

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

Minutes

A special meeting of the Environment, Land Acquisition & Planning Committee was held **on March 5, 2002** in the Rose Y. Caracappa Auditorium at the William Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York at 11:15 a.m.

MEMBERS IN ATTENDANCE:

Legislator David Bishop, Chairman
Legislator Michael Caracciolo, Vice Chair
Legislator Andrew Crecca
Legislator Ginny Fields

MEMBERS ABSENT:

Legislator Jon Cooper

ALSO IN ATTENDANCE:

Legislator George Guldi
Tom Isles, Director, Suffolk County Planning Department
Jim Dobkowski, Press Secretary to Presiding Officer Paul Tonna
Nicole DeAngelo, County Executive's Office, I.R.
Nancy Graboski
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 11:15 a.m.)

CHAIRMAN BISHOP:

Good morning. This is a special meeting of the Environment, Land Acquisition and Planning Committee. Today is March 5th. The purpose of this meeting is to interview a potential appointee to the Suffolk County Planning Commission. In attendance is Legislator Crecca, Legislator Fields, Legislator Caracciolo and myself.

LEGISLATOR GULDI:

Also present.

CHAIRMAN BISHOP:

Also present is Legislator Guldi, who represents Southampton.

LEGISLATOR GULDI:

And many other areas.

CHAIRMAN BISHOP:

And our nominee is offered as the Southampton member to the Planning Commission. Nominee, please just tell us a little about yourself?

MRS. GRABOSKI:

My name is Nancy Graboski. I've lived in Bridgehampton for 35 years. I'm married to a potato farmer, four children; taught school in Riverhead for a few years before my children were born. Most recently, I served on the Southampton Town Planning Board from '91 through '99 and served as its Chair from '96 through '99.

I'm currently serving on the Peconic Land Trust Agriculture Committee. I still have quite an interest in planning and when Supervisor Heaney approached me and asked me if I'd be

interested in the position; it was his understanding there was an opening. I indicated that I would be very much interested. So I'm here before you here today to --

CHAIRMAN BISHOP:

So you're not currently a member of the Southampton Board?

MRS. GRABOSKI:

I'm not, no.

CHAIRMAN BISHOP:

That's good. Because we're de facto adopting a new policy of discouraging nominees who hold both title on the local level, as well as the County level. Because we want to see the Planning Commission of the County level become more of a check on the powers of the Town level. We feel that's a healthier arrangement.

Would you a -- if you would and I'll open it up to other questions. Just tell us about what your philosophy is, if they're on planning issues? Particularly, as it relates to the East End, because that's your area of expertise?

MRS. GRABOSKI:

Am I using this the right way?

CHAIRMAN BISHOP:

Yes.

LEGISLATOR CARACCILO:

You just need to speak into it a little closer.

MRS. GRABOSKI:

Okay.

CHAIRMAN BISHOP:

Fine.

MRS. GRABOSKI:

Interesting you should say it. I don't know if I've ever thought of it so much in terms of philosophy. But there are definitely issues that I think are of great importance to us, particularly, on the East End but really all over Long Island. Certainly, natural resources comes to mind, first of all. I mean, water, soil, beaches, bays, natural resource protection is something I think is something that I think is extremely important. Land preservation, you know, to the greatest extent practicable. If you can't buy it, you know, develop a code and the regulatory procedures to be able to preserve as much as you can. And while there is that side of me and I am married to a farmer and we did, incidentally, participate in the Suffolk County Farmland Preservation Program back at its inception in the early '80's and in the Town Program on another parcel. I also feel that it's important to strive also for some sort of balance between development and preservation.

It was my observation over the years that I served on the Planning Board that too much greed in one direction sometimes isn't good either and there's sort of a fairness aspect to it. But the other thing, I think that I certainly relied heavily on is the comprehensive plan in the Town of Southampton. We just completely redid the comprehensive plan. And interestingly, when questions come up about what should we do with this dilemma or that and it was rare that we ever saw a project come before us that was just with nothing discretionary that needed to be determined; go to the comprehensive plan; go to the code and see where those standards are and that's important. And that's to me where the Legislature becomes very important because if there are things that you want to happen, you know, give us the black letter law and the standards to make it happen. The SEQRA process certainly has helped to a great extent with that and we rely heavily on that.

For your information, at the moment, because of a position that I took on a McDonald's

application in the Town of Southampton, I'm currently being sued for 25 million dollars, individually, I might add. And in Federal Court for conspiracy, as well as an Article 78. But I'd still vote the same way because I vote on the merits, period.

CHAIRMAN BISHOP:

You're our kind of nominee.

MRS. GRABOSKI:

Either that or I'm nuts, I don't know.

CHAIRMAN BISHOP:

I'll just make a comment. One of the problems that the Legislature has had with the Planning Board in the County is that they seem to operate with great indifference to our wishes. And I don't mean wishes on particular applications but I mean, for example, we will prioritize parcels for purchase by the County and the Planning Board will go out of its way, it seems to us, to facilitate development of the parcel. So the County Government is speaking with forked tongue. This has happened in the past and it's something that we're trying to improve through better communications.

My only question, my last question rather, is can you point us to a development in your Town, Southampton that you think was done properly and one that was done improperly? Not improper, like legally but improper like poor planning? And one that you think was well planned? It's a trick question.

LEGISLATOR FIELDS:

You might want to start with the good one first.

MRS. GRABOSKI:

I'm trying to think of the name of the project, okay! There was one application, I believe it was called Scuttlebutt Farm. The property was owned by a wealthy individual from New York City, who is a developer in the city and very successful and had bought quite a bit of land in Bridgehampton and in the Bridgehampton, Watermill area. It was a parcel that was -- it was a 40-acre parcel. It was all prime Ag soils. Under our code in Southampton was a 2-acre zone and using the cluster provisions in our code; we could have preserved 50 percent of the parcel. And the applicant -- the yield on the parcel, given the 2 acres by the time you put the infrastructure in was probably 19 lots. Ultimately, he chose to only develop 7 of those lots, so he had to reduce density plan. And also under our code, given the so-called public benefit of doing a reduced density plan, the Town can reduce the amount of land in preservation. In other words, there's such a public benefit from less septic flow, less traffic, fewer children in the schools, all of those sorts of impacts, if you will, that are associated with development that maybe we could go with less land preserved. But in this case, given the fact that the entire parcel was prime Ag soil, the Planning Board did not want to back off the preservation of the 50 percent. We wanted our 50 percent and he agreed to go with the 50 percent and still only develop 7 lots. So we considered that kind of a moral victory. It was a win, win situation for us.

