

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE  
of the  
SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A regular meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on October 15, 2001.

**Members Present:**

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

**Members Not Present:**

Legislator Vivian Fisher - Excused Absense

**Also In Attendance:**

Paul Sabatino II - Counsel to the Legislature  
Alpa Pandya - The Nature Conservancy  
John Turner - The Nature Conservancy  
Peter Scully - Commissioner of Parks  
Allan Grecco - Director of Real Estate  
Richard Amper - Long Island Pine Barrens Society  
Tom Isles - Director of Planning  
Rose Marie Dwyer  
Robert Hartman  
John Mc Inerny  
Joe Gergelo  
Pete Danowski  
Laurie Farber  
Joyce Hartmann  
Susan Gendron  
All other interested parties

**Minutes Taken By:**

Donna Barrett - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 4:10 P.M.\*)

**CHAIRMAN BISHOP:**

Good afternoon. Welcome to the October 15th meeting of the Environment, Land Acquisition and Planning Committee. Please rise for the Pledge of Allegiance led by Paul Sabatino, Counsel to the Legislature.

**SALUTATION**

CHAIRMAN BISHOP:

I apologize for the longest Budget Committee meeting of the year. That was unexpected. It's unfortunate, because we have a lot to do today in this committee. We have a number of speakers. I haven't had a chance to organize this. Joe Gergela, you have a group of people or you're here by yourself?

MR. GERGELA:

Mr. Chairman, there are two different resolutions I would like to speak on. If I can just wait with Mr. Denowski regarding one resolution.

CHAIRMAN BISHOP:

Who is here to speak on the EFC? We're not going to go -- I'm just trying to organize it for everybody. Then we'll start with the farmland issue. Yes.

LEG. CRECCA:

I apologize.

CHAIRMAN BISHOP:

You have a matter that needs to be addressed on the --

LEG. CRECCA:

I apologize. I just want to just give my comments quickly to the committee. I do -- I was supposed to be some place at four o'clock.

CHAIRMAN BISHOP:

Which --

LEG. CRECCA:

It's tabled -- it's the 13 -- I'm sorry. No, it's not that one. Hold on. Sorry, I had it right in front of me a second ago.

LEG. ALDEN:

1337 has your name on it.

LEG. CRECCA:

It's 1850. It's 1850 authorizing planning steps for the acquisition of land under pay-as-you-go 1/4 % Taxpayer Protection Program, Brayson Property, Village of Lake Grove, Town of Smithtown. It's actually Town of Brookhaven.

CHAIRMAN BISHOP:

Here's the problem. That money -- you can't do it until next year.

LEG. CRECCA:

That's why I wanted to speak to the committee, and if Mr. Grecco is

here, I'd ask him to -- I did speak with -- Allan, would you step in if you're outside. That's why I wanted to address it. I did speak with some repetitives from the County Executive's Office. In addition, I did speak with Mr. Grecco, and there are sufficient funds to cover this, the planning steps for this acquisition. It is time sensitive in that I have spoken to Brayson, the owner of the property as well as one of the developers who are in some sort of contract for the property. They are cooperative and willing to sit down with the County and negotiate, but it is a project that is before -- the hearings been closed at the Planning Board before the Village of Lake Grove. The planning -- I spoke to two members individually of the -- who are on that Planning Board and they liked the idea of the County possibly purchasing this property, but we do need to move a little bit quickly on it. And that's one of the reasons why I think we've got the cooperation of Real Estate and Funding.

CHAIRMAN BISHOP:

We can't even get their cooperation to come into the room at this point.

LEG. CRECCA:

I know. Ask him to come in. Tell him he works for the County.

MR. ISLES:

If I can help --

CHAIRMAN BISHOP:

This is another resolution where a Legislator seeks to do planning steps for the pay-as-you-go 1/4 cent fund. As you know, we don't have money in that fund until next year. We don't have money this year.

MR. ISLES:

Well, I think that was the multifaceted that we don't have money in.

CHAIRMAN BISHOP:

Okay. All right. Now, this fund still has a balance in it?

MR. ISLES:

Yes. This issue with this particular resolution was our preliminary review indicated that it did not qualify for the program. Whether a more exhaustive review would show that it would qualify, perhaps but just for the clarification, under the 1/4 %, there is money, the question is does it qualify?

LEG. CARACCIOLO:

What is the issue there?

MR. ISLES:

There are five criteria that are enumerated in the statute for the new 1/4 % Program under open space. The parcel would have to fit into one of those categories.

LEG. CARACCIOLO:

But it does not.

MR. ISLES:

Well, as I said, we did a preliminary review, it does not appear that it does.

LEG. CARACCIOLO:

So it would be premature to authorize planning steps for a piece of property --

MR. ISLES:

Well, that's your judgment. Perhaps more of a review would -- could be done during the planning steps, but --

LEG. CRECCA:

And that's exactly what we're looking to do is not hold onto the planning steps. I'll give my word as a Legislator, obviously, if we have to switch this or --

CHAIRMAN BISHOP:

How much is in the 1/4 cent fund?

MR. ISLES:

Pardon me, sir.

CHAIRMAN BISHOP:

How much is in the 1/4 cent fund?

MR. ISLES:

The 1/4 % fund started in December of 2000, I -- don't quote me on this but, it's -- I think it's around 4 million, but there is money there. There have been three resolutions passed to authorize either planning steps or acquisitions consisting of Spring Brook, Forsythe Meadow, Phase II and Deger. Only one is in contract, which is Deger, which is one and a half million dollars. The others are -- Spring Brook in under negotiation, Forsythe Meadow, we do not have a willing seller.

LEG. CRECCA:

What I will tell you too is there is a possibility this may get switched later on, program wise too. I mean, you know, but right now we'd like to start to move forward on this.

CHAIRMAN BISHOP:

I'm confused because we've been told all year that we're out of money.

MR. ISLES:

We're out of money in many of our accounts. The new 1/4 % does have money in this at this time, yes. The old 1/4 % is rapidly being spent out; preservation partnership, old capital money, Greenways, etc.

CHAIRMAN BISHOP:

So any planning steps resolution for the foreseeable future from now until the end of the year should be using the quarter cent fund, the new quarter cent --

MR. ISLES:

Well, I wouldn't necessarily say that. But it would depend on the

type of acquisition, under what program. We do have some money left in Active Parklands, if it were to qualify under that program. It's hard is to make a general statement.

CHAIRMAN BISHOP:

Well, I'm talking about an open space kind of protection.

LEG. CRECCA:

Yeah, and this is really an Open Space. This is no where near Active Parkland. This is environmentally sensitive lands. Again, timing's key on this one here. I'm certainly giving my commitment on the record that if we need to shift things a little bit with this particular one, but I do need to get it moving. And I appreciate Real Estate's cooperation in helping to move this along.

CHAIRMAN BISHOP:

Legislator Caracciolo.

LEG. CARACCIOLO:

Tom Isles, did you say a moment ago that there is no fund balances in Greenways except for Active Parklands. That's what he said. That's what he said.

MR. ISLES:

We have the exact amount. I'm saying we're spending those down very quickly. Any time we talk about these numbers, we're talking about a moving target and we consider how much have we gone to closing on.

LEG. CARACCIOLO:

I think the Chair and I and other members of this committee are just trying to get a sense of what are the available fund balances.

CHAIRMAN BISHOP:

Allan. Allan, is that document prepared for EFC discussion.

MR. ISLES:

No.

MR. GRECCO:

No.

CHAIRMAN BISHOP:

That's just an update on the --

LEG. CARACCIOLO:

We've been asking for months for this update and I think we're finally going to get it.

MR. GRECCO:

Short analysis.

CHAIRMAN BISHOP:

Okay. The point is I didn't want to go into a whole one and a half hour discussion about the state of our funds.

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LEG. CRECCA:

And I didn't want to do that. I apologize, Mr. Chairman. I just wanted to --

CHAIRMAN BISHOP:

We're going to reserve the vote until we have that full discussion. I don't want to hold you up any longer.

LEG. CRECCA:

I appreciate that. I just wanted to say that just so you understand, we have a very cooperative owner of the property.

CHAIRMAN BISHOP:

You have a willing seller, you have a commitment from the Legislator that if we need to change the funds --

LEG. CRECCA:

Absolutely.

CHAIRMAN BISHOP:

-- we'll do so. And we have the Planning Department saying it doesn't meet the exact criteria, but it's the only avenue where there is any money in it.

LEG. CRECCA:

And also, I believe, and you can ask Allan after I leave, I guess, but I believe that in talking to Budget Review, there is sufficient money available in Planning to get this particular appraisal done and move this forward, Mr. Bishop.

CHAIRMAN BISHOP:

Okay. Thank you very much. I appreciate you're coming by to the committee.

LEG. CRECCA:

And if there are any further questions, my aide will remain here for the meeting.

CHAIRMAN BISHOP:

He'll be here until seven o'clock. All right. Now, I'm going to read off the cards. If you, from the audience, can tell me what you're here to speak on, this will help me organize this meeting. Mr.

Hartmann, you're here on a farm land purchase?

MR. HARTMANN:

Yes.

CHAIRMAN BISHOP:

Laurie Farber, you're here on EFC?

MS. FARBER:

Yes.

CHAIRMAN BISHOP:

Mr. Danowski, you're here on farm purchase, right?

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MR. DANOWSKI:

Farmland Program with the Hartmann interest.

CHAIRMAN BISHOP:

Joe Gergela, you're here on the farm purchase. Mr. Turner, you're here on the EFC. Mr. Sherman, you're here on EFC. Oh, I have two Turners. Robert Turner, you're here on the EFC.

AUDIENCE MEMBER:

He's here for his appointment to the Special Groundwater Panel.

1523. Resolution approving appointment of member to Suffolk County Panel on groundwater protection. (Dr. Robert Turner) (GULDI)

CHAIRMAN BISHOP:

For the appointment panel. Okay. All right. George, how many appointment resolutions? You're it? Come on up. Let's get you out of here. Tell us what this is.

LEG. GULDI:

This is -- as you remember from our last meeting, this is the one appointee to the Special Groundwater Task Force that was not available to attend our last meeting, and thank you for coming down. The others have been appointed. I think it's important we fill out the committee. Mr. Turner's here with his credentials for the committee's inquiry. Do you have any --

CHAIRMAN BISHOP:

Mr. Turner, why do you want to serve on this miserable committee?

MR. ROBERT TURNER:

It's miserable, I did not know that.

LEG. GULDI:

Well, it's the only kind we have.

MR. ROBERT TURNER:

Oh, okay. Well, I didn't have to think hard about saying yes to joining this committee because I've had a long standing commitment to protecting groundwater quality, and I can go into that ad nauseam.

CHAIRMAN BISHOP:

The 60 second version.

MR. ROBERT TURNER:

Well, I'm a professor at Southampton College. I teach subjects such as hydrology and environmental science. I'm involvement in research with my students in determining water quality and including groundwater quality in certain areas in Suffolk County. So I'm already involved and very interested. And in my past, I worked with the North Carolina Department of Environment, Health and Natural Resources as a hydrogeologist administering the Underground Injection Control Program, which is specifically a federal program specifically set to protect groundwater.

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CHAIRMAN BISHOP:

You were involved in the hog waste.

MR. ROBERT TURNER:

Well, no. They were separate.

CHAIRMAN BISHOP:

Isn't that the big issue with the groundwater in North Carolina? All right. Sounds qualified. Any questions.

LEG. ALDEN:

I have a question. How do you feel that sewers fit into groundwater protection, specifically Suffolk County sewers in our sewer district.

MR. ROBERT TURNER:

How do I feel that they fit into groundwater protection? Well, I mean, clearly they're there to catch runoff and distribute it wherever they're sent to go. Instead of having runoff just seep into the water table wherever. So I mean, they certainly play a role in managing your contaminated runoff.

LEG. ALDEN:

Would you support the expansion of sewer systems in Suffolk County?

MR. ROBERT TURNER:

I'm going to have back off.

CHAIRMAN BISHOP:

It's like the Supreme Court. You don't want to commit either way. You want to say you'll look at it.

MR. ROBERT TURNER:

Yeah, exactly. I really don't know. That's something I'd have to look at and determine the cost benefits.

LEG. ALDEN:

So your studies have not really dealt with sewer systems and how they protect groundwater or how they even interface with other types of programs?

MR. ROBERT TURNER:

No. I've never had any specific studies on sewer systems.

LEG. ALDEN:

Okay. So how are you going to protect our groundwater? What's your vision of how you're going to protect our groundwater?

MR. ROBERT TURNER:

Well, through this legislation, as far as I understand it, it's to present new regulations to control the sale and ban of pesticides. This is one method. There's a number of ways, methods, in which we can enhance groundwater protection.

LEG. ALDEN:

So you believe you were selected to serve on this panel or, you know, you came forward and volunteered -- because you're not going paid for

it -- and it's just strictly about pesticides and sales of pesticides and distribution of pesticides?

LEG. GULDI:

It's specifically addressed in the bill.

MR. ROBERT TURNER:

This is all that I've been approached about at this junction. I must admit that I don't have a whole vast understanding of all that's going on here in this Legislature.

CHAIRMAN BISHOP:

The panel that you're being asked to serve on is one that was created by legislation sponsored by Legislator Guldi, right? Why don't you give us the charge of the committee?

LEG. GULDI:

I think that analysis of the role of sewer districts is beyond the scope of what this task force is being asked to do. If you remember the bill from when we considered it, the bill asks for a panel to examine special groundwater protection areas. The appropriateness to

which -- to which they are defined within the County at present should they be expanded, should they be curtailed and to address the issues specifically of propriety of the application of chemical pesticides and fertilizers within the SGPAs as they are redefined. Both considering the extent to which they should be interdicted and to whatever extent regulations create an interdiction or prohibition the mechanisms for permitting exemptions for special situations that might arise within special GPAs and also to recommend a mechanism for our regulatory framework to stay current on the evolving level of science with respect to impacted drinking water of chemical pesticides and fertilizers.

