

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

Minutes

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

**November
12, 2002.**

MEMBERS PRESENT:

Legislator David Bishop - Chairperson
Legislator Michael J. Caracciolo - Vice Chairperson
Legislator Jon Cooper
Legislator Andrew Crecca
Legislator Ginny Fields

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Erin Cohan - Aide to Legislator Bishop
Barbara LoMoriello - Aide to Legislator Cooper
Bill Doyle - Aide to Legislator Towle
Judith Gordon - Commissioner of Parks Department
Nicole DeAngelo - County Executive's Office
Vito Minei - Department of Health Services
Denise Speizio - Parks Department
Stephen Raptoulis - Parks Department
Alpa Pandya - The Nature Conservancy
Tom Isles - Director of Planning
James Burke - Division of Real Estate
Lauretta Fischer - Planning Department
DeWitt Davies - Planning Department
Kevin Duffy - Budget Review Office
George Proios - Environmental Affairs
Anthony Graves - Bellport Resident
Lee Snead - Bellport Trustee
Thomas Williams - Brookhaven Resident
Jim Markow - Aeros Oyster Company
John Kotula - Suffolk A.Q. Committee
Rob Parrino - Paradise Point Oyster Farms
Other interested parties

MINUTES TAKEN BY:

Ana Grande - Court Stenographer

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

CHAIRMAN BISHOP:

Good afternoon. Welcome to the November 12th meeting of the Environment, Land Acquisition & Planning Committee. Please rise for the pledge of allegiance to be led by Legislator Crecca.

(SALUTATION)

CHAIRMAN BISHOP:

Thank you, Legislator Crecca. Well, I probably jinxed the meeting, but it seems like we have a manageable agenda today. We'll go right to the cards. Why don't we have people who are interested in speaking about the acquisition of property in the Village of Bellport. How many people are they? One, two, three. Why don't you come up together as a panel.

Mr. Snead, Mr. Williams. Are you Mr. Graves?

MR. GRAVES:

Yes.

CHAIRMAN BISHOP:

Okay. Very good. Good afternoon, gentlemen. Which resolution are you directing our attention to?

MR. SNEAD:

I believe it's 2001, Chairman Bishop.

CHAIRMAN BISHOP:

That's under the tabled resolution section, page four, Resolution 2001, authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Percent Taxpayer Protection Program, land of Peat Hole Pond, Bellport.

MR. SNEAD:

Good afternoon.

LEG. FIELDS:

You have to put the microphone on.

CHAIRMAN BISHOP:

No, I think the button on top, towards the top, up here.

MR. SNEAD:

Good?

CHAIRMAN BISHOP:

Yes.

LEG. FIELDS:

You have to hold it very closely.

MR. SNEAD:

Okay. It's a pleasure to appear before you this afternoon. I have with me -- my name is Lee Snead. I'm a Trustee of the Village of

2

Bellport. I have here with me Anthony Graves, who is a member -- resident of the Village of Bellport, someone who grew up near this pond; and Tom Williams, who many of you know, who works for the Post-Morrow Foundation at Cornell Cooperative Extension and other august organizations.

We're here to discuss the assistance by the -- or potential assistance and hopeful assistance by the County of Suffolk with the purchase of a piece of property in the Village of Bellport. It's locally known as lot seven along the Peat Hole, and that's P-E-A-T, hole, which is a pond. And I have a couple of survey maps that I'd like to bring up so you can have a look at them.

CHAIRMAN BISHOP:

Sure.

MR. SNEAD:

By way of background, the Peat Hole Pond has been locally used by the community of the Village of Bellport and others as a skating pond in the winter in those years when the winter freezes hard enough to give us that opportunity.

The pond has been used -- access to the pond has been given over private lands on the east and on the west by the Lea family, who owns both of the -- the lot outlined in yellow, which is the subject of the purchase, and a parcel on the east side of the property, which a portion of it is outlined in orange for your review.

The Lea family is in the process now of putting the property up on the market for sale and we were concerned in the Village that if the property were sold, it would probably go for a fairly high property cost and anybody purchasing that property would probably not be so kind as to allow Village residents to simply cross their property to skate on the pond. So, I spoke with Mr. Lea and they have graciously offered the Village of Bellport until December 31st to purchase lot seven, which is the lot identified in yellow on the survey map.

As part of the purchase, however, and due to the fact that the ecological nature of the pond is such that we wanted to be able to do

some restoration of that pond, there's a fair amount of phragmites intruding right now, and other portions of restoration, we have convinced Mr. Lea to also give us the half of the pond bottom, which is outlined in orange, as well as a chunk of the beach area, also outlined in orange, which contains what's known as a sluice gate, that's a drainage structure that drains the pond to the Great South Bay. And it's absolutely critical for the pond, because it allows for a little bit of saltwater intrusion and an access point for fish such as American Eels to gain access to the pond for spawning.

The present purchase price of the lot is four hundred and fifty thousand dollars. The intended use of the lot, once we purchase it, is for public parkland.

CHAIRMAN BISHOP:

Okay. So you want us to partner with the Village to buy lot seven, which is estimated to be somewhere in the neighborhood of four hundred

3

and fifty thousand dollars?

MR. SNEAD:

Yes, and associated other properties.

CHAIRMAN BISHOP:

So what's the total package of properties worth?

MR. SNEAD:

The whole purchase price is four hundred and fifty thousand dollars. We estimate --

CHAIRMAN BISHOP:

What percentage is going to be County?

MR. SNEAD:

Probably less than forty percent.

CHAIRMAN BISHOP:

Less than forty?

MR. SNEAD:

At this time we have a public donor -- I mean a private donor who has come up with a substantial offer. We have had a local fund-raiser of the community and came up with some money there. And the Town of Brookhaven has preliminarily agreed to put in approximately seventy-five thousand dollars.

CHAIRMAN BISHOP:

So now all of you can have a shot at the critical question, this scored a twenty on an advisory ranking system, the ranking system is not definitive, twenty-five is the usual cut off. Why should we ignore the inferior ranking and support the purchase anyway?

MR. SNEAD:

Well, as I looked at the ranking, one of the things I did notice is that, A, there was no indication that the pond -- that -- well, excuse me. Can I have the ranking a second, Tom?

Looking at the ranking under the secondary criteria, development pressure, you have a ten and a five for preliminary development plans filed, zoning in place. Zoning is in place for this piece of property to be developed as a single-family residence and I have actually seen the application to the DEC for the title wetlands permit to do so.

My experience in dealing with the DEC is that they generally grant these things and the property will be developed once they issue the permit. So, in that light, I would say it probably bumps it over the twenty-five percent right there.

However, this is an incredibly unique piece of property and I think if you -- I've spoken personally with the DEC, because I was involved in trying to do some restoration work here, both the tidal water and freshwater wetlands divisions over at the DEC acknowledge that this is a unique area, unique ecosystem. You have a freshwater pond literally within thirty-five feet of the bay, there's a huge diversity of

4

wildlife on this pond.

Historically, it has been a pond that's supported spotted turtles, which are a species of concern here in the State of New York. And it serves as a breeding ground for American Eels which are commercially and historically of import to the area.

I suggest that in light of the nature of the pond and its intended use, which is for a public park, the criteria are met in that situation. But I'm going to defer on the environmental issues to Mr. Graves and to some of the other open space issues to Mr. Williams.

CHAIRMAN BISHOP:

Okay. If you just address that question, you'll be ahead of the game.

MR. GRAVES:

I'll see if I can get this mike going, it sounds like it's going. My name is Anthony Graves. I grew up in the Village of Bellport. I have

an Undergraduate Degree in Biology and a Masters Degree in Environmental Science and I work as an environmental analyst for the Town of Brookhaven.

I'm not familiar with the County open space rating program, but in regards to the Peat Hole, I would say that size isn't everything. The Peat Hole, as Lee mentioned, is a freshwater pond that is directly adjacent to Bellport Bay. They work together as a system to support fisheries and also to support other animals, plants, native plants and wildlife.

I have a brief statement here I'll read where I'll just go over some of the highlights of the ecology of the Peat Hole. The Peat Hole is a pond in the village of Bellport, it's about two acres in size. It's spring fed, so it never dries up even during droughts. This is important for wildlife that is dependent on the pond for drinking water.

It is surrounded by wetlands and woods that are on residential private property. The Lea property, which is under consideration by the committee, is the only remaining undeveloped lot on the pond. The Lea property has both road frontage and it encompasses a wooded upland area and a significant portion of the Peat Hole.

The pond and associated wetlands and woods support a wide variety of native plants and wildlife, including, as I observed when I was growing up in the area, a population of spotted turtles, which are a species of special concern in New York State. One of the reasons those turtles are a species of special concern is because of decline in the amount of suitable habitat for them. So, again while the pond is small, it does serve as habitat.

The property is also an important stopover point for migratory water fowl and songbirds, including neotropical migrants such as warblers, vireos and thrushes. The populations of many of the water fowl and the migratory songbirds are also in decline due to habitat loss.

5

Another reason to preserve the Peat Hole is an importance as part of the South Shore Estuary Reserve. Bellport Bay and the Peat Hole are both within the bounds of the South Shore Estuary Reserve. The outlet from the Peat Hole flows through a narrow strip and the distance is short enough and the access is good enough so that American Eels, which are a commercially important species locally, can make their way into the pond where they grow and mature. The eels are a catadromous species, which is the opposite of what salmon and other species we're familiar with are, in that they mature in freshwater and spawn in

saltwater, so they need those freshwater areas in proximity to saltwater areas to be able to mature.

The third reason is the recreational use of the Peat Hole. The Peat Hole has traditionally been very popular for ice-skating. I have observed upwards of seventy-five people at a time skating on the pond, and they're not just from the Village of Bellport, they're from all over, when it's cold enough for that activity.

Right now it's only through the good graces of the current landowners, Mrs. Hart on the west and Mr. Lea on the east, that the community has been able to engage in those activities. At any time if Mrs. Hart or Mr. Lea sold their properties to less tolerant private individuals, skating on the Peat Hole could become a thing of the past.

And as we all know, as private property is increasingly developed, the public has lost the ability to access woods and ponds that have provided kids and adults with places to escape the rigors of our workaday lives.

That's about it with the Peat Hole. I think we can -- I'd be happy to go over the County grading form and see if I can offer any further information specific to it.

CHAIRMAN BISHOP:
Okay. Mr. Williams?

MR. WILLIAMS:
Yes. Thanks a lot. Maybe I'll approach it slightly different, I can't say too much more. I have some invitations here.

CHAIRMAN BISHOP:
Do you want to talk about the eel?

MR. WILLIAMS:
No.

CHAIRMAN BISHOP:
Okay.

MR. WILLIAMS:
I'm interested in the people aspect of it. It is a place where people have been skating and going to for a hundred years and this property represents the -- if it's sold privately, it would be the closure of the opportunity for anybody to use it.

is a public/private partnership. We had a get-together and a fund-raiser, we've been able to raise two hundred and twenty thousand dollars towards the purchase of it. It's a project with the Village and the Town and the County, hopefully. And from that perspective, I think it represents an ideal representative effort of these different groups.

I do have a poster board here I can just show you with an aerial, I don't know if you want to see it.

CHAIRMAN BISHOP:

We're going to -- yeah, that's fine. I think we're going to get the Planning Department that has maps for it as well.

MR. WILLIAMS:

Okay. And the Post-Morrow Foundation, which is a local preservation group, has sponsored this effort and is working to raise the funds and try to preserve this special place.

CHAIRMAN BISHOP:

Thank you all for that presentation. Are there any questions?

MR. SNEAD:

The only thing I would point out, if you look on the surveys I provided you, those areas highlighted, there's a table of areas. Although this is a one-acre purchase for lot seven, in essence you have close to two acres worth of savings here. We are being given as part of this a chunk of upland on the adjoining lot that adjoins the Great South Bay and the fully half of the pond bottom.

We have spoken to the adjoining residents around the area and we're comfortable that they will likely also grant to the Village of Bellport the rest of the pond bottom, so it will be totally owned by the Village. And the Village has undertaken to maintain it in the future and to do some restoration on the pond. So --

CHAIRMAN BISHOP:

This is planning steps only and I think that the vision that you lay out with that partnership and the community support, if it is there, then it will be a lot easier to pass this in final form when it comes time to actually appropriate the dollars that you're looking for.

In other words, I think it will pass today, I'm not certain, but I think it will pass today, but it will be important for that all to come together as it's being presented to get the final money.

MR. SNEAD:

Absolutely. The only thing again I would impress upon you is that we are under a limited time constraint here for the purchase. We have an option until the end of this year to purchase this piece of property.

CHAIRMAN BISHOP:

Well, this is planning steps only, unless this was amended by the sponsor, no, planning steps only. Which is, you know, it's a preliminary County commitment, essentially.

7

MR. SNEAD:

I understand.

CHAIRMAN BISHOP:

But it's not a final commitment of actual dollars. Why don't we -- unless you have some -- I was going to ask the Planning Department to come forward.

LEG. CRECCA:

Is this a paper street?

MR. SNEAD:

Peat Hole Lane, no, is an actual an open street. It's used by the community at this time.

LEG. CARACCIOLO:

Mr. Chairman, I would just point out to Mr. Snead that as I understand it, and we'll hear testimony in a little while from Tom Isles, the Director for the County's Planning Department, that right now we're probably running somewhere in the area of three to four months
minimum

on appraisals. So, if you're facing a deadline of 12/31, it may not be realistic to expect that the County will be able to meet that deadline.

MR. SNEAD:

Presently, Legislator Caracciolo, the gentleman is in the process of beginning an appraisal on it, he is on the County list and we hope that the County would be able to accept that appraisal. I've spoken with Mr. Isles about that, he said there may be a problem depending on who ordered the appraisal, but we're confident that the purchase price will come well -- will come well under the appraisal. And, in fact, the amount of public dollars that will be applied to this will be well below the appraised value.