I overheard a couple of gentlemen speaking here before about the Peconic Land Trust, which is an organization that the Town of Southampton has contracted with to deal with property owners in individual situations to try and structure preservation oriented plans that benefit the applicant or the property owner, as well as the Town. And sometimes there will be a plan that uses more than one of the tools in the toolbox, if you will, more than the Town's ability to cluster. It might use a clustering. There might be a partial purchase of development rights. There might be some ability for them to dump, create a lot, which they ultimately will donate to the Peconic Land Trust for preservation. So in the end, why is that good? It saves the Town money because they're getting land preserved without expense. But it's also generating equity to the owner but the end result is conceivably the best plan that would be able to result.

Now, in so far as a bad plan? I'd like to think. We didn't really have any, I think we didn't really have any disaster plans. It was my experience, pretty much sitting on that Planning

Board that we used those standards and applied them, as far as we could push and press. We were sued in court and are still being sued in court by applicants who were not happy with applications. There was one application regarding access. It was near the dump in the Town of Southampton. And the particular applicant, ultimately, didn't want the access point where we did and she sued the Town. And I think the Town Attorney's Office, ultimately, you know, said how far do you want to push this? But we felt we had gotten as much out of that as we could. So I can't name a project, I'm sorry.

LEGISLATOR CARACCILO:

Good morning.

MRS. GRABOSKI:

Your previous capacity on the -- was it the Town Planning Board?

MRS. GRABOSKI:

That's correct.

LEGISLATOR CARACCILO:

When was that tenure?

MRS. GRABOSKI:

It was from '91 through '99.

LEGISLATOR CARACCILO:

Okay, so that was through several Town Administrations?

MRS. GRABOSKI:

Indeed it was. I was appointed under the Supervisorship of Fred Thiele, when he was the Supervisor, no it was -- I'm sorry, George Stavropoulous. He was the Supervisor in '91, then Fred Thiele was later on. And I had to be re-appointed because my original appointment was to fill a slot that was a vacated seat, Tony Tiska, sat on the Southampton Town Planning Board and he resigned. So I was appointed in mid-term in June and then I was re-appointed in, I believe it was '94 under Fred Thiele.

LEGISLATOR CARACCILO:

And your term expired and you were not re-appointed?

MRS. GRABOSKI:

No, I had been on the board for 8 years. I had been the Chair for four. There's a big difference in my life between '91 and '99. I have four children. They were all grown up. I had married. My husband had retired. I had a grandchild. I have, if you want to talk about a philosophy of whatever? I don't think it's good to be stuck in one position in Town Hall for too long. I think new ideas and new blood is good. I feel like I accomplished a lot in there, especially, in so far as bringing the farmer's perspective into Town Hall, which I think was probably always there up through World War II. But then after that, it got to the point where once Tony Tiska had resigned, there wasn't anybody in that building and what does that mean? That means that these men are doing an awful lot to hold up the umbrella, if you will, in so far as rural character and maintenance of open space. And the public and even those who sit on the Town Board have a way of maybe forgetting that, yes, we had to pay the inheritance tax on that and we're still doing it.

Why are we doing it? Because we like what we do and we're producing food. And we're going to keep doing it, as long as you in Town Government don't get in the way, you know, so be careful about the laws you generate and make sure you keep us in the loop. So to that extent, we established an Agricultural Advisory Committee and made some changes to the code and reviewed the whole comprehensive plan provisions, with regard to agriculture that the Ag Advisory Committee also reviewed and recently went through a big zone change; an attempt to do a zone change and a lot of legislation in Southampton in which the agricultural community was involved. So to the extent that I felt that I was able to have the voice of the farmer get back in Town Hall, I accomplished that. So it was time to move on.

LEGISLATOR CARACCILO:

When your term expired, when your term expired, you did not seek reappointment?

MRS. GRABOSKI:

Actually, my term did not expire. I stepped down prior to that. I felt as though the time was right. It was time to move on, time to go, you know --

LEGISLATOR CARACCILO:

When was that? When did you step --

MRS. GRABOSKI:

That was in December of '99. December 31st, of '99.

LEGISLATOR CARACCILO:

So you've not served in any planning capacity?

MRS. GRABOSKI:

Not in Town Hall, no.

LEGISLATOR CARACCILO:

Any other capacity?

MRS. GRABOSKI:

I am. I don't think it's on my resume actually. I'm serving on Peconic Land Trust Agriculture Committee. And in connection with that committee, while the Town Board was in the process of reviewing the most recent zoning amendment, I think we probably met -- the agricultural community met on a bi-weekly basis for the past year and a half, up through last October. So it was very much --

LEGISLATOR CARACCILO:

I'd like Mr. Isles to come up because I think it would be helpful for you to understand what the role of the Suffolk County Planning Commission is. And in particular, as a member of that Commission, what your role would be if you were successfully appointed. Tom, could you come up and --

CHAIRMAN BISHOP:

I can't believe this.

LEGISLATOR CARACCILO:

Well, I think -- I do have other questions and I'd like Tom -- well there's some. I mean, if we're going to a confirmation process Mr. Chairman, then let the members of the committee -- you know I stayed 15 minutes on the basis of something that was not scheduled.

CHAIRMAN BISHOP:

I do not intend to deny you, your full questioning.

LEGISLATOR CARACCILO:

Okay.

CHAIRMAN BISHOP:

I just want to have a process and an order to it. And Legislator Fields has been waiting. That's what I was trying to get at. Legislator Fields is waiting to ask a question. I'm back to Mr. Isles.

LEGISLATOR CARACCILO:

You know, this is what's wrong with this committee, I have to tell you.

CHAIRMAN BISHOP:

I apologize but I'm going to rule the way I have.

LEGISLATOR CARACCIOLO:

Well --

CHAIRMAN BISHOP:

Unless you have more questions --

LEGISLATOR CARACCIOLO:

That's what's wrong with -- you know, given the serious state of land acquisitions in this County, I hope the Chairman of this Committee of going to focus in on what's important. And this is important; putting people on the Suffolk County Planning Commission is a very important position.

CHAIRMAN BISHOP:

Absolutely.

LEGISLATOR CARACCIOLO:

And I think the perspective candidate needs to know that; needs to know what the job entails because she may not have a real sense of what the job entails. So having the Planning Director come forward and just give us a --

CHAIRMAN BISHOP:

I don't want the Planning Director to come forward. I'm just saying at this time, I want to ask the nominee questions, then Legislator Fields will ask her question.

LEGISLATOR FIELDS:

May I just ask my question while the two of you discuss this? One of the things that I have -- I guess I've been somewhat of a critic of the Planning Commission. Not necessarily 100 percent criticizing it but to a certain degree. And one of the things that we are -- we have the ability to do --

LEGISLATOR CARACCIOLO:

Tom, don't go away.