LEG. ALDEN:

George. How does -- how does your panel fit in with the work that Dave's done and we've already gotten reports from Cornell and some other experts and some other people on that so --

CHAIRMAN BISHOP:

Because my -- the work that we, me, you and a whole host of Legislators, we're focused on County property. SGPAs are not County property.

LEG. GULDI:

That's correct.

CHAIRMAN BISHOP:

So that's the distinction. Now with are special groundwater protection, presumably, there's a heightened sense of awareness of development pressure, pesticide concerns and so forth upon them, but not necessarily. And this would sort of reenergize the focus on SGPAs.

LEG. GULDI:

The reason for the focus on SGPAs -- the two areas that we are not preempted by State regulation are clearly, our own property, which is

what one focus has been, but also the Appellate Division Third Department is saying that we have -- where you have special local concerns including, for example, special groundwater protection areas -- that's the language in the case law, that's good law -- then the ordinary rules of preemption would not apply, State regulations would be subject to local regulations. Since the law says that we're not preempted from acting there, this commission's charge is to gather information, conduct the review, that's why it has an array of scientific and environmental and other personnel in it and then come back to us with proposed rules, regulations and structures. So it's a working -- it's to creating a working committee to formulate policy to deal in an area that we have not yet legislated.

LEG. ALDEN:

George, did you look at an overall County policy as far as even development of new sewer districts or intergration of sewer districts.

LEG. GULDI:

No. As I said, this does not look at sewer districts, this looks only at special groundwater protection areas.

LEG. ALDEN:

Right, but I reread some of the reports and things like that that were done at the time, like the main -- Southwest Sewer District was created, and that was an overall County policy about protection of groundwater, protection of drinking water, things like that. So what you're doing is focusing on one point then --

LEG. GULDI:

This is a narrower focus. This isn't an attempt to review waste water treatment and sewage treatment. It's not -- I hope the reports you read included the grand jury reports on the Southwest Sewer District.

CHAIRMAN BISHOP:

He's obsessed with it, so I'm sure he did. Clearly, the question is whether the nominee is qualified. He certainly meets the criteria as far as I'm concerned. Motion to approve by myself. Seconded by Legislator Guldi. All in favor? Opposed? You're approved.

APPROVED (VOTE: 7-0-0-0)

Thank you for your service. We appreciate you coming down.

LEG. GULDI:

We'll take up the resolution on Tuesday. I don't think there's any reason for you to be present there. I think you've been subjected to enough of this. Thank you.

CHAIRMAN BISHOP:

All right. Now, let's go to the farm. Let's do farmland matters. Mr. Gergela, Mr. Danowski, Mr. Hartmann, why don't you all come forward. Now, is it one resolution you're all here on? I know, Joe, you said you wanted to speak to two, but there is one that's common to all three of you, correct? Okay. However you want to do it.

MR. DANOWSKI:

My name is Pete Danowski, and I'm an attorney in Riverhead. I

represent clients who have entered into a contract to purchase some now existing farms by way of identification. If you're a golfer, they're along the Cherry Creek Golf Course and the Long Island National Golf Course. A development plan has been submitted to the Town of Riverhead. It's been pending for well over a year. In the spirit of cooperation, we have recently agreed with Planning Staff and the Planning Board to pursue the sale of development rights off of half of the property, thereby

decreasing out yield in half, densely clustering the plan to provide tourist destination housing for sale adjacent to only one parcel along the golf course. It's a plan fully supported by Planning Staff and the Planning Board. This resolution was before this committee, I believe, and was tabled the last time it was on. I have had discussions with Suffolk County Health Department, we've had discussions with the County Department of Real Estate, and we have the full support of the Long Island Farm Bureau in pursuing the sale of development rights off these parcels.

My reason for being here today is to hopefully gain your support for the passage of the proposed Resolution 1815 today. The Hartmann family interest, the current farming owners of this land are here, not just with Mr. Hartmann, but the ladies in the back, who prefer not to speak at the microphone. So they're fully supportive as well. The contract vendees is represented by Mr. Barnett, Mr. McInerney who are also here. This is something that would result in a Planning approval of a subdivision meetings needs as now verbally announced by the Town Planners. It's a goal they seek to reach after master planning revisions are done and after any rezoning is done. So it's consistent with their future desires, and we could meet those desires today.

CHAIRMAN BISHOP:

Mr. Gergela, did this go through the County's Farmland Committee?

MR. GERGELA:

As far as I know, it did.

CHAIRMAN BISHOP:

Because that's not the information that I -- or we had last time. If it happened subsequent to our last meeting, then --

MR. GERGELA:

I don't know. We could ask Mr. Isles. I'm not 100% sure.

CHAIRMAN BISHOP:

Because that's why it was tabled at this committee. It was not tabled because it was controversial, it was tabled because it wasn't ready for us.

MR. GERGELA:

It's our understanding that it was being brought to the committee.--

MR. DANOWSKI:

That's, you know, something I didn't know, and I'm very sure it did go through the committee, because we've started this process a while back. But certainly Mr. Isles could address that if he has the information.

CHAIRMAN BISHOP:

Tom, why don't you -- Tom Isles, why don't you -- the letter.

MR. ISLES:

Can I do a quick check on that?

CHAIRMAN BISHOP:

You're going to do a quick check. Okay.

MR. DANOWSKI:

I can just make a comment that Mr. Fedelem has been present at meetings in the Riverhead Town Hall. He's personally reviewed it, has reviewed the SEQRA documents, the draft environmental impact statement in detail, and I certainly believe that the committee has passed on that. But, Joe, maybe you want to make some comments.

CHAIRMAN BISHOP:

You know, if it's advocacy comments, I don't think -- I think we're passed that.

MR. DANOWSKI:

I get the hint. Let's not say anything more.

CHAIRMAN BISHOP:

The question is whether it's eligible at this time, right?

MR. SABATINO:

That was the legal issue. The reason it was tabled four weeks ago was --

MR. DANOWSKI:

They definitely -- at least I was told they did.

MR. SABATINO:

We need -- we need --

LEG. CARACCIOLO:

Conformation.

CHAIRMAN BISHOP:

All right. So we'll come back to it, but it's fine. It just needs to be in order.

MR. DANOWSKI:

Maybe Joe then wants to take up another topic while he's here, so he can get home for dinner.

MR. GERGELA:

I just wanted to comment in support of the environmental facility's work that's being done. Certainly the Farm Bureau is concerned about that we're going to be over subscribed in all the different accounts for farmland preservation funding, so we certainly are supportive of the Legislature and the County Executive in you guys figuring out how much we're going to go after, etc. But we are in support of that and appreciate the work of the Legislature on it. That's all I need to say. Thank you.

CHAIRMAN BISHOP:  
Legislator Alden.

LEG. ALDEN:  
On that. In other words, you're in favor of bonding the revenue stream that we have coming in for the quarter cent.

MR. GERGELA:  
I am supportive of farmland preservation funding , and I think that it would be a mistake for the farm -- we never -- we have not publically gone on record in any of that sort of thing. We're more concerned about that you guys work that out between youse. I think it's an unfair position for me to be in. I don't how to properly answer that except that my concern is that we're running out of the funding. So I think that if the Legislature and the administration work out those things --

LEG. ALDEN:  
What do you mean by running out of the funding because the -- as the Quarter Cent Program is crafted, every year money will come in. And it was originally crafted as a pay-as-you-go. So I'm not sure what you mean by running out of funding.

MR. GERGELA:  
Well, I think that the concern for us and with other people is that we need the money now, that there is a fairly long list that -- in fact, Allan and the Real Estate Department just showed me some of the list that they have and there's not going to be enough funding available. So the thought is to borrow the money from the EFC and then pay it off -- back using the quarter percent revenue stream.

LEG. ALDEN:  
Not enough funding to but all the farmland that's on the market. There's not enough money even if we borrow what we -- is that a given also? Even if we borrowed all the money that we could, there's still not enough money to buy all the property that could come on the market.

MR. GERGELA:  
Short term, that's correct.

LEG. ALDEN:  
Okay. Now, a couple of specifics then. Were you in the Farm Bureau back in the late 80's, early 90's?

MR. GERGELA:  
I started in 1988.

LEG. ALDEN:  
Okay. So you went through that period; Wall Street crashed in '87, all those subdivisions that were on file and actually starting to be built out in the East End, they went -- a lot of them went bankrupt and some of them were sold for pennies on the dollar, what happened with Suffolk County? To my recollection -- and it might be more appropriate to ask Budget Review -- but I understand that we borrowed money and then the

price of -- or the value and the price of the property went down further and then we had to go out and borrow more money and buy property that we could have bought for pennies on the dollar because we went out and

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bonded and bought it all in one year or a short period of time. That your recollection also?

MR. GERGELA:

I'm probably not qualified to answer that. I was never involved with those kind of discussions.

LEG. ALDEN:

Okay. Thanks. That's fair.

LEG. CARACCIOLO:

When somebody sits at this horseshoe and makes statements that are unsubstantiated, there has to -- you have to respond. First of all, the acquisitions that I think are being referred to were done under the Halpin Administration. They were done after the recession, they were done after there were contract prices negotiated, they were done in the West End of the County to a larger degree than they were in the east End of the County. So these references are incorrect. The accuracy of the statements are incorrect, and I just think the record should reflect --

LEG. ALDEN:

If we're going to correct the record then, Mike, let's correct the record. Mr. Chairman I'd like to speak after Legislator Caracciolo's all done making his accusations.

LEG. CARACCIOLO:

Knock yourself out.

LEG. ALDEN:

Okay. Let's correct the record then, Mr. Caracciolo.

CHAIRMAN BISHOP:

Let's correct it at a lower tone.

MR. GERGELA:

Am I excused?

LEG. GULDI:

Yes. You don't have to be here for this.

MR. GERGELA:

Thank you.

LEG. GULDI:

Take me with you.

CHAIRMAN BISHOP:

Go ahead. Correct the record.

LEG. ALDEN:

Let's correct the record. What statement was just made? I just made a statement that in 1987 the stock market went down. Obviously, Legislator Caracciolo believes that that is not a correct statement, but be that as it may, wherever he's living, that's fine. Also, subsequent to 1987 and the stock market going down, the price and the value of real estate on Suffolk County, whether it be East End, the West End, the north side, or

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the south side, those property values decreased.

LEG. GULDI:

Not true.

LEG. ALDEN:

I have data then, George. If you don't think that there was bankruptcies, that there was -- that there were subdivisions sold for pennies on the dollar, I will supply -- I will supply you with the documentation.

LEG. GULDI:

I would welcome you to supply me with that documentation, because I happened to be in that business in the East End at that time. And what did happen, Mr. Alden, is that the average price stopped escalating and the marketing period expanded from 6 weeks to almost 18 months. But as far as penny on the dollar auctions, never happened on the East End.

LEG. ALDEN:

Subdivisions.

LEG. GULDI:

Didn't happen.

LEG. ALDEN:

Mr. Guldi, subdivisions were not abandoned and auctioned off?

LEG. GULDI:

Didn't happen. They were not in the East End. Didn't happen.

LEG. ALDEN:

Subdivisions were not abandoned? Put that on the record. I need an answer to that then. If you're going to attack me -- subdivisions were not abandoned on the East End.

LEG. GULDI:

I would love to see the documents.

LEG. ALDEN:

Subdivisions were not abandoned out in the East End and auctioned off?

CHAIRMAN BISHOP:

Okay. Thank you very much, gentlemen.

LEG. ALDEN:

Thanks, George.

CHAIRMAN BISHOP:

God help anybody that actually reads the record. But thank you. All right. Did we get an answer from Mr. Isles?

LEG. FIELDS:

He left.

CHAIRMAN BISHOP:

He left. He'll be back, I'm sure. Mr. Grecco, do you have that

information?

LEG. CARACCIOLO:

Do you know if this particular property, 1815, went before the Farm Select Committee? If you don't, just say, you know, you don't know. All right. I know they're researching, I think we'll just have to wait for that answer, Mr. Chairman.

MR. GRECCO:

I thought I did, but Mr. Isles should check.

LEG. BISHOP:

Okay. All right. Now, let's have -- let's bring up Mr. John Turner, Mr. Hoot Sherman, Ms. Laurie Farber.

LEG. CARACCIOLO:

John, you were in County Government at the time that the -- the period I should say that a past reference was just made --

CHAIRMAN BISHOP:

Michael. Legislator Caracciolo, we're not doing it. No way. No way. Come on. Let's --

LEG. CARACCIOLO:

I'll respect the request, and I would hope in the future --

CHAIRMAN BISHOP:

Let's try to focus on the resolutions that are before us and the issues that we need to deal with.

MR. JOHN TURNER:

Thank you, David. Just for the record, my name is John Turner, and I

serve as Director of Conservation Programs for the two Long Island chapters of the Nature Conservancy. And I wanted to express the organization's strong support for Suffolk County adopting the necessary resolutions to allow it to enter into a partnership with the New York State Environmental Facilities Corporation so that the County can continue with its, what everyone would characterize has been absolutely stellar leadership role with regard to open space protection in the County. There are just two short points I wanted to make and that is that the need is great for these sorts of funds, that the Nature Conservancy in working with a number of environmental organizations and working with members of the Suffolk County Legislature have identified approximately \$800 million worth of environmentally and ecologically significant land that still remains undeveloped in the County that would be worth while to bring in to the conservation domain.

A lot of those parcels are in landscape sites where the Conservancy is working to try to preserve. Places like the Long Island Pine Barrens, the Atlantic Ocean Beaches and Bays along the South Shore of Long Island, the Peconic Estuary and other landscapes out on the East End. We also think that in addition to the need being great that despite the economic downturn that we find ourselves in, that time is still short. I repeat what Suffolk County Planning Commissioner -- or Director, excuse me -- Steve Jones had stated prior to his departure that based on trends that we can all see, there's only a finite amount of land left in the County

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and that ultimately with build out, 7 to 10 years, our efforts at preserving open space will end. We will either have been successful by that time or we will not have been.

