

Right but the recommendation from the RFP committee for a contract would be subject to legislative approval, so that you would see the final -- excuse me, you'd see the final award before it would take effect.

LEGISLATOR BINDER:

I just want to make sure I understand it. The organizations that you're looking at, Legislator Fields? Those organizations write particularly in this particular area or they write across the board in all kinds of governmental areas? You're saying all?

LEGISLATOR FIELDS:

No, there are different groups that write for different areas and that's why these resolutions that have come before this committee have been going before each of the other departments. There are different grant writers that do different grants. These are companies that do it in different areas. But they're all over the place. And I've used or worked with these people in different segments of private groups, like Audubon Society and so forth.

LEGISLATOR ALDEN:

I guess this is addressed to Paul Sabatino, as Legislative Counsel. This legislation would prohibit the Commissioners from engaging any firm to go out and get grants for us, say for instance where we've already got grants coming in and they don't feel that they have the personnel, can they actually take and hand this over to a new entity to go and get grants that we've already gotten on a yearly basis?

MR. SABATINO:

No it's not that the Commissioner is prohibited, it's the converse, which is that the Commissioners don't have the authority, in the absence of legislation, to do a contingent fee arrangement. But by way of example, a few years ago, we did legislation like this for the disposition of surplus property, because you don't have the ability to dispose of surplus property based on a contingent fee basis unless you get legislative authorization. So it's not that the Commissioner would be prohibited by virtue of this legislation, it's just that they need affirmative authority and able to be -- in order to be able to go out and work the contingent fee.

LEGISLATOR ALDEN:

Maybe I didn't word it correctly. But say, for instance, I'm the Commissioner of Parks and I've already gotten a grant from New York State for lawnmowers for ten years in a row but I have to write that grant every year. Now, under this legislation, they wouldn't be able to go and say, you know what? My staff time is better used doing something else. Let me just give this to this, you know this new entity and let them go and write this grant form.

MR. SABATINO:

No the legislation specifically states that it's to supplement not replace. It's the supplement what they're currently doing. So you've got to take it department by department and each bill is going to be dealing with a different department. But in a case where a department, which by the way, will be on the RFP committee, it does not have a track record or does not have personnel or does not have a situation in which it has applied for a grant, that would be something that would be eligible for consideration under the RFP.

LEGISLATOR ALDEN:

But wherever they've applied and whenever they've applied for a grant, then they're going to be prohibited from going out and getting another entity from going in there and getting and paying a portion of that grant to this other entity for writing it? Is that correct?

MR. SABATINO:

Well, they're not going to have the -- okay; I see what you're saying. I use the word authority. You're using the word prohibition. We're saying the same thing but differently. I'm only saying it's a question of authorization because that's the way I'm looking at it. But you're right, in effect; there wouldn't be authorization to do that, which means they would be prohibited.

LEGISLATOR ALDEN:

All right.

MR. SABATINO:

I misunderstood the characterization.

LEGISLATOR ALDEN:

Because it might end up more convenient to go and just, you know hand it off and let somebody collect 10 or 20 or 30 percent of the money.

MR. SABATINO:

I understand your point. It's a point well taken.

CHAIRMAN BISHOP:

Before us and a second. Now if anybody wants to make a statement, they may. If not, let's have the vote. All in favor? Opposed? Legislator Alden. Thank you.

I.R. NO. 1425 To establish policy for securing Land Management Grants. (*Legislator Ginny Fields*)

VOTE: 6-0-1-0 APPROVED

CHAIRMAN BISHOP:

1428 making a SEQRA determination in connection with the proposed construction of a Class A Fire Training Facility. Motion to approve by myself, second by Legislator Binder. All in favor? Opposed? 1428 is approved. Sorry, Mike.

I.R. NO. 1428 Making a SEQRA determination in connection with the proposed construction of a Class A Fire Training Building. CP 3405, Town of Brookhaven. (*Presiding Officer Paul Tonna*)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1429 making a SEQRA determination with proposed stormwater remediation at Santapogue Creek, County Road 96 and County Road 12, Town of Babylon. Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? 1429 is approved.

I.R. NO. 1429 Making a SEQRA determination in connection with the proposed stormwater remediation at Santapogue Creek, at CR 96 and CR 12, Town of Babylon. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

Making a SEQRA determination in connection with the proposed intersection improvements to County Road 80, Montauk Highway, at County Road 31, Old Riverhead Town Road, Town of Southampton. Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 1430 is approved.

I.R. NO. 1430 Making a SEQRA determination in connection with the proposed intersection improvements to CR 80, Montauk Highway, at CR 31, Old Riverhead Road, Town of Southampton, C.P. #3301 (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1431 making a SEQRA determination in connection with the proposed intersection improvements, County Road 80, Montauk Highway at East Tiana Road, Bellows Pond Road, the Town of Southampton. Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 1431 is approved.

I.R. NO. 1431 Making a SEQRA determination in connection with the proposed intersection improvements to CR 80, Montauk Highway at East Tiana Road, Bellows Pond Road, C.P. #5045, Town of Southampton. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1432 is making a SEQRA determination in connection with the proposed alternate sludge processing at the Suffolk County Sewer District Number 3, Town of Babylon. What's the determination? The SEQRA determination?

MR. SABATINO:

This one was to determine that it's unlisted with no significant effect on the

environment, because it's going to enhance the environment theoretically, by eliminating odors and improving the air quality and reducing noise associated with it.