LEGISLATOR FIELDS:

One of the things that we have the ability to do with the computer age is to look at the minutes of the Planning Commission. And what I have noted with reading those minutes is that a particular plan is presented and then the Planning Commission has very little to ask or has very little input. And that concerns me because it seems as though no one is thinking out of the box. No one is putting any input into it. And just listening to you today, I have a feeling that we won't -- when I read the minutes, if you are approved, that that won't happen. But I am asking if -- I guess that if you were appointed to this position, would you be a person that is going to ask the questions even though the information has been presented to you as looking like it's an okay plan and so forth?

MRS. GRABOSKI:

I can only tell you that I'm not going to vote for something until I'm completely satisfied with it and I can live with it. I have to be able to go to bed and sleep at night and know that I did the right thing. I probably could have brought these today and I didn't. But I thought it was interesting, you sort of wonder, I wonder what they're going to say about you after you're gone. You know, you wonder what that first newspaper article is going to be. You know, she was this, she was that. And I was treated pretty fairly by the press most of the time. Incidentally, the Chairmanship of the Planning Board is considerably more of a responsibility than the being a member of the Planning Board. You're the one who is out there. You're the one who is accountable and you're on the phone with the press every single week. So you better have your head on straight. And you better know what you're talking about. And you better have done your homework because it's going to show if you haven't. So that's kind of where I am there.

They're ultimately, though -- they did say in this article, I was -- momentarily, I thought

God, are they talking about me? You know, I was totally flattered. They said she was the consummate professional and she ran a tight ship. The tight ship part of it was the most important thing that I heard because that's sort of the way we do things. That's the way I do things. That's how I ran my classroom. In fact, there were those times in public hearings where things got pretty hot and heavy and I -- this is going to sound a little bit ridiculous but I ended up bringing my timer from my kitchen and I'd set it on five minutes. And I reminded the people in there that, you know what? This Planning Board has three kinds of authority, so the Town Attorney tells me. We are quasi-legislative. We can make recommendations to the Town Board. We are quasi executive. We make many administrative decisions of our own, in terms of site plans and subdivision applications and special exceptions but we're also quasi-legislative. I mean quasi-judicial and in that capacity, I'm conducting a public hearing and there was no clapping in the room. And when somebody came up to that microphone, there was something very important in my view that had to take place. That person had to feel free to be able to express whatever position he had on the matter before us. And if he was feeling intimidated, he was feeling that somebody else was going to gain attention or if there were people there who are strictly performing, not building a record, they're wasting our time. We have an application to process and we need to move on the merits. So that's kind of how I operate.

LEGISLATOR FIELDS:

How do you feel about Smart Growth?

MRS. GRABOSKI:

I support Smart Growth 100 percent. I think it's -- you know, it's cutting edge planning. It's out there. I think the municipalities are, you know, need to maybe come up to speed in some sense with that terminology.

LEGISLATOR FIELDS:

How would you recommend that they do that?

MRS. GRABOSKI:

Well, I know that there was a seminar conducted here. At one point, I'm not sure what kind of participation there was but --

LEGISLATOR FIELDS:

I understand 70 people, Tom? Yes.

MRS. GRABOSKI:

That's good. That's good. One of the things that Southampton did for it's Planning Board Members was to -- they became a member of the American Planning Association, which caused -- I mean, I used to get all the literature and the periodical information in the mail. I mean, when you're looking at an antenna issue -- I mean, there are a lot of issues out there. There are a lot of big issues out there. Antennas, I mean, we're hearing from AT&T and all of these they can't operate. They're cellular without antennas every X number of feet but they're ugly. They, you know, is there another way of going about this? What are they doing in other municipalities? I mean, we hear about traffic. We hear about problems. Well, how about, you know, the main coast? You know, go to the Cape. I mean, every major resort area in the country is dealing with these very same issues. What are they doing? You know, I mean, to me that's a value and you're reading about Smart Growth in those periodicals. I don't know whether the Suffolk County Planning Commission gets, you know, gets that literature but I'm interested in it. And if they don't, I will go to my own Town Board and ask to include me in the loop there because I want to be current with what's out there.

I guess the other thing to me that I always felt would have been well to the advantage of the members in Southampton, although I don't know how you really do this with the time constraints and everything. So many of the issues that the other municipalities on the East End are dealing with. East Hampton, Southold and Riverhead, traffic is way, way up there. We're all, you know, working on our own little level. I always envision what a great advantage it would be if we met periodically two or three or four times a year, just to share strategies and never happened but maybe it's not too late.

LEGISLATOR FIELDS:

Thank you very much.

MRS. GRABOSKI:

I could also mention to you that there was a lovely man who served as a Chairman of the Southampton Town Planning Board for 14 years. His name was Gill Shepard and he also served on the Suffolk County Planning Commission well into his late years and he passed away last year. I had a lot of respect for Gill. He was a very, very sweet man and quite a gentleman and he used to call me periodically when I was on the Southampton Town Planning Board. If he had a question on a project that was before the Commission? I was also going to ask you whether it would be appropriate for me -- I mean, what I'm thinking too would be, if there's a referral that goes from the Town of Southampton to the Suffolk County Planning Commission, would it be inappropriate or appropriate for me to be able to have a mail box in Town Hall? So that I could look at those referrals and be familiar with them in my Town? I could take a ride and look at it and see the property and in that fashion could represent my observations back to the Commission. I mean, if I'm still --

CHAIRMAN BISHOP:

That's kind of the Commission Members we need.

LEGISLATOR FIELDS:

Exactly.

CHAIRMAN BISHOP:

Absolutely.

LEGISLATOR GULDI:

I don't think we can have a --

CHAIRMAN BISHOP:

Legislator Crecca? No questions?

LEGISLATOR CRECCA:

I have no questions.

CHAIRMAN BISHOP:

Legislator Caracciolo, you can pursue your -- whatever line --

LEGISLATOR CARACCILO:

Tom, would you please come up and provide the committee and the nominee with an overview of the duties, responsibilities of Planning Commission Members?

MRS. GRABOSKI:

How do you do? Thank you, nice to meet you.

MR. ISLES:

Good morning. The Suffolk County Planning Commission is provided for in the County Charter. It is allocated within New York State enabling legislation. The fundamental purpose of the Planning Commission is a recognition of the fact that the Towns and Villages in New York State have primary land use authority. But there are obviously, issues that go beyond Town and Village boundaries and require a broader perspective and approach.

There are also issues that deal with the County that impact upon the Towns and Villages. So the primary purpose of the Suffolk County Planning Commission is essentially, a gathering of representatives from throughout the County, from the Towns and Villages to examine those issues. Specifically, that can be done in a manner of referrals that are made to the Suffolk County Planning Commission of which we receive, probably in excess of twenty five hundred a year. And those referrals are from the localities to the County Planning Commission dealing with matters that are possibly of regional or inter-town impacts. It would include applications affecting land use within 500 feet of a Town boundary adjacent to Parklands,

State or County Roads and so forth. The purpose of this is to coordinate those activities to make decisions that will be representative of by Town interest, County interest and so forth.