LEG. CARACCIOLO:

Now earlier you mentioned you have several partners. The Village is a partner, you have a private --

MR. SNEAD:

We have a private --

LEG. CARACCIOLO:

-- contributor.

MR. SNEAD:

Yes. We have a private -- we have one major private contributor, we have a number of Village residents who came down on December 2nd to a fund-raiser and pledged monies. Those private monies are aggregated at this point to about two hundred and fifteen to two hundred and twenty thousand dollars. We have a preliminary approval from the Town of Brookhaven to commit seventy-five thousand dollars to the project.

LEG. CARACCIOLO:

Thank you.

8

CHAIRMAN BISHOP:

All right. Thank you, gentlemen.

Why don't we bring up -- let's go to the next issue and then we'll go, because we only have one other issue with cards, and that's the aquaculture issue, Mr. Markow.

Are all the speakers on the aquaculture issue on the same side of the issue? That's Mr. Markow, Mr. Kotula and Mr. Parrino.

MR. KOTULA:

We're on opposite sides of the issue.

CHAIRMAN BISHOP:

You're on opposite sides of the issue. Okay. So, let's break you up. First was Mr. Markow.

MR. MARKOW:

I don't know if I'm the best one to talk first on this.

CHAIRMAN BISHOP:

Do you want to go last?

MR. MARKOW:

Well, I guess I can talk about it. We -- our company, we own some underwater grounds in Gardiner's Bay right now and we -- we've been cultivating oysters and clams for quite a few years. We've been paying our taxes on that ground.

A lot of the issues that have come up about owning underwater grounds

have been the case of mechanical harvesting and it makes it very difficult, you know, to plant product and reharvest it.

CHAIRMAN BISHOP:

Are you directly affected by this resolution or you're just in sympathy to the redemption application?

MR. MARKOW:

Well, it's right next to my ground.

CHAIRMAN BISHOP:

Okay.

MR. MARKOW:

And as things have gone on, our concern is that the ground would be -- if it was let out to go to people who weren't looking to cultivate it, it may pose a risk to us, being that we plant our ground and that we would have, you know, neighbors that weren't thinking about us.

But I think that the fact that the County was supposed to have started a leasing program in 1969, and this ground is available, it seems to me that it should be put in some fashion that it can be used for cultivating clams and oysters again, because there's so little amount of ground where people are able to do this anymore. I think that once it's gone, and if the County can't see its way clear to start a leasing program, aquaculture will probably fade away because there's

9

like limited opportunity now.

And we don't get tremendous sets of clams or oysters anymore, we've been operating a hatchery, we sell a hundred percent of what we produce, and, you know, given that, I don't think they'll be much of an opportunity or an industry anymore. When you have the, basically hand harvesters working grounds where they're not putting back on to the ground, it's the hunter/gatherer mentality, seems to, you know, it defeats itself in the long run.

And when you have people who have a vested interest in the ground, you're planning it, the set that you get may end up going on the public grounds, so it creates an opportunity more, you know, for more people than just the individual owner of the ground.

CHAIRMAN BISHOP:

I don't have much experience with this issue, so I'm sort of dealing with it for the first time, but there's the traditional method was a land grant. In other words, the aquaculture farmer treated it as property that they owned and they had a deed for it.

MR. MARKOW:

Right.

CHAIRMAN BISHOP:

Then there's the option of leasing it, and then finally there's the option of letting people just harvest them as they come to exist.

MR. MARKOW:

Right, right.

CHAIRMAN BISHOP:

Your concern is that we go -- if we end up with the last approach, just allowing people to gather clams and oysters as they exist, there won't be an industry and so your aquaculture farm won't be able to survive.

MR. MARKOW:

I think there should be an opportunity. I mean there needs to be some --

CHAIRMAN BISHOP:

But I think the County, if I'm understanding it correctly, and the State, they're not saying that they won't have leasing, they're just saying that they won't -- they're phasing out the ownership when they can.

MR. MARKOW:

Uh-huh. I mean how -- what's the possibility of it actually turning into a leasing program? You know, it's supposed to have happened in 1969 and it's, you know, considerably later than that now and hasn't happened.

CHAIRMAN BISHOP:

So that's the question I need to ask, okay.

10

MR. MARKOW:

Right. Well, here's some ground that still has, you know, it still can be used as that purpose and it hasn't, you know, it's not going to happen if somebody doesn't push it along.

And there's opposition to stop aquaculture completely also, which I feel victimized by that. You know, we own our ground, we pay our taxes, we had a lawsuit against us, just the fact that we own that ground. And, you know, it's not fair to us as landowners to be tortured by, you know, a lawsuit stopping you from doing the activity that you were granted to do when we brought -- bought our property.

You know, it's not that we didn't pay our taxes on our property, you know, we've done that all along. But it seems to me that once an opportunity like this evaporates, it won't come back again and it's only a very small percentage of the public of the ground that's out there, it's probably less than ten percent of that whole bay. So, it's -- and it's all in deep water, you know, it's not like you're going to have hand diggers or guys working that. I'm out there now, I don't see anybody out there working.

So, we go out there, we plant our ground, we don't advertise it, but we plant it and we do intend on working our ground. And I don't see why other people shouldn't have the opportunity.

CHAIRMAN BISHOP:

Thank you. Any questions? Okay. Thank you.

Mr. Parrino. By the way, for the record, that was Jim Markow of Oakdale.

MR. PARRINO:

How are you?

CHAIRMAN BISHOP:

Good afternoon.

MR. PARRINO:

I'm a little caught by surprise, because the papers we've mailed you from my attorneys, we thought the hearing was tomorrow on the 13th and my attorney -- I just so happened to call down here to get a time and they told me it was going off right now, so I raced down and my attorney can't show up. He was going to have a little presentation and everything, so I'm kind of caught.

CHAIRMAN BISHOP:

Tuesday, let's assume things go poorly for you today and the bill is passed out of committee, it goes before the full Legislature on Tuesday and your attorney will have an opportunity at that time to make his presentation.

MR. PARRINO:

Okay. Thank you. I have a letter that my attorney wrote to you guys, I don't know if you want me to read that now.

CHAIRMAN BISHOP:

Yeah. That's probably the best way to proceed.

MR. PARRINO:

And also I have a letter, I don't know if you guys got this in time from Cornell Cooperative Extension. It's from Greg Rivera, he's the aquacultural specialist over there. He writes, "To who it may concern: I have worked with Robert Parrino of Paradise Point Oyster Farms since the late 80's. I have helped him make the transition from bayman to shellfish farmer by providing expertise, assisting with permits and helping solve problems.

While I support Suffolk County's role in leasing underwater lands in the Peconic and Gardiner's Estuary, I do not see that the lands Paradise Point Oyster Farms is attempting to redeem in western Gardiner's Bay as becoming part of such a leasing program. Once this acreage is public again, it will mostly likely never be made available to shellfish farmers who will invest their resources to create a crop of shellfish.

Currently, less than five percent of the Peconic/Gardiner's lands are under private control. There is a need for access to underwater lands east of Shelter Island where brown tides are less of a threat.

Aquaculture is the fastest growing segment of agriculture in the United States and shellfish aquaculture is the fastest growing and largest part of aquaculture in New York State. The increasing demand for seafood will be met by imports, whether from the far east or the next state by us.

Locally grown shellfish can supply some of this demand, but shellfish farmers need access to underwater lands that can be cultivated. The concern is that once these lands revert to the County, they will never be made available to shellfish farmers.

That was -- he couldn't be here, he's away.

CHAIRMAN BISHOP:

Yes.

MR. PARRINO:

But that was from Greg Rivera.

CHAIRMAN BISHOP:

That was very clear, well read.

MR. PARRINO:

I'm on the spot again.

CHAIRMAN BISHOP:

You're doing well.

MR. PARRINO:
The letter from --

12

CHAIRMAN BISHOP:
Your attorney.

MR. PARRINO:
My attorney. "This letter is submitted in support of the captioned applications by Paradise Point to redeem a total of seven hundred and seventy-six acres of underwater properties representing seven percent of the underwater lands in Gardiner's and Peconic Bays. It is respectfully submitted that the redemption application should be granted as it clearly is in the best interests of applicant, Paradise Point, and more importantly the best interests of the County of Suffolk and its citizens.

The reason -- the reason advanced in support of Introductory Resolution Number 2043-2002 seeking to stay my client's redemption application, is that the report of the Suffolk County Aquaculture Committee dated June 2002, caption, policy guidance for Suffolk County on shellfish cultivation in Peconic and Gardiner's Bays, the committee report.

It recommends that Suffolk County not allow the redemption of reverted grant lands so as the County can retain the subject property in order to protect and to preserve public access to these lands and maintain over these lands for the public of managing their use.

However, a careful review of the Committee report indicates that the Committee report itself offers no specific proposal for management by Suffolk County of said underwater properties and to ameliorate the current crisis in shellfish production in Suffolk County.

Significantly, the committee report offers no concrete proposals to resolve the many issues which currently frame the vigorous public debate pertaining to the utilization of underwater resources.

There is no reason to assume that the debate will be resolved in the foreseeable future. As the debate continues, the natural shellfish resources in the Peconic and Gardiner's Bay Estuaries will continue to decline. Not only will the two hundred to three hundred baymen as estimated by the committee report have greater difficulty in harvesting shellfish and making a living, but the general public will be unable to satisfy its shellfish requirements from local sources.

The committee report notes on page 29 of the report that nearly ninety

percent of the annual hard clam production and over ninety percent of the annual oyster production in the Peconics comes from approximately twenty-nine hundred acres, of which aquaculture activities are conducted on. This acreage figure -- this acreage figures represents only 2.4 percent of all the underwater land in Gardiner's and Peconic Bays.

At page 30 on the report, the Committee report acknowledges that private hatcheries are a vital source of juvenile shellfish for both public and private needs. The report also acknowledges that this source of shellfish eliminates the need to purchase out of state product, which could cause disease to local shellfish populations.

13

Finally, the report acknowledges that private shellfish cultivation could help to restore depleted ecosystem, create marine related jobs and stimulate the eco-tourism out on the north fork.

Thus, the fundamentally anomaly of the Committee report is that while it recognizes the substantial contribution of aquaculturists to the region, the economy -- and to the economy and to the enhanced of general shellfish population in the Peconic Bay, it offers neither a short-term nor long-term proposals to support aquaculturists who are critical and necessary to stocking the shellfish population in these bays.

CHAIRMAN BISHOP:
All right. Let's break it there.

MR. PARRINO:
I guess you get my point.

CHAIRMAN BISHOP:
Yes. No, I do. If you want to summarize anything else that's in there in you're own words.

MR. PARRINO:
Basically, we're very small in number. He's Jimmy Markow from Aeros Cultured Oyster Farm. He's one of the only other people out there. And there's a lot of baymen out there that are against privatization of land and we always seem to come up on the short end where nobody seems to support the aquaculture activity.

CHAIRMAN BISHOP:
Let me ask you something. Has the County indicated to you if they do not allow you to redeem the property, whether they intend to lease it back to you to continue your operations or are you anticipating being put out of business?

MR. PARRINO:

Well, I'm just -- I don't think they'll -- there will be a lot of -- see the thing is with the bad, brown tides and red tides, I'm trying to get out into a better growing area. Out in Gardiner's, there hasn't been any toxic blooms to kill shellfish, that's why there's some natural clams out there. I want to put my seed where I know it's going to grow.

CHAIRMAN BISHOP:

Right.

MR. PARRINO:

And I have a feeling where --

CHAIRMAN BISHOP:

And your property is in Gardiner's or --

MR. PARRINO:

I'm mainly in Southold Bay right now, so I'm trying to get out to Gardiner. But I think if Suffolk County tries to lease this property, there's going to be a lot of controversy from baymen and it's going to

14

take years and years before something gets met and I'll be -- I won't be allowed to expand my business, you know, I'll have to wait.

CHAIRMAN BISHOP:

I don't want to add --

MR. PARRINO:

I just want to expand my farm.

CHAIRMAN BISHOP:

And you don't really want this particular property, although it's yours or it was yours until the taxes weren't paid, you want to continue in business, but you want to move further east, right, but you need this property to sort of do the deal?

MR. PARRINO:

Yes. Well, when I did put the proposal in to the Bankruptcy Court, the property wasn't taken yet, so I, you know, I was hoping we were going to be able to get the deal done or approved before, and the old company, Aquaculture Technologies was fighting me, so I was fighting him and amongst, you know, it took time and then the County decided

to

take the deeds in the meantime.

So, you know, that's what happened I guess. There was one piece that I was able to get outright, because the deed wasn't taken. That was the only piece I was able to get.

CHAIRMAN BISHOP:
How many acres is that?

MR. PARRINO:
That was about two hundred acres, but it's in Southold Bay and it's about sixty-five feet of water. I basically tagged it along, because I knew that was one piece that wasn't taken, you know, had the taxes paid that I knew, you know, hopefully I could get something.

CHAIRMAN BISHOP:
How many acres do you need in Gardiner's Bay to do your business?

MR. PARRINO:
Well, the acre -- it sounds maybe like a lot to you and me, seven hundred acres, but out there it's a hundred and ten thousand acre estuary, so seven hundred acres --

CHAIRMAN BISHOP:
It was not a judgment on the question, I just wanted to know what
does
it take --

MR. PARRINO:
Well, it takes six years to grow clams, you know, and I like to plant about thirty acres of clams a year and I need, you can't plant right on top of each other, and, you know, I think it's for the -- I've been having a lot of trouble with thievery out there being stuff is right on the bottom, so it's a lot nicer, you can kind of hide your crop better on a bigger staked out parcel of land. If you had only a fifty acre parcel, maybe somebody can really see where you are and target

15

your stuff easier than having five hundred acres and, you know, it's much harder for somebody to find your seed, actually.