So we think that the time is short, that the need is great and that there are only benefits in partnering with the New York State EFC. I think that there was some -- perhaps some ambiguity by the Legislature that, or some questions -- I know that Legislator Binder had -- that were good questions that I hope and I think have been resolved to your satisfaction by EFC officials. But the program has been one that's been very, very successfully implemented by the Towns of East Hampton and Southampton to the tune of \$55 million. They've gone off without a hitch. I think -- I can only characterize them as being extremely successful to date to the point that I think the Town of Southampton is proposing to go back to the well again in the near future. So I just wanted to say that we would strongly encourage your adoption of necessary resolutions to allow this partnership to begin.

LEG. BINDER:  
Mr. Chairman.

CHAIRMAN BISHOP:  
What is the dollar amount of the resolution that you're advocating?

MR. JOHN TURNER:

We're not sure. I'm going to be perfectly frank with you. I mean, there -- I would say that we would come from the perspective that the maximum amount that would be fiscally prudent. And I'm not trying to punt on the issue. I'm being perfectly honest with you. I know there's been some concerns that have been expressed by the --

CHAIRMAN BISHOP:

This went to the full Legislature, and one of the concerns there was how do you pay back a 30 year commitment with a program whose revenue only runs until -- what is 2012?

LEG. CARACCIOLO:

Right.

MR. JOHN TURNER:

Right. And I think that's one of the issues that the Legislature recognized. I think one or -- at least one of the resolutions that's currently before you does have that complication in it.

LEG. CARACCIOLO:

That's County Executive's resolution.

MR. JOHN TURNER:

So that's certainly something that you would need to factor in. But in determining what the amount should be, obviously, I mean, I could say that we think the 75 million is the better figure. I mean, again, I think the County would have no difficulty spending that sum of money to bring into conservation status a lot of very significant parcels of land. But we also realize these are very strange times that we find ourselves in. And this is not a situation where you get only one bite of the apple. We can go back to the EFC in the Year 2002 and the Year 2003 and

we can reassess at that time. We would hope that the County would adopt a resolution that makes a meaningful commitment in terms of providing the amount of money that would be necessary to respond to this.

MR. BINDER:

Mr. Chairman.

CHAIRMAN BISHOP:

Can we here from Mr. Sherman first?

LEG. BINDER:

Well, I would just like to comment on -- oh, just your questions. Okay.

MR. SHERMAN:

Good afternoon. I'm Hoot Sherman, the Director of Public Programs for the Peconic Land Trust. And the Peconic Land Trust works with farmers and property owners mostly on the East Ends, but all over Suffolk County. Without taking a lot of your time, I just want to echo what John

says. We are fully in support of whatever the maximum amount that is prudent for this body and the County Exec. to get from the EFC to purchase as much property as we can as soon as we can because we do feel also that time is running out, and if we don't get it now, we're not going to get it. So we would support whatever you can do. Thank you.

CHAIRMAN BISHOP:

Now we'll have questions. Legislator Binder.

LEG. BINDER:

A couple of points are real important. The question of fiscal prudence to the maximum amount, and I think that is important in terms of what level. And second is the necessary -- and you use that word, the necessary -- resolutions to be passed. My understanding -- I don't know if Fred's planning on coming back in -- but at the last full Legislative meeting, he had finally gotten in touch with the EFC. He had some very deep conversations with them about how this was working. His understanding is that we were under no objection to pass a resolution, to move forward with the resolution. All we had to do is make application, which we've done. The County's made application for the money, and we're moving forward with the application.

To lock ourselves into a particular amount by resolution, a couple of things; it puts us at risk of the comptroller being able to -- and not saying he would irresponsibly go out and actually bond the money -- but he would be able to do that under the resolution. We'd have a bonding resolution, and he'd be able to do that. And it's fiscally imprudent to create a bonding resolution when you're not ready to fulfil it, number one. Number two, we are not -- and I wish if Fred could come in, I don't know if you'd have the answer because Fred's pretty schooled on this -- the question is at what level we're going to be able to pay this back. Not only is the question of 2012, the revenues ending, but also at the structure of the debt service -- and I don't remember now if we're allowed to do debt level. I think he said we can structure it any way we went so we would have level debt service. So considering if we could have a level debt service rather than front loading, which is great, then the question is at what level can we reasonably, and now it's also in light of current sales tax projections, be able to pay this back without

reaching into other pockets to have to pay the obligation? I agree. At the numbers that I'm hearing now and I was very sceptical coming into the process sometime ago as to 0% to 3%, now I'm hearing up front you don't have any interest, that it can go maybe to 2%. This is like found money. This is great stuff. For us -- to me, I've gone from very sceptical to very interested in doing this. So I support doing it, but the two things have -- and you outline those two questions -- necessary, I want to do only that which is necessary to get the money. Because if we're already doing other things that is necessary to get the money, we don't have to bind ourselves, I don't want to do it. And number two, I want to understand -- and maybe even current projections -- I don't know, Budget

Review, now that Fred's here, has current projections as to what would be prudent so we can advise the County Executive or work with the County Executive as he goes through the application process as to what the max amount that would be prudent so that we would have enough revenues to cover the debt service. So, Fred, maybe you can me a -- of where we are at this point, because I'm sure things have changed in even the last month.

MR. POLLERT:

Yes, things have actually changed in the last rather dramatically in the last month. The sales tax projections that we're working on at this point in time, we're going to finalize this afternoon. But the County Executive had lowered a sales tax estimate for the current year. We believe at this point in time that even that is overly optimistic in light of what has happened with retail sales. We have not had an opportunity to run that out through the variety of different funds. I will tell you that when we had last looked at the program, we felt that there was more than adequate coverage even with relatively flat sales tax to be to accommodate the level of funding that the county had put in for an application.

But I cannot give you that assurance at this point until we have the opportunity to run out the number. There's also one additional wild card. When we were meeting with a few of the underwriting forms with respect to Tobacco Securitization they had mentioned that there's a possibility that the EFC could also be constrained by the New York State Budget crunch. As you recall when Tom Isles and myself wrote the letter to the Legislators, we had indicated that with our conversations with the EFC they would not tell us the amount of money that they had currently available on the short-term program because the New York State Budget was not finalized. Based upon, again, the discussions with underwriters, it appears that most of the state surplus has evaporated, and I am not sure to what extent the EFC was relying upon for their appropriations from the State of New York. So they were really two -- two variables. Number one is to reforecast the sales tax to find out how much we can comfortably carry as far as the debt service. And number two is or how much available or how much funding would be available on the Phase I funding from the EFC.

LEG. BINDER:

My understanding also is that in our conversation during the full Legislative meeting is that in you conversations with the EFC that bonding on our end wasn't necessary to the application process or wouldn't speed it up or it wouldn't do anything to it other than bind us to a number or -- and really put out there for the comptroller -- not that he'd be irresponsible and go and bond it -- but it would out there a

resolution that would allow for bonding a certain amount, but it wasn't necessary to the process.

MR. POLLERT:

That's correct. For the Phase I funding, the only thing which is required is the application, which has been submitted by the County.

LEG. BINDER:

Okay. Thank you.

MR. JOHN TURNER:

Allan, can I just go and say that my understanding is though for Phase II, I mean -- when this rolls over to long term that some action by the Suffolk County Legislature is required.

LEG. BINDER:

But the question is one of timing. And there are two things going on. Number one, I don't know if there is going to be a Phase II from what you just hear in terms of what EFC is going to have in terms of long-term funding because of surpluses in the budget. Well, let me --

MR. JOHN TURNER:

It not really the surplus.

LEG. BINDER:

Well, let me ask a question first and then we can go there. But let me ask Budget Review, in terms of timing and your understanding in your conversations with the EFC, how quickly would we need a bonding resolution for us to be able to secure PHASE II?

MR. POLLERT:

My understanding is that they would provide the funding under PHASE I, and when they next have a bond issue in approximately one year or so, sue they would give the County the option of either issuing the bond themselves or having the EFC do the issue for the County at a subsidized rate, so that you really don't have to do the bond issue until they come back to you at the end of the year.

LEG. BINDER:

In fact, it might be imprudent because you don't know the bond level. In other words, we don't know what they're going to approve us for. Have we might have applied for a certain number, they approve a different number, we don't know what we're going to actually have. And at the time, I mean, would it not be more fiscally prudent at the time when they approach us and say, here are your two options, we would know how much we have, how much the bond is out there for, what we should then do. In other words, we're flying in the -- wouldn't we be flying in the dark and probably acting imprudently if we tried to bond now?

MR. POLLERT:

Clearly, we would have certainty with respect to how much we would have to bond. It would just become an issue whether or not you wanted to lock in and obligate the County at this point in time up to a certain dollar amount. So that if you did the resolution now, you wouldn't have to come back in the future even though you don't know exactly what you're going to be bonding under Phase II.

MS. PANDYA:

Hi there. My name is Alpa Pandya, I'm with the Nature Conservancy also. I'm not a member of EFC, obviously, but I have worked very closely with the Towns of East Hampton and Southampton as they went through their EFC line of credit process. There's couple of things; one, you're absolutely right, we don't need a bond to get -- to do the application, Phase I. But at some point, a bond is -- a resolution is needed as a sign that the Legislature, obviously, backs this and to what level of commitment the Legislature is comfortable with. I don't --

LEG. BINDER:

When you say at some time, is that time after the Phase I is completed? In other words --

MS. PANDYA:

Phase I actually, is completed. We have been included -- we, Suffolk County, has been included into the intended use plan for next year's fundings. So they have already starting looking at the application --

LEG. BINDER:

Could it be after we're approved for a certain level of funding so we would absolutely know the funding that we have? I guess my concern is that before bonding, if they said that we're approved for 50 million and we're going out and bonding for 75 million, there's play in there that we, as policy, might not want to do, and we might not be able to cover in terms of revenues. So I don't know why run forward when timing is not an issue at this point.

MS. PANDYA:

I think timing is an issue. I think we want to get rolling. They, obviously -- they need a resolution from the Legislature, start Phase II, finish their process for approving it. They're not cutting checks until the whole application is done. And a part of that is a resolution from the Legislature.

LEG. BINDER:

Wouldn't it be based on what they approved us for? In other words, we don't have a number and I would guess we're waiting to hear what that number would be from them. Is that --

MS. PANDYA:

We are at this time included based on the County's -- Suffolk County Executive's number, which is 63.5, I believe. So we are at this point kind of preapproved for that amount of money.

LEG. BINDER:

If that is true and we have been approved for a certain level of money -- funding, then the question left would be to Budget Review for them to help us to get a very good handle on what we think we can pay back in terms of debt service so that we don't, you know, shoot the moon on this thing and start having -- pay over what we think we're going to have revenues to pay. And I assume you'll base your numbers, Fred, on level debt service because you said that we're allowed to structure it in any manner we want to do it.

MR. POLLERT:  
Yes, that's correct.

LEG. BINDER:  
So I would just wait for -- those numbers would be the most important numbers to me before going forward to set a level.

MS. PANDYA:  
Right. Just to maybe come back a little bit to the timing issue because I don't know exactly what's their drop dead date for having this stuff and to really move and stuff, but obviously, the more we delay, the later it's going to be before the funding can start coming to the County. But, I think, the County has actually -- the County has worked with EFC in the past to refinance the previous quarter percent loan, and I think if you talk with your bond counsel, EFC told me if you guys talk with your -- I think {Randy Mayer} at the Suffolk County Bond Counsel is very familiar with the EFC, with the process, has copies of the bond resolutions, which you guys have worked with in the past and legislation that you have worked with in the past and can probably answer a lot of your questions on --

LEG. BINDER:  
Well, it's my understanding our bond counsel didn't have very much information going to this whole process, and I'm very concerned, to be honest with you, about the level of information that was provided to us and that our Budget Review Office had ferret out --

MS. PANDYA:  
From bond counsel?

LEG. BINDER:  
Our bond counsel, from everything I saw, had nothing to tell us. And didn't understand the process --

MS. PANDYA:  
Well, I can speak with the -- I spoke with the EFC guy this morning because I said do you have some kind of draft bond resolution or something so these people can get an idea of what kind of things we're looking for here -- that you would be looking for in that kind of document, and they said, oh, speak with {Randy Mayer}. I don't know if this guy actually exists, but I was told {Randy Mayer}, of Suffolk County Bond Counsel has copies of all of these documents from the last time you refinanced with EFC in '94, '96, whatever it was. So you guys should have all that paper work somewhere. I don't now why -- I don't know what the breakdown is, I'm just saying that's what I was told to communicate with you guys.

LEG. BINDER:  
Budget Review wanted to jump in.

MR. POLLERT:

Just to clarify one more time. When Tom Isles and myself made the conference call in to EFC they were very clear with the people that we had spoken with that it's not necessary for this bond resolution to be approved for the Phase I to proceed. The bonding resolution is required for the Phase II funding when they come to us and say, do you want to

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give us the cash and float your own bond, or do you wish to have us do a subsidized bond for you. But they were very clear when Tom and myself asked them a number of times whether or not the Phase I application with the 0% interest money could continue and would continue if there was no bond resolution, and they said, absolutely, we would be eligible for the Phase I funding, which is 0% interest. It's only when they next did a bond issue that they would want clarification if the EFC was to float the bond for Suffolk County or if Suffolk County was going to float their own bond.

LEG. BINDER:

Now I've got kind of two things that maybe I don't understand, Phase I and Phase II well enough. I'm hearing that there's -- under Phase I, we'll actually be issued funding and we will have the funding under the 0% because that's that period you told us that, basically wouldn't cost us anything. And until that period ends and they go to another -- and Phase II doesn't start, then we're not obligated, we don't even have to go forward with the bonding, only the application itself. I'm hearing on another end that that is not true, that they're not going to give us any money, that Phase I is only an application process, that Phase II is actually the funding process. So now I am total confused because I'm hearing very -- two different -- and we to understand this, because there is no way we can act without understanding what the actual process is, and we need that. So I'd like -- I don't know what it's going to take to get the answers, but before we go forward, I don't think we can do anything without knowing what the process is.