Another role the Suffolk County Planning Commission is to serve the County Executive, as well as the County Legislature on matters that are directed to them. The County Executive and the Legislature have, in the past, asked for additional information regarding matters the Legislature had requested information on the Smart Growth from the Planning Department and we did work with the Planning Commission on that and produced a report for the Legislature last year. That's an example of one.

Another method, a role of the Planning Commission is to provide planning assistance to municipalities. And for example, at the present time, we have arrangements and we're providing assistance to a number of Towns and Villages including the Town of Brookhaven, the Village of Bellport, the Village of Patchogue and a little bit in the Town of Riverhead. So where we can provide services to help them do better planning, we do that. The role of the Planning Commissioner in the specific case here is that the Planning Commission meets once a month here in Hauppauge, most of the times, although we do try to get out to other parts of the County as well, weather permitting.

The Planning Commission is provided with an opportunity to discuss planning matters in their Towns. We do a roundtable at every meeting and that's a method of getting information about some of the issues as the candidate talked about. One issue that's been talked about recently at the Commission are the issue of Cell Towers, Radio Towers and so forth. And that's a way for us in the Planning Department and me as the Planning Director to get information on what's happening at the Town levels, what are some of the services we can do. The Chairman of the Planning Commission recently has spoken to me requesting that the department perhaps, do some work on the issue of Senior Citizen Housing. That's what they will be gearing up for within the department.

So in addition to review of applications that are referred by the Towns and Villages and in addition to assignments and requests for services from the County Executive, as well as the Legislature -- and in addition to the duties that are -- where assistance that's requested from the municipalities, the Planning Commissioner has provided valuable exchange of information. It's really a way for us to hear what's happening at the Town level in a very direct manner.

LEGISLATOR CARACCILO:

In terms of your previous capacity on the Town Planning Board as Chair of the Planning Board? Do you recall any occasion where the Suffolk County Planning Commission, by vote, came down with a recommendation and it's only advisory, to the Town Board in Southampton that you and perhaps the Planning Board decision were on different sides of the issue?

MR. GRABOSKI:

There are a few of those things that come along where it's just a -- there's a major difference -- say in what the Town of Southampton will do and what the Suffolk County Planning Commission will recommend. One of those items would happen to be on -- it has to do with flag lots and flag strip lots. I can't remember the exact specifics of the law but in Southampton, it does allow flag strips and the County standard does not. So every time the County recommendation comes through, I mean, we look at it very carefully and we review it, comparing it with our own standard again. But the comment that you'll hear out of our department, as well as from Board Members is the County doesn't really understand that it's a little bit different in Southampton then it might be in Commack or in Brentwood or someplace else. That would be one issue.

In so far as an override? Periodically, there are circumstances where that's happened. I tend to be sort of on the strict -- you know, if I'm getting a recommendation from the Planning Commission, I'm going to be hard pressed to go against it, if it's -- I understand very well that whatever the Planning Commission probably is doing is backed up by the Suffolk County Planning Department as well. So they've done their homework also and I take that very seriously.

Occasionally, there were access questions that came up. There was one that really made me mad because I feel that we're looking, for example, at an application in Hampton Bays for a McDonalds. And it's in a -- there's a traffic light by the diner, if you're familiar at all with that intersection. And there's the Macy's, formerly Sterns Shopping Center. That whole stretch going a couple of thousand feet to the West, to me, limited access says a whole lot. McDonalds wanted two access points. We wanted one access point to the whole parcel, which also had development capability to the rear and to the side. The matter was referred to the Suffolk County Planning Commission. There was a trigger for one reason or another. Perhaps the fact that it was on the Montauk Highway. I can't remember what it was but it -- yes, okay. And the County originally said one access point. But there were a few Planning Board Members who wanted to go back to the County, to see if -- did they mean ingress, egress, or what did they really mean? And ultimately, it came back and they had changed their position on it to two and I didn't let go of my one. I mean, I was relying, you know, on that to be honest with you. So I don't know if that answers your question.

LEGISLATOR CARACCILO:

Oh that would be an example of an issue where you were in conflict with the recommendation of the County Planning Commission. Was that McDonalds built? No, okay.

MRS. GRABOSKI:

That's the one that's in litigation, so --

LEGISLATOR CARACCILO:

Okay.

MRS. GRABOSKI:

And by the way, I voted against it because I thought there should have been pos. dec., not a negative declaration. Primarily, as a result of access and circulation issues and SEQRA is the vehicle to be able to accomplish the kind of intensive study that you need, not -- I mean, the argument from the applicant was we can do that through the site plan special exception process. Okay, we tried to do that and I'm sticking with my one access point and the vote came down four to three. So that there were three Planning Board Members who shared that position and it passed, incidentally. It was approved. But we're still being sued. So I better not say anymore because it's still in litigation but --

LEGISLATOR CARACCILO:

And I don't want to pass judgment on your past experience and judgments but it sounds to me that you have an independent streak in you and that's good and that's welcome. Because members of the Suffolk County Planning Commission really have to sit first and foremost to represent the best interest of the County and County residents in making decisions that passing judgment on planning matters. And if you don't sit there as strictly a representative of the Town from which you reside, because probably many of the topics you'll be dealing with will be outside of your former Township.

MRS. GRABOSKI:

I understand that.

LEGISLATOR CARACCILO:

And you have to apply the same rationale and judgment you did as a Planning Board Chair Member elsewhere and not be persuaded by others who may attempt to influence -- have influence on you, in terms of well, it's outside of your Town. This is what the local government supports, you know and don't be an obstacle in the way of what the local, you know, Town wants. You're strictly an independent member of that Commission.

MRS. GRABOSKI:

You're telling me don't compromise my standards away?

LEGISLATOR CARACCILO:

Never, never. And I think what will oftentimes may happen is that people become members

of County Boards and Commissions. And because it may be outside of their own geographical area, Town and they're sitting there as a representative of that Town, they feel well, maybe I should just defer to the others because the local representative is in favor of something I'm really opposed to. But I'll yield on this and go along with the crowd. That's not what your position is. Your position is very much like every one of our positions, even though we represent geographical areas called legislative districts. When we vote on resolutions and our proposals and policies in County Government, we really ought to wear two hats. Yes, we bring a local representation to the table but we also have to look at the global implications of Smart Growth policy and so forth. So if it's good, Smart Growth principles that you would have applied in the Town, then those are the same Smart Growth principles you should apply to the other nine Towns, when matters come before the Planning Commission. Do you have any difficulty with that?

