

**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 December 3, 2001.

**Members Present:**

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

**Members Not Present:**

George Guldi - Excused Absence

**Also In Attendance:**

Paul Sabatino II - Counsel to the Legislature  
Allan Grecco - Director of Real Estate  
Terry Allar - Division of Real Estate  
Richard Amper - Long Island Pine Barrens Society  
Tom Isles - Director of Planning  
Kevin Duffy - Budget Review Office  
Kim Brandeau - Budget Review Office  
Nicole DeAngelo - County Executive's Office  
Jim Bagg - Department of Planning  
Janet Goldtz  
All other interested parties

**Minutes Taken By:**

Donna Barrett - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 3:45 P.M.\*)

**CHAIRMAN BISHOP:**

We're going to begin the Environment, Land Acquisition and Planning Committee. Today is a December 3rd, 2001. We'll begin with the Pledge of Allegiance led by Legislator Guldi.

**SALUTATION**

**CHAIRMAN BISHOP:**

Legislator Guldi, I understand, is required to be out of town shortly so he will be departing shortly. He has an excused absence, therefore, particularly since the meeting's starting a half hour late. Before we get to Real Estate Director Grecco, we have one card from

the public, Regina Seltzer. Come on up. Take a seat at the big table close to that microphone there.

MS. SELTZER:

What I was really interested in was the legislation that I was under the impression you were going to be proposing.

CHAIRMAN BISHOP:

On which? Oh, which about EAF?

MS. SELTZER:

About a change in the way acquisitions are being handled.

CHAIRMAN BISHOP:

Oh, I think that's Legislator Fields' legislation.

MS. SELTZER:

Yes. Well, I haven't seen the legislation but I was under the impression that it was going to be discussed today, and I was interested in hearing about it, then I would like to ask some questions about it, if that's okay with everyone.

LEG. FIELDS:

I have not filed it yet, but it will be filed in about a day or so.

CHAIRMAN BISHOP:

I know --

MS. SELTZER:

You're not going to discuss it today at all?

CHAIRMAN BISHOP:

We're going to discuss the acquisition of the Chandler Estate, however, which probably led to your interest, so please stay for that, but we are not discussing specific legislation on that matter today.

MS. SELTZER:

Okay.

CHAIRMAN BISHOP:

But I have your card and we will let you know when it is coming up, probably in January.

MS. SELTZER:

Thank you very much.

LEG. BINDER:

Mr. Chairman, can I ask a question? I'm just a little confused. For Legislator Fields, if you were filed in a day or so, the last meeting is December 18th. Unless you had assurances you were going to get a

CN, it would expire before the end of the year. So I'm curious if maybe you weren't sure and maybe you were looking to file it in the beginning of January or -- I just wanted to get maybe a better timing on that.

MR. SABATINO:

All the legislation filed prior to December 27th will be laid on the table at the Organizational Meeting. Anything filed after the last cycle is going on --

CHAIRMAN BISHOP:

So you don't get a packet at the next meeting.

LEG. BINDER:

That's when I wanted to know. Thank you.

CHAIRMAN BISHOP:

Yeah, Mr. Grecco would you like to re-present?

CHAIRMAN BISHOP:

All committee members have a copy of this packet of materials that the Real Estate Director has prepared for us.

LEG. BINDER:

Yes.

CHAIRMAN BISHOP:

Right. He's going to run through every item in there. He did it earlier in the Ways and Means and it's a clear presentation. It will be easy to follow.

MR. GRECCO:

Okay. Thank you again, Legislator Bishop, for allowing me to present this information. I'd like to bring this matter before this committee once again as I have done before Ways and Means. Much has been written in Newsday about allegations that I helped Robert Toussie get quote top dollar unquote for the Chandler property. Please follow along with me in this material, and I'm sure you will conclude at the end that that did not happen. Clearly, I want you to think of two questions. First, did I determine the price, and I believe you will find the answer is no. And the second question was was the price indicative of market value, and I believe you will find the answer to be yes.

On the cover of this material is some writing from the Mount Sinai Civic Association indicating the interest in the Chandler Property because of its environmentally sensitive nature, historical and archeological importance. So history might be instructive. At the Ways and Means Committee today, Legislator Guldi had acknowledged

earlier that his associate, Mr. {McVan}, had a \$5 million contract on this property, am I correct when I say that, that he indicated that sometime in the 80s he had a \$5 million contract on this property. There was some subject to a filing of a map, it was one acre zoning, the Town upzoned it to two acres and the contract subsequently collapsed. It is also my understanding there was a later \$6 million contract with Chandler. My understanding is Ms. Chandler was somewhat of an eccentric and reclusive person and ran up significant debts. Because of the upzoning of the property bt the Town of Brookhaven, Chandler went into bankruptcy. Sometime in 1994, this property was auctioned by the Bankruptcy Court for the sum of \$500,000.

I think we will all agree that \$500,000 clearly was not a market value, it was a bargain. Now, if you go to the next page, you'll see a letter of January 23rd, does anybody need another copy of these for the committee?

MR. GRECCO:

In her letter of January 23rd, 2000 from a Kristina Hansen.

CHAIRMAN BISHOP:

Hold on a second. You have to wait for the stenographer to get back to her seat.

MR. GRECCO:

In her letter she shows the local interest in this property, including a statement that she was dismayed to hear how slowly the State is acting on securing this parcel where there is 40 acres of woodlands, fresh water wetlands tidal marshes. The next letter addressed to Robert Gaffney is a letter from a Charles and Jane Carter. In the second paragraph, they indicate "although identified in the New York State Open Space Plan as a parcel which should be acquired and preserved, the State has been slow to act on this recommendation and this parcel is now threatened with development". The next thing you'll see is a cover sheet from a First American Title Insurance Company, I have no association with, wherein they insured the parcel for a million dollars in favor of Toussie Family Enterprises. My understanding of this is that Mr. Toussie had an original purchase price of \$500,000 at the bankruptcy auction, had to pay off liens, creditors, and other fees for another 500,000, and allegedly had another 5000 in other expenses; legal, taxes, survey, etcetera. So he claimed his course basis was really 1.5 million. So Newsday's statement that he bought it for 500,000 and I helped him get ten times the amount for 5 million is reckless. My belief is he bought it for 1.5 million and we bought it for 4.5 million, which is triple the amount, not ten times. Be that as it may, without getting into a spin, it appears to me that whatever Toussie bought it for is irrelevant because it did not represent an arms-length transaction and fair market value, it was bought at a bankruptcy auction. This parcel then --

MR. SABATINO:

Can I just interject a question because I'm confused. On the million dollar policy, you say it was purchases for 500,000, but it got a policy for a million, but it was really worth a million and a half, how do --

MR. GRECCO:

I didn't say it was worth a million and a half.

MR. SABATINO:

What was the issue about the million and a half then?

MR. GRECCO:

According to my recollection he indicated he had another half million in expenses in the property.

MR. SABATINO:

But who's he?

MR. GRECCO:

Toussie.

MR. SABATINO:

Okay.

MR. GRECCO:

Okay. All I'm saying is that it appears that -- to say that he made ten times in two years is not exactly true. This parcel, as you know, came up for acquisition on the Greenways Open Space List. And came into our inventory. On May 20th of '99, I wrote a letter to Terry Allar. At that time I was the only attorney in the Real Estate Division. Mr. Burke hadn't come on. I suppose I could have stepped back and recused myself and then the Department of Law would of handled the matter, it would have been probably Mr. Fishbein, who had had dealings with Mr. Toussie at the auction.

LEG. CARACCILOLO:

Question.

MR. GRECCO:

Yes, sir.

LEG. CARACCILOLO:

Why would you have recused yourself at that point?

MR. GRECCO:

Well, for two reasons. Perhaps because of the volume of properties that Toussie purchases at the auction, and for the fact that I owned a company that had some business dealings with Toussie. But I felt that rather than -- that I could rebut the appearance of an impropriety, by not getting involved in the price. An I believe the record will show that.

CHAIRMAN BISHOP:

Mr. Grecco, I'm just going to ask the committee members -- we went through this in the Ways and Means Committee and we did it with your presentation, essentially uninterrupted, and it went very well. Then we will have ample question time after it. So let us do it that way.

MR. GRECCO:

Okay. And I'll try to be as brief as possible, but as thorough as possible. If you looked at the last paragraph, it indicates that

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there was a lawsuit. The Town was saying that the property had two acre zoning. Toussie was saying it was one acre zoning. It says "to what extent this lawsuit bears upon the market value of the property is for the appraiser and your unit to determine. However, I thought it best to bring it to your attention at this time". I would submit to you that is not exactly a rousing endorsement of Toussie. It was just a transmittal of information, which was factual. Now, Newsday goes on to say that -- and infer that I moved Toussie to the top of the list. The reality of it is that that is absolutely untrue, as well.

The ranking in Open Space Greenways we took from the top and worked our way down. There was a quote from Mr. Breslin that he never got an offer from us. Well, I now turn your attention to a September 1, 1999 letter from Mr. Breslin's lawyer indicating "the owners of the above referenced properties have authorized me to inform you they are not interested in selling their property to the County of Suffolk or any other municipal authority". I have just put on the bottom the Breslin information so you can track in the section block and lot with the letter. So that was untrue as reported by Newsday. The next page is the first and only appraisal we ordered on this property. It's a Marchitelli and Barnes appraisal, came in at 2.7 million. It was reviewed and went from a range of 2.2 to 2.32 and then Cessionary Review Appraiser reviewed it from 2.3 to 2.65, and that was in 1999. Newsday takes this position that I just did appraisal shopping until I got the right number. I repeat, this is the only one we ordered, and I didn't order it. The other ones that they allegedly have -- that they mentioned that are allegedly in the hands of the DEC, I have never seen. They have never been in our office. I don't believe my people have seen them, but according to Newsday we have disregarded things we have not seen.

The next letter, so I advised Toussie that our number, based upon the appraisal and review, was two million, six-fifty. He indicated that he had this letter from -- of September 1, '99, from this Andrew Smiles indicating that he could sell the lots from 300 to \$350,000 on one acre zoning. That would be approximately 20 million -- excuse me, \$12 million on a gross. So he was looking for 11 to make the transaction happen. I somewhat dismissed this as not credible.

The next letter that Mr. Toussie sends in is a letter indicating that he has someone willing to buy it, ready, willing and able, for \$7,250,000 on two acre zoning. And that's a letter of September 16th. At this point in time, the Town of Brookhaven hired Frank Anzini to analyze this matter. Now, under our Open Space Greenways Program, Anzini is one of the appraisers on our list, we've used him before,

and any municipality that utilizes an appraiser that's on our list, is ordinarily acceptable to us at least for review. So Toussie sends me a contract saying, I can get \$120,000 for a lot on the Davis Peach Farm and this is more prime property. So I -- so I wrote to Anzini and said, "enclosed is a fax of a contract, which was forwarded to me by Robert Toussie". Now, follow me. "Please consider its value for what it is worth in your appraisal of the above property. My initial impression is that this contract has limited value since it does not represent a consummated transaction. Additionally, though the property is in Mount Sinai, it appears to be a lot on an improved

subdivision map, and, therefore, has little value regarding the Chandler Estate. However I'm forwarding same for whatever value you see in your appraisal". Now, I do not see that as a rousing endorsement for Mr. Toussie. This was information, I didn't think much of it, but I sent it to the appraiser because that's what I do on all my transactions. Toussie then faxes me a letter indicating "the lot in Mount Sinai next to the beach -- the peach farm closed last week through Tom Capasso for 120,000. It backs up to County Road 83". Now, lots are selling for 130 according to him. "This should result in the value of Chandler for 10 million. Please let me know what's happening with that appraisal or I -- or just forget about selling it to the Town -- or I'll just forget about selling it". Okay. Now --

LEG. CARACCIOLO:

What does it say at the bottom?

MR. GRECCO:

It says something, "the Town is having a meeting scheduled today" and then he signed it.

CHAIRMAN BISHOP:

Then he signed it.

MR. GRECCO:

So what did I do? I took that letter and I said to Mr. Anzini on February 1st, "enclosed is a fax transmission of January 27th, from Robert Toussie. Please advise if this information is relevant from your standpoint". I don't see any persuasive nature in that letter either. Now, the next letter, I think, is rather important, and I draw your attention to the letter of March 10th, addressed to Herbert Balin, one of Toussie's lawyers, regarding the municipal purchases of the Chandler estate. It says, "pursuant to our March 8th, 2000 telephone conversation, enclosed herewith please find appraisal prepared by Anzini Appraisers and Associates. Please discuss the same with your client, Mr. Toussie, and contact the undersigned to negotiate a purchase price". Is it signed Allan Grecco? No. It is signed Annette Eaderesto, Town Attorney. I think the letter speaks for itself. Then what happens is Balin sends a Toussie appraisal, which I'll go into in a moment, to Annette Eaderesto. Annette takes

this information from the appraisal from Toussie's attorney and sends it to Anzini saying, "enclosed please find appraisal, which was forwarded to my attention by Herbert Balin, one of Toussie's attorneys. Please review same and advise as to your thoughts". So did I get another appraisal from Anzini? No. Did Toussie send in another appraisal? She -- he sent it to Annette and Annette sent it to Anzini. So far I don't see a problem. And this copy was sent to me and Girandola.

The next letter is a letter from me to Terry Allar. This letter is taken in conjunction with numerous conversations I've had with people at the Town regarding the lawsuit and the fact that is it one acre or is it two acres? What was -- what was the possibility of the Town winning or losing the lawsuit? Clearly, if the Town lost the lawsuit, we would be obligated to pay even more money for the property because it would have a higher value. Now, in my letter to Terry Allar, it indicates my conversations with the Town. Now, I'd like to have this

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subject to connection in the next document or two so you'll see where this letter comes into play. On March 21st, the next letter I sent to Terry Allar regarding the Chandler Estate -- a letter that says, "please see Annette Eaderesto's letter of March of 14th together with a copy of the appraisal as submitted by Mr. Toussie". I didn't say the seller, I referred to him as Mr. Toussie. "Please review and advise if you feel there should be any change in our valuation". Again, I'm not manipulating anything, I'm just sending things to her.

The next document you'll see is a Claimant Appraisal Critique. It says, "review copy". This was the Toussie appraisal review. It was done by this fellow Bert Nelson, he came in at 6.6 million. Gary Taibbi says it's 3.5 to four million. This is agreed to by the Senior Appraisal Reviewer, Terry Allar, at 3.5 to four million. I don't see me having anything to do with this. So what I have here at this point is one appraisal from Marchitelli and Barnes, I have the Town ordering an appraisal from Anzini, Toussie sending in an appraisal to the Town of 6.6, who sends it back to me, I hand it to my people who come up with a 3.5 to a \$4 million number. I'm now at three -- I'm now at four million as a max. Again, I did not do this. Now, I draw your attention to the appraisal critique, Page 7. The bottom line according to Ms. Allar, it says, "that I find the value of the subject to be approved within the range of 3.5 to \$4 million. Said increase is only based on information received from the Town of Brookhaven Town Attorney, Annette Eaderesto".

It is only based on that. "Her memo attached indicates the Town Planning Director, John Girandola, will favorably consider the subject as a receiving unit for Pine Barren credit, thereby, increasing yield substantially to 40 plots". I don't see my name on this. Next, for your examination, is the appraisal from Bert Nelson for Mr. Toussie, which states it's worth, in his opinion, \$6.6 million. Again, I

didn't order this. The next thing is a letter July 5th, addressed to me from Caren Loguercio, at the Town Attorney's Office. "Dear Allan, as per our conversation, please find Frank Anzini's appraisal of the Chandler Estate. Please have the appraisal reviewed by your staff and advise as to the Town's requirement for purchase contributions". So again, the Anzini appraisal came into us unsolicited by us. Of course, we wanted to see it, but we didn't order it. I then advised Terry Allar by letter of July 7th. "Enclosed herewith is the appraisal from Frank Anzini and Caren Loguercio's cover letter. Please do an appraisal review of this matter immediately. I note from Mr. Anzini's appraisal he took four scenarios. He reviewed the property both with one acre and two acre zoning and with and without utilization of Pine Barren Credits. It is my understanding the property is two acre zoning, but it's in litigation as to one acre zoning. Please expedite this request and see me if you have any questions". That's absolutely true. It was two acre zoning and it was in litigation. I don't see any manipulation, any suggestion or any influence. I just handed it to her and gave her a critique of the facts. Now, you get to see the Anzini appraisal. It says, "Chandler Estate re-valuation of residential zoning". He takes four scenarios. The first one is two acre zoning for 4.135 million. The second one is two acre zoning with transfer of development rights, which would give you another three lots at four million seven-ninety five. The third scenario would be if Toussie won the suit on one acre zoning at six

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million four-sixty seven. And the fourth scenario would be if Toussie won the suit and got the transfer development rights increased in the yield at eight million one-seventy seven. I submit that Ms. Allar chose scenario B, which I believe is the correct and legal scenario. The next page is actually Page 15 of Mr. Anzini's appraisal. And in there it shows where it says ROD, Residential Overlay District, and it shows 21 lots and then it shows customary yield, and then a number of credits, so it's 21 lots minus 18 equals three. That "okay" over there that's written in, I believe, that's Terry Allar's okay. So, I believe, that's what she based her number on. Now, the last -- the next item is a July 13th memo from her to me, wherein if we just drop to the bottom, she indicates that "in my opinion, the present market value of the subject considering all the above can be within the range of up to \$4.5 million".

If we jump up a couple of paragraphs up, one paragraph up, it says, "I find that the value should be based on a potential plot yield of 21 lots including the transfer of three Pine Barrens Credits". That's consistent with her okay on Page 15 and scenario B of Anzini's appraisal at seven -- four mill seven-ninety five. So she shaded him down almost \$300,000. Now, at this point in time Toussie wants five, not a penny less. We're up to 4.5. I don't order a new appraisal. I don't go back to Terry Allar. I don't look for new comps. I stick at 4.5. I don't do any administrative 10% as allegedly we -- we do. I don't go upstairs to ask for permission. I don't even speak to

Legislator Haley and tell him that I think we can overrule her and go with the Anzini appraisal. I stuck with her number. He would not go below five. I presented it to the Town of Brookhaven, they said, fine, we will put up the 500,000. Under this scenario, the Town of Brookhaven got out of a lawsuit and was able to bridge the gap between his lowest amount and our highest amount. So we had a willing seller and a willing buyer. It should be noted we took full-fee title so we got the full value at 4.5. The Town of Brookhaven took no interest in this property. In other words, they gave \$500,000 to Toussie and my value as approved by my Senior Review Appraiser stuck.

The Newsday article goes -- no. Let me back up. The next thing is a letter from me to Belyea, the agent on this file, where we have a deal for \$5 million. I advise him in my letter of July 13th, "enclosed herewith are the appraisal review and my file in this matter. Please expedite a contract request to be sent to the seller, as soon as possible. The basic transaction is as follows: The purchase price; five million, County of Suffolk will pay 4.5 million as per appraisal review", not as per me, as per appraisal review. "And the Town of Brookhaven is contributing 500,000 without any ownership interest" just as I've indicated to you. "The seller had also requested we consider the bargain sale provisions in the contract since he is contemplating making a charitable donation under IRS Code". Now, just pause there for a moment. Under 8283 of the IRS Code, a seller of property who conveys to a municipality for preservation purposes can take, as a charitable donation, the difference between the selling price and a higher appraised value if that appraisal holds muster. We don't get involved in it. We give it to him, we gave it to Eversoll on Forsythe Meadows, we give it to anybody who asks for it. It's a negotiating tool. We don't get involved in the issue at to whether his appraisal for the higher amount is greater. He's doing it at his

risk, we sign a form saying, we got it as this price and we are -- and the form specifically says we're not making any representation as to value. Nature Conservancy does it all the time, Peconic Land Trust uses that as a tool. It is a standard acquisition technique, but Newsday in reckless disregard of the facts, chooses to see it in a different fashion, as if I'm trying to help him commit some sort of tax fraud.

The next letter is a letter of September 5th, from me to Belyea. Now, Newsday found it, again, in reckless disregard of the facts, to take the next to last paragraph and says, "the expedited nature of this acquisition have left me with many open ends in my file. Can you please construct a memo to me clearing all aspects of this transaction for acquisition?" As if I'm trying to rush this thing through. Well, the fact of the matter is we were in contract already. And if you look at the subject it was on clearance of title survey and environmental issues. And believe me, in my position, I'm concerned about the environmental issues, the survey and the title when we're

spending this kind of money on this or any other acquisition. This was a legitimate function of my office. But Newsday seems to think that because he has this thing -- this thing about the expedited nature of the transaction that there's some -- some rush, rush thing to get this thing done as if I'm trying to pull a fast one. Again, reckless disregard for the facts. I then respond to Belyea indicating to him in the next letter that it's closing on September 8th, at 12:00 p.m. The next document, I just like to read for the record, is a dialog between Legislator Caracciolo and Legislator Guldi at the last meeting.

"LEG. CARACCIOLO:

In your review of the Chandler Estate, were those appraisals consistent with current market values?

LEG. GULDI:

They were consistent with market values at the time we acquired the parcel. In fact, I have done independent research that indicated that the County purchase price was a million dollars lower than a private arm's length negotiated contract for the parcel was five years earlier. So given the market escalations, I mean, not only was the appraisal right on, it was validated repeatedly by the history on the parcel.

LEG. CARACCIOLO:

Well, then I would suggest you provide that information to Newsday, who has been calling me and other Legislators for information that I don't have. You obviously have this information. You will be doing everyone a public service by sharing that information.

LEG. GULDI:

And it has been provided to Newsday and not reported.

LEG. CARACCIOLO:

Very interesting."

MR. GRECCO:

In other words, Legislator Guldi, who is not here, has indicated he

has spoken to them for hours indicating he has looked over this file at the direction of the committee members of the Ways and Means Committee, and he found that there was no improprieties on my part and that the purchase price was at market value. I want to make another couple of comments. There was a comment that I gave the title to Fidelity Title, and because my company is an agent of Fidelity Title, they could give me business. It's a most ridiculous thing I've ever heard. It doesn't happen that way in the title business. You attorneys who do real estate know that the titles originate with the agent and they place it with the title company. Any title company who gets business never places it with an agent. This was readily

ascertainable. I told this to Newsday. I told them it was ridiculous, and yet they printed this as well. Again, reckless disregard for the facts. I can go on and on.

CHAIRMAN BISHOP:  
I'm sure you can.

MR. GRECCO:

But, you know, the point of it is that I have been portrayed as somebody who has manipulated these -- these transactions to get my friend, hardly, Mr. Toussie, extra money. The bottom line is he started very high. We started with one appraisal. My people only ordered one appraisal, and I didn't even do it. Did I do some business with Toussie as a customer, yes? If some find that as an appearance of impropriety, then so be it. But what I did was I stayed out of the valuation process. There was no one else to negotiate this transaction at that time. I advised the County Attorney because -- because of Toussie's purchasing of so many properties at auction and that I have done business with him, we could be criticized, that's why we stood firm at \$4.5 million. Quite frankly, if you want to take the Newsday theory, I would have been better off staying at 2.7 million. He says no, close the file and according to Newsday, he would have built 40 houses, that maybe I would have gotten the titles on. I would have been better off. But that's ridiculous. I didn't do that. And I think going back to my first two questions; did I manipulate this price? No. Was the price representative of fair market value. Yes. If you have any questions, I'll be happy to answer them.

CHAIRMAN BISHOP:  
I assume we'll go right to left. Legislator Fields.

LEG. FIELDS:  
Can you explain Pine Barrens Credits to me.

MR. GRECCO:

Sure. I served on the Pine Barrens Clearing House in its early inception. One of things I'll take some credit of not having knowledge of; under the Pine Barrens Act, parcels that are in the core that have any kind of ability to be built, simply put, the ability to build one house equals one credit. The idea is that while you cannot build in a core, you have the ability to transfer that credit to another parcel to increase density so the idea would be that the core would be preserved and parcels outside in what's called the receiving area would be increased in density. Now, in Southampton, the density has to be in the same school district. In Riverhead, it all has to be

along Edwards Avenue. However, in the Town of Brookhaven, the entire Town is considered a receiving site, which is why it has a program that works, because the receiving site is large enough so the demand is great. And that's why Pine Barrens Credits work in Brookhaven.

Toussie had a lot of property in the core, would easily cash them in for credits. What we did was in figuring the amount of value was what was the additional number of lots that could be added, how does that increase in value and subtract from that the amount of \$40,0000 per credit, which is what they are being auctioned off for and, we believe, the market value at the most recent Pine Barrens Clearing House auction. So I had familiarity with those values.

LEG. FIELDS:

At one point, I think Terry Allar said something about three credits, then I see something about 22 credits. Can you --

MR. GRECCO:

The three credits was under the scenario of two acre zone, the three credits as-of-right. There was discussions of additional credits to have addition yield. There was just discussions with the Town. But recognize that in my memo to her of March 17th, where I talked about different scenarios, I never get a response to it. Her valuation was not based on that memo. Her evaluation was based on the Anzini appraisal.

LEG. FIELDS:

Could Terry come up here and maybe --

CHAIRMAN BISHOP:

No. We're going to do that next.

LEG. FIELDS:

No. At the same time.

CHAIRMAN BISHOP:

We'll do that later.

LEG. FIELDS:

So then I have a bunch of other questions. If -- you keep saying that if the Town -- that if this lawsuit had been -- had gone forward and we had -- the Town lost the lawsuit, we would have had to pay a lot of money. But what if they had won the lawsuit?

MR. GRECCO:

Well, that's a very good question. If they won the lawsuit, there would be two zoning and -- but notwithstanding the fact that they won the lawsuit, as of right he would have had the three Pine Barrens Credits, which is scenarios B of the Anzini appraisal at four million seven-ninety five, which she reduced to four million five. And in her -- in her review, she says, "I believe the proper analysis was 21 lots". I'm paraphrasing what I pointed out to you. So we took the most

LEG. FIELDS:

But wasn't he going for 18 lots?

MR. GRECCO:

Eighteen lots would have been as of right, which would be scenario A. Twenty-one lots is the two acre zoning plus the three lots on --

LEG. FIELDS:

When you read this appraisal and you go through it, there's -- let me just -- let me go backwards a little bit. On your letter dated February 1st, 2000, you write to Frank Anzini and you say, "please advise if this information is relevant from your standpoint", is that not influencing Mr. Anzini by telling him in February that you have this other information that says, you know, that Toussie wants more money and so forth. Would that not be --

MR. GRECCO:

As, of course, I pass all of this information on to the appraisers for them to do as they see fit.

LEG. FIELDS:

Okay. But if -- would someone else look at that and not think that that is influencing it?

MR. GRECCO:

I had no conversations with him --

LEG. FIELDS:

Did you pass anything on to him that said it was worth less?

MR. GRECCO:

I passed on whatever came -- why would Toussie give me anything that says it's worth less?

LEG. FIELDS:

Not Toussie, if anybody gave it to you?

MR. GRECCO:

No. I pass on all information to the appraisers for them to do as they see fit.

LEG. FIELDS:

All right. In this appraisal, in the first paragraph, it says that there was a positive declaration.

MR. GRECCO:

Where are you reading?

LEG. FIELDS:

The review appraiser's comments. Page 2, first paragraph, on the next to last sentence. "On 2/8/99, the Town passed a resolution requiring under SEQRA", I guess that's supposed to be SEQRA --

MR. GRECCO:

Okay. That's the review --

LEG. FIELDS:

Positive declaration.

MR. GRECCO:  
That's the review of the Toussie appraisal, right?

LEG. FIELDS:  
Well --

MR. GRECCO:  
Six point -- yeah. That's the review of the claimants appraisal critique.

LEG. FIELDS:  
They're talking, I think, about the subdivision, are they not?  
They're talking about the property, and they're saying that there is a positive declaration.

MR. GRECCO:  
This critique is Page 2 of the appraisal review of the Toussie \$6.6 million appraisal.

LEG. FIELDS:  
But I'm just saying, it says that there is positive declaration.

MR. GRECCO:  
Okay.

LEG. FIELDS:  
Then the next sentence says that it contains approximately 40 plus point five plus acres of improved wooded land. Yet we -- we're going by the fact that there were two acre zoning. The third paragraph says there's an 18 lot subdivision, the fourth paragraph says to develop ten lots of the projected 18 lots will require extensive and costly grading and retaining walls due to the severe slope difficulties, yet on the next page, Page 3, the second paragraph, this appraiser says absent a 4X4 vehicle, other buildings may exist, which means to me he did not go through this whole piece of property. In the next paragraph he says that an archeological review should be achieved, I guess, here, and then on the last paragraph next to the last sentence it says an attached 3/17/2000 memorandum. But I don't see that as part of this.

MR. GRECCO:  
That may be my memorandum. Where are you reading this?

LEG. FIELDS:  
On Page 3, next to the last line, "nevertheless, according to the attached 3/17/2000 memorandum".

MR. GRECCO:  
Well, can you -- understand -- but could you also go to the very last page, and I think it the summarizes the entire matter -- where she

says, "said increase is only based on information received from the Town of Brookhaven, Town Attorney, Annette Eaderesto". Only based. Her memo indicates "that the Town Planning Director, John Girandola, will favorably consider the subject as a receiving unit for Pine Barrens Credits, thereby increasing yields substantially to 40 lots". I don't see my name there.

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LEG. FIELDS:

No. I'm just asking where that memorandum is. I'm just going through it wondering -- having different questions and then it also says "that 22 development Pine Barrens Credits", do you know, as a fact, that Toussie had 22 Pine Barren Credits?

MR. GRECCO:

I'm sure he did.

LEG. FIELDS:

Do you know that as a fact?

MR. GRECCO:

Well, you know, he's probably the largest land owner in the County, and my recollection was he had a number of letters of interpretation from the Pine Barrens Commission dealing with his properties. I would guess he had them, and if he didn't have them, he could have bought them. They were available. He could have bought them.

LEG. FIELDS:

But we're basing this whole thing on maybe, if, right?

MR. GRECCO:

I didn't base this.

LEG. FIELDS:

No. We are. We're basing. We're reading this.

MR. GRECCO:

They are.

LEG. FIELDS:

One of the other things that came up before was that in the past there had been an appraisal for \$5 million, but did you ever see that appraisal when George Guldi was --

MR. GRECCO:

No. No. That wasn't an appraisal for five million, it was a contract for five million.

LEG. FIELDS:

Contract.

MR. GRECCO:

Yes. I --

LEG. FIELDS:

Did you see that contract?

MR. GRECCO:

No. He advised me of that though, and I have reason to believe --

LEG. FIELDS:

And when a title company --

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LEG. FISHER:

Toussie advised you of that?

MR. GRECCO:

No. No. George --

CHAIRMAN BISHOP:

George Guldi earlier said that in his law practice he knew the attorney who represented the purchaser of -- on this deal that almost occurred ten years earlier, and he was told, or George, himself, saw the contract that said \$6 million.

LEG. FIELDS:

And if there was wetlands and water near this property, near the harbor and so forth, when this development would come before the DEC, would they have gotten permission to build 40 lots, do you think?

MR. GRECCO:

I would think so, but I can't speak for the DEC.

LEG. FIELDS:

Why would you think so if there were wetlands and there's rolling hills and -- I mean is this --

MR. GRECCO:

Because -- because -- have you ever seen the property?

LEG. FIELDS:

No.

MR. GRECCO:

The property is -- the wetlands exist on the bottom where there is a small, like, north-shore type beach and some clam beds, then the rest of it is a cliff. The wetlands are insignificant and it goes around towards the side. The bulk of the property is not wet.

LEG. FIELDS:

So if there are cliffs and you can't really build on those cliffs, and then there are wetlands, how could they get 40 -- 40 --

MR. GRECCO:

Well, I believe it would have been eligible for clustering, and, of course, as you go towards the cliffs, you're going to have higher values because the vistas are spectacular from this property. You should see this property, it is spectacular property.

LEG. FIELDS:

Okay. Those are some of my questions. I think I had -- in the article in Newsday, it says in an interview, Eaderesto vehemently denied ever saying the land could yield 40 lots, "absolutely not true" she said.

MR. GRECCO:

Okay. I spoke to Annette on that. Again, she's -- she's indicated that she has been quoted out of context. Again, in the most unfavorable way. What she indicated was if Toussie won the lawsuit,

he could get 40 lots. That's what she said. Did she say that he's entitled to 40 lots right now as of right? Absolutely not. What she indicated was that he could get 40 lots, so we wanted to brainstorm it and look at every possible scenario. What if he won the case and what if he lost the case? And I think that's also critical when you look at the Anzini appraisal. When he talks about 21 lots at four million seven-ninety five that Terry reduces to 4.5.

LEG. FIELDS:

Well, I don't know. In my mind, you know, when I do business throughout my lifetime, actually, if I knew that there was an appraiser who had been a member of Brookhaven Zoning Board of Appeals but left in '92 in the wake of scandal involving the car dealer, and he shared a \$95,000 commission for the sale of the MacNamara property, but didn't disclose his relationship that he had to the town officials, then if I also found out that Jed Nelson on December 14th pleaded guilty to filing false statements with HUD because he inflated appraisals for Toussie houses -- homes, and then we're basing how these facts come in, that there are 40 available housing sites, I guess, and that this property is worth that kind of money because those two people -- I don't know, you know, it just -- if it quacks like a duck --

MR. GRECCO:

That's a good question. Let me respond to that. I understand exactly what you're saying. However, keep in minds two facts in terms of when this was done saying. This fellow, Mr. Nelson, wasn't indicted. Nobody knew about what was going to happen. I never heard of him, number one. Number two, I've never -- I did not know anything about the

Anzini alleged MacNamara connection. I did not know this. And this is also, you know, inferences made by Newsday. I don't even know that anything came of this. But keep in mind --

LEG. FIELDS:

In the appraisal world when you talk to appraisers and you talk to people who do acquisitions, people have reputations.

MR. GRECCO:

Right.

LEG. FIELDS:

And I could call, you know, many people and find out what the reputations of Toussie or Anzini or this other fellow were, and I think it probably was known that they give higher appraisals.

MR. GRECCO:

We had utilized Anzini for many years. I never picked him. He was on the list before I got here.

LEG. FIELDS:

Again, we've talk about how people got on the list. You know, I'm just --

MR. GRECCO:

We found his work product to be acceptable in the past. My relationship with Anzini, for lack of better words, my -- my dealings

with Anzini as an appraiser, I thought he was straight forward. I thought he was right on target on several other matters. I did not see a problem nor did I believe Ms. Allar saw a problem with Mr. Anzini. So, you know, when you read it in the paper, it reads one way, but at the time neither Nelson had been indicted, nor did we have any knowledge of what the paper is inferring. All I'm saying is I found Anzini's work product in the past to be acceptable and on target. Keep in mind he was also in Port Jeff Station, which is right near where the sight so he should know the comparable values. I believe that's why the Town of Brookhaven picked him because he new the area. It bears -- it bears repeating, the town picked Anzini. They sent in the information to me, I send it off to my appraisal reviewer. I couldn't have had more of a China wall than that.

CHAIRMAN BISHOP:

Okay. Mr. Grecco, I'm going to -- we did a lot of question and answer before in the Ways and Means Committee. I'm just going to synthesize what we've discussed from my perspective, which was that you created a China wall for yourself, therefore, you had a problem when this deal was bubbling up, in that you couldn't deal directly it, you felt. Therefore, what these documents show me is that our own Real Estate Division seemed to take a step back and allow the Town of Brookhaven

to quarterback this deal. And that's what a lot of these correspondence reveal. And as a result, of Town of Brookhaven changed -- well, not as a result -- in their quarterbacking of the deal, the Town of Brookhaven compounded the problem by changing position and seeking favorable appraisals. And it is the Town of Brookhaven certainly more than our Suffolk County Real Estate Division which left this deal vulnerable to negative scrutiny, and that essentially is how I see. I also see the fact that you were recruited to join this government by the County Attorney's Office, that in your prior life you had been a law partner of the County Executive, that he -- that the County Executive and presumably the County Attorney were aware of your practice, they were aware as well of the fact that you owned Peerless Abstract, and they were aware that Peerless did business with people who participated in the County Land Purchase Program and the County auction, and they established for you a rule. They said, we want you to join the County Government, but here's your rule, you can't be involved as a title company with any deal that comes into the County or out of the County, and title that flows into the County and out of the County. And those were the rules that they established for you, or you all established together as how you would conduct business and those were the rules that were established upon your joining.

MR. GRECCO:  
Yes.

CHAIRMAN BISHOP:  
Okay.

LEG. FISHER:  
May I ask a question?

CHAIRMAN BISHOP:  
Yes. I don't need to ask questions because that's what we discussed when I was asking questions previously. Legislator Caracciolo is

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actually next because I'm going in order down the line.

LEG. CARACCIOLO:  
Allan, is this the complete file, which you've presented to the committee?

MR. GRECCO:  
No, it's not the complete file. I have the complete file over here, but I wanted to give you a chronology since Newsday seems to have pictured -- has painted a picture of me as appraisal shopping, which is clearly not the case. We had one Marchitelli and Barnes appraisal.

LEG. CARACCIOLO:  
Okay. Answer my question. Did you comply with Newsday's request for information pertaining to this transaction of acquisition?

MR. GRECCO:

They made a formal request, and I believe that's been dealt with by the FOIL Officer. They came in for about two hours and interviewed me on this. And I basically went through this, as I've gone through it with you. And they didn't seem to put much -- much credibility in anything I've said. They had -- I think they had a purpose, they had a story, and they had a headline. And in reckless disregard of the facts, they wanted to created a story.

LEG. CARACCIOLO:

To what extent have they receive what's in that very voluminous file there?

MR. GRECCO:

I believe the FOIL Officer has dealt with it. I have not touched that file in terms of the FOIL request on purpose.

LEG. CARACCIOLO:

In addition to written correspondence that was generated with regard to this matter, where there telephone conversations?

MR. GRECCO:

With Toussie or with Newsday?

LEG. CARACCIOLO:

With others that were involved? You mentioned the Town, you mentioned Mr. Toussie, you mentioned --

MR. GRECCO:

I had telephone conversations with Toussie, with the Town, with Legislator Haley, the title company, probably the surveyor, Ken LaValle, who had -- who had an interest in this happening. I can't -- I would say a dozen people I've spoken to on this matter.

LEG. CARACCIOLO:

In your earlier remarks, you made a reference to this property being on acquisition priority list for sometime, including the State's.

MR. GRECCO:

Yes.

LEG. CARACCIOLO:

And apparently as result of funding issues at the State level, the State never came forth, outside of one occasion when the State Department of Environmental Conservation requested an appraisal on the property?

MR. GRECCO:

Yeah. To elaborate on that, Legislator Haley sat us down like school

children once a month every Monday in his office; me, someone from the Town, someone from the DEC and someone from Ken LaValle's Office to work on this file, to move it along, to see what had to be done, where's the funding, etcetera. Only at the first meeting did a member of the DEC show up. Did they mention that they had an appraisal in that two point whatever range? Yes. But they never showed up after that. After that it was me and Ann Libassi, from Ken LaValle's Office, monitoring it and someone from the Town would show up, and we would have discussions as to where we were, what we were doing and how the money was shaking out. We had to also get -- remember we had 20 million in Greenways Open Space and we only appropriated ten? I needed to get an additional appropriation to make this happen and then the Town had to know about their Macchia funds. We did not want to be able to be in a position to say we have a deal and have no money. You know what that's like. We done that. Now, in terms of this Open Space Greenways acquisition, I see here that this was the -- one, two, three, four, five, six, seven, eight, nine -- this is like the tenth one we've closed in the Greenways fund. So far we've close \$25 million worth of Greenways acquisitions, and this one was like the ninth or tenth. We went down the list. We didn't jump Mr. Toussie to the top of the list. We -- so every -- for example, Talmadge Farm was the number one. They said no. Swan River Corridor, they said, yes. 5-11 Equities at the Nature Conservancy had --

LEG. CARACCILOLO:

Okay. I think we have the picture here.

MR. GRECCO:

We went right down the list.

LEG. CARACCILOLO:

When did Mr. Toussie purchase the property in bankruptcy?

MR. GRECCO:

He purchased it in '94 and he settled it out finally with a deed in '97. In that three year period apparently there was a lot of litigation to set it aside, and he had to settle it out, upon information an belief. But he got a deed in '97.

LEG. CARACCILOLO:

So he closed on this property in 1997 and the purchase price was?

MR. GRECCO:

Well, that's debatable. The transfer tax shows 500,000. The title policy shows a million. My sense is it's a million dollars he paid for it, and then --

LEG. CARACCILOLO:

Is there any way that can be independently verified?

MR. GRECCO:

Well, if you call the title company on it, it could -- well, how are you going to verify? You'd have to see copies of checks from Toussie. I don't know. I don't know how that can be verified.

LEG. CARACCILOLO:

So it's your information and belief that the property was probably purchased for \$1,000,000 or closer to \$1,000,00 rather than the \$500,000.

MR. GRECCO:

Yes. That would be my belief, but again, Legislator Caracciolo, it's almost irrelevant since -- it was a bargain. It didn't represent market value.

LEG. CARACCILOLO:

And that was when? In nineteen ninety --

MR. GRECCO:

The auction took place, I believe, in '94, but he did not finally get a deed until 1997 because of different issues.

LEG. CARACCILOLO:

So in terms of a purchase price, should we consider it was a 1994 bankruptcy land value or a 1997 or '98 land value?

MR. GRECCO:

I don't think so you should consider either one, because neither one of them are an arm's-length transaction representing fair market value. It was a forced sale. It was a forced sale. You had one in your district Cal-Hollow.

LEG. CARACCILOLO:

Which one?

MR. GRECCO:

You had a farm in your district that was a MacNamara foreclosure that we used as a {kopp}. Do you remember this? Everyone -- the Farm Bureau went nuts because we were looking at agricultural rights based upon a MacNamara auction parcel. And we got highly criticized for utilizing that.

LEG. CARACCILOLO:

Okay. But early you stated that the bankruptcy price was \$500,000, you believe, based on the title insurance, it was probably purchased for close to a million dollars, but that he indicated with other costs, his cost basis was probably --

MR. GRECCO:

A million-five.

LEG. CARACCILOLO:

--1.5 million. There is a big difference -- I mean, right there that

price has increased three fold --

MR. GRECCO:  
That's correct.

LEG. CARACCIOLO:  
-- if your representations are correct.

MR. SABATINO:  
Can I just interject? A legal point, though, which is that if the transfers tax was paid and it based on \$500,000, you can't assert a million and a half unless someone was defrauding the State from the million dollars.

CHAIRMAN BISHOP:  
When you say look at --

MR. SABATINO:  
Wait a minute. Legislator Caracciolo is now saying on the record that he has a belief that it was a million and a half dollars based on a representation that is --

LEG. CARACCIOLO:  
Mr. Grecco has the belief.

MR. SABATINO:  
-- in excess of \$500,000 that was on -- presumably is on the deed. So, I mean, you've got to at least stick with the facts. You can't -- either the transfer tax was \$500,000 or it was a million and a half, but it can't be \$500,000 and --

MR. GRECCO:  
The transfer tax is \$500,000. However -- however, based on information and belief outside of the closing, it's my understanding -- and I may be wrong -- that his cost basis was more like 1.5 million.

LEG. CARACCIOLO:  
All right. Could you share with us that information and belief?

MR. GRECCO:  
Well, I showed you the title policy, and it's a recollection of discussions with his attorney Philip {Sanderman} when I was -- when they were talking about the cost basis of him having, say for example, a \$5 million purchase price minus the \$1.5 million cost. According to {Sanderman}, he had a \$3.5 million gain. Simple math tells me his cost basis was 1.5. He wanted to utilize the charitable donation issue to reduce his capital gain so that say, for example, he had an appraisal at 6 million --

LEG. CARACCIOLO:  
Allan, I'm having a little difficulty hearing you, so I'll wait till we have some quiet at the horseshoe.

MR. GRECCO:  
Shall I continue now?

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LEG. CARACCIOLO:  
Yes.

MR. GRECCO:  
All right. The -- if the purchase price was 5 million, and I was advised that his gain would be about three and a half million -- this is from my recollection -- it therefore appeared to me that his cost basis was 1.5 million. Now, if he had the three million -- \$3.5 million capital gain, you know, I think we'd all look upon it as, well, I'd love to have problems like that. But having a \$3.5 million capital gain, if he had a valid appraisal for six million, the difference between the six million and the purchase price of five million would be construed as a \$1,000,000 gift, which would come off the \$3.5 million capital gain and reduce his capital gains to 2.5 million. We're talking hypotheticals here. We're talking on paper. I'm not suggesting he has a valid appraisal, but under 8283 of the Tax Law of the IRS Code, you are entitled to do that. It's done quite often; the Nature Conservancy and the Peconic Land Trust utilizes this as a tool a lot. Now, whether he's entitled to do it or not, does - does not take as being in a conspiracy against the Federal Government. We don't ascribe value. I told this to Newsday.

LEG. CARACCIOLO:  
The facts that you presented to us today, includes the claimant appraisal critique.

MR. GRECCO:  
Yes.

LEG. CARACCIOLO:  
Does not include the actually appraisal by the County or by the Town -- the complete report, appraisal reports. We don't have that.

MR. GRECCO:  
No. I just gave you -- it would be, you know, it would be this big. What I tried to give you is the salient facts so that you can see the -- my -- my point in doing this way was to show you what happened. We had one appraisal by Marchitelli and Barnes that my people ordered. The Town then --

LEG. CARACCIOLO:  
Okay. Just help me out here and let's go through the dates and times that appraisals were ordered on this property acquisition. Was the State appraisal the first appraisal?

MR. GRECCO:  
I have no idea. I have never seen the State appraisal.

LEG. CARACCIOLO:

Do you have an idea of when the State appraisal was conducted?

MR. GRECCO:

My sense is about the same time as ours or maybe earlier. My guess is it was earlier because the letters indicate it was on the State's acquisition list at an earlier period of time. So my guess is their appraisals were earlier, but I don't know. I have never seen these

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appraisals. I've heard about them. I'll be honest, I heard about them, but I've never seen them, nor have my people reviewed them.

LEG. CARACCIOLO:

Well, they're public record just like our appraisals are, and it wouldn't be too difficult to ascertain a copy, would it?

MR. GRECCO:

Well, does anybody have them? I don't have the State appraisal.

LEG. CARACCIOLO:

I'm raising the issues so that we have a clearing understanding of who had what, when, where and how.

MR. GRECCO:

Well, apparently -- well. Well, obviously believe Newsday must have had some access to them. But, you know, I stayed out of that process. That's something for my Appraisal Review Unit to check out all the facts and circumstances in coming to an opinion of value.

LEG. CARACCIOLO:

Well, speaking of opinions and value, because, I think, as you were quoted in the Newsday article, "paying top dollar", appraisals are, in effect, what?

MR. GRECCO:

Opinions.

LEG. CARACCIOLO:

Opinions. Whose opinions?

MR. GRECCO:

Well, that's very interesting. I see appraisals like alchemy, somewhat science and somewhat magic. There are methodologies; you can do the comparable sales approach and get one type of value, or you can do the build out approach and get a different type of value. I think it should be noticed we were in a very -- a very heated market and values were rising everyday. When we were getting appraisals in, they were giving us snapshots of prior periods, they were telling us what closed a half a year ago, which may have been in contract a year and a

half ago, which has no bearing on today's market. I had one in your district that came in for \$150,000 for development rights farmland in Calverton. It was totally off the wall. You're aware of that one, right?

LEG. CARACCIOLO:  
I'm not sure.

MR. GRECCO:  
Well, we -- we summarily dismissed it. Sometime -- you know, sometimes they're right on the numbers and sometimes they're not. Now, keep in mind we had been criticized by Mr. Amper and others for not thinking outside of the box. In the mid '90s, we were criticized for not getting the deals done. You get one appraisal, we get a review, we say it's a good number, take it or leave it, and that was it.

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LEG. CARACCIOLO:  
But also part of an appraisal is what is the property zoned for.

MR. GRECCO:  
That's correct.

LEG. CARACCIOLO:  
Right. And land use regulations that have to be complied with.

MR. GRECCO:  
Correct.

LEG. CARACCIOLO:  
So let's talk about that in the context of the Chandler Estate. I know about the lawsuit. I know why -- or it seems to me I know why the Town in the end contributed \$500,000 towards this acquisition because apparently based on your representations it could be justified, but it couldn't be justified by the County of Suffolk.

MR. GRECCO:  
I wouldn't justify it because it was Toussie. I wouldn't -- I wouldn't go a penny above her number because -- that's what I'm talking about. Because it was Toussie, I would not -- I would not want to influence her, I did not want to get another appraisal, I did not want to administratively take it upstairs. I stuck with her number because it was Toussie.

LEG. CARACCIOLO:  
In terms of the land use and the topography of this property, in total how many acres?

MR. GRECCO:  
I believe it's 40 acres.

LEG. CARACCIOLO:

How many of those 40 acres lie on flat or less than 10, 15% slope?

MR. GRECCO:

I can tell having seen the property, it's very hilly. I can't -- I have a survey here if you want to see it.

LEG. CARACCIOLO:

Well, in terms of the elevations, can you just --

CHAIRMAN BISHOP:

Mike, why don't you just get to the point of the question rather than going through the process --

MR. GRECCO:

I think he's going into the practical -- practicality of the question.

LEG. CARACCIOLO:

Well, I'm sorry, Mr Chairman, this is very important. And I know in your interest to move things along, I don't want to compromise what I think are very relevant questions for the record.

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CHAIRMAN BISHOP:

But all I'm suggesting is, he's not under oath, so why don't you say, listen, it's my opinion that he couldn't build on 20 lots, what do you think, you know, why didn't you consider the slope and the hills, so we can just move it along, rather than go step by step by step?

LEG. CARACCIOLO:

Well, I think when you look at conclusion here there was -- there was clearly a determination made that we're going to compensate this property owner based on the fact that he's going to win a lawsuit and that it's going -- well, you tell us then.

MR. GRECCO:

Okay. If you look at her \$4.5 million review, it --

LEG. CARACCIOLO:

You know, I was quiet and courteous when you had the microphone, I'd appreciate if you'd do the same. Thank you.

MR. GRECCO:

If you look at her \$4.5 million where she talks about it as the present fair market value of the property, she indicates that she finds that the present value should be based on 21 lots. Read it. I read it to you. That results in the 18 lot as of right legal

subdivision of two acres. That would be Scenario B of the Anzini appraisal. Her okay checks next to that math in his appraisal.

LEG. CARACCIOLO:

You're talking about Terry -- Terry Allar, right?

MR. GRECCO:

Yeah. We did not base it on 40 lots. We didn't base it on 40 lots. We talked about 40 lots. We talked about in the hypothetical. We -- we even brainstormed the idea, well, maybe it's 30 lots as a compromise. We didn't go there.

LEG. CARACCIOLO:

Well, let me ask you this question then, Allan. In terms of the 20 lot potential build-out, how much per lot would that acquisition cost come to?

MR. GRECCO:

What is this, 200 -- I don't have the math on it. About -- what is it -- 220,000 a lot? But now remember some of these are waterfront lots on a cliff.

LEG. CARACCIOLO:

Some of them, not all of them.

MR. GRECCO:

Yes. And she indicated -- she indicated in her review that the Town had indicated that they would allow more cliffside waterfront and waterview lots, so then --

LEG. CARACCIOLO:

What are the slopes like where the waterview lots are located?

MR. GRECCO:

They are high cliffs, some of them are sloping, some of them are high vistas.

LEG. CARACCIOLO:

This is all germane to what the property is worth and how many buildable lots you can put on that property.

MR. GRECCO:

That's right.

LEG. CARACCIOLO:

How does this property acquisition cost on a per-lot basis compare with other comparable properties in the area? For example, we had the acquisition in Stony Brook.

MR. GRECCO:

Forsythe Meadows?

LEG. CARACCIOLO:  
Forsythe Meadows.

MR. GRECCO:  
Forsythe Meadows was two acres less than Chandler, and we purchased that for \$5,235,000. This one we paid 4.5. However, there was a greater lot yield in Stony Brook. It's apples and oranges. It's about as close as you can get. I think the Chandler --

LEG. CARACCIOLO:  
Topography also is about as close as you --

MR. GRECCO:  
Excuse me?

LEG. CARACCIOLO:  
The topography is --

MR. GRECCO:  
Well, no. The topography, I believe, on Forsythe is a little more rolling and gentler.

LEG. CARACCIOLO:  
So you could have, in fact, build more homes on that property.

MR. GRECCO:  
Perhaps. I believe so. However, I do believe that the location of Chandler is far superior to Forsythe.

LEG. CARACCIOLO:  
Because of the waterviews on some of the lots.

MR. GRECCO:  
Yes. Yes.

LEG. CARACCIOLO:  
Okay. The Chairman mentioned --

MR. GRECCO:  
Well, yeah. Forsythe -- keep in mind, Forsythe is in Old Stony Brook adjacent to the Ward Melville Heritage Foundation Property.

LEG. CARACCIOLO:  
The Chairman mentioned a point that, I think, is a very salient one, and that has to do with it appears in retrospect that the Town quarterbacked this transaction.

MR. GRECCO:

I wouldn't categorize it as them quarterbacking the transaction. I will say this, without the Town's \$500,000 contribution, this never would have happened.

LEG. CARACCIOLO:

Let's talk about that because we've had a number of cases, and we have one pending right now in my district, and it has been pending for a long time, where the property owner keeps escalating his -- his selling price, and the last conversation we had -- well, several recent conversations, you have made it very clear to me that there is a ceiling in which we will purchase that -- there is a purchase price ceiling, and we wouldn't go above that. The only way the property may eventually be purchased is if the Town --

MR. GRECCO:  
Contributes.

LEG. CARACCIOLO:  
-- makes up the difference.

MR. GRECCO:  
Right.

LEG. CARACCIOLO:  
Let's talk about the -- how ethical that is in terms of the taxpayer.

MR. GRECCO:  
From our standpoint or from the Town's?

LEG. CARACCIOLO:  
From -- well, from both.

MR. GRECCO:  
All right. Okay. From the County's standpoint, if my appraisal comes in at a certain number --

LEG. CARACCIOLO:  
Let's say here, 4.5. let's use this as an example.

MR. GRECCO:  
My appraisal comes in at 4.5 -- let us assume that we agree, that the fair market value of Chandler is 4.5. let's make that hypothetical assumption. By taking full-fee title of that in the name of the County of Suffolk, does not present a problem for the County at all, in my opinion.

LEG. CARACCIOLO:  
Does Legislative Counsel agree with that?

MR. SABATINO:

Just repeat what you said, because I was distracted.

MR. GRECCO:

Okay. Paul, what I said was --

MR. SABATINO:

Hypothetical was if it's -- if the fair market value was 4.5 million for Chandler --

MR. GRECCO:

And we take full-fee title for 4.5, in my opinion --

LEG. CARACCIOLO:

And the Town pays \$500,000 to make the purchase possible.

MR. GRECCO:

From the County's standpoint, I do not see a problem. Now, from the Town's standpoint, remember they utilize, I believe, what's called Macchia funds. We were using bond money, we were using Greenways Open Space money, which has its own requirements. They were using Joseph Macchia funds, which as I understand it, I'm not an expert on it, but my understanding is the Macchia fund is to be used for environmental purposes. And the policy at the Town, as I understood it, is that these monies can be used for environmental purposes, notwithstanding the fact that they don't have any -- any value attached to them or interest in the properties. Remember, they also got out of the a lawsuit. Now you got to assess what was this costing the Town, what were their chances of winning or losing. That's for the Town to decide, but sometimes if you're not that far apart, you know, it doesn't hurt for the Town to step up. And, you know, the Town of Riverhead has done that at times and stepped up and contributed very small amounts just between our highest -- our highest offer and the lowest offer of the seller. You need a willing seller and a willing buyer. Without these contributions, this isn't happening.

LEG. CARACCIOLO:

Okay. I'd to hear Legislative Counsel's response.

MR. SABATINO:

I had missed the second part. Now I understand what you're saying. It comes down, at the end, to if you have a contract from the County, the dollar amount in the contract has to be consistent with the appraised value. So if the Town kicked in \$500,000, I say great for the Town to do it as long as it brought us up to a number that was consistent with our appraised value. If there is no appraisal at \$5 million, I don't know how the Town could have kicked in the 500,000 because they didn't take title to the property as you indicated earlier today, and if they haven't got an appraisal to support their \$500,000 bringing it to \$5 million --

MR. GRECCO:

Okay. It raises the question, what was the propriety of the 500,000

from the Town, was that a gift?

CHAIRMAN BISHOP:

We're now speculating about the legalities of actions by the Town of Brookhaven.

MR. GRECCO:

But where does that -- where does that lie with the County of Suffolk?

CHAIRMAN BISHOP:

Right. Let's try to focus.

LEG. CARACCIOLO:

Okay.

MR. GRECCO:

Can I just focus in? I represent the County of Suffolk.

LEG. CARACCIOLO:

Well, we all represent taxpayers, both Town Government and County Government.

MR. GRECCO:

Absolutely.

LEG. CARACCIOLO:

And in the end -- in the end, taxpayers should pay fair market value, which leads me to the follow-up question that was referenced in the article about a 10% administrative policy leeway on appraisals. What is that all about? Was there a doctrine of law? Is there a practice?

MR. GRECCO:

The first time I heard about that was, I think, in Suffolk Life by Felix Grucci, as I recall. My understanding of that administrative policy is that it's not written anywhere. It's a matter of discretion where appropriate. I had asked County Attorney -- Deputy County Attorney, Roy Dragotta, sometime back before he left, I memoed him, I recall, saying what is law and what is policy? What must we follow and what can we deal with? Because we were dealing with rising real estate values and appraisal were useless as soon as they came in. My recollection is he indicated that only in condemnation or eminent domain proceedings, must we live with appraisal review and concern procedures.

LEG. CARACCIOLO:

Allan, the question's very simple. Within the County of Suffolk Division of Real Estate, do we have any administrative policy that allows you, as the Division Director, or anyone to go above an appraised value?

MR. GRECCO:

Sometimes when we look at all the facts and circumstances of the appraisal and/or the review, we can take it upstairs to the Planning Director and look at that, and sometimes they are so out of line, we can, in rare instances, have made slight adjustments.

LEG. CARACCIOLO:

What was the contract price on this purchase?

MR. GRECCO:

The contract price on this purchase with Toussie was \$5 million, where we paid 4.5 and the Town paid 500,000.

LEG. CARACCIOLO:

When was the contract, you know, prepared and executed?

MR. GRECCO:

I suspect sometime in '99, was it or 2000?

LEG. CARACCIOLO:

And how soon thereafter did the closing follow?

MR. GRECCO:

The closings followed a couple of months later.

LEG. CARACCIOLO:

So the contract price is for \$5 million with \$4.5 million of the proceeds coming from the County of Suffolk --

MR. GRECCO:

Right.

LEG. CARACCIOLO:

-- and \$500,000 coming from the Town of Brookhaven.

MR. GRECCO:

Right. And we took full title.

LEG. CARACCIOLO:

Okay. But how do we reconcile that, going back to Ms. Allar's critique and appraisal -- appraisal critique and a value of 4.5?

MR. GRECCO:

Very simple. I stood my ground. I stood on her number. He wanted five, I said 4.5 -- 4.5, five, 4.5, five. We went back and forth, back and forth. Town of Brookhaven said, fine, we'll put up the other \$500,000 out of the Macchia fund. They did get a discontinuance of the lawsuit, which you have to assess whether it was a good suit or not, and I'm not the one to do that, but they made that decision. Now, keep in mind -- I want to make an interesting point here. It's not like we gave them a 10% interest in the property and we took 90% based upon their 4.5 -- I mean, their five and our 4.5.

LEG. CARACCIOLO:

You took 100%, you're saying.

MR. GRECCO:

We did not give them a proportionate interest because then I would not hold my value. I held my value.

LEG. CARACCIOLO:

I understand that. The other issue that's raised in this article,

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"Paying Top Dollar", and a subsequent editorial has to do with some people's opinion, a conflict of interest given you are the principal of the Peerless Abstract Company, and your relationship on behalf of the County taxpayers in the Division of Real Estate in this transaction -- and I know you went to great lengths to clarify what your involvement in this was, I appreciate that -- and you're separate business relationship with Mr. Toussie, in your opinion, do you see conflict of interest or even an appearance of conflict?

MR. GRECCO:

Okay. I see absolutely no conflict of interest because I think I acted appropriately on behalf of the County. I will appreciate and accept that some may feel that there is an appearance of impropriety, that is for some to decide. However, appearances can be deceiving, and that is once you look all the facts and circumstances of this case, you will see that I did not set the price, and not only did I not set the price, but that the price represented a fair market value for this property. In speaking about my ownership of this company, it is problematic. I -- you know, when asked to come here in '94, it was well known, and I disclosed my ownership of this title agency. Certain restrictions, as you know, were based upon my activities, and I've stayed within those restrictions. You know, that was then and this is now.

LEG. CARACCIOLO:

Would you have any difficulty if we sponsored legislation and approved legislation that would prohibit you from that relationship in the future?

MR. GRECCO:

I wouldn't have any problem with it, but divesting ones self of a business like this is not the easiest thing in the world. And I wouldn't mind doing it if it pleases this committee to the extent that you're finding that I have acting appropriately, and you wish me to continue to represent you. I mean, when I came here in '94 this County was in a shambles in terms of the Real Estate Division. Your last auction was \$8,700,000. My worst was 1.9, and my last one was \$8 million.

LEG. CARACCIOLO:

The markets conditions are a little bit different in 2000 than --

MR. GRECCO:

I also shortened the search -- the search time. I put it on the internet. I gave Mennonite notice to the mortgagees, and I brought revenues in unprecedented.

LEG. CARACCIOLO:

All right. Let me ask you, and I'm going to sum up because there are other -- other members that would like to --

MR. GRECCO:

May I just? I also -- you know, I also will take credit for certain things. I was on the Pine Barrens Clearinghouse and got the Clearinghouse Credit Program started. The resolution that you saw about the Small Lot Program in the Pine Barrens Core came from me.

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I've done a couple hundred of these generic Pine Barrens Small Lot Purchases that -- that satisfied the need of the small lot owners and probably will win the lawsuit against the small lot owners because they now have a market. I was able to negotiate and close the Smithers transaction in the Core. I'm not going to get in a big argument with Mr. Amper, but there were those who said 75% acquisition is our goal. I've met that goal. You had a 25 year farmland acquisition program that netted 7000 acres. I've done about a thousand of them over the last year. I've done Forsythe Meadows in your district. I've done -- I've done a lot in your district. I've done Lewin. I've done Lustgarten Nursery. You know --

LEG. CARACCIOLO:

It took you seven years to do Lewin, so I wouldn't --

MR. GRECCO:

Seven years of you hounding me. No. And you all know that -- Legislator Fields, in your district, that Cherry Avenue parcel, you didn't like the first appraisal. I didn't like it either. What did we do? We got another appraisal. That was okay with you and Legislator Lindsay and Assemblyman Levy. OBI, in your district --

LEG. CARACCIOLO:

Well, I have a problem with OBI, but that's for another day.

MR. GRECCO:

Well, that's between you -- I would say this to you. I feel I have served this County well. I don't think anyone has -- has accomplished what I have accomplished in acquisitions or in auction.

LEG. CARACCIOLO:

Just answer my question about appearance of conflict and would you be willing, if this Legislature passed -- well, obviously if we passed it, you'd have to do it -- but in the absence of that law being on the books right now, as you know, I think -- well, let me ask. Are you --

are you aware of a letter I wrote to the County Executive last week?

MR. GRECCO:

No.

LEG. CARACCIOLO:

Concerning these Newsday articles and the editorial?

MR. GRECCO:

No.

LEG. CARACCIOLO:

Okay. Then in fairness to you, I will not discuss it publically, but I will be happy to privately --

MR. GRECCO:

In answer to your question, would I divest myself of this company, understand what that means. All right. This company I've had since 1982. It pays the mortgage on my building. I keep it just running so that I have something to go back to after County employment. It's not something that I --

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LEG. CARACCIOLO:

Well, understand now, that the eyes of some, you are serving two masters.

MR. GRECCO:

Okay. If it pleases this committees, and it puts and end to all of this, and if you wish me to continue serve you -- and I believe I've served you well -- I would be willing to divest myself.

LEG. CARACCIOLO:

Thank you.

MR. GRECCO:

It would be very difficult to do, but I'd be willing to do that.

LEG. CARACCIOLO:

Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

See, that's the kind of questions, you know, at the end there when you get right to the point, that you get the best dialog. Legislator Binder, any questions? Legislator Fisher.

LEG. FISHER:

Hi, Allan.

MR. GRECCO:

Hi, Vivian.

LEG. FISHER:

I'd like to you just walk me through the Department of Planning Division of Real Estate claimants appraisal critique. I just have questions about this.

MR. GRECCO:

Okay. That is --

LEG. FISHER:

Now, let me ask my questions first before you begin.

MR. GRECCO:

Okay. That's on the Bert Nelson one. The claimants appraisal --

LEG. FISHER:

Claimant appraisal critique. I am looking -- it's numbered. It's the one that's numbered seven pages, I think.

MR. GRECCO:

Yes.

LEG. FISHER:

Okay. Some of this -- now, who prepared that -- that document, Allan?

MR. GRECCO:

This was the -- the Toussie appraisal by Bert Nelson was sent to the Town, the town sent it to us, I handed it to my appraisal people.

This document was prepared jointly by Gary Taibbi, an appraisal reviewer, who reviewed the Bert Nelson appraisal, and -- and it was Senior Review Appraiser, Terry Allar, who also reviewed it as well. It was a joint document.

LEG. FISHER:

Okay. Okay. So it was a Department project, several people worked on it.

MR. GRECCO:

A unit project, yes.

LEG. FISHER:

A unit project. Okay. Because there are some questions that I have that seem to be run counter to logic. Okay. On Page 3, where -- it says on Page 3 that -- on the bottom of the page, Allan, and anyone else who is following this, it refers to the Suffolk County Health Department Article 6 Sanitary Code, prohibits the transfer of development rights from one Groundwater Management Zone to another. The subject is located in Groundwater Management Zone 8 and the Pine Barrens Zone 3. Nevertheless, according to the attached March 17,

2000 memo, the Brookhaven Town Attorney has determined that the 40 lot subdivision would receive favorable consideration. Now, if that Article 6 Sanitary Codes applies here, how could Toussie have been given credit for the -- Pine Barrens Credit, if we're talking about one protected zone being traded for use in another Groundwater Management Zone?

MR. GRECCO:

I can't speak for the Health Department. My understanding though is the transfers of development rights out of the Pine Barrens Core, which is the sending zone can be anywhere within the Town of Brookhaven as a receiving zone. The Health Department --

LEG. FISHER:

But that's a Town of Brookhaven issue or is that a County issue?

MR. GRECCO:

That's a Town issue.

LEG. FISHER:

But wouldn't our County Sanitary Code supersede that?

MR. GRECCO:

I'm not certain that it supersedes it or dovetails into it or -- I don't know.

LEG. FISHER:

I have another question. On Page 4, where it says "the property" -- this is the middle paragraph -- "the property owners appraisal report does not meet the requires standards and completeness that would be expected", etcetera. And then it says, "the most notable discrepancy" -- he's talking about -- well, the Department is talking about the comps that are used here, that the comps really -- is that what this is referring to, Sale 1, Sale 2, Sale 3?

MR. GRECCO:

Yes.

LEG. FISHER:

Okay. And it does refer to the comps being very poor comps, that there's a problem with inaccessible lots being counted as if they were lots. There are also Lloyd Harbor being used as a comp. It refers to a number -- there is something wrong it -- it seems all six of the comps, according to your Department's review. Okay. As David said, Brookhaven Town made the recommendations, and in this report, it seems clear that we are countering the recommendations of the Town, systematically. The bottom of Page 5, where it says, "as of the present, as earlier explained, a very small portion of the northerly edge of the property has been cleared, which could possibly afford two

building lots waterview". The reason that's mentioned there is that their appraiser alleged or claimed that there would be 16 lots with a waterview and so, therefore, appraised that very high.

And what your Department has said is that only two lots would have a waterview. And it says, "it is highly doubtful that the New York State DEC, the Town of Brookhaven and other jurisdiction having oversight would grant approval for the complete destruction of the natural forest and provide unobstructed waterview for 16 residential lots or more". As I read through this, and I did have an opportunity to read through all of this because it intrigued me, it seems to me that there had been in this report, very good oversight over what I thought was a mis -- a missed opportunity by the Town of Brookhaven to exercise oversight. And yet we accepted the Brookhaven Town recommendation for an appraisal. And I'm confused by that. Systematically, throughout this report, it points out all the errors and the flaws in Brookhaven Town's assessments. In fact, there had been no application made to the DEC here, it was pos decked. I just don't understand why we supported Brookhaven Town's appraisal if we disagreed with almost everything systematically that they had indicated.

MR. GRECCO:

This was the Toussie appraisal.

LEG. FIELDS:

Vivian. May I interrupt for one second and ask, Vivian, is it okay if I look through the file while you're talking?

MR. GRECCO:

The entire file? Sure. Go ahead. I didn't -- I didn't check with the zoning, I didn't look at the comparables. I've run through the property on occasion now and then.

LEG. FISHER:

But your Department looked through it.

MR. GRECCO:

Yes. Yes. I stayed out of that process for obvious reasons. I didn't want to be criticized. So I relied upon the opinions of -- of the Appraisal Review Department.

LEG. FISHER:

Who -- who disagreed, categorically, it seems to me with the assessment. Okay. Okay. Could you explain it?

MR. BURKE:

Allan's been up here a long time, and, I think -- I just want to make a point.

LEG. FISHER:

Sure.

MR. BURKE:

This appraisal review was a reviewed appraisal -- Bert Nelson's appraisal, which was completely rejected by our Department.

LEG. FISHER:

Right. Okay.

MR. BURKE:

By our Appraisal Review Department. So anything that was really written here was -- it was -- this Bert Nelson appraisal --

LEG. FISHER:

I now that this is a critique of the Bert Nelson, but it also seems to be a critique of the Town of Brookhaven's position on several of the points that are raised. Okay. I think a word like nevertheless is key when you say it wouldn't yield the number of -- the number of plots if there is no DEC approval. The waterview would only be for two homes, the water is not usable, you have bog and you have low tide, very large areas of wetland, where it wouldn't be buildable. You don't know where cluster -- cluster planning would come in, you don't know what that would yield. So what I'm saying, Jim, is that it seems to me that Brookhaven Town really gave a lot of latitude to the -- in their appraisal, and we seem to have picked up -- your Department seems to have picked up on that in this critique, and yet we allowed Brookhaven Town's appraisal to stand. And I was just wondering -- I don't know -- I've never seen one of these before. So I'm asking real questions. I'm not asking you questions to which I already know the answer, I'm asking you a real question. How does it work? Would you -- if you produce this kind of document, my logical next step would be to say, well, then I would also question the appraisal that has been accepted by Brookhaven Town. And I'm asking why we didn't go to that next step.

MR. GRECCO:

Well, again, I think we relied upon the expertise of our staff, whose been doing this for some time now.

LEG. FISHER:

And you showed expertise in this critique. So I'm saying why not go to the next step and question Brookhaven Town's appraiser.

MR. GRECCO:

She did that.

CHAIRMAN BISHOP:

Because they were quarterbacking the deal.

LEG. FISHER:

So you don't question the quarterback?

MR. GRECCO:

I'd like to just -- I just -- I don't know.

MR. BURKE:

There was -- you know, there was an additional review of the final appraisal, the final Anzini appraisal, which gave four scenarios; 18 lots, 21 lots, 36 lots and around 40 lots. There was a review of that, you know. And the basis 21 lots. I don't think there's anybody who can contend that 21 -- I don't think there's anybody that could contend that 21 lots could be build on this property. The vast majority of this property -- and you've walked the site, you know the site -- the vast majority is fairly flat. There is some steeping slope down to North Country Road --

LEG. FISHER:

But the final price was on 40, wasn't it, including the credits?

MR. BURKE:

No. The final price, the Anzini -- the Anzini appraisal, it's Scenarios B. He's basing it on 21 lots for just under \$4.8 million. That was the -- that was the scenario that was relied upon.

LEG. FISHER:

Okay. So 21 lots then what would the price per lot have been? I'll just do my math.

MR. BURKE:

That would be 225. 250 would be just over \$5 million.

MR. GRECCO:

Two acre lots.

MR. BURKE:

More than likely, it would be clustered up a little, but the yield has to be counted on the entire property.

LEG. FISHER:

Okay. But -- well, it would be 2 acres lots, but they wouldn't be usable two acres. Isn't there --

MR. BURKE:

Right. They wouldn't be built as two acre lots, they would be built one acres with a 20 acre set aside for open space or something along that line.

LEG. FISHER:

Jim, we did -- we walked this together when I got lost in the woods there and you had to help me out. He led me out of the woods. There is a problem with access -- there is a problem with access, though, Jim.

MR. GRECCO:

Not necessarily. The access on this property is North Country Road, Pipe Stave Hollow Road two cul-de-sacs on the west side. The --

LEG. FISHER:

Okay. Wait a minute. I'm looking at it by the church side.

MR. GRECCO:

The church side is by a right-of-way. You have to go through a right-of-way through the church to access this property.

LEG. FISHER:

You have to go through the church to access there.

MR. GRECCO:

Right. Right.

LEG. FISHER:

Well, that's not good access.

MR. GRECCO:

Well, it's not the best access in the world, but it's access.

LEG. FISHER:

The other one is from that cul-de-sac.

MR. GRECCO:

Right. On the west side. Now --

LEG. FISHER:

And where is the third one?

MR. GRECCO:

On North Country Road and Pipe Stave Hollow. It's not -- it's probably limited access, the Town would probably never give it to you, but you front on a legally open street. My point is this: I wanted to make sure we had that right-of-way access through the church because that was the physical access, notwithstanding the legal access on these other areas. That was the way we physically accessed the property, which is why I took charge right towards the end of the closing with the Belyea memo to make sure that the right-of-way described -- description was correct so that we were not going to end up with a property which is on a legally open street, but no physical access.

LEG. FISHER:

Okay. I just wanted to get back to my very straight forward question, which is in the critique, and I know that it's a critique of their appraiser, okay, Toussie's appraiser, however, it seems to me that embedded in this is a critique of the work that was done by the Town. So my question is, is it ever a practice to also question the amount that is arrived at by the appraiser that is hired by the Town?

MR. BURKE:

Absolutely. That's why we have our Review Department that looks to see if there are any misconceptions or errors in the appraisal --

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LEG. FISHER:

And that's why I'm asking why we accepted the Town's appraiser's bottom line?

MR. BURKE:

This is a critique -- as we said, this is a critique of Bert Nelson's. You have to look at the critique of Frank Anzini's final appraisal.

LEG. FISHER:

And do you -- will you be giving us -- could you give us the critique of Frank Anzini's appraisal? Because that didn't seem as detailed as this.

MR. GRECCO:

It's towards the end of your package, look at the July 13th --

LEG. FISHER:

Well, here, I'm looking at it, okay. "I find that value should be based on a potential plot yield of 21 lots, including the transfer of three -- three Pine Barren Credits". Okay. And I'm seeing that you're agreeing with the \$4,500,000, but what I was saying based on the more detailed appraisal, more detailed critique, albeit it's referring to another appraisal, it seems that there's a great deal of disagreement in the County's position and Brookhaven Town's position. I don't really believe, based on this -- they pos decked it, so how can we say that it could yield 21 buildable plots if it's been -- there's no DEC approval, there's groundwater protection --

MR. BURKE:

You never know exactly what it can yield unless you have a final approved map, but at that point what's the motivation of the developer to sell it to us. At some point there is going to be a little supposition.

LEG. FISHER:

Okay. Thank you.

CHAIRMAN BISHOP:

Legislator Alden.

LEG. ALDEN:

You mentioned before that appraisal, you feel it's a part -- at what point in time do you come back to the Legislature when you're negotiating these deals? Because, actually, most of these deals are -- the purchaser would actually be the Legislature because we're the ones that put these resolutions in, so at what point do you come back

to us and tell us, you know --

MR. GRECCO:

Only when you have Planning Steps Resolutions, we come back to you to tell we have a contract subject to an acquisition resolution. But if you give us a full acquisition resolution, then we follow procedures in terms of appraisal and review and accepted values, and we go with a contract.

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LEG. ALDEN:

Okay. So then how do you interpret as far as us being the purchasers, how badly we want to purchase that property?

MR. GRECCO:

We're always in contact with the Legislator in the district. We always keep them in the loop. Legislator Fisher knew about the value of Forsythe Meadows when we were negotiating, clearly Legislator Bishop knew about OBI, Legislator Fields we were talking to on Cherry Avenue, Legislator Haley, we spoke to on this matter. I could go chat -- we've been talking to you on the ones in your district. We always keep the Legislators in the loop.

LEG. ALDEN:

On the value?

MR. GRECCO:

-- these gentlemen most in the loop.

LEG. ALDEN:

You talked to me on value?

MR. GRECCO:

We're trying to talk to you like --

LEG. ALDEN:

Because I'll just tell you right now, that there's never been a conversation as far as you're purchasing a piece in my district.

MR. GRECCO:

Your's has been vanilla.

MR. BURKE:

In my experience, some Legislators asked -- ask that and some Legislators do not want to get into that. They felt that it was the province of our Department. I think as I'm noticing I think a trend is happening here, which is fine. If this is the way you want to go, that's fine. I think it's the fact that you're having a two-step process on most of the purchases now, where you're authorizing

planning steps, and then at the time when we're ready to actually sign the contracts you'll ask us for full authorization, and then we could discuss at that point the purchase price.

LEG. ALDEN:

Actually, I don't think it's a province of your Department, and I don't think it's a province of each individual Legislator. I believe that it's -- it really -- the responsibility falls within the full Legislative body, and it should not be each individual Legislator indicating to you that in my district, go ahead and spend whatever -- if they want \$20 million, go buy it for \$20 million. That really should be more a collective body type of information that's given to you. So -- now, how well do you rely on strictly the appraised value of the property, and in taking into consideration, again, that concept that we're the purchasers, and how badly do we want to purchase the property? Because fair market value is when you have a willing seller and then you have a willing buyer and they can agree on a certain

price. Now, we all know that sometimes there's an asking price and the property is sold for a lot more because a purchaser wants to buy it for a lot more, they really have some kind of a desire, or it could be just aesthetics or things like that, but how well do you rely on us as far as getting guidance or how to establish a purchase price?

MR. BURKE:

I said I think that's what's happening. There is going to be more of a reliance on you, in that you're having a two-stage process; planning steps first, then we'll be going back, I'm assuming that you'll be asking for the prices of deals from this point on. It may slow down the process a little bit, and we may lose some properties, but if that's, you know, what you want to move ahead, that would be fine.

LEG. ALDEN:

Do either one of you have experience in condemnation as far as doing the actual work?

MR. BURKE:

I've been involved in condemnations.

LEG. ALDEN:

So correct me if I'm wrong, but you usually get the person that's been condemned, their appraisal is way up here, the condemnor is down here and then the judge usually sides on the high side, but in light of that, how much confidence can you have in the whole appraisal process?

MR. BURKE:

I mean, that's why -- I think earlier there was a discussion about the 10%. I mean, you hit it right on the head, Legislator Alden. I think what is fair market value? And that's, you know, that's an elusive definition. What is fair market value? If someone's willing to sell,

it's what somebody's willing to pay for. Appraisal is a guide, and we use it for a guide. And I think the 10% rule was, well, that's incorporated into establish exactly what is fair market value. You know, we're bound -- as opposed to private transactions, we're bound to order the appraisal and use that appraisal as a guidance.

LEG. ALDEN:

You can't offer somebody -- in the condemnation, you can't offer them less than the appraised value, that's by law.

MR. BURKE:

Right.

MR. GRECCO:

Now, remember, in condemnations we usually get clobbered. Usually, if you go condemnation, you end up paying a heck of a lot more for the property. Look at what the State paid, 45 million for Barcelona Neck in Guldi's district. In addition, remember, this is a voluntary program. It is very difficult to get people to the table in a voluntary program in such a hot market. So we're trying to go the best we can. I want to address something Legislator Caracciolo said.

LEG. ALDEN:

Well, actually I have a couple more questions. If he's recognized

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again, then you'll have it then. And I'll just finish up with this. You're an attorney licensed by the State of New York.

MR. GRECCO:

Yes.

LEG. ALDEN:

And you're aware of the of Canons of Ethics.

MR. GRECCO:

Yes, but I'm not in a legal position here, nor is Peerless Abstract a practice of law.

LEG. ALDEN:

Do you feel that you operate according to the Canons of Ethics?

MR. GRECCO:

I try to operate in a ethical manner, yes. You know, if there are those that who believe that I've had some sort of appearance of impropriety, I believe I have displayed to you today that there has been no impropriety. I go back do my initial questions. Did I set the price? And the answer is no. Was the fair market value reasonable? And the answer is yes. I will say this -- and I apologize to all of you to put everybody through this, and I don't wish to put myself or the County Executive or this Legislature in the

position to be criticized for any actions I take on the behalf of the County, where an appearance of impropriety may exist in the minds of some, even if no impropriety or conflict exists. Now, this entire experience has shown me that I'm getting criticized no matter what I do it seems. And to paraphrase you about being the servants of two masters, if there are those who believe that, then I should do something about it.

LEG. ALDEN:

First of all, I don't believe that as far as divesting your business interest, that's another issue. And I know that I can't speak for everyone at this horseshoe, but I know that there are Legislators that have other businesses and things of that nature. So when and if a resolution comes asking you to divest of your business, that would have to be evaluated at that particular time. We do have a Ethics Committee in Suffolk County, do we not?

MR. GRECCO:

Yes, and I've made -- I've made a request of them for an opinion on it.

LEG. ALDEN:

One more question though as far as what you said, that your -- it's your opinion that you are not really in the practice of law, so you're not bound by --

MR. GRECCO:

No. No. I'm not suggesting that. What I'm saying is the County Attorney is a legal position, Planning Department is an administrative position. And just to clear it for the laymen here, title insurance is not the practice of law. I believe in the legal Canons of Ethics,

and you should avoid the appearance of an impropriety. Those are the words we've always learned, avoid the appearance of an impropriety. And I've tried my best to avoid the appearance of an impropriety in this matter. Unfortunately, it seems to have blown up in my face to the extent that now I have to be very careful and show everybody what I've done. And what really troubles me is that this entire file was reviewed by the press. Just as I explained it to you today. But they came in with a certain premise, and nothing I would say was going to dissuade them otherwise. Now, I don't want to put myself in such a position where I'm constantly defending myself. So I somewhat ask you, do you believe that I had anything to do with the setting of the price of this matter? And do you believe that it was a reasonable price?

LEG. ALDEN:

That's a rhetorical question. I have to ask you just a --

MR. GRECCO:

And what would you like me to do? That's my other question. What would you like me to do?

LEG. ALDEN:

I just have one other question. Mr. Grecco, at one time it was not permissible to be an attorney and also own an abstract company. Do you know what year that was changed, state law?

MR. GRECCO:

To be an attorney and own one?

LEG. ALDEN:

Right.

MR. GRECCO:

I think what you're talking about is to be an attorney and get commissions for an abstract company, which you've put business through.

LEG. ALDEN:

But the prohibition was --

MR. GRECCO:

440 of the Insurance Law, sometimes in the late 70s is my recollection. But that -- what that deals with, Legislator Alden, say I have an abstract company and you put business through me, and I give you a commission back for the business you put into me. That's what this deals with. Okay? But that's not what I'm doing. But I'm asking you, what would you like me to do? Do you feel I've acted improperly or do you feel I have served the County of Suffolk in a legitimate fashion?

LEG. ALDEN:

Okay.

CHAIRMAN BISHOP:

First, I have an announcement, not very dramatic. A white Chevy has its lights on, R84-6AN, you may want to shut those off if that's your

Chevrolet. Legislator Haley is not a member of the committee, but he did ask to be here today, and he has questions.

LEG. HALEY:

Hi. Thanks very much. You know what I'm concerned with is that we've spent an awful lot of time here based on an article based on suppositions by a Newsday reporter, and that name will -- I will not mention that name, but in deference to those Newsday reporters in this room, it wasn't one of them. I had -- I had occasion to deal with the same reporter, I think, about five years ago, and when that reporter -- I'm being careful not to mention gender -- totally misrepresented

my conversation with them, I called on it. And I was told that if I didn't like it, I could talk to their supervisor. And I said, that's the last time we will ever have a conversation. That's the same reporter who, I think, was part and parcel of most of this particular article. And I'm really taken aback by the fact that this entire County Government, this Legislature, and everybody is reacting to that. My experience dealing with you, Allan, has been one that I'm very pleased with, and I'm going to tell you why. When I first became a Legislator -- and I'm going to agree with Dick Amper, maybe one of the last times I do, I don't always agree with him -- we were not acquiring properties at the rate that we -- we had hoped that we would be acquiring. And there had been a lot of efforts by a lot of people, especially environmentalists, to get the County off the dime and start doing those acquisitions. I'm pleased to say that I think that was one of the reasons you were brought in that particular position, was to do whatever was necessary -- okay, obviously within appropriate bounds -- to get these actions done. I'll start with a question. Could you give me an idea and indication of what kind ever successes you have had since you were placed in this position.

MR. GRECCO:

Funny you should ask, I have them right here. In 1999, when I took over the Directorship of the Department, we've had over 200 closings, more than the prior seven years combined. Eighteen hundred acres for \$22 million. In the year 2000, we acquired 1100 acres at the price of \$47 million. This year I'm almost up to \$50 million

LEG. HALEY:

Allan. Allan, I know you're a lawyer and you love to talk, but you'd say that obviously, in your opinion -- a little selfpraise doesn't hurt -- that you've come a long way -- that the County has come a long way since your participation in the Real Estate Department, as far as acquisition is concerned.

MR. GRECCO:

I would like to think that I had something to do with that.

LEG. HALEY:

Well, I think you had, because one of the things that's very important to note, in economic times such as this -- and it's happened, high-tax Halpin had the same problem, all right -- and that was in good economic times there's an awful lot of the development pressure, and that begets pressure from environmentalists to start picking up the acquisitions. Well, what you are doing is now you're in a position where your picking up acquisitions and you're paying top dollar for

it. You're not paying top dollar for it because you're doing a typical arms length transaction and saying, okay, you want -- you want ten million, okay, you could have ten million. We still have to go through the appraisal process. And there's been a significant

pressure on all of us. Well, understand something, that while some of you may think we spent more than we should have for property, well, that's because there's pressure to buy in good economic times.

Now, what's happened in this particular parcel, as best as I could see -- as best as I could remember, is that they started with an old appraisal, and what happens -- and having done appraisal work myself, especially market value appraisals -- you base it on historical information. Most times you don't like to back more than a year on historical information, and you try to make -- and from a residential perspective, it's a whole lot easier -- but time is very -- is a consideration. Well, the problem you have is that every time you go to do an appraisal in a hot market, that appraisal could be almost null and void within 60 days, because, I think, what happens is that people come up with -- and, I think, what's happened in this particular instance -- came up with -- I'm working on it -- came up with -- Mr. Toussie came up with what he thought was an appraised value based on comparables. I think it's appropriate for everybody concerned whether it's the Town or the County to make sure they understand what the market values are. I had a conversation with a developer the other day who happened to mention this issue, and he said, you know what, I'll solve your problem, I'll give you 5 million tomorrow for the property. There's no doubt in my mind, okay, that this is worth not only 5 million, but at this particular junction, it's probably worth more.

One point about the Toussie appraisal that was -- was criticized by the Department of Real Estate -- and by the way, they've had -- they've had a reputation over the years to be somewhat conservative. The only other group that's been more conservative than our Department of Real Estate has been New York State and their appraisals, and that's why New York State has had very little success in acquisitions in this County. This County has taken the lead, and we've done a very good job. But to the extent that you praise the criticism of the Department of Real Estate on Toussie's appraisal, well they found this, that they found that, it seems to follow that if you give them the credence to their criticisms, you should also give credence to their appraised value of 4.5 million, which I don't think is a reach at all.

One last comment, and I forget who mentioned about Anzini. I know a little bit about Mr. Anzini. When I was -- when I was a residential broker, when I first started doing real estate in the '80s, he at the time was the guru that everybody in real estate, non political would communicate with. He's taught real estate appraisal, he may still teach real estate appraisal at Stony Brook University. And since I did -- I no longer do appraisal work, but since I used to do appraisal work, you know have to have a license by the State of New York and have to have certain courses and so on and so forth, which he has. If Mr. Anzini, in my view, has got a problem, I think it's incumbent upon the State Licensing Division to do something about that. Until such time, Mr. Anzini and other real estate -- and other appraisers are on

a list, the same list that sometimes I think we share. Most appraisers are on the same County list and other Town lists. And they come with an awful lot of experience, and I don't think that when we've had the opportunity to review all of these things where we've reached way far out, or have gone too far out on a limb at all. What I find particularly interesting is -- and I remember the conversations that we talked about the possible yield in this particular piece of property -- I find it very interesting because, I think, that at the end of the day that some developer with substantial representation probably could yield somewhat more than 21 lots. And I thought that our Department of Real Estate was very conservative in saying, you know, all you're going to get on 40 acres is 18 lots.

CHAIRMAN BISHOP:  
Question please.

LEG. HALEY:

Excuse me. You gave me the opportunity, and I'd like to finish. No. I'm not filibustering because there's no vote to be taking place. What I'm concerned with is a man who's got a good reputation, I'm concerned about a Real Estate Division that's been doing what they've been asked to do. And each and every one -- there are a lot of people sitting here today and over the last few -- this whole day, I might add, this whole afternoon -- have taken the opportunity to beat him up, okay, based on a Newsday article, which I'm really concerned about. Because you know what? It could happen to you tomorrow. I don't mean you in particular, Mr. Chairman, but it could happen any of us. And what I'm concerned with is that this Legislature is going to react and adversely effect our ability to acquire property. The reason why it's worked for us is because we've set aside X amount of dollars for acquisition. And we depended upon the Department of Real Estate to do the right things to come to those acquisitions.

If we start coming back to the Legislature and start questioning appraisals and start adding time, when time is of the essence, because that was problem with the Chandler Estate, that was the problem with the Wedge, that is the problem with other sites in other Legislator's districts. When you have development pressure and time is of the essence and every environmental person is on your back to make acquisition, now you want to add to the process and make it that much more difficult for us to be successful, I'm really concerned about that. So I think we ought to take things with a grain of salt. I think we ought to understand that we purchased a piece of property that was well within appraised value, and I think we should understand it. And I think Mr. Grecco and the Department of Real Estate, I think, has done a terrific job.

CHAIRMAN BISHOP:

Everybody's gone through once. We still have Ms. Allar to hear from, which is highly relevant to this whole discussion. Why don't -- I mean, I know everybody wants to have second bite of the apple, but this is going to take, you know, it will be endless if we start down that path.

LEG. FISHER:

Well. I just felt that I just very briefly wanted to state that Mr.

Grecco has worked very well on projects that I've -- with me in acquisition and has been very professional, but I don't believe that because of my personal respect for the work that he's done when we've worked together, that I should relinquish my duty as a Legislator to investigate something when it's brought forward and to ask questions. Ans so I don't see it as a personal attack on Mr. Grecco to ask questions about evidence that we had before us. And it doesn't negate the fact that when we have worked together, he's done a very good job.

MR. GRECCO:

Thank you. And I welcome it, and that's why I'm hear to answer the questions. What does trouble me is I've gone through this with Newsday and somehow I would hope that after you've seen what I have presented to you, you see that the Newsday article just doesn't have any --

CHAIRMAN BISHOP:

You want -- you want direction.

MR. GRECCO:

I want -- I want not only direction, but I also want my reputation, and I want it validated by this committee.

LEG. CARACCIOLO:

Mr. Chair.

MR. GRECCO:

I feel there's been a reckless disregard of the facts by Newsday -- yeah, take that down Mr. Brand -- a reckless disregard of the facts. I see Ms. Peddie's not here anymore. But I believe that this has been a real hatchet job, and when you look at -- when you look at the facts here. It doesn't support the headlines. And what I'm looking for is -- I'm looking for some recognition, and I'm looking for the truth to come out, an I'm looking to come before this committee and get your input, and that's why I'm here.

CHAIRMAN BISHOP:

Mike, you want to ask a question.

LEG. CARACCIOLO:

Yes. Allan, just very simply. Given the scope of review that has taken place this afternoon -- I wasn't here for the Ways and Means Committee, but certainly I've been present for this committee -- would you consider anything that's been said to you today as any type of a character assassination?

MR. GRECCO:

Not at all.

LEG. GRECCO:

I think if anything what you have pointed out to me, which at this point in time is obvious, that perhaps to some it would appear to be an appearance of impropriety, but, I think, under the circumstances, when you look at all the facts and circumstances, I was the only one in the Department at the time. This was this -- this was a property high under development pressure. I tried to do everything I could to

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avoid the conflict. I tried everything I could. I was really close to recusing myself. If you notice that I really didn't have a great role other than a conduit quite frankly. And I think that shows.

CHAIRMAN BISHOP:

Before we let you go -- you'll stay, and I'm sure there will be follow up. In the appraisal critique on Page 2, to me this is the essence of the controversy. The critique writers or writer says, "we have been directed, see memo attached, to value the property based on 40 lot yield", top of the second page of the critique, which, I think, we would assume is that March 17th memo from you saying -- which probably refers back to the March 17th memorandum that you sent to Terry Allar saying, "look at it with 40" -- with 40, right?

MR. GRECCO:

Yeah. It was look at it as a hypothetical with 40 lots based upon my conversations with them.

CHAIRMAN BISHOP:

All right. I just want to -- let me finish. And then if you go to Page 7 of the appraisal critique it states at the bottom, "said increase is only based on information received from the Town of Brookhaven, Town Attorney, Annette Eaderesto".

MR. GRECCO:

Thank you.

CHAIRMAN BISHOP:

"Her memo indicates that the Town's Planning Director, John Girandola, will favorably consider the subject", blah, blah, blah. Okay. So that -- I think to -- the essence of the Newsday article is, hey, Grecco intervened and said, pump up the -- you know, use the highest yield and pump it up. And the defense that you're offering is that A) that's reality, and B) it's the Town of Brookhaven.

MR. GRECCO:

That's what they told me, and C) that's what Terry Allar put, that it was based upon information received from Annette Eaderesto.

CHAIRMAN BISHOP:

So to me, this is my observation about this at this time. It seems that the memo supports both positions, and that's what, you know, at this hour what makes it a little troubling to figure -- to figure out.

MR. GRECCO:

Okay. But the key is what did she base her \$4.5 million appraisal on? She didn't base it on my March 17th letter. She based it on Frank Anzini's appraisal. Take a look at her review. She said 4.5 million, 21 lots, Scenario B. You know, Legislator Fisher made a point saying that if this is true, then all acquisitions are suspect, and I agree with you. If you accept the premise of wrong doing, then all acquisitions could be suspect. But I say to you when you look at this, there was a lot of things going back and forth. However, the final valuation came off of the Anzini appraisal and her review clearly states, in my opinion, the County Attorney's opinion, Mr. Burke's opinion, and the Planning Director's opinion, 21 lots, and

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I hope your opinion. And it's 4.5 million. So that's what we based this on, that March 17th letter is almost moot, in essence because the value wasn't based on that.

LEG. ALDEN:

Mr. Chairman, one quick one.

CHAIRMAN BISHOP:

Yes.

LEG. ALDEN:

This is an appraisal question. Highest and best use, is that something that is required in an appraisal?

MR. GRECCO:

Highest and best use is one of the criteria upon which you do an appraisal.

LEG. ALDEN:

So if you ignored information as far as what the best use or what the highest yield would be that really would invalidate an appraisal also.

MR. GRECCO:

I would think in order to do a proper analysis, you should get all data.

LEG. ALDEN:

All right. Thanks.

CHAIRMAN BISHOP:

Stick around.

MR. GRECCO:

Can I just stretch?

CHAIRMAN BISHOP:

Yes. Go stretch.

MR. GRECCO:

And I appreciate the opportunity. And I publically apologize to each of you for whatever it is that I put you through, but thank you.

CHAIRMAN BISHOP:

Ms. Allar, you don't by chance have a -- do you have a statement, or do you just want --

MS. ALLAR:

I have no statement. I thought I was here to yield some questions.

CHAIRMAN BISHOP:

Yes, you are. And please, I assume most of the questions are going to focus on that memorandum, but I have a couple of preliminary questions. Were you ever directed by Mr. Grecco to change the appraisal number?

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MS. ALLAR:

No.

CHAIRMAN BISHOP:

Did the -- did you ever see memorandum or writing from the Town of Brookhaven indicating that they had changed position?

MS. ALLAR:

I believe saw a memo. I no longer have a copy of that, and I can't swear to it.

CHAIRMAN BISHOP:

Okay. All right. A memo from the Town Attorney or from the --

MS. ALLAR:

Correct.

CHAIRMAN BISHOP:

Saying -- stating in essence --

MS. ALLAR:

That they would approve 40 lots.

CHAIRMAN BISHOP:

And your valuation that arrived at 4.5 million that was based on 40 lots or 20 lots or what was it based on?

MS. ALLAR:

I'm going to go into a slight history on the -- on the property, and you're all familiar with it at this point in time. The County first had an appraisal prepared in 1999. The appraisal came in at 2.7, it was reviewed and my unit approved, I approved 2.650. The reason why is because I allocated \$50,000 for demolition. So essentially, I approved that -- that appraisal.

Subsequent to that, the Town of Brookhaven, and also supported by the March 17th letter from Allan indicated that the Town would look favorably upon increasing yields of 40 lots. And with the appraisal, it made it quite clear that now we had changed the appraisal problem on the value of this property. And if the Town was going to start to consider a favorable increase in yield, no matter what the topography is, that they would also -- that would affect value. That in March I received -- so at the same time I received the memo, I believe, there was a memo from Annette, but I must say, for the record, my memory could be faulty, I have -- I do not have a copy of this memo. There was -- also I received a copy of the Bert Nelson appraisal by -- prepared for Mr. Toussie. The appraisal review that is seven pages long that is in April of 2000, not only deals with the Bert Nelson appraisal, it also addresses the memo, March 17th, addressing the 40 lot yield.

And I'd like to go into Page 7, where this appraisal is rejected and is considered an inferior work product. I mean, I -- not only is that underlined, it's bold. The other two paragraphs indicate why we increased the value of the subject property to \$4 million. Subsequent to April of 2000, the Town of Brookhaven submitted or hired an

appraiser, Frank Anzini, to prepare an appraisal report. The Town of Brookhaven, under the direction the Town Attorney's Office told the appraiser or directed the appraiser on how they wanted his appraisal; four different scenarios. And that's exactly what he did. He created two scenarios under the present zoning of two acres. One with TDR credits and one without, and two scenarios reflecting 40 lot yield with and without TDRs -- I'm sorry -- one acre, which would have been the 40 lots.

My memo addressing that was not in a formal review. I prepared a memo directly to Allan dated July 13, 2000, discussing this. And although I must say that I state -- and you really have to read the full appraisal, because Mr. Anzini's appraisal was technically not acceptable to us -- and I outline why I essentially reject this appraisal in the first paragraph. But going into the second paragraph, in conclusion I state, "I find that the value should be based on a potential plot yield of 21 lots including the transfer of three Pine Barren Credits. That I believe is truly what the yields of this subject property should be. However, let us not forget that the regulating authority is the Town of Brookhaven, and since the Town of

Brookhaven had made it quite clear that they would look favorably on increasing yield, I continue with the next statement. I also find it feasible for this yield to be increased by purchase of additional Pine Barren Credits with the approval of the Town. The file is well documented that the Town would look favorably upon increasing yield greater than present zoning permits.

The Town by its actions has indicated clearly a willingness to increase yield of the subject by transfer of Pine Barren Credits that may be beyond the norm. Their actions have allowed us to reconsider value based on yield and density. Additionally, it has been brought to my attention that the Town would also increase the amount of waterfront parcels as well as waterview plots. This unto itself has substantially increased marketability and present fair market value". Will the subject property if it went through the full subdivision analysis receive 40 lot yield? I don't know. It hasn't gone through that, but there was an indication, and part of an appraisal problem -- process in evaluating an appraisal problem is the feasibility. And the Town indicated, and I believed, that the subject would yield somewhere between 21 lots, upwards to 40.

CHAIRMAN BISHOP:

That memorandum of July 17th was not provided to the committee by --

LEG. FISHER:

I have one.

MS. ALLAR:

Yes. Yes.

CHAIRMAN BISHOP:

Oh, we do.

MS. ALLAR:

It is in Allan's packet. It is. So what we have here is not just one memo unto itself -- one appraisal report unto itself, we have a

history on this file and an analysis that has take place on this file. And the back or the bottom in the end is that I approved on July 13th, 2000, \$4,500,000 for this property, not based on Scenario 2 because Mr. Anzini came in at four million seven analyzing his appraisal using that as supporting documentation, but determining value of fair market value considering everything.

CHAIRMAN BISHOP:

And everything is primarily the change of position of the Town of Brookhaven.

MS. ALLAR:

Yes.

CHAIRMAN BISHOP:

Okay. Which is what I have been saying all along.

LEG. FISHER:

Okay. May I go back --

CHAIRMAN BISHOP:

We're going to this time left to right. Legislator Alden is furthest left.

LEG. FISHER:

Legislator Alden had said that he really didn't have a question to ask, or did you?

LEG. ALDEN:

I'm letting Vivian go.

LEG. FISHER:

Terry, I'm going to ask you the same question I asked Jim, that I asked -- what's your name -- Allan. A little joke Terry.

MS. ALLAR:

Okay.

LEG. FISHER:

Loosen up. Okay. The July 13th memo, it seems to me to be critical of the appraiser's report, the appraisal done by Mr. Anzini. It seems to be critical of the Brookhaven Town position and the Brookhaven Town appraisal, and still we only come -- we go -- we are in agreement -- well, your bottom line is an agreement with Mr. Anzini's first scenarios, which is --

MS. ALLAR:

Coincidental.

LEG. FISHER:

-- 4,500,000. Yes? Okay.

MS. ALLAR:

We, but -- no. Not necessarily.

LEG. FISHER:

Wasn't that his first scenario?

MS. ALLAR:

Well, I believe it was about four million-three.

LEG. FISHER:

It wasn't higher?

MS. ALLAR:

It's in that range. But it's not -- I -- let me go back, and discuss Mr. Anzini's appraisal and maybe I can clear up a few things. His appraisal was done for the Town of Brookhaven, not for Suffolk County. This is not an appraisal that Suffolk County would get. We would not ask an appraiser to do this. We would have an appraisal -- appraiser determine fair market value by, one, going to the Town, determining what would the yield be on the subject property, and from there he would determine the feasibility of highest and best use. The Town directed the appraiser to do four different scenarios. This was -- this does not fall within the -- this is not what Suffolk County would require of our appraisers, and it falls short of the type of appraisal report that Suffolk County gets from our appraisers. We would never accept this. And that may be --

LEG. FISHER:

But you were accepting the bottom line, which is the price. That's what's confusing me, this is what I'm asking you.

MS. ALLAR:

All right.

LEG. FISHER:

If we don't agree with the criteria, if we don't agree with the findings, if we don't agree with the --

MS. ALLAR:

But what I was able to do --

LEG. FISHER:

-- inclusions, how can we agree with the bottom line, which is the \$4 million?

MS. ALLAR:

What I was able to do was to take the information from this appraisal, analyze it, analyze what I am aware of with what has taken place prior to this, and conclude and approve \$4.5 million. So in essence, I might not agree with the whole appraisal, because technically, if we were to deal with the 4 million -- 40 lots on Mr. Anzini's appraisal, I think he's in at \$8 million, which was just --

LEG. FISHER:

Can I ask you about the Pine Barren Credits? I asked Allan earlier, the Sanitary Code which says that you cannot trade credits from one groundwater protection area to another. Can you -- could you speak to that?

MS. ALLAR:

Each town has different regulations with respect to receiving --

LEG. FISHER:

But isn't that a Suffolk County?

MS. ALLAR:

No. I'm referring to Pine Barrens Credits and transferring Pine Barren Credits to a receiving unit, unless I'm misunderstanding you.

LEG. FISHER:

But I'm reading here what it says in the critique, I'll go back to what I had read earlier.

MS. ALLAR:

You're referring to the April appraisal review?

LEG. FISHER:

Yeah. Article 6 -- the claimants appraisal review -- I'm trying to find the page.

MS. ALLAR:

This is the Suffolk County Code, yes.

LEG. FISHER:

No. I know, but I'm looking for the page that has --

MS. ALLAR:

Number three?

LEG. FISHER:

It might be on Page 3. Yes, here it is. It's on Page 3, it's on the bottom, and I'll read it again. It says, "it was his opinion that the Pine Barrens regulations would prohibit transfer of development rights to Mount Sinai, and further, the Suffolk County Health Department, Article 6, Sanitary Code prohibits the transfer of development rights from one Groundwater Management Zone to another." So this was something which your Department said couldn't be done, but I'm seeing it accepted as part of the appraisal. I'm just -- it's a legitimate question --

MS. ALLAR:

Yes. Yes, it is.

LEG. FISHER:

-- as to how that could occur.

MS. ALLAR:

I don't know if I necessarily agree with that. And I would have to truly check into that, but --

LEG. FISHER:

Okay. That's why I asked who the authors of this critique were so that I could see who wrote this and --

MS. ALLAR:

Well, the review appraiser is Gary Taibbi, and he's on staff in our office.

LEG. FISHER:

So you're saying that that's not Article 6?

MS. ALLAR:

No, I'm not. I'm just saying that I really need to --

LEG. FISHER:

Okay. If you could -- Terry, if you could get that information to us --

MS. ALLAR:

Certainly, no problem.

LEG. FISHER:

-- because it doesn't seem --

MS. ALLAR:

I'd like to clarify it myself, because it's been a long time since I've seen this.

LEG. FISHER:

Okay. Thank you.

MS. ALLAR:

But also bear in mind, if the Town of Brookhaven indicates that they would allow the transfer, then we would also acknowledge their position.

LEG. FISHER:

But we have a Suffolk County Code that says you can't do, they can't do it.

MS. ALLAR:

But also, part of the Suffolk County Code with respect to Article 6 is it would be a minimum plot size of 40,000 square feet. So if we want -- if this appraisal was based on building on 30,000 or half acre zoning, you couldn't do it. But within Article --

LEG. FISHER:

I don't think this is about lot size, is it? Isn't it about --

MS. ALLAR:

Yes, it is. For the 40 lots --

LEG. FISHER:

-- groundwater protection areas?

MS. ALLAR:

Yes. For the 40 lots, it would be. And the 40 lots would be based on 40,000 square feet.

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LEG. FISHER:

I think we have to look at that Article 6 more carefully.

MS. ALLAR:

Definitely, but I do believe it's also referring to the lot size.

LEG. FISHER:

The size, and not transfer from one groundwater protection area to another?

MS. ALLAR:

Pine barrens -- transferring different credits from one area, from one receiving unit to -- sending unit to a receiving unit, each Town is slightly different. And so normally it's within the same Hydrogeological Zone.

LEG. FISHER:

It's Suffolk County Code, though.

MS. ALLAR:

Suffolk County Code is different from the Pine Barrens. There is Article --

LEG. FISHER:

I know that, but Article 6 is Suffolk County Code, yes?

MS. ALLAR:

Yes.

LEG. FISHER:

Okay.

MS. ALLAR:

And I believe Article 6 refers to a building envelope with respect to 40,000 square feet.

LEG. FISHER:

Do you think somebody from the Department then could give us that information so that we know exactly --

MS. ALLAR:

I'll have to that for you tomorrow.

LEG. FISHER:

-- the parameters that were used there.

MS. ALLAR:

Yes. Yes.

LEG. FISHER:

Okay? And the criteria because I -- it's just that it seems inconsistent.

MS. ALLAR:

Yes.

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LEG. FISHER:

And when I'm looking at the critiques, and I know that it was the Town that made the change, however, the Town had also pos decked it.

MS. ALLAR:

But that's not unusual.

LEG. FISHER:

Unfortunately, you're right, it's not.

MS. ALLAR:

And subdivisions have been approved with a pos deck after they --

LEG. FISHER:

But there had been no approval, but they --

MS. ALLAR:

Well, this was just beginning in the subdivision stage.

LEG. FISHER:

But the process -- we hadn't gone through the process --

MS. ALLAR:

It would have gone through the process.

LEG. FISHER:

But it hadn't gone through.

MS. ALLAR:

It had not. It was just starting within the process.

LEG. FISHER:

Okay.

MS. ALLAR:

So what we were determining was just yield at this point.

LEG. FISHER:

But the process is important with regards to what the yield would have been.

MS. ALLAR:  
Yes.

LEG. FISHER:  
And we hadn't gone through the process of determining --

MS. ALLAR:  
However, the Town was informing us what they would look favorably upon. So that would also affect their application.

LEG. FISHER:  
It just seems like circular reasoning. But we'll look at what the Sanitary Code says and take it from there.

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MS. ALLAR:  
Sure.

LEG. FISHER:  
Look, I know that we've been in the appraisal process, in the acquisition process, and I know that we try to get a good appraisals because it's a voluntary program, and you want to get -- you want to be able to make a good offer, we understand that. But so much of this seems to be that the Town is arbitrarily changing the yield numbers. It seems arbitrary, and perhaps when I have -- we just received these documents, when we have the time to look at these, we can understand it, but it looks arbitrary.

MS. ALLAR:  
Well, hopefully it wasn't.

LEG. FISHER:  
Okay. So we'll go through --

MS. ALLAR:  
We had no indication of that.

LEG. FISHER:  
Okay. Thank you.

CHAIRMAN BISHOP:  
Legislator Binder.

LEG. BINDER:  
No.

CHAIRMAN BISHOP:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
Terry, in term of communication with the Town of Brookhaven, was any of that done in writing?

MS. ALLAR:  
No. I didn't communicate with the Town in writing. I do believe that -- I have to be honest with you, I have searched my memory. I thought there was a memo in the file from Annette, there is not, and it is not in my file. Therefore, I could be totally wrong. I thought that --

LEG. CARACCIOLO:  
As standard practice in many offices when there is verbal communication on legal or important matters, the author, one of the authors of the conversation, will write a memo to the file to relate what transpired in that conversation so that there's some record, some continuity, of what is transpiring and a time table of what it transpiring.

MS. ALLAR:  
Well, it --

LEG. CARACCIOLO:  
Is that not a practice of the Division of Real Estate?

MS. ALLAR:  
It is a practice. We normally would address the file or at least address our analysis and review.

LEG. CARACCIOLO:  
In terms of internal communication, let's start from the beginning in terms of when a case like this, the Chandler Estate, is assigned -- and now that we're joined by Mr. Isles, maybe, Tom, you could just --

MR. ISLES:  
I didn't mean to violate --

LEG. CARACCIOLO:  
As the Chairman said earlier --

CHAIRMAN BISHOP:  
What are you doing here?

MR. ISLES:  
I just wanted to make the point that if we're going to be addressing

questions of the Administration of the Department and the protocol in terms of memo reporting, I think that should be answered either by myself or the Director of the Department. But Ms. Allar is here certainly in her capacity, but I will --

LEG. CARACCIOLO:

Okay. Could you then answer my question? The question of, you know, what are the administrative protocols and procedures that are followed, when on a matter such as this, there is communication between a representative of County Government under your supervision and another level of government or, as Mr. Grecco stated, conversation with the property owner or legal representatives?

CHAIRMAN BISHOP:

If you have a theory, just ask the theory, and maybe they can answer it and we can cut this --

LEG. CARACCIOLO:

He understands my theory.

AUDIENCE MEMBER:

Thank you. I appreciate the question.

CHAIRMAN BISHOP:

Who are you? I'm running the meeting.

MR. ISLES:

Yes. It is a common practice in much of the correspondence between County Departments and other agencies to put that in writing. It's not exclusive to the practice, and a large part of my time and I know Mr. Grecco's time and probably Terry's time as well is spent on the phone. Decisions have to be made on a day by day basis in terms of

what is note worthy in terms of doing a memo on it. I think a lot of this comes down as we talked about it for the past couple of hours in terms of the assumption on yield. Having spent 20 years doing subdivision planning and zoning review, having appraisers come down to my office and say what can I yield on this property and so forth, unfortunately, it's not a case where we can point to a specific number in my experience pre-final subdivision plot approval and say the yield is thus. You really don't get that answer until you actually get through the entire SEQRA and Planning Board process. And anything before that is the best estimate of yield based on the information available and so forth.

Certainly if there's discussion today that perhaps we need to have something more precise, such as improved subdivision map, it's a major change in County policy, and certainly, we will be happy to address that, if you wanted us to. But not to digress from your point, Mr. Caracciolo, but I think it is important that it is a very difficult

process, it is one where we do rely upon a licensed professional in terms of licensed appraisers. We rely upon Civil Service Certified Review Appraisers and so forth. We do the best we can. And we will continue to do that. We are obviously as concerned as everyone here today about the questions that have been raised. The integrity of the this program is paramount to my concerns as the Head of the Department. We will do whatever this guidance this Legislature provides, whatever direction the County Executive provides, we will do whatever it takes to regain public confidence and your confidence in this program. No matter what it takes.

LEG. CARACCIOLO:

Are you going to address this immediate absence of memos to the file?

MR. ISLES:

There are things that I have started doing in terms of procedures with the Real Estate Department. There are things that I will be doing further. I am not the kind of person to -- to do a knee-jerk reaction and think that I am going to solve the problem in a half an hour. This -- this has taken a fair amount of my attention, and I think that's warranted. I want to do a soup-to-nuts review of this. This is not a matter of housekeeping, this is a matter of rebuilding the house. We need to do that, we need to do it quickly. And once again, the bottom line at the end of the day, no one sitting in this room or in any residence of the County of Suffolk can have any question as to the validity, the honesty of this Department an this program. Whatever it takes to do that --

LEG. CARACCIOLO:

I will agree with what you just said, Tom. In terms of the methodology and the relationship with Town Governments in this instance, I mean, there has to be a level of discomfort with the way this happened, and I'm aware of several acquisitions that are pending or at least one -- I shouldn't say several -- one other where I see some very clear cut parallels that are very disturbing in terms of how the County and this particular Town are dealing with environmental acquisition appraisals. Because it seems to me the lead on this story was "paying top dollar," but maybe the County, as Mr. Grecco stated correctly did not pay top dollar because we paid fair market value,

\$4.5 million. But it's clear in the record that an additional half a million dollars was paid, and I understand from the Town's perspective they feel justified that given the pendency of a lawsuit that might have gone against them, that half a million dollars settled a potential claim that might have been in excess of that half a million dollars, am I correct about that?

MS. ALLAR:

Yes.

LEG. CARACCIOLO:

Okay. But in the pending issue, and I'm going to not name it, Mr. Isles knows, we've had extensive conversation, Mr. Grecco knows, I have stated time and time again, I want to state it today on public record. The County of Suffolk should never pay more than one cent, not even one cent more, than an appraisal report that we have at fair market value for the acquisition of real property unless there is some extenuating circumstance, and in that instance, it should come before the Legislature, and there should be full disclosure as to why we should consider going above fair market value and appraisal report. Your comments.

MS. ALLAR:

My comment is simply that Suffolk County has never paid over fair market value for any appraisal that was -- an appraiser that -- an appraisal that we have and reviewed, we never paid over market value, we always paid market value. I have never been part and parcel --

LEG. CARACCIOLO:

Have we been engaged in this methodology before with this Town or any other Town in the County.

MS. ALLAR:

This methodology. It's not unusual for a Town to indicate to us that they would look favorably upon increasing yield, and we would analyze the feasibility of that.

LEG. CARACCIOLO:

You know what that sounds like to the layperson, to the taxpayers? It sounds like people in the government are in cahoots with private developers.

MS. ALLAR:

No. Not at all.

LEG. CARACCIOLO:

That's what it sounds like.

MS. ALLAR:

Not only that -- not only that, I'll tell you something else. What we have done --

LEG. CARACCIOLO:

You know, there are people in this room that are going to disagree with that statement, and obviously I just heard from a few who would immensely agree with that statement. We're talking here about public

perception and confidence. And as Mr. Isles stated correctly --

CHAIRMAN BISHOP:

Why -- why are you --

LEG. CARACCIOLO:

We cannot -- well, I feel very, very, you know, obviously strong on this point.

CHAIRMAN BISHOP:

Let me -- let me just suggest, Legislator. When we're done asking questions, we'll make statements.

LEG. CARACCIOLO:

All right. We'll make statements. Okay. Okay. That's fair.

CHAIRMAN BISHOP:

In fact, Director Grecco wants us to make statements to get, you know, a sense of where we're at. So why don't we save the --

LEG. CARACCIOLO:

Okay. Then for the record, can you just cite --

CHAIRMAN BISHOP:

If you a question.

LEG. CARACCIOLO:

Yes. For the record, you say other towns, it's not uncommon. It's been a practice --

MS. ALLAR:

Conversely, I must tell you that I have changed yields because after speaking with the Towns, and I disagreed with what the appraisal may come in, and have reduced yield. So we take a very objective view as -- with respect to what the highest and best use of the subject property would be, it's use and utility, it's marketability, and we always given Suffolk County -- anything that crosses my desk has always been at market value, fair market value or we've never given a gift to taxpayers.

LEG. CARACCIOLO:

Within the Division, how many other individuals are employed in the capacity -- your job?

MS. ALLAR:

Well, I'm the Senior Review Appraiser, and I have one other Review Appraiser on staff.

LEG. CARACCIOLO:

Okay. And given Mr. Grecco's previous testimony regarding how, since he's been Division Director, there has been an acceleration. Have we lost any quality control in the process in an effort to expedite acquisitions? In your opinion, you've been there a while? That shouldn't be a hard question to answer. Have we? You're a civil servant and you are before a Legislative Committee --

MS. ALLAR:  
Yes, I am.

LEG. CARACCIOLO:  
-- so I would like a forthright honest answer.

MS. ALLAR:  
Yes.

LEG. CARACCIOLO:  
We have lost quality control?

MS. ALLAR:  
Yes, because -- yes.

LEG. CARACCIOLO:  
And could you elaborate?

MS. ALLAR:  
Because as of August of 2000, my duties were diminished, and I no longer review the appraisal reports for acquisition.

LEG. CARACCIOLO:  
What -- what is the impact of -- of that?

MS. ALLAR:  
I don't know.

LEG. CARACCIOLO:  
Who should we address that question to?

MS. ALLAR:  
The Director of Real Estate.

LEG. CARACCIOLO:  
Okay. Tom.

MR. ISLES:  
Your question now being what effect has that had?

LEG. CARACCIOLO:  
Positively, negatively, obviously in Terry Allar's opinion, it has a negative impact.

MR. ISLES:  
It's interesting coming into this -- still relatively new to this job.

LEG. CARACCIOLO:  
And for the record, Tom, why don't you just state when you came into it because --

MR. ISLES:  
Well, I came in here March of this year. It's gone fast. And clearly, one of the things that attracted to me -- me to this and leaving the tropics was that this is a great County with great programs. And all of us have heard about the Open Space and the

Farmland Programs for so many years, they are nationally written up and so forth, so to be a part of that. In terms of specifically, I've learned a lot about the history of the Department, I've spoken extensively to the former director, I saw some of the problems where we had programs to acquire land, there was not movement of property, and so there were steps done sometime ago to try to accelerate the acquisition of property, not to compromise any standard, but to make things move.

LEG. CARACCIOLO:

What was the justification for the change since it preceded you by three months?

LEG. CARACCIOLO:

What was the -- it was actually like eight months, because it was in August.

LEG. CARACCIOLO:

I'm sorry. Was it August, I thought --

MR. ISLES:

August of 2000, I came on in March.

LEG. CARACCIOLO:

What was the justification for?

MR. ISLES:

All I can discern, and I can't speak for my predecessor, but all I can discern is that there was intense interest in moving the damn process, and the process being the acquisition of properties, rapid development in Western Suffolk County on the resale of houses was a 36% appreciation in the past three year -- three year period of acquisitions. So I think the my predecessor had a very difficult decision to make in terms of providing for the protection of the public interest in controls, and also to providing for the acquisition of property in a timely manner. We are all -- everyone in this Department is now going back and carefully looking at this. As I said, we had started this several months ago in the Department. And so is it time now to perhaps tighten that up a little bit? I think perhaps it is. I think that's become quite clear. The challenge, I think, that will lie ahead of us will be this program is extremely important, the taxpayers have said to all of us time and time they want to protect quality of life and continue these programs. So the challenge is how do we do that in a manner where we can consummate transactions prior to being at the door of a bulldozer in a subdivision development, but still adequately safeguard your interest and that of the public. And we can do that. I know we can do that. It's a matter of having to structure that at this time.

LEG. CARACCIOLO:

I know there was a significant increase in the statistics that Mr. Grecco cited earlier today about acquisitions and years acquisitions were made, and there was a very significant increase in 1999. So this policy change took effect in August. Year to date up to August, what amount of acreage and at what cost did the County acquire property?

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MR. ISLES:

Year to date from August 2000?

LEG. CARACCIOLO:

I know he had the reports right there.

LEG. CARACCIOLO:

I know I have reports, not quite monthly, but pretty close in my office so.

MR. GRECCO:

We're up to -- all right. Following up on what Terry said --

LEG. CARACCIOLO:

Mr. Grecco, did concur with the change at the time? Were you consulted?

MR. GRECCO:

I was consulted by Mr. Jones with the change, and he issued a directive as to what the procedures would be in items of acquisitions the role of appraisal review.

LEG. CARACCIOLO:

And did you concur with that?

MR. GRECCO:

I went along with it -- I was willing to give things a shot to the extent that we could move properties. As a matter of fact, after Mr. Jones left, I had a conversation with Terry, and then later on with Tom saying we should relook at this to refresh both of their recollections, saying well, you know, Mr. Jones is gone, you're now the Director of Planning, let's step back and look at this entire procedure to see if you wish to continue this or not, did I not have that conversation?

LEG. CARACCIOLO:

Okay.

MR. GRECCO:

So this was -- this was Jones' idea. In Year 2000 -- it's hard to, you know, Mike, I can only guess that probably -- I'm going to guess it would probably drop maybe about 15 million -- I'm not sure.

LEG. CARACCIOLO:

If you're not sure, say you're not sure and get us the answer.

MR. GRECCO:

I'm not sure. I have it chronological by year, but I don't have it broken down by month.

LEG. CARACCIOLO:

If you can get us that answer, I'd appreciate it. Let me go back to --

MR. GRECCO:

You're looking August 2000?

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LEG. CARACCIOLO:

Up to August, yeah. I'd like to see what the impact and what the effect was in terms of --

MR. GRECCO:

In terms of closings? Because if the policy came in in August, Mike --

LEG. CARACCIOLO:

I need Ms. Allar to tell me, you know, what the effect the change had internally in terms of the process and the net effect on the program so.

CHAIRMAN BISHOP:

All right. What I'm going to ask now is that Director Grecco and Director Isles leave the table, because it just invites more Legislators to stray from our --

LEG. CARACCIOLO:

I would just note, Mr. Chairman, that Mr. Isles voluntarily came up, which I understand. Terry.

MS. ALLAR:

Yes.

LEG. CARACCIOLO:

In terms of -- what exactly from your perspective was compromised in terms of quality control?

MS. ALLAR:

The function of the Appraisal Review Unit for Suffolk County is to oversee any acquisition including condemnation as well as voluntary acquisitions. We are -- we analyze the appraisal, we approved values and we assist in negotiations. Without us there you loss that aspect of --

LEG. CARACCIOLO:

In your opinion, it's material to the process?

MS. ALLAR:

Yes. Also, if everything goes through one unit, you also maintain consistency with your acquisitions.

LEG. CARACCIOLO:

Is it material to the integrity of the process and the outcome?

MS. ALLAR:

Yes. I believe it is.

LEG. CARACCIOLO:

Okay. That's very significant what you just said. Mr. Chairman, there are many other questions which I think may take subsequent hearings or investigations on the part of the committee. So I will decline to go further. I know the hour is getting late and there are other committee members with questions. So I would like to just --

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CHAIRMAN BISHOP:

Not to mention an agenda.

LEG. CARACCIOLO:

As they would say down in Washington, reserve the balance of my time.

CHAIRMAN BISHOP:

Consider it reserved. Legislator Fields.

LEG. FIELDS:

What do you do now Terry?

MS. ALLAR:

Well, I'm still the Senior Review Appraiser for Suffolk County and --

LEG. FIELDS:

But you don't review appraisals.

MS. ALLAR:

-- I review appraisals, all condemnation appraisals.

LEG. FIELDS:

Only condemnation. Do we have any condemnation?

MS. ALLAR:

I also review from time to time some acquisition appraisals if submitted to me. I am also leasing --

LEG. FIELDS:  
Space Management.

MS. ALLAR:  
Yes. I'm doing the Space Management leasing and handling all the leasing for Suffolk County, as well as I'm also Condemnation Supervisor for the Department.

LEG. FIELDS:  
Do we have any condemnations?

MS. ALLAR:  
Yes. We have quite a few condemnations.

LEG. FIELDS:  
So to you stopped more or less reviewing the appraisals in this capacity in what time line?

MS. ALLAR:  
August of 2000, and I stopped reviewing them on a routine. I only review a few of them. For example, there was one that, I believe, Allan directed it to Legislator Caracciolo pertaining to Cal-Hollow in his district, which is the development right was excessively high. That appraisal came to us for review and analysis.

LEG. FIELDS:  
You mentioned the topography of this property.

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MS. ALLAR:  
I'm sorry -- it was {Bowles} property, it was not Cal-Hollow.

LEG. FIELDS:  
You mention the topography of this property.

MS. ALLAR:  
Yes.

LEG. FIELDS:  
Is it really conceivable that they could have built 40 houses on this property?

MS. ALLAR:  
I believe if the Town approved the yield of 40 lots, I believe, they would.

LEG. FIELDS:  
You think that the Town would have approved it?

MS. ALLAR:

That I can't -- no, I'm not 100% sure whether or not they would approve it. But I do believe that when the Town Attorney and the Town Planning Director indicates that they would look favorably on this, I think that we have to consider what the yield would be, or the maximum yield would be, perhaps it would be somewhat less, and that's the position I took in July, that it would be anywhere from 21 to perhaps upward, although I don't clearly state it within my memo.

LEG. FIELDS:

And you say that it's well documented from the Town.

MS. ALLAR:

What's well documented is my file.

LEG. FIELDS:

Well documented from who though?

MS. ALLAR:

Well, part of -- a large part of it is exactly what had submitted today, the appraisal reports, the review analysis and the correspondence.

LEG. FIELDS:

You said it's -- or let me get this straight. Normally when we do a acquisitions, we generally hire a County appraiser to do the appraisal, and in this particular case was this different because we used a Town appraiser's record?

MS. ALLAR:

It is not unusual for Suffolk County to utilize an appraisal prepared -- or an appraiser by another Town, as long as that appraiser is on the County's list. By the same token there are times where a claimant or an owner would use an appraiser that's on our list, and we would review that appraisal. Normally under those circumstances, the appraiser is aware that the appraisal will be turned over to Suffolk

County, and they must follow our instructions and directions with regard to quality and what we expect in the appraisal report.

LEG. FIELDS:

And this appraisal was turned over to Suffolk County?

MS. ALLAR:

Yes. And it was given to me for my review or at least an analysis. I technically did not do a formal review.

LEG. FIELDS:

Why do you think you are not doing that anymore?

MS. ALLAR:

I believe that the administration felt the process would move faster without me.

LEG. FIELDS:

Why? Did you appraise them -- did you tend to have a record of lower yield or lower amounts possibility?

MS. ALLAR:

There were times where I was higher and above the appraised value.

LEG. FIELDS:

Why would your work slow it down?

MS. ALLAR:

I guess just another level of analysis or review or bureaucracy.

LEG. FIELDS:

Well, I guess if we're going to end with my questioning, right, as far as the committee is concerned, committee questions, right?

CHAIRMAN BISHOP:

Well, yeah.

LEG. FIELDS:

I would like, since I've gotten a number of phone calls regarding this article whether it's an accurate article or not in Newsday, what it has created is a perception that what we're doing is not the right thing to do. And before -- before that is concluded, I would prefer that we go further into an investigation, a real investigation, not just from this panel, but having other people that have the expertise and the experience that can ask the right questions and get the right answers. And I would recommend that as a Legislator who doesn't rubberstamp things and someone who believes that the County taxpayer has a right to know and to pay the right amounts for property that we as good Legislators must request that.

CHAIRMAN BISHOP:

Okay. Now this could be a follow-up question or a statement, and then we're going to leave this issue and move on to other issues.

LEG. CARACCILO:

Thank you Mr. Chairman, may I? I have a question. Terry, on Page 1,

I guess this is a cover sheet date July 12, 1999, the title of which is "appraisal review", there are two signatories, Roger L. Munz, and yourself --

MS. ALLAR:

Yes,

LEG. CARACCIOLO:

And I'd like to read -- because I do not have a copy of this until just a moment ago. I didn't have it, and I just --

MS. ALLAR:

It's in the very beginning of the packet.

LEG. CARACCIOLO:

-- found it in the packet. Yeah, I found it -- I found it in the complete file review, I did not have it prior to that. It says -- I'd like to read -- it states as follows at the top: "Each review appraiser signing below makes the following affirmation: There has been filed an inspection of the parcels to be acquired and the comparable sales applicable thereto. I have no present or contemplated direct or indirect interest in this property, its damages or benefits and have made my determination without collaboration or direction with full consideration given to market and factual data." Do you recall signing that?

MS. ALLAR:

Oh, yes. And that's correct.

LEG. CARACCIOLO:

Okay. And this does pertain to the Open Space Preservation Program --

MS. ALLAR:

Yes, it does.

LEG. CARACCIOLO:

-- of Chandler Estate?

MS. ALLAR:

As well as condemnation.

LEG. CARACCIOLO:

Then on -- what we did have in our packet, the claimants appraisal critique, which the copy I have doesn't have a date on it, so could you just tell us what the date of that was? I only have Page 2, I don't --

MS. ALLAR:

The Bert Nelson appraisal was received by our office in March of 2000. We did a review in April of 2000.

LEG. CARACCIOLO:

Okay. And here the review appraiser's comments, which I believe was yourself, correct?

MS. ALLAR:

As a Senior Review Appraiser, yes.

LEG. CARACCIOLO:

States that we have been directed to value the property based on a 40 lot yield.

MS. ALLAR:

That statement is by Gary Taibbi, who is the review appraiser on this.

LEG. CARACCIOLO:

Okay. Then why is --

MS. ALLAR:

Yes. It's true. We -- we --

LEG. CARACCIOLO:

Okay. What I'm having a little difficulty with is in some of your responses today, you've indicated there were times where you were directed to do certain things, and then in July of that year, the process, the appraisal process was modified and -- maybe I misunderstood, but I got the impression that certain direction was taken away from you.

MS. ALLAR:

In August.

LEG. CARACCIOLO:

In August. So up through July --

MS. ALLAR:

Procedure was followed.

LEG. CARACCIOLO:

Right. But in July it says, "without direction" and then later on it says, "with direction," so I am a little bit confused in items of --

MS. ALLAR:

So am I. I don't exactly understand what you're referring to.

LEG. CARACCIOLO:

All right. If I understand what you said earlier correctly -- I had this question and went over to Legislative Counsel and coincidentally he had similar mark on his copy, so maybe you could help me clarify the point a little clearer, Paul, in terms of the points -- the references and the comments that were made earlier.

MR. SABATINO:

The only point when you asked me for a copy of the document was to show the contrast between the earlier review appraisal, which valued the property at somewhere in the \$2.3 million range and it had a statement at the top saying that was done without direction and the second document which was subsequent in time, which had a value of, I believe, 3.5 to \$4 million and then concluded at 4.5 said -- it doesn't have the same disclaimer, it's got the opposite that says --

MS. ALLAR:

You're right, it doesn't. I have to be honest with you, I do not know why it does not have the same disclaimer because we do have, on our forms, this disclaimer on all our forms. And I have to be honest with you, I haven't even noticed this until you just brought it to my attention.

LEG. CARACCIOLO:

Okay. I'd like to also bring that to Mr. Isles' attention and to the Director's staff in the future before they sign documents like this that they review in its entirety because that calls into question what could be other material facts in these appraisals.

MS. ALLAR:

Well, we would not sign our names next to a value if we didn't --

LEG. CARACCIOLO:

I understand, but it's part of the report. And everything when you attest to it with a signature should be reviewed. And if that disclaimer was incorrect, that should have been noted and corrected.

MS. ALLAR:

There should be a disclaimer on this.

LEG. CARACCIOLO:

Yes. But you're saying this is the -- this is not a correct disclaimer.

MS. ALLAR:

I don't know why there is no disclaimer on this.

LEG. CARACCIOLO:

Okay. There is no disclaimer. Right.

LEG. FISHER:

Terry, he's referring to the first line of the report where it says, "we have been directed." Do you see the first line of the critique?

MS. ALLAR:

Yes. Yes.

LEG. FISHER:

It's the opposite of what you had said on the disclaimer of July is what he is saying.

LEG. CARACCIOLO:

The Chairman has requested that if any other members would like to make a statement to take this opportunity, and I would. I would like to distribute to the members a copy of a letter that was sent to the County Executive last week, a copy of which went to the Presiding Officer and to Mr. Isles. And I would like to give you a copy of this and ask that until I've had an opportunity to share it with Mr. Grecco, to not divulge its contents so that we can give him the

benefit of its contents. Thank you.

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CHAIRMAN BISHOP:

Legislator Binder or Fisher, you have any statements? All right. Well, I thank you Terry. Thank you very much. I appreciate your honesty. Legislator Fields, do you have a statement. Just that you want this to continue. And Legislator Caracciolo, you want to have further hearings and Legislator Fisher wants to have further hearings. Then we have a consensus to have further hearings. I want --

LEG. FISHER:

Is it possible -- Mr. Chairman, it is possible to include the Town of Brookhaven or a representative?

CHAIRMAN BISHOP:

Yes, they were -- let me just begin there. They were invited to attend today's hearing. They declined to attend. We will have another hearing on this issue. Mr. Amper, I know you're anxious to speak, you will speak at the time. You have an opportunity at the beginning of this meeting to fill out a card, you chose not to. We're going to terminate this issue.

MR. AMPER:

You asked me if I planned to speak, and I said I probably should do, as this Legislature always does, after the presentation by the Government.

CHAIRMAN BISHOP:

Thank you, Mr. Amper. Let me say this, that Mr. Grecco, when he came on, took over a program that I thought was lethargic as compared to the ambition of the program. And under his stewardship, the program changed and was much more aggressive. As a result, all of our districts received purchases that we were grateful for. I was a Legislator who, certainly over the years, has screamed that we need to do more for the environment. We need to protect and more preserve more property and that the pace of purchase was too slow. So having said that, you know, there's a lot that -- that Allan Grecco should be proud of. However I don't believe this deal is one of them. It began with the rhetorical question of did I, Allan Grecco, determine the price? I think the answer is clearly, no. Was it indicative of fair market value? Perhaps. Was there an appearance of impropriety? Definitely, yes. I would also note that it was the folks that recruited him, the County Executive and the County Attorney who gave him the ground rules that laid the ground work for this problem. They told him you can do -- you can keep your business, but you can't do anything that has title coming in or out of the County, ignoring -- ignoring his many business relationships that existed and that they knew about. Because they knew him. They recruited him in.

So I don't -- I think that that is an important point and one that has not been dealt with enough in this -- in this discussion. I also believe that it is that appearance of impropriety that led Director Grecco to take a step back on this deal and to allow Brookhaven to quarterback it. What do I point to? I point to a -- there's a letter from Annette Eaderesto to the seller's attorney saying, contact me to negotiate this. So allowing Brookhaven to quarterback this deal is greatly troubling to me because I don't trust Brookhaven. Why don't I trust Brookhaven? Because it has been my experience as a Legislator

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that they have in the past changed positions in a way that does a disservice to protecting the environment and the taxpayer. And here again, we have another example of that. And that's Terry Allar was saying, that she based her appraisal, the higher appraisal, on the information that she said was well documented in the file, that they were changing their position towards this deal. Well, that's just another case of where Brookhaven has done this to the County and to our efforts. And so I think that we do need to have further discussion of these circumstances and events. I do believe that Director Grecco did a lot today to provide the transparency that we need to see what was going on. And now that I see what's going on, I still have more questions, particularly to the Town of Brookhaven about what they have done to the taxpayers of this County.

LEG. ALDEN:

Mr. Chairman, I have a question.

CHAIRMAN BISHOP:

I think at this time --

MR. AMPER:

Will this committee not here from the public even though you assured me you would accept comments from the people concerned about this?

CHAIRMAN BISHOP:

No. We will not hear from the public. We will hear from the public at the next hearing because we're going to have a continuing --

MR. AMPER:

After this presentation, you accept comments from the people --

CHAIRMAN BISHOP:

I don't have a gavel, they don't give me a gavel. If I had a gavel, I would gavel him down and that would be the end of it. Mr. Amper, you'll be provided an opportunity, the public will be provided an opportunity. If you want to decry my leadership, you can do that at the next -- we'll do that at the next meeting. There's going to be another hearing.

MR. AMPER:

We sat here listening to abject falsehoods, why can't we layout an agenda to tell you what you need to look at?

CHAIRMAN BISHOP:

Because we're moving on. Because he's going to speak and then everyone's going to want to -- we're going to be here another three hours.

MR. AMPER:

I want to tell you what you need to look at.

CHAIRMAN BISHOP:

You can tell me in private or you can write a letter.

MR. AMPER:

Why do you -- I want to know why you object to the public --

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CHAIRMAN BISHOP:

Because it's a quarter to seven, and I have to move the meeting along. That's one of my obligations as the Chairman.

MR. AMPER:

We've listened to all those who are --

CHAIRMAN BISHOP:

All right. You know what? I will allow a vote of the committee whether we want to continue on this topic. Do we want to continue on this topic or do we want to move to the agenda?

LEG. ALDEN:

Let's move to the agenda. We should have moved to the agenda hours ago.

CHAIRMAN BISHOP:

One is to continue on. What do you want to do?

LEG. FISHER:

I want to continue.

CHAIRMAN BISHOP:

Okay. And one to -- what do you want to do?

LEG. ALDEN:

Well, actually, let me know when we're going to get to the agenda. Just send me a notice, and I'll come back for that meeting whether it's tomorrow or the next day.

MR. AMPER:  
She filled out a card.

CHAIRMAN BISHOP:  
She spoke.

MR. AMPER:  
We want to respond on the basis of what we've heard.

LEG. ALDEN:  
Mr. Chairman? Mr. Chairman, when are we going to go to the agenda because I'll come back?

CHAIRMAN BISHOP:  
Well, it was my attention to go to the agenda now. I thought that we had exhausted this for today, that we would come back to it, that the -- everybody would be allowed to speak on it -- I'll let them speak if Legislators commit not to ask questions.

LEG. FISHER:  
Okay. Mr. Bishop, there is just --

CHAIRMAN BISHOP:  
Then we can move on.

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LEG. FISHER:  
Mr. Chairman, I just noticed that Vito Minei was here, and I wanted to ask him a question about that Article 6. Maybe he can clarify that. It was a question that I had earlier.

LEG. ALDEN:  
But the Chairman has already indicated that -- the Chairman said that he is going to hold further hearings on this.

CHAIRMAN BISHOP:  
I'm going to hold further hearings on this.

LEG. ALDEN:  
That would be an appropriate time. This is real inappropriate in the hour.

CHAIRMAN BISHOP:  
Thank God. It's a long time coming.

LEG. ALDEN:  
Also, I had a question as far as your statement before, Mr. Chairman, that was --

CHAIRMAN BISHOP:

My opinion.

LEG. ALDEN:

Yeah. You were stating your opinion. That's what I thought.

CHAIRMAN BISHOP:

It was completely about my opinion. All right. Why don't we have -- you have a question of Mr. Minei.

AUDIENCE MEMBER:

I filled out a card, and you asked me, and I said specifically that I would like to wait to make any comments until after I heard --

CHAIRMAN BISHOP:

That's not the way any committee works.

LEG. ALDEN:

Mr. Chairman, I have a suggestion. Mr. Chairman, let's go through the agenda and then you can have -- you can open up the public portion again.

CHAIRMAN BISHOP:

That makes a mockery of it because you'll leave --

LEG. ALDEN:

It doesn't make a mockery of anything.

CHAIRMAN BISHOP:

They deserve a full hearing -- the full opportunity to speak to the committee.

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MR. AMPER:

If the Legislators are willing to waive --

CHAIRMAN BISHOP:

You are the most obnoxious person. Will you please stop?

APPLAUSE

MR. AMPER:

Do you understand the position you are putting us in?

CHAIRMAN BISHOP:

What position are you in?

MR. AMPER:

First we have a problem with the Real Estate Department, now we're

having a problem with this Legislature.

CHAIRMAN BISHOP:

You're not having a problem with the Legislature.

MR. AMPER:

Why won't you hear the public for five minutes?

CHAIRMAN BISHOP:

Is there a big difference between the beginning of the meeting and the end of the meeting? All right. Okay. All right. You've been -- through sheer determination, you are now there. You'll have three minutes.

MR. AMPER:

Mr. Chairman, I believe that this Legislature does care about this.

CHAIRMAN BISHOP:

Mr. Amper, you have three minutes.

MR. AMPER:

I believe this Legislature does care about this, and this one's a mess. The Pine Barrens Society and Newsday haven't been finding fault with what you've been paying for land, they did it this time because this one's different. The members of this Legislature did not know that the purchaser was doing business with Mr. Grecco, and you should have known that. Mr. Grecco asked you to answer three questions. Did he have a role in setting the price that was paid to a business partner of his or business associate of his as better stated? Secondly, did we pay fair market value? And three, what do you want him to do with about it? Question number one is he had everything to do about setting the price. We don't see evidence that Brookhaven set the price. Mr. Allar did her job. She was instructed in the March 17th memo to do it on the basis of 40 units, then she said she was directed to produce this on the basis of 40 units. There is no way it was 40 units, not by zoning, not by Pine Barrens Credit, not by the rules that were set in Article 6.

Look at the Pine Barrens Act. There's is not an unlimited use of Pine Barrens Credits, they're limited parcel by parcel and project by

project. You can't just go transfer as many parcels -- Pine Barrens Credits as you have. You've got to do it right, and they didn't get it right. And part of what's bothering you and bothering the rest of us is the public only loses confidence when they think the process was wrong, when they think that something that was supposed to work right and has worked right to protect drinking water and preserve open space was compromised. And it was compromised because you didn't know there was a deal, a side business, in which the buyer -- I mean the seller was involved. That's not just the appearance of impropriety or

a conflict of interest.

It is conflict, and it's not proper. And this Legislature needs to take that up and resolve it. Article 6, Pine Barrens Credits are not unlimited. They consider what would happen if the lawsuit was settled. Nothing worse than what they went for. Brookhaven might as well have lost the lawsuit for the yield that they were given in this appraisal. You have five separate appraisals, whether we saw them or not, we shouldn't have taken Brookhaven's word for anything. He didn't see them. They all said the property was worth half of what this County paid for it. We want to see this land -- I think Mr. Isles is genuine in that he wants -- if there is anything that needs to be fixed, it should be fixed, but nobody more than the Long Island Pine Barrens Society wants to see this program succeed and work, and this didn't help it, not just by appearance of impropriety. It wasn't that Brookhaven quarterbacked it, we gave them the ball in no way at all.

There is nothing on your record that said the Brookhaven did this, nothing, except Mr. Grecco's instructions to Ms. Allar to -- that, in fact, Brookhaven did something -- that Brookhaven does not acknowledge -- was fighting in court at the time under oath, and said categorically to Newsday they did not say in terms of yield. The County fumbled this one. So we need to know what the third -- his third question to you was what should the County do about it. Find yourself a new Real Estate Director.

CHAIRMAN BISHOP:

That's almost three minutes on the nose. Ms. Seltzer.

MS. SELTZER:

I won't even take three minutes. I just have two questions. I'd like to know would it be possible for me to look at that file, and to look at the complete file that the Real Estate Department has. I would like to see if the same procedure has applied to all of the transactions. Would I able to look at that file?

CHAIRMAN BISHOP:

You would have to -- unfortunately, you have to make the official FOIL request, but if you --

MR. SELTZER:

Yes. If I make the official FOIL request, will I be able to look at that file?

CHAIRMAN BISHOP:

I will make sure that you have access to it.

MS. SELTZER:

Thank you very much.

CHAIRMAN BISHOP:  
Did you file it already?

MS. SELTZER:  
No, I did not.

CHAIRMAN BISHOP:  
Okay. Please do so.

MS. SELTZER:  
Thank you very much. And the other question I had is there any documentation at all in writing by anybody about the role that Brookhaven played in this. I mean, I know you have said that, but I -- knowing --

CHAIRMAN BISHOP:  
Did you receive a copy of this?

MS. SELTZER:  
I did, and there is nothing in there from Brookhaven. There are all sorts of, you know, letters, there are all sorts of comments, they're all hearsay. I'd just like to see any document, anything that you have. And thank you very much for all of your points. I really appreciate it.

CHAIRMAN BISHOP:  
Well, I'm going to violate my own rule, which was I wasn't going to engage in -- but I have -- there were two letters in here. One says --

MS. SELTZER:  
I will make an official request for that as well when I get, you know --

CHAIRMAN BISHOP:  
One of the letters is from the Brookhaven to -- from the Brookhaven Town Attorney to the seller's attorney.

MS. SELTZER:  
Yes, but that just negotiations. You know -- as an attorney, you know that she had to negotiate. She wouldn't have been able to continue litigating if she didn't. So it doesn't mean anything, and it doesn't really say anything.

CHAIRMAN BISHOP:  
And then she sent over the appraisal that's drawn so much attention.

MS. SELTZER:  
I just wanted to make sure that I'm not missing anything. That there is -- if there is any documents at all, I'd just like to see that.

CHAIRMAN BISHOP:  
I was basing my opinion on those two letters and Ms. Allar's testimony.

MR. SELTZER:

Thank you. Ms. Allar's testimony was very accurate and very fair, and I respect her for having the guts to --

CHAIRMAN BISHOP:

Yes, I felt so too. Thank you. Okay. I don't know why that was so controversial, but, okay. You wanted to ask Mr. Minei a question, then we can move to the agenda.

LEG. FISHER:

Just to explain Article 6 briefly. Can you do it briefly?

MR. MINEI:

It only took me two years to write it. Good evening. I'm Vito Minei, Director of Environmental Quality, Department of Health Services. I still wish you would concede to my request to have a buffet at these meetings sometimes.

LEG. FISHER:

Look, I put my dinner in the oven before I came out here. Everybody else is eating it in the family. There is reference to the Sanitary Code, and there is reference to how the credits work. Can you just clarify for us -- it seems that it's being treated a little bit loosely, and I know that there's a structure here, and critique referred to a very clear structure. So I just wanted an explanation of this on the record.

MR. MINEI:

What I heard that was read from, I believe, a review by a staff member of Real Estate was a discussion of a prohibition of transferred developed rights from one Hydrogeological Zone to another according to Article 6. That is a misstatement. What we provide is guidance to review engineers. We try to keep constraints on their license with reviewing projects and improving things that aren't to the letter of the densities prescribed in Article 6. What that guidance indicates is that the review engineer does not have license to approve a transfer of development right if it would incur things like more than double density on the receiving site or it requires transfer of a development. We refer to it as sanitary density, in engineering parlance, we're talking about septic tank for septic tank, sanitary density from one zone to another. But the fact is that opinion appeal, upon a variance request we have, indeed, approved transfer from one zone to another. What we're trying to do is in the general review context to keep the geographic area that the review engineer is looking -- looking at intact and also not to give them license to be moving around. Oftentimes, we allow the applicant under a Board of Review Variance Procedure to come in with other extenuating circumstances.

LEG. FISHER:

And that's why Terry referred to size as part of the factor in that --

MR. MINEI:

Yes. The zone this estate is in is actually in a zone that we by Sanitary Code Density would allow 20,000 square foot lots, but there are other extenuating circumstances. It's happened before in some

controversial projects we've had where the Board of Review did not allow loading up of transfer of development rights on a property because there was a public water supply wellfield nearby. There are other circumstances that we would review as well. We -- they would also look -- even though it's not within the discretion and doesn't discuss it in terms of water supply or sewage disposal, there would be concern raised if the transfer of development rights loaded up property on bluffs or things like that or might impact other environmental features.

LEG. FISHER:

So then this was a misstatement.

MR. MINEI:

I believe so. I don't think it was intentional. There's a lots of misunderstandings about what we --

LEG. FISHER:

Okay. I'm just going to read this again. It says, "and further, the Suffolk County Health Department, Article 6 Sanitary Codes prohibits the transfer of development rights from one Groundwater Management Zone to another", and you're saying that's a misstatement.

MR. MINEI:

That's incorrect. The guidance to our engineers are they are not allowed to approve it, but the fact is that we have indeed approved interzone transfers.

LEG. FISHER:

Okay. Thank you, Vito.

CHAIRMAN BISHOP:

Okay. All right. Let me ask the committee this question, do you want to take this up before the end of the year again? It would get stale by January. So next week is an off week -- I don't know why it's an off week.

LEG. FISHER:

Because we were supposed to have the warrants.

CHAIRMAN BISHOP:

Okay. So why don't we take out our calendars, and try to come up with a date. How about the afternoon of the 11th, 13th -- 11th or 13th?

LEG. FISHER:

Earlier in the day on that.

LEG. ALDEN:

Well, that whole week is bad for me. My sister had two heart attacks

and there's cancer down in Florida, and that's what I was planning on going down there and trying to help her out. So I'm not going to be available.

CHAIRMAN BISHOP:

Okay. Afternoon on the 11th or 13th. Legislator Fisher.

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LEG. FISHER:

On the 11th we were supposed to have warrants at eleven -- in the morning. Couldn't we --

CHAIRMAN BISHOP:

How about noon on the 11th. Noon on the 11th.

LEG. FISHER:

Yes. Later in the day I have a commitment.

CHAIRMAN BISHOP:

All right. Noon on the 11th. Now, once again we'll invite Brookhaven, I don't know if they will -- the Town Attorney herself will appear, but we'll certainly make it very clear that it would be important for them to send somebody. And, of course, you'll have another three minutes, Mr. Amper, if not more. Please fill out a card though. Shall we go to the agenda?

Okay. Thank you. Mr. Isles and Mr. Burke. All right. We will -- what do we have? CEQ? Why don't you come on up. Stay there. You could stay, Tom. We'll run through the CEQ Resolutions.

#### CEQ RESOLUTIONS

63-01 Proposed SEQRA Classifications of Legislative Resolutions laid on the table October 23, 2001, and November 20, 2001.

LEG. BINDER:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Binder. Seconded by Legislator Caracciolo. All in favor? Opposed? 6301 is approved. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

64-01 Proposed construction of Special Patrol Bureau, Mac Arthur Airport, Town of Islip CP 3139 - (Type II Action)

MR. BAGG:

Basically this is the addition of 2800 square foot second floor within the existing building envelope to provide lockers and toilet facilities, office expansion. Counsel recommends a Type II Action.

CHAIRMAN BISHOP:

Motion by Legislator Fisher. Seconded by Legislator Fields. All in favor? Opposed? 6401 is APPROVED (VOTE:6-0-0-1) (Absent; Leg. Guldi)

65-01 Proposed replacement and rehabilitation of structures at Peconic Dunes County Park, Town of Southold (Type II Action)

CHAIRMAN BISHOP:

This is taking existing structures an rehabbing them?

MR. BAGG:

Yes.

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CHAIRMAN BISHOP:

Okay. Motion by Legislator Caracciolo. Seconded by Legislator Binder. All in favor? Opposed? 6501 is APPROVED (VOTE:6-0-0-1) (Absent; Leg. Guldi)

66-01 Proposed construction of Portion road, CR 16, Ronkonkoma Avenue to Nicholls Road, CP 5511, Phase I, Town of Brookhaven (Type I Negative Declaration)

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Type I Negative Declaration, what's involved in this project?

MR. BAGG:

This project involves the reconstruction of a 2.73 mile section of CR 16 Portion Road to Ronkonkoma Avenue to CR 97, Nicholls Road. The existing roadway will be constructed to a four-lane road with center median left turn lane with shoulders, continuous concrete curb and sidewalk will be provided as well as a drainage system and improved traffic signals.

CHAIRMAN BISHOP:

Now is this a four-lane road currently?

MR. BAGG:

In some areas it's a two-lane road, but everything will be mostly with an existing right-of-way.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, is that true? Seconded by Legislator Fields. All in favor? Opposed? List me as opposed, please. (VOTE:5-1-0-1) (Absent; Leg. Guldi) (Opposed;Leg. Bishop)

67-01 Proposed improvements of Sewer District No. 1, Village of Port Jefferson (Unlisted Action- Negative Declaration)

LEG. FISHER:  
Motion.

MR. BAGG:  
This project involves construction and concrete tanks to improve the denitrification system, cutting and filling portions of the site, installation of retaining walls and landscaping area.

LEG. FISHER:  
Where is that?

MR. BAGG:  
It's off -- I believe, it's off Beach Street in the Village. It's the existing sewage treatment facility. There's a consent order, I believe, State DEC wants denite improved according to Long Island Sound Study.

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CHAIRMAN BISHOP:  
Are you expanding the boundaries of the facility, not of the district, but of the facility? The facility's getting bigger?

MR. BAGG:  
No. They're on-site.

CHAIRMAN BISHOP:  
Motion by Legislator Fisher again. Second by Legislator Caracciolo. All in favor? Opposed? 6701 is APPROVED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

68-01 Proposed drainage improvements of CR 67, LIMP, in vicinity of CR 4, Commack, CP 5176, Town of Smithtown (Unlisted Negative Declaration)

CHAIRMAN BISHOP:  
Motion by Legislator Binder. Seconded by myself. I want an explanation.

MR. BAGG:  
This project involves the reconstruction of CR 67 to improve drainage, pavement, and safety aspects by installing additional leaching pools and enlarging an existing recharge basin.

CHAIRMAN BISHOP:  
I'm sorry. It's on 67 not on Commack Road, it's in the vicinity of Commack Road. Legislator Binder's motion, my second. All in favor?

Opposed? 6801 is APPROVED (VOTE:6-0-0-1) (Absent; Leg. Guldi)

Thank you very much. To the agenda. We will start with the Introductory Resolutions, the new Resolutions.

#### INTRODUCTORY RESOLUTIONS

2074. Making a SEQRA determination in connection with the proposed repair of commercial dock at Shinnecock Inlet, Town of Southampton. (CP 5344) (PRES. OFFICER)

LEG. BINDER:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Binder. Seconded by Legislator Caracciolo. All in favor? Opposed? 2074 is APPROVED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

2075. Making a SEQRA determination in connection with the proposed highway and intersection improvements to CR 7, Wicks Road to CR 67, Long Island Expressway South Service Road, Town of Islip (CR 5539) (PRES. OFFICER)

LEG. FIELDS:  
Motion.

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LEG. BINDER:  
Can I ask what the improvements are, if Counsel knows?

CHAIRMAN BISHOP:  
Mr. Bagg, do you know these?

MR. BAGG:  
They were presented at the last committee meeting, and you asked Mr. Sabatino draft a resolution.

MR. SABATINO:  
On 75?

MR. BAGG:  
Yeah.

MR. SABATINO:  
It's an Unlisted Action, it's -- the project is Wicks Road, LIE Service Road intersection improvement.

CHAIRMAN BISHOP:

Motion by Legislator Binder. Second by Legislator Alden. All in favor? Opposed? (APPROVED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

2076 Making a SEQRA determination in connection with the proposed preliminary interior security fencing at Francis Gabreski Airport, Westhampton Beach. (PRES. OFFICER)

LEG. FISHER:  
Motion.

CHAIRMAN BISHOP:  
Motion by Legislator Alden. Seconded by Legislator Fisher. All in favor? Opposed? 2076 is APPROVED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

2079 Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (property of Mastic Beach Fire District) Town of Brookhaven. (TOWLE)

LEG. CARACCIOLO:  
Mr. Isles.

MR. ISLES:  
Very briefly, we would make just a couple of points with this very quickly. Number one is we don't believe that at this point funds can be accessed from the Multifaceted Program, because it is a capital program beginning next year. Notwithstanding that, we would note that this is a very small parcel about less than 1/3 of an acre surrounded by houses, no other County parcels in this area. So for the county to purchase this, at this point we're at a loss as to how that would fit into the County Park or Open Space Program. It would not appear to meet any of our requirements, it's not environmentally sensitive or wetlands from what we can determine thus far in our review.

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LEG. FISHER:  
Motion to table.

LEG. FIELDS:  
Second.

CHAIRMAN BISHOP:  
You don't like this in other words.

LEG. CARACCIOLO:  
In terms of point value, does it meet the minimum qualification?

MR. ISLES:  
I don't see that it would.

LEG. ALDEN:  
On the motion.

LEG. CARACCIOLO:  
Okay. Then on that basis, Mr. Chair --

CHAIRMAN BISHOP:  
It's in the Town of Brookhaven. Legislator Alden.

LEG. ALDEN:  
Tom. Tom.

MR. ISLES:  
Yes.

LEG. ALDEN:  
Is this a building lot? Can you build something on there, like an affordable house or something?

MR. ISLES:  
In the plan that we had done, Narrow Bay Plan, the Planning Department had done a number of years ago, this is an area that potentially subject to some flood hazards occasionally. So we had recommending at that time that any of these smaller pieces be sold to adjoining owners and not be developed for additional new houses. So at that time of that report a few years back, that's what we had recommended. So based on that, we would not recommend it for affordable housing.

LEG. ALDEN:  
Good. Thanks.

LEG. FISHER:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Fisher. Seconded by Legislator Fields. All in favor? Opposed? 2079 is TABLED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

2104. Amending Resolution no. 994-2001. (HALEY)

LEG. BINDER:  
Motion.

MR. SABATINO:  
It's changing the -- it's substituting a new SEQRA Clause for the soccer fields acquisition that was authorized for the Miller Place Property. It's technical in nature.

LEG. BINDER:  
Motion.

CHAIRMAN BISHOP:  
Thank you. Motion by Legislator Alden. Seconded by Legislator Bishop. All in favor? Opposed? 2104 is APPROVED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

2113 Implementing Suffolk County Water Quality Protection and Restoration Program. (COUNTY EXEC.)

CHAIRMAN BISHOP:  
Explanation, please.

MR. SABATINO:  
Well, this is the executive bill to try to set up a procedure for dealing with the water quality component of the quarter percent program. And quite frankly, my evaluation is that I'm not really -- it lacks any kind of specificity, and I'm not really sure --

LEG. FIELDS:  
Motion to table.

CHAIRMAN BISHOP:  
All right. I'm going to ask that this be tabled, and when this --

LEG. FISHER:  
Second.

CHAIRMAN BISHOP:  
-- committee can focus on it, we will -- we will, it's an important resolution. It's not time conflicting, is it, other than it expires at the end of the year?

MR. SABATINO:  
No, because the truth of the matter is you control that program day to day. It's an attempt to try to prioritize, but it doesn't really do what I think it's trying to do because the language is kind of nebulous.

CHAIRMAN BISHOP:  
Counsel's against it, and that's good enough for me. Motion to table having been made and seconded. All in favor? Opposed? 2013 is TABLED. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

TABLED PRIME RESOLUTIONS

CHAIRMAN BISHOP:

Let's go to the tabled prime.

1493. Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst. (BISHOP)

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Binder. All in favor? Opposed? (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

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

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

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

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1666. Implementing pay-as-you-go 1/4 Cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay. (BISHOP)

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Fields. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

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

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1668. Implementing Greenways Program in connection with acquisition of active parklands at Three Village Swim and Racquet Club. (FISHER)

CHAIRMAN BISHOP:

Motion to table by Legislator Fisher. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1688. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Portion Road Corridor, Lake Ronkonkoma. (CARACAPPA)

CHAIRMAN BISHOP:

1688. 88? 88? Fails for a lack -- motion to table by Legislator Caracciolo. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

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

CHAIRMAN BISHOP:

Didn't we do this? Hold on.

MR. ISLES:

I see a notation on my agenda that it was --

MR. SABATINO:

1717 was adopted on--

MR. ISLES:

-- already adopted.

CHAIRMAN BISHOP:

Strike it. I apologize for the error.

1787. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Jericho Turnpike. (BINDER)

LEG. BINDER:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

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

LEG. BINDER:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by myself. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1849. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) (HALEY)

LEG. BINDER:

Same motion.

CHAIRMAN BISHOP:

Motion to table by Legislator Binder. Seconded by myself. (TABLED)  
(VOTE: 6-0-0-1) (Absent; Leg. Guldi)

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

LEG. FIELDS:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Fields. Seconded by Legislator Fisher.  
(TABLED) (VOTE: 4-2-0-1) (Absent; Leg. Guldi) (Abstentions; Legs.  
Binder and Alden)

1942. Implementing Greenways Program in connection with acquisition  
of active parklands at West Main Street, Riverhead.

LEG. CARACCIOLO:  
Do we have a vote?

CHAIRMAN BISHOP:  
I'm sorry, do we have a vote. Oh, I'm sorry, let's go back 1933. All  
in favor of tabling? Opposed? Legislator Alden and Binder are  
opposed.

MR. ISLES:  
I was informed by Riverhead -- I'm sorry, Mr. Chairman. I was  
informed by Riverhead on Friday that they mailed -- they sent in the  
resolution. I personally haven't seen it. The next step is then CEQ  
and Parks Trustees once we get that.

LEG. CARACCIOLO:  
I'd like to make a motion to discharge without recommendation  
pending --

1949. Adopting Local Law No.-2001, a Local Law to implement  
recommendations made by the CAC in connection with phase out of  
pesticide use on Suffolk County Properties. (BISHOP)

CHAIRMAN BISHOP:  
1949. You will recall at the last meeting, Legislator Guldi said we  
should have a provision that when there is not unanimity on the CAC  
Board, that whatever waiver considered has to come to the Legislature  
for a vote. And we directed a formula which is

MR. SABATINO:  
But the compromise of the committee was that if a waiver request is  
made to that Board and less than seven of the nine individuals vote  
for the waiver, id less than seven vote for the waiver, then the full

Legislature would vote on the waiver. So in other words --

CHAIRMAN BISHOP:

6-3, 5-4 would come to the Legislature, even though it was approved at the CAC. I was contacted by Department of Public Works, and they said they thing that's going to be unworkable because typically at a CAC meeting according to them, only six members show up, six or seven members show up. There is always a couple of absences, meaning that if we adopted the language that we asked for. A lot of things would be coming to us. And so they suggested alternative language. My

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question to you is do we want to go with what we said last time or do we want alternative language? What would be the alternative language if two people voted against it? Two or more voted against it, it would come to us.

LEG. CARACCIOLO:

Mr. Chairman, I would suggest that the people assigned to the CAC -- are these volunteers?

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

So you can't mandate their attendance. I guess.

CHAIRMAN BISHOP:

Correct. It would be very difficult.

MR. SABATINO:

Well, no. Actually you can because under the County Charter, if you miss four consecutive meetings on any Board or Commission, you're off. That's the law of Suffolk County.

LEG. CARACCIOLO:

Maybe the threshold, Mr. Chairman, should be reduced to meet the objection of Legislator Guldi.

CHAIRMAN BISHOP:

I think the question is -- Vivian, I need everybody to pay attention to this important question and we can resolve this issue once and for all. The question is do you want to phrase the question in terms of a negative or positive, six votes or more, or two votes against coming to us. In other words one --

LEG. CARACCIOLO:

Two votes. Two votes.

CHAIRMAN BISHOP:

So we'd have to change the bill again. Since that's a request of the

administration, I would ask to we get a CN. We're going to change it to read if two members or more vote against it, then it would come to the Legislature. The current way it's written is if it's six or less.

MR. SABATINO:

The model -- if you want to a barometer, okay, the Lease Screening Committee at the airport, you require a unanimous consent in order for it -- in order for it not to get to the Legislature, okay? That was the model, but in this committee, they said, no, drop the model a little bit below that. So we said if at least seven of the nine members vote for the waiver, then you won't see it. Legislator Bishop is correct, 6-5-4-3-2-1-0, then you're going to see the waivers. In other words, it will revert back to the original law. Under the original law, you'd be voting for the waivers. Okay. The compromise was to not have all of the waivers --

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CHAIRMAN BISHOP:

But now they want to change the compromise to raise it the other way. They want to say it's two negatives. You can write that law, right? Whether you agree with it or not, you could write it.

MR. SABATINO:

It's not the point. The point is are they saying two negative, abstentions, it wasn't made clear. It was just said, write the law so that there aren't two votes, then it would not come before the Legislature.

LEG. ALDEN:

Mr. Chairman, Vito would be like to --

CHAIRMAN BISHOP:

This is my nightmare. Come on up.

LEG. FIELDS:

Just table it.

CHAIRMAN BISHOP:

No. If we table it, it's dead for the year.

LEG. ALDEN:

Dave. Dave.

CHAIRMAN BISHOP:

We still need direction of the committee, so just hang in there for five minutes and we'll resolve the issue.

MR. SABATINO:

You also need clarity on the request because the request was --

MR. MINEI:

My staff member Amy Juchatz serves as the Commissioner's Designee, now the Chairman, she had to leave for child care purposes, and she asked me to represent her, and I'll do my best. She told me a couple of important things for your consideration. One, nine members were never appointed. You have eight members appointed.

CHAIRMAN BISHOP:

Okay.

MR. MINEI:

Oftentimes -- oftentimes they only have six members at --

LEG. CARACCIOLO:

There you go. So how do we fix that?

MR. MINEI:

In essence --

CHAIRMAN BISHOP:

What does she recommend?

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MR. MINEI:

-- Amy's recommendation is that the six positive prevail because you consider the two that do not show up as negative votes. So even if all six people are in agreement unanimously, the people who are absent have cast a vote negatively so it comes before you.

CHAIRMAN BISHOP:

So she wants it to come before us.

MR. MINEI:

Amy wanted it to come before you and indicate she preferred the prior understanding. I'm not privy to any of this. I'm parodying my staff.

CHAIRMAN BISHOP:

In other words, she doesn't want it to come to us, but we wanted it -- Legislator Guldi raised it, Legislator Alden, all of us, we wanted it to come to the us. So I think the compromise of the compromise is to go to the two negative.

MR. MINEI:

Then you'd probably get to see all of them if only six people --

CHAIRMAN BISHOP:

No. Two negative of those present, of those casting votes -- of those casting votes. Okay. Thank you. We're going to ask that that come

on CN so we can resolve it once and for all. I would also ask that we vote this out of committee on a discharge without recommendation so we have some leverage of this meeting. Otherwise, we're not going to get --

LEG. FISHER:

And before it -- before it leaves the committee, I had asked about language that was going to be eliminated because it was repetitious. Do you remember when -- I don't remember her name, but she was --

MR. SABATINO:

I remember explicitly what had happened. She was -- it was taken care of. It was taken care of. It really -- what was stated was not entirely accurate, but it was -- your concern has been addressed.

CHAIRMAN BISHOP:

Counsel, ceases being pleasant after 7:00.

LEG. FISHER:

Well, there was redundant language.

MR. SABATINO:

The points was that her comments were unrelated to what you were talking about, not to get argumentative with you all.

CHAIRMAN BISHOP:

All right. Motion to discharge without recommendation. Seconded by Legislator Caracciolo, All in favor? Opposed? DISCHARGED WITHOUT RECOMMENDATION. (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1952. Authorizing planning steps for the acquisition of land under the pay-as-you-go 1/4 cent Taxpayer Protection Program. (Hogan Property at Eaton's Neck) (COOPER)

CHAIRMAN BISHOP:

What happened? We did that. Okay. Motion to table by myself. Seconded by Legislator Caracciolo. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1954. Authorizing planning steps for implementing Greenways Program in connection with the acquisition of Hogan Property at Eaton's Neck) (COOPER)

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Caracciolo. (TABLED) (VOTE:6-0-0-1) (Absent; Leg. Guldi)

1955. Authorizing planning steps for the acquisition under Suffolk

County Land Preservation Partnership Program. (Hogan Property)  
(COOPER)

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Caracciolo.  
(TABLED) (VOTE: 6-0-0-1) (Absent; Leg. Guldi)

1957. Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article 1 of the Suffolk County charter and Section 406 of the New York Real Property Tax Law at Bergen Point. (BISHOP)

CHAIRMAN BISHOP:

That's mine. We were supposed to table it for one meeting, I did that. Motion to approve.

LEG. BINDER:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Binder. All in favor? Opposed? (APPROVED)  
(VOTE: 6-0-0-1) (Absent; Leg. Guldi)

1959. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands. (HALEY)

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo. Seconded by Legislator Fisher. (TABLED) (VOTE: 6-0-0-1) (Absent; Leg. Guldi)

1960. Making a SEQRA determination in connection with the proposed rehabilitation of the former Suffolk County Infirmary. (PRES. OFFICER)

CHAIRMAN BISHOP:

Can I ask a question? We did this, right? We did this on CEQ, right. Motion to approve by Legislator Binder. Seconded by Legislator Caracciolo. (APPROVED) (VOTE: 6-0-0-1) (Absent; Leg. Guldi)

2001. Implementing Greenways Program in connection with acquisition of Farmland Development Rights at Blueberry Bay Farm Estate in Setauket. (FISHER)

LEG. FISHER:

I can't make a motion to approve because we don't have the town on it

yet.

**CHAIRMAN BISHOP:**

Motion to table by Legislator Fisher. Seconded by myself. (TABLED)  
(VOTE: 6-0-0-1) (Absent; Leg. Guldi)

Tabled Subject To Call we don't need to deal with. Motion to adjourn  
by Legislator Bishop. Seconded By Legislator Caracciolo. All in  
favor? Opposed? We stand adjourned.

(THE MEETING WAS ADJOURNED AT 7:20 P.M. \*)

{ } DENOTES BEING SPELLED PHONETICALLY