CHAIRMAN BISHOP:

What is the project? Does it have a new facility?

MR. SABATINO:

Well, the program is to establish a blending tank with replacement incinerators and basically to upgrade the sludge processing system. The complaints down there are generally associated with noise and odor. This is to reduce the noise and the odor if it works.

CHAIRMAN BISHOP:

Ben Wright is here. But isn't this the essence of what SEQRA is supposed to do on something like this? It's to get a full report on it and not --

MR. SABATINO:

Let me say that this is -- the Council on Environment Quality made this recommendation. This recommendation was considered by this committee.

CHAIRMAN BISHOP:

We adopted it last time.

MR. SABATINO:

Three weeks ago in its preliminary form. You're not bound by that. You're right. The point of the SEQRA process is the reason that the courts have ruled you have to have a Legislature involved is to show that a true hard scrutiny and careful look at the projects been taken. You're not obligated to follow the recommendation and you may reach a different conclusion than what was proposed.

CHAIRMAN BISHOP:

All right. Is there a motion? Why don't we table it until next time? I'll meet with -- it's in my district. I'll meet with the Department of Public Works. Motion by Legislator Fisher, second by myself. All in favor? Opposed? 1432 is tabled.

I.R. NO. 1432 Making a SEQRA determination in connection with the proposed alternate sludge processing at Suffolk County Southwest Sewer District No. 3, Town of Babylon. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1433 making a SEQRA determination in connection with the proposed upgrade of Riverhead County Center Power Plant. Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? 1433 is approved.

I.R. NO. 1433 Making a SEQRA determination in connection with the

proposed upgrade of Riverhead County Center Power Plant, C.P. #1715, Town of Southampton. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1434 is making a SEQRA determination in connection with the proposed improvement of Victory Drive at River Road, Town of Brookhaven. Motion by Legislator Fisher, second by Legislator Caracciolo. All in favor? Opposed? 1434 is approved.

I.R. NO. 1434 Making a SEQRA determination in connection with the proposed improvements on Victory Drive at River Road, Town of Brookhaven. C.P. #5512

VOTE: 7-0-0-0 APPROVED

LEGISLATOR FOLEY:

Mr. Chairman, is that the theme of the conventions tonight? Victory Drive?

CHAIRMAN BISHOP:

Remember you're a guest here. 1435 making a SEQRA determination in connection with the proposed intersection improvements at County Road 19, Patchogue Holbrook Road at Old Waverly Avenue, Patchogue, Town of Brookhaven. Motion by myself, second by Legislator Fisher. All in favor? Opposed? 1435 is approved.

I.R. NO. 1435 Making a SEQRA determination in connection with the proposed intersection improvements on C.R. 19, Patchogue-Holbrook Road at Old Waverly Avenue, Patchogue, Town of Brookhaven. C.P. #5040 (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

We're out of SEQRA's thank goodness. 1436 authorizing acquisition of land for Lake Ronkonkoma. Apparently, Lake Ronkonkoma has not been built yet.

MR. ISLES:

It's a relatively small parcel, about one-acre. It's two separate parcels currently utilized as a trailer park, Mobile Home Park and a small building.

CHAIRMAN BISHOP:

What happens to the mobile home park people?

MR. ISLES:

This would be a voluntary acquisition of the property from the current property owner and the property would be received in a vacant condition. There have been discussions on that, in terms of proper and moral relocation

of the residents and the property owner is aware of that. But there would have to be an appropriate transition. My understanding is that some of the trailers are currently vacant. A number of them are in dilapidated conditions.

CHAIRMAN BISHOP:

Which program is funding this?

MR. ISLES:

This is a special -- appropriations was made last year, in June of last year, capital appropriations.

CHAIRMAN BISHOP:

Special appropriations? Refresh my recollection.

MR. SABATINO:

The Capital Budget was amended last year and you appropriated that three hundred and fifty thousand dollars. Because Lake Ronkonkoma has historically just had it's own funding, stream of funding source. It's just been an historical quirk that's been followed over the years. So this added the money. The money has been appropriated. Now if you want to actually do the acquisition, you've got to direct real estate to do it.

CHAIRMAN BISHOP:

What's the historical quirk? In the Capital Budget there's a line for Lake Ronkonkoma every year?

MR. SABATINO:

The historical quirk is not every year. The historical quirk has been Lake Ronkonkoma acquisitions have gotten stand-alone funding. Not illegal, it's just you asked where it goes.

LEGISLATOR FOLEY:

If you want to know the real history Mr. Chairman?

CHAIRMAN BISHOP:

Right. You know the real history.

LEGISLATOR FOLEY:

This traces back to Legislator Warrenberg and then Legislator John Foley. The two of them represented that area.

CHAIRMAN BISHOP:

Right.

LEGISLATOR FOLEY:

And they started this process in the early 1980's.

CHAIRMAN BISHOP:

Of what?

LEGISLATOR FOLEY:

Of acquiring property around Lake Ronkonkoma, along with the roadway reconstruction, the same area. And for the longest period of time, the most contentious, if not argumentative issue was, in fact, the trailer parks. So it appears that this has been something finally worked out for the betterment of that particular lake.

CHAIRMAN BISHOP:

Contentious, all right. 1436 there's a motion to approve by Legislator Binder, second by Legislator Fields. Oh we're very by partisan all of a sudden. All in favor? Opposed? 1436 is approved, historical quirks and all.

**I.R. NO. 1436 Authorizing acquisition of land for Lake Ronkonkoma.
(Legislator Andrew Crecca)**

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1445 appropriating quarter cent tax proceeds for Pay As You Go Open Space acquisitions.

LEGISLATOR CARACCILO:

Motion to approve.

CHAIRMAN BISHOP:

Explanation?

MR. GRECCO:

May I be heard?

CHAIRMAN BISHOP:

Yes, you may.

MR. GRECCO:

Thank you. This resolution is parcel specific as to three proposed acquisitions, which we have authorization to acquire. The problem is that coming under the new Drinking Water Program; you would need appropriations, which is why this has been put forward. Since the original submission of this resolution by Legislator Caracciolo, I just want to make you aware of certain things that have happened. With respect to the Spring Meadow property, I've been advised by facts, by the attorney that the sellers are no longer interested in dealing with the County of Suffolk. That they are going forward with their proposal to build parcel section one.

CHAIRMAN BISHOP:

With Spring Meadow, which one was that?

MR. GRECCO:

Spring Meadow.

LEGISLATOR CARACCIOLO:

Spring Meadow.

MR. GRECCO:

Wading Brook.

CHAIRMAN BISHOP:

That was yours?

MR. GRECCO:

Wading section, Legislator Caracciolo's. We had acquired two thirds of the Spring Meadow or Wading Brook acquisition --

LEGISLATOR CARACCIOLO:

Allan, I'm going to interject because I want this on the record. Let's go back to January and let's detail for the committee and the record, what has taken place on the part of inaction at the executive level that has now resulted in this developer going ahead and indicating to the County of Suffolk that he is no longer going to wait for us to put our money where our mouth is?

MR. GRECCO:

Okay. What has happened here is we had prior authorization under the old Drinking Water Protection Program to a prior --?

LEGISLATOR CARACCIOLO:

It's very important.

MR. GRECCO:

To acquire what was known as the Wading Brook Development parcel. There's 180 acres in Wading River under 125E, old program. Because of some legal issues, we were required to close sections two and three, approximately 120 acres using up the monies in the old program. It then became -- then noting that there was neither the ability to borrow under --

LEGISLATOR CARACCIOLO:

Well, wait. When did we close two and three?

MR. GRECCO:

January 14th, or thereabouts.

LEGISLATOR CARACCIOLO:

What was the status of one when we closed on --?

MR. GRECCO:

We were in contract to close one, however, keep in mind that the funding under the old program had expired on November 30th, number one. Number two, we did not get the actual sales tax receipts, which we still are not in receipt of for the difference between what was budgeted and the actual amount collected.

LEGISLATOR CARACCIOLO:

What was the shortfall? What was short, in terms of making phase one, that acquisition possible?

MR. GRECCO:

I would need, under the old program, I would need the amount appropriated for the actual sales tax receipt over the budget, at approximately four million, I would have needed.

LEGISLATOR CARACCIOLO:

You would have needed four million. So what transpired --

MR. GRECCO:

Then what transpired --?

LEGISLATOR CARACCIOLO:

In the conversation we had in January and February, before you left for Moscow?

MR. GRECCO:

Okay. What happened was, as you are well aware, the new quarter percent extension was not an extension of the old program. It required a new authorization for this parcel to be acquired under the new Drinking Water Program, which we did. We linked the old program to the new program with the resolution back in February, I believe. It then required an appropriating resolution. Now the appropriating resolution, I believe, I've spoken last time I was here that that would have to come out of the Budget Office.

LEGISLATOR CARACCIOLO:

What you're leaving out Allan and it's very important for the record is what transpired in conversations we had before you left for Moscow? Instructions you left the 12th floor of the Dennison Building to make this a timely acquisition before the April 30th deadline? What happened? Who dropped the ball?

MR. GRECCO:

I'm not going to suggest who dropped the ball. I'm saying to you that I put in my resolution linking this parcel.

LEGISLATOR CARACCIOLO:

When did you submit your letter?

MR. GRECCO:

February 16th. But wait --

LEGISLATOR CARACCIOLO:

When did Ms. Rosenberg acknowledge she received that resolution?

MR. GRECCO:

I believe she acknowledged it sometime later in that month. But that's not

relevant. That's not relevant. Because that only had to do with authorization for acquisition under the new program. It had nothing to do with appropriating of monies. So what this requires is the appropriating of monies. I cannot close the deal without appropriating the money from the new program. So we've had the acquisition resolution there but what we needed was the appropriation of monies.

LEGISLATOR CARACCIOLO:

Well, let me ask you then, as a Director of Real Estate? When you and I had a conversation and we discussed this with Legislative Counsel back in March, why weren't we informed at that time? Counsel and myself that in addition to the resolution that we did submit and I forget the number off hand but we can research it, we --

MR. GRECCO:

1230 maybe.

LEGISLATOR CARACCIOLO:

Whatever that number was. We, at the same time, combined, wrap into that same resolution a request for appropriation. Why wasn't this done in one step instead of elongated and dragged out to where we now are missing a deadline? Why wasn't that done?

MR. GRECCO:

I can't answer that. I'm not in the Budget Office.

CHAIRMAN BISHOP:

Let me just ask this? To cut through it?

LEGISLATOR CARACCIOLO:

Well Mr. Chairman, with all due respect, I have a line of questioning here, I plan on continuing with. Because the record on this, this is very significant. The people in that community were promised this acquisition and because of mismanagement, it may not happen. Okay! I'm going to call a spade a spade here. If this acquisition doesn't happen, it's because there wasn't the proper coordination that should have taken place to make it happen. I don't deal with the developers, the division does.

CHAIRMAN BISHOP:

All right. We're going to get back --

MR. GRECCO:

Correct and all I can do is put in resolutions to authorize the acquisitions.

CHAIRMAN BISHOP:

Under the old 125E Program, he authorized the resolution -- authorized the acquisition?

MR. GRECCO:

Correct.

CHAIRMAN BISHOP:

Everything was done? The appraisals and so forth?

MR. GRECCO:

Absolutely.

CHAIRMAN BISHOP:

You had an agreement with the owner?

MR. GRECCO:

Right. During the negotiations with the owner, they sold off one section to another owner, called it Spring Meadow. So we closed two thirds of the Wading Brook.

CHAIRMAN BISHOP:

But you couldn't get the last portion?

MR. GRECCO:

I could not get the last portion because of a shortfall in the 125E Account.

CHAIRMAN BISHOP:

Oh.

LEGISLATOR CARACCILOLO:

Which we knew Mr. Chairman, in November.

CHAIRMAN BISHOP:

So it was an appropriations problem, not an authorization problem?

MR. GRECCO:

That's correct.

CHAIRMAN BISHOP:

We ran out of money in the fund.

MR. GRECCO:

Right.

CHAIRMAN BISHOP:

And so the developer took advantage of that to sell it to somebody else. He wouldn't wait for the fund, a resolution to be approved?

MR. GRECCO:

No.

CHAIRMAN BISHOP:

Do we have a C/N or something like that?

LEGISLATOR CARACCIOLO:

Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

That's what I don't understand.

LEGISLATOR CARACCIOLO:

Thank you. That's where I was going.

CHAIRMAN BISHOP:

You said it in a lot quicker, a lot clearer.

MR. GRECCO:

What's happened here is that the one who is driving to close, close, close, real quickly was the owner of section one. Regrettably, we could not close with section one. Ironically, section two and three would have waited. They would have waited but the problem and I think, I spoke to Legislator Caracciolo about earlier was that if we closed section one, we would have had to provide access to section two and three, because of certain covenants and restrictions. It required that we close two and three first. In doing so, we ended up not having sufficient funds in that other account.

CHAIRMAN BISHOP:

Okay.

MR. GRECCO:

So, therefore, it needed a resolution to acquire Spring Meadow under the new program linking the old program to the new, which I had prepared and I had submitted. And it also required, I've been advised, an appropriating resolution.

LEGISLATOR CARACCIOLO:

Okay that's the key. When were you advised that we needed this additional money?

MR. GRECCO:

I don't recall.

LEGISLATOR CARACCIOLO:

Oh, you knew in November, we didn't have any more money under the old program. So you knew in November, we needed money from someplace.

MR. GRECCO:

No, I didn't quite know in November that we didn't have money.

LEGISLATOR CARACCIOLO:

December, January?

MR. GRECCO:

Well, you know funds come in quarterly. So you don't really know. In fact,

the irony is we probably do have enough money but it has not been certified between the Budget Office and the Budget Review, as to the difference between what was budgeted and what actually was received.

LEGISLATOR CARACCILO:

But I have to tell you Allan, it seems to me that something smells rotten in Denmark here and I'm going to find out what's really going on.

MR. GRECCO:

My point --

LEGISLATOR CARACCILO:

Now, I'll withhold further comment. But I'll be back to this committee and to the people of this County to let them know what's really going on here.

MR. GRECCO:

The point of my comments on this is that with respect to his parcel, Legislator Caracciolo's parcel, there is an unwilling seller. A seller who is not willing to wait until mid-June to close and he prefers to go forward with his sub-division plan. With respect to Legislator Fisher's parcel and I've spoken to Legislator Fisher on this as well, we have a letter from the owner of that property. They have absolutely no interest in negotiating with the County and don't even waste your time on appraisals. The point of my comments today was to make this aware -- make these issues aware to this committee.

CHAIRMAN BISHOP:

Okay.

MR. GRECCO:

Because --

CHAIRMAN BISHOP:

So what we did earlier --

MR. GRECCO:

Two out of three of these properties are probably not going to close.

CHAIRMAN BISHOP:

What we did earlier though, I guess what has developed is; now we have a two step process. We have an authorization process and then an appropriation process. It's like Congress now with our land acquisitions. Is that correct, Paul? Actually, we have a three step because we have planning steps prior to that.

MR. SABATINO:

Well, as I said at the last committee meeting okay, in the old structure that we had, it was always a planning step followed by an authorization and appropriating. It was always a two step process.

CHAIRMAN BISHOP:

That's three.

MR. SABATINO:

Greenway -- well, no it's two because it's planning and when the planning results come back --

CHAIRMAN BISHOP:

Then you have an authorized --

MR. SABATINO:

It was a system we had in place for a very, very long period of time. Then the Legislature would appropriate the money and authorize the acquisition. We would go into Executive Session and get a description of all of the parcels that were relevant and then you would decide as initially a committee, then as a Legislature, to approve that package. It changed some -- it changed not -- it changed kind of on an ad hoc basis sometime in the mid '90's.

CHAIRMAN BISHOP:

Because I've never operated under that system that you're describing. I'm sitting here almost a decade.

MR. SABATINO:

That's the system that prevailed in the 1980's.

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

Okay. It was the original Open Space Program. It also prevailed in the Quarter Percent Program when it was first originated and in fact, Legislator Levy passed a resolution that set forth thirteen or fourteen criteria that had to be met, in order for a parcel to even be eligible for the appropriation of the funds. And I can remember different Chairman of those old committees had different approaches. But for the most part, it was Executive Session. We wanted to know what the parcels were going to be acquired at and then a determination was made to do those authorizations. You're right. We've recently done it somewhat differently. As far as this program is concerned, to be fair, I mean the program has to have a starting point. In order to have a starting point, you have to have parcels authorized and you have to appropriate money. The debate that we've had since the beginning of the year is how to appropriate the monies.

CHAIRMAN BISHOP:

All right, let me ask you this? Is the fact that it's the first year, is that requiring the additional appropriation resolution? Whereas in the old program, in the '90's, we would do, as I recall, one resolution. We would do planning steps, authorization and appropriation in one fell swoop.

MR. SABATINO:

My recollection is that 1995, that was the first time we went to what they call an Omnibus type approach, which was, you've got to list the parcels and you basically Omnibus the appropriation. It's not because this -- it's the beginning of a new program, so you have to make some initial decisions. But even if this was next year, next year you have to appropriate the monies for the particular year.

CHAIRMAN BISHOP:

So the way this program is going to work is that we are going to have first, a planning steps resolution, second, an authorization resolution and then third, an appropriations resolution. And the appropriations resolutions will either be specific or they will be Omnibus. In Omnibus, meaning they will have multiple parcels that will be -- the money will be released for.

MR. SABATINO:

Yes and you're not -- except you can make it two steps if you so desire. The two steps would be --

CHAIRMAN BISHOP:

By folding what together?

MR. SABATINO:

By folding the authorization and the appropriation together. Because when you have a planning steps resolution first, you now have information. You now know, you've got the survey, the appraisal, you know what's out there. You know what the potential is. You can really do it in two but you can also do it in three, if you'd like.

CHAIRMAN BISHOP:

All right. Now this resolution that's before us is the attempt at step three for a number of parcels, three parcels specifically and what the Director is telling us is that two of them we ain't got a shot at.

LEGISLATOR FISHER:

Well that's not completely clear because --

CHAIRMAN BISHOP:

That doesn't mean that we shouldn't approve this.

MR. GRECCO:

I didn't say that.

CHAIRMAN BISHOP:

Oh.

LEGISLATOR FISHER:

Okay.

MR. GRECCO:

I didn't say that. I said we have unwilling sellers.

CHAIRMAN BISHOP:

Right.

MR. GRECCO:

Okay.

LEGISLATOR FISHER:

And one of the sellers might be more willing if a court decision rules against them.

CHAIRMAN BISHOP:

Fine.

MR. GRECCO:

Money is always the motivating factor.

CHAIRMAN BISHOP:

The point I'm trying to make is that we should approve this resolution.

LEGISLATOR FISHER:

Absolutely.

CHAIRMAN BISHOP:

Because it just is simply the next step in a process that we've already gone two steps down.

LEGISLATOR CARACCILO:

How is it rejected after the money is put into it?

CHAIRMAN BISHOP:

You have a different perspective?

MR. GRECCO:

No, no. I'm just making you aware that if you are appropriating this five million dollars; there's a good -- what was your question? This is --

CHAIRMAN BISHOP:

The answer to why. The why has been answered. The answer is yes, you could.

MR. GRECCO:

My point is if you're going to appropriate, just be on notice that chances are two of these probably will not close. Now, you only have approximately seven million under this program for the year and you're appropriating five million in these three items.

CHAIRMAN BISHOP:

But if we oversubscribe the appropriations?

MR. GRECCO:

I might suggest how you can handle other matters. You might just make a general appropriation of the monies.

CHAIRMAN BISHOP:

Right.

MR. GRECCO:

And then just do planning steps and/or full acquisition resolutions and then that's the way you've been handling all the other programs and I think that's the way this should be handled too. I think this is an unfortunate situation because it's a new program.

LEGISLATOR FISHER:

Allan, what happens to the money? We passed this resolution and we don't close on two out of three, then what happens with the money?

MR. GRECCO:

My sense is you would have to rescind this and utilize the monies on some other properties. You're doing this as parcel specific. I would recommend that you just appropriate the monies, in a general sense, like you've done other programs, like Open Space or Farmland or Preservation Partnership, etc., and then as we have acceptances, we can just go into those accounts.

LEGISLATOR CARACCILO:

Mr. Chairman, on that a light. This resolution was prepared at the specific request of Mr. Grecco, who previously came before the committee, I think, it was at the last meeting or a month ago and said, I need money to buy these three pieces of property. We're out of money. So we prepared this resolution. We've talked about it. We've talked about it with Legislative Counsel and here is the resolution. From my perspective and I believe from Legislator Fisher's perspective, because we talked about this before this committee meeting started, the three of us is, it is our preference to move the resolution forward and we could always amend it at a later date.

MR. GRECCO:

Fine. I'm not disagreeing with you.

LEGISLATOR CARACCILO:

We can always reallocate the funds.

MR. GRECCO:

I'm just bringing to your attention the fact. I'm not disagreeing with you.

CHAIRMAN BISHOP:

I have one question, which is relevant. Under the Quarter Cent Program, the new Quarter Cent Program there are two categories to buy land. One category is Open Space. The other category is surface water protection or water quality protection, wetland and farmland. So there are three categories. The ones that have been previously authorized and approved by the full Legislature signed into law by the County Executive for purchase under the wetlands or farmlands. Do we need a separate appropriation

resolution, in order for the department to move forward?

MR. SABATINO:

Monies have to be appropriated.

MR. GRECCO:

Monies has to --

MR. SABATINO:

But for those two programs so far, I don't think we -- I think we've only done a planning steps resolution.

CHAIRMAN BISHOP:

No, we approved the one in Lindenhurst.

LEGISLATOR GULDI:

Mr. Chairman?

CHAIRMAN BISHOP:

Going back and forth.

LEGISLATOR GULDI:

Mr. Chairman? Point of order? Can we vote this resolution to have an academic --?

CHAIRMAN BISHOP:

The point of order, just you know can't --

LEGISLATOR GULDI:

And have an academic discussion about the various other programs and their appropriation needs, when we have bills before us?

CHAIRMAN BISHOP:

No. First of all, it's not an academic discussion. It's a relevant discussion. Because the point is that we're doing appropriation resolution. Maybe it should be included. That's the relevancy. Counsel? It was previously approved by the full Legislature. It's under the program but a different section of the program. Do we appropriate now or do we do a separate -- do I need to file a separate appropriating resolution?

MR. SABATINO:

I have to go back and look at the Lindenhurst one. I think we may have actually done the money at the same time because, I think, you got to the authorization stage after the planning stage. I have to go back and look. The general principal is that with the Pay As You Go Program, quarter percent monies, you have to appropriate on an annual basis. And just to go back, this is not -- it's not -- the statement was made before we never did this in the past that's not true. Legislator Levy's legislation required every year that you have an authorization list followed by an appropriation and we did it every year under the old Quarter Percent Program. So we're really not departing

that dramatically from the way it used to be.

CHAIRMAN BISHOP:

I think that this is area, this program that is ripe for some legislation on how we're going to mechanically proceed with these. So if members of this committee having digested this full discussion, a point of view, they may want to file a resolution.

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

The same thing with the --

LEGISLATOR ALDEN:

Mr. Chairman?

MR. SABATINO:

Also, if I can -- just before Legislator Fisher asked a question before, which didn't get an answer. It should be answered. In the fifth resolved clause of the resolution if, in fact, the transaction is not consummated, it specifically states that you come back and then you would reallocate the money to an acquisition that you could consummate and again that's consistent with old past practices.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Fisher. All in favor? Opposed? The resolution is approved.

I.R. NO. 1445 Appropriating 1/4 Cent Sales Tax Proceeds for Pay-As-You-Go Open Space acquisitions.

VOTE: 7-0-0-0 APPROVED

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

We do not have a clear process, I don't believe, at this time. Yes?

LEGISLATOR ALDEN:

I've actually got Paul working on some ideas that I had in that regard. So once I have things a little bit more, you know sketched out, I'll send them over to you as Chairman.

CHAIRMAN BISHOP:

Okay. You are the first one out of the box. Tabled Prime, we'll take Legislator Foley's out of order, since he's here. Where is it? Where is it? Oh, I thought we were done. I had thought that was the last one. 1446 dedication of certain lands now owned by Blue Point Downs Corporation to

County Nature Preserve pursuant to Article 1, Suffolk County Charter, Section 406, New York State Property Law. Motion by Legislator Foley, second by -- motion by myself, second by Legislator Fisher.

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, first the Department of Planning has been working with Legislator Foley on resolving discrepancies between their two lists. Are they resolved?

MR. ISLES:

I think that was more towards the Gallo Duck Farm one but this is on the Blue Point Downs Corporation on resolution 1446. We have reviewed this. It is 7 acres of land that's about 3 acres of wetlands. It's about 3 acres of woodland and about 1 acre of just open area. There's a parcel that is partially classified as wetlands. It is parcel zoned for 1-acre residential use. In this particular case, the property owner is seeking to donate and dedicate the property to the County of Suffolk. There would be no charge for that and we feel that in the interest of wetlands in a reasonably or developed community that this would be a reasonable dedication or donation to accept under the circumstances. One at Tuttle's Creek, by the way, in Blue Point, Patchogue boundary.

CHAIRMAN BISHOP:

Legislator Alden.

LEGISLATOR ALDEN:

Commissioner, you would include all of that? I mean, you mentioned that there's just -- there's an acre or more than acre of just cleared land?

MR. ISLES:

Yes, we're cleared of field. Of the 7 acres of the parcel, about 3 acres of wetland, 3 acres is wooded and about 1 acre is an open area.

LEGISLATOR ALDEN:

Maybe -- as I said, address Legislator Foley's. Is there any other use that could be for that one, you know like the cleared area? It doesn't seem like --

LEGISLATOR FOLEY:

It's an open field and the reason why we want to include that is -- otherwise, you'd have a house constructed on that site encroaching upon the wetlands.

LEGISLATOR ALDEN:

No, no, no. I meant take it all but maybe that should go into a different program?

LEGISLATOR FOLEY:

No, it should be Nature Preserve because you need an open field as well as

the woodlands and the wetlands so --

LEGISLATOR ALDEN:

It all fits together then?

LEGISLATOR FOLEY:

It does fit together.

LEGISLATOR ALDEN:

Okay.

CHAIRMAN BISHOP:

Okay. Motion to approve by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed?

**I.R. NO. 1446 Dedication of certain lands now owned by Blue Point Downs Corporation to County Nature Preserve pursuant to Article 1 of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (SCTM 0200-980.90-05.00-00-002.000)
(Legislator Brian Foley)**

VOTE: 7-0-0-0 APPROVED

LEGISLATOR CARACCIOLO:

Legislative Counsel?

CHAIRMAN BISHOP:

We're out of that one.

LEGISLATOR CARACCIOLO:

What is the appropriateness of requesting from the Division of Real Estate all correspondence that has been transmitted and received with respect to Spring Meadow Property between the County and the --

CHAIRMAN BISHOP:

Davis Law, make a request.

LEGISLATOR CARACCIOLO:

Well, I just want to make sure we're not breaching confidences.

MR. SABATINO:

As a County Legislator, you would be entitled to the information under the Davis Law.

LEGISLATOR CARACCIOLO:

Okay, then I'm going to request today, a copy of all the correspondence that you've received and you originated or the County has originated, with respect to this property, Spring Meadow owned by Mr. Carrerra in the last three years up to the present date.

LEGISLATOR ALDEN:

Mike, under the Davis Law, you might have to put it in writing. You should check.

LEGISLATOR CARACCIOLO:

I'll put it in writing.

LEGISLATOR ALDEN:

I think you have to put -- yes.

LEGISLATOR CARACCIOLO:

Well, I'm just making a verbal request today.

MR. GRECCO:

Yes, I have the auction this week, so we're complying with it. Would sometime next week be acceptable?

LEGISLATOR CARACCIOLO:

Some time next week will be fine.

CHAIRMAN BISHOP:

Very reasonable. Mike's very reasonable.

LEGISLATOR BINDER:

Everybody's reasonable.

CHAIRMAN BISHOP:

Everybody is reasonable. All right, we're going to skip to tabled prime. The payment in lieu of taxes resolution 1024. Mike, what do you want to do?

LEGISLATOR CARACCIOLO:

Table.

CHAIRMAN BISHOP:

Motion to table, second by myself. All in favor? Opposed? Tabled.

TABLED PRIME:

I.R. NO. 1024 Adopting Local Law No. -2001, A Charter Law to authorize payments in lieu of taxes (pilots) for Suffolk County Community Greenways Fund. (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1034 establishing Suffolk County Aquaculture Committee in connection with programmatic dispute. My favorite title in government. Legislator Guldi, what do you want to do?

LEGISLATOR GULDI:

Motion to approve. I think that Mr. Isles and the administration; we worked out the details.

LEGISLATOR FIELDS:

Second.

LEGISLATOR GULDI:

We agree on the form.

CHAIRMAN BISHOP:

God forbid we approve something without their sign off. Motion to approve by Legislator Guldi, second by Legislator Binder.

I.R. NO. 1034 Establishing Suffolk County Aquaculture Committee in connection with programmatic dispute. (Legislator George Guldi)

VOTE: 7-0-0-0 APPROVED

LEGISLATOR GULDI:

They're going to do it, the works. So actually their cooperation is required.

MR. ISLES:

We appreciate it Legislator, with his cooperation too.

CHAIRMAN BISHOP:

Terrific. Thank you. Please solve this programmatic dispute.

MR. ISLES:

We'll do our best.

CHAIRMAN BISHOP:

1185 approving acquisition under Suffolk County Land Partnership Program, Ridgehaven Estates. Motion to table by myself, second by Legislator --

MR. SABATINO:

You need a town board resolution.

LEGISLATOR FIELDS:

I'll second it.

CHAIRMAN BISHOP:

Seconded by Legislator Fields. All in favor? Opposed?

I.R. NO. 1185 Approving acquisition under Suffolk County Land Preservation Partnership Program. (Ridgehaven Estates LLC Property) Town of Brookhaven. (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1198 implementing Greenways Program in connection with acquisition of active parkland in the Village of Amityville.

LEGISLATOR FIELDS:

Is there a town resolution?

CHAIRMAN BISHOP:

Yes, there is, I think.

LEGISLATOR FIELDS:

A village?

MR. SABATINO:

We have the bill; the village had done a resolution. The town is supposed to be coming up with one, unless somebody else received it.

CHAIRMAN BISHOP:

It needs a town resolution. Motion to table by myself, second by Legislator Fields. All in favor? Opposed? 1198 is tabled.

I.R. NO. 1198 Implementing Greenways Program in connection with acquisition of active parklands at Village of Amityville. (Legislator David Bishop)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1230 authorizing acquisition of environmentally sensitive lands to be acquired with current funding pursuant to Article XII of the Suffolk County Charter. This is a nebulous title, 1230.

LEGISLATOR FIELDS:

What land is this?

MR. ISLES:

Core.

CHAIRMAN BISHOP:

Oh, this is that Pine Barrens renewal thing, which I support and nobody else does. Motion to table.

LEGISLATOR FIELDS:

No, what happened? Can I ask a question? What happened to Ray Cowin and we were going to ask -- did that letter go out?

MR. GRECCO:

I thought Legislative Counsel is going to --

CHAIRMAN BISHOP:

A letter went out and no response.

LEGISLATOR FIELDS:

Motion to table, second.

CHAIRMAN BISHOP:

Send it again. Certify it. 1230 motion to table by Legislator Fields, second by Legislator Fisher. All in favor? Opposed? 1230 is tabled.

I.R. NO. 1230 Authorizing acquisition of Environmentally Sensitive Lands to be acquired with current funding pursuant to Article XII of the Suffolk County Charter. (County Executive)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1265 approving acquisition under Suffolk County Land Partnership Preservation Program at Portion Road in Lake Ronkonkoma, Town of Brookhaven. It needs a town board resolution? Is that correct?

LEGISLATOR FIELDS:

Motion to table.

MR. SABATINO:

Correct, we have not yet received it.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder, second by Legislator Alden. All in favor? Opposed? 1265 is tabled.

I.R. NO. 1265 Approving acquisition under Suffolk County Land Preservation Partnership Program at Portion Road in Lake Ronkonkoma, Town of Brookhaven. (Legislator Joseph Caracappa)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1295 dedicating certain lands now owned by Suffolk County. Hold on.

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Dedication certain lands now owned by the County of Suffolk to the County Nature Preserve.

LEGISLATOR FIELDS:

Motion to approve.

MR. GRECCO:

Mr. Chairman?

CHAIRMAN BISHOP:

Is this worked out? Everybody is --

MR. ISLES:

Yes, the committee had asked the -- with the department that asked the committee if we could have a little bit of time to work with Legislator Foley on this.

CHAIRMAN BISHOP:

We did. Everything is solved.

MR. ISLES:

We did it. Here's the report for you today.

CHAIRMAN BISHOP:

We don't need the report.

MR. ISLES:

It details --

CHAIRMAN BISHOP:

Is it solved?

MR. ISLES:

Yes.

LEGISLATOR GULDI:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Guldi, second by myself. All in favor? Opposed? The resolution is approved. Thank you.

I.R. NO. 1295 Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article 1 of Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (East Patchogue Bellport, North Bellport - f/k/a Gallo Duck Farm) (Legislator Brian Foley)

VOTE: 7-0-0-0 APPROVED

LEGISLATOR FOLEY:

Thank you, Mr. Chairman and thank you members of the committee.

CHAIRMAN BISHOP:

1337 dedicating certain lands now owned

LEGISLATOR FOLEY:

Mr. Chairman, before I move on, I'd also like to thank the Planning Department for their very professional help in this regard.

CHAIRMAN BISHOP:

Thank you, Brian. Thank you for thanking them. 1337 dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve. This is woodlands in Hauppauge. This is the one where they were going to -- this was in the middle of a neighborhood.

MR. ISLES:

There's an issue with the Department of Works would need to review it to determine if this roadway --

CHAIRMAN BISHOP:

Motion to table.

LEGISLATOR FIELDS:

Motion to table.

MR. ISLES:

Just four houses have to be squared away.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed?

I.R. NO. 1337 Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article 1 of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (Woodlands in Hauppauge) (Legislator Andrew Crecca)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1359 requiring adherence to federal standards for mercury testing.

LEGISLATOR FIELDS:

Is this by Legislator Copper for mercury testing?

CHAIRMAN BISHOP:

Legislator Copper, very good. 1359 any comments? Yes, I remember seeing a comment. The Health Department wrote to us saying that they oppose it. You know DPW opposes it because this succeeds the New York State limits and they feel that it is unfair. I'll table it to the next meeting. We should have --

LEGISLATOR FIELDS:

Second.

CHAIRMAN BISHOP:

Testimony in front of us at that time. 1359 motion to table by myself, second by Legislator Binder. All in favor? Opposed? 1359 is tabled.

I.R. NO. 1359 Requiring adherence to federal standards for mercury testing in Suffolk County. (Legislator Jon Cooper)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1363 authorizing the acquisition of developmental rights to farmland by the County of Suffolk, property in Wheatley Heights, Pay As You Go Quarter Cent Program.

LEGISLATOR BINDER:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Binder, second by myself. All in favor? Opposed?

MR. SABATINO:

Wait, wait. There's only --

CHAIRMAN BISHOP:

On the motion, it may not be eligible, hold on.

MR. SABATINO:

You need a farmland -- you need something from the Farmland Select Committee, in terms of their recommendation law, because you have to comply with that program.

MR. ISLES:

It's scheduled for tomorrow at the Farmland Select Committee.

LEGISLATOR FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Caracciolo.

I.R. NO. 1363 Authorizing the acquisition of developmental rights to Farmlands by the County of Suffolk, of property in Wheatley Heights. (Pay As You Go 1/4 Cent Taxpayer Protection Program) (Legislator Maxine Postal)

VOTE: 7-0-0-0 TABLED

LEGISLATOR CARACCILO:

Approximately how much an acre, a portion of the County cost?

CHAIRMAN BISHOP:

About a million.

MR. ISLES:

I don't know sir.

CHAIRMAN BISHOP:

It's right on the highway.

MR. ISLES:

I really don't.

CHAIRMAN BISHOP:

It's in Melville.

MR. ISLES:

It's a pretty high priced area. Yes, 27 acres. It's currently a nursery, Wade's Nursery.

CHAIRMAN BISHOP:

That's the end of it. That's the last one and I don't think they were going to able to get it, so don't worry about it. Motion by Legislator -- did we have a motion yet on this? We tabled it. Very good. Motion to adjourn by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? We're going to adjourn. We'll do that next time.

(The meeting was adjourned at 5:20 P.M.)