MRS. GRABOSKI:

I have no difficulty with that. That to me is where the -- that's the challenge of the position, you know! And it's really up to me to insure that I've become familiar enough with what's before us that I have no position taking a strong position, whatever that may be. I mean, I said before -- I don't know, maybe I get into land use a little bit too seriously because I guess when you're married to a farmer, land is everything. I have to go to sleep at night and know I did the right thing and nothing is going to get in the way of that so --

LEGISLATOR CARACCILO:

Okay, so you're making a commitment then, a pledge today that you will not be influenced by third parties or outside individuals whether from within your Town or elsewhere, in terms of your decision making?

MRS. GRABOSKI:

Absolutely not. I could also tell you that in that period, in that eight years where I sat on the Planning Board, it's kind of an interesting position because as you mentioned earlier, Town Boards come and go. One year there's a Democratic, you know, majority on the Town Board. Another there's a Republican but the Planning Board positions are for seven years and that was -- that's done intentionally, so that politics does not enter into land use. Because land, you should not be political. And I enjoy, you know the, I enjoy grappling with the issues. I enjoy dealing with the people. The politics, I have no interest in getting involved in at all. In that 8 years, I never had a Town Board Member come to me and ask me why did you vote that way? Or are you going to vote this way? Or you better vote this way? So I think that says a lot for the Town of Southampton.

LEGISLATOR CARACCILO:

It says a lot for you as well. I think you probably have a reputation and people respect that. That's good. Okay, thank you. Are there other questions from the committee? George, did you want to?

LEGISLATOR GULDI:

I just support the applicant.

LEGISLATOR CARACCILO:

Okay, thank you.

LEGISLATOR GULDI:

I see you're as impressed as I thought you would be.

LEGISLATOR CARACCILO:

Well, I think her last response is to last few questions were very important to me and I'm sure you are as well. Okay, thank you very much.

MRS. GRABOSKI:

Thank you.

LEGISLATOR CARACCIOLO:

Mr. Isles, before we leave, the memo that I sent you last week, actually gave you in my office, when will I have a response, a reply to that?

MR. ISLES:

Yes, I got the -- Friday, I saw you and I got it and I apologize for the delay. I guess you had requested certain information earlier and did not get it. We're in the midst of responding to a number of requests for information from various investigative agencies. But as I indicated to you, we do have that one readily available. So my secretary is making copies right now. So I would hope within -- by the middle of next week, at the latest, to get it to you.

LEGISLATOR CARACCIOLO:

Okay and just so we could have it part of the legislative record.

MR. ISLES:

It's pretty thick, by the way.

LEGISLATOR CARACCIOLO:

I understand.

MR. ISLES:

Okay.

LEGISLATOR CARACCIOLO:

Could you just summarize what your knowledge is now on the Spring Meadow Property in Wading River? And the yield on that property and the correspondence that went back and forth between the former division of -- Director of Real Estate, Mr. Grecco and parties in the Town of Brookhaven?

MR. ISLES:

Okay, I don't have the file with me. But what I can indicate to you is that the County of Suffolk purchased a parcel known as Wading Brook in January of 2001, we closed on the property.

LEGISLATOR CARACCIOLO:

Do you recall when that resolution was sponsored?

MR. ISLES:

When? No, I don't. No.

LEGISLATOR CARACCIOLO:

Okay.

MR. ISLES:

Offhand, no. We have that in the file though. That was an acquisition of about 120 acres and that did close. That was part of an overall subdivision known as Spring Meadow and that consisted of three sections. In essence, by buying Wading Brook, we bought two sections, phase two and phase three. The remaining section, which has been known as Spring Meadow consisted of about 59 acres. The County had an interest in buying that property but the contract did eventually fail and since that time, the applicant -- the owner of the property, pardon me, has proceeded with the subdivision application with the Town of Brookhaven. I have inquired of the Town of Brookhaven as to the status of that subdivision on two occasions -- been writing and a couple of phone calls. I am told I will be getting a written reply this week. The application, pending with the Town of Brookhaven is for a 75-block subdivision on the parcel known as Spring Meadow consisting of 59 acres. A question did come up regarding the yield on that property and my understanding -- and I'll see this in the communication up there -- I received this week is that the Town is considering it a cluster subdivision and taking some of the yield off of Wading Brook, sections two and three.

LEGISLATOR CARACCIOLO:

Property that is now owned by the County?

MR. ISLES:

That's correct.

LEGISLATOR CARACCIOLO:

So that raises the question that you and I have discussed. How does the Town make a determination by increasing the yield to a separate property owner? On phase one, from property in the County's inventory on protective property? How do they do that?

MR. ISLES:

That's an answer I don't have for you. It's something I'm hoping that when I do get the letter from the Town of Brookhaven, it will shed light on that and it's also quite frankly, a matter that I might consult with the County Attorney on. I will point out to you that this application would require a review by the Suffolk County Planning Commission. So at this point, we have not received the referral. If we do, then it would prompt a formal question to the County. And I would probably consult the County Attorney on that point in formulating a recommendation to the Planning Commission itself.

LEGISLATOR CARACCIOLO:

Most specifically, what would the inquiry to the County Attorney's Office be relative to, what would it be?

MR. ISLES:

I think it would be something on the nature of explaining the facts of the case, in terms of the County acquisition of Wading Brook. And basically, questioning is it permissible to transfer yield at this point in time. And that would relate not only to the transaction itself but also to New York State Law regarding Cluster Subdivision Law. What I'm not certain of at this time is when the County purchased this property in January of 2001, before I got here, was there any consideration to this transfer of yield over?

LEGISLATOR CARACCIOLO:

Consideration by whom? The County?

MR. ISLES:

Was there any -- was that part of the deal? Was it part of the contract and the closing that the property owner would be able to transfer yield to section one? And I've seen some references to that but I don't see anything concrete at this point. And obviously, I don't have the file with me today but that's the kind of question I would want to present to the County Attorney, in advising the Suffolk County Planning Commission on that aspect of it.

LEGISLATOR CARACCIOLO:

Have you looked at the closing documents of that transaction?

MR. ISLES:

I've looked at some of the closing documents that were in the planning file.

LEGISLATOR CARACCIOLO:

Is there anything in the file that indicates or makes reference to that? In which you described as an agreement by the parties to increase the yield on one, based on a County acquisition on two and three? And what weight does that have in law?

MR. ISLES:

Right. Specific to that point. I have not seen anything in writing to the nature of what you said. However, what I have seen is a letter from the Town of Brookhaven indicating to the developer of Spring Meadow that they could take credit for the open space that the County bought, as part of the open space requirement for Spring Meadow. That's about the only direct reference, as far as the wait on that document, in this process right now. And from a legal standpoint, I would certainly want to speak with the County Attorney before answering

that.

LEGISLATOR CARACCILO:

Okay, prior to his departure, did you and Mr. Grecco have any conversation relative to this acquisition and specifically to -- when he was at closing for Wading Brook? The conversation he had with Town of Brookhaven officials?

MR. ISLES:

I certainly have had conversations with Mr. Grecco before he resigned from the County regarding Wading Brook and Spring Meadow.

LEGISLATOR CARACCILO:

My request, I might add, as you recall last summer, I told you to personally supervise this because I was very uneasy with a certain direction that acquisition appeared to be going. You recall that?

MR. ISLES:

Yes, I do, definitely. So I have spoken to Mr. Grecco about it when he was employed by the County gathering information. He was instructed, in writing that nothing was to happen with his application without my approval, this purchase and so forth. And then, subsequently started drafting letters to the Town of Brookhaven asking for further information. As far as the conversation that you're making reference to, in terms about the closing in January of 2001, between Mr. Grecco and a Town representative, I'm not aware of that. And I don't believe -- actually, I had a direct conversation with Mr. Grecco on that one. It's something I've heard of more recently but I'm not sure if it happened or didn't happen. But in answer to your question, did I speak to him about that? No. I spoke to him about Wading Brook and Spring Meadow in general but not specific to that.

LEGISLATOR CARACCILO:

So what is the status of possible acquisition?

MR. ISLES:

The status of a possible acquisition right now is that I don't feel that we have sufficient information at this point in time to determine yield on this property and ultimate value. And I would not feel comfortable in making a recommendation to the County Executive or the Legislature without that information. As far as an acquisition, we certainly do support it. We would like to see the property preserved. It is in the compatible growth area but it's right across the street from the Core. And the fact that we've purchased significant holdings with Wading Brook, that it's adjacent to Brookhaven State Park and so forth, I think some very good arguments could be made for that. But I think we do need to nail this down, number one. And number two, we would then be able to more accurately assess valuation, which is another issue, I think would have to be addressed completely.

LEGISLATOR CARACCILO:

In your previous capacity as a Town Planner, you're very familiar with New York State Law and land use regulation? Does it appear; based on your experience that what is being applied here by the Town of Brookhaven transferring the yield on preserved County owned holdings to a private developer as part of a subdivision application is permissible?

MR. ISLES:

I would be a little bit cautious in my response at this point. Not having the file with me and having all the facts and quite frankly, not having all the answers too. And as I said, I have requested certain information from the Town that I think will help me answer that question for you and for the County Executive. But I think the real question to me is that obviously, if the County had always owned that piece; you can't transfer property from somebody -- transfer yield from someone else's property. The real question then becomes is what status did the subdivision have when the transaction occurred? Was there an approved subdivision in place and in terms of the consideration paid by the County? Obviously, what we don't want to do is pay twice. And so, if they are taking a yield from the part we bought and putting it on the part that we didn't buy, I just want to make sure we didn't -- if there's an extra fifteen or twenty lots that are going into section one, obviously, we don't want to have

already paid for those in the first acquisition. So I think those are key questions that you're raising, in terms of, you know, fully answering. I think it's premature at this point in time and I would like to have the facts from the Town of Brookhaven. I'd like to have potentially, Counsel from the County Attorney's Office in some of those.

LEGISLATOR CARACCILO:

In fact, the memo that's dated January 2nd, to the Town of Brookhaven from you raising the issue of what is the zoning, what is the yield, etc., was a memo prepared at my direction, so that we could hopefully, clarify these issues two months ago and we're still waiting for a reply?

MR. ISLES:

Correct.

LEGISLATOR CARACCILO:

Okay. Well, it's very important and I'd like to hear from a Real Estate Attorney, Mr. Guldi. Based on the facts -- well, the conversation we're having right now? What is the likelihood that if the County buys 130 acres that at a closing that the County is engaged in, with the property owners for two phases, 130 acres -- a discussion can take place between a representative of County Government or a representative of Town Government to transfer credits to a separate and disparate property owner on the adjacent property? Does that follow any practice form? Is it permissible?

LEGISLATOR GULDI:

Well, it strikes me -- just not knowing the transaction or the history on it, it strikes me -- is the question -- is there a way for a Town Government with a subdivision subject to review to agree to increase the yield on a portion of the premises provided that the developer owner sell another portion of the parcel to a different layer of County Government for preservation purposes?

MR. CARACCILO:

Well, there's --

LEGISLATOR GULDI:

Customarily, there are a hundred ways to transfer density. I mean, transferring density to preserve open space is called cluster development. It happens all the time. There are a hundred different ways to structure that goal in the planning process without triggering anything necessarily being improper. What you're asking though is the question largely of Town Law and what the Town subdivision approval process permits them to consider in connection with the development of a subdivision that they are considering. So -- and whether or not they could properly either on the record or *sotto voce* if you will, consider the fact that the adjacent -- adjacent portion is going to be dedicated to the Nature or be preserved through some other governmental program or whether or not that's a proper consideration. It's a complex question. And then literally, you'd have to look at the way the triggers were set up. For example, if they -- if there was a -- if there was merely a determination that since the adjacent 100 acres are not going to be developed, then the density of this permitted on the remaining 30 acres is higher because you're not going to have pressure on groundwater, etc., etc., etc., That kind of determination would be totally within the discretion, provided it met the local criteria of a Zoning Board of Appeals for example. Whether or not that was conditioned, whether or not there was something even -- so you could reach that on an absolute basis. Whether or not something would be improper if it were conditioned upon the successful sale of the preserving entity, is an even more subtle question.

LEGISLATOR CARACCILO:

And two different property owners.

LEGISLATOR GULDI:

Two different? Oh, all right. Two different owners? Still, it's still would be a question of look at the Town Zoning. I presume it's a subdivision, planning level or Zoning Board of Appeals level for density variations. What's going on in the nature of the neighborhood is operative

criteria. They could look at that.

LEGISLATOR CARACCILO:

Let me just -- let me just refresh perhaps -- in a moment, in one moment, okay! When we reintroduced legislation, in fact, we had a press conference there, the County Executive and myself and Legislator Nora Bredes to kick off the Greenways Program, proposed legislation in 1998. The property was owned by -- as Allan Grecco informed us, a number of private investors. They owned 180 acres and we had identified this parcel for possible County acquisition. It went through the normal steps of County review in that acquisition, appraisals and so forth. While that was being undertaken, the investors sold a portion that Mr. Isles properly identified as phase one. The front portion of this 180 piece of property, 59 acres of the 180. He exercised a contract with a developer who apparently had some agreement, if and when you go to sell this property; we will have right of first refusal. That apparently was exercised and the developer winds up with 59 acres.

The County then proceeds, appraises the property and purchases the 130 acres referred to as phases two and three. So they're now in County ownership. On the day of the closing, which you said was January 2001?

MR. ISLES:

Yes.

LEGISLATOR CARACCILO:

I have been told that there was conversation between County representatives in the Division of Real Estate, Mr. Grecco and Town officials to the extent of whether or not the County and the Town were in agreement over transferring some type of credits to the 59 acre piece, so that the developer could increase his yield.

LEGISLATOR GULDI:

Well, you're in the -- all right. If you're in the Pine Barrens compatible growth area --

MR. ISLES:

Right.

LEGISLATOR GULDI:

Are we talking about transferring Pine Barren credits?

MR. ISLES:

No.

LEGISLATOR GULDI:

Pine Barren credits in the Core, right?

MR. ISLES:

Right, you transfer them out of the Core to the compatible growth area.

LEGISLATOR GULDI:

Right, so --

LEGISLATOR FISHER:

That was the question I was going to --

MR. ISLES:

Right.

LEGISLATOR GULDI:

No. So you're not talking about that. There was a conversation about transferring some credits but it strikes me that -- it doesn't make sense, okay? Because if phase one was an approved subdivision --

LEGISLATOR CARACCILO:

It was not at that time, was it Tom? It's only recently approved by the Town, right?

MR. ISLES:

Yes. Well, what happened is they went through a couple of map process with the Planning Board and they did get to the point of a final subdivision approval.

LEGISLATOR CARACCILO:

Recently though?

MR. ISLES:

However and this goes back, I think the latest was 1998. They never filed the map with the County Clerk's Office and it expired. So therefore --

LEGISLATOR GULDI:

So they had subdivision approval? They failed to file the maps, so the subdivision approval has lapsed. They now have to --

MR. ISLES:

Exactly and they are now back in for re-approval.

LEGISLATOR CARACCILO:

And what does that mean to the lay person? Let Mr. Isles answer. Let Mr. Isles answer the question.

MR. ISLES:

Well, I'm not sure what the question means, except that here again, there was obviously an intention to subdivide the whole parcel, 180 acres to begin with. There was a process a couple of times. There were two prior referrals to the Planning Commission but the fact that it never happened, it was never recorded with the County Clerk's Office, which is required. As Legislator Guldi, said it lapsed, it expired and you have to start all over again. So they're starting all over again. And it would seem to me, based on the information I know at this point that when you start all over again, it's a whole new game and the question --

LEGISLATOR CARACCILO:

That raises the question then when the County's closing on phases two and three and purchasing 130 acres, can there be any representations by anyone in Town or County Government about providing increased yield or credits on the adjoining piece of property of 59 acres. Can there be?

LEGISLATOR GULDI:

Yes, if okay! If it's signed -- when we purchased, we purchased some fee simple absolutes. So you're not transferring rights. But when they reapply, since they -- filing the map, they're back at ground zero and when they reapply, the rules in place at the date of the new application of the rules to the control, okay! If they up-zone the parcels in between, it's the new zoning that controls. Something that happens in Brookhaven from time to time depending on who the developer is, it seems. The -- when zoning, planning, Zoning Board of Appeals or Planning looks at the new map for the new application, they can properly consider, whether the parcel is adjacent to another subdivision or preserved open space or etc., without there being any impropriety and those considerations might affect yield. If there was a, you know, express -- if there was a -- it could not have been a lawful transfer of development or density from preserved land that the County bought a fee to adjacent land legally, okay! But does the County preservation of land -- could the County preservation of land affect the permissible density of an adjacent parcel? I have to say yeah, if it was in the discretion of whatever municipal level was reviewing the planning and zone.

LEGISLATOR CARACCILO:

Tom, you want to add anything to that?

MR. ISLES:

No.

LEGISLATOR CARACCIOLO:

Okay, so what is the relevance of the final map that was not properly filed with the County Clerk? What is the relevance there, Tom?

MR. ISLES:

Well, the final map, they apparently received final subdivision approval.

LEGISLATOR CARACCIOLO:

Do you know when that was?

MR. ISLES:

I think it was in '98. You're given a certain amount of time to file your map to get your bonds together and so forth. But the fact that that lapsed, then it's voided. It's not an approval. Because the approval was conditioned upon the filing. So then at that point, as I said earlier, any attempt to subdivide following that would have to be a new map. I will point out that most of the Local Laws do provide for extensions of time and you can apply to the Planning Board, if you come to the expiration period for an extension.

LEGISLATOR CARACCIOLO:

That happened here?

MR. ISLES:

I'm not aware that it happened here and in my conversations with the Planning Director of Brookhaven, he did indicate that the map had expired so --

LEGISLATOR GULDI:

If the rules haven't changed and the circumstances haven't changed, if they come back with the new map for the same parcel and the board comes up with a different yield, without a rationale, it would be difficult, shall we say to defend that determination, if one were to challenge it. So for example, if the zoning hasn't changed, etc., it's between '89 and the day and the approved map showed -- how many acres are you talking about?

LEGISLATOR CARACCIOLO:

You know what the approved map showed originally?

LEGISLATOR GULDI:

How many acres?

LEGISLATOR CARACCIOLO:

One hundred and eighty acres.

MR. ISLES:

Right.

LEGISLATOR GULDI:

But on this portion of, 30 acres you said?

LEGISLATOR CARACCIOLO:

Fifty-nine.

MR. ISLES:

Fifty-nine.

LEGISLATOR GULDI:

Fifty-nine acres, let's say that that 59 acres showed 57 lots, okay! If the planning and zoning says no you can't have 57, you can only have 30; they would have some trouble with that. If the Planning Board came and --

LEGISLATOR CARACCILO:

They're saying now George, they could 75.

LEGISLATOR GULDI:

They may be applying for 75.

LEGISLATOR CARACCILO:

I'm sorry?

LEGISLATOR GULDI:

They may be applying for 75. I'd say that variations of more than 10 percent without changes and circumstances in the law -- or material are going to be difficult for them to defend in court by someone either --

LEGISLATOR CARACCILO:

Mr. Isles?

LEGISLATOR GULDI:

In or out of government.

LEGISLATOR CARACCILO:

Mr. Isles has information that indicates that they've approved, right? In the final last --

LEGISLATOR GULDI:

You can't approve until it's filed, until the application is in.

LEGISLATOR CARACCILO:

Well, no there's a new applicant now. We're talking perspective to '98, okay! In '98, you had the previous owners.

LEGISLATOR GULDI:

Right.

LEGISLATOR CARACCILO:

Okay, the County buys 130 of the 180 acres and -- or 179 acres, I guess it would have been - - and now while that's taking place, the original property owner sells 59 acres to a developer. That developer starts a subdivision application anew. Is that your understanding, Tom?

MR. ISLES:

Yes.

LEGISLATOR CARACCILO:

Okay, so sometime after, I don't know the dates, this subdivision, this developer goes in with a subdivision map for 75 lots. And there are representations that he can get the higher yield because when the County bought phase two and three and preserved 130 acres, there was some type of agreement, acknowledgment, conversation transferring credits from County Preserve Land to this other parcel.

LEGISLATOR GULDI:

Well --

LEGISLATOR CARACCILO:

Do you have anything that --?

LEGISLATOR GULDI:

I don't what was said. I'd love to see the transcript.

LEGISLATOR CARACCILO:

Let me --

LEGISLATOR GULDI:

But where are the wetlands? What's the yield based on? That was in the detail.

LEGISLATOR CARACCIOLO:

Let Mr. Isles -- let him acknowledge whether or not those facts are facts or information we have -- we've been led to believe -- whether circumstances.

MR. ISLES:

That's what I've been led to believe. That's what I understand it to be. I'd like to get clarification on certain facts but that's what it appears to be. I think what Legislator Guldi might have been referring to earlier, in terms of the re-submission of the map is that if you were approved, preliminary at final approval but didn't file the map and it expired and you came back in five years later -- but pretty much you're going to get the same map most likely if the laws haven't changed and so forth. And that much of a variation would not be expected. In this case, I think one thing that did change is the parcel change. And so that's something I just need to get a handle on, the fact that this was an overall subdivision of 189 acres. The open space, 63 acres of open space were in sections two and three that we just bought last year. So now that we're dealing with only 59 acres, how does that affect the new application? What should the Planning Board and ultimately Suffolk County Planning Commission take under consideration for this parcel? Can we go back and look at some of the parcel we already purchased and so forth. So those are key questions that are not fully answered at this time.

LEGISLATOR GULDI:

I would think that it would be incumbent upon the board to consider not only the proposed subdivision on the existing parcel that's before it. But to look at it with great detail and in fact superimposed. The proposed subdivision of the prior approved subdivision to see exactly what the differential in yield on the relevant portions of the parcel, if any.

LEGISLATOR CARACCIOLO:

Okay. When do you think you'll be able to report back to the Legislature on that acquisition?

MR. ISLES:

Hopefully soon. I have -- I was told last week that I'd have a written reply from the Town this week. So if I get that, that will help me to complete a review and be able to report back to the Legislature with the information we have here. And as I said, we are -- this is required to be reviewed by the Suffolk County Planning Commission and as of this date, we have not received a referral. So that would have to be done.

LEGISLATOR CARACCIOLO:

Okay. This is also a matter for the Long Island Pine Barrens Commission, correct?

MR. ISLES:

Not necessarily. It's a good question.

LEGISLATOR CARACCIOLO:

I know it came up, at least been told, it came up at their meeting last week.

MR. ISLES:

Right. Here again, it isn't a compatible growth area. It normally would not automatically trigger a review by the Pine Barrens Commission. The Pine Barrens Commission has the option to consider developments outside of their Pine Barrens Core. They determine them to be of regional significance. So that's the discretion and judgment of the Pine Barrens Commission. So it's not automatic. It's is discretionary, if they want to do it. If they feel it's warranted.

LEGISLATOR CARACCILO:

Any other questions? Yes, Legislator Fields.

LEGISLATOR FIELDS:

I had asked, at the last meeting, if we could get a report on how the bids -- when people are trying to purchase land, either adjacent or just County land?

MR. ISLES:

Right.

LEGISLATOR FIELDS:

Am I going to get that before the next meeting?

MR. ISLES:

With direct sales?

LEGISLATOR FIELDS:

Or both.

MR. ISLES:

So the method of determining value, is that what you're saying?

LEGISLATOR FIELDS:

Method of determining value. There was a question as to whether or not the potential buyer has been told the price that the land should be going for?

MR. ISLES:

Well, we do -- do for direct sales is we do an appraisal and we then contact the adjacent owners and give them an opportunity to bid on the property. We do not recommend sale of the property for the Legislature, if the bids come in less than the appraised value. So I believe, they're told what the minimum price would be, which is our appraised value. I can confirm that for you.

LEGISLATOR FIELDS:

Okay.

MR. ISLES:

And that's how that passed.

LEGISLATOR FIELDS:

There was discussion about the auctions and the fact that prices were less than value? So I just wanted to get a report on the procedure of how people at auction do or do not know what the price should be. Who determines the price, whether it's lower, higher and whether or not people are ever told what the price should be?

MR. ISLES:

No, they're not told but we can get you a report, a memorandum outlining the steps.

LEGISLATOR FIELDS:

Before the a --

MR. ISLES:

Yes.

LEGISLATOR FIELDS:

Okay, thanks.

MR. ISLES:

We've been doing a lot of work on it lately anyway, so we'll get it to you.

LEGISLATOR FIELDS:

All right, thank you.

LEGISLATOR CARACCIOLO:

Just before we close, I think we all appreciate and welcome the County Executive's remarks today about the Land Acquisition Programs and the changes he is going to recommend as well. As you know, there are several legislative resolutions that seek to do some changes, in terms of how we, in the future, make land acquisitions and review acquisitions and the like. That said, will you be prepared at the next committee meeting, which is next week to give us a sense of keeping the program on track? As you know, there are a lot of concerns in the environmental community that the changes, the reform, if you will, policy and procedures will somehow delay and I guess derail the steady progress we've been making in this area. First your thoughts? I don't see that happening. I haven't seen any precipitous drop in land acquisition activity and am I right or am I wrong about that?

MR. ISLES:

No, I believe you're right. I think one thing that has happened is the pipeline for review has become a little bit longer and that's due to the fact that appraisal review has been consistently put back into the loop again. So where it was part of the package years ago, we always had an appraisal review. It was then streamlined a little bit to make the acquisitions go faster and was not used all the time, although sometimes it was. We're now back into doing appraisal review on all acquisitions. So that has added some time element, of a small time element of the review. I will tell you, however, that our appraisal review staff, I feel has been doing a very good job. That they've been working hard to try to satisfy the time requirements that we have and we're seeing -- we're definitely seeing reviews coming out of the pipeline at this point pretty rapidly. And I can also tell you too that we are negotiating acquisition of parcels once we have that information.

We completed two negotiations last week that I was very pleased with. We've then referred those acquisitions now to the County Attorney's Office for the preparation of a contract. So I think we have seen a little bit of a speed bump, so to speak, but not a roadblock in terms of getting things done. And it's probably a prudent speed bump to make sure that everyone is comfortable with the evaluations that are being offered by the County. So I don't see a dramatic impact on acquisition pace with the appointment of a Director of Real Estate. I think that's going to help tremendously. And I'm hoping we can do another record year of acquisitions this year and that's my goal.

LEGISLATOR CARACCIOLO:

Very good. Okay and we look forward to continue working with you to accomplish that goal. We'll see you next week Tom, thanks.

(The meeting was adjourned at 12:20 a.m.)