CHAIRMAN BISHOP:
So, ultimately, again you're looking for, six years did you say it takes to grow?

MR. PARRINO:
To grow a clam, yes.

CHAIRMAN BISHOP:
And you need thirty acres per --

MR. PARRINO:

We're planting currently about thirty, somewhere. Thirty to fifty acres we like to plant. Because we also, with the newer technology with the dredge boats and whatnot, you could plant them much thinner to avoid predation of crabs eating them and everything. So, you use more land.

CHAIRMAN BISHOP:

Questions?

LEG. CARACCIOLO:

Just quickly. Besides the -- yourself and the other gentleman who spoke earlier, are there any other baymen out there doing what you're doing?

MR. PARRINO:

No. Most of the baymen --

CHAIRMAN BISHOP:

He's not a bayman.

MR. PARRINO:

No, I am a bayman. I was a clam digger for about fifteen years and I just kind of saw the Flower Oyster Company doing this in Oyster Bay and said, hey, I had a science background and I'd rather try and put my future in my own hands instead of relying on Mother Nature to set clams and oysters and not put back. I feel much better growing my

own

seed, putting it out there knowing that I'm, you know, doing good, you know, I'm not just taking all the time.

LEG. CARACCIOLO:

Okay. I guess what I'm trying to get a sense of is to what extent is there competition?

MR. PARRINO:

Aquaculture right now, that is so nil, there's hardly -- I mean there's about twenty maybe smaller people doing it. Myself and Mr. Markow are probably the only people that are really full-time trying to farm out there and employ people and trying to bring back an industry that was giant back in the 50's or, you know, it was giant. So, there's not many of us out there.

And that's why I kind of felt all along that the County, Gordon Johnson, the State, from the Attorney General's Office came out, he was behind me. I just feel everybody should be trying to help push

this to get --

LEG. CARACCIOLO:

Essentially what you're saying is a small guy like yourself should be encouraged and one of the roles of government is to help assist small business people and that's what you are?

MR. PARRINO:

Basically, yes.

LEG. CARACCIOLO:

When you have an initiative like this that works, you make it work, you --

MR. PARRINO:

Follow the rules that are put in front of me and always abide by them.

LEG. CARACCIOLO:

Have you ever been cited by any regulatory agency for any violations?

MR. PARRINO:

No, nothing, nothing.

LEG. CARACCIOLO:

Okay. And without disclosing any trade secrets, I mean give us an idea of what kind of an industry in terms of gross dollar amount are we talking about?

MR. PARRINO:

Well, we potentially would like to grow about twenty million clams and twenty million oysters per year. Flower, the other oyster company, like a model to this does about seventy-five to a hundred million. We're trying to be -- which would be small scale to him, but I mean it has -- each oyster is about forty cents, so if we could get out of the twenty million, we work on about a twenty-five percent get-back, so, you know, it's a couple of million dollar a year business, that's what we're trying, like a winery or something, we're trying to build.

LEG. CARACCIOLO:

Are there other regions of the company -- of the country, rather, that you compete with?

MR. PARRINO:

Yes. Down south. A lot of product from Virginia right now and down south is being pushed up here, because there are just no clams to buy.

LEG. CARACCIOLO:

Are there incentives in those other regions provided to the baymen to help them or encourage them in this business?

MR. PARRINO:

The other states, you're saying?

17

LEG. CARACCIOLO:

Yes.

MR. PARRINO:

I really don't know for sure about that. But I do know as a farmer, my biggest fear is having a disease come up, say some of these wholesalers will buy too much, and technically you're not allowed to put out-of-state shellfish in the waters, but sometimes they'll put them in racks to hold them and God only knows what can happen as far as disease being spread around.

That's my biggest fear in trying to keep a local, everything localized to the north fork. So, I, I spawn my local brewed stock right out of the bay, you know, and stay local with everything to try to keep out disease.

LEG. CARACCIOLO:

Who in the County have you had conversation with with respect to keeping your rights as you believe you have, you know, and --

MR. PARRINO:

I worked with General Rains in the past and that's from I bought land in '93. He was very supportive of me. And I spoke to Mr. Cochran about this in the beginning and he seemed to be supportive of it. He seemed like there was so much land out there, what the heck is my little seven hundred acres when there's a hundred and ten thousand acre estuary. Why is everybody -- I don't understand, you know, I mean why are they trying to take it all, why can't everybody work it? That's what I don't understand.

LEG. CARACCIOLO:

Right. Then that's in essence what we need to find out as well. And I guess what I was trying to ascertain, has anyone, and obviously not, sufficiently explained to you why?

MR. PARRINO:

No. Why -- you mean --

LEG. CARACCIOLO:

Any explanation at all?

MR. PARRINO:

Why it shouldn't be given back?

LEG. CARACCIOLO:

Uh-huh.

MR. PARRINO:

I just feel that the baymen have such an upper hand on -- I think -- I just feel that anytime baymen come to public meetings and cry out, because we're public, I'm public too, you know, I'm a public person too. And it always seems to go, in 1969 it went the baymen's way where they shot down the leasing program, which we'd probably have already if it wasn't for the baymen, you know. It's opposition and nobody ever listens on our side as far as --

18

LEG. CARACCIOLO:

Final question. In terms of fees or taxes collected as a result of your business activities, could you quantify that for us?

MR. PARRINO:

What I would be redeeming, what --

LEG. CARACCIOLO:

No. Under your current business plan, what you harvest now, you know, what profit you generate, how much do you pay in either fees or taxes to regulators or the County?

MR. PARRINO:

Well, I don't know, probably around twenty-five thousand dollars or somewhere around there.

LEG. CARACCIOLO:

Okay.

MR. PARRINO:

But the redemption taxes are around thirty-five thousand that I'm going to pay to redeem.

LEG. CARACCIOLO:

For how many acres?

MR. PARRINO:

For those seven hundred acres.

LEG. CARACCIOLO:

That's pretty inexpensive, wouldn't you agree?

MR. PARRINO:

Well, usually the land, it's like a dollar an acre. It's really the -- it's not like farmland, it's just the rights to grow shellfish, you know.

LEG. CARACCIOLO:
Okay. Thank you.

CHAIRMAN BISHOP:
Thank you.

MR. PARRINO:
Thank you.

CHAIRMAN BISHOP:
Good. Mr. Kotula.

MR. KOTULA:
Thanks. I kind of come here tonight -- today wearing two different hats. For one, I'm on the Suffolk County Aquaculture Committee too.

CHAIRMAN BISHOP:
Say who you are, you're John Kotula, Shelter Island.

19

MR. KOTULA:
John Kotula, I'm from Shelter Island. I'm on the Suffolk County Aquaculture Committee and I'm also a full-time commercial fisherman,
a
bayman, so I guess I'll speak under that hat first.

I make most of my living in Gardiner's Bay in, on and around these parcels Mr. Parrino would like to redeem as well as on the parcel that Mr. Markow part ownership to.

There's no surprise to me that Mr. Parrino is trying to redeem these particular pieces of property. There were some I believe six thousand some odd acres that were taken by the County that were one time aquaculture technologies and the seven hundred seventy-six that Mr. Parrino wants, no surprise, are probably the most productive, not only shellfish productive, but the most productive pieces of underwater land in the Peconic Estuary.

When I speak to productive, I'd like to broaden it other than hard clams, because there's so much more important benthic organisms that live on these properties. But it's no surprise that he wants these particular pieces when there was plenty of others that he could have also tried to get. He is a clam dredger, we have to remember that, as is Mr. Markow.

There's basically one reason why he wants these piece of properties, because there's millions of dollars in hard clams on them. And the excuse is, I have to clean the natural product off the bottom in order to plant my product. That's the excuse that a lot of these people have used over the years. That was the big problem with the aquaculture technologies fiasco that I think everybody here is aware of.

CHAIRMAN BISHOP:
We're not aware of it.

MR. KOTULA:
It will take me too long to explain.

CHAIRMAN BISHOP:
Okay. So the Aquaculture Committee recommended that we phase out aquaculture?

MR. KOTULA:
No, not at all.

CHAIRMAN BISHOP:
Okay.

MR. KOTULA:
We recommended that the County, while it had the opportunity, to take as many parcels as it could and make them become public property once more. That way in the future when Suffolk County, if it ever does and when it does come up with a solid aquaculture plan, that it would have these lands in its possession.

20

CHAIRMAN BISHOP:
In its control.

MR. KOTULA:
So that it could control the activities.

CHAIRMAN BISHOP:
Now, are you against shellfish farming as they do it?

MR. KOTULA:
As they do it with mechanical dredges, yes. I'm opposed to any form of what I call in-the-bottom aquaculture. There's two ways to do it. One is to plant the product on or in the bottom and then take a dredge boat and rip the bottom to shreds and retrieve that product.

The other way to do it is in gear-like cages and rafts and things of that nature where you pick the cage up on to a barge, tend to your product and either suspend it or put it back in the water.

The latter one with the cages, that's really the way that the industry is tending to go. Mostly with oysters, it's very hard to grow clams in cages, that's why the clam industry has resisted that approach. They prefer to plant. A clam wants to be in the bottom to grow. But it's -- there's a lot of other bad things that happen when you start using these large hydraulic dredges to retrieve the product.

But the most important thing is that these pieces of property are very naturally productive and in order to plant any product on them, the natural product, which belongs to everybody in the State of New York, which is put there by nature, they would have to take that product off the property first, which is a very lucrative thing, there's millions of dollars worth of natural product on these pieces of property. I make my living clamming out there.

CHAIRMAN BISHOP:

He already has it, right? He already has the -- he's already removed the natural product, right, because he uses the bay bottom now as a farm?

MR. KOTULA:

On some of his other pieces that he hasn't --

CHAIRMAN BISHOP:

This is new property for him?

MR. KOTULA:

This would be new to him, yes.

CHAIRMAN BISHOP:

Oh, because he acquired it through a bankruptcy, so he doesn't --

MR. KOTULA:

Right, this is entirely new. This would be entirely new to him.

CHAIRMAN BISHOP:

All right. One of the arguments that his attorney makes is that the

planting of clams and oysters that the few shellfish farmers engage in is a great source of the shellfish in the estuary system.

MR. KOTULA:

I'm glad you brought that up, because I disagree with that. With this particular area, the amount of shellfish that are on these bay bottoms now is a natural set. There's everything from minute little seed to great big chowder clams and everything in between. And the clams that reproduce, most of what we call the cherrystone clams, the medium size ones, when you have a natural bed like that, that is really reproducing a lot.

If you completely strip that away and then you plant some little, tiny seed clams, what are you going to get out of these little, tiny seed clams into the water column for repopulation compared to, compared to what was there before? It doesn't, it doesn't compare. It's -- you know what I mean?

CHAIRMAN BISHOP:

Yeah. But so when he says the Committee report notes on page 29 that nearly ninety percent of the annual hard clam production and over ninety percent of the annual oyster production in the Peconics comes from the approximately twenty-nine hundred acres on which aquaculture activities are conducted, is that inaccurate?

MR. KOTULA:

I believe so.

CHAIRMAN BISHOP:

All right.

MR. KOTULA:

A lot of the product in those reports, a lot of the product was for the hard clam product was naturally -- natural clams that were hand dug from Raritan Bay and transplanted to the east end and then resold as deprivated (sic) product. It's very misleading, but those were natural clams that were hand harvested from elsewhere and brought out to our clean waters to deprivate (sic).

CHAIRMAN BISHOP:

Now, this -- again, as I said, I'm at something of a disadvantage here, having no background in this, but this sounds like the old cattle ranchers versus the sheep ranchers.

MR. KOTULA:

That part of the argument is, yes, but there's also, there's also other issues here. The area in Gardiner's Bay, which is kind of the middle of the bay, besides the hard clamming issue, there's also the environmental issue, which is very important. This is a very

important place, Gardiner's Bay.

It's surrounded by County and State parks as well as Mashomack Preserve, it has almost a pristine shoreline that's undeveloped, so it would really be a shame to development the underwater part of it as well. We need to keep Gardiner's Bay as pristine as possible.

22

There's other forms of commercial fishing that takes place. There's draggers, there's a conch fishery that's very important and a lobster fishery as well as recreational fisheries.

And then there's also the recreational boating aspect of it. This area is an area where there's a lot of boat traffic in the summertime, big yachts, sailboat races, a lot of stuff goes on out there. And aquaculture activities where there's going to be a lot of buoys and markers and big boats working, you're going to be in a conflict with a lot of these recreational activities as well.

CHAIRMAN BISHOP:

My analogy to the sheep and the cattle ranchers is that this committee that you serve on, you're a bayman?

MR. KOTULA:

Right. I --

CHAIRMAN BISHOP:

Was there representation from their side of the argument on the committee? In other words, do we have a shellfish farmer on the committee?

MR. MARKOW:

No.

MR. KOTULA:

It was mostly governmental people. I was there --

CHAIRMAN BISHOP:

You were just a --

MR. KOTULA:

I was there -- no, I was there to represent the Town of Shelter Island. I was appointed --

CHAIRMAN BISHOP:

Oh, you were appointed by the Town, not as a -- I understand.

MR. KOTULA:

Right. That's why I'm giving you this side of the story now --

CHAIRMAN BISHOP:

Right, you got two hats.

MR. KOTULA:

Because later when Mr. Isles speaks, maybe I can speak more about it.

CHAIRMAN BISHOP:

Okay. Well, that was very helpful, I appreciate your coming.

MR. KOTULA:

But I am, as well as other baymen who live and work on Shelter Island and the surrounding areas that work in Gardiner's Bay, are very opposed to Mr. Parrino redeeming this property. It really needs to stay public for many reasons.

23

CHAIRMAN BISHOP:

Thank you.

MR. KOTULA:

Okay.

CHAIRMAN BISHOP:

All right. To the agenda. Andrew, I assume you don't have questions?

LEG. CRECCA:

No, none.

INTRODUCTORY PRIME RESOLUTIONS

2051. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon). ASSIGNED TO ENVIRONMENT,

LAND

ACQUISITION & PLANNING (Postal)

CHAIRMAN BISHOP:

Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village. Legislator Postal's resolution.

I don't believe that this resolution has -- 2051, let me just check my notes from my pile this morning. This is Legislator Postal's bill, a planning steps for an unknown number of acres of land in the Village of Amityville for acquisition under the Active Parklands Program.

This will require a Town of Babylon resolution later on committing to the construction of a replica of a colonial era grist mill with educational and informational aspects to qualify under the active parklands component of the Greenways Program.

All right. Planning steps only. Motion to table.

LEG. CRECCA:
Second.

CHAIRMAN BISHOP:
We're going to get more information on this one.

LEG. CRECCA:
Yes.

CHAIRMAN BISHOP:
Legislator Crecca, second by Legislator Caracciolo. All in favor?
Opposed?
It's in my district, so mark me as opposed. Tabled.
(VOTE: 4-1-0-0) (OPPOSED: BISHOP) TABLED

2055. Amending the 2002 Capital Budget and Program, appropriating funds for the acquisition of Normandy Manor (CP 7430). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (COOPER)

24

CHAIRMAN BISHOP:
2055 is amending the Capital Budget and Program, appropriating funds for the acquisition of Normandy Manor. It looks like a bad penny is back.

LEG. COOPER:
Motion.

CHAIRMAN BISHOP:
Explanation.

COMMISSIONER GORDON:
This additional appropriation was caused by the timing. The closing was delayed such that more taxes were due as an adjustment, and that's what this money is for.

LEG. CRECCA:
How much is it?

CHAIRMAN BISHOP:

The question is of Counsel on 2055.

COMMISSIONER GORDON:

The resolution is for twenty thousand.

MR. SABATINO:

Twenty thousand additional approval, under the new rules we have, is we take a two-thirds vote on the floor of the Legislature.

CHAIRMAN BISHOP:

Because?

LEG. CRECCA:

It goes above the appraised value.

CHAIRMAN BISHOP:

It goes above the appraised value.

LEG. CRECCA:

Is that correct, or no?

COMMISSIONER GORDON:

No. This is not acquisition price, this is just the costs of the acquisition.

MR. SABATINO:

2055 is the funding mechanism for the procedural motion. The procedural motion is on -- the procedural motion is on the next, I guess on page four. So you're going to get to -- when you get to procedural motion under tabled on page four, that's where the two-thirds vote to get you above. And then 2055 is how you're paying for it, because you have to amend the capital budget to pick up twenty thousand dollars with the offset coming from ADA.

LEG. CRECCA:

But if the additional money, the question I guess, Paul, would be if

25

the additional money is not for the purchase, if it's related to cost related to the purchase, does it still fall under that rule? In other words, this isn't for the land, it's for --

MR. ISLES:

The ancillary cost with the transaction, really.

CHAIRMAN BISHOP:

Tax adjustment.

MR. ISLES:
Yes, tax adjustment.

MR. SABATINO:
Well, that --

CHAIRMAN BISHOP:
The owner paid the taxes in advance.

LEG. CRECCA:
Having done many closings, I can tell you, but it's not part of the purchase price, but a tax adjustment affects your net cost, it's part of your closing costs.

CHAIRMAN BISHOP:
Right. Is that's what's driving it over the appraised value, is the adjustment on taxes or --

MR. SABATINO:
You know what it is, this goes back so far. Let me just go pull --

LEG. CRECCA:
No, we paid more than appraised -- if I remember correctly, and correct me if I'm wrong, on Normandy Manor we didn't pay more than appraised value?

MR. ISLES:
We paid less than the appraised value.

COMMISSIONER GORDON:
Yes, we did.

MR. SABATINO:
No, you did a procedural motion because you had to go above appraised value, that was the whole point of having the vote.

LEG. COOPER:
Well, no, but that's with the soft costs, which I think --

COMMISSIONER GORDON:
We never went above the appraised value.

LEG. CRECCA:
Right.

COMMISSIONER GORDON:
We went above the appraisal review.

LEG. CRECCA:

Right.

CHAIRMAN BISHOP:

That was it.

COMMISSIONER GORDON:

We were well below the appraised value. And because the closing was delayed for that purpose.

CHAIRMAN BISHOP:

This fell in between, so the appraised value was at, we'll make up a number, 1.2, and the appraisal review is at one million flat and this came in at 1.1, in between the two. Is that basically what happened?

COMMISSIONER GORDON:

That's correct, yes.

CHAIRMAN BISHOP:

With made up figures. All right. Now, this -- these closing costs, tax adjustment, is that driving it over the appraised value?

COMMISSIONER GORDON:

No.

CHAIRMAN BISHOP:

No. It's keeping us within that range?

COMMISSIONER GORDON:

Yes.

CHAIRMAN BISHOP:

Okay. So is there a motion? By Legislator Cooper.

LEG. COOPER:

Motion to approve.

CHAIRMAN BISHOP:

Second by myself. Is that correct, Counsel, was there anything more to say?

MR. SABATINO:

Are you voting on the twenty thousand dollar offset to fund it, you're voting on 2055?

CHAIRMAN BISHOP:

Yes.

MR. SABATINO:

That's a normal vote, that's a normal vote.

CHAIRMAN BISHOP:

No, but the information that was just laid out, is that accurate

27

according to your records?

MR. SABATINO:

According to the documentation that I've got, nine thousand seventy-five dollars was for the survey appraisal, environmental review and title insurance and ten thousand nine hundred twenty-five was for additional tax adjustments arising out of the transfer of title.

CHAIRMAN BISHOP:

The critical -- we're not above the appraised value is what I'm asking, even with the soft costs, we're not.

LEG. CRECCA:

And --

CHAIRMAN BISHOP:

We're above the appraisal review value, but not the appraised value.

LEG. CRECCA:

And this -- we did this different than a normal acquisition, right, or no? What did this come out of?

MR. SABATINO:

The twenty thousand?

LEG. CRECCA:

No. The purchase of Normandy Manor.

CHAIRMAN BISHOP:

The money.

MR. SABATINO:

Normandy Manor came out of, I believe it was land preservation partnership.

MR. ISLES:

I thought it was a separate capital budget item, that was my understanding anyway.

LEG. COOPER:

Right. It was money that they had set aside for the projector.

CHAIRMAN BISHOP:
Right. The projector.

LEG. CRECCA:
Right, right, that's what it was, the projector.

MR. SABATINO:
I'll go back and look at it.

CHAIRMAN BISHOP:
It's all a bad memory. All right. Motion by Cooper, second by myself.

28

LEG. CARACCIOLO:
I have a question.

LEG. FIELDS:
Can I ask a question?

CHAIRMAN BISHOP:
Legislator Caracciolo and Legislator Fields have questions.
Legislator Caracciolo has the floor.

CHAIRMAN BISHOP:
What was the difference between the appraisal and the appraisal review recommendation?

MR. SABATINO:
You know, just to go back to the record, I did find it. Okay. In Procedural Motion Number 6 that you adopted earlier this year, this is just reading from the resolution, okay, in that resolution it was stated that notwithstanding an approved County appraised value of one million two hundred thousand for said property, the Legislature hereby determines that the fair market value of this property is one million three hundred ninety thousand dollars. And then it goes on to say you'll make the purchase at one million three hundred seventy-five thousand.

So, that's what was stated in the previous resolution, so my recollection and memory was accurate, which is that you were going above the appraised value based on the determination that you made.

LEG. CARACCIOLO:
And we --

CHAIRMAN BISHOP:
Ms. Costigan, I think --

LEG. CARACCIOLO:

Well, that's what I'd like to clarify. What was the appraised value that the division used for the purposes of the purchase versus the appraisal review value?

COMMISSIONER GORDON:

I don't have the file with me.

LEG. CARACCIOLO:

Okay. I'm going to make a motion to table, Mr. Chairman.

CHAIRMAN BISHOP:

All right. There's a motion to approve having been made in the second, now there's a motion to table. Is there a second on the motion to table?

LEG. COOPER:

The only concern I have is that the developer could have made a lot more money if he had put a couple of homes on this site. He has bent over backwards with us, backwards for months now in trying to work with the County, even though he is earning a lot less money. And he's

29

only doing that because he's trying to do the right thing, I know this guy. And for us at this point to table this once again, he's not going to be getting any more money than is the appraised value, these are ancillary costs for survey and appraisals and taxes.

I don't think that was the intent of the Committee when we voted originally not to allow it to go over appraised value. It's not going to be going into his pockets.

LEG. CARACCIOLO:

The question I would have is --

CHAIRMAN BISHOP:

It's just adjustments. As Legislator Crecca and myself can tell you, we've done closing, you have to make adjustments at the closing for taxes that have been prepaid. The owner has paid the taxes in advance, now he wants the money back for the period of time that the County will have ownership of the property.

LEG. CARACCIOLO:

I understand that.

CHAIRMAN BISHOP:

All right.

LEG. CARACCIOLO:

And I guess to me a more fundamental issue is to go back and revisit how we wound up in the situation of making acquisitions --

CHAIRMAN BISHOP:

We took a vote, that's I mean --

LEG. CARACCIOLO:

Well, okay, but I just, I just want to --

CHAIRMAN BISHOP:

I mean, maybe it was a bad vote at the time is what your argument is, but I don't think it would be -- first of all, I think we would be in great legal jeopardy if we breached at this point, I mean we've gone down the path this far.

LEG. CARACCIOLO:

Well, my question was under the contract, was there a closing date, was there an establishment of a date that this acquisition had to close with the seller?

COMMISSIONER GORDON:

There was not a drop dead date.

LEG. CARACCIOLO:

Okay. So that my retort to that, Mr. Chairman, would be that nothing is in jeopardy here. I can appreciate what the sponsor is saying and I'm sympathetic, however, I think we have to use all due diligence in making these acquisitions given what has transpired a year ago and I think in the absence of doing that, we expose the Legislature to just criticism if we don't do our due diligence. And I'm not satisfied

30

right now, I'm not comfortable with voting on this resolution without some additional information.

COMMISSIONER GORDON:

The closing has taken place.

LEG. CARACCIOLO:

Oh, it has?

COMMISSIONER GORDON:

Oh, yes. There was not a drop dead date, but this has closed, it's been accepted.

LEG. CARACCIOLO:

Oh, okay. So somebody is owed twenty thousand dollars and this is an attempt to pay the twenty thousand dollars?

COMMISSIONER GORDON:

That's correct. It actually is only ten thousand.

LEG. CARACCIOLO:

So then the seller is not holding on to this property any longer than the agreed upon?

COMMISSIONER GORDON:

No. We own this property, and it's only because the closing was delayed that the additional taxes became due.

LEG. CARACCIOLO:

Okay.

COMMISSIONER GORDON:

It isn't as a result of anyone's action other than the passage of time.

LEG. CARACCIOLO:

Okay. So this money is owed to the seller?

COMMISSIONER GORDON:

Yes. For the payment of taxes, which he already made.

LEG. CARACCIOLO:

Which he already made. Okay. So we don't run into any penalty situations if they're not paid by December?

COMMISSIONER GORDON:

No. We just run into bad faith for not paying him back promptly.

LEG. CARACCIOLO:

I understand. Okay. Thank you.

CHAIRMAN BISHOP:

Yes, Legislator Fields?

LEG. FIELDS:

Do we normally pay taxes with bond money? Do we bond to pay taxes,
do

we normally do that? There's no other way of a kind of a
pay-as-you-go rather than --

COMMISSIONER GORDON:

There's no other source. It comes out of whatever --

CHAIRMAN BISHOP:

There's no separate account, I guess for --

LEG. CRECCA:

At least we get it back.

LEG. FIELDS:

Okay. Thanks.

LEG. CARACCIOLO:

I'll withdraw the motion.

CHAIRMAN BISHOP:

Motion to approve having been made and seconded. All in favor?
Opposed?

LEG. CARACCIOLO:

Abstain.

LEG. CRECCA:

Abstain.

CHAIRMAN BISHOP:

Two abstentions on 2055. (VOTE: 3-0-2-0) (ABSTENTIONS:
CARACCIOLO,
CRECCA) APPROVED

2058. Authorizing planning steps for acquisition under Suffolk County
Multifaceted Land Preservation Program (Greis Property at Oakdale)
Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION &
PLANNING.
(Fields)

CHAIRMAN BISHOP:

2058 is authorizing planning steps for acquisition under the Suffolk
County Multifaceted Land Preservation Program, the Greis property at
Oakdale. This is for planning steps, it's a quarter of an acre. It
scored a fifteen.

LEG. FIELDS:

The purpose I believe of this resolution is to possibly be able to
give residents an access for canoeing or kayaking or whatever on the
Connetquot River and to get on to the --

CHAIRMAN BISHOP:

So, it sounds like a worthy project, but it's in the wrong program,
right? I mean that's --

LEG. CRECCA:

Also, what resident, what resident -- is this --

32

CHAIRMAN BISHOP:

It either should be Greenways Active Recreation or it should go into the -- into the quarter percent water, you know, surface water quality program where we're doing estuary initiatives.

LEG. CARACCIOLO:

What would be the initiatives here?

CHAIRMAN BISHOP:

It's a park, she's saying make it a public access --

LEG. CARACCIOLO:

A park.

LEG. CARACCIOLO:

-- or you can do it as a public access point on the Great South Bay Estuary, which is also a goal of the estuary plan, right?

LEG. FIELDS:

Uh-huh.

LEG. CARACCIOLO:

I would support the -- okay.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fields. 2058 is tabled. (VOTE: 5-0-0-0) TABLED

2061. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Church of Jesus Christ Latter Day Saints Property) Town of Smithtown. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Crecca)

CHAIRMAN BISHOP:

2061 is authorizing planning steps for acquisition under Suffolk County Multifaceted Lands Preservation Program.

LEG. FIELDS:

Can I revisit this? Because there's no reason it should be tabled if -- let me refer to Counsel about changing this.

MR. SABATINO:

On 2058, the way it was explained was it was to acquire the land to allow access to the water. I -- you wouldn't put that in the quarter percent program, because it wouldn't fit the criteria.

LEG. FIELDS:

Quarter percent is clean water.

CHAIRMAN BISHOP:

But access to the bay is one of the criteria.

LEG. FIELDS:

I'm not sure.

33

CHAIRMAN BISHOP:

I think it is. You should check that.

MR. SABATINO:

You can make any of the five criteria -- I mean the reason it went to land preservation, that's the blanket program. Under one of the categories where you've got environmentally sensitive land, that's the best you can do. You can't do Greenways, because you're not going to have -- nobody is going to come in and do an infrastructure on a quarter of an acre, I mean especially the Town, so --

LEG. FIELDS:

Right.

MR. SABATINO:

So it went into the Multifaceted Land Preservation Program, but there's eight categories under that program. The one that it fit into was the environmentally sensitive land acquisition. I couldn't think of anything else that it would fit into.

LEG. CRECCA:

Can I ask a question?

CHAIRMAN BISHOP:

But environmentally sensitive land acquisition, as I understand it, envisions land not being made accessible to the public, it's supposed to preserve and protect and shelter it, so to speak, from the public. This is inviting the public to use it.

LEG. FIELDS:

No. Parklands are inviting the public to use it. That's -- we protect parklands.

CHAIRMAN BISHOP:

I'm asking it in question form, Counsel. You know, am I right or where am I wrong in that analysis?

MR. SABATINO:

Environmentally sensitive land is land that is deemed to have some preservation purpose, it doesn't fit within one of the specific categories like open space, which you then dedicate to the nature preserve, or farmland, which you put in a farmland preservation. It's kind of like a catchall category to pick up a situation like this where it's really -- it's really, as I understand it, just a desire to let -- to keep that piece of land from being developed and to still permit people to get to the waters. It's not going to be in the nature preserve.

CHAIRMAN BISHOP:

When we acquire land through the land preservation program, it doesn't go into nature preserve?

LEG. FIELDS:

No.

34

MR. SABATINO:

There's eight different categories. Okay. The land -- that was just the funding mechanism to kind of lump sum the funding, but you can put

it -- you don't have to come up with a specific category within land preservation, you have to pick the land preservation partnership, which means you get fifty percent matching share from a town or village. Or you can put it into open space, which then gets dedicated to the nature preserve. Or you can go into an active parkland situation, but you need somebody to join with you.

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

The point is that you've got to fit it in --

CHAIRMAN BISHOP:

So where is this one going?

MR. SABATINO:

It's just going to go into the generic category of environmentally sensitive land, because it really doesn't fit into anything else that's more specific.

CHAIRMAN BISHOP:

Does the Real Estate Division agree with that analysis?

MR. BURKE:

Jim Burke. I understand what Mr. Sabatino is saying. The other source that we were thinking about is possibly the town portion of the 12(5)E monies. There is some, we have a balance there from --

CHAIRMAN BISHOP:

Residuary, yeah.

MR. BURKE:

From residuary. We have some money there and we could -- it certainly might fit into that program.

LEG. CRECCA:

What is that funding --

MR. BURKE:

The same funds that we bought under the {Nikon} property.

MR. ISLES:

That's the old drinking water, the residuary funds. Here again, it's not a strong acquisition from an environmental or open space protection standpoint.

LEG. FIELDS:

Right, but it's access, public access.

MR. ISLES:

It's still only a quarter of an acre, though.

35

CHAIRMAN BISHOP:

Access to the bay is one of the stated goals of the Estuary Program.

LEG. FIELDS:

One of the recommendations, yes.

CHAIRMAN BISHOP:

Right. To, you know, enhance stewardship and -- but I mean you don't have to have a huge marina, obviously a launching point for canoes is valuable. So, I'm not arguing whether it's a valuable purchase or not, I just don't --

LEG. FIELDS:

If people -- because of development pressures, people don't have the ability to go into somebody's yard and launch a canoe or a kayak.

CHAIRMAN BISHOP:

Right.

LEG. FIELDS:

So this leaves the -- or allows that opportunity for people to actually go and put a boat into the bay.

CHAIRMAN BISHOP:

Legislator Caracciolo?

LEG. CARACCIOLO:

Yes. Mr. Chairman, I would support the resolution if there were language explicit in it that said, that's the goal, we're going to accomplish that goal, and who's going to accomplish the goal. Is the Town or the County going to put in a boat ramp?

We did this in Riverhead, as Jim Burke remembers, up on the Peconic, when we were looking at the parcel owned by Valerie Good. Ultimately, the Town wound up buying the parcel, but I sponsored legislation to make it a boat launch site for the Peconic for all residents. The Town fortunately stepped forward and made the acquisition, it was a rather minor one, so it saved the County about a hundred twenty-five thousand dollars, as I recall.

But in this instance, I know given the location, the purchase price is going to be significant. And that said, I don't want to buy something and it just lays fallow and never is used for the intention that you would like to see it used.

LEG. FIELDS:

Let me just ask a question. First of all, the Town of Islip will not -- has not assisted in purchasing as a partner. But, the other program that you're talking about is money that if we were to table it today, I could do that then with that kind of money?

COMMISSIONER GORDON:

I think we have to look at it, because I think there's some restriction in 12(5)E money on parklands.

36

MR. SABATINO:

If there's 12(5)E money left.

MR. ISLES:

There is.

MR. SABATINO:

There is, then it would be eligible, because 12(5)E money has no restrictions on it at all.

LEG. CARACCIOLO:

And, Legislator Fields, all I was saying is that let's clearly identify in the resolution what the purpose of the acquisition is. I don't want to see the County buy small parcels and they just lay fallow.

CHAIRMAN BISHOP:

Right. And somebody -- and then when people use it for access, you know, the adjoining owners say, oh, no, that's to preserve the environment.

LEG. CARACCIOLO:

Right. That's protected property, and it's not. It's not being purchased as protected property.

CHAIRMAN BISHOP:

Tighten that thing up, Counsel.

COMMISSIONER GORDON:

For purposes of this planning steps, we could get started looking at it, you know, getting the value, finding out if they're interested while you figure out what section you want to do it under, if you want to do it.

LEG. CRECCA:

I still have a question. I had asked a question on the merits of the acquisition earlier, if I may, Mr. Chairman? The community that this is in, what type of community is this, I mean, is it a private community, is it --

CHAIRMAN BISHOP:

It's a community of hard working families.

LEG. FIELDS:

It's residential, it's residential.

LEG. CRECCA:

I mean I guess this my concern, is that we build a boat launch there or a ramp so people can launch boats and we're doing it for a select number of people, I mean, is this going to be like something where --

LEG. FIELDS:

No, it's not select.

LEG. CRECCA:

I know, that's why I'm asking. Is this someplace that has access

where County residents from all over would be able to use it?

LEG. FIELDS:

Well, it's limited to the parcel. It's a quarter of an acre, so if you wanted to go down there and drive your kayak or your canoe that's on your roof, you know, you could do it. But as far as saying we're now going to make County parkland that everybody can go down and canoe

and kayak, it's limited because of the size, you're not going to be able to do that. But this does give you the availability of -- or the opportunity to be able to get access to the bay. That was the purpose. And I do have back-up letters.

CHAIRMAN BISHOP:

It was a purpose for --

MR. SABATINO:

The specific purpose was included in the resolution. It said to insure access to the Connetquot River and prevent residential land development, but that's a separate issue. The specificity is there, but the funding, if there's 12(5)E money, I agree, this would be eligible.

CHAIRMAN BISHOP:

To insure access to the bay, wouldn't you need the Parks Department then to manage the land? Logically, in my mind, that's how I would see it.

LEG. CRECCA:

And then there's liability issues too. If we build a ramp there, there has to be liability issues regarding --

CHAIRMAN BISHOP:

I don't know if she wants to build a ramp there necessarily, but --

LEG. CRECCA:

Well, how do the boats get into the water?

LEG. FIELDS:

You don't need a ramp when you put in a canoe or a -- you don't need a ramp.

CHAIRMAN BISHOP:

We're not talking about motorized boats.

MR. ISLES:

I think that's a good point, and I'm not sure if the Park's

Commissioner is, you know, I didn't understand the resolution exactly of this nature and I'm not sure if the Park's Commissioner had a chance to review this in terms of County park policy of a quarter acre County park not attached to any other County facility, it then becomes a management or maintenance issue for them potentially.

CHAIRMAN BISHOP:
Well --

38

LEG. CRECCA:
It does.

MR. ISLES:
It's more of a local park I think at that point.

LEG. FIELDS:
So does any property that we purchase. Any property that the County purchases becomes a management, maintenance --

MR. ISLES:
Yeah.

LEG. CRECCA:
Yeah. But for a quarter acre parcel, you're talking about putting a staff member down there.

LEG. FIELDS:
Why would you have to put a staff member?

MR. ISLES:
Periodically it would have to be -- I would assume, and I'm not speaking for the Parks Department obviously, but we'd have to do some maintenance and rubbish removal and things like that.

CHAIRMAN BISHOP:
Bottles.

LEG. FIELDS:
We don't do that now on property on public -- on parklands.

LEG. CRECCA:
Yeah, but you're talking --

LEG. FIELDS:
Unless it's an official park.

LEG. CRECCA:

You're talking about a water access area, you're talking about a residential community. There's nothing -- it's actually a -- it's like have a swimming pool, for example, and you don't -- if you have an unlocked fence, and obviously you would have to if you're having access there, you know, it becomes an attraction for young people, it becomes a liability. I mean that's -- I'm not arguing with you, Ginny, I'm not saying it's a bad acquisition, but these are things that have to be thought about, how we're going to use and manage this property.

LEG. FIELDS:

If that's the case then, Andrew, if there are any other resolutions here today, then that question should come up on every single one of the resolutions. Is there a person that's going to maintain that acquisition, is there somebody going to pick up rubbish, is there somebody, you know, that's --

39

LEG. CRECCA:

If it's an active use, if it's proposed for active use, absolutely. You're, you know, there's a difference between active use and parkland preserve.

LEG. FIELDS:

Again, I can tell you that there are not going to be a hundred people there, there probably wouldn't even be five or four or three. It's a small enough piece that one person probably would be able to park there and use the ramp -- use their -- the availability or the opportunity to launch a boat. So again, I'm, you know, go ahead. You can table it.

CHAIRMAN BISHOP:

Okay. Next, we're going to the next one. We're going to leave that. Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program, Church of Jesus Christ Latter Day Saints property, Town of Smithtown. The Mormons.

LEG. CRECCA:

Yes, it is. It's actually from Utah. This one, this is currently -- the chances of us actually being able to acquire this are questionable in the sense that I understand that there's already been a number of offers on the property, it is slated for development. There are, from what I understand, a number of developers who have put in hard bids already.

The land, I mean I would defer to Planning, but from our look at it we thought it had a lot of environmental value. It does have some wetlands on it. Also, that area across that looks like it's developed

is actually a -- that's actually a Smithtown acquisition. It's the {Harned Oaks} Sawmill, which is the only operating sawmill, and that has all been dedicated to the Town and it is a park and will be developed as such. So, we thought this was worthwhile to try to make the acquisition to prevent the development in this area.

LEG. FIELDS:

Which is going to be a park, the yellow?

LEG. CRECCA:

The yellow is a park now.

LEG. FIELDS:

All right. So then we'll ask the same question, is there someone that can man this property and watch it to see who's going to litter on it and everything else?

LEG. CRECCA:

You're talking about the yellow part?

LEG. FIELDS:

No. The green, your acquisition. Same question you had about the last acquisition I have now about this one.

LEG. CRECCA:

Sure. Legislator, this would be used -- this would be kept as an open

40

space preserve. This has no intention to be a used park, this would be open space preservation. So, no, there would be --

CHAIRMAN BISHOP:

This got a ten?

LEG. CRECCA:

Yeah. I don't understand why it got a ten, that's why I would ask that.

MR. ISLES:

Well, based on the information we had at the time when we did the review, it did receive the ten based on the presence of wetlands on the property. If it is under development pressures as you indicated, Legislator Crecca, it would then potentially get upwards of another ten points on top of that.

So at the present time on the information we had it was ten, potentially it could go up to twenty. If there is a joint arrangement with the Town, then we -- there's another five points, it's possible

with the stewardship, although that hasn't been suggested.

LEG. CRECCA:

I haven't suggested that either, because we weren't looking to link it up as an active parkland, we were looking to keep it as preserve.

MR. ISLES:

So it received five points for having freshwater wetlands and five points for abutting or adjacent to other protected land here again, which is the Town of Smithtown land.

LEG. CRECCA:

I can tell you that -- we could call and confirm that there is tremendous pressure for development there. As a matter of fact, I think that they may be in contract or close to contract as it is now.

CHAIRMAN BISHOP:

So why did you wait?

LEG. CRECCA:

We had actually --

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca. Is there a second? I'll second it. All in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN BISHOP:

One abstention

LEG. FIELDS:

I'll abstain.

41

CHAIRMAN BISHOP:

Two abstentions. (VOTE: 3-0-2-0) (ABSTENTIONS: CARACCIOLO, FIELDS)
APPROVED

2062. Authorizing planning steps for acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Spectacle Lake, Town at Smithtown). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Crecca)

CHAIRMAN BISHOP:

2062 is authorizing planning steps for acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program, land of Spectacle Lake, Town at Smithtown.

MR. ISLES:

This is a parcel in the vicinity of Lake Ronkonkoma that was actually included as a recommendation of the 1998 open space plan prepared by the County. It's a parcel of about seven acres and it did achieve a rating of thirty-five. The typical threshold is twenty-five. It does have extensive wetlands on the property.

CHAIRMAN BISHOP:

Is the brown figure a lake?

MR. ISLES:

Yes. The dark area, the wetlands area.

MS. FISHER:

The wetland boundary is a little bit off because of our GIS Program, but it includes the darker area of the entire lake from Margaret Drive down to the residential property.

CHAIRMAN BISHOP:

It seems to take in that built in pool.

MR. ISLES:

That little arrow factor there.

LEG. CRECCA:

Where is the built in pool? Oh, yeah, I see it there, just a piece of if, though.

Tom, were you aware of any prior resolutions to acquire this?

MR. ISLES:

Yes. What I am aware of is that it was included in the 1998 Greenways Resolution approved by the Legislature.

LEG. CRECCA:

I only say that because I know there's been a lot of, in the community, talk about trying to preserve this.

LEG. FISHER:

It's been on our list for awhile.

MR. ISLES:

The Greenways Plan was prepared by the Planning Department,

submitted

to the Legislature. This is one of the ones that we recommended back in '98.

CHAIRMAN BISHOP:

Are they -- the owner would be able to develop this?

MR. ISLES:

Much of the property would be classified as wetlands under, definitely New York State law, and possibly Town of Smithtown law.

CHAIRMAN BISHOP:

That's everything in the blue?

MR. ISLES:

Everybody in the blue, yes.

CHAIRMAN BISHOP:

So you couldn't build on anything in the blue?

MR. ISLES:

Right. And that's going to be -- that would be factored, of course, into an appraisal of the property. There is upland on the right-hand side.

CHAIRMAN BISHOP:

So what am I protecting?

LEG. CARACCIOLO:

How much acreage I guess is the question?

LEG. FISHER:

Seven acres.

MR. ISLES:

Well, the total site is about seven.

LEG. CARACCIOLO:

How much is in the wetland?

MR. ISLES:

I don't know exactly, but I would estimate maybe upwards of five acres or so.

LEG. CARACCIOLO:

So we'd be preserving two acres?

LEG. CRECCA:

We'd be preserving seven, but two -- I understand what you're saying.

LEG. FIELDS:

Is there a house involved in this?

CHAIRMAN BISHOP:

I was going to add something, if I may. Anything outside of the blue,

43

right, is what we're ultimately -- inside the green, but outside the blue is what we're protecting, is that right? Now, when I look at that, I see tiny portions of people's backyards and in the upper left --

LEG. CARACCIOLO:

Upper right.

LEG. FISHER:

Upper right.

CHAIRMAN BISHOP:

It's a matter of how you hold the paper, yes. Okay. Upper right, it looks like there is a house there already.

LEG. FISHER:

Yes.

CHAIRMAN BISHOP:

So what am I doing?

MR. ISLES:

We would obviously have to see what the status is of that building, you know, if it is a house, if it is occupied and so forth. In terms of the basic questions, should the County buy wetlands --

CHAIRMAN BISHOP:

How this got a thirty-five, when I can rip it apart.

MR. ISLES:

Well, we have the ranking form if you want to look at it, but --

LEG. CARACCIOLO:

I think we have to revise the ranking form.

MR. ISLES:

That's a possibility. But the, you know, the question, should the County buy wetlands, and I think that's been something that certainly within the new quarter percent program, it's one of the five criteria in terms of when the County can utilize funds under that program, and I think the philosophy behind it is that although there are regulatory

controls that protect the development of wetlands in a large part, the highest form of protection is accrued when the public actually owns it and so it's putting it at the maximum protection.

It becomes a policy choice, a Legislative choice on your part. And once again, if we were to buy this, obviously the Real Estate Division would certainly have the appraiser reflect the fact that it's wetlands and it's not buildable property.

CHAIRMAN BISHOP:
Is there a motion?

LEG. CRECCA:
I'll make the motion.

44

LEG. FIELDS:
I need to ask another question. Why is there a house even involved in this?

MR. ISLES:
This is what the resolution was that we reviewed, this is the overall tax map parcel, so this is what was presented to us. I think the -- if this were to move forward and if we were to come back to you if the sponsor were to put in a resolution to acquire, we would then at that time make a determination that we would recommend slicing off some of the land or not.

LEG. FIELDS:
This is yours, right?

LEG. CRECCA:
Yes.

LEG. FIELDS:
How is there a house?

LEG. CRECCA:
Because it's all one tax map parcel and I can't -- I can't present a resolution for a partial of a tax map. This is planning steps only, so it allows them to go ahead and look at the property and -- if I'm wrong, Real Estate, tell me, I mean you have to start with something in order to look at the value of the land and all that and then certainly we would consider just buying the wetland portion.

CHAIRMAN BISHOP:

Legislator Caracciolo?

LEG. CARACCIOLO:
Mr. Isles?

MR. ISLES:
Yes.

LEG. CARACCIOLO:
In your experience as a Town planner in the Town of Islip, if a property owner were to come in with a tax map such as this, seven acres, approximately five acres what appears to be as you outlined here New York State freshwater wetlands, what kind of a yield could they possibly get in the Town of Islip?

LEG. CRECCA:
This is Town of Smithtown.

LEG. CARACCIOLO:
Yeah, I know this is a different town, he can't speak for Smithtown.

MR. ISLES:
In the Town of Islip they would allow a possible transfer to low yield of one house per two acres off the wetland if there was sufficient upland area. Not all towns allow yield off of wetlands, certainly none of the towns I'm aware of allow any development of wetlands.

45

So, hypothetically, in answer to your question, if this were in the Town of Islip, based on my understanding of the laws when I was there, they might be able to transfer two units off the wetlands if they had sufficient upland area to accommodate that.

LEG. CARACCIOLO:
Okay. Now, one -- the remaining acreage there, we're making the assumption five are wetlands, two are upland, it appears that there is a dwelling or something on the property already, maybe where the home, where the property owners live. So, that said, I don't know what the zoning is in this area unless the sponsor knows, is it half acre, quarter acre?

MR. ISLES:
I'm not sure.

LEG. CRECCA:
I believe it's quarter acre, but I can't tell you a hundred percent.

I'm familiar with the area, it looks like quarter acre zoning.

MR. ISLES:

It might be a situation where the house -- I don't know the condition of this house, I've never seen it, but it may be something where they tear down the house and they do a redevelopment of the property.

That

does happen from time to time.

LEG. CARACCIOLO:

Okay. But then we get back to the Chairman's inquiry earlier, and that is, is this a ripe acquisition for County funding, because under the worst case scenario, the five acres are not going to be protected under existing land use and zoning. So really, what's the most we're going to yield out of this if we buy it? We spend a lot of money to maybe buy two acres and prevent two or three houses from being built.

LEG. CRECCA:

If I can just respond to that?

LEG. CARACCIOLO:

If I can just finish.

LEG. CRECCA:

Sure. I thought you were done, I'm sorry.

LEG. CARACCIOLO:

You know, this area is completely developed. There are single, separate family dwellings all around it. If that were not the case, then I think I might view it differently, but clearly this is a developed area. When you look at the scale map down on the right-

hand

corner, I mean it's quite evident this whole area is developed.

CHAIRMAN BISHOP:

Let's move it along. Is there a motion and a second?

LEG. CRECCA:

If I may respond, Mr. Chairman? I'll keep it brief.

CHAIRMAN BISHOP:

Yes.

LEG. CRECCA:

The whole idea of this was under the Quarter Percent Drinking Water Protection Program. It is -- this to me, this is the whole purpose of it. I mean you want to talk about wetlands development, you know,

we're sitting right near it where we shouldn't have had buildings and the County built buildings all over wetlands here and it did affect the water tables here. And so, you know, you talk about things not happening, things do happen and that's why the whole purpose of the quarter percent drinking water protection.

This is part of the water shed of the Lake Ronkonkoma area. We own a number of parcels in this area for water protection purposes right around this area. So, you know, from an environmental point of view, I believe this is worthy of acquisition.

And as far as spending a lot of money for it, you know, the purpose of -- the factor that it is part of that New York State, what do you call it, the freshwater wetlands, will decrease its value, so we won't be spending a lot of money for it. So, that's all.

CHAIRMAN BISHOP:

Motion by Legislator Crecca. Is there a second? I'll make a motion to table.

LEG. CARACCILO:

Second.

CHAIRMAN BISHOP:

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

LEG. CRECCA:

I'm opposed.

CHAIRMAN BISHOP:

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

2079. Making a SEQRA determination in connection with the proposed construction of a maintenance building at Timber Point Country Club, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING.

(Presiding Officer)

CHAIRMAN BISHOP:

2079 is making a SEQRA determination in connection with proposed construction of a maintenance building at Timber Point. Motion by myself, second by Legislator Fields. All in favor? Opposed?
(VOTE: 5-0-0-0) APPROVED

2080. Making a SEQRA determination in connection with the proposed development of Green's Creek County Park, West Sayville, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING.
(Presiding Officer)

CHAIRMAN BISHOP:

2080 is making SEQRA determination in connection with the proposed development of Green's Creek County Park, West Sayville, Town of Islip. Motion by Legislator Fields, second by Legislator Crecca. All in favor? Opposed? (VOTE: 5-0-0-0) APPROVED

2083. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health Sanitarian Computerization (CP 4066). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES. (County Executive)

CHAIRMAN BISHOP:

2083 is amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health Sanitarian Computerization. Explanation. Is anybody here on this one?

MR. SABATINO:

Just converting from pay-as-you-go to bonding. It takes fourteen votes, because you have -- with that one year moratorium you're taking advantage of.

CHAIRMAN BISHOP:

Motion to discharge without recommendation by myself, second by Legislator Caracciolo. All in favor?

LEG. CARACCIOLO:

No, no, no.

CHAIRMAN BISHOP:

Do you want to approve it?

LEG. CARACCIOLO:

No. Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo. All in favor? Opposed? It's tabled. (VOTE: 5-0-0-0) TABLED

2095. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health Laboratory Equipment (CP 4079). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES. (County Executive)

CHAIRMAN BISHOP:

2095 is amending the Capital Program and appropriating funds in connection with the Environmental Health Laboratory. Anybody here on this one?

MR. SABATINO:

This is also converting from pay-as-you-go under the one year

48

moratorium.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? (VOTE: 5-0-0-0) TABLED

CEQ RESOLUTIONS

54-02. Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on October 8, 2002.

CHAIRMAN BISHOP:

CEQ. 54-02. Proposed SEQRA classification of Legislative Resolutions laid on the table October 8th, 2002. Motion by Legislator, second by Legislator Crecca. All in favor? Opposed? (VOTE: 5 -0-0-0) APPROVED

55-02. Proposed Demolition of Military Buildings at Gabreski Airport, CP-5702, Town of Southampton. (Unlisted Action: Negative Declaration)

CHAIRMAN BISHOP:

55, proposed demolition of Military Buildings at Gabreski Airport, Town of Southampton. Unlisted action, negative declaration.

LEG. CARACCIOLO:

Explanation.

CHAIRMAN BISHOP:

Pause for concern.

MR. PROIOS:

Under New York State parks recreation, historic preservation, there

were no buildings eligible for the national or state register, there are -- no significant habitats will be affected and proposals contained within the airport master plan.

CHAIRMAN BISHOP:

What about asbestos --

MR. PROIOS:

If there --

CHAIRMAN BISHOP:

Buildings of that era will often contain asbestos. Someone back there is gesticulating in a manner that suggests they wish to be heard.

MS. FAHEY:

Carolyn Fahey with Economic Development. All the buildings that have asbestos will be removed in accordance with New York State and Suffolk County laws. DPW is going to oversee them.

LEG. CRECCA:

I'll make a motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca. Is there a second?

49

LEG. FIELDS:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fields. All in favor? Opposed?
I'm opposed.

LEG. CARACCILO:

Abstain.

CHAIRMAN BISHOP:

That is approved by a vote of three to two. (VOTE: 3-1-1-0)
(OPPOSED: BISHOP) (ABSTENTIONS: CARACCILO) APPROVED

56-02. Proposed Replacement of Mill Dam Bridge, Town of Huntington.
(Unlisted Action: Negative Declaration)

CHAIRMAN BISHOP:

56-02 is proposed replacement of Mill Dam Bridge, in the Town of Huntington. Unlisted action. Motion by Legislator Cooper, second by Legislator Crecca. All in favor? Opposed? (VOTE: 5-0-0-0) APPROVED

57-02. Proposed Intersection Improvements on CR 100, Suffolk Avenue at Brentwood Road/Washington Avenue, Town of Islip, CP# 5065. (Unlisted Action; Negative Declaration)

CHAIRMAN BISHOP:

57-02 is proposed intersection improvements on County Road 100, Suffolk Avenue, Brentwood, Washington Avenue, Town of Islip. Motion by Legislator Fields, second by myself. All in favor? Opposed? 57-02 is approved. (VOTE: 5-0-0-0) APPROVED

58-02. Proposed Scavenger Waste Facilities at Existing Yaphank Sewerage Treatment Plant Site (Proposed SD# 24), Town of Brookhaven. (Type I Action--Positive Declaration)

CHAIRMAN BISHOP:

58-02 proposed scavenger waste facilities at existing Yaphank Sewerage Treatment Plant Site, Sewer District 24, Town of Brookhaven. Pos/dec.

MR. PROIOS:

Obviously that's a different classification than you're used to seeing, it's one of the few that has been around for the last several years.

CHAIRMAN BISHOP:

Right.

MR. PROIOS:

There was a number of concerns. It's been tabled for a number of months to try to ascertain additional information that were raised by members of the council as well as members of the public that appeared at previous meetings, people from Yaphank Civic Association and other concerned citizens.

And due to the, still the lack of complete information, it was

50

recommended out of council that a full EIS be done to gather that information. There was no question in anybody's mind that there's a need to have an additional scavenger waste plant and probably the eastern end of the County --

CHAIRMAN BISHOP:

Yes.

MR. PROIOS:

-- would be preferable to the western part for many reasons.

CHAIRMAN BISHOP:

Yes.

MR. PROIOS:

There was a very well done, it looked like it was well done, ground water monitoring, but as far as example, it didn't go out to enough people to review. I sent a copy myself after the meeting to the Suffolk County Water Authority to ask them to review that and to provide us with any information as to whether they have any intention of ever using water south of this particular area --

CHAIRMAN BISHOP:

Go ahead.

MR. PROIOS:

As a future site for a water supply well, so we'll have that information available. There was questions concerning traffic, and not just the traffic from this site, but the whole issue of cumulative traffic in that sort of a triangle area where there's the landfill, where there's the County buildings, where there's a fireworks factory, whereas there is a nine hundred unit subdivision that's being built, whereas there's a town animal center.

There's a lot converging all in that area and there isn't a question that anybody has looked at the total in terms of traffic impact. We also have trucks --

CHAIRMAN BISHOP:

You're taking an existing sewer plant, right, are they expanding the capacity of the plant?

MR. PROIOS:

They're adding on to it in order for it to be able to accept sewage sludge and then the effluent from that would be fed into the Yaphank plant itself. So, you would have honey wagons coming down that road depositing sludge into there every day.

CHAIRMAN BISHOP:

Right. Just like occurs every day in Babylon.

MR. PROIOS:

Right.

CHAIRMAN BISHOP:

Okay.

LEG. FIELDS:

Question.

CHAIRMAN BISHOP:

I think it's interesting that this one would achieve pos/dec, but knocking down asbestos buildings didn't. Go ahead, Legislator Fields. There is, they're just going to do it in compliance with the State and County laws. No questions? Is there a motion?

LEG. CRECCA:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca, second by Legislator Caracciolo. All in favor? Opposed? 58-02 is approved.
(VOTE: 4-0 -0-1) (ABSENT: COOPER) APPROVED

CHAIRMAN BISHOP:

Now we're going to the tabled resolution. Thank you, Mr. Proios.

LEG. CARACCIOLO:

Mr. Chairman, I have a question for Mr. Proios before he leaves.

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

George, I don't know if you've had an opportunity to take a look and IR 2004 of '02, have you? That's the resolution to provide private well water remediation for homeowners who have been identified as having contaminated private wells.

MR. PROIOS:

I'm afraid, no, I haven't, no.

LEG. CARACCIOLO:

Okay. Could you do so and perhaps attend the next committee meeting and share with us your insights with respect to the resolution?

MR. PROIOS:

Sure.

LEG. CARACCIOLO:

Thank you.

MR. PROIOS:

Also I don't know if anybody, if you have gotten copies of the press release regarding nitrate problems in several of the areas. I think some Legislators were affected, I think it was Legislator Crecca.

LEG. CARACCIOLO:
That's the water?

MR. PROIOS:
Right. I don't know if there were any questions that you had, I'd be happy to answer them or I sent E-mails to those Legislators as to the

52

Water Authority and the Health Department also has a number listed. About five thousand letters went out to County residents advising them of the four days that the levels exceeded in nitrate number and if they had any questions, who to call, that it was an isolated incident.

CHAIRMAN BISHOP:
Nobody has any. Thanks.

LEG. CRECCA:
Thank you, George.

CHAIRMAN BISHOP:
Mr. Minei, you want to make a plea?

MR. MINEI:
I was hoping you would reconsider your tabling of 2095.

CHAIRMAN BISHOP:
2095 was the environmental health laboratory equipment. It was to be funded out of the capital budget. Normally it would be 525-5, we suspended the 525-5 off of fiscal year 2002. Earlier in the meeting we tabled another similar request. That's the background.

LEG. CARACCIOLO:
There was no 525-5 on the 2003 budget?

CHAIRMAN BISHOP:
There's limited 525-5.

LEG. CARACCIOLO:
As a result of resolutions that put it there?

LEG. CRECCA:
Yes.

CHAIRMAN BISHOP:
It was not funded at all, 525-5 by the County Executive's budget.

MR. MINEI:
I don't understand the economics of it, I'm just making my request

based on the value of the equipment and the need. There's a list of equipment and basically the intent, and I think all of you are aware of the excellent work of our public and environment health laboratory, the intent here is really to replace equipment.

Much of this work is devoted to drinking water analysis. So again, I'm not defending the budgetary motion, I'm just asking for the purchase of the equipment.

LEG. CARACCIOLO:

Mr. Chairman, Vito, you know I have a tremendous amount of respect for you. I've told you that on many occasions. And I continue to have it, even though we have a disagreement about the resolution I just mentioned to Mr. Proios and any use of the Water Quality Protection Program. And I'm optimistic as we go forward, you and others will see it that way and we'll be able to do the right thing by the people of

53

Suffolk County.

But I see an inconsistency here. On one hand we say give us the equipment to provide those types of analyses, and then we stop short of actually putting our money where our mouth is when it comes to providing the resident with protection against what may -- they may be drinking contaminated drinking water.

MR. MINEI:

That is absolutely not the thrust of my comments on that proposal. What I hoped we could do is to work together to extend public water into those contaminated areas. What we're concerned about is this concept that putting different types of treatment equipment on people's private wells is an acceptable surrogate to public water.

LEG. CARACCIOLO:

Okay. But you and I, with all due respect, we cannot, we cannot at the County level provide the public water, that has to come through the Suffolk County Water Authority.

MR. MINEI:

I was asking for the support of this --

CHAIRMAN BISHOP:

I'm going to try to reign it back in.

MR. MINEI:

We sort of deviated from this request.

LEG. CARACCIOLO:
Go ahead.

MR. MINEI:
This is literally testing. If you know the laboratory, we test about fifty thousand samples a year, so this equipment is needed.

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

LEG. CARACCIOLO:
I'll second the motion.

CHAIRMAN BISHOP:
Seconded by Legislator Caracciolo. All in favor? Opposed? The resolution is now back before us. Motion to approve by Legislator Fields. Second by Legislator Caracciolo. All in favor? It's approved. (VOTE: 4-0-0-1) (ABSENT: COOPER) APPROVED

CHAIRMAN BISHOP:
Okay. Thank you.

LEG. CARACCIOLO:
Vito, we should talk a little about the resolution.

54

TABLED RESOLUTIONS - PRIME

1412. Adopting Local Law No. Year 2002, A Charter Law adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES. (Fisher)

CHAIRMAN BISHOP:
Tabled prime. Adopting Local Law, charter, adding Article XXXVII to provide for a Suffolk County Open Space Program.

LEG. CRECCA:
Motion to table subject to call, actually.

CHAIRMAN BISHOP:
Motion to table subject to call 1412. Is there a second? Is there a second? There's no second to table subject to call. I'll make a motion to table.

LEG. FIELDS:

Dave, wait isn't it expired already?

CHAIRMAN BISHOP:

If it was expired, it wouldn't be on the agenda.

MR. SABATINO:

No. It's -- I think it has one more cycle, let me just double-check it.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Crecca. All in favor? Opposed? (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1419. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1.4% Taxpayer Protection Program (land known as Bluepoints Company Property - Underwater Lands, Town of Brookhaven.)

ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Fields)

CHAIRMAN BISHOP:

1419. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% --

LEG. FIELDS:

I'll be withdrawing this.

CHAIRMAN BISHOP:

-- Taxpayer Protection Program, the Bluepoints Company underwater lands. Withdrawn. WITHDRAWN

1540. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Ronkonkoma

Cenacle, Town of Brookhaven). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Caracappa)

CHAIRMAN BISHOP:

1540. Authorizing planning steps for the acquisition of land

55

pay-as-you-go, land of Ronkonkoma Cenacle.

LEG. CARACCIOLO:

Motion to table.

LEG. FIELDS:

I'll second that.

CHAIRMAN BISHOP:

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

LEG. CRECCA:

Opposed.

CHAIRMAN BISHOP:

It's tabled. (VOTE: 3-1-0-1) (OPPOSED: CRECCA) (ABSENT: COOPER)

TABLED

1828. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property of WDP Enterprises at Ronkonkoma) Town of Brookhaven. ASSIGNED TO ENVIRONMENT,

LAND

ACQUISITION & PLANNING. (Caracappa)

CHAIRMAN BISHOP:

1828 is authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program -- yes, I do have to read them. Property of WDP Enterprises.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table Legislator Fields, second Legislator Crecca.

LEG. CRECCA:

No, opposed.

CHAIRMAN BISHOP:

By Caracciolo. All in favor? Opposed? Crecca is opposed.

(VOTE: 3-1-0-1) (OPPOSED: CRECCA) (ABSENT: COOPER) **TABLED**

1834. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Galasso,

Town of

Islip). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING.

(Alden)

CHAIRMAN BISHOP:

1834 is authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Program, land of Galasso, Town of Islip. Motion to table by myself.

LEG. FIELDS:

I'll second that.

CHAIRMAN BISHOP:

Second by Legislator Fields. All in favor? Opposed? (VOTE: 4-0-0-1)
(ABSENT: COOPER) TABLED

56

1840. Appropriating 1/4% sales tax proceeds for pay-as-you-go open
space
acquisition of Camelot/Paumanok Wetlands property, Town of
Huntington
(Suffolk County Tax Map No. 0400-191.00-02.00-024.000). ASSIGNED
TO
ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

CHAIRMAN BISHOP:

1840 is appropriating 1/4% program, Camelot/Paumanok Wetlands.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

We're still waiting for information from the Town of Huntington. Have
we
received such information from the Town of Huntington?

MR. ISLES:

They were going to obtain the value of the special-use permit.

LEG. CRECCA:

Mr. Burke, do you have something on this?

MR. BURKE:

You haven't received anything?

CHAIRMAN BISHOP:

We have no further communication from the Town of Huntington.

MR. BURKE:

I spoke with the outside counsel, Ed {Gaffman}, who was the attorney
for
the Town of Huntington on this matter and he thought he -- he was kind
enough, he said he sent it over to this committee. I haven't received
anything from him, though.

CHAIRMAN BISHOP:

No. I received a letter a few weeks ago which said, you know,
everything
is great, let's move forward, but it didn't respond to what we asked for.

MR. BURKE:

Okay. I'll call him up and ask.

LEG. CRECCA:

But if he said everything is great, it probably is.

CHAIRMAN BISHOP:

I didn't misrepresent the tone of the letter, but that was it. Okay.
Motion to table by myself.

LEG. CRECCA:

People have such high standards, I don't know why this is unacceptable
to
you.

CHAIRMAN BISHOP:

Second by Legislator Caracciolo. All in favor? Opposed?
(VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

57

1911. Appropriating Greenways infrastructure improvements fund
grant for
Miller Place property in the Town of Brookhaven. ASSIGNED TO
ENVIRONMENT, LAND ACQUISITION & PLANNING. (Haley)

CHAIRMAN BISHOP:

1911 is appropriating Greenway infrastructure improvement funds
grant to
the Miller Place property in the Town of Brookhaven. Is this the
infamous wedge?

LEG. CRECCA:

No.

MR. ISLES:

No, this is not the wedge.

CHAIRMAN BISHOP:

Is this the large parcel that will be soccer fields?

MR. ISLES:

Yes.

MR. SABATINO:

The problem here is you still haven't got the {Pal} resolution to commit
to it, so --

MR. ISLES:

It's going to be a while.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Fields, second by myself. All in favor?
Opposed? (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1912. Approving acquisition under Suffolk County Land Preservation
Partnership Program (Ridgehaven Estates LLC Property) Town of
Brookhaven.
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING.
(Haley)

CHAIRMAN BISHOP:
1912. Approving land partnership preservation, Ridgehaven Estates,
Town
of Brookhaven. Motion to table. I assume they don't have what they
need, right?

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Second by Legislator Fields. All in favor? Opposed? (VOTE: 4-0-0-1)
(ABSENT: COOPER) TABLED

1913. Approving acquisition under Suffolk County Multifaceted Land
Preservation Program for State II Active Parklands (property in Ridge)
Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND
ACQUISITION &
PLANNING. (Haley)

58

CHAIRMAN BISHOP:
1913. Active parkland, Suffolk County Multifaceted Land Preservation
Program, property in Ridge. Does this have everything it needs? No.
Motion by myself to table, second by Legislator Crecca. All in favor?
Opposed? (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1917. Authorizing planning steps for the acquisition of land under
Pay-As-You-Go 1/4% Taxpayer Protection Program (land on Granny
Road, Town
of Brookhaven). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION &
PLANNING.
(Towle)

CHAIRMAN BISHOP:

1917. Authorizing planning steps for the acquisition of land under Pay-As-You-Go Taxpayer Protection Program, land on Granny Road.

Motion

to table. Do you have anything to say?

MR. ISLES:

I have had discussions with the Legislative Aide from Legislator Towle and I think there's some more discussion we'd like to do on it.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1980. To authorize lease on active parkland property at Trinity Cemetery, New Highway, North Amityville, Town of Babylon, from Most

Holy

Trinity Roman Catholic Church. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Bishop)

CHAIRMAN BISHOP:

1980 is authorizing lease, active parkland, Trinity Cemetery. We go before the Parks trustees on their advisory role next week. So I will make a motion to table. Second by Legislator Fields. All in favor? Opposed? 1980 is tabled. (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1986. Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Carman at

Sound

Avenue, Town of Riverhead). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Caracciolo)

CHAIRMAN BISHOP:

1986 is authorizing planning steps for the acquisition of farmland under Pay-As-You-Go Taxpayer Protection Program, land of Carmen at Sound Avenue, Town of Riverhead. Motion to table by Legislator Caracciolo, second by myself. (VOTE: 4-0-0-1) (ABSENT: COOPER) TABLED

1995. Amending the 2002 adopted Operating Budget appropriating funds for

the Nature Conservancy. ASSIGNED TO BUDGET AND ENVIRONMENT, LAND

ACQUISITION & PLANNING. (Haley)

CHAIRMAN BISHOP:

1995 is amending the 2002 Operating -- are we --

LEG. CRECCA:

Motion to table subject to call.

59

CHAIRMAN BISHOP:

We are prime on this, amending the 2002 Operating Budget and appropriating funds for the Nature Conservancy?

LEG. CRECCA:

It can't be.

MR. SABATINO:

No. Budget to prime committee.

LEG. CRECCA:

Motion to defer to prime.

CHAIRMAN BISHOP:

Motion to defer to prime by myself, second by Legislator Crecca. All in favor? Opposed? We deferred. (VOTE: 4-0-0-1) (ABSENT: COOPER)
DEFERRED TO PRIME

2001. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Peat Hole Pond, Bellport, Town of Brookhaven). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING

CHAIRMAN BISHOP:

2001 is authorizing planning steps for the acquisition under the Pay-As-You-Go Taxpayer Protection Program, land of Peat Hole Pond, Bellport, Town of Brookhaven. This is the presentation we received earlier. This is a planning steps resolution early -- only. Given that it's an extensive public partner -- public private partnership and apparently the climate in the Village of Bellport is different than the rest of Long Island as they frequently ice-skate on this property, but I make a motion to -- yes?

MR. ISLES:

I'd just like to add one point, and that is we did a ranking, we came up with twenty. This is not an ideal County acquisition, it's relatively small it's not near other County property. But based on the comment I heard, there is a proposed sharing of this acquisition with the Town possibly and some private funds and then also with the Village agreeing to maintain the property, they would get an extra five points, so that does give them --

CHAIRMAN BISHOP:

And they're going to acquire the rest of -- I mean, if everything falls into place, it will be a terrific acquisition, but there's a lot to do between now and then, but we will approve it for planning steps.

Motion

by Crecca -- who wants to make it, Caracciolo, Fields?

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Fields wants to make the motion, second by myself. All in favor? Opposed? 2001 is approved. (VOTE: 5-0-0-1) APPROVED

60

2004. Suffolk County Private Well Water Remediation Program.

ASSIGNED

TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Caracciolo)

CHAIRMAN BISHOP:

2004. Suffolk County Private Well Water Remediation Program. Motion to table by myself. Is there a second?

LEG. FIELDS:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fields. All in favor? Opposed? Tabled. (VOTE: 5-0-0-0) TABLED

2019. Adopting Local Law No. -2002, banning the sale of ironite fertilizer in Suffolk County. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Fisher)

CHAIRMAN BISHOP:

2019 is banning the sale of ironite fertilizer in Suffolk County, local law. Do we need a hearing on this?

MR. SABATINO:

Public hearing was closed on October 8th.

CHAIRMAN BISHOP:

This is supported by the Health Department, correct? Closing a loophole that exists in the State regulatory scheme, is that a fair way to say it?

LEG. CRECCA:

Let the record reflect that Vito Minei is nodding yes.

CHAIRMAN BISHOP:

Nodding in the affirmative. Motion by Legislator Cooper, who insists, second by Legislator Crecca. All in favor? Opposed? 2019 is approved.

(VOTE: 5-0-0-0) APPROVED

2043. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

2043 is declaring a governmental need for the underwater lands located in Peconic and Gardiners Bay. This is the aquaculture resolution. Mr. Isles?

MR. ISLES:

I also have Dewitt Davies from the Planning Department present today, who has had extensive experience with the marine sciences as well as specifically the aquaculture program. And just very briefly, just a couple of points I would like to make, number one, is the County Attorney's representative, Mr. Grier, was at the last meeting, was unable to make today's meeting due to a short notice meeting, so in terms of any comments or -- obviously they're deferred to Mr. Grier, we just respectfully request that those be provided at a future meeting if the Board so chooses.

61

But just a couple of points from the planning standpoint is that, to emphasize that the Aquaculture Committee definitely recommended that aquaculture be supported in Peconic and Gardiner's Bay. There are three primary recommendations in the committee report, and the first one was private shellfish aquaculture in Peconic and Gardiner's Bay offers advantages to the people and economy of Suffolk County if conducted in a manner and a scale that does not cause undue conflict with other users or marine resources in space or harm to the marine environment.

Secondly, private shellfish aquaculture is a legitimate water dependent activity that requires provision of secure and equitable access to publicly owned marine space for private use. And then the last recommendation is that --

CHAIRMAN BISHOP:

What does that mean? I didn't understand that point.

MR. ISLES:

Okay. Private shellfish is a legitimate water dependent act that requires a provision of secure and equitable access to publicly owned marine space for private use. Really what has been said, the program began over a hundred years ago in 1884 to grant land grants in Peconic and Gardiner's Bay by the State of New York.

There were significant problems with that, that surfaced as early as 1914

and in 1969 there was a major change to State legislation that switched the whole program to a leasing program. I think it was really a recognition of the failure of the actual land grant program and I think the State Legislature tried to correct that in 1969 by providing the option to do leasing. Obviously, not much has happened in thirty years.

Through the initiative of this body, the Legislature, and specifically Legislator Guldi, there was a Task Force convened last year with the purpose of trying to sort through this and decide on recommendations to County policy.

So fundamentally, aquaculture is deemed to be something that's good for Suffolk County economically, environmentally. In terms of how it should

occur, the fundamental recommendation of the committee was that a method of leasing would avoid some of the problems that have occurred over the past number of years with the land grant program of taxes being in excess of a dozen or so years in arrears.

Part of the program was to separate out of the areas that are being used

for natural harvesting of shellfish currently with those that are really not productive. The idea was to put the aquaculture in the non-productive areas. By doing the leasing program, it enables the County to do that, to assess through the Health Department benthic mapping and so forth, those areas that are productive.

CHAIRMAN BISHOP:

Is there anybody in charge of this particular resolution and this particular set of circumstances? Isn't there ample room here to negotiate some sort of settlement?

62

MR. ISLES:

Well, I think the -- I think when we talk about ample room, part of this becomes very much a locational issue in terms of where should the specific uses occur. We do feel it should be done in a leasing program versus land grant.

I would like to point out in specific answer to your question, I would have to defer that to Dave Grier, as representative of the County Attorney, in terms of negotiating this, but I'd also like to point out that we did receive three letters, one from New York State DEC, supporting the action to assert a superior governmental interest. We have copies of that to hand out to you today.

We've also received a letter from the Town of Easthampton, Councilman Potter, and a letter from Vito Minei, as Director of the Division of Environmental Quality, and as the administrator of the Peconic Estuary Program.

CHAIRMAN BISHOP:

But everybody wants to see aquaculture, but nobody wants to see it there,
is that the bottom line?

MR. ISLES:

No. It's just a matter of -- the real question is what is the best way to administer it, is it to let it to occur in private hands in terms of the land grants or is it an asset that --

CHAIRMAN BISHOP:

Is there a lease program, could you go back to this gentleman and say, listen, we're going to assert our interests here, but would you be interested in leasing this parcel?

MR. ISLES:

Yeah. I think that's a perfectly reasonable point. Certainly what --

CHAIRMAN BISHOP:

Can you get this done?

MR. ISLES:

-- what was recommended in the Committee is that the County should proceed with developing a leasing program, and I think that's the key

action item that came out of the report.

CHAIRMAN BISHOP:

Right. I understand what you're after, I think you understand what I'm after.

MR. ISLES:

Yes.

CHAIRMAN BISHOP:

Do you want to table it or approve it?

LEG. CARACCIOLO:

Table. But I just wanted to follow-up again on the point that you made, and that is it would make sense it appears -- I understand you want to

63

get away from land grants to leasing, why could we not accomplish that goal with the individuals who are presently in the waterway, establish a lease agreement with them?

MR. ISLES:

We certainly possibly can. They are active and bona fide aquaculturists, we did have aquaculturists represented on the committee, we had a number

of public hearings where we entertained those comments. And in answer to

your question, we think that aquaculture is good for the ecosystem and the economy of Suffolk County, their participation, anyone else who can participate in the program would be good.

CHAIRMAN BISHOP:

Okay. But in terms, would they be grandfathered, would they be able to stay in the waters that they have --

MR. ISLES:

Well, I'll point out that they're not currently farming the land in question. This is not currently being used. As far as any questions about grandfathering, I would want to ask the County Attorney that question.

LEG. CARACCIOLO:

I guess then, Mr. Chairman, I think is part of this resolution, there should be a plan as to how these waters would be divided. I think it would be totally unfair if the people who have been there presently are excluded from farming what they believe might be prime lands as --
and

allow other people to come in unless we get involved with some bidding process. Is that the direction we're going?

MR. ISLES:

I understand your point. Here again, these are not currently being farmed, so we're not chasing anybody off land that's currently being used

for aquaculture. Any land grantee who has land and is farming it and paying their taxes and so forth, they're not affected by this resolution in any way.

LEG. CARACCIOLO:

But as you heard the previous speakers, they're looking to expand their base of operations.

MR. ISLES:

Right.

LEG. CARACCIOLO:

And I would think again, fairness would dictate that they be allowed to have the first opportunity to refuse -- I mean, they're existing businesses, we should be encouraging, aiding and assisting them.

MR. ISLES:

I understand your point full well, I just don't know if we could make a representation that they could have this land, because it may be -- the idea is that if the County leasing program comes forward, we identify what are natural beds that should just remain off limits and where are the areas that are not naturally producing clams. That's really going back to 1884, that's really what the intent was, is that the

64

unproductive --

LEG. CARACCIOLO:

This resolution says let's take the land, we have a superior governmental need, I understand that, but then part two is what do we do with the land and who is allowed to use that land? And I'm reluctant to sign off on something that just says we have a superior governmental need without telling me part two. So, I make a motion to table this.

CHAIRMAN BISHOP:

Second by myself. All in favor? Opposed? (VOTE: 5-0-0-0) TABLED

CHAIRMAN BISHOP:

I would -- I'm sympathetic to the Department's desires and I want to

help

you get there, but I also want to do it in a way that would strike me as equitable. I guess we need Mr. Grier to do that.

MR. ISLES:

We'll do a little further work and we'll get back to you.

CHAIRMAN BISHOP:

Thank you. Is there another resolution? Yes, there's Normandy Manor.

Manor.
Tabled procedural resolution, authorizing additional payment for Normandy Manor.

MR. SABATINO:

2045, you skipped.

CHAIRMAN BISHOP:

Oh, I skipped 2045.

MR. SABATINO:

2045 has to be tabled because the documentation as to --

CHAIRMAN BISHOP:

Motion to table 2045, which is the Sagtikos Manor gift.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Second by Legislator Crecca. All in favor? Opposed?

LEG. CARACCILO:

Abstain.

CHAIRMAN BISHOP:

Abstention by Legislator Caracciolo. (VOTE: 4-0-1-0)
(ABSTENTION: CARACCILO) TABLED

TABLED PROCEDURAL MOTIONS

11. Authorizing additional payment for Normandy Manor. ASSIGNED
TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Cooper)

65

CHAIRMAN BISHOP:

And 11 is authorizing additional payment for Normandy Manor.

Motion by Legislator Crecca, Second by myself. All in favor? Opposed?

LEG. CARACCIOLO:
Procedural Motion 11, no.

LEG. CRECCA:
I'm going to be abstain on Number 11.

CHAIRMAN BISHOP:
You're not the second then, you're not the second. Is Cooper here?

LEG. COOPER:
Motion.

CHAIRMAN BISHOP:
Okay. Motion by Legislator Cooper, second by myself. All in favor?
Opposed? There are two in opposition, Legislators Crecca and
Caracciolo
are in opposition. (VOTE: 3-1-1-0) (OPPOSED: Caracciolo)
(ABSTENTIONS: CRECCA) APPROVED

LEG. CARACCIOLO:
And on 2045 I should be a yes vote, not a no, 2045. You had me down
as
a abstention. Yes on 2045 and no on 11.

2045. (VOTE: 5-0-0-0) TABLED

LEG. CARACCIOLO:
And finally, Mr. Chairman, if we could at the next committee meeting
have
a full presentation from the Division of Real Estate about the status of
County land acquisitions program by program, what's in contract,
what's
in negotiation and what's been purchased here to date.

CHAIRMAN BISHOP:
And thank you for the attachments on these.

LEG. CARACCIOLO:
Do you have it with you, Tom, so we can make copies?

MR. ISLES:
Yes.

LEG. CARACCIOLO:
That would be great.

LEG. CRECCA:
Mr. Chairman, on the procedural motion you recorded my vote as a no,

I

ask that it be an abstention, that's how I voted at the time. Just let the record reflect that.

CHAIRMAN BISHOP:

Let the record reflect that. Motion to adjourn by myself, second by Legislator Caracciolo. All in favor? Opposed? We're adjourned.

(THE MEETING CONCLUDED AT 4:45 P.M.)

66