CHAIRMAN BISHOP:

Can we get EFC here?

LEG. CARACCIOLO:

We attempted to do that for this meeting I thought.

CHAIRMAN BISHOP:

Well, what's the --

LEG. CARACCIOLO:

Well, I had requested you extend them an invitation.

CHAIRMAN BISHOP:

We did.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:  
But she works for them.

MS. PANDYA:  
I don't work for them.

CHAIRMAN BISHOP:  
Well, no. Not for them, but I know you work with them on a daily basis.  
They're around or up in Albany?

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MS. PANDYA:  
They're in Albany. But, you know, if it was earlier than four o'clock,  
we could have at least called them. We could have had a conference call  
and answer our questions. We weren't able to think of that at that time.

LEG. FIELDS:  
I was at a preliminary meeting that Legislator Caracciolo had and Tom  
Isles was there when EFC came down. I don't think it was that difficult  
to get them.

LEG. CARACCIOLO:  
They had a conflict in scheduling with today's meeting. So I would  
certainly encourage having them here. And I think they should really  
appear before the entire Legislature so we don't have, after this  
committee meeting, another seven or eight Legislators who are not  
listening to this conversation raise issues that no one's going to be  
present to answer. So I think ultimately --

LEG. FIELDS:  
But in order for us to get it through --

LEG. CARACCIOLO:  
There are two issues here --

LEG. FIELDS:  
Wait, Mike.

LEG. CARACCIOLO:  
Wait a minute. I think Legislator Binder has sighted two very important  
issues.

LEG. FIELDS:  
But I had the microphone, so let me just finish my question.

LEG. CARACCIOLO:  
Okay.

LEG. FIELDS:

I think that when you had them come to the meeting it was very educational for all of us to get the answers to the questions.

LEG. CARACCILOLO:

And every Legislator was invited to that meeting by the way.

LEG. FIELDS:

Okay, but that's neither here nor there at the moment. I think that what we really need in order to get it even out of this committee before the full Legislature is maybe to have EFC come twice. Once -- and I think they'd probably be willing to do that -- once to answer any of the questions in the committee process and then again to answer questions from all of the Legislature, should they have any further questions. So I would ask the Chair to write a letter and ask if they could come before this next committee and tell them if it gets of the committee then to, you know -- that's just a --

MR. AMPER:

I think the Legislature should have all the information before it that it needs. We've tried to supply it. We're pretty comfortable with the information that's been presented. It's consistent with the information EFC presented to us. I think that the whole Legislature -- I think you're right -- that the whole Legislature should have this information available to them at this meeting so that everyone can be informed. I think it would be very useful if Budget Review could deal with the debt service issue. That's something clearly this body can do. One of the things that had not come up today that we need to thing about, however, is you've heard from Planning and from Real Estate for the last couple of months, anyway, that the County, for the first time in 30 years, is darn near out of the land buying business at a time when the Real Estate Department is negotiating with people and we're seeing a disposition for people to be willing sellers or unwilling sellers on the basis of what they think the County's going to do.

So there is some sense in which when we delay this, we begin to see things that the County would like to purchase and has the capacity to purchase and for which the public have committed the funds for purchase get lost to development because we're not able to sort what should be factual matters. We're debating a policy, everybody's entitled to an opinion. But it sounds to me like you pretty well agree, but you just need to know what the facts are; what has to happen under Phase I, what has to happen under Phase II. So I would think it would be very useful if we could at least conditionally say this is what we're going to do -- if this is the case, this is what we're going to do, if that's the case, that's what we're going to do. I think Budget Review can give you the information locally about what we can carry and then I think we just have

to satisfy ourselves as to how the EFC -- you have to satisfy yourselves that your understanding of it is the same as ours.

CHAIRMAN BISHOP:  
Legislator Caracciolo.

LEG. BINDER:  
Can I just ask him a question based on that?

LEG. CARACCIOLO:  
I believe I have the floor.

LEG. BINDER:  
Can I ask -- I'm asking you for a courtesy for just one question. You do have the floor, I'm asking you for a courtesy.

LEG. CARACCIOLO:  
Certainly.

LEG. BINDER:  
Thank you. If it's -- we find that Budget Review is correct in their method or process and we don't need to go forward, then it might be imprudent, would you then agree that based on application, we can get the money. If that's the case, money comes in, we do what we do as Phase I and then we can watch the economy, sales tax and it gives us more time to react and bond for Phase II when it's time, if he's correct. I know you guys thing that this is the way, but if that's

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MR. AMPER:  
It's simply that we're -- having been through this process, we're sort of satisfied that we're making a decision on the basis on a hypothetical that's just simply not operative. And we're looking at the very real risk this Legislature may fail to do something it need to do in order to maintain the continuity of the program, and I know you don't mean to do that. I understand.

LEG. BINDER:  
That's true, but still the question is if, if -- I know you don't want to answer a hypothetical, if that's -- the hypothetical is true, it would be more prudent, wouldn't it, if that is the case? We find out it's not the case, you don't worry about the hypothetical.

MR. AMPER:  
If the money continues to flow to this program without interruption as a result of the process, clearly that's not something anybody on the Environmental Committee would take exception to, no.

LEG. CARACCIOLO:

Okay. Thank you, Mr. Chairman.

MS. PANDYA:

Can I just say one last thing?

CHAIRMAN BISHOP:

Legislator Caracciolo has the floor.

LEG. CARACCIOLO:

I've been very patient.

MS. PANDYA:

Oh, I'm sorry. I'm sorry, finish.

LEG. CARACCIOLO:

First, I would like to say that I think it's clear from my conversations with other Legislators that there is a majority in this Legislature today that wants to move with EFC Financing. I think the issues that were raised at the last General Meeting and some of the issues that remain today, as you acknowledge, have to be answered. And they really center around two, three, maybe four major issues. One is does the State have money available for this County as well as other municipalities to borrow from? The answer to that is yes.

I'm in receipt of correspondence Mr. From Thomas Kelly, the president of the EFC, dated October 5, of is this year, and he states very that -- to clear the air as to whether or not EFC has money in its possession, and I'll quote, "please be advised that the State Legislature reached the enacted legislation restoring the various reappropriations, which were initially omitted from the so-called base line budget". That seems to indicate, and we need to confirm, that the monies are there. I think that statement speaks for itself, but we should confirm that is, in fact, the case. He goes on the state further "that we have estimated that we have available almost \$300 million for short-term loans and \$1 billion in total financing capability during this period". Now, it also needs to be understood by elected officials is that the money EFC is using is

subsidized by the federal government and the state government, and that's how it enables local governments, such as the county of Suffolk to go out and borrow at a significant discount to what your prevailing borrowing rates would be. And based on recent fed actions, we are probably -- and I'm just saying probably, because I haven't spoken to anybody to confirm these numbers -- but we are probably somewhere in the two and a quarter percent to two and a half percent range. So there is very significant savings it appears on the surface of why we should participate in a program like EFC Funding as opposed to traditional County borrowing.

However, we would have to wait to hear from our financial advisors when the time comes for the borrowing to see if that, in fact, is the case at that time. It may be the case today, it may be different at a later date

when the actual borrowing takes place. Now, I think Legislator Binder and others who raised this issue at the last committee meeting and again at the last Legislative meeting as to what amount of debt service could the County comfortably absorb is a very legitimate question. And I think shortly we'll have the answer for that question from our Budget Review. So I would anticipate, Mr. Chairman, if we're not ready to move on the resolution today -- and then that really speaks to another issue, and that's, you know, which of the resolutions before the Legislature should be taken up? And I think it's clear from my perspective that a resolution that ties the total borrowing to the dedicated revenue stream, which is a program that expires 2012 is preferential to the one the Executive has submitted that carries it out another 18 years. Mr. Pollert, would you agree with that?

MR. POLLERT:

Yes, that's absolutely correct. It's also correct for two different reasons. The primary reason is in our {tobacco securitization report} we had identified that there is a tremendous yield differential between long-term paper and short-term paper, the break-even point being about 10 years. If the term of the bond is shorter term, at this point in time you can probably issue at very advantageous rate, even if the County was doing it unsubsidized. If you did the 30 year paper, then the interest rates would be significantly higher than short term, and the reason for that is, obviously, people that are concerned with inflation over long term, short term, the fed had driven down the short term rates dramatically. So the shorter time that you're borrowing for, the greater that yield differential is between the short term and the long term.

LEG. CARACCILO:

And then Mr. Chairman, the final issue is the issue of whether or not this Legislative body most move forward and act upon a resolution authorizing the borrowing. I think that's -- that issue's been cleared up by Mr. Kelly in his correspondence of October 5th. He says, "in terms of timing of the County's adoption of an authorizing resolution, I would call your attention to Appendix C of the IUP, which outlines the steps in which the Clean Water SFR application -- of the SFR application process". Now, all it does if you go to that section, there's a point in that process that we've been referring to as Phase I, Phase II, okay? This is the actual application process. I think earlier, there might have been confusion on the part of the Legislators that Phase I would have been an initial amount of money we were going to EFC to borrow. Phase II would be at a later date for another supplemental amount. That's a different

issue. What we're talking about here is a very straight forward process. Step A or Phase I would be the application. We submitted that. Step 2, Phase II, would be a resolution. And I would just add that bond counsel, Mr. Tom Rothman, at my request prepared the resolution that if and when we take that up or some modification of that up is, in fact, been prepared by Tom counsel -- bond counsel, who as you pointed out Alpha is

very familiar with EFC Financing. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you. Have we dealt with the issue of prudence, what the -- so we're waiting for that report.

LEG. CARACCILO:

When will you have those numbers, Fred?

MR. POLLERT:

We should have the numbers by Friday of this week with respect to what the coverage factor --

CHAIRMAN BISHOP:

One of the issues that I am a concerned about is the quarter cent renewal is a three-phase program; open space, farmland and then surface water. My concern is that the debt structure of paying back the debt to fund up fronting farmland and open space could crowd out surface water. Is that something that you will consider in your report?

MR. POLLERT:

What we do is we look at each of the components what the, you know, which the coverage factor of each of the components is. Clearly, you wouldn't want to do all the --

CHAIRMAN BISHOP:

One's pay-as-you-go is what I'm saying. The surface water is pay-as-you-go. I don't want the funds that are collected --

MR. POLLERT:

That is correct, we will not do not. Nor would we be obligating the portion that goes to property tax relief as well.

CHAIRMAN BISHOP:

Right. The components -- the integrity of the individual components needs to be maintains is what I'm trying to suggest. Do you have similarly brief comments to make?

LEG. ALDEN:

No. Not even a comment, just one follow up on that? There's five components, isn't there, Fred, in that quarter cent?

MR. POLLERT:

Yes. The two missing components; one is property tax relief and the other is a source stabilization.

LEG. ALDEN:

Those two are stand-alones, you can't lock box or whatever we want to call them.

MR. POLLERT:

That's right.

LEG. ALDEN:

Now, these other three, you're going to do a separate analysis for each one of those three programs?

MR. POLLERT:

Right, and probably what we would do with the components that deal with the land acquisition, we would look at them individually and then aggregate all the money as well.

LEG. BINDER:

One request of Fred, Mr. Chairman.

CHAIRMAN BISHOP:

Sure.

LEG. BINDER:

When you give us the number that you think we could be comfortable with, could you try to do an investigation and report also what you find on the process, because I hear Legislator Caracciolo agreeing on the process that we heard Nature Conservancy. I want to understand -- to me, if we don't understand the process, then we're -- we're -- we're making a mistake, and maybe you didn't understand it. I don't know, but maybe you can --

MR. POLLERT:

Well, at this point, I'm as confused as probably you are because, you know, perhaps, the one thing that we belabored when we spoke with them was the necessity to do the bond. But what the concern was that if the bond was not authorized, could we continue to access Phase I funding?

LEG. BINDER:

Right, is there delivery of the cash? As they say, show me the money. Are we going to get the cash before the resolution? And the when is the -- I just want to get a really good handle and a definitive handled on when we need to bond. And only because there is such a changing situation in sales tax, the sales tax picture, I really want to understand before we obligate ourselves in terms of resolution, you know, we want to go -- I think we want to go as far down the road as we can, if we can money up front, go as long as we can before we actually obligate ourselves and understand the sales tax picture going out months and years.

MR. POLLERT:

Well, part of our cash flow analysis, obviously, if we can get 0% funding for a period of time, we will have a lot better coverage ratio because we will have banked the first year's worth of sales tax, which will give us a good coverage factor. So clearly, our understanding is going to be important as well. They did assure us that as long as it's included in the IUP for Phase I, if we closed a parcel that met their criteria, they would provide us the necessary cash within 8 to 12 days, which is extremely fast turn around with or without a bond authorization.

LEG. BINDER:

I hear what you're saying, and I know there --

MR. POLLERT:

Yes, but we will double check it.

LEG. BINDER:

Right. If you can go -- I hate to ask to go over old territory, but if -- because the analysis you're going to do for Legislator Caracciolo in that -- or for all of us -- in that number really does depend on what you've got there. So if you can give us a total, that's helpful. Thanks.

CHAIRMAN BISHOP:

All righty. We're done, right. Let us take, for a minute 1815 out of order. That's what the people --

LEG. CARACCIOLO:

Mr, Chairman, I'd like to do that, but before the speakers leave, can we give them some sense of when this issue after the information we receive Friday will be taken up? At our next committee meeting?

CHAIRMAN BISHOP:

Well, we have the opportunity -- at this committee, we can send back the two bills that were sent to us by the full Legislature back to the full Legislature in anticipation of receiving this report.

LEG. CARACCIOLO:

I think that would be a wise thing to do.

LEG. BINDER:

Mr. Chairman, I would think that there is such agreement -- I think general agreement -- across the Legislature on wanting to this that if the numbers are correct, we hear them on the floor Legislature, they'll easily be 10 votes to discharge on ther floor, get is done, we'll do it. But I think just as a matter of protocol, that a committee with such large questions open should not let go of a bill this important with this much impact. I think the consideration needs to still be here in the committee, because in case we don't have those numbers, by the time of the next meeting -- but that -- if Budget Review doesn't have the numbers for whatever reason at our next full meeting, then we have bills on the floor we're not able to -- we're not able to act on, and it's not in committee where it should be, 'cause then we -- if -- because if it's still outstanding in our next committee meeting, this is where we should deal with it so we shouldn't have to refer it back here again. This is where it should be taken up, but I would agree to, easily, if the answers are pretty clear cut, we can go forward, we need to go forward, necessity, we need to go forward, we have a level that is reasonably and physically prudent. If those two answers are before us, I will vote for discharge, it's no problem. But I don't think you let it go as a matter of process in the Legislature.

LEG. ALDEN:

One other just technical question is, my reading of these bills requires the use of all three programs, the remaining programs. It doesn't break it down by different programs, it just takes all the remaining monies

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from the quarter cent. So the only two are actually locked out would be the sewer stabilization and the tax stabilization, then any other remaining program just gets lumped in and used in every one of these resolutions. Now, I don't know if that can be corrected on the floor or if it's going to require a corrected copy because it's not -- it's an intent of the bill.

LEG. CARACCIOLO:

Can we have counsel respond to that request?

MR. SABATINO:

1885 and 1886 both earmark specific dollar amounts. 85 is 50 million open space, 25 million for farmland. 86 is 41 million for open space and 21 million for farmland. The water quality component was explicitly excluded from consideration. So the only two funds that would be drawn would be open space and farmland.

LEG. ALDEN:

Question and a follow-up question on that. If, in the event that there not enough money that comes in to pay the principle and interest on that, where does that money come from according to that bill?

MR. SABATINO:

At that point you're in default and either you have to go to property tax or you have to get a Charter Law to amend the referendum to change the allocation.

LEG. ALDEN:

It wouldn't be a general obligation, so it would not just come out of the budget? It would not come from general --

MR. SABATINO:

In the County Executive's version, it was, okay? In the County Executive's version, it was set up for property taxes, but 85 and 86 were modified at my request and Legislator Caracciolo's request to conform to the charter to limit it to --

LEG. ALDEN:

This is interesting then because if we do not have the revenue stream, it puts us in an automatic default position on bonds. So I'm glad it is clarified.

MR. SABATINO:

Well, what will happen is it will -- because the sales tax is the first priority, it will either go into default or it will go to property taxes

or you're going to have to amend the referendum.

LEG. ALDEN:

By your clarification then, an automatic levy without authorization from the Legislature, it's an automatic levy on the taxpayers of Suffolk County then. That's what you mean by property tax default. That's the normal definition of a property tax --

MR. SABATINO:

That the not property tax default, it's a bond default.

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LEG. ALDEN:

A bond default, right. And a property tax pickup as far as the payment.

MR. SABATINO:

Or you're going to have to amend the charter.

LEG. CARACCIOLO:

Legislative Counsel, what would be the distinction -- just to clarify this point further, Mr. Chairman, what would be the distinction with the bonds that are outstanding, County obligations for the Southwest Sewer District that are tied to quarter percent funds? I mean, you could have very easily have a similar -- could you -- I shouldn't assume that. Could you have a similar situation?

MR. SABATINO:

Well, it depends. I mean there were -- the Southwest Sewer District was done in several different ways. One of the Southwest Sewer District's sets of bonds were done with the property tax and the fees assessments as the primary collateral. And then the quarter percent was put in as the pledge to support it. So the answer is yes and no depending on which bond.

LEG. CARACCIOLO:

Thank you. I think if you support one, you support the other because the idea here is to go about it in a prudent manner with as much information as you can possibly have at your disposal at the time you make a decision.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN BISHOP:

Legislator Binder.

LEG. CARACCIOLO:

And allow a little room for a cushion.

LEG. BINDER:

Counsel raised a question, so I have to ask. I don't understand. The mechanism that would, upon the default, would move it to property tax, is that an automatic process? Because if there's no appropriation available in the Operating Budget to pay that debt service, you said property tax or amendment the charter. I don't understand. Does it need a vote of the Legislature to pick that up under or is it automatic? I'm not sure what exactly we're talking about here. Because I don't know that there's even an appropriation that would exist to pay that debt service.

CHAIRMAN BISHOP:

It's Hobson's choice. You'd have to choose your poison at that point.

LEG. BINDER:

I want to understand, because that's an important mechanism.

MR. SABATINO:

Just to go back. The difference between the two sets is that the County Executive's resolution called it property tax as the primary. It made no

reference to the sales tax revenue.

LEG. BINDER:

Let's stop with that now. So with the County Executive's it goes -- it flows straight to property tax, is there a mechanism -- and, obviously, that's without a vote of the Legislature, it would just automatically be taken from the Operating Budget -- is there a mechanism, does it just take it from the line that's appropriated debt service? Is that -- is that how that works because the appropriation exists? I'm not sure how that would work.

MR. SABATINO:

Well, what would happen is in the second scenario because the sales tax is the primary collateral for it, the sales tax would be used to pay up. If the sales tax comes in short, then you have to look for another appropriation on a debt service line to make it up, which would come from property taxes. Or if you didn't do that, you'd have to -- the only way you could get back to sales tax, because that was the issue, the only way you can into another portion of this quarter percent sales tax program would be to amend the charter to draw money from one of the other five -- three components.

LEG. BINDER:

Right, but the reason I'm asking the question is does it take action is you said, well, we would have to do. You're talking about action steps. Does this Legislature have to find -- the point that we go over the amount, the sales tax is not sufficient to cover it. We're just talking about the County Executive's, I didn't get to the other two yet. And it says that it flows to property tax, our Operating Budget, basically. Is that an automatic, do we have to then vote, in other words, we're notified that's going over, we could be in default and that we have to

find the funds, do we then have to amend the budget midyear to provide the funding for this additional debt service? What's the mechanism? Do we vote? Are we involved with that? Is it automatic? Could it be automatic? I'm not sure. I'm still not clear on the mechanism.

MR. SABATINO:

The County Executive's bill, it's automatic because -- but you already voted to make it the property tax, so that is automatic. With regard to the other two bills, it would really depend on circumstances because, you know, the County Comptroller, I know, treats avoiding debt service as an absolute, you know, number one priority, and what he might do is draw the money from, you know, an appropriation to make sure that debt service got paid off to avoid the default, which would still leave you, though, with the issue of how do you account for it budgetarily. And you'd be left with either trying to generate an appropriation from property tax or --

LEG. BINDER:

Or if there's enough to transfer somewhere, we'd have to do an end-of-the-year transfer to transfer into the account that which was pulled out of the appropriation.

MR. SABATINO:

Because debt service is something you can't avoid.

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LEG. BINDER:  
Okay. Thanks.

CHAIRMAN BISHOP:

This is more of an intellectual exercise than an actual threat of actually occurring.

MR. AMPER:

Has it ever happened?

CHAIRMAN BISHOP:

Yeah, I mean, you'd have to have a depression of some great, great magnitude to have this --

MR. AMPER:

I mean, I thought that's why we were asking --

LEG. ALDEN:

It's a slight recession.

LEG. BINDER:

Dave, it all depends on how close we're going to cut it in terms of what Budget Review tells us is our ability under the revenue versus what money we have. So I just wanted to understand because look, in law there is a

mechanism for taking care of it. Whether it's going to happen or not is not just an intellectual exercise. You have to understand the mechanism before you vote on it. It's your responsibility to. It's fiscal prudence to understand how the thing works.

CHAIRMAN BISHOP:

Right. But it's being discussed as if it's almost a likelihood, where it's a very small --

LEG. BINDER:

In case it does, before you vote as a Legislator, you should understand it.

CHAIRMAN BISHOP:

That if that occurred, that would be the least of our problems. We're talking about a major depression for that to happen.

LEG. BINDER:

Budget Review.

MR. POLLERT:

Currently, we're in the identical situation. The County Executive has recommended a budget that's short \$55 million worth of appropriation for debt services. So it could well be that the revenues are coming in, but that there was no appropriation included in the budget. It's not a theoretical abstract. We, in fact, have the identical situation now. When it has happened in the past with respect to the MTA and that type of thing, those groups would go directly to the State of New York. And in the past, what has happened is if the County has not made sufficient appropriations, they petition the State of New York, and there's an intercept of sales tax review before it even hits the County. So with respect to the MTA, when the County didn't make necessary appropriations,

they withheld state aid even though it was not directly a state agency.

CHAIRMAN BISHOP:

Isn't this program -- aren't we speaking about essentially borrowing 65 to 70% of the program revenue?

LEG. CARACCILO:

Not even that much

MR. POLLERT:

Not even that much, but there is --

CHAIRMAN BISHOP:

So then there's 30% that --

MR. POLLERT:

No because you have to make the interest payments as well.

CHAIRMAN BISHOP:

Right. Okay. So what is that?

MR. POLLERT:

That's what we have to calculate out, and that's what I'll get to you.

CHAIRMAN BISHOP:

As I understood it, I mean, I know there is an a hostility from certain quarters to these programs, but -- they was plenty of prudence, excess is another way to put it, okay built into the program. Okay. Now let us go to 1815, which is the resolution that this family from Riverhead is here on and their attorney.

LEG. CARACCIOLO:

I think what the Chairman indicated is that as soon as we can the information from Budget Review, which we expect to have on Friday, he will take it up at the next committee meeting.

CHAIRMAN BISHOP:

I hope you're a strict constructionalist when you're interpreting my --

LEG. CARACCIOLO:

Are we going to take -- discharge this or --

CHAIRMAN BISHOP:

There's no support for the discharge.

LEG. CARACCIOLO:

Well, I would support the discharge because the information we'll have before the next Legislative meeting.

CHAIRMAN BISHOP:

It would look -- we could end up looking silly. They send it back to us, we send it back to them, if we don't have all the information -- let's get the information first and then we'll make the decision. There is a chance that we will consider it at the next full meeting of the Legislature. The more conservative projection is that it would be the November meeting of the Legislature.

MR. AMPER:

Let me understand this. The information for which you're waiting is promised for Friday?

LEG. CARACCIOLO:

The 19th of October.

CHAIRMAN BISHOP:

So we might be able to do it, or if not, then we'll roll it over to the next meeting, which is only three weeks away.

LEG. BINDER:

The attempt is going to be to do this on Tuesday. If everything -- the numbers and the -- I'll discharge it, we'll do it.

MR. AMPER:

Thank you. Thank you very kindly.

CHAIRMAN BISHOP:

So come Tuesday. Thank you very much. 1815. Motion to take it out of order by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? 1815 is now before us.

TABLED PRIME

1815 Authorizing the acquisition of developmental rights to farmlands by the County of Suffolk at Riverhead (pay-as-you-go 1/4 cent Taxpayer Protection Program) (CARACCIOLO)

LEG. CARACCIOLO:

Do we have an answer from Mr. Isles?

MR. ISLES:

It did go to the Farmland Select Committee and it was approved.

LEG. CARACCIOLO:

Motion to approve, Mr. Chairman.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo. Seconded by Legislator Guldi.

LEG. ALDEN:

On the motion.

CHAIRMAN BISHOP:

On the motion. Legislator Alden wishes to be heard.

LEG. ALDEN:

Is the commissioner still here? Tom, can you answer a couple of questions on this then?

Tom, before -- and not that you were cut short, but I think it was probably not appropriate to go into all the numbers on that pay-as-you-go program, but could you just give us the numbers on that now, because it is appropriate -- this is -- and where this resolution fits into that?

Actually, I had another question too. What was the protected income in that fund and what actually came in in the past? We're six months behind or three months behind on that?

MR. ISLES:

Okay. So for the pay-as-you-go farmland portion of the program, the quarter percent sales tax?

LEG. ALDEN:

Right. The quarter cent is -- that's transmitted to us from New York State, right? It's usually three, six months behind? This sales tax.

MR. ISLES:

Oh, okay. The anticipated amount in the quarter percent is about \$4 million a year for farmland. In terms of how much we received at this point -- I don't have an exact number -- how much we've actually collected as a County, that I don't think. I think they were doing some tabulations of perhaps --

LEG. ALDEN:

And how far behind are they? In other words, when the year ends, how long does it take them to get the final audit?

MR. ISLES:

The time between the actual collection and when it's reported?

LEG. ALDEN:

Right.

MR. ISLES:

I don't know.

LEG. ALDEN:

Okay. If you could just find out on that too.

MR. ISLES:

I can find out.

LEG. ALDEN:

I don't need it tonight.

MR. ISLES:

Okay. Next meeting.

LEG. ALDEN:

Just tell me on this one where it fits in, like what the fund balance is, where it fits in.

MR. ISLES:

This is new quarter percent which -- Allan, if you want to give the details, but at this point this is really an untapped program.

MR. GRECCO:

At this point, it goes into the new quarter percent. The farmland portion is isolated in and of itself. The original projection was that it would throw off approximately \$4 million. We have, I believe, agreed

that that number is lower. We have scaled it down somewhat as between our budget office and Budget Review. However, considering this Resolution 1815, the Hartmann acquisition, there will be clearly, enough money even with the more conservative viewpoint in that fund. We have not touched any of the quarter percent farmland monies. We've always used the Capital Farmland or Greenways Farmland.

LEG. ALDEN:

Are there any other resolutions that are pending to use up any of that money?

MR. GRECCO:

Not to my knowledge.

LEG. ALDEN:

Quarter percent, just farmland.

MR. GRECCO:

Quarter percent farmland, I don't recall seeing one.

LEG. CARACCIOLO:

If there are, they're in my district. If there are, they're in my district.

MR. GRECCO:

They would be, I suppose.

LEG. ALDEN:

Are there, Mike, any, any other ones?

LEG. CARACCIOLO:

No.

LEG. ALDEN:

Mike, may be you know the answer to this. We can do this now, right? This is right? This program is okay?

LEG. CARACCIOLO:

Legislator Alden, the reason why we selected this program funding was because before I introduced it, I checked with Budget Review and Real Estate to make sure that we had sufficient fund balance.

LEG. ALDEN:

Great.

MR. GRECCO:

I might add, there clearly would you be sufficient monies to consummate this transaction. We're still going to need an appropriating resolution, I believe.

LEG. ALDEN:

Okay. And when do you plan on doing that?

LEG. CARACCIOLO:

That would be the next step, because there are some issues pending with the Board of Health, Department of Health; is that right, Vito? I'd like

to hear from Mr. Minei. Come on up. I think since the principles are here, they should know exactly what's going on with respect to this. And maybe, Vito, give us, you know, an idea of what the timeline is for your complete review and recommendation.

MR. MINEI:

Vito Minei, Director of Environmental Quality, County Health Department. We do indeed have a plan before us showing the piece of property. All the holdings in that area are proposed for development. And the application I saw would indeed meet our (densite) criteria of Article 6 of the Sanitary Code. So at this point, with that type of an application, it should be relatively straight forward.

LEG. CARACCIOLO:

And when would you anticipate approval?

MR. MINEI:

Typically, it's between 4 and 6 weeks if everything goes according to the prescribed standards.

LEG. CARACCIOLO:

So hearing that answer I would be able to respond that the appropriating resolution will be submitted immediately and taken up by the Legislature of this committee first in November, and hopefully, no later than our meeting in the early part of December. That was the only reason why I had yet to submit an appropriating resolution.

LEG. CARACCIOLO:

Can we move the motion?

LEG. ALDEN:

Motion.

LEG. CARACCIOLO:

Motion by Legislator Alden. Seconded by Legislator Guldi. All in favor? All in favor of 1815? Opposed? Abstentions? Approved unanimously. APPROVED (VOTE: 7-0-0-0)

Thank you. Thank you all.

CHAIRMAN BISHOP:

All right. CEQ.

#### CEQ RESOLUTIONS

(READ BY MR. BAGG)

51-01 Proposed SEQRA Classifications of legislative resolutions laid on the table August 7, 2001, August 28, 2001, and September 11, 2001.

LEG. BINDER:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Binder. Seconded by myself. All in favor?  
Opposed? 51-01 is approved. APPROVED (VOTE: 7-0-0-0)

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52-01 Proposed construction of Equestrian Sand Ring at Of Field Farm County Park, Town of Brookhaven, unlisted action (negative declaration)

CHAIRMAN BISHOP:  
Motion by Legislator Binder. Seconded by myself. All in favor?  
Opposed? 52-01 is approved. APPROVED (VOTE: 7-0-0-0)

53-01 Proposed reconstruction of CR 48, middle Road from Horton Lane to Main Street, Greenport, Town of Southold, Suffolk County CR 5526, unlisted action (negative declaration)

MR. BAGG:  
Project includes widening of the road from 40 to 46 feet, safety alignment improvements, rehabilitation of roadway pavement, installing curbing, median and left and right-turn lanes, upgrading the shoulder and sidewalk, areas for bicyclists and pedestrians, as well as constructing two additional recharge basins and preventing direct discharge of runoff to surface water wherever possible. Counsel recommends this to be an unlisted action with a negative declaration.

LEG. GULDI:  
Motion.

CHAIRMAN BISHOP:  
When something has an environmental impact, but it have a positive environment impact, that doesn't take it out of the status of negative declaration?

LEG. GULDI:  
That's definitely a negative thing.

CHAIRMAN BISHOP:  
I maintain my level of confusion.

MR. BAGG:  
Negative declaration actually is that the project will not a significant impact on the environment.

CHAIRMAN BISHOP:  
Right, but this is the essence of a project that would have an impact on the environment. It may be a positive impact, but it's an impact on the

environment. It's like if the Brooklyn-Queens Expressway were to be built, it would get a negative -- I mean, everything gets a negative deck. I want to know what gets a positive deck.

MR. BAGG:

Those projects which are deemed to have significant impact on the environment on a negative basis.

CHAIRMAN BISHOP:

So if it impacts the environment on a positive basis, it's a negative deck?

LEG. BINDER:

Negative impact, positive dec.

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MR. BAGG:

Usually, yes.

CHAIRMAN BISHOP:

Positive impact, negative dec.

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi who understands this process. Seconded by Legislator Binder who enjoys the process. All in favor? Opposed?

APPROVED (VOTE: 7-0-0-0)

54-01 Proposed rehabilitation of the former Suffolk County Infirmary, Yaphank, Town of Brookhaven, CP 1771, Type I Action (negative declaration)

MR. BAGG:

Project involves rehabilitation of the former Suffolk County Infirmary in Yaphank for adaptive reuse of office space, restoring, preserving the building facade and historic murals and other historic features inside the building, as well as expanding the parking. Counsel feels this is a Type I action since it involves an action occurring within or contiguous to a site eligible or proposed for listing on the State Registry of historic places. The Suffolk County Historic Trust has determined that the project will not negatively effect the historic integrity of this structure. And the counsel makes a recommendation that it's a Type I Action that will not have a significant effect on the environment, negative declaration.

CHAIRMAN BISHOP:

Now, this is a building that's allegedly loaded with asbestos or that's not true?

MR. BAGG:

That I do not know.

CHAIRMAN BISHOP:

See I had always heard that it was.

LEG. GULDI:

It would be of that area, yes.

CHAIRMAN BISHOP:

Here again, I wonder how these negative declarations are arrived at --

MR. BAGG:

The Department of Public Works reviewed a County-wide program that they have under OSHA for asbestos removal that has been done in the past. They have made a recommendation, and I think the Legislature has actually passed a determination of a nonsignificant negative dec that the asbestos is removed pursuant to OSHA standards, that it will not a positive impact on the environment.

CHAIRMAN BISHOP:

Just walk me through something. The purpose of SEQRA is that any time the County undertakes an action that's going to have an impact on the environment, an environmental report needs to be done, except when the SEQRA committee declares a negative declaration, is that the essence of what we're --

MR. BAGG:

All actions, all right, need to undergo a SEQRA review, all right? And it's the Legislature, you folks, that make the final determination. SEQ reviews it, they make a recommendation to the Legislature. First thing, the action is classified, in terms of SEQRA. If you can say it's a Type II Action, no further environmental review is necessary. If it's classified as as unlisted or Type I Action, then an environmental assessment form has to be filled out. And it's based on that environmental assessment form, which is also submitted to the Legislature, then the determination is made as to whether or not there will be a significant negative impact on the environment. If they find there will not be a significant negative impact on the environment, that impacts can be mitigated, then a recommendation is made for a determination of nonsignificance or a negative declaration. If the Legislature felt there were going to be significant negative impacts on the environment they could then proceed and request that a draft environmental impact statement be prepared.

CHAIRMAN BISHOP:

All right. Then we have a motion before, anybody making the motion?

LEG. BINDER:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Binder. Is there a second?

LEG. GULDI:  
Yeah.

CHAIRMAN BISHOP:  
Seconded by Legislator Guldi. All in favor? Opposed? I'll abstain.  
(VOTE: 6-0-1-0) (Opposed; Leg. Bishop)

Thank you very much, Mr. Bagg.

#### INTRODUCTORY NON PRIME

1905 Amending the 2001 Operating Budget creating and abolishing positions in the Planning Department Division of Real Estate. (HALEY)

CHAIRMAN BISHOP:  
We're not prime. Motion to defer to prime on 1905 by myself. Seconded by Legislator Guldi. All in favor? Opposed?  
DEFERRED TO PRIME (VOTE: 7-0-0-0)

Let's start on the first page.

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#### INTRODUCTORY PRIME

1927 Authorizing the acquisition of development rights to Farmlands by the County of Suffolk, Phase V (Omnibus 2001-2) (COUNTY EXEC.)

CHAIRMAN BISHOP:  
We are the farmland -- Mr. Grecco. Mr. Isles.

LEG. GULDI:  
0600 is Riverhead and 0200 would be Southhold; is that correct?

MR. GRECCO:  
0200 is Brookhaven.

CHAIRMAN BISHOP:  
These one, two, three, four, five, six, seven parcels, you have agreements on? I'm looking at Exhibit A. That's where I got --

LEG. GULDI:  
Exhibit A to 127, Allan. Wagner --

CHAIRMAN BISHOP:  
Wagner Lee.

LEG. GULDI:  
This is just for preliminary approval; is that correct?

MR. GRECCO:  
Yes, that's correct.

LEG. GULDI:  
These are found to be qualifying under the program. Motion to approve.

MR. GRECCO:  
These were recommended by the Farmlands Select Committee. We haven't even looked at them yet.

CHAIRMAN BISHOP:  
And this bill authorizes you to --

MR. GRECCO:  
Basically add them into the parcels to be negotiated. If I draw your attention to the chart I gave you, if you look at Farmland, we spent 2.9, we have 3.5 in contract, another 3.2 recently accepted --

CHAIRMAN BISHOP:  
Which chart?

MR. GRECCO:  
This chart here. What this gives you, if you approve this resolution, it gives you under the regular Capital 100% Farmland, the ability to add these farms to the In-Negotiation Column. Okay. And it's still oversubscribed. It's always been oversubscribed.

LEG. GULDI:  
Motion to approve.

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LEG. CARACCILO:  
Second.

CHAIRMAN BISHOP:  
All in favor? Opposed? Motion is approved. APPROVED (VOTE: 7-0-0-0)

1933 To establish an Oversight Program for County land acquisition.  
(ALDEN)

CHAIRMAN BISHOP:  
Motion to table by Legislator Alden. Seconded by myself. All in favor? Opposed? 1933 is tabled. TABLED (VOTE: 7-0-0-0)

1942 Implementing Greenways Program in connection with acquisition of

active parklands at West Main Street, Riverhead (Town of Riverhead)

LEG. ALDEN:

Motion. 1942 is a late starter.

LEG. CARACCIOLO:

Motion to approve. Is this the good property?

MR. ISLES:

Can you explain where the parcels are located and what the intended use is and can we --

CHAIRMAN BISHOP:

Wait. Didn't Riverhead all already participate in the Active Recreation Program? Didn't we buy --

LEG. CARACCIOLO:

That was Southhold. I don't know. Was that ever consummated? The Sabatino property?

MR. GRECCO:

No. The Sabatino and (Crunup) parcels we had appraised, reviewed and negotiated and we were unable to consummate those transactions at this time.

LEG. BINDER:

Are they in negotiation?

MR. GRECCO:

We're far apart. They are in negotiation, but we're far apart. These are the ones that are adjacent Stotzky Park in Riverhead.

LEG. CARACCIOLO:

Could you explain what that resolution would accomplish in terms of the acquisition.

MR. ISLES:

This is a parcel of about one and a half acres on the Peconic River. The parcel is currently undeveloped. The proposal, as I understand it, is to use is for access to the Peconic River. The partner in this under Active Parklands would be the Town of Riverhead. At this point we are awaiting an actual resolution, I believe, from them.

CHAIRMAN BISHOP:

Motion to table. Seconded by Legislator Fields. All in favor? Opposed?  
1942 is tabled. TABLED (VOTE: 7-0-0-0)

LEG. CARACCIOLO:

We don't have that --

MR. ISLES:  
I didn't think so.

LEG. CARACCIOLO:  
We don't have that.

MR. ISLES:  
My understanding is that we don't have it. I just spoke to Commissioner Scully earlier and he's been coordinating Active Parkland.

#### SENSE RESOLUTIONS

SENSE 86-2001 Memorializing resolution requesting Federal Government to continue ban on using recycled radioactive waste in consumer products. (FISHER)

CHAIRMAN BISHOP:  
Motion.

LEG. GULDI:  
Second.

CHAIRMAN BISHOP:  
Motion by myself. Seconded by Legislator Guldi. All in favor? Opposed?  
APPROVED (VOTE: 7-0-0-0)

SENSE 87-2001 Memorializing resolution requesting State of New York to ban distribution and sale of any radioactive materials in New York State that have been recycled or released from any DOE/NRC site. (FISHER)

LEG. FIELDS:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Fields. Second by Legislator Binder --

LEG. BINDER:  
What consumer products -- does anybody know what consumer products we're having that are radioactive? I can't wait to hear from Legislator Fisher on the floor.

CHAIRMAN BISHOP:  
I already tabled 1905. Legislator Fisher has an accused absence. She hopes to be back, but we're -- believe it or not, we're moving at a pace that I don't think she'll be able to get back. 1905 has already been tabled -- deferred to prime. These are tabled resolution until today.

**TABLED PRIME**

**1185 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven (HALEY)**

**LEG. CARACCIOLO:**  
Town Board resolution?

**MR. ISLES:**  
No. And it's actually also under 1848, so -- but we are still awaiting the Town Board Resolution.

**LEG. CARACCIOLO:**  
Motion to table.

**CHAIRMAN BISHOP:**  
Motion to tabled subject to call. It's duplicative of 1848?

**MR. ISLES:**  
Yes.

**CHAIRMAN BISHOP:**  
So why don't we just go with 1848, which is the later resolution?

**MR. SABATINO:**  
85 expired, that's why it's really --

**CHAIRMAN BISHOP:**  
So we strike it or table it subject to call, Counsel?

**MR. SABATINO:**  
Table it subject to call and this way --

**CHAIRMAN BISHOP:**  
Motion to table subject to call by myself. Seconded by Legislator Guldi. All in favor? Opposed? **TABLED SUBJECT TO CALL (VOTE: 7-0-0-0)**

**1230 Authorizing acquisition of environmentally sensitive lands to be acquired with current funding pursuant to Article XII of the Suffolk County Charter. (COUNTY EXEC)**

**LEG. CARACCIOLO:**  
Explanation.

**CHAIRMAN BISHOP:**  
Is this out of time?

**MR. SABATINO:**  
It's the one you've been debating since the beginning of the year on the Pine Barrens.

**LEG. BINDER:**  
Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by Legislator Guldi. All in favor? Opposed? List me as opposed. TABLED (VOTE: 6-1-0-0) (Opposed; Leg. Bishop)

1265 Approving acquisition under Suffolk County Land Preservation Partnership Program at Portion Road in Lake Ronkonkoma, Town of Brookhaven. (CARACAPPA)

LEG. FIELDS:

Motion to table.

LEG. CARACCIOLO:

Do we have a Town Board Resolution?

MR. ISLES:

Yes, we do.

LEG. BINDER:

Make a motion.

LEG. ALDEN:

Tom, how does this rate?

LEG. FIELDS:

Zero.

MR. ISLES:

It doesn't rate too high, actually.

CHAIRMAN BISHOP:

This rated a zero. Motion --

MR. ISLES:

The only point I'll make is this was reviewed by Parks Trustees who has recommended it the second go-around, their recommendation was based upon this being part of an agglomeration of properties along Portion Road in the Lake Ronkonkoma vicinity. That was their basis of it.

LEG. BINDER:

Motion.

CHAIRMAN BISHOP:

Why does it get a zero?

MR. ISLES:

It got a zero because the ranking form that we typically use here in the County is pretty much orientated towards large tracks of open space with environmental features such as wetlands and so forth. This is a parcel that really has no -- it's a wooded parcel with a small house in the front of the parcel, has no wetlands and so forth, so it's -- it doesn't fit into the typical category of environmentally important, but it's a locally important site. And here Legislator Caracappa's point is that it

forms a network of other parcels.

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CHAIRMAN BISHOP:

Well, a network -- I mean, it would get points if it was contiguous to something, right?

MR. ISLES:

Yes, it would.

LEG. FIELDS:

It's not contiguous.

CHAIRMAN BISHOP:

So it's not contiguous. It's standing by itself --

LEG. CARACCIOLO:

Do we know who the owner is? I mean, someone's paying the taxes.

CHAIRMAN BISHOP:

We all like Legislator Caracappa.

MR. ISLES:

It was a private owner. It was originally going to be a mini-storage site, and that was turned down.

LEG. CARACCIOLO:

Motion to table

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Fields. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BINDER:

Opposed.

TABLED (VOTE: 5-2-0-0) (Opposed; Legs. Binder and Alden)

1337 Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (Woodlands in Hauppauge) (CRECCA)

LEG. CARACCIOLO:

Explanation

CHAIRMAN BISHOP:  
This is that easement issue?

MR. SABATINO:  
That's why it was tabled.

CHAIRMAN BISHOP:  
Legislator Crecca was here. Is it running out of time?

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MR. SABATINO:  
No. This was initiated in, let's see, April so --

LEG. BINDER:  
Motion to table, if it's okay with sponsor.

CHAIRMAN BISHOP:  
I'd like to table it subject -- I'd like to clear it out. Motion to table by Legislator Binder. Seconded by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

1493 Implementing Greenways Program in connection with the acquisition of Active Parklands in Lindenhurst (Town of Babylon) (BISHOP)

LEG. GULDI:  
Didn't we already do one in Babylon?

CHAIRMAN BISHOP:  
I'm sure we did. What is the status of this one?

MR. ISLES:  
Is the marina site?

CHAIRMAN BISHOP:  
What?

MR. ISLES:  
The marina site, I believe.

CHAIRMAN BISHOP:  
Yes. Where are we at?

MR. ISLES:  
Well, this one needs a number --

MR. SABATINO:  
This was -- the last time it was tabled, in August, was because there was SEQRA needed to be complied with. I don't know if SEQRA's been complied with since.

LEG. BINDER:  
Motion to table.

CHAIRMAN BISHOP:  
Who's here from SEQRA? Who communicates with the Village of Lindenhurst to --

MR. ISLES:  
Typically the sponsor as I understand it.

CHAIRMAN BISHOP:  
I'm responsible for SEQRA communicating with the Village?

MR. ISLES:  
No. I think there was some misunderstanding here because what happened is I think there was a misunderstanding as to, I believe, Legislator

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Postal might have been involved with this originally and it might have been bouncing back and forth a little bit. We'll be happy to do --

CHAIRMAN BISHOP:  
Here's the -- here's the under -- the Village of Lindenhurst is not cooperating. I want to know who writes the official letter from the County saying you have to submit your forms or you're not going to get anywhere.

LEG. GULDI:  
You.

CHAIRMAN BISHOP:  
Not me. They're not going to listen to me.

MR. ISLES:  
We'll be happy to do it. If you want us to do it, we'll do it.

CHAIRMAN BISHOP:  
Yes, I want you to do it. Read between the lines, for crying out loud.

MR. ISLES:  
There was also issues --

CHAIRMAN BISHOP:  
Motion to table by myself. Seconded by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

1494 Adopting Local Law No. -2001, a Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. (FIELDS)

LEG. FIELDS:

Motion to table.

LEG. GULDI:  
Second.

CHAIRMAN BISHOP:  
Motion to table by Legislator Fields. Seconded by myself. All in favor?  
Opposed? TABLED (VOTE: 7-0-0-0)

1502 Directing County Planning Department to establish RFP Policy for  
securing grants for Soil and Water Conservation District. (FIELDS)

LEG. FIELDS:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Fields. Seconded by myself. 1502 is  
tabled. TABLED (VOTE: 7-0-0-0)

LEG. GULDI:  
Already approved.

CHAIRMAN BISHOP:  
We've approved it.

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1600 Approving acquisition under Suffolk County Land Preservation  
Partnership Program (property in Middle Island) Town of Brookhaven  
(TOWLE)

LEG. BINDER:  
Do we have a Town Resolution?

LEG. CARACCIOLO:  
Oh, this is in my district. Motion to table.

CHAIRMAN BISHOP:  
Welcome back Legislator Fisher.

LEG. FISHER:  
Thank you.

CHAIRMAN BISHOP:  
Motion to table by Legislator Caracciolo. Seconded by myself.

MR. GRECCO:  
I believe we have a Town Board Resolution on this. This is the J 8 Green  
Property by Artist Lake.

LEG. CARACCIOLO:

It's surrounded by commercial property.

MR. GRECCO:

We have what I believe is a willing seller.

CHAIRMAN BISHOP:

All right. Come forward, tell us the story

MR. ISLES:

I think what Loretta wanted to add too is that it does qualify under the program and that the Department of Health Services has reviewed it and recommended it. So it doesn't need a resolution at this point.

LEG. BINDER:

This is in your resolution, Legislator Caracciolo or it's near you resolution?

LEG. CARACCIOLO:

It's in myself Legislative district, well within my Legislative District.

LEG. BINDER:

Well within. Whatever you want to do, Legislator Caracciolo.

LEG. CARACCIOLO:

I want to table the resolution.

CHAIRMAN BISHOP:

Motion to table. Second by Legislator Binder. All in favor? Opposed?

TABLED (VOTE: 7-0-0-0)

1666 Implementing the 1/4 cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay. (BISHOP)

CHAIRMAN BISHOP:

What's the status on that?

MR. SABATINO:

CEQ is waiting for a site plan. That was last tabled.

CHAIRMAN BISHOP:

Motion to table. Obviously, this is now the sponsor's responsibility.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

MR. GRECCO:

Excuse me. What was required on that, Mr. Chairman?

CHAIRMAN BISHOP:

I'll take care of that.

1667 Creating Regional Forestry Council for Suffolk County. (COOPER)

LEG. CARACCIOLO:

Motion to table.

LEG. BINDER:

Second.

CHAIRMAN BISHOP:

Last I heard from the sponsor, he wanted this tabled. Motion by table by Legislator Caracciolo. Seconded by myself. TABLED (VOTE: 7-0-0-0)

1668 Implementing Greenways Program in connection with the acquisition of Active Parklands at Three Village Swim and Racquet Club (Town of Brookhaven) (FISHER)

LEG. FISHER:

Motion to table.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion to table by Legislator Fisher. Seconded by Legislator Guldi. All in favor? Opposed? 1668 is TABLED (VOTE: 7-0-0-0)

1688 Authorizing planning steps for the implementing Greenways Program in connection with acquisition of Active Parklands at Portion Road Corridor, Lake Ronkonkoma/Ronkonkoma (Town of Brookhaven) (CARACAPPA)

LEG. CARACCIOLO:

Explanation.

MR. ISLES:

1687 was done in IR 1562 on June --

CHAIRMAN BISHOP:

1688.

MR. ISLES:

1688, okay. This does not have SEQ and does not have Parks Trustees at this point.

LEG. CARACCIOLO:

Motion to table.

LEG. FIELDS:

Second.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

1717 Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land on Main Street, Holbrook, Town of Islip) (LINDSAY)

LEG. CARACCIOLO:

Explanation.

MR. ISLES:

The had come up at the previous meeting. It does not appear to the Planning Department that this acquisition would qualify under the new quarter percent program --

LEG. BINDER:

Motion.

MR. ISLES:

-- and I draft a letter -- I sent a letter to Legislator Lindsay advising him that we're suggesting perhaps another program might be appropriate.

CHAIRMAN BISHOP:

Motion by Legislator Alden. Seconded by Legislator Binder. All in favor? Opposed? 1717 is TABLED (VOTE: 7-0-0-0)

1718 Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land on Lincoln Avenue, Holbrook, Town of Islip) (LINDSAY)

CHAIRMAN BISHOP:

Does the qualify?

MR. ISLES:

The same applies as my previous comments. It does not appear to qualify. We would suggest another program.

CHAIRMAN BISHOP:

Isn't this near Sunrise Highway, Lincoln Avenue?

MR. ISLES:

This is north of Veterans Memorial Highway, east of Mac Arthur Airport. It's a fairly large track. It's perhaps worthy of preservation, but it does not fit into the criteria of the new quarter percent for open space purposes.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by Legislator Alden. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

1733 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (HALEY)

LEG. CARACCIOLO:

Explanation.

CHAIRMAN BISHOP:

This is the --

LEG. CARACCIOLO:

Is this is the Wedge.

CHAIRMAN BISHOP:

Okay. Here's -- I know what this is.

MR. GRECCO:

DeLea's sod farm.

CHAIRMAN BISHOP:

DeLea's sod farm in Miller Place, which is a track that's how large?

MR. GRECCO:

70 some-odd acres for Active Farm and potentially another 100 acres under a different program for nature preserve.

LEG. CARACCIOLO:

What does this resolution do?

MS. DEANGELO:

First of all, 1737 needs to come before 1733. 1733 is the infrastructure improvements, which will probably be baseball fields. But 1737 -- 1737 as per our Parks Commissioner, the Parks Department is working with the County Attorney's Office to secure an agreement with PAL. The agreement hasn't been completed as of yet.

LEG. GULDI:

Motion to table.

LEG. BISHOP:

Legislator Haley called me and said that the agreement was imminent. And the condition that I asked for on all of our behalf was an agreement with Long Island Junior Soccer League as well as PAL. The issue is that one the goals of the Greenways Program was to establish or to provide some

relief for the problem of not enough soccer fields in the region. This parcel has that potential, it's enormous. What is it? 70 acres. It's all grass, it's all beautiful --

MR. GRECCO:  
It's all sod.

CHAIRMAN BISHOP:  
It's all sod. It's too good to believe.

MR. GRECCO:  
The Wedge does not have many playing fields attachments. It's only 17 acres.

LEG. CARACCIOLO:  
In other words, a moment ago I heard the Chairman say in the Town of Riverhead where we were trying to buy two acres at Stotzky Park and another 1.5 acres on the Peconic that there was oversaturation. Here we're talking about the Wedge --

CHAIRMAN BISHOP:  
Mike. Mike, what percentage of the farmland money is the Town of Riverhead getting? About ninety -- you know, you fought this battle a long time -- the active recreation is --

CHAIRMAN BISHOP:  
You're the one who insists on being consistent.

CHAIRMAN BISHOP:  
I'm consistent with the purpose of the overall Greenways Program. If you don't see that, it's because you're not paying attention to about 500 other discussions we've had at this committee.

LEG. CARACCIOLO:  
That was not a policy decision, that was your interpretation of --

CHAIRMAN BISHOP:  
That was a policy decision.

LEG. CARACCIOLO:  
Show me where it was a policy decision.

LEG. FIELDS:  
Can I ask a question?

CHAIRMAN BISHOP:  
Let's discuss this purchase and --

LEG. ALDEN:  
Mr. Chairman.

CHAIRMAN BISHOP:  
-- the potential this purchase has to be a large regional soccer park. One of the -- that is an unstated goal, but certainly one that I've heard almost everybody here speak to.

LEG. FIELDS:

Can I ask a question?

CHAIRMAN BISHOP:

And I'm asking Legislator Haley to work that out before we commit to making this purchase.

LEG. GULDI:

Motion to table.

CHAIRMAN BISHOP:

His vision is to have the PAL be the partner, and in turn, the PAL would control what goes there. I would like up front for Long Island Junior Soccer League to be a partner in this. And that's what I've asked him to do.

LEG. GULDI:

Either case we don't have the agreement. Motion to table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

I'm just giving you the background, because he wants to come back at the General Meeting on Tuesday and push this. So now you have the background.

LEG. FIELDS:

Can I ask a question?

CHAIRMAN BISHOP:

Yes. Legislator Fields.

LEG. FIELDS:

Is this is one of the pieces of property that we were talking about where there might be a problem with the community?

MR. GRECCO:

No. You're confusing DeLalio and DeLea. DeLalio was on the South Shore in the East Moriches area.

CHAIRMAN BISHOP:

It is, in fact -- that has been discussed as well that there is a potential --

MR. GRECCO:

I think you're thinking DeLalio rather than DeLea.

LEG. FISHER:

There is always a potential.

CHAIRMAN BISHOP:

Where the potential has been fulfilled.

MR. GRECCO:

And as to the Wedge, the Wedge is only about 17 acres, and the plan calls

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for some small athletic -- well, maybe two athletic fields, one of which is a baseball field. And I think there was only maybe one soccer field there. So it doesn't really qualify --

LEG. FISHER:

It's not the same type of issue of as this. Walks and bike paths --

MR. GRECCO:

More passive.

LEG. FISHER:

It's much more passive.

MR. GRECCO:

Correct. Judging by the entire Active Parks Program, this would be the first acquisition that truly meets the goal of a number of soccer fields in one location.

CHAIRMAN BISHOP:

It would be a huge regional facility that could be -- that could make a large impact on the --

LEG. ALDEN:

On the motion.

MR. ISLES:

Legislator Fields' question. This came up in the Parks Trustees Committee in terms of the neighborhood issue. At the last Trustees Committee meeting, Legislator Haley submitted a letter from so a group representing that neighborhood in support of it. So has been some testing of the waters in terms of the public.

LEG. FIELDS:

Thank you.

LEG. ALDEN:

On the motion.

CHAIRMAN BISHOP:

In any case, we do need a tabling motion because we're not ready to go. Go ahead, Legislator Alden.

LEG. ALDEN:

Mr. Isles, does this fit in as far as price? Are we going to go into an oversubscription if we --

MR. GRECCO:

No. Active Parks, as a matter of fact, we have money. We have enough money to consummate this transaction.

LEG. ALDEN:

Have you been in contact with the owners?

MR. GRECCO:

Yes, we have.

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LEG. CARACCIOLO:

The more important question is how much money after an acquisition of this size, after the Wedge and some of the other pending Active Parklands is going to be left? What's the fund balance look like?

CHAIRMAN BISHOP:

This would be a huge purchase, but this is a perfect purchase.

LEG. CARACCIOLO:

I'm not arguing with you. I'm not going to argue that point. All I'm saying is Legislator Bishop, I think if your contention is -- and I would even agree -- the Active Parkland component would be centered in the five West End Towns, I'm all I'm saying for those Legislators from Islip and Huntington and Smithtown, you're talking about two very significant and costly Active Parkland acquisitions within a couple of miles of each other in one of those five towns. If you want to do that, that's your call. I'm just bringing it to the committee's attention.

MR. GRECCO:

If you take a look at the sheet that's marked Active Parkland, it's about 10 pages back, after we purchased {MacGovern Romeo}, we're closing Oak Beach Inn later this week, and the other Romeo parcel. We've included this one in the in negotiations along with --

LEG. CARACCIOLO:

The fund balance was my question.

MR. GRECCO:

The fund balance you would have is \$2.8 million.

LEG. CARACCIOLO:

Thank you. So for those --

MR. GRECCO:

Assuming everything else we've had in negotiation --

**LEG. CARACCIOLO:**

That will not have been a beneficiary of the program. I'm just bringing it to their attention because they're on this committee. They shouldn't be asking the questions a year from now how come my town didn't get anything out of this program.

**MR. GRECCO:**

Well, that would include the Strawberry Fields parcel in Mattituck.

**LEG. CARACCIOLO:**

I know that. I'm not complaining about how we've done. I'm talking about the other towns that are not going to be getting anything out of this program. And I don't think that was the intention, was it? I'm just saying --

**CHAIRMAN BISHOP:**

Thank you, Legislator Caracciolo for looking out for all of us.

**LEG. GULDI:**

Motion to table.

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**CHAIRMAN BISHOP:**

Motion to table by Legislator Guldi. Seconded by myself. 1733 is TABLED (VOTE: 7-0-0-0)

1737 Implementing Greenways Program in connection with acquisition of Active Parklands at Miller Place (Town of Brookhaven) (HALEY)

**CHAIRMAN BISHOP:**

Motion by Legislator Guldi. Seconded by myself. 1737 is TABLED (VOTE: 7-0-0-0)

1787 Authorizing planning steps for the implementing Greenways Program in connection with acquisition of Active Parklands at Jericho Turnpike (Town of Huntington) (BINDER)

**LEG. BINDER:**

Motion to table.

**CHAIRMAN BISHOP:**

Motion by Legislator Binder. Seconded by Legislator Fisher. All in favor? Opposed? 1787 is TABLED (VOTE: 7-0-0-0)

1788 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates Property at Dix Hills) (BINDER)

**CHAIRMAN BISHOP:**

Same motion. Same second. Same vote. TABLED (VOTE: 7-0-0-0)

1789 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Emerald Estates Property at East Northport) (Binder)

CHAIRMAN BISHOP:

Same motion by Legislator Binder. Seconded by Legislator Fisher, again and it is TABLED (VOTE: 7-0-0-0)

1800 Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4 percent Taxpayer Protection Program (Land at Deer Pond Road, Wading River, Town of Brookhaven) (CARACCIOLO)

CHAIRMAN BISHOP:

Legislator Caracciolo, it's your bill.

LEG. CARACCIOLO:

I know what the bill does, but I want for the benefit of the committee, Mr. Isles to just --

MR. ISLES:

This is a far sell that's completely surrounded by public open space to the point that I believe it's a land locked. It's a parcel surrounded by both County land, Town land and State land.

CHAIRMAN BISHOP:

So it's cheap because it's land locked.

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MR. ISLES:

It should be relatively inexpensive, and it's adjacent to parcels we've purchased, such as Wading Brook and Brookhaven State Park.

CHAIRMAN BISHOP:

Planning steps -- you're getting the money from the pay-as-you-go quarter cent fund of which there is a balance as we check our chart; is that correct? I'm going to see a balance?

MR. GRECCO:

Yes. Yes, well, if you take a look at your chart, yeah -- we -- the problem you have here is you have appropriated \$6 million for three acquisitions, specifically Spring Meadow, Deger and Forsythe Addition, we'll call it. You have not appropriated any money for any of your other planning steps resolutions, which puts us into a problem to the extent of soft costs. In order to proceed, even with planning steps, we need to order appraisals. The way you're structuring your planning steps resolutions, there is no budget line for soft cost. Hence, we're kind of all dressed up and nowhere to go. We have the authority to go after the property for planning steps, but I don't have the ability to spend any money. So what I was going to suggest to you at some point, very soon,

is that we consider for this new Pay-as-you-go Program or the new Quarter Percent Open Space Drinking Water Program some sort of Omnibus resolution setting forth -- I don't know -- a couple hundred thousand dollars for soft costs for all of your planning steps because we're not going to be able to proceed on any of these.

LEG. CARACCIOLO:

How much is the appraisal for this property?

MR. GRECCO:

I would suspect the appraisals run between three and \$5000.

CHAIRMAN BISHOP:

No. No. We had this discussion and you guys rejected it. This was the Chairman's suggestion. Everybody said, no, no, we don't want to do that.

LEG. CARACCIOLO:

When he's right, he's right, and he's absolutely right. We had this discussion at the last committee meeting.

CHAIRMAN BISHOP:

Now why did you reject it? What was the rationale besides that it was a Bishop idea? I know that's enough, but there must have been some {pretextual} reason that you offered.

LEG. CARACCIOLO:

So are we saying we don't have three to \$5000 for this appraisal? If we don't, I'll table it. All I need you to say is we don't have the money and it's tabled.

MR. GRECCO:

We have the money, but we need appropriations.

LEG. CARACCIOLO:

Can this resolution be approved with existing funds for three to \$5000?

CHAIRMAN BISHOP:

Allan, would you do the committee a favor and put it in a memo so that we -- in our Budget Omnibus we can take care of this.

MR. GRECCO:

I handed out a synopsis of every program, and in it you'll see my recommendations at the very end, one ever which is to do some sort of appropriating resolution for your planning steps so that we can spend the money on appraisals.

LEG. GULDI:

Do we need one for the balance of this year?

MR. GRECCO:

Yes.

LEG. GULDI:

How much do you need in that resolution?

LEG. FISHER:

A couple of hundred thousand.

MR. GRECCO:

A couple of hundred thousand.

LEG. GULDI:

Counsel --

MR. GRECCO:

The money is there.

LEG. GULDI:

Counsel, can you prepare the resolution we've discussed?

MR. GRECCO:

Didn't I give you a narrative as well, David?

CHAIRMAN BISHOP:

Yes. Yes, my error.

LEG. CARACCIOLO:

Allan, in addition to this resolution there are two other resolutions that we have yet to come to that require appraisals and planning steps, one for Legislator Crecca and one for Legislator Carpenter. Are you saying now any one of these resolutions you are not requesting to go ahead because you don't have sufficient funds.

MR. GRECCO:

I'm not requesting to ahead?

LEG. CARACCIOLO:

Right. I'm asking you that question.

MR. GRECCO:

I would like to go ahead on all of these. I don't understand how you're phrasing your question.

CHAIRMAN BISHOP:

Okay. So this answers Legislator Crecca's question from -- he had something earlier where he came in with a similar request, and he said he had worked it all out with you, but he hasn't, right?

MR. ISLES:

It's a very simple thing. We would need a place to go to take the money

to expend for the appraisal. And if we have a resolution that appropriates it --

CHAIRMAN BISHOP:

You want to, but there is no place to go, which where I started seven hours ago with Legislator Crecca.

MR. ISLES:

Unless there's some other source where we've tried to use it out of Operating if we need to accommodate the desires of the Legislature.

CHAIRMAN BISHOP:

But now we have a policy decision that we're going to create this budget line and then you can dip into its vast waters and drink from it.

MR. GRECCO:

You know on all of these planning step resolutions you're also going to need appropriating resolutions because the only money you appropriated are for those three transactions. Only one of which, Deger will be closing. So you have \$6 million out there.

CHAIRMAN BISHOP:

Right. I understand that. Legislator Guldi just asked Counsel to create a budget line with \$200,000 in it.

MR. GRECCO:

That would be more than sufficient to pave --

CHAIRMAN BISHOP:

Once that line is created, then we can dip into it to fund these --

LEG. CARACCIOLO:

Very good. Motion to table. Motion to table 18 --

CHAIRMAN BISHOP:

Motion to table --

LEG. CARACCIOLO:

18 -- 1800, 1814 and 18 --

CHAIRMAN BISHOP:

Motion to table 1800 by Legislator Caracciolo. Seconded by myself. 1800 is TABLED (VOTE: 7-0-0-0).

1814 Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (Property, Sagtikos Manor) Town of Islip (CARPENTER)

LEG. CARACCIOLO:  
Same motion, 1814. Same reason.

CHAIRMAN BISHOP:  
Same second. TABLED (VOTE: 7-0-0-0) 1815 we did.

1848 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven. (HALEY)

LEG. BINDER:  
Is there a Town resolution?

CHAIRMAN BISHOP:  
Now we're up to this Town Resolution issue. Motion to table by myself. Second by Legislator Fields. All in favor? Opposed? 1848 is TABLED (VOTE: 7-0-0-0).

1850 Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4 cent Taxpayer Protection Program (Brayson Property, Village of Lake Grove, Town of Smithtown) (CRECCA)

LEG. GULDI:  
Can I make a suggestion? These two planning resolutions, the one we just tabled --

CHAIRMAN BISHOP:  
Motion to table by myself. Seconded by Legislator Fields. All in favor? Opposed?

LEG. GULDI:  
On the motion. Given that we're putting in a bill to create the funds, why do we need to hold these bills for next months cycle?

CHAIRMAN BISHOP:  
Because you have to put the horse before the cart.

LEG. GULDI:  
Why?

CHAIRMAN BISHOP:  
Why? Because then the horse will run it's nose into the cart.

LEG. GULDI:  
Only if you have them in front of the cart.

CHAIRMAN BISHOP:  
We've gone down a path. We're going to continuing down the path. Motion to table by myself. Second by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 7-0-0-0)

1877 Authorizing an agreement with the Suffolk County Water Authority for building code compliance services. (COUNTY EXEC.)

CHAIRMAN BISHOP:  
Counsel, you want to give us an explanation.

MR. SABATINO:

This was tabled last time because there wasn't a clause talking about reimbursement, but a corrected copy was filed to pick that up.

LEG. BINDER:

Motion.

CHAIRMAN BISHOP:

Excellent. Excellent work by the committee. Motion by Legislator Binder. Seconded by Legislator Fisher. All in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN BISHOP:

Legislator Caracciolo is abstaining. APPROVED (VOTE: 6-0-1-0) (Leg. Caracciolo; abstained).

1879 A resolution authorizing the issuance of \$50,000,000 Serial Bonds of the County of Suffolk, New York, to pay the cost of the acquisition of certain environmentally sensitive parcels of land and the acquisition of development rights for the Farmland Preservation Program each for and in accordance with the Suffolk County Drinking Water Protection Program of and for said County. (COUNTY EXEC.)

LEG. ALDEN:

Motion to table.

CHAIRMAN BISHOP:

That's good enough for Alden. He says table it. Seconded by myself. 1879 is TABLED (VOTE: 7-0-0-0)

MR. SABATINO:

Mr. Chairman, the two bills referred to committee were 1885 and 86. So in sequence they would be there.

1885 To appropriate funds and establish programmatic criteria for the 1/4 % Land Acquisition Borrowing Program (\$75 million) (CARACCIOLO)

CHAIRMAN BISHOP:

1885.

LEG. BINDER:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by myself. TABLED (VOTE: 7-0-0-0)

1886 To appropriate funds and establish programmatic criteria for the 1/4 % Land Acquisition Borrowing Program (\$62 million) (CARACCIOLO)

1886, motion to table by Legislator Binder. Seconded by myself.

(VOTE: 7-0-0-0)

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1888 Adopting a Local Law NO. -2001, a Charter Law to authorize low interest borrowing for land and water protection under the 1/4 cent Environmental Protection Program. (CARACCIOLO)

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo. Seconded by myself.  
TABLED (VOTE: 7-0-0-0)

All right. That concludes our agenda.

LEG. FISHER:

Can you please put me on the prevailing side of the --

CHAIRMAN BISHOP:

Please add Legislator Fisher to the prevailing side on all votes.  
Motion to adjourn by Legislator Guldi. We stand adjourned.

(\*THE MEETING WAS ADJOURNED AT 6:15 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY