

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

**MINUTES**

A special 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 February 5, 2002.

**Members Present:**

Legislator David Bishop - Chairman  
Legislator Michael Caracciolo - Vice-Chairman  
Legislators Ginny Fields  
Legislator Jon Cooper  
Legislator Andrew Crecca

**Also In Attendance:**

Paul Sabatino II - Counsel to the Legislature  
Legislator Joseph Caracappa  
Legislator Brian Foley  
Tom Isles - Director of Planning  
Jim Burke - Planning Department  
Nicole DeAngelo - County Executive's Office  
Peter Scully - Commissioner of Parks  
Janet Speizio - Parks Department  
Jill Lewis - Long Island Pine Barrens Society  
Frank Tantone - Suffolk County Planning Commission  
Chris Heer - Aide to Legislator Bishop  
Kevin Duffy - Budget Review Office  
Barbara LoMoriello - Aide to Legislator Cooper  
Heather Lanza - The Nature Conservancy  
Alpa Pandya - The Nature Conservancy  
Vito Minei - Department of Health Services  
Andy Raia - Aide to Legislator Binder  
Kevin McDonald  
Janet Goldtz  
All other interested parties

**Minutes Taken By:**

Donna Barrett - Court Stenographer

1

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(\*THE MEETING WAS CALLED TO ORDER AT 2:45 P.M.\*)

**CHAIRMAN BISHOP:**

Good afternoon. Welcome to the February 5th meeting of the Environment, Land Acquisition and Planning Committee. Would everybody please rise for the Pledge of Allegiance led by Kevin McDonald, you can lead us.

**SALUTATION**

**CHAIRMAN BISHOP:**

Thank you. We have two cards and then we have two requests from colleagues who are not members of the committee to address the committee. I guess we'll allow them to speak first. Legislator Caracappa, Legislator Foley.

LEG. FOLEY:

Here, Mr. Chairman.

LEG. CARACAPPA:

Thank you Mr. Chairman, members of the committee. It's weird being on this side of the table. If I could, would allow the Park's Commissioner as well as the Planning Director to come up to be part of this discussion. And as they're coming up, I'd to for the sake of expediency just point out to you with relation to other resolutions that I have on your agenda, 1075, 1076 and 1077, I would ask for those to be tabled at this point. And also 1088, which is part of the Ronkonkoma acquisition that you've been discussing. I'd like the committee to table that subject to call for the following reasons: Originally, I was looking to preserve that piece of land as part of the nine parcels along the Ronkonkoma area from -- through the Portion Road Corridor from nichols Road to Lake Ronkonkoma. It turns out that after talking with the Department of Public Works we'll be acquiring that piece of property as part of the Count Road 16 construction a for recharge area. So 1088 I'd ask for it to be tabled subject to call.

The other resolution that I'm here to speak about today that you've asked me to come speak about is Resolution 1030. And that's authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program. As you're well aware, Mr. Chairman, the Multifaceted Program is something that you and I initiated in last year's capital budget for the host of -- for the reason of acquiring as much possible property throughout the County of Suffolk under our many programs. This particular piece of property, the Hertlin Property, is a corporation with the Town of Brookhaven, it's a 50/50 -- a 50/50 pres partnership. And, in fact all, of the acquisitions that I've had in my district since 1995 except one has been a preservation partnership, because I feel that any time we can get some money from another governmental entity, we should, and this is another one. Legislator Crecca, do you have a question?

LEG. CRECCA:

What bill is it, Joe?

LEG. CARACAPPA:

It's 1030, it's on Page Five of your agenda.

2

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LEG. CRECCA:

Thank you.

LEG. CARACAPPA:

This property also is adjacent to property that has already been acquired by the Town of Brookhaven through a land deal with a developer who's building on the frontage of County Road 16. This would be an additional 5.7 acres plus seven -- seven acres, right? Five point seven one acres in addition to what is existing already as preservation. In the Ronkonkoma area, Mr. Chairman, as you are probably well aware, it's a very, very built-up area, it's very congested, and there are some unique ecological formations, being the Ronkonkoma Moraine. And along that moraine there is some very important and significant environmental parcels, though small, they are important because they have is series of kettle-hole ponds and they're basically established in the middle of communities. So it may not be as huge or as important in someone's mind as the East End acquisition of many acres or South Shore or North Shore estuary

acquisitions. These are pretty much a quality of life parcels that we always constantly look to acquire. And any time we can do a 50/50, it's something I think we should reach for.

You had questions about the ranking. The Town of Brookhaven's ranking is very, very high. They had a total of 101 points, I believe -- 101.25. And when you break it down in the formulation of making the recommendation to a final number, it came out to almost -- it's 59.96 in the ranking, which is substantial and meets our criteria, to say the least, being 25 -- 25 being the lowest number and 120 the highest number of acquisitions. So it does fall under that number. So if there are any questions.

CHAIRMAN BISHOP:

Any members have any questions?

LEG. CARACCIOLO:

Why was this resolution tabled last committee?

CHAIRMAN BISHOP:

Why don't we hear from the Planning Department and the Parks Department.

LEG. CARACCIOLO:

You asked if there were questions, I raised a question. Why was it tabled the last meeting?

MR. ISLES:

I think at that time there was some questions on how this parcel fit into an acquisition program for this portion of Ronkonkoma/Farmingville community. And I think the committee had requested Legislator Caracappa to appear. There was also a question as to the status of park trustees' review. So since the two weeks that have transpired since the last meeting, the Planning Department has looked at this more closely, this is a planning steps resolution, so certainly, it's not a final resolution for appearance before the committee. The application or the request would require parks trustees or review by the Office of Ecology. It would also require

3

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the completion of an environmental assessment form and review by the Council on Environmental Quality. Those are standard things that would be done prior to an authorizing resolution. Mr. Caracappa had appeared at the Parks Trustees this past summer and made a presentation not on just this parcel but a number of other parcels. And quite frankly, the department had some concerns with this acquisition initially in terms of it fitting into an overall rationale plan for open space protection. At this point we support this resolution for planning steps, in particular based upon the fact that this is joining with efforts with the Town of Brookhaven. They have passed a resolution committing to half of the acquisition cost, and they've also worked to preserve land immediately to the south, the ten acres that Legislator Caracappa referred to. So at this point we think this request does need further work, but we're comfortable with this complying with what we would typically look at of the standards of the program of connecting open space parcels. And we support the acquisition at this time.

LEG. CARACCIOLO:

Legislator Caracappa, prior to this meeting beginning showed me an area map. Joe, what I didn't ask you at this time is this property under development pressure?

LEG. CARACAPPA:

The front part of the property is going to be developed, and the developer and the Town of Brookhaven struck a deal where the buffer that would be adjacent to the property that is going to be developed which is starting, would be turned over to the Town as an open space buffer. Now, we have the opportunity to increase that buffer into the neighborhood. So the frontage of the property is being developed, and we'd like to see the back part which is zoned A-Residential from being developed, which it could be.

LEG. CARACCIOLO:

But that would be part of a larger Greenbelt area, if you want?

LEG. CARACAPPA:

Absolutely, and that's my plan and the plan I made clear to the parks trustees back in very late summer early fall, is that there is a string of properties along the Ronkonkoma Moraine, which is again, a unique formation that has been built over for far too long. And there are a whole host of kettle ponds and certain different types of property that are unique, and I think worthy of acquisition, and this once is one of them

LEG. CARACCIOLO:

Thank you.

LEG. FIELDS:

Is this the property that had a zero ranking?

LEG. CARACAPPA:

No. That property is -- I've asked that to be tabled subject to call because the County is going to be acquiring that for County Road 16 improvement.

4

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LEG. FIELDS:

Does this one have any kettle holes on it?

LEG. CARACAPPA:

Yes, it does.

LEG. FIELDS:

Okay. Thanks.

LEG. CRECCA:

Mr. Chairman, I make a motion to take it out of order at this point.

CHAIRMAN BISHOP:

Let's let Legislator Foley go. Legislator Foley.

LEG. CRECCA:

Oh, I'm sorry.

LEG. FOLEY:

Mr. Chairman, I'm here to speak on 1181, but prior to doing so, I would just like to echo Legislator Caracappa's very informed comments on this particular resolution that he's just explained in great

detail. It's very important that this particular portion of the town and this portion of the County have this particular land preserved as we have in so many other portions of the County. So I'm here to really to concur with Legislator Caracappa's request. And when we get to 1181, I'll be prepared to speak on that particular resolution. Thank you.

CHAIRMAN BISHOP:  
1181. Go ahead.

LEG. FOLEY:

Thank you Mr. Chairman for allowing me to speak on another resolution that is part an parcel of your agenda today. If Mr. Isles could come back to the table when he gets a chance, that would be helpful. Well, last year this committee had reported unanimously following up with the general Legislature unanimously agreeing on a bi-partisan basis to undertake the planning steps for the acquisition of property along the headwaters of Mud Creek. This property is owned by the Unitarian Universalist Church. The property is immediately adjacent to over 48 acres of property this Legislature had agreed to transfer from Real Estate to the Parks Department otherwise known as the Gallo Duck Farm.

Part and parcel of the effort to preserve this area, the Department of Planning had issued this report. I shall read the title for the record, "Mud Creek Watershed, East Patchogue, Town of Brookhaven, Suffolk County, Report to the Environment, Land Acquisition and Planning Committee of the Suffolk County Legislature, prepared by the Suffolk County Department of Planning, May 21, 2001." In this very report it indicates all of the reasons why we need to undertake a land comprehensive and intergraded land preservation initiative at the headwaters of Mud Creek.

If you turn to the page that reads as recommendations, the fourth recommendation reads as the following, Mr. Chairman: "Based on a

5

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review of the surrounding area of this watershed, it is recommended that the County acquire additional parcels," in addition to the Gallo Duck Farm, "so as to connect and create a contiguous undeveloped area of publically owned land along Mud Creek and it's watershed from its headwaters to Robinson Pond." Today's resolution to authorize negotiations with the Unitarian Universalist Church, in fact, goes a long way to meet this recommendation of acquiring additional land in order to have a contiguous undeveloped area of properties in this portion of the County. Not only does this report from the Planning department list all the many reasons why properties along the watershed area, the head waters of Mud Creek, should be preserved, but I handed out a second report or document to you; namely, the Mud Creek Brook Trout Report by Greg Kozlowski, who is a biologist for the Department of Planning on July 3rd of 2001. And this is very interesting. Although we live in a County that in many areas is quite developed, there are some jewels of properties that have some outstanding environmental characteristics to it, and this particular area of the South Shore has those very characteristics.

If you would turn to the third page and again to read this particular recommendation, which is somewhat different then the recommendations that we read under the Department of Planning, but this gets to the point of why it's important. It's important from the point of view of some native brook trout, which is native, in fact, which is exclusive

to this particular stream corridor found nowhere else on the eastern sea board. Mud Creek is the only Long Island brook trout stream, the only one. Even though we have some friends from the Hamptons, I can claim it in my own Legislative District that Mud Creek is the only Long Island brook trout stream that the DEC does not have any records of brook trout stocked into it. The brook trout inhabiting the creek -- and this is the important part -- are considered to be heritage strain brook trout of significant genetic importance.

The opportunity exists to purchase approximately 100 acres of open space in the head waters of Mud Creek. The parcels have also been identified in the South Shore Estuary Reserve Study as potential open space purchases. So when he combine those two recommendations; number one, the need to have contiguous open space along an important headwaters area, that in itself to my way of thinking is strong enough evidence to support the measure. But if we also included the fact that there are unique genetically important strains of brook trout native only to this particular stream of any -- compared to any other stream on Long Island, it's only at this particular stream that we have this kind of brook trout. And in the area that we want to preserve the property, I'll submit that that to me is even a stronger reason, stronger evidence as to why we need to follow through on the planning resolution the we approved last year, and follow through on the actual amount of negotiations and acquisitions which 1181 would allow this county to undertake. Are there any questions for me or if Mr. Isles would like too amplify on the comments that I had raised -- had made -- I'd be more than happy to -- through the Chairman -- to hand it over to Mr. Isles to make any other commentary on the resolution. Thank you Mr. Chairman.

CHAIRMAN BISHOP:

Thank you. Members of the committee, any questions for Legislator

6

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Foley? If not, then any of the commissioners have any comments?

MR. ISLES:

Just very briefly, Legislator Foley has made a very convincing presentation for this parcel, and I'd just like to note his support of this going back to last spring when we were dealing with the Gallo Duck Farm property of about 48 acres of surplus property that the county had obtained through tax default. And the question then became what do we do with this? The Planning Department was asked to prepare the report before you. And as we looked at this further, we found that this is part of a corridor of about over a 130 acres consisting of both County ownership of land as well as town and school district ownership and some privately owned land as we're talking about today. So in essence, what we have is in Western Suffolk County in a relatively built up area, a stream corridor that was in substantially public ownership at this point in time, and with high quality assets to it.

Although the duck farm obviously had a long history to it in terms of degradation, there has been a substantial restoration occurring naturally over the past 20 years since it's closed, and in particular the west branch, as referred to by Legislator Foley. The report prepared by Mr. Kozlowski of the New York State DEC, this came about after we did our work, but it was further reason to move forward with the program that this Legislature pursued last spring in the protection of this corridor. So we are given a wonderful opportunity

here to complete a preservation package, not only with the Resolution 1181, which is the proposed acquisition, and we do have a willing seller on that, but also with Resolution 1078, which is another resolution introduced by Mr. Foley, which is a board of review variance whereby there would be a donation of property also within the Mud Creek stream corridor as part of a preservation protection mode. So we would -- we are here today to indicate our support for both resolutions. The Unitarian Church site is 29.5 acres thereabouts. It is a pristine parcel, and as we've just heard, it's unique certainly to Long Island in terms of the environmental attributes. Thank you.

CHAIRMAN BISHOP:

Mr. Isles, at our previous meeting, Legislator Fields had requested aerial shots of subject parcels. Do you have on for this or --

LEG. FOLEY:

Yes. It's contained in the reports. In fact, it's rather interesting. It has several aerials dating back to the 1930s, and it is interesting how it shows -- as with many areas of the County -- the suburbanization of different areas. But you'll notice that in this particular area, as Mr. Isles mentioned, as hard as it maybe for some to believe, there's some high quality undeveloped parcels that this resolution speaks to. And also to answer an anticipated question by Legislator Caracciolo, the Unitarian Universalists are very, very willing and anxious to sell the property to the County. But these days being what they are, they have received offers from some developers for this very property as well. Hence, the urgency to move on this Legislative cycle. Thank you.

7

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CHAIRMAN BISHOP:

Do we have a rough estimate of the cost? Do you want to provide that in Executive Session or do you want to --

MR. ISLES:

It's probably a better idea.

LEG. CRECCA:

I don't know if we want to put that on the record at this point when we haven't --

CHAIRMAN BISHOP:

See I always feel - my instinct is that it should go on the record. It's a rough estimate. We're -- by law we can never pay more than appraised value, so.

MR. SABATINO:

Well, if they're still in negotiation, from a negotiating standpoint, it's better to go into Executive Session.

CHAIRMAN BISHOP:

Then we'll go into Executive Session, but not now. Yes, question.

LEG. FOLEY:

If you're not going to go into Executive Session now, we can at least say this, there is -- and correct me if I'm wrong, Mr. Isles -- but I believe that there are monies available for this particular purchase within the given program. Mr. Chairman, it's not an oversubscribed program.

LEG. CRECCA:

Brian, what bill number is it?

LEG. FOLEY:

1181.

LEG. CARACCIOLO:

Thank you. Question I have is for Budget Review and for you Mr. Isles. Looking at today's agenda, which is really the first -- well, it's not the first agenda -- the second agenda of the year, but it's really the first opportunity this committee will dig into acquisitions under the various County programs for 2002. The first question I have is do we have -- have you yet prepared for us an update on fund balances for the various programs? Because when we look at the multifaceted program, which you and I have previously discussed, the Legislature did last year in the Capital Program and Budget for the next three years is they collapsed three capital programs; open space, farmland preservation and land partnership into one multifaceted program and funded it \$13 million for this year. Looking at the agenda there are six resolution presently, and I'm sure others to come, vying for this funding. So my first question is: Is that fund going to have sufficient balances to deal with the anticipated land acquisition under that program or do we need to start already considering other funding sources?

8

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MR. ISLES:

I think that's a very good point. Unlike previous years where there are dedicated funds for the different programs, we're now dealing with an overall omnibus fund. I would share a concern about how the money is allocated and would be concerned about a disproportionate spending of that money on one program at the expense of another. Obviously, I'm not arguing with the creation of the program, I understand the wisdom of the Legislature in doing that, but I think that -- I think we should perhaps give some thought. And if you would like the Planning Department to prepare some recommendations for you in terms of how much should go to farmland, how much should go to parks and maybe not in any sort of binding manner, but just maybe as a guide.

As far as where we are right now, there's one resolution on today, which is an actual authorization of acquisition, that being Resolution 1106, all the others are planning steps. So with most of them we have some time to furnish you with numbers and so forth. There have been no prior authorizations for acquisitions under multifaceted, so there's nothing spent at this point, the \$13 million is in tact. But here again, I think, speaking for the administration, as we go forward in this program, we feel that some overall plan or sense of how this will be allocated will be best. Another point to make is that we probably need to do an overall programmatic environmental review of this program as well. We can do it case by case, but my understanding is with prior acquisition programs, we have done programmatic reviews of open space and so forth. But that's something we could also prepare.

LEG. CARACCIOLO:

I bring the point up not because I'm trying to dash cold water on this, it's simply because I think we as a committee need to quantify very early on in the process this year what program sources we have and what kind of fund balances we have so that every Legislator in the

Legislature who's not a member of this committee knows in advance when they submit a resolution that they have to consider other funding sources rather than delay what maybe their intent, and that's to make a timely acquisition. I think memorandums should go out as quickly as possible letting everyone in the Legislature know as to what the fund balances are, because in very short order, just looking at the six that are on today's agenda, this multifaceted program funding of \$13 million could evaporate and other Legislators will be submitting resolutions competing for the same 13 million. And they need to know in advance to look at open space, we are proceeding with EFC financing. You know, there are a number of avenues -- I'm not the least bit concerned, Mr. Chairman, about farmland, because under the new EFC Resolution I sponsored and everyone in this Legislature supported in November, we have \$21 million for farmland, so I'm not the least bit concerned about that. That said, we just really need to know -- had a road map, if you will, early on as to where we can go, where we can't go. Greenways Parklands, for example, there's one resolution on today's agenda, tapping into that funding. Do you know, can you give us an idea today of what we have as a fund balance under that program? I think we've made three acquisitions so far or are in the process of making three?

9

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MR. ISLES:

If I could just reply to one comment in your prior statement and that is there are actually two resolutions pending today on multifaceted for acquisition; one being 1106, the other being parcels in Ridge sponsored by Legislator Haley. The difference is that 1106 had a planning steps resolution under a different program. We do have appraisals and we can furnish them to you in terms of the value and the impact -- the cost impact on the program, if you want that today.

The second one, however, we're recommended be tabled. We don't have the information for you folks, just to make the record straight on that. As far as your question on about the active parklands, is that the one? We do have a resolution on today for a parcel in Port Jefferson, Resolution Number 1101. In terms of our current fund balances for active parklands, approximately the -- just give me one moment here. Here it is. The balance is about \$8.3 million. So in terms of what's currently in discussion not in contract is approximately another five million. Those are never certain as to whether they're going to go forward or not, but they're tentative -- tentative deals. So if those go forward, we have about 2.7 million left over.

LEG. CARACCIOLO:

Just quickly recap the other two components of Greenways. Open space, and fund balance?

MR. ISLES:

The fund balance as the December 31st, which is accurate is 4.4 million approximately under the Open Space Greenways. In contract is about three million, and in terms of in negotiation or close to a deal is a little over 3 million. So that program is pretty much spoken for if the deals go forward.

LEG. CARACCIOLO:

And there is still a substantial fund balance in Greenways Farmland.

MR. ISLES:

Greenways Farmland has a fund balance of \$10.2 million in discussions and negotiations right now. We estimate value \$4.4 million. So resulting in about 5.6 million if those don't go through.

LEG. CARACCIOLO:

Thank you.

MR. ISLES:

You're welcome.

LEG. FOLEY:

And Legislator Caracciolo, as far as the multifaceted program, 1181 is from a different quarter percent program. Thank you.

CHAIRMAN BISHOP:

Okay. Are there any members of the public who are here to speak on the two resolutions that Legislator Foley and Legislator Caracappa presented to us? Oh, the Commissioner of Parks.

10

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COMMISSIONER SCULLY:

I apologize for not having jumped in sooner. I did want to get my two sense in on 1030. I had occasion to be working with the Planning Commissioner and the Town Attorney of Brookhaven on a matter pertaining to the Manorville Hills in the Pine Barrens, and they made me aware of the importance of the Hertlin parcel. I know that Legislator Fields had asked for copies of aerials, and I know Planning has not been able to get those on time for this meeting, but I do have a aerial photograph of this parcel available for your review.

Real briefly, because I know the meeting threatens to go on for some time, I was encouraged to see that the Town of Brookhaven has a very, very real and detailed ranking system in place. And with regard to that particular parcel, it does contain a kettle hole, it's adjacent to a pond that they've been able to preserve through a dedication from an adjacent land owner to the south. It would be become part of a Greenbelt. And because it's adjacent to that other publically held land and a component of an overall scheme, it scored rather highly on their rating. In addition to that, if the parcel is not acquired, there is a paper street in between the parcel that's the subject of the resolution and the property already acquired by the town, which would have to be an open road development, so it would really have an impact on that community. I just wanted to add my two sense on 1030.

LEG. FIELDS:

Thank you very much. That's very important, when we have that kind of view. You know, just to hear someone present it, you know, you can kind of visualize it sort of, but not really. So this is, I think, very, very helpful when we're doing these. Thank you.

COMMISSIONER SCULLY:

I had promised to get it to Legislator Caracappa prior to the meeting, but.

CHAIRMAN BISHOP:

Okay. Since no one else from the public is here to speak on them, we've heard all the testimony that we're going to hear today on it, why don't we take these out of order, first. We have a motion by myself to take 1030 out of order. Seconded by Legislator Caracciolo. All in favor? Opposed? 1030 is now before us.

1030. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Hertlin Property in Ronkonkoma) Town of Brookhaven. (CARACAPPA)

this is Legislator Caracappa's resolution. It's planning steps only for acquisition under the multifaceted program, 5.7 acres. Motion to approve by Legislator Fields.

LEG. CRECCA:  
Second.

CHAIRMAN BISHOP:  
Second by Legislator Crecca. All in favor? Opposed? 1030 is APPROVED. (VOTE: 5-0-0-0)

11

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LEG. CRECCA:  
Joe, please list me as a cosponsor on that one also.

LEG. CARACAPPA:  
Yes.

CHAIRMAN BISHOP:  
Then I'll make a motion to take 1181 out of order. Second by Legislator Caracciolo. All in favor? Opposed? 1181 is now before us.

1181. Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program (Unitarian Universalist Church property, Town of Brookhaven, Suffolk County Tax Map NO. 0200-975.60-03.00-018.005) (FOLEY)

CHAIRMAN BISHOP:  
A motion to approve by Legislator Fields. Second by Legislator Caracciolo. On the motion, I'm going to support this motion, but I just want to say that the committee is speaking with fork tongue, last time we spoke about all this need --

LEG. FOLEY:  
Please make those comments after the vote, not before the vote.

CHAIRMAN BISHOP:  
It's going to pass, because it's obvious --

LEG. CRECCA:  
I'm voting for it, Brian, so -- no matter what he says.

CHAIRMAN BISHOP:  
It obviously has the support, and it should pass. But the problem is that we say we to stop all the resolutions until we have, you know, a lift of everybody's desires and resolutions and then we can prioritize. And then we're handed something that's very compelling, but it's piece meal. And so we've got to really make a decision which way we're going to go with this program. However, I would note that there are very few resolutions that are actual authorizations for acquisitions, we're mostly in the planning steps phase of the program right now. There is a motion and a second. All in favor? Opposed? 1181 is APPROVED. (VOTE: 5-0-0-0)

LEG. FOLEY:

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

CHAIRMAN BISHOP:

We'll go to the cards now. We have two and then we have an Executive Session scheduled for 3:30 with the Director of the DEC, Mr. Cowen. Jill Lewis from the Pine Barrens Society.

MS. LEWIS:

Mr. Chairman, members of the committee, thank you for the opportunity to speak today. Unfortunately, Dick Amper was unable to attend and asked that I convey the Pine Barrens Society's position on legislation put forth by Legislator Bishop.

12

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CHAIRMAN BISHOP:

Jill, if it's on you're not speaking into it. There's a button on top, which you need to push toward you.

MS. LEWIS:

This one on? There we go. I said previously, Dick Amper was unable to attend and asked that I convey the Pine Barrens Society's position on recent legislation put forth by Legislator Bishop pertaining to the appraisal process on County land acquisitions. It is the Society's position that this legislation is premature considering the County Executive has created a joint legislative and executive committee to review the land acquisition program and put forth recommendations to be considered by the Legislature. Moreover, as we previously stated, the number of appraisals does not guarantee nor prevent a recurrence of what happened with the Chandler property. The Society promises to thoroughly review the commission's findings and make recommendations and work directly with the Legislature to craft any legislative remedy that may be indicated. Our objective is to ensure continuity of the Count's Preservation Programs. Any delay of acquisitions or purchase of development rights would dramatically impact the amount of open space farmland Suffolk is ultimately going to preserve. We entreat the Legislature to work with the environmental community before unilaterally advancing any new legislation that would impact these important programs. Thank you.

CHAIRMAN BISHOP:

Okay. Could you tell me if the essence of what occurred in the Chandler Estate -- and according to Mr. Amper's testimony, I'm deriving this -- is that the County overpaid for a parcel and that the appraisal that was used was insufficient, how the presence of an independent appraisal -- appraiser in the process would not guard against that reoccurrence?

MS. LEWIS:

If I'm not mistaken, your legislation is requiring three appraisals; is that correct?

CHAIRMAN BISHOP:

That's not.

MS. LEWIS:

Two appraisals.

MR. SABATINO:

Legislator Fields' bill calls for two simultaneous appraisals at the

beginning of the process. That's not Legislator Bishop's.

MS. LEWIS:

I think though it's the Society's position that, and it's been suggested earlier, if the County would reevaluate the appraisers that they are currently using and perhaps incorporate new appraisers and rotate them, it maybe more efficient. And I don't know that this legislation will not be the outcome from whatever the committee puts forth. So I think he's just -- or the Society is feeling is why not wait to see what the committee brings forward.

13

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CHAIRMAN BISHOP:

Exactly. And we are waiting on all our bills until those recommendations are put forward. And then we're going to consider the Legislature's -- Legislator's individual resolutions and the committee's resolutions at one particular committee meeting. If the Society could for that meeting put in writing what it believes -- and you're welcome to testify as well -- are the most appropriate reforms, if any, that should be taken, that would be helpful.

MS. LEWIS:

I'm sure they will do that. Thank you very much.

CHAIRMAN BISHOP:

Okay. Good. Thank you. Kevin McDonald, who led us in the pledge so ably.

MR. MCDONALD:

Thank you. Kevin McDonald, I'm vice president of the Group for the South Fork. I'm here extensively for two reasons; one, because I was asked to be here when my name was being considered for the Smart Growth Work Group -- and if there's any questions you have for me on that, I'd like to do it on the assumption that -- I don't want to be here at seven o'clock if I can help it, I don't want to be that direct, but I thought I should. And then second thing is just that I know that the report out on -- the County Exec-Legislative Task Force is due out on what those recommendations are, and I am assuming you're going to be holding hearings on that. And that, I think, is an outstanding opportunity for the public to weigh on the question of what is the mix of changes that need to be considered. And until such time as you do that, I would equally advise that you hold off on any additional resolutions on that until that time. And I appreciate that you're going that way anyway. So otherwise, if there are any specific questions on --

CHAIRMAN BISHOP:

Why don't we do this? Who is here as a nominee for the as a Smart Growth Committee?

MR. MCDONALD:

Bob Wieboldt.

CHAIRMAN BISHOP:

Mr. Wieboldt, why don't you come up as well. If anybody has any questions, we can deal with that now. All right. That's very -- any questions? None? Okay. It will be approved when we get to you. Thank you both. All right. Who is here as an appointment to the Planning Commission? Is anybody here as an appointment for the Planning Commission. Please come forward at this time.

CHAIRMAN BISHOP:

Good afternoon.

MR. TANTONE:

Thank you, Mr. Chairman, I appreciate you accommodating me. I'm Frank Tantone from the Town of Islip. And I'm here to answer whatever questions the Legislators may have.

14

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CHAIRMAN BISHOP:

1175, you're a reappointment.

MR. TANTONE:

Yes, sir.

CHAIRMAN BISHOP:

Okay. Legislator Fields.

LEG. FIELDS:

Mr. Tantone, what is your job on the committee now? How do you -- what do you -- what do you actually do on the committee now?

MR. TANTONE:

Well, the committee meets once a month, as I'm sure you know, Legislator Fields. We review subdivision applications, change of zone application based on the jurisdiction of the committee, which in essence is based on the location of the property, if it's within a certain distance of -- for instance, the division between two towns, whether it's within a concern division of a state or county roadway. There are a number of different qualifications by which the County has -- the commission has jurisdiction on those applications. We review those applications based on planning principles. We're provided a great deal of information by the staff, and we make a recommendation back to the original towns.

LEG. FIELDS:

Are you sometimes given the job of reviewing something that you may have worked on in the town. So you're -- I'm just having a little bit of concern in that if the town makes a recommendation to do something, it comes to the County to oversee and make a recommendation, and may be there's a conflict here.

MR. TANTONE:

Generally in situations like that there will be an abstention involved either on one level or the other to try to address that situation.

LEG. FIELDS:

Generally or always?

MR. TANTONE:

Always -- I'm sorry. Yes, always. The reason I said generally is if it's a situation where you're not present in one situation or the other, I think, that is another way where there is -- the conflict is removed.

LEG. FIELDS:

So if there is something in the Town the Islip, would you abstain on any of those recommendations that come before the County Planning Commission?

MR. TANTONE:

Generally, yes. Yes. I'm sorry, I shouldn't use the word --

LEG. FIELDS:

Have you ever abstained?

15

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MR. TANTONE:

Have I ever abstained? I believe so, yes.

LEG. FIELDS:

I don't know. I have a little bit a of a, you know, just a --

CHAIRMAN BISHOP:

It's unusual. I don't think we have any other members who are a member of the Suffolk County Planning Commission who are also a member of a Town Planning Commission, and what Legislator Fields is driving at is that the frame work of having a County Planning Commission is sort of as a check and balance.

MR. TANTONE:

Absolutely.

CHAIRMAN BISHOP:

And if you're sitting on both, it suggests that that frame work is not being followed. And I'm sure you would choose the Town Planning Commission where there, you know -- there's more power on land use then you would the County.

LEG. FIELDS:

And that's a paid position and this is not.

CHAIRMAN BISHOP:

That as well. You are an attorney it take it.

MR. TANTONE:

Yes, sir.

CHAIRMAN BISHOP:

Do you practice land use?

MR. TANTONE:

Not generally.

CHAIRMAN BISHOP:

Not generally, so this is a labor of love that you are doing here at the County level.

MR. TANTONE:

Just so you know, the firm is pretty much divided evenly between a personal injury practice, and we do do real estate, but it's the buy and sell of homes, residential. We don't represent any builders -- major builders.

CHAIRMAN BISHOP:

Right. Well, Legislator Fields points to the problem -- I don't know if there's a prohibition in the statute authorizing the Planning Commission to serve on both. Counsel, can you answer that?

MR. SABATINO:

No, there's not a statutory prohibition, but the reality is that you can't serve on both and vote on matters that come from the Town to the County. So, in effect, the problem as I see it is that the County

16

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planning statute was created to have one representative from each of the ten towns geographically to provide that town by town by town perspective. In fact, that's the testimony that was given just recently on one of the provisions. So, in effect, by serving on both boards, you've nullified that goal of the statute, which is to have somebody from Islip be able to provide an independent review, because by definition you have to recuse yourself from all of those votes. So even though it's not statutorily prohibited, the effect of the appointed is to nullify the goal of the statute.

CHAIRMAN BISHOP:

Any other questions? Okay. We'll -- we're going to get to your resolution after we do Executive Session.

MR. TANTONE:

It's okay for me to go? I have another appointment.

CHAIRMAN BISHOP:

I apologize, yes.

MR. TANTONE:

And I appreciate you taking me out of time -- out of turn.

CHAIRMAN BISHOP:

No problem. Thank you very much for coming. Mr. Isles wants to be heard, I assume to say you're a good guy.

MR. ISLES:

No, I just wanted to say that there are, I think, four other members of the Planning Commission that serve either in Town or Village Planning Boards. And quite honestly, there has been a history of many Planning Board members, often Chairmen, being also the County representative. Obviously, there is an issue then in terms of is their a conflict in terms of their duties to the town or village versus the County. However -- and that has to be weighed and, I think, each member has to make their decision on cases that come before them on that. But quite honestly from my perspective, the important element here that I think is beneficial of having a Planning Board member, having worked in the town level for 20 years, is they know what's going on in the town, they know the trends in term of land use and problems and so forth. And when I was a Planning Director with Islip, I remember my Planning Chairman was on the Planning Commission for many years, he'd come back from the Planning Commission meeting and fill me on what was going on in the County, what studies they were working on and so forth, and it helped me really to have a connection since the towns are the ones with land use authority, zoning powers, building powers and so forth. So although -- just my own point of view on this is that we have to have a sensitivity perhaps to the roles of the Planning Commission members. I just want to you understand that I think there is he a beneficial side of having -- knowing what's going on on the Town Planning level that a Town Planning Board member does provide. And Mr. Tantone is a great guy by the way.

CHAIRMAN BISHOP:  
Thank you very much.

17

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LEG. CARACCIOLO:  
One question.

CHAIRMAN BISHOP:  
Well, we're at 3:30 and we're scheduled for Executive Session --

LEG. CARACCIOLO:  
Okay. Just a very quick question. Mr. Isles and Mr. Tantone, has he been a regular and active member of the -- when I say regular, attendee, of Planning Commission meetings.

MR. ISLES:  
Yes.

MR. TANTONE:  
Actually, I'd like to speak to that. Yes, absolutely. Has my attendance been perfect? No. I think perhaps if we averaged, I may miss one the twelve meetings in the four or five years that I've been on the committee.

LEG. CARACCIOLO:  
Thank you.

CHAIRMAN BISHOP:  
We're right on schedule, 3:30, for Executive Session. The Executive Session will be for no more than one half hour, until four o'clock. I will not allow it to go past four o'clock. The issue is the New York State DEC Regional Director, Mr. Cowen, is here to discuss the state's commitment on the Pine Barrens Program as we move forward. There was discussion on the record, which, I guess, could be called saber rattling about we ought to sue the state, they're not doing enough. Other people defended the state saying they are doing enough and they're going to be doing even more. We're going to find out exactly what the state's commitment is moving forward, we hope. So with that I have a motion to go into Executive Session --

LEG. CARACCIOLO:  
Second.

CHAIRMAN BISHOP:  
-- from myself. Seconded by Legislator Caracciolo. Approve the presence of County Attorney's Office. Ray Cowen from the DEC, did you bring anybody else with you? Janet Longo from the DEC, Counsel Paul Sabatino, Budget Review Office -- probably everybody in the room -- Tom Isles, Director of Planning, Jim Burke, Deputy Director of Real Estate, Loretta Fisher from Planning, Peter Scully, Commissioner of Parks, and members of the Nature Conservancy, who act as agents for the County in purchases in the Pine Barrens. So who is being thrown out then? Remove thy self. We'll be one half hour. All in favor? Opposed?

(\*EXECUTIVE SESSION WAS HELD FROM 3:30 until 4:05 P.M.\*)

CHAIRMAN BISHOP:  
Welcome back. Everyone should congratulate the Chairman, because I kept it to a half hour, as I said. Thank you. We will go to the

agenda now.

LEG. FIELDS:

Thank you, David.

CHAIRMAN BISHOP:

Thank you, Legislator Fields, I appreciate that. Go to the agenda now. Everybody ready?

#### INTRODUCTORY PRIME

1075. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Fieldstone Property in Centereach) Town of Brookhaven. CARACAPPA

CHAIRMAN BISHOP:

Beginning with Introductory Prime Resolution. 1075, motion to table at the request of Legislator Caracappa by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? 1075 is TABLED (VOTE: 5-0-0-0)

1076. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Bartolomeo Property in Centereach) Town of Brookhaven. CARACAPPA

CHAIRMAN BISHOP:

Same motion, same second, same vote. TABLED (VOTE: 5-0-0-0)

1077. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Matrix Realty Property in Centereach) Town of Brookhaven. CARACAPPA

CHAIRMAN BISHOP:

Same motion, same second, same vote. TABLED (VOTE: 5-0-0-0)

1078 Implement Suffolk County Health Department Board of Review Variance (Blue Point). FOLEY

CHAIRMAN BISHOP:

Explanation, Counsel, please.

MR. SABATINO:

This is technically complicated, but conceptually not. What happened here is there's a property owner named Mazzei, M-a-z-z-e-i, who owns property in Blue Point, which is a little over one and a half acres on which someone else is proposing to build a 125 seat restaurant. The problem is they had to get a variance from the Health Department Board of Review because this would have exceeded, you know, density capacity. And they were given a variance by the Health Department for this restaurant, which has a capacity of 95, but that was predicated on the transfer of property. So the County is going to get one parcel that supposed to be cleaned up by this property owner for open space purposes and then in exchange for that the county is going to convey density rights from that particular parcel to the restaurant so that they can build 125 seat restaurant instead of what's permitted at 95. So, in effect --

CHAIRMAN BISHOP:  
So we swapped land --

MR. SABATINO:  
It's density right for land is what it comes down to.

CHAIRMAN BISHOP:  
Anybody from the admission have anything contrary to say? Is that the correct explanation?

MR. ISLES:  
Nothing contrary to say.

CHAIRMAN BISHOP:  
Okay. Motion by myself. Second by Legislator Crecca. All in favor? Opposed? 1078 is APPROVED (VOTE:5-0-0-0)

1080 Prohibiting County land acquisition policy where appraisals are affected by municipal land use. BISHOP

CHAIRMAN BISHOP:  
There is a quote reform unquote of -- which I'm sponsoring. I'll table it to the next meeting. Motion to table by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE:5-0-0-0)

1081. Authorizing planning steps for land acquisition under water quality protection component of the 1/4% Drinking Water Program (Emerald Estate Property at East Northport) Town of Huntington, SCTM No. 0400-168.00-02.00-093.004 & 093.007. BINDER

CHAIRMAN BISHOP:  
Legislator Binder requested a tabling. I make a motion to table. Seconded by Legislator Caracciolo. All in favor? Opposed? 1081 is TABLED (VOTE:5-0-0-0)

1082. Authorizing planning steps for acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Wetland at Central Islip, Town of Islip) FIELDS

CHAIRMAN BISHOP:  
Legislator Fields, your resolution.

LEG. FIELDS:  
This is .96 acres Double A-Zoned. The owners are trying to apply for a wetlands permit, it's along the Champlain Creek Corridor. And I would like to make a motion to approve.

CHAIRMAN BISHOP:  
Mr. Isles.

MR. ISLES:  
We have reviewed this preliminarily. It does qualify under the new 1/4% program as being within a watershed. And as the resolution is only for planning steps, we could obviously furnish to the commission more information. It's a relatively small piece in and of itself, but

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it is adjacent to state properties, part of the right-of-way of a highway. So in answer of this point, it is a qualifying parcel from

the program's standpoint.

LEG. CARACCIOLO:

Under which component would the acquisition be made?

MR. ISLES:

Open space.

LEG. CARACCIOLO:

The open space.

MR. ISLES:

Yes.

LEG. CARACCIOLO:

Not water quality.

MR. ISLES:

No, not under water quality with restoration and protection, which is aimed at cleaning up pollution and so forth. This would strictly be open space.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

Motion by Legislator Fields.

LEG. CRECCA:

I have a question. We are not going to be requiring -- I'm just a little confused because I know we were -- and I don't think we need it for this, so I'm not suggesting that, but we're not going to require aerial maps on every single thing that we do?

LEG. FIELDS:

I think it's important.

LEG. CARACCIOLO:

Do we have one?

LEG. CRECCA:

Do we have one on this?

MR. ISLES:

Yeah. This was spoken of at the last meeting. We think it's a great idea, we'd be happy to do it for the committee. Unfortunately, I haven't had a chance to get the whole thing in operation. We have a few for you today. The Centereach ones were just tabled, we had maps on all those, unfortunately. But in future meetings, Legislator Crecca, we will provide to the committee members maps of the parcels.

LEG. CRECCA:

Okay. But I don't want to hold up parcels, like, in other words, this -- we're going to move forward on those, correct? I just want --

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CHAIRMAN BISHOP:  
For planning steps.

LEG. CRECCA:

Yeah, that's what I'm saying. I just don't -- let's not be selective.

CHAIRMAN BISHOP:

Motion by Legislator Fields. Seconded by Legislator Crecca. All in favor? Opposed? Resolution is APPROVED (VOTE:5-0-0-0)

1084. Implementing Greenways Program in connection with acquisition of Farmland Development rights Blueberry Bay Farm Estates in Setauket (Town of Brookhaven) FISHER

MR. SABATINO:

We're still waiting for the town resolution to match its 30% share.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by myself. 1084 is TABLED (VOTE:5-0-0-0)

1086. Making a SEQRA determination in connection with the proposed Apollo North Fiber Optic Cable Project. (PRESIDING OFFICER)

CHAIRMAN BISHOP:

Sounds very exciting. Explanation.

MR. SABATINO:

This is a telecommunication system at Smith Point County Park. You already -- you already did preliminary review at the committee before, and it is just a formal approval.

CHAIRMAN BISHOP:

Yes, Mr. Bagg.

MR. BAGG:

This is on your agenda for CEQ recommendation. It hasn't been before the committee, but it will be.

CHAIRMAN BISHOP:

It hasn't been before CEQ yet, is that --

MR. SABATINO:

It had to be before -- the only way it got here was by going --

MR. BAGG:

It's been before CEQ, it's been before your committee, I'm presenting it today.

CHAIRMAN BISHOP:

When it's -- Counsel, if you could explain to me, and by way of explaining to me, perhaps committee members who don't know the answer, how a resolution can be both a CEQ Resolution and then a SEQRA?

22

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What's the way the process is supposed to work?

MR. SABATINO:

Statutorily, which was the outcome of litigation is the resolution has to come to the Legislature for a separate independent review. Non statutorily, predecessors to you, not you yourself, but your

predecessors established this informal process of having the CEQ items which you see numbered one through whatever on a separate page dealt with preliminarily. It's a question of style and approach. But you have to have a resolution, so when material comes to our office, we prepare the resolutions. There's a separate preliminary review of the CEQ Resolution is discretionary. If you wish to go through that process, you may, you don't have to.

CHAIRMAN BISHOP:

The CEQ Resolutions that are presented to us and we vote on them, what is the legal significance of our vote?

MR. SABATINO:

There is no legal significance. The legal significance is on the SEQRA Resolutions.

CHAIRMAN BISHOP:

It's on the SEQRAs, okay. So this is where the action is. Okay. So then the order that they appear is not terribly significant since the only thing that really matters is the SEQRA.

MR. SABATINO:

This is purely a suggestion, from a streamlining standpoint, it would be less paper work for a lot of people, you'd have less presentations if you would just eliminate the CEQ step and just deal with the SEQRA Resolution and have the presentations made on the resolution instead of going through it twice. That would be my suggestion, but --

CHAIRMAN BISHOP:

Why -- why is the CEQ process in place? What was the theory? You are the institutional memory. Why do we do it that way?

MR. SABATINO:

The theory of a former Chairman was that he or she would, you know, would have input in terms of changing the way the SEQRA Resolution itself would look. The fallacy of that theory -- the fallacy of that theory --

CHAIRMAN BISHOP:

It would change its shape.

MR. SABATINO:

Right. Before it got to the resolution form, but the fallacy is that you've got it front of you anyway, if you don't like what you see, you table the resolution pending a change. I personally didn't think it made sense, but it was the style and a different approach.

CHAIRMAN BISHOP:

And now is this approach, is it in the rules of the Legislature or is it just simply by custom that we do it?

23

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MR. SABATINO:

What happened was that each Chairman just carried it over from the previous Chairman.

CHAIRMAN BISHOP:

We will -- we will contemplate changing it, but not today.

LEG. CRECCA:

Motion to approve 1086.

CHAIRMAN BISHOP:

We have today's -- we have a SEQRA -- is this laying in the same trench so to speak as the {TYKO} line? Smith Point Park, the cable.

MR. BAGG:

It is a new -- new cable project.

CHAIRMAN BISHOP:

So there is a new hole in the ground being dug, correct?

MR. BAGG:

Yeah.

CHAIRMAN BISHOP:

Across the County Park.

MR. BAGG:

It's a boring, but the grounding beds are a new trend.

CHAIRMAN BISHOP:

And we declare that that has no impact on the environment when we do that. That's the determination that we would be making.

MR. BAGG:

Yes, at this point in time.

CHAIRMAN BISHOP:

Well, I'm against that.

LEG. CARACCIOLO:

Me too.

LEG. CRECCA:

Are you familiar with the project? Is this --

CHAIRMAN BISHOP:

I'm playing with the idea that we're digging a hole across the park. So I'm concerned that maybe that's something that we should have a review on.

LEG. CRECCA:

Why don't we call him up then and find out about it. I only say because I'm -- if it's the project I think it is, I'm familiar with it because it went through Ways and Means last year. Is that the one, with extensive hearings on how it would affect --

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COMMISSIONER SCULLY:

This is a -- this would be a new and additional installation. But to speak directly to the issue raised by the Legislators and the concern that they're voicing, which I can well understand being the Parks Commissioner, the Council on Environmental Quality -- and Jim can correct me where I'm wrong, since he's much more familiar with their activities than I am -- only agreed to a negative declaration on the project based on their review of both an environmental assessment form and an environmental engineering report submitted by the proposed licensee. It's only upon review of those materials that they made a decision to issue a negative declaration.

CHAIRMAN BISHOP:

What if -- what if we positive declare it, what occurs then?

COMMISSIONER SCULLY:

I can't speak for CEQ, I'd have to defer to Mr. Bagg.

LEG. CRECCA:

I'd ask Mr. Bagg to come up.

MR. BAGG:

If the Legislature positive decks a project or activity then basically an environmental impact statement would have to be done on the project. They'd have to have a public hearing, they'd have to have an FEIC prepared possibly and then a Finding Statement written before the project can proceed. This particular activity, I think, involved less than a tenth of an acre of physical disruption, most of it at the County park will be bored underneath the park 40 feet below the surface.

LEG. FIELDS:

Where in the park were they going to bore?

MR. BAGG:

They're going to come in basically at the eastern end of the parking lot from the ocean underneath, come up in the parking lot and then lateral ball under Narrows Bay and then they are going to do some trenching through the parking let to put in a grounding bed for the proposed fiber optic cable.

CHAIRMAN BISHOP:

I don't know. I'm not opposed to -- to cables running cross County property to facilitate commerce and so forth. It just seems to me that with these SEQRA Resolutions that the essence of the process is supposed to be -- if there's going to be an impact that we're supposed to demand more information. Digging trenches and borings and that's --

MR. BAGG:

There is an engineering statement of environmental review that I think was sent out that is probably three inches thick.

LEG. CARACCIOLO:

Counsel, in effect, if the -- id the committee rejects or defeats this resolution, it is, in effect, going to require a full EIS, right?

25

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MR. SABATINO:

Not affirmatively. If you vote the proposed recommendation down, it's been defeated. As a practice matter the applicants going to have to go back to the drawing board. That's to be distinguished from you independently making a determination to affirmatively require the environmental impact statement. But quite frankly, based on the recommendation you got from CEQ, there would really be no basis for doing this at this point. What you really want to do is you want to reject the technical advice for recommendation that you've gotten because you don't agree. That's legal import that has been delegated exclusively to the Legislature and the court decisions are what forced that. So this is not a case of rubber stamping CEQ or CEQ having independent powers to make a judgement. You make the final call, and

that's extremely important from a legal standpoint.

COMMISSIONER SCULLY:

If I might, Mr. Chairman, just to add to what Counsel has said, the committee will do what the committee sees fit to do. But with respect to the process and the fact that an environmental impact statement would then have to be prepared, such a report has been prepared, we requested they make 20 copies available in case members of the Legislature desired that, knowing of your great concern of protection of County parkland as we do. So that information is available. The EIS or Environmental Engineering Report has already been prepared. There are a lot of governmental agencies which have jurisdiction over the project. It doesn't, obviously, just affect Smith Point County Park. But, you know, we'll travel north to a term that is up in the Shirley area.

CHAIRMAN BISHOP:

I have a question before your question, which is probably more subsistent than my foolish question. Who in the government, Paul -- the applicant retains experts who I assume are scientist to prepare a report like that, who in the government besides us, who have less than zero knowledge on science reviews that to make sure that that --

MR. SABATINO:

The Council on Environmental Quality. That's the role of the Council on Environmental Quality. It was set up statutorily --

CHAIRMAN BISHOP:

They're not scientists either.

MR. SABATINO:

Well, they are supposed to be planning experts.

LEG. BISHOP:

I mean, that's what we -- I mean, I'm a planning expert by virtue of sitting here for a decade, I can --

MR. SABATINO:

Well, you control that process for two respects. One, you as Legislators appoint the nine members, I think it is, that are on the board right now. So when each individual comes up, take those appointments seriously.

26

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CHAIRMAN BISHOP:

Let me ask you Mr. Bagg, who on the Council on Environmental Quality has the sufficient scientific background to know whether mooring -- or whatever you call it -- trenching 40 feet under the park is disruptive to the -- to the park. To the environment and such, the ecosystem?

MR. BAGG:

I think that the representative from CEQ, Larry Swanson, is listed as an officer. We have an individual who is a lawyer who has a lot of coastal management work and background, we have an individual who's an environmental consultant on the CEQ, we have a historian in terms of historic coastal management. And so they're appointed by the Legislature.

COMMISSIONER SCULLY:

If I might, Mr. Chairman, in addition to the County agencies involved,

the following governmental agencies have jurisdiction or review authority over the action; the United States Army Corp of Engineers, New York District; the United States Department of Commerce; the National Oceanographic and Atmospheric Administration; National Marine and Fishery Service; the Department of Interior; the EPA, Marine and Wetlands Protection Branch; the New York State DEC; New York State Department of State Costal Management Program; my department; CEQ; the Town of Brookhaven Trustees; and the Town of Brookhaven Division of Environmental Protection.

CHAIRMAN BISHOP:

Here's -- here's what I -- what I want to know. If we table this, right, that document, who is going to come back to us and assure us that that document is correct.

COMMISSIONER SCULLY:

In my prior dealings with matters of this ilk, where primary -- the prime committee always ends up being Ways and Means because it's a licensed -- what typically happens is that the same folks who made a presentation to CEQ end up in this room talking to the committee, and sometimes if the matter gets complicated enough, they end up speaking to the full Legislature about the issues. So I can only speak from my prior experience, and that had to do with grounding beds, when we came before Ways and Means.

CHAIRMAN BISHOP:

From my perspective, I'm speaking personally, I would feel better about this process if when an applicant comes in with a binder full of information to say, hey, look, there's no impact. Obviously they've spent an awful lot of money trying to show that there's no impact. It would be nice if somebody at the County level, in the bureaucracy was able to match their scientific knowledge and say -- you know roughly match their scientific -- and review it and say, yeah, this makes sense, it's not going to have impact or it's not. Instead, what we do is they come with their experts, they present to a committee that is as qualified as this committee, they make a recommendation and then it comes to us, which nowhere in that process is there is scientist reviewing science.

27

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MR. BAGG:

I'm the principle staff member of CEQ and I look at it --

CHAIRMAN BISHOP:

Then your the person.

MR. BAGG:

I look at it --

CHAIRMAN BISHOP:

So you look at it, you're the one who looks at it.

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

Okay. Why didn't you say that before when we were?

MR. ISLES:

I think it's also looked at in terms -- I think it's also looked at in

terms of the statute of SEQRA. There are thresholds that are put into the statute. And Mr. Bagg mentioned that this is about a tenth of an acre, there's a threshold, for example, as being potentially Type I Action and so forth. So there's an assessment made of what is the extent of this project, what is the significance of it, and not only is there a review by Mr. Bagg, who certainly has qualifications and experience in this, we do have people on CEQ as mentioned who have qualifications, and we do have access to some wonderful staff in the County Office of Ecology, Public Works System, great Engineering and Landscape Architecture staff for different specialties if we need to. So if there were an inquiry by a Planning Commission Member or a Legislative Committee member that wanted to go beyond the information that's here, we would tap into those resources from an administration standpoint.

CHAIRMAN BISHOP:

But it hasn't occurred yet.

MR. ISLES:

Well, here again, it was discussed at CEQ and they were satisfied with their understanding of the project, the review of the documents and their determination for a negative determination. If this committee is not, I think Mister -- Commissioner Scully indicated there are additional copies that can be made available to the committee members if there are further questions.

CHAIRMAN BISHOP:

It's over my head.

MR. ISLES:

Well, whatever inquiry you need and we can assist, we'll provide that for you.

CHAIRMAN BISHOP:

I've seen those for years, they're always designed to be way over the head of Legislators so it's reassuring to you.

28

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COMMISSIONER SCULLY:

As I indicated earlier, the committee will do what the committee sees fit. Mr. Grier just suggested that I point out the -- that the technology of boring, for those of you who are not familiar, is utilized so that in making installations of optic cables and other things that require conduit, you minimize the environmental impact because you're using -- it's not surface trenching, it's drilled and that should the action move forward, the licensees would be required to restore any disruption on the park. It's a preexisting condition including planting and native grasses and things of that nature.

MR. BAGG:

One thing that I'd like to mention too that when CEQ doesn't receive a project that we look over the materials for adequacy, we also send those materials to all the local conservation advisory boards, the local Planning Departments, the supervisors, the Environmental Department and request input to be presented at CEQ.

COMMISSIONER SCULLY:

One last point, Mr. Chairman, and then I'll be quiet is that Mr. Grier reminds me that it's not so much that the CEQ finding for a negative declaration means that there will be no -- no impact, just that they

did not find that there would be a significant adverse impact. Thank you.

LEG. CARACCIOLO:

On a somewhat similar, but dissimilar vein with this project, has the County entered into a license agreement with this vendor?

COMMISSIONER SCULLY:

No. An authorizing resolution would be required.

LEG. CARACCIOLO:

What is the status of that? And what is the remuneration involved with that licensing agreement?

COMMISSIONER SCULLY:

We're at a point now where we were going to approach the Chair of Ways and Means prior to the introduction of a resolution to explain the project and the negotiation process. For the first time, the County actually went out and retained an appraiser to help determine the value of the resource so that we have a basis upon which to negotiate in hopes of getting more remuneration than we have in the past.

LEG. CARACCIOLO:

Something that I've been critical of particularly as it related to {TYKO}. But that said, we'll wait until that come before the Legislature to deal with that issue. And on this one, I will abstain, Mr. Chairman.

CHAIRMAN BISHOP:

Is there a motion?

LEG. CRECCA:

I made a motion to approve, I don't know if there was a second.

29

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CHAIRMAN BISHOP:

Is there a second? I make a motion to table.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo. All in favor of tabling? Opposed?

LEG. CRECCA:

Opposed.

CHAIRMAN BISHOP:

It's TABLED (VOTE: 4-1-0-0) (LEG. CRECCA; OPPOSED)

1087. Making a SEQRA determination in connection with the proposed construction of right turn lanes on CR 3, Wellwood Avenue, in the vicinity of Central Avenue and Smith Street in the Town of Babylon and huntington. PRESIDING OFFICER

CHAIRMAN BISHOP:

Is this also -- this was previously --

MR. SABATINO:

This was treated as -- this was designated as unlisted with no

significant adverse affect because it's not exceeding criteria and the roadside trees are going to be replaced.

CHAIRMAN BISHOP:  
Motion to approve by myself.

LEG. CARACCIOLO:  
Second.

CHAIRMAN BISHOP:  
Second by Legislator Caracciolo. All in favor? Opposed? 1087 is  
APPROVED (VOTE: 5-0-0-0)

1088. Authorizing planning steps for acquisition under Suffolk County  
Multifaceted Land Preservation Program at Portion Road Lake  
Ronkonkoma, Town of Brookhaven. CARACAPPA

CHAIRMAN BISHOP:  
1088 was previously tabled subject to call.

1091. Authorizing planning steps for acquisition under Suffolk County  
Multifaceted Land Preservation Program (Connecticut River Estates  
property, Yaphank, Town of Brookhaven) TOWLE

CHAIRMAN BISHOP:  
I had no idea that the Connecticut river ran --

MR. SABATINO:  
This is nearly 28 acres. This is going to be under the Land  
Preservation Partnership component for open space, which means that  
the town board resolution will be required later in the process to

30

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commit to a 50% share. This is the planning steps to get the process  
started. It's adjacent to Camp Olympia, which I think is down at  
Carmans River if I remember correctly, and I believe that there is a  
proposal there to do 25 lot subdivision.

LEG. CARACCIOLO:  
I have a question of Counsel. Paul, just to clear this up once and  
for all. I checked with Budget Review yesterday, and we do not have a  
Land Partnership Program anymore. It was collapsed and rolled into  
multifaceted. I have a copy of the Capital Program and Budget, and  
that Capital Program shows a zero fund balance. What -- what is the  
reference here because it has Multifaceted Land Preservation Program?  
Is that what you would refer to multifaceted program or is it the  
accurate title of that program as it appears in the resolution?

MR. SABATINO:  
The program is called the Multifaceted Land Acquisition Program. When  
that was created, the programmatic language that was associated with  
it identified the seven existing programs, one of which is Land  
Preservation Partnership, one of which is Farmland  
Acquisition, one of which is Open Space so that they would be eligible  
for funding within the umbrella of the \$13 million. So what is  
referred to as multifaceted really is a reference to what's in Capital  
Budget for funding purposes for the 13 million. But the programmatic  
language keeps alive the seven subsidiary programs. You have to fit  
or match your particular initiative into one of those programs when  
you file legislation. This particular one because there's an

expectation down the road of getting a town commitment is being contemplated under the Land Preservation Partnership component of multifaceted.

LEG. CARACCIOLO:  
Okay. Thank you.

LEG. CRECCA:  
Motion to approve.

LEG. CARACCIOLO:  
Second.

CHAIRMAN BISHOP:  
Motion to approve by Legislator Crecca, seconded by Legislator Caracciolo. All in favor? Opposed? Resolution is APPROVED. (VOTE: 5-0-0-0)

1095. To establish Phase II Storm Water Remediation for South Shore tributaries. BISHOP

CHAIRMAN BISHOP:  
I'll make a motion to approve.

LEG. CARACCIOLO:  
Second.

LEG. FIELDS:  
On the motion.

31

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CHAIRMAN BISHOP:  
Seconded by Legislator Caracciolo. On the motion, Legislator Fields.

LEG. FIELDS:  
What does this legislation propose to do?

CHAIRMAN BISHOP:  
Last year we approved Resolution 706, which listed five watersheds in the South Shore Estuary and asked the Soil, Water Conservation Board to study them. They have completed their study. I don't know if they met with you yet, they're available because they essentially have walked all those stream corridors and mapped out where the nonpoint source pollution is occurring from. This resolution says take those streams and do a second phase, and in that second phase, identify specifically what remediation needs to take place. And three streams will be done by July 1st of 2002, and the other three will be done by July 1st, 2003.

LEG. FIELDS:  
Can we get a copy of their report?

CHAIRMAN BISHOP:  
Absolutely. They actually -- you should meet with them because it's very encouraging what they've done.

LEG. CRECCA:  
What's the cost on this?

CHAIRMAN BISHOP:

\$20,000.

LEG. CRECCA:

20,000. Okay. I saw it in the resolution, I didn't know if that was the only cost.

CHAIRMAN BISHOP:

Motion to approve by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE:5-0-0-0)

1100. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Coraci property at Montauk Highway) Town of Brookhaven. TOWLE

MR. SABATINO:

This is planning steps for approximately three and a half acres. I think this property is close to the Robinson Duck Farm --

MR. ISLES:

It's across the street.

MR. SABATINO:

-- which appears to be its claim to fame. And I think it's across from the Wertheim Nature Preserve. And this would be the planning steps to put it into the open space component of --

32

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CHAIRMAN BISHOP:

Motion to approve by myself.

LEG. CARACCIOLO:

On the motion.

CHAIRMAN BISHOP:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Is it contiguous to either of those entities, the duck farm or the Wertheim National Preserve?

MR. ISLES:

It's across the street from the Robinson -- the former Robinson Duck Farm property, which is now owned by the County. And it's down the road, on the same side of the road, from the Elias Park.

LEG. CARACCIOLO:

What's around these three acres. I don't want us buying three acres of property around commercial and industrial property.

MR. ISLES:

Okay. This parcel has Sunrise Highway to the north, to the north of Sunrise Highway is Southaven County Park, to the south is Montauk Highway, and across the street from Montauk Highway is the former Robinson Duck Farm, to the west is, I believe, residential development, and to the east is Carmans River. It's a relatively small piece in and of itself, but it is part of a corridor that's part of a logical connection --

LEG. CARACCIOLO:

That seems to make sense. Now, the next questions I have in terms of

open space acquisitions, when we did first round on the Greenways -- on our first, second, third round -- we had the Planning Department come back and provide us with a quantitative catalog of properties. It seems now we're doing what you suggested earlier, piecemeal.

CHAIRMAN BISHOP:

Right, which is what we don't want to do. Although, when we're faced with a piecemeal acquisition that looks appropriate, we jump at it. So what I would -- what I'm going to urge that we adopt is the committee policy, we'll send out a memo to all Legislators saying that they have until -- let's make it --

LEG. CARACCIOLO:

March 1st.

CHAIRMAN BISHOP:

Well, I was going to say May 1st to file all these -- to do all these planning steps resolutions. When you have all the planning steps resolutions, you'll see the full range of what Legislators are seeking to spend money on and then we can begin to do a prioritization process in conjunction with the Planning Department.

33

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LEG. CARACCIOLO:

Using the existing open space criteria that we developed on the Greenways, or what criteria?

CHAIRMAN BISHOP:

Well, we wouldn't do that because not everything is going to be open space. We are going to be looking for Legislators to put in their Greenways -- all their Farmland, Greenways, Open Space, active, you know, the full range of our program.

LEG. CARACCIOLO:

Well, they would have to tab for us and for the Planning Department where they think the acquisition should go and be made.

CHAIRMAN BISHOP:

Well, that comes in the planning steps resolution.

LEG. CARACCIOLO:

Right. But I'm just saying we need that from the Planning Department too.

MR. ISLES:

Yeah. We would need to know, yeah.

CHAIRMAN BISHOP:

Does that seem like a reasonable process?

LEG. CARACCIOLO:

But in the interim, we're not going to delay or postpone moving ahead with planning --

CHAIRMAN BISHOP:

Planning steps. Planning steps help us to gather the information that we need to prioritize.

LEG. FIELDS:

Can I ask a question? Is there a house on this property?

MR. ISLES:

To my knowledge, no, but I haven't personally been to the site.

LEG. FIELDS:

Six months or so ago I believe that this property was requested by US Fish and Wildlife to purchase federally, and they wanted to have an interpretive -- it's a different parcel? Coraci owns it though, right? I think it's the same owner.

COMMISSIONER SCULLY:

It's his personal residence.

LEG. FIELDS:

Excuse me?

COMMISSIONER SCULLY:

The parcel you're referring to is his personal residence, Carmen View Drive, Shirley.

34

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LEG. FIELDS:

So this is only open space now, this has nothing to do with his house or home?

COMMISSIONER SCULLY:

I don't -- I'm not familiar with this parcel either, but I know that the one that you referred to that fish and Wildlife was seeking was the other parcel, that much I can tell you.

LEG. FIELDS:

All of these, Commissioner Isles, are reasons why we need those aerial shots to look at these properties.

MR. ISLES:

I do have one here if you'd like to look at it.

LEG. FIELDS:

I'd love to, yeah.

MR. ISLES:

We just don't have copies, but certainly if you'd like to look at it.

LEG. FIELDS:

Even if it were one to pass --

MR. ISLES:

We will have it for the next meeting. It just takes a little while to gear up on.

CHAIRMAN BISHOP:

All right. We'll skip that one and go back to it.

1101. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at the intersection of 25A (West Broadway and Barnum Avenue), Port Jefferson Village.  
FISHER

LEG. CRECCA:

Motion to approve.

LEG. COOPER:  
Second.

MR. ISLES:  
There was a prior resolution on this which I'm trying to figure out why we have this one. But this was introduced last year and approved for planning steps under IR 1671-01. I'm not sure this one's different. It was approved last year.

CHAIRMAN BISHOP:  
I'll make a motion to table.

LEG. CRECCA:  
Second.

35

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CHAIRMAN BISHOP:  
Why don't I do this, make a motion to discharges without recommendation -- because if the information is not correct, it will still be before the Legislature -- so discharge without recommendation by myself. Seconded by Legislator Crecca. All in favor? Opposed?  
DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0-0-0)

1106. Approving acquisition under Suffolk County Multifaceted Land Preservation Program (property Park Avenue CR 35, Hilaire Woods) Town of Huntington) COOPER

LEG. COOPER:  
Motion to approve.

LEG. CRECCA:  
Second.

CHAIRMAN BISHOP:  
I have a motion and a second. This is not planning steps, this is actual approval?

LEG. COOPER:  
Yes.

MR. ISLES:  
This is one that the Planning Department has previously supported. The acquisition was previously approved for planning steps under two programs; Land Preservation Partnership and the new 1/4 %. Today's resolution would propose that under Multifaceted. And although we support the acquisition, we think it's a very good one, it does still need review by CEQ, and it would either need parks trustees or an Office of Ecology review from my own understanding of the acquisition. So subject to that we think the acquisition would have to wait that. We can bring it to CEQ in February actually, if you'd like.

LEG. COOPER:  
Fine.

MR. ISLES:  
If was planning steps then we'd go ahead without it, but we think that's necessary.

CHAIRMAN BISHOP:

Also, if it's coming from the Multifaceted Program, and it was contemplated under Land Partnership Preservation, we're still doing this in partnership with Huntington?

LEG. COOPER:

Yes. They've already passed their resolution.

CHAIRMAN BISHOP:

Right. Excellent. Okay. Motion to table by myself. Seconded by Legislator Fields. All in favor? Opposed? 1106 is

TABLED (VOTE:5-0-0-0)

36

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1149 Implementing Greenways Program in connection with acquisition of farmland development rights at Yaphank (Town of Brookhaven) TOWLE

CHAIRMAN BISHOP:

You can't own land in Yaphank without Towle filing a resolution.

MR. SABATINO:

This one's 65 acres. This is farmland development rights, which means that you have to have town board resolution for the 30% share, which we don't have right now.

CHAIRMAN BISHOP:

Okay. Motion to table by Legislator Fields. Seconded by myself. All in favor? Opposed? 1149 is TABLED (VOTE:5-0-0-0)

1165 Authorizing the acquisition of development rights to farmlands by the County of Suffolk, Phase V [Omnibus 2001 (3)] COUNTY EXEC

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN BISHOP:

This is an Omnibus farmland bill. Paul.

MR. SABATINO:

This is -- this is a whole series of parcels that have cleared -- they're in Exhibit A -- they've cleared the Farmland Select Committee, and this would approve it.

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN BISHOP:

This -- these parcels will be purchased under the 100% program, right?

MR. SABATINO:

It means that -- I don't think we've done the appropriation yet for this year, so what's going to have to happen is you're going to have an appropriation made, I don't know what this component impacts in terms of dollar amount from that appropriation, but you're going to have to factor that into your thought process with the available funds.

LEG. CRECCA:

Can I ask a question?

MR. SABATINO:

There's \$13 million total. I don't know what this draws down from the \$13 million.

LEG. CRECCA:

Well, that actually -- well, I have a question for it too. Right in the resolution, in the fiscal impact statement, it states they have no idea how much we're going to pay for these. So I don't know how we can -- how can we approve something -- how can we approve something if we don't know what we're paying for it?

37

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LEG. CARACCIOLO:

Well, we have an idea based on past acquisitions in this area what the value per acre is. So the Planning Department would have a pretty good idea of the total acquisition price, wouldn't you, Tom?

MR. ISLES:

Yeah. I think in most of these cases we have a pretty good handle. Obviously, we don't have specifics, and it's actually something that's being looked by the Real Estate review panel as the process and the information to the Legislature.

LEG. CARACCIOLO:

What's the total amount of acreage here, Tom?

MR. ISLES:

Let me do a quick estimate here. Probably in the range of 150 to 200 acres, 200 acres, yeah.

LEG. CARACCIOLO:

I would -- are most of these in Riverhead Town?

MR. ISLES:

We have Riverhead, we have Brookhaven Town, Southold, and Southampton, right. So they're spread around the County pretty well.

LEG. CARACCIOLO:

I also know that there is one in Smithtown somewhere. Not on this resolution --

LEG. CRECCA:

I was going to say, it's not on this one.

LEG. CARACCIOLO:

No. I mean, there is farmland in Smithtown too.

MR. SABATINO:

Actually, I just wanted to point that one of the items on the list is Blueberry Farm, which is a resolution we tabled a little earlier because Legislator Fisher was trying to get the town to do the 30% commitment on Blueberry Farm. So actually there would be a little -- well, slight inconsistency between the two. From the standpoint of strategic planning since Legislator Fisher seems to believe that she's got the town coming forward at least for that one component of 30% it would make sense not to have this in the 100% part to make the money go further.

LEG. CRECCA:

Motion to table.

LEG. FIELDS:

I will second it, but I do have a question, Legislator Crecca brought it up, and I was going to ask. When we have, you know, a resolution authorizing the acquisition of development rights and attached to it is the financial impact and it says zero, how -- I don't -- I don't understand that.

38

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LEG. CRECCA:

I don't understand how they can do a fiscal impact statement if they don't know what they're paying.

LEG. FIELDS:

So how is this not going to impact us financially if we're paying to acquire a piece of property?

MR. ISLES:

I don't have a copy of that form.

LEG. FIELDS:

You don't need one, it's all zeros across the whole sheet.

MR. ISLES:

Well, we're definitely buying them if we're authorized to do so, we're not getting them for free.

LEG. FIELDS:

So then, you know, I would table also because the back-up is not consistent.

CHAIRMAN BISHOP:

Well, I guess we're tabling this for two reasons; we want to understand what the County's commitment is under this resolution, and we also want to clarify that one parcel should be done under a partnership, which would be the Greenways Farmland Program not this one.

MR. ISLES:

Well, I just want to say that yeah, I did read the form right now, Mr. Duffy was kind enough to lend it to me. Apparently we're seeing no fiscal impact beyond what's already anticipated to be spent in these different farmland preservation programs.

CHAIRMAN BISHOP:

The money's already been raised.

MR. ISLES:

Yeah, exactly.

CHAIRMAN BISHOP:

The public's already been taxed for this.

MR. ISLES:

It's not a new spending beyond what we've already anticipated.

CHAIRMAN BISHOP:

Okay. Motion to table by Legislator Fields. Seconded by Legislator Caracciolo. All in favor? Opposed? 1165 is TABLED (VOTE: 5-0-0)

1169. Implementing Suffolk County Water Quality Protection and

Restoration Program. COUNTY EXEC

CHAIRMAN BISHOP:  
Explanation.

39

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LEG. CRECCA:  
Motion to approve.

MR. SABATINO:  
Well, I had -- I had reservations about the bill. I'm not absolutely certain that the change -- we raised the question on this last year. Okay. That was filed at the end of last year, and it -- it died at the end of the year because we raised questions at this committee. I think that the questions that we raised were it was just unclear as to what the bill is doing except to designate the Planning Department as the coordinating entity.

CHAIRMAN BISHOP:  
This is on the 1/4 cent Water Quality Protection Program. Is the goal of the resolution to set out how the program will function?

MR. ISLES:  
Yes.

CHAIRMAN BISHOP:  
Okay. That's a big topic. Perhaps we should have put this over to the next meeting and you could -- is it your department that's going to be the lead? Public Works?

MR. ISLES:  
No. It's Department of Public Works.

CHAIRMAN BISHOP:  
We will invite the to make a presentation because I think it's something that we all want to hear. Motion to table by myself. Seconded by Legislator Caracciolo. All in favor? Opposed?  
TABLED (VOTE: 5-0-0-0)

1173 Approving the reappointment of William Cremers as a member of the Suffolk County Planning Commission, representing the Town of Southold. COUNTY EXEC

LEG. CARACCIOLO:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Caracciolo who represents Southold. Seconded by myself. All in favor? Opposed? 1173 is  
TABLED (VOTE: 5-0-0-0)

1174 Approving the appointment of Nancy S. Graboski as a member of the Suffolk County Planning Commission, representing the Town of Southampton. COUNTY EXEC

LEG. FIELDS:  
Can I ask a question?

CHAIRMAN BISHOP:  
Legislator Fields has a question.

LEG. FIELDS:

Before any of these resolutions are passed, I would ask again that these people come before the committee whether it's a reappointment or a new appointment.

CHAIRMAN BISHOP:

Right. Nancy Graboski will be coming to our next meeting of this committee.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by myself. All in favor? Opposed? 1174 is TABLED (VOTE: 5-0-0-0)

1175 Approving the reappointment of Frank A. Tantone as a member of the Suffolk County Planning Commission, representing the Town of Islip. COUNTY EXEC

LEG. CRECCA:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca. I'll take a motion to table.

LEG. FIELDS:

I would second a motion to table.

CHAIRMAN BISHOP:

Second on the tabling. Motion. All in favor of tabling? Opposed to tabling?

LEG. CRECCA:

Opposed.

CHAIRMAN BISHOP:

One against tabling. Mr. Tantone is TABLED (VOTE: 5-0-0-0)

I'm going to send a letter to the Supervisor of the Town of Islip. I assume that the reason that this got four votes to table is that we're concerned with the potential conflict of having a member vote both as a Planning Commission member for the town and for the County, and not a reflection on Mr. Tantone. So given that, I will communicate that to the Supervisor and see if he wishes to submit a different name.

LEG. CARACCIOLO:

Mr. Isles, you mentioned they were three or four in total members of the Planning Commission that were also in dual role capacity.

MR. ISLES:

Yeah. I think there are four others, yeah.

LEG. CARACCIOLO:

Do you know who they are? What towns they represent?

MR. ISLES:

The Town of Smithtown, the Village of Lindenhurst, the Town the Southold, and the Town of Riverhead.

CHAIRMAN BISHOP:  
Consistency is important.

CHAIRMAN BISHOP:  
When are their terms up?

MR. ISLES:  
I don't know off hand. We do obviously have that. Mr. Cremers is the representative from the Town of Southold, who was mentioned earlier. He's out of town, and wasn't able to be here today. We'll invite him to the next meeting to appear before you. But we do have that information, I could provide it to you if you'd like.

LEG. CRECCA:  
I just want to --

CHAIRMAN BISHOP:  
Let me just -- is this what the committee wishes? I mean, we don't want to do appointments other than Andrew who apparently disagrees.

LEG. CRECCA:  
Well, if you want, I'll answer your question. I mean, there were some valid reasons stated. I'm not saying that I won't look into this further, but I think there's some valid reasons that, you know, to have somebody who is intricately involved with the town planning. I mean, to be honest with you, from the Town of Smithtown for example, I'd rather have -- and I believe this is the position of my supervisor, but I certainly with clear with her in the Planning Department -- they would rather have a representative who is intricately involved with the Planning Board, the Planning Department at a town level so that when we come to the County meeting, they are on the in, they're on the know, they're very up-to-date as to what's going on in that town, and I think that's the whole purpose of having a County-wide board. I don't see it. I understand the argument raised about the conflict, but I don't see it as a conflict, I see it as a benefit. And to the degree that there's a specific conflict, I trust that the appointees would recuse themselves from that particular vote. But remember that the Planning Board is made up of more than just several members. So even if they're recusing themselves on one vote, their input can be invaluable at the Planning Board.

LEG. FIELDS:  
Are there not members of Suffolk County who have previously served on the Planning Board that would be interested in serving on a Suffolk County Planning Board? And have we not seen scandals in the past or conflicts in the past that you hope someone recuses, you hope that there's no conflict, but there could be? And is this Planning Commission not meant to the purpose being to have checks and balances?

MR. ISLES:  
I'm not aware of any scandals with any --

42

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CHAIRMAN BISHOP:  
Legislator --

LEG. FIELDS:

No, no. I'm just saying, in the past --

CHAIRMAN BISHOP:

Legislator Cooper, Legislator Caracciolo, what do you want to do with this?

LEG. CARACCIOLO:

Well, as one of 18 members of this body, I'll make my own judgements, and I think that's typically the way this body always works. I think some of us feel very strongly that maybe there is some inherent conflict when somebody's serving two masters, others may not, and that's they're prerogative, and they should vote accordingly.

CHAIRMAN BISHOP:

Jon, what do you want to do? Is this -- so you are saying I shouldn't write the supervisor and tell him that -- just vote it down?

LEG. CARACCIOLO:

There's five members here. We should all vote on conscience.

CHAIRMAN BISHOP:

All right. It's tabled currently 4 to 1.

TABLED (VOTE: 4-1-0-0) (OPPOSED; LEG. CRECCA)

LEG. CRECCA:

I'm just asking that if you do send the letter that you just -- I don't think you should send it on behalf of the committee. Or if you do, then, you know, then ask individual Legislators to sign off on it.

CHAIRMAN BISHOP:

I guess what I'm looking for out of the committee is what Legislator Caracciolo spoke to. If we have a consistent policy that we're not going to reappoint people who are serving already on a local Planning Board, then I want to communicate that to the Town Supervisor Association, to the Village, you know -- if that's going to be the policy of the committee. I just don't want to use it as an excuse in one circumstance --

LEG. CRECCA:

Rather that -- but, David, why not -- let's at least have a conversation, formal or informal, with the Town Supervisors and maybe some of the town planning directors before we go ahead and do that, because I think their input is very valuable. And I think -- to be honest with you, I think the towns have very strong feelings on this, you know, the supervisors and all that.

CHAIRMAN BISHOP:

What I'll do is I'll write a letter to the Supervisor of the Village Association asking for their opinion. In the mean time, I guess, we're not going to let anybody move forward who has that conflict.

43

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MR. SABATINO:

Before you write -- before you write the letter, just from a legal standpoint, I think there is some confusion. Unlike the Park Trustees where the town makes the recommendation, these ten members for the ten towns are not town recommendations. The statutory standard is that there be a person from the geographical boundaries of those ten towns. The person who makes the appointment, the person who makes this decision, the letter you should send should be to the County Executive

because --

CHAIRMAN BISHOP:

Is that where he -- Mr. Tantone came from?

MR. ISLES:

Yeah. This is a determination by the County Executive subject to confirmation of the Legislature.

CHAIRMAN BISHOP:

Okay. Yeah. So we'll direct the letter to him. Of course, the practical impact is going to be that the Town Supervisors are going to be the ones who -- who make these recommendations most likely and object to our change in policy, if they're going to object at all. All right.

1176. Approving the appointment of Robert A. Weiboldt as a member of the Suffolk County Smart Growth Committee. COUNTY EXEC

CHAIRMAN BISHOP:

1176. Motion to approve by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

1177 Approving the appointment of Kevin McDonald as a member of the Suffolk County Smart Growth Committee. COUNTY EXEC

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Seconded by Legislator Cooper. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

1181 we previously approved.

#### PROCEDURAL MOTION

3-2002 Procedural motion to retain independent appraisal review services for County land transactions. BISHOP

CHAIRMAN BISHOP:

Procedural Motion No. 3, which is the one that I'm sponsoring that the Pine Barrens came down to say hold off on. Motion to table by Legislator Caracciolo. Seconded by Legislator Cooper. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

By the way, we are expecting the report of the -- of the committee that was formed under the auspices of the County Executive, which has two Legislative members; Legislator Carpenter and Legislator Lindsay when?

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LEG. CARACCIOLO:

Fifteenth.

MR. ISLES:

Yeah.

CHAIRMAN BISHOP:

Fifteenth of?

MR. ISLES:

February.

CHAIRMAN BISHOP:  
February. Okay. Good.

#### CEQ RESOLUTIONS

69-01 Proposed construction of right turn lanes on CR 3, Wellwood Avenue, in the vicinity of Central Avenue and Smith Street, Towns of Babylon and Huntington - CP 5521 (Unlisted Action - Negative Declaration)

CHAIRMAN BISHOP:  
CEQ resolutions, which we now know are less significant than we thought previously. Mr. Bagg, you want to come forward? Is there anything from the table that you want to move? Number three we can motion to table because we already did it -- motion to approve rather. We already approved it in the SEQRA form by myself. 6901, first one. Seconded by Legislator Fields. All in favor? Opposed?  
APPROVED (VOTE: 5-0-0-0)

70-01 Proposed Apollo North Fiber Optic Cable Project, Town of Brookhaven (Unlisted Action - Negative Declaration)

CHAIRMAN BISHOP:  
We've already taken an action, which was to table, right? So we'll table this one. Motion to table by myself. Seconded by Legislator Caracciolo. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1-02 Proposed SEQRA Classifications of Legislative Resolutions laid on the table on January 2, 2002.

CHAIRMAN BISHOP:  
Number one of 2002.

MR. BAGG:  
That basically is Counsel's recommendations for Legislative Resolutions laid on the table on January 2nd.

CHAIRMAN BISHOP:  
Motion to approve by Legislator Cooper. Seconded by Legislator Fields. All in favor? Opposed? Numbers one's  
APPROVED (VOTE: 5-0-0-0)

45

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2-02 Proposed reconstruction of the Bomarc Record Storage Facility, Westhampton, NY, CP 1705. (Type II Action)

CHAIRMAN BISHOP:  
Number two.

MR. BAGG:  
This project involves the installation of a new HAV - HVAC and electrical systems for the entire building; fire sprinkler systems, fire alarm systems, lighting systems, and access card control security system, new and upgraded plumbing systems, a new roof and other miscellaneous improvements within existing building. Counsel recommends a Type II Action.

LEG. FIELDS:  
Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Seconded by Legislator Cooper. Number two is APPROVED (VOTE: 5-0-0-0)

3-02 Proposed renovation at the Yaphank correctional Facility, Westhampton, NY, CP 3009 (Type II Action)

MR. BAGG:

This action involves the planning and construction phases of the project consisting of renovation of the existing kitchen/bakery/laundry space recently vacated into inmate classrooms, a barber shop and possibly medical rooms. Counsel recommends a Type II Action.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Seconded by Legislator Cooper. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

4-02 Proposed improvements to the County Correctional Facility, Riverhead, CP 3014 (Type II Action)

MR. BAGG:

This project involves the planning and construction phases of the project consisting of improvements to the cell blocks at the County Correctional Facility in Riverhead, including replacement of switches and lighting fixtures, installation --

CHAIRMAN BISHOP:

Motion to approve by myself. Seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

Thank you, Mr. Bagg. It's five o'clock on the dot.

46

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TABLED PRIME

1001 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in Town of Brookhaven. HALEY

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Fields. All in favor? Opposed? 1001 is TABLED (VOTE: 5-0-0-0)

1002 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates) Town of Brookhaven. HALEY

CHAIRMAN BISHOP:

Anything occur since the last meeting?

MR. SABATINO:

Both of these will still need a town resolution.

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1010 Establishing land use planning policy for County land acquisitions. CARACCIOLO

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo. Seconded by myself.

TABLED (VOTE:5-0-0-0)

1021 Approving acquisition and appropriating 1/4 cent sales tax proceeds for pay-as-you-go open space acquisition of Dam Pond property, Town of Southold. CARACCIOLO

LEG. CARACCIOLO:

Mr. Chairman, I'd like to make a motion to approve. There is a corrected copy of the resolution. It's my understanding at the first meeting of the committee this year, the resolution identified -- identified and specified \$2 million for this acquisition. I'd like to clarify the record. This is a joint Town of Southold/County of Suffolk acquisition. The resolution has been corrected to reflect the actual acquisition price to be shared by both participants. The County's share is \$503,758, and the property will be held as tenants in common. So the County will retain its 50% interest in the property, and it's consistent with our past practices. Do you have a copy of the corrected copy, Ginny?

LEG. FIELDS:

Do you have an aerial?

MR. ISLES:

Yeah.

47

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LEG. CARACCIOLO:

Tim, did you bring your aerial with you, I hope?

MR. CAUFIELD:

No.

LEG. CARACCIOLO:

Well, maybe you can come up -- Tim Caufield from the Peconic Land Trust that acted as the County's agent and could just explain where this property is located and what the surrounding and contiguous Greenbelt properties associated in the area are.

MR. CAUFIELD:

I thought I did have a aerial. Last time we were here we did --

LEG. CARACCIOLO:

Make sure your mike is on, Tim, and speak into it, please. Counsel, could you clarify this?

MR. SABATINO:

There was a full presentation at the last committee. The only reason it was tabled was we had -- we didn't have the appraised value. Now, hopefully this is the correct number. I mean, I received this third hand, but --

LEG. CARACCIOLO:

\$503,000 -- \$503,758.

MR. SABATINO:

Right. As long as that's a verified figure.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo. Seconded by myself. All in favor? Opposed? It's APPROVED (VOTE: 5-0-0-0)

LEG. CARACCIOLO:

Thank you.

1022 Establishing truth and honesty policy for County land acquisition and disposition appraisals. FIELDS

CHAIRMAN BISHOP:

Motion to table by myself. Seconded by Legislator Fields. 1022 is TABLED to the next meeting when we'll discuss them (VOTE: 5-0-0-0)

1025 Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst. (Town of Babylon) BISHOP

CHAIRMAN BISHOP:

Motion to table by myself. It's a Greenways in Lindenhurst, it's not ready. Seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

48

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1055 Approving acquisition under the Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge Town of Brookhaven. Haley.

LEG. FIELDS:

What is this property?

MR. SABATINO:

This is not eligible because you need two resolutions from two different organizations to participate in the Stage II.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields. Seconded by myself. TABLED (VOTE: 5-0-0-0)

We're not done, we have one that we skipped before, which is 1100. That was the one where we were getting an aerial. Did that aerial come in and go by me?

LEG. FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Seconded by Legislator Caracciolo. All in favor? Opposed? 1100 is APPROVED (VOTE: 5-0-0-0)

CHAIRMAN BISHOP:

Any other business to come before this committee? Hearing none, motion to adjourn by Legislator Cooper. Second by myself. All in favor? Opposed? We stand adjourned. Thank you very much.

(\*THE MEETING WAS ADJOURNED AT 5:05 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY