

**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 **March 24, 2003.**

MEMBERS PRESENT:

Legislator David Bishop - Chairperson
Legislator Michael J. Caracciolo - Vice Chairperson
Legislator Ginny Fields
Legislator Vivian Fisher
Legislator George O. Guldi
Legislator Martin W. Haley

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Erin Cohan - Aide to Legislator Bishop
Thomas W. Carroll - Aide to Legislator Bishop
Ray Zaccaro - Aide to Legislator Bishop
Alexandra B. Sullivan - Deputy Clerk, Suffolk County Legislature
Nanette Essel - Presiding Officer's Office
Joseph Sawicki - Suffolk County Comptroller
Judith Gordon - Commissioner of Parks Department
Stephen Raptoulis - Parks Department
Christine Costigan - Director, Real Estate Department
Tom Isles - Director, Planning Department
Lauretta Fischer - Planning Department
Nicole DeAngelo - County Executive's Office
Jim Bagg - Department of Planning
Jim Spero - Budget Review Office
Sean Clancy - Budget Review Office
George Proios - Suffolk County Soil & Water Conservation
Thomas J. McMahon - Suffolk County Soil & Water Conservation
Ed Cohen - Suffolk County Department of Public Works
Dale Moyer - Cornell Cooperative Extension
Walt Dawydiak - Suffolk County Department of Health Services
Richard Amper - Long Island Pine Barrens Society
Adrienne Esposito - Citizens Campaign for the Environment
Enrico Nardone - Seatuck Environmental Association
R. Wiseman - Long Island Farm Bureau
Ken Schmitt - SCAG & Farmland Property Board
Laurie Farber - Long Island Sierra Club
Debra O'Kane - North Fork Environmental Council
Thomas B. Williams - Cornell Cooperative Extension

Jean Trentini - A&C, Principal Auditor
Elizabeth Tesoriero - A&C, Executive Director of Auditing Services
all other interested parties

MINUTES TAKEN BY:
Ana Grande - Court Stenographer

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(THE MEETING WAS CALLED TO ORDER AT 1:35 P.M.)

CHAIRMAN BISHOP:
Good afternoon. This is the March 24th meeting of the Environment, Land Acquisition and Planning Committee of the Suffolk County Legislature. Please rise for the Pledge of Allegiance to be led by George Proios.

(SALUTATION)

CHAIRMAN BISHOP:
All right. We have a number of presentations and a number of cards and later on we have the Comptroller coming to discuss his audit, so this figures to be, as usual, a lengthy meeting. Let us begin with the cards, which is the custom. Debra O'Kane.

If there are people who have cards who are speaking on the same topic, you know, I always like you to come up as a group, it helps move things.

MS. O'KANE:
We're just waiting for someone to come back.

CHAIRMAN BISHOP:
Okay. Is Laurie Farber with you also?

MS. O'KANE:
Yes. My name is Debra O'Kane.

MS. ESPOSITO:
Adreinne Esposito with Citizens Campaign for the Environment.

MS. FARBER:
Laurie Farber, Long Island Sierra Club.

CHAIRMAN BISHOP:
Whichever order you want to go.

MS. O'KANE:
Yes. Debra O'Kane, and I'm the Executive Director of the North Fork Environmental Council. I'm here today representing the Citizens

Advisory Committee for the Suffolk County Vector Control Long Term Plan.

We, the Citizens Advisory Committee, met last week, last Tuesday on March 19th, and I shared with the Committee as Co-Chair the revised work plan that was presented to the ELAP Committee at your last meeting. And the CAC was disappointed to learn that our particular portion of the budget was, there was a recommendation for reduction in the budget from a hundred and fifty four to a hundred thousand.

We will certainly work with whatever you feel is appropriate to approve for our portion of the budget and we hope to do a really good job and perhaps at a later date we can come back and request more funding if needed.

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The CAC is also very, very concerned about certain projects that have been removed from the work plan. In particular, there are pilot studies, field test studies that were proposed to enhance this project, the Open Marsh Water Management Study in particular. Our group is very, very concerned that this has been removed from the work plan. And also the Caged Fish Study that was proposed for the work plan.

CHAIRMAN BISHOP:

Is that how these things all got in there?

MS. O'KANE:

No, certainly not. I mean these, I believe these studies were proposed by other agencies, organizations, but we do feel that it's very, very important to be able to do field work, to conduct field work here on Long Island in our appropriate setting.

OMWM in particular, there's never been a comprehensive open marsh water management study, there's never been a study like this done here on Long Island. And, it's just very, very important for us to know if this particular type of project can be used as an alternative to spraying toxic pesticides, whether our healthy marshes and healthy ecosystems can be used to replace the spraying of pesticides.

The Caged Fish Study, once again, as we all know, there's been some controversy as to whether pesticides play any kind of role in the detrimental impacts to fish and to crustaceans. The Caged Fish Study would certainly address those issues and in particular look at blue claw crabs. There have been claims by fishermen, by baymen that blue claw crabs have been impacted, their mortality rates have risen they feel because of the pesticide spraying, because of the adulticides that have been used for mosquito control.

And this type of study would certainly help to give us some clues and hopefully give us some answers here on Long Island as to whether these types of things, whether the pesticides are impacting our marine life and our local wildlife. So, once again, we feel very, very strongly --

CHAIRMAN BISHOP:

What are you recommending that comes out of the study?

MS. ESPOSITO:

No, no. We're recommending what goes back in the study.

CHAIRMAN BISHOP:

Okay. But I have a question. What should come out? The million dollar study that went to four and a half is now at three and a half.

MS. O'KANE:

We weren't part of the budget planning, so we don't feel as though we're in a position to make that kind of recommendation, but the CAC once again feels that these are essential to moving ahead with this plan.

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CHAIRMAN BISHOP:

Okay.

MS. ESPOSITO:

I'll make some recommendations. You can take out a couple of the four-wheel-drive vehicles and put back in the meat and potatoes of the study. And my organization is not only concerned, we're alarmed that the two major portions of this study have now been removed. You're making apple pie without the apples. You've taken out the heart of the study.

The two things that were going to make this a real study here in Suffolk was a Caged Fish Study, which would find out how pesticide runoff is affecting fish and crustaceans, and the OMWM Study, which may provide some answers in alternative wetlands management that is non-toxic and still controls mosquitos. These are two key thing. And taking them out weakens and diminishes the value of the study. We're asking to you put them back in.

We do not want a three and a half million dollar literature search. The literature search is important to devise and figure out your studies, but the studies are what are going to provide us answers and alternatives and solutions. That's what the study is supposed to do. We don't feel it's going to be able to do that without these two key components.

So, our concern here is that the studies need to be added back in. I understand the financial concern, Legislator Bishop, but the quarter cent sales tax money specifically says it can be used for water management wetlands restoration projects. These are studies that actually clearly are within the guidelines of the quarter cent sales tax money. Some of that other stuff, frankly, isn't. I've said that before and I'll say it again.

CHAIRMAN BISHOP:

What are the other stuff? That's what I'm looking for.

MS. ESPOSITO:

Four wheel drive vehicles.

CHAIRMAN BISHOP:

Okay. The vehicles they say are necessary to carry out the mission.

MS. ESPOSITO:

I know, I know, I know. And I'm not saying they're not necessary, please don't misunderstand. Our role here is to tell you what is essential, and these things are essential. For the study to go forth without them, means it's meaningless. And we would certainly hope that the Legislature would not engage in that kind of study.

CHAIRMAN BISHOP:

Okay. Thank you. Ms. Farber, and then we'll have questions.

MS. FARBER:

Yes. It was interesting at the CAC meeting that this -- the agreement on these field studies was absolutely unanimous between civic groups,

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environmental groups, people that frequently don't agree on much of anything else, but the support for these field studies was absolutely unanimous, that this is the key to knowing where we're going.

And I know in terms of salt marshes in Suffolk County, there are a few marshes that haven't been ditched. We don't know, for the most, people don't have any clue what a really untouched healthy marsh is even like anymore, there are so few of them left. And without these studies, we're not going to really have anything to work with to know whether we can do some kind of restoration so that we have some more natural functioning marshes. Field studies are absolutely critical to this whole, the whole thing.

CHAIRMAN BISHOP:

Okay. Any questions? Legislator Fields.

LEG. FIELDS:

Have we seen a line item analysis for Cashin Associates?

MR. CLANCY:

I have not seen anything on that to this point.

LEG. FIELDS:

I think before we start subtracting things that we think are really, really necessary, it would behoove as to look at what Cashin is doing for three and a half million dollars.

CHAIRMAN BISHOP:

They're doing a literature search, we're told.

LEG. FIELDS:

No, why can't they pay for an OMWM Project out of their money? That's what we're engaging them for, that's what we would have them contract for is to actually give us an analysis of an environmental impact study. And how do you get to that? Well, you have to do certain tasks. And why would they not pay someone to do an OMWM Project or a Caged Fish Study, I don't understand why --

CHAIRMAN BISHOP:

I agree.

LEG. FIELDS:

-- we have to do that.

CHAIRMAN BISHOP:

That's why we stopped it at four and a half million.

LEG. FIELDS:

Then I would request that we get an analysis from Cashin saying what they're going to do.

MS. ESPOSITO:

I can tell you I did inquire and ask Cashin about doing on-site field OMWM studies, and I was told that that is not currently in their scope of work, they would be doing a literature search to see how other OMWM Projects came out, but not specific here to doing one on Long Island.

We're looking to do one on Long Island because -- to work with our sedimentation rates, our water, our crustaceans, our area here.

LEG. FIELDS:

But if we are writing the contract, why couldn't we write in that we want an actual study done here on our home base and, you know, get rid of something else that you were thinking about doing, but we think that that's more important? I just thing that before anybody goes

further, I think we should see what Cashin is getting paid for.

CHAIRMAN BISHOP:

It sounds to me like you need a Budget Review analysis of the arrangement with Cashin Associates and that is only prudent when you're talking about spending, committing three and a half million dollars at the least on one contract to one vendor. Legislator Fisher.

LEG. FISHER:

I completely agree with that. In fact, it was when we saw that there was a consultant that was being paid that level of -- it was one and a half million just for Cashin and we're not seeing the types, the type of direction that we want.

CHAIRMAN BISHOP:

That's going to stop this process for at least a month, just so everybody understands.

MS. O'KANE:

Right. We're hoping that there isn't too much delay, because the longer we wait, the less time we have to do any kind of projects for this coming mosquito season, so we are not here with the intent of delaying this process any further.

CHAIRMAN BISHOP:

Correct.

LEG. FISHER:

You know, it's really important when we're seeing that kind of money going to a consultant, you're all aware of the kinds of scandals you read about in Newsday, and if you try to rush through things without taking the precaution to look carefully, and we have seen some consultants whose names come up quite often and the County is expending a lot of money, I think we have to be very prudent and very careful and know exactly where our money is going.

MS. ESPOSITO:

I agree we need to be prudent and careful, absolutely. One thing I would say is these are not even very costly endeavors. The OMWM, the Open Marsh Water Management Plan was in the budget for a certain amount at first, I've spoken to some individuals who say it could be knocked way down, they're not costly.

So, one thing the Legislature could do and you might not be amenable to this, but perhaps one or two of you would be, is to just introduce a separate bill which conducts these studies with quarter cent sales tax since they fit the criteria of the quarter cent sales tax under

the water component. These are not big ticket items as far as cost, they're big ticket items as far as value and as far as information that it will supply.

CHAIRMAN BISHOP:

I think Mr. Dawydiak is here. I don't know if you want to speak to this issue later on, but from my previous hearings and recollections of other conversations, their position is that, A, these were requests generated by other levels of government and it would be more appropriate for those levels of government to fund these initiatives.

And, second of all, that there probably is a good chance that the County could receive grant funding to carry these out, so that they felt that if they took them out now, they could make application for grant funding and if it didn't come through, come back to the Legislature for funding later on. Do you want to speak to that?

MS. O'KANE:

Our point is that we would like to see these projects kept on the front burner and not forgotten about, not buried, but we realize, we've been told by Cashin Associates that the literature review needs to be done in order to design specific studies and perhaps it might take a full season in order to design those studies and perhaps there may be alternate sources of funding. But once again, we just hope that you would agree with the CAC that these studies are very, very important and essential to this program.

MS. ESPOSITO:

Let me just add that I understand the DEC asks specifically for the Caged Fish Study and there might be other funding out there, but you know what, there might not be. This is not the greatest years we all know to look for funding. I've looked at the New York State Environmental Mental Protection Fund, there's not a lot out there. And the last thing we want is we want it to all get lost and say, okay, there's no other funding, that's not really, to be honest with you, that's not what we want. We want a real study with real components and it's going to happen.

LEG. FISHER:

We don't want it to get lost.

MS. ESPOSITO:

Right.

LEG. FISHER:

And you know that this Legislature pushed to have the study done and to have the scoping done. And I did want to ask for whomever can answer it, if we were to do the pieces of the study separately, would that fulfill the charge of doing a full study? Mr. Dawydiak, maybe

you would know the answer to that or do we have to do the full scope?

CHAIRMAN BISHOP:

No, no, no. We have six hours of hearings today, we're not going to go into --

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LEG. FISHER:

But Adreinne Esposito's question was can we do the bits and pieces of it, and if we do it that way, are we fulfilling the charge?

CHAIRMAN BISHOP:

It will come up later on and at that time if you want to go with that line of questioning, you may.

LEG. FISHER:

Okay. Just keep that in mind.

CHAIRMAN BISHOP:

Michael.

LEG. CARACCIOLO:

This question is for each speaker, I'd like to hear your response. Do you believe the proposed plan goes as far as you believe it should? Obviously with these two exceptions, you seem to indicate you don't. That said, I mean if that is your position, just restate that is your position. And do you then believe that going forward at this time with the expenditure of funds, although reduced, does not ultimately serve the goal for which it was intended?

MS. FARBER:

Well, it's certainly yes and no. Yeah, I think that these field studies are critical to the full scope of the study. And not just these two, there were others that were cut out as well. And if you're looking for us to say, do we need all of these pieces, yeah, if we want full information, complete information, we probably do need to pursue it all. Should is not go ahead? No, we need to go ahead, because in order to design field studies, you are obliged to do a literature search first.

And that may take a few months, it may take the full season, I don't know how long it's going to take. But any well designed study, that's the first thing you do, is go and look at whatever else did. So, yes, we need to start, we can't put that off.

LEG. CARACCIOLO:

So you believe we should go forward with the plan, the study, however, you would like to see those two components that Adreinne spoke to be added or supplemented as part of the overall plan at a later date?

MS. FARBER:
As soon as possible.

LEG. CARACCIOLO:
Or concurrently?

MS. ESPOSITO:
Exactly.

MS. FARBER:
Concurrently.

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LEG. CARACCIOLO:
Right. If that's not in this plan, because this plan has a dollar cap, if you will, and there is no affirmative support to add funds to put those two components into a concurrent proposal, what do you have at the end of the day?

MS. ESPOSITO:
You have something without value.

LEG. CARACCIOLO:
That's what I thought I heard you say earlier.

MS. ESPOSITO:
Yes, that's what I'm saying. I'm just speaking for my own organization right now. And I don't believe that they're not in the plan because there's a dollar gap, I think they're not in the plan because they weren't a priority for the existing dollars. So, I view it just a little bit differently.

So, we have a certain amount of money we're going to spend and if these two field studies were a priority, they would be within that existing budget. But because they were deemed not to be -- or actually, what I heard and which I believe, is that the spirit of it was they were going to try to find outside funding. What I'm saying is if that occurs, great, if it doesn't, they need to be in this study, either way, they need to be in the study.

LEG. CARACCIOLO:
The plan implemented with the absence of those two programs, elements, in your opinion leave us what?

MS. ESPOSITO:
Leave us a literature search, which leaves us without actual field data to say what we should do on Long Island. We engaged in this whole process, I'm sure you remember, because of the issue about fish

kills, because of the issue about crustaceans, the blue claw crabs, public health, issues about exposures to pesticides, but also weighing out the risk of other disease, insect borne diseases.

MS. O'KANE:

The other controversy is of ditching, which is so widespread all over Suffolk County.

MS. ESPOSITO:

Right. And these two field studies help answer a majority of those questions. So at the end of the day, do you want twenty percent of the, you know, of the pie or do you want the whole thing? And I think for the cost we're spending, for the money we're spending, we want the whole thing, we deserve the whole thing and I think we can get it.

LEG. CARACCIOLO:

What would the additional cost amount to?

MS. ESPOSITO:

My understanding is that a real Caged Fish Study with not only looking at the fishes mortality rate, which was what was in the original

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proposal, but also looking at behavioral patterns of those fish with repeated exposure to the pesticides, would probably be somewhere in the range of a hundred thousand dollars. And the OMWM, it was in the original budget for a hundred thousand, although my understanding is it could be done for a lot less.

MS. O'KANE:

We had spoken to the consultant the other evening and asked and we were told probably around two hundred thousand total for the two projects.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Okay. Thank you. Thank you.

MS. ESPOSITO:

Thank you very much.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

Next is the Honorable Peter Imbert, Mayor of the Village of Amityville.

MR. IMBERT:

I'm here to represent the Village of Amityville on a request for funding for Resolution 2051 of the year 2002. It's to acquire through the Greenways Program a parcel in the Village of Amityville on Route 110 and Oak Street. It is an existing building there. I have a written narrative, which I'd be happy to distribute. Basically this --

CHAIRMAN BISHOP:

Is this the windmill project?

MR. IMBERT:

Well, it's the grist mill on the corner of Oak and Route 110. Currently there is an existing building there that houses a hair salon, Sneaker Village and a Chinese restaurant, all of which we have other businesses in the Village that conduct those activities, so I don't think that the residents or our downtown would be adversely affected.

Importantly, this parcel has parking, municipal parking in the back and private property to the only other adjacent side, so being able to acquire this property for a colonial grist mill for educational purposes would get a big bang for its buck. There happens to be within a couple of hundred yards three elementary schools as well as the Amityville Public Library, so I was very hopeful that we could create some kind of educational grist mill.

There were two grist mills that existed in Amityville back in the early 1900's and to get a semi-working grist mill that would be

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educational in scope and, you know, help maintain the history of the village, which is very important to the community.

CHAIRMAN BISHOP:

Mayor, the mills that previously existed, existed along a stream, I take it, right?

MR. IMBERT:

Yes. They existed, one of them was the Island Grist Mill, which existed actually right down in the lake behind where we acquired the Ocean Avenue and Merrick projects, which flow into the Amityville Creek or the Amityville River. That was an Island Grist Mill. And then there was another grist mill at Peterkin Park, which is also on Oak Street. It's only approximately two hundred yards east of the site we're speaking about.

LEG. FISHER:

Why have we been tabling this?

CHAIRMAN BISHOP:

Where's Counsel? Could you get Paul Sabatino? I don't know if this fits into the Greenways Program, I think is one of the problems.

LEG. FISHER:

Tom Isles is here.

CHAIRMAN BISHOP:

Mr. Isles, why don't we -- when you come up we'll discuss it, because I'm trying to keep to the same set of rules. Paul, Resolution 2051, it's a Greenways purchase, the Village of Amityville, sponsored by Legislator Postal, Presiding Officer Postal. It proposes to acquire, develop property, knock down the structures that are currently there and re-create grist mills, which used to be in the area.

My question is, is that, I guess since it's a filed bill and you prepared it, it's eligible under Greenways, right?

MR. SABATINO:

No. That's why a corrected copy was done, because I had -- the initial proposal was a little bit ambiguous and unclear and I had raised the concern. And as a result of a meeting that was held on March 3rd, a corrected copy was done to convert the funding mechanism to, believe it or not, there's still some money left in the residuary component of the Quarter Percent Program, the 12(5)E as referred to in the Babylon geographical component of that program. So, the funding mechanism has been changed to reflect that funding and to avoid the very problem that you just described.

CHAIRMAN BISHOP:

This is a planning steps resolution. Do we have questions for the Mayor?

LEG. CARACCIOLO:

Yes. Good afternoon, Mayor. The resolution does not specify the size of the property, could you --

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MR. IMBERT:

The size of the property is about a quarter -- an eighth of an acre. Is Tom here? He has the exact --

LEG. CARACCIOLO:

If you don't know, we can find out later.

MR. IMBERT:

It's about a quarter of an acre.

LEG. CARACCIOLO:

What is currently on the property?

MR. IMBERT:

It's one concrete building, a stone, cinder block building, a flat roof. There are three stores in the one building, three little shops. One is a Chinese restaurant, one is a sneaker store and one is a hair salon.

LEG. CARACCIOLO:

So these are retail establishments?

MR. IMBERT:

Yes.

LEG. CARACCIOLO:

And why this particular site, why should this particular site be cleared?

MR. IMBERT:

Well, this particular site is one of the best sites in the Village in terms of its location or proximity to the school districts, the library and because of the municipal lot which it abuts as well as another private parking lot. With this piece down and this educational colonial grist mill built, it will give a much greater expanse or a view of the -- it would make the park seem much bigger as well as much more accessible to people driving as well as children walking from the library and the two other, three schools, actually.

LEG. CARACCIOLO:

Within the Village, how much park or open space land is under the Village ownership?

MR. IMBERT:

We have the Village, Amityville Village Beach, which is down on the Great South Bay, and we have a smaller park with some swings, Peterkin Park, which is about a half a mile east of this project.

LEG. CARACCIOLO:

So there are no other open space areas or parkland per se within the Village confines?

MR. IMBERT:

There will be, we're developing one right now on the corner of Ocean and Merrick, but that's under development right now, it's in the works.

LEG. CARACCIOLO:

And what's the size of that property?

MR. IMBERT:

That property is a little over an acre.

LEG. CARACCIOLO:

Okay. Thank you.

MR. IMBERT:

Thank you.

CHAIRMAN BISHOP:

Okay. Thank you, Mayor. The vote won't be occurring until later this afternoon, so you're welcome to stay.

MR. IMBERT:

Okay.

CHAIRMAN BISHOP:

If you'd like, but it may be a while.

MR. IMBERT:

No, no. Thank you very much, Mr. Chairman. Thank you, Legislators.

CHAIRMAN BISHOP:

Thank you, as always. All right. Enrico Nardone.

MR. NARDONE:

Thank you, Mr. Chairman. Good afternoon, ladies and gentlemen. My name is Enrico Nardone. I'm the Director of the Seatuck Environmental Association. We're a not-for-profit member supported conservation group based in Islip. We conduct primarily environmental educational programs.

I'm here today on behalf of my Board of Directors and our members to support the acquisition of the National Audubon Society Scully property in Islip. First, as the Director of a conservation organization, I can recommend the acquisition of this property wholeheartedly and without reservation.

The property contains a wonderful combination of upland forests, salt marsh, freshwater ponds and wetlands. While a complete biological survey hasn't been conducted for many years, anecdotal evidence tells us that the property's seventy plus acres are home to a diverse collection of wildlife including turtles, foxes, flying squirrels, frogs, raccoons and muskrats.

Of course, the property is also a sanctuary for a great diversity of birds, the property is marshed, it supports numerous great blue

herons, snowy egrets and other wading birds. Its forests provide nesting and migratory habitat for numerous songbird species. And according to the Great South Bay Audubon Society, Scully is a well known location even from the road to find great horned owls, screech owls and American kestrels.

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Critically, the property's ecological value is multiplied by its proximity to the Seatuck National Wildlife Refuge, which is just across the street. It is a fundamental principal of open space preservation that large, intact blocks of natural areas are most effective for protecting diversity of habitats and species and for protecting large populations of wildlife.

While every little bit of preserved habitat contributes to the protection of biodiversity, it is well recognized that we should aim for preserving and expanding large patches whenever possible. Combined, Scully and the Seatuck National Wildlife Refuge would create a critical wildlife sanctuary of almost three hundred acres in a densely populated area of the South Shore.

Certainly the Committee can be confident that the acquisition of the Scully property will be a sound ecological decision and would further the best interests and goals of the County's Open Space Preservation Programs.

In addition, as the Director of a membership organization that's been part of the Old South Islip neighborhood for many years, I can assure the Committee that the community will support this acquisition. While generally pleased that their neighborhood contains large preserves of open space, I can tell you that many people in the neighborhood have been frustrated by the lack of public access to the Seatuck National Wildlife Refuge and to the Audubon property.

While we were based at the Seatuck National Wildlife Refuge until this last summer, it was a regular occurrence for us to receive phone calls from people asking about where and when they can take walks on the property, and it was to our great displeasure that we had to tell them that the property was generally closed to the public. The story was much the same across the street at Audubon.

The people of Islip deserve a place where they can take a nature walk, where they can do some bird watching and where they can enjoy the benefits of being close to nature. To the extent that the County's acquisition of this property would increase those opportunities, I can assure you the community would welcome it with open arms.

CHAIRMAN BISHOP:

Thank you for the presentation. Legislator Fields, before you ask a

question --

LEG. FIELDS:

No, I was going to answer your question.

CHAIRMAN BISHOP:

That's what I was going to ask, if you could explain this resolution.

LEG. FIELDS:

This property was purchased or was given to National Audubon a number of years ago. Enrico, do you have the background of the property with you?

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MR. NARDONE:

I don't have anything with me, but I can tell you what happened.

LEG. FIELDS:

When was that that they gave it?

MR. NARDONE:

1982.

LEG. FIELDS:

Okay. And National Audubon had the Living Oceans Program in that building. They have since decided that they don't need a building of that size and their needs no longer put them in a place where they would need to inhabit this property, so they have announced that they wanted to sell it.

They were originally just going to put it on the market, until I suggested that maybe the County could buy it with kind of a marriage with Seatuck, because Seatuck is in the process or does work with the County and offers many environmental programs anyway. This would allow us to buy the property, they could purchase the house and we could continue, or not continue, we could actually open up a really premiere environmental education center for --

CHAIRMAN BISHOP:

So Seatuck buys the house?

LEG. FIELDS:

Correct.

CHAIRMAN BISHOP:

The County buys the land?

LEG. FIELDS:

Correct.

CHAIRMAN BISHOP:
And the Audubon Society?

LEG. FIELDS:
Gets the money.

CHAIRMAN BISHOP:
Gets out. Okay. I understand.

LEG. FIELDS:
They have no use for the property any longer and that's why they're selling it.

CHAIRMAN BISHOP:
And the Audubon Society is allowed in its internal charter to sell land for development?

LEG. FIELDS:
There were no restrictions or covenants when they bought the property. I think that it is their desire that the property does not have

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development on it and that's why they are instead of putting it out on the open market, they agreed to allow us to at least try to do the planning steps, see if it's affordable, you know, after we do an appraisal and a survey to see if they would, you know, deal with us rather than the open market first.

CHAIRMAN BISHOP:
So they're letting us work with the exclusively in the beginning, they're not discounting?

LEG. FIELDS:
No.

CHAIRMAN BISHOP:
How do the birds feel about that?

LEG. FIELDS:
Every organization in these times are having difficulty and unless an organization has a facility or a property that helps them with their mission, then, you know, then they decide, as any business would and they are a business, that they unload things that are costing them money, and that happens to be costing them a lot of money.

CHAIRMAN BISHOP:
Okay. Any other questions? Thank you very much.

MR. NARDONE:

Thank you.

CHAIRMAN BISHOP:

Mr. Richard Amper.

MR. AMPER:

For fifteen months we've been coming to this Committee in the Legislature talking about the land acquisition program of Suffolk County. We derive no pleasure from having correctly predicted that the scandal associated with the land use program posed enormous long term threats, they are now being realized every day. We're not blaming the Legislature for this. Our confidence in the capacity of the administration to restore the program declines on a weekly basis at this point.

You're going to hear from Mr. Sawicki about the audit that he has done, his Division has done and the news isn't any better. But I think we can derive, none of us, any satisfaction from the notion that we've stopped the scandal simply by having effectively stopped the program.

I'm coming to this Committee because I know that all of you, and particularly you, Mr. Chairman, and Legislators Caracciolo and Fields have made it an important part of their role in the Legislature to be sure that we meet our fiscal responsibility to the voters, but I think we're not doing that. The public has continued to put up the dollars and cents it takes to preserve the land, and the land isn't being preserved. And as I derive no pleasure from having correctly predicted this fifteen months ago, I'm sure you derive no pleasure at

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witnessing it.

So, I guess I'm coming to this Committee, and I know that you have a big agenda and you're constantly --

CHAIRMAN BISHOP:

Would you suffer an interruption?

MR. AMPER:

Sure, absolutely.

CHAIRMAN BISHOP:

Fifteen months ago you also stated that you felt that the measures that we were taking to reform the process were dilatory. Can you point to any measure that you believe that we've enacted that is slowing up the process? Is it the process, is it the process --

MR. AMPER:

Yes.

CHAIRMAN BISHOP:

That is itself flawed?

MR. AMPER:

I do want to refine that, I have not made that clear. It is not the case that I think that anything you have actually enacted is responsible for stopping the program, I'm saying the combination along with the politics of it and the bad public relations of it and a whole bunch of political things that are going on with the administration has produced a result that none of us is comfortable with.

What I'm turning to you for and I know that you hear a lot of testimony and you have to respond to that and you've got your own introductory resolutions that you have to respond to, I'm trying to figure out how all of us who care about this stuff can now address the next portion of it. I think what you'll hear from Mr. Sawicki is that the scandal is over, that we are not buying land we shouldn't buy, we're not paying too much for land anymore, if only because we're not buying very much land at all.

And I'm asking Legislator Fields and Legislator Caracciolo and you and others to put your heads together on a proactive basis and say what do we need to do now to make it happen. I mean not to -- it's insufficient to worry about whether the actions you're taking are stopping it or whether it's stopping for other reasons. Now we have to go and say it isn't happening and whether it's because if the land is developed we're going to pay, all of Suffolk residents are going to pay more money in taxes and for new government service, whether it's strictly a fiscal responsibility or something as basic as the public health and welfare.

We're now at a point where a program that the public is full supportive of and this Legislature has nurtured since 1977 isn't working. And so, the same good minds that put together reforms, again I think that even when you hear from Mr. Sawicki, he will suggest other things that may still need to be done, some which may be useful

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and some may not, but I think you won't hear from him, this is what you should do to put this program back on the road, and by God we need to do something about that.

So, I'm the premise that you genuinely want to make this program work and that you didn't want to see it working incorrectly. I think we need now to take affirmative action to tell the administration what it needs to do to impose proactive reforms, to order changes in the staff

to the extent that you have the authority to do that, to add people to break log jams. I am not persuaded that contracts are being administered by Mr. Fishbine any better than they used to be, haven't seen it. I have not seen a cessation of what I consider unproductive and obstructive interference and review by Terry Allar, have not seen that stop.

I don't know what it is that we think is happening in 2003 that's different from what we saw happening in 2002, and we've halted the scandal by halting the program. I'm not pointing a finger, I don't mean the Legislature has, I'm saying that's the net effect. And at some point or other we're turning to the Legislature as we're going to increasingly put pressure on the County Executive's Office to say enough of what went wrong, the worse thing that's wrong today is that we're not protecting open space and farmland.

CHAIRMAN BISHOP:

Mr. Amper, I appreciate the statement and the sentiment. Can you quantify for us, for example, what is your sense of acquisition activity in 2001 as compared to 2003 or 2002?

MR. AMPER:

Let me use the Drinking Water Protection Program.

CHAIRMAN BISHOP:

Use that.

MR. AMPER:

We have purchased more -- in some years we have purchased more than two thousand acres under that program alone. The program has averaged in its worst years when we were complaining to the Legislature that the County Executive's Office simply wasn't moving on these programs, it was preserving five hundred acres a year. Last year it protected eighty-two acres.

You people authorized fifty million dollars in borrowing, the money from the Quarter Penny Sales Tax Program is piling up, there are willing sellers, those willing sellers are beginning to walk away from the table because it's not possible to complete those deals. We're losing those connections.

If you talk to the town supervisors, who are very loyal to the administration, don't get me wrong, but they're frustrated in the five East End Towns and increasingly now in Brookhaven, which is looking for additional revenue sources, they know they can reach out to the public, they know the public will put that money forward, but government is not spending that money as they've been directed and the consequences is that we're going to lose that land and development or,

for those of you, few of you who are only concerned about the fiscal implications, we're going to pay too much money for the land.

CHAIRMAN BISHOP:

Is it your information that the Real Estate Division hasn't reached out to these willing sellers? I mean it would seem to me that they're between a rock and a hard place and that's what they're going to say.

MR. AMPER:

Well, you get different -- you get different stories from different audiences. One group of civic people will say we don't have willing sellers. Now, I may not be an economist, but there is such a thing as the laws of supply and demand. If a guy is trying to make some money and you're offering him what a developer will offer him, there's no reason why he should prefer the developer to you. We didn't have complaints about willing sellers for the first twenty-five years of this program.

So, if the willing sellers are gone, then maybe -- maybe then we are not paying, and I want to say fair market value, but we're not just taking about appraisals here, we're talking about what's the land worth to the people. And you are entitled, you're not gifting any public money or anything of value if you're paying what the land is worth.

Others say there are plenty of deals in the pipeline, we just can't close on. We've heard that explanation. There isn't a problem, there's a lot in the pipeline. But we're also seeing people walk away from deals that they've made, we're hearing other people come to us, other landowners come to us saying they can't get an offer made. So, it's not clear to me, I don't know and I don't have the authority to determine where these various clogs and obstacles are. But if you ask the planning people not what they're going to do or what they mean to do, but what they did in 2002 and what they've done in the first quarter of 2003, you're not going to be happy campers.

CHAIRMAN BISHOP:

Okay. That question and answer has elicited reaction from the Committee. Legislator Haley. We'll just move down the line.

LEG. HALEY:

I'm concerned about, you know, our program too, but one of the problems we have in an accelerated market and especially when we have a demand being driven by some people like yourself that are saying we absolutely have to purchase this, then we have the effect of increasing or increasing the value to the seller.

From a practical perspective, we don't have much of a choice in the County and that is we're going to purchase property based on

historical data, that is what the property is worth, what the property appraises for. Many people in this room are a participant in that process in the last couple of years when we had a problem with that appraisal process or didn't agree with it or thought there was some wrongdoings and a lot of people had participated in slowing, in what I believe is slowing down the process of acquiring properties, and I believe you were part of that as well.

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I think what happens is now we have a Real Estate Division who is, in fact, moving forward with a slightly different set of constraints, a little bit different than they had before. I think they're moving extremely cautiously, and I don't blame them. They are constrained by the appraisal process. And for us -- I mean I deal with the stuff I'm still trying to -- it's real easy, it's real easy for a seller to say to a developer, the County is offering me "X" amount of dollars, and that's probably going to be somewhat consistent with an appraisal, you've got to do better. And so from a risk perspective, developers are willing to pay a little bit more. I've got that problem in my own district at this juncture. And I think that's throughout the entire area.

We have a practical difficulty, we did it I think many years ago where we said, you know what, it's all going to be developed, all right, if we don't buy it. And it's always a propensity for us to get all worked up about buying properties in heated markets, so we're going to spend even that much more money than we hopefully anticipated when we initiated the programs.

And we lived through it once, we're living through it again. And the idea or the concept that this Legislature or this County is all of a sudden going to be able to ameliorate the development problem in Suffolk County, it's not going to happen, for a couple of reasons. First of all, it's impossible to buy all of it. Second of all, when we take -- and every single one of us here can claim to be an environmentalist because we've done quite a bit in our respective districts, each and every one of us on this Committee, but at the end of the day when we spend millions and millions of dollars in an inflated market so we reduce the numbers of parcels, but in any case, we are buying -- with continue to buy properties and take properties off the tax rolls or take properties out of the market, we are in essence increasing or reducing the supply that may be available for development.

CHAIRMAN BISHOP:

Victim of our own success.

LEG. HALEY:

Correct, exactly that. And that becomes a profound problem. My

concern is that while you tend to focus, and I don't blame you, that's your right, you tend to focus very narrowly on the environment, I think from a global perspective, we're not thinking about all the considerations of what is happening when we key just on environmental issues. We need to key on planning issues, we need to key on affordable housing issues, we need to key on a method by which we're still going to be able to give an increasing population the opportunity for a place to live.

And at the rate we're going and if we focus primarily just on environment without those other considerations, we're going to create a rich/ poor society on Long Island and it's going to mean nothing there for the middle class, because we've managed to purchase it or price them out.

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MR. AMPER:

Can I answer that question?

CHAIRMAN BISHOP:

Sure. Are we a victim of our own success, Mr. Amper?

MR. AMPER:

First of all, I'm not pressing environmental protection or open space preservation or farmland preservation, the people of Suffolk County are. They've said it with enormous consistency and enormous numbers and percentages, it's their dollars that have been put forward. We're not going through a particularly difficult market at this point only to reach a better one in the future, there's every reason to believe that what we don't buy now, we won't buy at all. We're not at -- we're not suffering the luxury of waiting for the next cycle.

If the land is worth what the people say it's worth, then we have an obligation to get it. And I do understand that you are cursed with the obligation to meet many social responsibilities, but not with money that has been put up in a dedicated fund by the people for open space and farmland preservation.

I think we should do much more affordable housing. I don't think open space preservation has anything to do with it, we haven't been able to get the industry to do that for the last fifty years and there was no prohibition against it. I think you should put a referendum on the ballot and ask the public to make a commitment to affordable housing and to senior living and all of these things. But the fact is they've already put up money for the exclusive purpose of preserving open space and farmland and you're not doing it.

Now, if you are encumbered, and by the way, you were one of those who argued very early in the process that we shouldn't be encumbered

merely by what the inexact science of an appraisal might be, and since then we've had a chance to look at the law and the law makes it very clear that the only thing the government cannot do is gift public property, public wealth or property. And you are not doing that so long as you are giving, paying with the public money what its worth to the public.

And as we get to the last land, we're down to the last seventy thousand acres of available open space, so we're going to be out of this business in the next seven years or so anyway, the fact of the matter is that the less land there is, the more it's worth to the public. The value of a condominium may not increase dramatically over the next five years, but the value of tourism to Suffolk County, the value to the second home industry is going to be worth many, many times what a parcel of land is worth to a developer.

Will we pay that? Will we lose a five billion dollar shellfish industry or the number one agricultural producing County in the State of New York because we don't want to compete with Acme Condos? I hope not, I think not. And there is certainly no legal reason why we can't. If we're not competitive with the developers, then they win and we lose, and we lose economically and environmentally.

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So I'm simply-- one of you asked earlier and I think you were right on and very proactive and positive, what can we do. Maybe we need to revisit the matter of what constitutes just compensation if we're not succeeding and doing what you set out to do and what the public set aside money to do.

CHAIRMAN BISHOP:

Just so you know, we do have provisions that allow us to pay in excess of the appraised value, but it has to be disclosed and have a full vote of the Legislature.

MR. AMPER:

Let's encourage that. I'm just saying less proactively encourage that because there's so much of what you're trying to do that we shouldn't let some developer's dollars keep you from accomplishing, that's all.

CHAIRMAN BISHOP:

Okay. Legislator Fields.

LEG. FIELDS:

Just a couple of responses to what you said. The County taxpayer does

want us to buy land, that's something that we all agree with, but the County taxpayer does not want us to spend more than market value. They've made that very, very obvious when you're out there and you're listening to them.

If you feel that we should be competitive to a -- to a developer, then maybe what should happen is a referendum should go out saying to the public, do you agree that we should pay more than market value for property and compete with developers. And then if the taxpayer tells us that, I think that people would then be willing to boost the price up. But I think that if you have a willing seller and a willing buyer and the willing seller wants to charge, you know, five million dollars for a piece of property that appraises for one million dollars, the County can't do that. And I think that may be where you're seeing there's difficulty in actually following through with these purchases.

So, I think that what we need to do is continue appraising the property, try to negotiate with the sellers and see that we can come to a comparative understanding that we're willing to pay, you know, as close to fair market value as we can, but I don't think that anyone believes that we can compete with developers' prices, I don't see that.

MR. AMPER:

Well, I guess that's what I'm sort of asking us to try to do. Let's look at that and see. We're not suggesting that we go to the voters and say should you pay more than what's fair or more than what it's worth to the government or to people to pay. You use the term appraised value and market value interchangeably, and I'm suggesting that if a developer is willing, if one or more developers is willing to pay two million dollars for a property, then that begins to define the market, does it not?

I'm simply saying we are in the market and we are, we do have to be competitive. And it's not a question of our losing some of the deals

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we might not, we're never going to buy another piece of land if we're not willing to compete with the only other, other partner in the market or only other player in the market.

So, what I'm saying is maybe we need to reconcile the traditional notion of appraisals with what it is that the market is now demonstrated to be. That's what we need to explore. We need to find out not -- we absolutely agree we shouldn't pay more than the land is worth to us, but if we know -- the developer knows, Legislator Fields, that it's worth two million dollars to them, if we knew for certain that it was worth two million one hundred thousand, we wouldn't be wrong to pay it. And maybe that's the kind of solution that we can

work out, is to find out how do we justify the public worth.

If we don't have it, if it is legitimately worth more to a developer than it is to the people, we cannot and should not buy it. I'm just saying I'm not sure we're competitive there.

CHAIRMAN BISHOP:

Legislator Guldi, then Legislator Fisher.

LEG. GULDI:

I just have a point of clarification and a question. If market value, that is a price a willing seller is willing to sell and a willing buyer is willing to pay, is different from our appraised value, by definition, our appraisals are wrong. There is no such difference between market value and appraised value when the appraisal is correct. Unfortunately, appraisals never are, they're hypotheticals. And we're hamstringing a process with a hypothetical mathematical exercise that, at best, is inaccurate.

MR. AMPER:

What's the developer know that we don't know? And that has to be built into the appraisal process and what we're allowed to negotiate for, because we're going to get into this business. For example, if you have an assemblage of land --

CHAIRMAN BISHOP:

I don't think that was a question.

MR. AMPER:

There are seven, one hundred acre parcels arrayed in a row, this is the classic example they use in the federal government, and you have the three eastern most and the three western most and there is one left, is that worth the same in absolute dollars to government to complete that greenbelt to maintain that contiguous environmental area? Is it still worth five thousand dollars an acre or is it worth more to the public? It may be still be worth five thousand dollars an acre to a developer, because he can only build some twenty houses on that land zoned twenty acres, but what's it worth to us. And that's the question I would love to search our souls for.

CHAIRMAN BISHOP:

Legislator Fisher.

LEG. FISHER:

Art's in the eyes of beholder, isn't it? And when you try to justify the numbers of dollars that we've spent in preserving certain parcels, when it hits the newspapers, that they were appraised by the State or some other entity at a lower level, then it hits the fan and this is

what we're facing.

I recently sponsored a piece of legislation that authorized the acquisition of the Sherwood-Jayne property and the farmland development. There were two appraisals done, we had a willing seller. The reason we had a willing seller was because it's a not-for-profit, whose mission is the preservation of the environment and antiquities. And we see before us another piece of legislation with a willing seller, whose mission is preservation of the environment, but those are not-for-profits.

SPLIA could have received probably three times what we paid for that property shortly after they decided to come into a deal with us, and yet I had to fight hard at this horseshoe to pass that resolution, because there were those who felt that a not-for-profit shouldn't be -- we shouldn't be buying land from a not-for-profit whose mission was to preserve it.

So, there are many questions here, there are many dilemmas that we face and I don't believe that it's -- that there is an intentional sabotaging of the process. I believe that it's just simply very difficult and it's a hard balance to maintain. So, I see the people in real estate who seem to me to be working hard to move forward with the deals, I see people sitting at the horseshoe who are looking very carefully so that we don't face the kind of negative press that we've had because of deals that we didn't look closely enough.

So, you're preaching to the choir here, people who believe that we need to do the right thing, but we need to base our numbers and fulfill our fiduciary responsibilities on something, and the appraisals are something that we can hang our hats on.

MR. AMPER:

Legislator Fisher, I'm not even preaching to you, I'm entreating to you to look at a situation that's different from the one we saw two years ago. Two years ago, the land was hopping off the shelf. And it -- maybe we all should have been more sensitive to say that, well, if it's disappearing that fast, if there are that many people falling all over themselves to sell the land, maybe we're spending too much.

It is also evident that if none of the land is moving at all, if we can't make a deal, maybe we're not spending enough. It's not either/or, we've got to reconcile that.

LEG. FISHER:

Dick, in my neighborhood, people put their house up one day and it's sold the next. I see people building houses on hills where I didn't think they could possibly put a house. There is supply and demand, which is a factor here, and a very hot market.

MR. AMPER:

And I hope that we respond, because the only scandal worse than paying too much for some pieces of land would be to stop preserving any of it at all. What sort of scandal will that create when we ignore all of the dollars that the people of Suffolk County have put up to protect something as basic as drinking water and preserve the economy that depends on this open space, the farming industry that depends on that open space, when we stop doing that, because some misguided, wrong people in government did the wrong thing. We're throwing out the baby with the bath water, the punishment is worse even than the crime, and the crime was absolutely reprehensible.

I'm simply saying there's not a person I'm talking to that I need to preach to you, you also understand it. I'm asking you to put your heads together and meet your obligation, fiduciary obligation, yes. If you don't buy that land, it will get developed and we'll all pay more in taxes. Meet your fiduciary responsibility by making sure some of it is taken off the tax roll and preserved. Meet your fiduciary responsibility by spending the money that was earmarked by it in a dedicated fund and make sure that that money is spent as the public directed it and then let's take care of the economy and the environment of Suffolk County at the same time.

CHAIRMAN BISHOP:

Vice Chairman Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Dick, thank you for your remarks, one of them of which I'd like to follow-up on. Could you elaborate on your point of being more proactive?

MR. AMPER:

Sometimes I think, and forgive me for presuming, but Mr. Haley is moving on to greener pastures here, so I'll deal with the rest of you on this Committee, I know that you care about this program. I sometimes want to get up in the morning and ask me to -- I mean ask you to meet me at the Dennison Building and go up to Planning and clear out a work space and roll up your sleeves and use your expertise and say, okay, what's going on here, why isn't this happening.

Maybe we should just go do it ourselves for a couple of days just to figure out what's going on. Maybe you can hold hearings and you can bring in folks and ask them to testify about what is and isn't happening relative to what happened before. Maybe you need to take another look at how it is that we can fairly and legally define market value, so that we're meeting our fiscal responsibility, so that we're not overpaying, I don't want us to pay a plum nickel more than that land is worth to us, but I agree with you, if houses are being snapped

up the next day, it's because somebody is willing to pay the price that the seller demands. And it looks to me --

LEG. FISHER:

Or more.

MR. AMPER:

Or even more. And it looks to me like the County won't do that. And

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my absence of real estate knowledge, but my understanding of basic reason says that if we're not willing to do what our competitors do, we're going to be out of the market. And it looks to me for all the world as though right now we are.

LEG. CARACCIOLO:

I gather from that, from your comments and remarks, that you're really speaking then to an issue of administration of the program?

MR. AMPER:

Yes, sir.

LEG. CARACCIOLO:

Okay.

MR. AMPER:

And if it requires legislation to empower them, if we ask them what's standing in the way, and they say it's introductory resolution such or some law that you passed last year, and they can make a case that that's the obstacle, I'm sure you'd be happy to revisit that. But we haven't been able to figure out what that is. In the process of focussing on what shouldn't happen, I think we've lost sight of what must.

LEG. CARACCIOLO:

I have used an identical word as you've described, proactive, but in a different context. From my perspective, the County Real Estate, Division of Real Estate and Planning Department should be more proactive by providing this Committee with a list of parcels or acquisitions that are prime for consideration based on the criteria that we have embedded in a variety of Local Laws and Charter Laws.

Unfortunately, we're still waiting for that. But I know Mr. Isles and I had a conversation just over a week ago, and he plans to present this Committee in some subsequent date with a list of recommendations. The towns have those lists, the County has that list. Legislator Fields and I sit in Region 1 of the Open Space Committee for the State of New York and biannually we compile, Mr. Isles does as well, we compile a list of recommendations of priority properties that should

be considered for State acquisition.

I know of no reason why we shouldn't be doing the same here. But here's what happens, instead individuals go to individual Legislators and bring to their attention the need to preserve property. I think the example that we heard a presentation made on briefly before, the Scully property, Town of Islip, I mean there were individuals who obviously came to the sponsor's attention that said, you know, this is a property worthy of preservation, would the County be interested. And I would assume those sponsors or sponsor --

LEG. FIELDS:

No, it was the other way around. I went to them.

LEG. CARACCIOLO:

Okay. That's a bit unusual, but that happens occasionally as well. But nonetheless, when that happens, we have a grass roots approach as

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what I think should be a top down approach. Mr. Isles is eminently qualified and has many, many years of experience at the town and County level to identify by virtue of lists your organization can provide, Nature Conservancy, Peconic Land Trust, the Audubon Society perhaps, and other major environmental organizations to provide us with, if you will, a wish list of priority acquisitions.

We have a rating system, but here's what happens, when it comes from the bottom up, we now have somewhere in excess I think of a hundred planning steps resolutions that have become part of a quagmire in the process. And as a result, his staff sometimes probably spends as much time on a one-eighth parcel for acquisition as it might on a one hundred acre parcel for preservation, and that doesn't make sense to me.

So, I'm going to keep pushing as I have for the better part of the last two years to come up with some type of priority list. We have it in the Farmland Preservation Program, we have a Farmland Select Committee that makes recommendations to this Committee and to the Legislature, pretty much of which we follow. And if we need a mechanism like that for open space, for greenways, let's get on with it, let's do it.

MR. AMPER:

But, Legislator Caracciolo, you recall when we first sought the borrowing under the Environmental Facilities Corporation, the State revolving fund, you specifically turned to the not-for-profit community and said I want a list of all of the eligible parcels, their relative significance. And the Nature Conservancy and other groups spent an enormous amount of private time and revenue developing that

material.

I agree with you that Mr. Isles is eminently qualified to evaluate that relative to the criteria that we use for land acquisition, I definitely believe we should be looking at this as a regional program not as a nimbi or a local community lobbying effort. If I saw that we were buying the wrong land because citizens were lobbying their local Legislature because they didn't want a 7-Eleven Store built there, I'd be concerned, but the most incredible thing at this point is it's not that we're buying those and we're not buying what we should buy, we're not buying anything at all.

LEG. CARACCIOLO:

I think later this afternoon you will hear Mr. Isles address that, I don't want to speak for him, because we did discuss this. We do discuss this on a regular basis, he and I.

LEG. CARACCIOLO:

If you're not satisfied that this program is working the way the Legislature and your constituents mean it to be working on the basis of how often and they've put up money and how many dollars they've put up, I would love it if you would put your heads together legislatively, you're brighter than I and so many of the other not-for-profit organizations, you know how the law works, I'm asking you to turn to one another plaintively and say to one another, what do we need to do to make this work. You're no happier with this program

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then we are, I just don't believe it.

LEG. CARACCIOLO:

Thank you. One more question for you. You just handed me prior to your presentation a couple of Court decisions, State Supreme Court decisions.

MR. AMPER:

You asked for the Spring Meadow material, because you'll recall that the County purchased two of the three sections, the developer attempted to move ahead, over reaching, demanding more than he was entitled to. He sued both the Town of Brookhaven and the Pine Barrens Commission, he lost in both cases. He's now looking for another person to develop that land or he's willing to sell to the County.

And I am in a, again from a regional approach, not merely because you're the local Legislator in whose district that property lies, but I think it would be useful for us to finish that transaction and so I'm hoping that we'll reach out to him and see if we can't make a competitive bid.

LEG. CARACCIOLO:

Right. As you and I discussed late Friday that from my perspective there are two issues with Spring Meadow. One is what is the yield on this property, has the Court addressed that?

MR. AMPER:

The Court has defined it precisely in both cases.

LEG. CARACCIOLO:

What are the number of lots?

MR. AMPER:

The number of lots asked and sought by the developer was seventy-five and the Court said he was entitled to, only to fifty-nine in both the case involving the town and the commission.

LEG. CARACCIOLO:

As we discussed earlier, actually as you discussed earlier with my colleagues, Legislator Fisher's and Fields, appraisals, one of the means by which appraisals are based on is what is the yield on a piece of property. Clearly, from my perspective, I felt very uncomfortable with moving forward pending a resolution to this litigation. Is this litigation now complete or is it on appeal?

MR. AMPER:

No, it's dispositive. He's now trying to sell the property. He told the community he will sell the land either to the County or to another developer.

LEG. CARACCIOLO:

Okay. The other stipulation, if you will, that I would put on any County acquisition is that one of the property owners here has encouraged and allowed individuals to ride on this property with ATV's, it's well documented in our Parks Department, we have numerous incident reports where that has taken place, I also have eyewitness

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accounts of people who have been told that, so, the property right now is less than pristine in some areas. And from my perspective, one of the conditions of a County purchase, if we were to be successful, would be to the remediation to its original state of that property that was so disturbed. And I mentioned that to you on Friday as well.

MR. AMPER:

I think that's so, and I think we need to make a special -- there may be a way to resolve that, I've had a chance over the weekend to think about that further. The answer is we understand that these are open Fields and that they were previously disturbed and portions of them were used for agriculture, so I thought it might be useful to resolve

any concern in any revised appraisal. I think we might want the input of the Nature Conservancy to decide to what extent the damage that has occurred has undercut its value relative to what the inflation is. One we're satisfied about that, I think we can make what we would constitute once again a fair offer.

LEG. CARACCIOLO:

Okay. Thank you, Dave.

CHAIRMAN BISHOP:

Thank you, Mr. Amper. Good to see you again.

MR. AMPER:

Thanks a lot.

CHAIRMAN BISHOP:

Let us now have our presentation that was on the agenda. We have Mr. Proios, Mr. McMahon from the Soil & Water Conservation District and Mr. Williams from the Cornell Cooperative Extension. They're here to present on the Agricultural Environmental Management Program.

LEG. CARACCIOLO:

George, did you want to lead off?

MR. PROIOS:

Yes. Thanks. I'll let everyone else introduce themselves I guess as they speak. I want to just give you a quick overview to where we are and how we got here. And I'm hoping this complex chart here, I'll try to explain it, because we happen to be at some point having parallel tracks at the same time that led us to where we are today.

Several years ago, the State Soil & Water Conservation Committee, which I'm also a member of in addition to being the Chair of the County Soil & Water Conservation Committee, began working with New York City and specifically with the dairy farms within a water shed in order to improve the water quality of the city's reservoirs, they were under threat by EPA to filter. And the only way to avoid filtration was to show that you had a comprehensive plan for dealing with the types of contaminations that they were starting to find in their reservoirs, and most of that was from the dairy farmers within that water shed area.

They developed an Agricultural Environmental Management Program. This was the first booklet that came out, this two inches thick. If you go

through it you find out, though, it focuses almost exclusively on dairy farms, we don't have to many of those here left on Long Island.

They developed in the interim a quite extensive training supplement, which several of their staff members and members of NRCS have gone through to help begin the farmers with the New York City's water shed area develop environmental management programs.

The Governor several years ago then codified what was going on in the Department into State Legislation, Article 11 of Ag & Markets Law, and that became the embodiment of what the Department was doing up there, and then was followed through by both the Soil & Water District and Cooperative Extension in terms of trying to look at how we can take what the State started to develop for a dairy area and apply it to other types of agricultural issues.

When I spoke with the Ag Commission at Rutgers, I asked whether we can get their help on doing some more related programs here in Suffolk County. He said they didn't have the resources at that time, but he said if we were to start the ball going by doing worksheets, that he would help approve those worksheets that would become part of AEM and it would become part of the Statewide program.

Simultaneously, or somewhat in the same period of time, the Peconic Estuary Program was winding down. They had done a lot of data that showed that a lot of nitrogen was coming from agricultural non-agricultural sources, they were able to pinpoint how much they thought was coming from groundwater and they created two committees, an Agricultural Non-point Committee, this is on the second column, and a non-agricultural.

The Non-agricultural Committee, if you turn to the third page, there's a listing of the people that were on there, I was asked to Co-Chair that. Kevin McDonald was Co-Chairing with me, we brought Joe Gergela in from the Farm Bureau, we brought State people in. There were people from Albany that came down to meet with us when we had our meetings in order to help us develop a local AEM Program as part of the Estuary Program.

And, in fact, I think some of you have seen the latest in the final copy, the Peconic Estuary Program 2 Volume, this is the second volume. Inside here in Appendix H is a complete in-depth copy of the report that that Committee worked on in terms of developing AEM.

And then, third, there's the Suffolk County Agricultural Farmland Protection Board. And about two and a half years ago, I had proposed we establish something I called a sustainable Agricultural Committee. And in a meeting with Joe Gergela, we changed that concept into having two committees, one being a Stewardship Committee and one being an Agricultural Economic Committee.

Dale and Tom will talk a little bit about that, the Stewardship Committee, which helped develop the worksheets. And as you see, those

worksheets then kind of integrated themselves with the State program and it became what we now have as I believe the foundation for a local AEM Program.

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The ACE Committee, which is somewhat related, and I just wanted to mention the Agricultural Economic Committee, was to look at how to make farming more profitable here on Long Island. Everybody throws out the numbers that we are the number one agriculture producing County in the State, and I always find that that's incredible, in that we have the highest taxes, the highest electric rates, utilities, the highest labor, and how these farmers can still manage to make money with all of those obstacles against them, which the rest of the State does not have, is mind boggling. And yet we have no programs to help the farmers in any of those areas.

If you can reduce any one of their operating costs, their profit margin goes up, and, therefore, they're less likely to want to sell to developers. I mean this is the question we need to be asking, why are farmers who have been farming for three hundred years are now willing to sell their land? Because most of them are only making a living because other members of their family are also working and are managing to bring additional income in.

So the ACE Committee is related to what we're talking about stewardship, because if a farmer is making money, he can afford to be a better steward of his land, he can afford to build pesticide mixing pads where he does the mixing of pesticides, he can afford to build better barns, he can afford to buy better pesticide sprayers.

There's a lot of things to be done that would help improve the impact on the environment, but you need money to do it. So, that's why I wanted to mention the ACE Committee, because it does have a relevance to the Stewardship Committee.

So, I just wanted to quickly just go through that. The sheets that I have attached here, the Peconic Estuary on the third page is the management strategy and the goals. If you look at some of those tasks, we did a few of them, we tried to identify some pilot projects out at the County farm. I think this year we're going to be doing away pretty much with all corn, we're going to go into grains that use less fertilizers, less pesticides.

Some things we aren't able to do. Obviously we had no money, so we couldn't -- so there was no money to actually do the local implementation of AEM. We're at the point where I think we have all of the technical foundation, now we need the bodies. We need people to go out to the farms to start developing the plans. And then once we have the plans, on the first sheet I mentioned at the bottom

there's State funding, there's the State Clean Air Clean Water Bond Act, there's the Environmental Protection Fund, there's 319 in the Clean Water Act, these provide monies for the implementation once the plan is done and your own quarter percent.

Under EPF and Clean Water Clean Air Bond Act, there's seventy-five percent reimbursement rate. As an example, if a farmer wanted to come in and we have, we hope we'll have twenty-five proposals for building pesticide mixing pads. And this is a perfect I think tie in with previous reports you've heard from the Health Department on their Pesticide Sampling Program that they've been doing for the last six years. You know, people have asked what we've been testing for six

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years, refined pesticides, what are we doing about it.

Well, one thing we're doing about it is start building these pads, we only have two of them that I know of for the entire County. If we can get the farmers to come apply for Bond Act money, which is seventy-five percent reimbursable, if we can use the County's Quarter Percent for the other twenty-five percent, there would be no out of pocket expense for the farmer and we could have twenty-five of these pads built by the end of the year. That would be a great goal to show how we accomplish something with the sampling program to help the farmers get started. So, there are several things that we need assistance in doing.

The last thing is a chart that shows you what the Peconic Estuary Program had predicted or tried to put a price tag on for some of these. And for the fourth item down there, it proposed a hundred and seventy-five thousand a year for staff at the Soil & Water District, at the Cooperative Extension area in order to actually do the implementation of this plan. We only have five people and the secretary in the Soil & Water District, the Cooperative Extension, as you know, has been cut, so there aren't the physical bodies to go out and sit with the farmers.

And each farm is a detailed type of analysis that needs to be done to do a plan. I didn't have one of those to bring with me, because we haven't done very many down here, but I do pass on those that the State Soil & Water Committee has. And I saw a nutrient management plan that was literally twice the size of this that a consultant had done for a particular farmer that owned quite a bit of property, but it was a very involved study that took many, many months to do. And if we need to do these with a lot of farms, we need the bodies to do that.

So, I'll let Tom talk with the perspective of Cooperative Extension and then Tom McMahon from the District and then Dale from what they

were doing in terms of the individual worksheets they have developed over the last year and a half, two years.

LEG. CARACCIOLO:

Before we get to Tom, Legislator Fisher.

LEG. FISHER:

I'm sorry, Mr. Vice Chair, I was requesting that after they all spoke that there was some questions that I had. I'm taking notes and I wanted to ask questions. Thank you.

LEG. CARACCIOLO:

Okay. Go ahead, Tom.

MR. WILLIAMS:

Thank you very much. Tom Williams from Cornell Cooperative Extension. We're pleased to be able to be here today and talk about this program. Cooperative Extension has been involved with the Stewardship AEM, the Agricultural Environmental Management Program for several years and these programs have included research and education and integrated pest management, alternative pest management practices, including

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organic production practices. We have established a small organic plot up at the Horticultural Center, which we're working very actively on.

Nutrient management, we were very involved this year as you know in the Clean Sweep Program where we were able to collect over a hundred and ten thousand pounds of unused, unregistered pesticides and other material. So, we have been very active in that. And as you -- as George said, the group was organized under the Suffolk County Agricultural Farmland Protection Board, which is an initiative out of the State.

I also wanted to mention that here with us today is Ken Schmitt, who is the Chairman of the Agricultural Protection Board, and Becky Wiseman from the Long Island Farm Bureau.

I would like to introduce at this point, and he can tell you more about what's been doing, is Dale Moyer. Many of you know Dale, he's been here for over twenty years. And as you also know, Bill Sanok is retiring in the next couple of weeks and Dale will be assuming his position as Director of the Ag Program area in the Cooperative Extension. So we're pleased at that, we're very happy that Dale has stepped up on that and I think that he will continue his great stewardship in this program. So I'll introduce Dale Moyer.

MR. MOYER:

Thank you. I have been involved with the working, the stewardship working group since 1999. I've been very instrumental in trying to organize the growers and all the folks that are representative and it was established to promote the use of agricultural inputs in a responsible and environmentally sound manner and also to develop and implement a Long Island Stewardship Program.

As you can see from one of the handouts that says, "Long Island Stewardship Program" that I handed out, you can see the list of representatives that's on that Committee. We try to meet a couple of times a year. And we have, as George mentioned, have developed some worksheet that we'll talk about a minute.

The group has gotten together to discuss the issues, try to develop a Stewardship Program and I think we're going in that right direction. We have a solid foundation. I think we just have to move forward with, as George mentioned, more resources.

A couple of things that we have accomplished with the limited resources we've had, as you mentioned, the worksheets. These worksheets, I haven't included them in the packet, but these are worksheets that growers can sit down with a technician and fill out to determine where they need improvements and where they're doing well in the Agricultural Stewardship Program. It's a way to evaluate and come up with where they lack, and then the next step is to implement those area where they're deficient.

In addition to developing those worksheets, we have kind of done an awareness with the growers over the last couple of years. As you see, the other handout I have is called the "Best Management Practices For

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Farm Evaluation". This is kind of a quick and short method of growers to evaluate their farmstead in terms of pesticide and nutrient management. And so that has been put together along with several other pamphlets that we have gotten together to try to make the growers more aware of the situation.

I guess what I had -- in closing, I would say that I think we've made some strides in the Agricultural Stewardship Program, but we do need to develop and continue to develop a more comprehensive program and get that program implemented. Tom.

MR. MC MAHON:

Tom McMahan, Suffolk County Soil and Water Conservation. Just as an example, I did hand out one of the worksheets that we developed, Dale and I and the rest of the Committee, and there's a copy of the letter that was sent back to the District and to George from New York State Ag & Markets where they fully supported the worksheets that we

developed for use on Long Island.

We've also been working quite a lot through New York State through the Clean Water Clean Air Bond Act and the District has been able to get several grants, one of which I received a letter that's being -- that it will be approved. This was back in October of 2002, I'm still waiting for the contract from the State, though. So we were able to secure a hundred and thirty thousand seven hundred dollars to do a two year program, hiring probably two technicians to start doing the AEM worksheet, to continue to revising the AEM worksheets and also to go out and do farm level planning.

It's Dale and I's intention -- what we plan to do is after those plans are developed, we are trying to secure quarter percent sales tax money to then take those plans and actually implement the practices that are identified in the plan, so we'll lever that money from the State program against the local funding through the County.

LEG. CARACCIOLO:

Okay. Just a quick question before I turn it over to Legislator Fisher. The Quarter Percent Program funding would come from which component?

MR. PROIOS:

The non-point source. Under that language there, there's non-point source from agricultural inputs.

LEG. CARACCIOLO:

Very good. Okay. Legislator Fisher.

LEG. FISHER:

Hello. Thank you for laying out some of the structure of the way the committees work. Tom knows, I've spoken with Tom, I've spoken and written to Joe Gergela with regards to a resolution that I have filed calling for a management, a Task Force to develop an Agricultural Environmental Policy Program for Suffolk County.

The reason I had put this together was because, Legislator Caracciolo, you may remember because I think you entered into a dialogue with the

speaker who was here, when we discussed farmland, farmland acquisition, development rights acquisition, we discussed best practices and management of our farmland and there seemed to be no response at that particular point in time as to where -- who was taking the leadership in this. And so I have learned a great deal since I sent my copy of my resolution to Mr. Gergela for his response. I also spoke with the Nature Conservancy about this and had their input and Mr. Gergela's.

Now, it's my understanding that -- let me just give you some of my Legislative intent in this, if we are looking at a farm, if there is a farmer who is a willing participant in our farmland program and there are best practices that are established as part of the negotiations and part of the programming and development that we have, there is a better opportunity for us to get EFC funds to help with the -- with the acquisitions or with the acquisition of the development rights. And this is the piece that I as a Legislator was looking at.

Since I have three -- Tom, you don't serve on any of those committees, do you?

MR. WILLIAMS:

No.

LEG. FISHER:

Dale and Joe and Tom, the three of you serve on a couple of different committees that have to do with this. There are a great many committees, I see that there is some overlap on the committees and you must spend a lot of time on this. But let me ask you, is this one of the -- a part of the mission or the charge that you have in either your economic development or your Stewardship Committee looking at the best practices piece of farmland development acquisition? Can anybody speak to that?

Have you looked at that in your committees? Is this duplicative, is there a way that we can fold my legislative intent with the kind of mission that you have in your committee? Could we pull a few people out of the various committees to perhaps make, just get the language together to fold that into our program, our farmland development programs?

MR. PROIOS:

The basis for AEM came out of the BMP's that were -- there is a State handbook that, I'll again, a number of committees worked on. As part of the Non-point Source Handbook, there's a section on agriculture and that's a current other committee that the State has within DEC that was working with Ag & Markets to address the water quality issues created by the agriculture community that DEC was concerned about.

That's why a couple of years ago they came up actually with a permit to regulate CAFLO's, what they call concentrated agricultural feed lot operations. The first time they ever actually required a permit for non-point source discharge from a manure pile. You know, all of the times we're geared towards thinking that a SPDES permit is a pipe coming from industry and they were concerned about what was going on Upstate in these dairy farm areas with all of these concentrated lots

of material. And we have actually CAFLO's down here, we have our three duck farms that are now regulated under a SPDES permit.

So those BMP's are the basis for a lot of the work that goes in. They tell you what you should be doing. What our worksheets do is refines it down to the specific type of activity. If it says you should be looking at certain ways to deal with nitrogen, well, I learned a lot in dealing with just some of the nursery men that have a wide different array of how they apply nitrogen, whether it's waterside or whether it's in a dry form. And so we had to be very specific in terms of looking at how our people were addressing nitrogen in order to come up with a best management process to address the generic things that the State was coming with.

Now, when the Planning Department put in their application for financing under EFC, EFC requested that we have some kind of a program to deal with reducing nutrients and pesticide inputs if they were to agree to protect the land through their financing. And there is a section in that application that basically looks at this, what I just explained to you, and incorporated that into the EFC application that we submitted to them.

LEG. FISHER:

So do you see a role in -- by the way, what about the economic development piece of this, you know, the best practices as far as what would be the best way to go for the farmers, you know, not using as much water or deciding which kind of produce would be there, that's in the Economic Development Committee rather than -- which committee is dealing with that? Because I know there are several sub committees.

MR. PROIOS:

That Committee really doesn't have any resources to work on right now. Ultimately if we did, one of the goals would have been to look at different economic issues in term of the type of crop, what is its environmental impact, what its economic return for the farmer and could we be growing different crops that had less of an impact and had better return.

If Cooperative Extension had its way, I would hope that they would have a full-time economist. The last recommendation in the PEP was to start collecting and analyzing data. We have nobody that does that on a regular basis.

LEG. FISHER:

There are business people and economists on that Committee, aren't there? I believe when I looked at the list of Committee members, there were from the business sector --

MR. PROIOS:

They don't provide full-time, you know, we could have a full-time economist.

LEG. FISHER:

That was just a question, I'm just trying to recall who I saw in the Committee. Dale, you're on that Committee, aren't you?

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MR. MOYER:

Right.

LEG. FISHER:

And there are members of the business sector, there are representatives --

MR. MOYER:

Yeah, there are business sector, right, correct.

LEG. FISHER:

Okay. So that Committee does address this piece of the best practices issue, which is --

MR. MOYER:

What we look at in best management practices, we develop them, because as George alluded to, this AEM Program was developed in Upstate, New York, with dairy farms and we don't have any dairy farms down here. So the ones that were developed, these worksheets that have been developed down here are for Long Island crops, conditions, soils, those types of things.

And so we've taken the last couple of years and have spent the time to look at these best management practices. And that would be helpful to the environment and also be a viable option to the grower. So that we have looked at in terms of, you know, we can't expect the growers to adopt something that's not economical to them.

On the other hand, there are practices they'll have to spend some money on to coincide with the environmental issues and such. But we have spent a lot of time and effort to try to come up with practices, best management practices that are economically viable to the growers.

LEG. FISHER:

Dale, further to that, I had been reading about different farmland programs in various other states, and when Mr. Amper spoke earlier, he did speak about willing sellers and our being able to move forward in protecting more farmland. And I believe it was in Montgomery County in Maryland, the way farms were being appraised and, you know, a willing seller was coming to the County and working with the County on establishing the market value, some of the best management practices

and marketability and economic practices came into play in determining a dollar amount that was agreeable to both parties.

Do you discuss that kind of thing in your Committee and is that something that we can fold into our acquisition programs and our farmland protection programs?

MR. MOYER:

We have not tied the two of the farmland preservation or the purchase of that land with the program we have right now. However, when we talk about this, we're talking about whole farm planning, which is the whole system we're looking at. And I think it could be folded in a way. I don't know, Tom, when you do your evaluation, I think you're looking at the whole farm plan situation and it could be incorporated into this farmland preservation, I believe. Has that been discussed?

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MR. MC MAHON:

The AEM planning process is a tiered type process. The third tier is the planning. And once the evaluations are done and based on the evaluations, you could go to a Tier 3-A or B. Basically the difference is that an A plan would be just addressing the immediate needs of the farm, whereas the B takes into consideration much more economic issues.

There may be -- the operation may be in such a state where some major overhaul on the farm would have to take place and that's when you would definitely need to look at it from more of an economic standpoint.

LEG. FISHER:

Tom, I plan on coming to the meeting you have on the 3rd at 10:00 A.M. in Riverhead.

MR. MC MAHON:

Yes.

LEG. FISHER:

I'll bring the resolution with me and perhaps we can talk about which parts of it would be duplicative.

MR. MC MAHON:

Sure.

LEG. FISHER:

Which parts of it you think could -- you could play a part in, so that we can have a longer conversation about it, looking at what's in the resolution. Okay?

MR. MC MAHON:
Sure.

LEG. FISHER:
Thank you.

CHAIRMAN BISHOP:
Any further questions from the Committee members? Thank you very much.

MR. MOYER:
Just one comment, if I could? We do have a Stewardship Committee meeting, working group meeting tomorrow evening.

LEG. FISHER:
I think I have that on my calendar as well.

MR. MOYER:
It's tomorrow evening at the Long Island Horticulture Research and Extension Center. If there is anything that you would like me to bring up, you can call me at the Extension office.

LEG. FISHER:
Okay. Thank you very much.

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MR. MOYER:
I'd be glad to pass that along.

LEG. FISHER:
Thank you.

CHAIRMAN BISHOP:
Thank you. We're going to go to the voting portion of the agenda. Why don't we begin with the CEQ Resolutions. The red coat is back, a sure sign of spring. Mr. Bagg, good afternoon.

MR. BAGG:
Good afternoon.

CEQ RESOLUTIONS

15-03. Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on march 11, 2003.

CHAIRMAN BISHOP:
The first CEQ Resolution is Number 15. Motion by myself, second by Legislator Fields. All in favor? Opposed?
(VOTE: 6-0-0-0) APPROVED

75-02. Proposed Management Plan Regarding the Environmental Facilities Corporation Application Establishing a Line of Credit for \$62 Million to Purchase Environmentally Sensitive Lands and Farmlands. (Type I action; Negative Declaration)

CHAIRMAN BISHOP:
75-02.

LEG. FIELDS:
Motion.

CHAIRMAN BISHOP:
Motion by Legislator Fisher, second by myself. All in favor?
Opposed? (VOTE: 6-0-0-0) APPROVED

23-03. Proposed Dog Run at Coindre Hall, Town of Huntington. (Type I action; Negative Declaration.)

CHAIRMAN BISHOP:
2303.

LEG. FISHER:
Motion.

CHAIRMAN BISHOP:
Motion to approve. Is there a second? I'll second. All in favor?
Opposed?

LEG. FIELDS:
Opposed.

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LEG. HALEY:
Opposed.

CHAIRMAN BISHOP:
Do you want to discuss it?

LEG. FISHER:
Yes.

CHAIRMAN BISHOP:
No, they don't want to discuss it, they just want to vote against it.
All right. The vote is four to two.

LEG. FISHER:
But they weren't at the -- okay.

24-03. Proposed Donation and Dedication of Land to the South Setauket Woods Nature Preserve, Town of Brookhaven. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:
24-03.

LEG. FISHER:
Motion to approve.

CHAIRMAN BISHOP:
Motion to approve by Legislator Fisher, second by Legislator Guldi.
All those in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

25-03. Proposed Donation and Dedication of Land to the Miller Place/Yaphank Road Nature Preserve, Town of Brookhaven. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:
25-03. Motion by Legislator Guldi, second by Legislator Caracciolo.
All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

26-03. Proposed Donation and Dedication of Land to the Carlls River Watershed Area, Town of Babylon. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:
26-03. Motion by myself, second by Legislator Fields. All in favor?
Opposed? (VOTE: 6-0-0-0) APPROVED

27-03. Proposed Acquisition of Quogue Wetlands, Village of Quogue, Town of Southampton. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:
27-03. Motion by Legislator Guldi, second by Legislator Fisher. All in favor of the Quogue dedication? It carries unanimously.
(VOTE: 6-0-0-0) APPROVED

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28-03. Proposed I.R. 1149-03, A Charter Law Adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund. (Type I action; Negative Declaration)

CHAIRMAN BISHOP:
Finally we have proposed I.R. 1149.

LEG. FISHER:
Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

LEG. CARACCIOLO:

Mr. Chairman.

CHAIRMAN BISHOP:

Legislator Caracciolo, would you like to make a motion to reconsider?

LEG. CARACCIOLO:

Yes.

CHAIRMAN BISHOP:

He wants to make a motion to reconsider the vote on number 23-03. I had you listed as in favor. All in favor of Legislator Caracciolo's motion to consider? All right. That's before us now. The resolution is before us. Do we want to discuss it?

LEG. CARACCIOLO:

No. I'd just like to vote on it.

LEG. HALEY:

It's the dog run.

LEG. FISHER:

Can I just say something about that on the motion?

CHAIRMAN BISHOP:

Yes.

LEG. FISHER:

Okay. I was at the CEQ meeting earlier this week. As we all know, the people who are using this dog run have been using it for years, they've been using the property. And what Legislator Cooper's resolution is -- not pooper, Cooper's resolution is --

LEG. GULDI:

It's the Cooper scooper reso.

LEG. FISHER:

Is going to do is actually restrict it by having the fenced-in area, so that it's actually not adding to the problem, but rather limiting it and confining the dog run. And, yes, making it legitimate and having the Town supply some regulation and supervision. So I think that what we're doing rather than opening up Coindre Hall to the dog

CHAIRMAN BISHOP:

Mr. Bagg, do you have any comments on this, what's the impact?

LEG. GULDI:

This was negative decking the SEQRA.

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

We're not debating the merits of the resolution.

CHAIRMAN BISHOP:

Right. That's what I'm asking him, what's the implication of our actions?

MR. BAGG:

CEQ looked into this proposal and had a couple of issues. They felt there might be a potential water quality issue. And as an impact on the harbor, they moved the facility four hundred feet further to the south, I believe, to give a larger buffer between the dog run.

In addition they've required that measures be implemented for pick up of dog waste on a daily basis, and the Town is going to do that. They're also going to install some vegetative strips to absorb any nutrients that don't get caught with respect to that.

Counsel reviewed it also from the point of view as to whether or not it would impact the Coindre Hall facility, which is on the National and State Registers of historic places as well as dedicated to the Suffolk County Historic Trust, and they felt that the proposed facility was not in view of that, you know, the historic sites and everything else, it would not be seen.

CHAIRMAN BISHOP:

Okay.

MR. BAGG:

So the Town has offered to rectify a number of issues in here and stand in. Also, the Counsel said that it is a two-year pilot project, and that when monitored, if it's not, you know, come up to specifications as required, the County can also say we're not going to do it anymore after two years.

LEG. CARACCILO:

Jim, the actual site is where, is it that large hill behind Coindre Hall?

MR. BAGG:

The actual site, no, is off, as you're looking towards the harbor, it's to the right and there's a hedge row in there for tree planting with existing vegetation, which they're not going to remove the existing vegetation. And there's a grass area in between in there that they are going to confine it too.

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LEG. FIELDS:

Jim, they are removing the maple trees, they said that, they made the statement that they had to remove some maple trees, yes. They talked about them being planted when it was a Catholic school or something thirty years ago and they would have to remove those, so that was part of it.

LEG. CARACCIOLO:

Are there plans to replant?

MR. BAGG:

I think they are going to retain as much vegetation as possible and it was only going to be used possibly for take something out for the fencing.

LEG. CARACCIOLO:

All right. Mr. Chair, we have the resolution before us, I believe?

CHAIRMAN BISHOP:

Yes. Is there any debate? No debate. Okay. Let's call the vote. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. FISHER:

Opposed.

LEG. GULDI:

Opposed.

CHAIRMAN BISHOP:

Motion to table? Motion to table by myself, second by Legislator Guldi.

LEG. GULDI:

On the motion.

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

Why don't we discharge this resolution and let the full Legislature debate it with Legislator Cooper's participation on Tuesday of next week or the week after next?

CHAIRMAN BISHOP:

Okay. I'll withdraw my motion to --

LEG. FIELDS:

The only thing that I think I would ask is that {Emerson Hasbrook} had a lot of information that he supplied to me, but -- and he supplied it to Legislator Cooper, but it was not given to CEQ. And I think it was very good information and perhaps maybe we could just --

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CHAIRMAN BISHOP:

Why don't we do this, why don't we make a motion to recommit to CEQ for one cycle, it will go back to CEQ. Whatever information you want to forward to them will be forwarded to them, they can digest it and do with it what they will and it will come back. Okay.

Motion to recommit by myself, second by Legislator Fields. It's unanimously recommitted and we'll see it again next month. Thank you, Mr. Bagg.

(VOTE: 6-0-0-0) RECOMMIT TO CEQ

INTRODUCTORY RESOLUTIONS - PRIME

1162. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land of National Audubon Society, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Fields)

CHAIRMAN BISHOP:

Commissioner Isles, Ms. Fischer, Ms. Costigan. Well, it seems that Legislator Fisher has established a precedent, which Legislator Fields seeks to take advantage of, which is that we pay not-for-profits for the land surrounding dwellings and structures that they own.

LEG. CARACCIOLO:

And you went along with it.

CHAIRMAN BISHOP:

Do you want to discuss this?

LEG. FIELDS:

Yes. Because National Audubon is not stating that they want to stay here, they are selling the property and leaving the property. It's a little bit different than the other one. They are selling the property to whomever it is that would like to purchase it.

LEG. CARACCIOLO:

And what will they do with the money?

LEG. FIELDS:

Use it for all the other programs that they have. You know, it's not just land preservation that Audubon is interested in, it's birding population and Living Oceans Program where they're talking about fish and there are, you know, thousands of other items across the whole United States, this is not just New York.

CHAIRMAN BISHOP:

I can't believe that this is not a important nesting area for migratory birds, I'm sure it is. It's just remarkable to me. I feel like we're a soft touch.

LEG. FIELDS:

It's all about money, Dave.

CHAIRMAN BISHOP:

Mr. Isles, Ms. Costigan.

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MR. ISLES:

Okay. Resolution 1162 or I.R. 1162 is a parcel of about sixty-nine acres. The parcel is currently undeveloped with the exception of a principal structure that was used as a residence. Although the resolution includes the entire parcel, it is our understanding, and I think this was affirmed in the testimony earlier today, that another organization, I believe Seatuck, would consider purchase of that part of the property.

So overall, we're looking at a parcel of a little less than sixty-nine acres, of which about forty percent of it is classified as wetlands, either tidal or freshwater wetlands and the balance of the property is a pine or oak forest.

We have done a preliminary review in terms of the County's ranking that we typically use for open space acquisitions and we ranked it at about thirty-five out of a scale of a hundred and ten. As you know, twenty-five is the typical minimum for the Open Space Program. We also note, however, that the parcel probably can score higher points based on further examination of the parcel that we have not had the ability to do at this time.

I will point out that the -- obviously at this point it is considered it is owned by a not-for-profit organization, we do not know at this time if there are any restrictions in the property and I think The chairman alluded to that, that that would be perhaps a factor. We do not know if

there are any kind of restrictions on the ability to develop the property, but as part of our planning steps authorization, if that were granted, we would obviously do a search on this property and determine if there are any restrictions and if that obviously could affect the value of the property.

The resolution is indicated as a proposal for acquisition under the Drinking Water Protection Program. It does qualify for that under one of the five criteria in the program, certainly as a wetlands location, also within the South Shore Estuary.

An alternative program, just for your information, there is funding available overall in the Drinking Water Protection Program at the present time, there are a number of resolutions that are approved and as you can see on the summary sheet, the program on the face of it is over-subscribed. Obviously what we're not certain of is just how many parcels will actually be acquired if that 16.8 million dollars will be expended or not.

The other point I just want to make with this program is that it is an ongoing program, there are revenues that are brought into the program as the result of sales tax collections. This does not reflect the most recent accounting of that. It's a conservative number, certainly.

But one point I would like to make is that a later resolution that's on for you today is to make a SEQRA determination in reference to EFC financing. The Legislature had approved that in 2001.

CHAIRMAN BISHOP:
We already approved it.

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LEG. FIELDS:
We approved it.

MR. ISLES:
Right. Okay. So that's approved. I'll speak in the past sense then. That will then go to the Legislature. The point being is that the EFC financing will access forty-one million dollars.

CHAIRMAN BISHOP:
When is that EFC financing actual occurring?

MR. ISLES:
The SEQRA step was the last step that we had to do to have our application complete.

CHAIRMAN BISHOP:
We have not even applied yet?

MR. ISLES:

No, we've applied, absolutely, yeah. So this is the final document they're needing, then we'll get a final answer from EFC on that. And that's forty-one million dollars for open space acquisitions, a bonding authority, if the State approves that. The point being is, that I wanted to make is that the new Quarter Percent Program will receive additional funding.

The last point I'd like or two other points I'd like to make, one being is that the old drinking water program does have funding too in the 12(5)E Account for the Town of Islip, about five million dollars. That also could be used if you wanted to, presuming that this would cost less than that.

The last point on the policy question, should we be buying from not-for-profits, it's something we've walked across with Sagtikos Manor as well as Sherwood-Jayne House recently. It does seem counterintuitive to be doing that if it's -- we seem to view it as being protected and I think that's one of the things we just want to know more about. If there's a true ability to sell the property, whether it be for development or not for development, I think that's going to be a factor.

In the case of Sagtikos Manor and in the case of Sherwood-Jayne, we did do that research, we did find that there were no prohibitions against the sale of the property for development. And the only point I'd like to make on that is we use the word proactive as we've used earlier, I think if we are going to make the policy question to go forward with this, it's better to consider an acquisition now versus when it's the subject of a subdivision application and we're at the eleventh of hour of development.

So, that's all we have at this particular point. In terms of the Audubon Society, I think we're very interested in terms of what their constraints are and if there are any restrictions in the property that may affect the value if we go forward.

CHAIRMAN BISHOP:

Yes, Legislators Fields.

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LEG. FIELDS:

According to my conversations with National Audubon, there are no covenants and restrictions on the property. And, in addition, I just wondered how you ranked it, where did it get its points and where did it -- what are the potentials?

MR. ISLES:

We'll just pull that out, one second.

CHAIRMAN BISHOP:

While they do that, maybe you can defend the Audubon society for me, because to me it's absolutely outrageous that a not-for-profit institution, which gets significant tax advantages from national government, state government, has partnerships with local and regional governments, could turn its back on their mission in this way and we sit here like it's, well, all right.

LEG. FIELDS:

They own very little land. National Audubon, it's not in the business of owning land. So generally what they do is they have chapters all over America and they have people and they pay personnel to work on policy and on other issues. And most of it is --

CHAIRMAN BISHOP:

So then they should deed the land to us. They've had this property for how many years?

LEG. FIELDS:

They also are in a business. Even though it may seem like it's a non-profit, as many businesses or many groups that you see now are running out of money to operate their programs. And the bigger they make their staffs, the more they have to get money and get contributions.

CHAIRMAN BISHOP:

If they can justify this action and you pass out these articles regarding Hathaway, Scully, I wonder if Ms. Scully was aware that the property that she was dedicating to them would be used in a shakedown of the local taxpayers to subsidize the national operations rather than having it reserved and protected forever. To me, it's unconscionable behavior by them.

LEG. FIELDS:

You know, you could say the same I think about a private owner who should want to preserve --

CHAIRMAN BISHOP:

But they're not the same. I would think that the Audubon Society occupies a higher moral ground than the private owner.

LEG. FIELDS:

Okay. So getting past the morality of Audubon --

CHAIRMAN BISHOP:

I can't that's my problem.

LEG. FIELDS:

-- if they want to sell it and it's not to us, then they're going to sell

it, period.

LEG. GULDI:

Then we can buy it back.

LEG. FIELDS:

And this is for planning steps only to find out what it is that, you know, any of those questions that you would like to have answered.

CHAIRMAN BISHOP:

Why aren't the thousands of Audubon Society members on Long Island --

LEG. GULDI:

Mr. Chairman?

CHAIRMAN BISHOP:

-- writing to the Society saying this is unconscionable behavior.

LEG. GULDI:

Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

If I -- if I may, if the Chairman is reticent to purchase this parcel from the Audubon Society, perhaps you would be happier if we let the Audubon Society sell it to, let's call it one of the usual suspects, a developer, who can then apply for a subdivision and vastly, radically and extremely increase the value per appraisal of the property before we come in to buy it from a private developer.

CHAIRMAN BISHOP:

I'm more idealistic and less defeatist than you are. I just can't believe that pressure can't be brought to bear within that organization not to behave in such, in a manner so indifferent to the mission of the organization. It's crazy.

LEG. GULDI:

Mr. Chairman, if I may? We don't know what the price is. Frankly, if we can achieve the purchase of the parcel after planning steps at what would be effectively a substantial discount from what it would be available from a private party, then this -- if that is truly the alternative, then this planning steps should go forward so we can determine that.

CHAIRMAN BISHOP:

Duly noted. I agree. If they're willing to deeply discount, then I'll withdraw my outrage here.

LEG. FISHER:

As did SPLIA with Sherwood-Jayne. We paid a lot less than --

CHAIRMAN BISHOP:
Another noble gesture.

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LEG. FISHER:

It takes money to run any program. We deal with that every time we look at the budget and put lines in for our contract agencies, who are not-for-profits. It takes money to run any program. It takes money to own this kind of acreage. And SPLIA, since you mentioned that as a precedent, did sell, was willing to work with a much lower level of market value than it would have had it sold to a private developer.

LEG. HALEY:

I want to ask Real Estate if that's a correct statement.

LEG. FISHER:

Actually, we saw it in the appraisals. Legislator Haley wanted to know if what I said was a correct statement, Tom. And I believe when we looked at the appraisals that were at ninety thousand an acre, that we saw that the neighboring acreage was about twice that much.

MS. COSTIGAN:

Yeah, we did buy it at somewhat of a discount. It was modest, but it was a discount and they certainly didn't argue about it.

LEG. FIELDS:

Let me just point out that just across the street, if you're looking at this map, just across the street is the National Wildlife Service Refuge. And recently that's where Seatuck was, the Seatuck Environmental Organization was housed in the house that's on, that was on the National Wildlife property. The National -- Dave, this is for you. The National Wildlife Service actually kicked Seatuck out and said let's demolish the house. And that's what they did.

So, you know, we're not just talking about just National Audubon, we're talking about all kinds of groups that go into these, you know, communities and do whatever it is that they would like to do. And this particular one, you know, I don't know what the price is going to be, maybe National would sell it to us at less money than they would sell it to a regular person, hopefully knowing that we're going to preserve it.

CHAIRMAN BISHOP:

What's -- Tom, what's south of Montauk acreage in Islip going for these days?

MR. ISLES:

I don't know, definitely not.

CHAIRMAN BISHOP:

Oh, come on. You hazard a guess on every other parcel.

LEG. HALEY:

I wouldn't, I don't blame him either.

LEG. GULDI:

Just give us a number so we can humiliate you with it later.

MS. COSTIGAN:

There isn't any waterfront, so that's part of the problem. But I mean I know of one sale last year, it was -- it had a house on it, but it was

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less than a half of an acre on the waterfront, it was a half million dollars.

CHAIRMAN BISHOP:

So if you remove the improved -- the improvement, what does that tell us?

LEG. CARACCIOLO:

What's the land worth, basically?

MS. COSTIGAN:

In this case, they probably should have removed the house.

MR. ISLES:

Thirty to forty percent typically.

MS. COSTIGAN:

Yes, it's much more.

LEG. HALEY:

Come on, guys. May I? I don't have a problem. I don't think at the end of the day when you talk about the example that there was a moderate discount, if you look at the present and future values and all those other things, it may have not really been a discount at all. But I'm willing to go along with this for planning purposes, because at the end of the day you may find that they're not willing to give you a modest discount. We need to have someone at this end look at the specific language of the deed when it was originally deeded to see what the intent was and then we'll make our decision, but for planning purposes, I'm sure they're going to ask all of those questions, correct?

MR. ISLES:

Absolutely.

CHAIRMAN BISHOP:

I want to draw a comparison to something, but it's like a parity, it's like the Audubon Society selling a nature refuge, threatening to develop it, it's crazy.

LEG. HALEY:

As a part of the process, some of those questions can be answered through the planning process.

LEG. FIELDS:

I would like to make a motion to approve.

LEG. FISHER:

Second.

LEG. FIELDS:

If you don't agree, vote it down.

LEG. GULDI:

Second, third.

CHAIRMAN BISHOP:

Is anybody here a member of the Audubon Society?

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LEG. FIELDS:

I am.

LEG. FISHER:

I am.

CHAIRMAN BISHOP:

Has this been discussed at their meetings?

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

And there's no compunction, there's no regret, remorse?

LEG. FIELDS:

It costs --

LEG. HALEY:

It means you guys have to abstain then, right?

LEG. FIELDS:

No. It costs a lot of money for the upkeep of this house on this property, it's a castle kind of.

CHAIRMAN BISHOP:

You know --

LEG. FIELDS:

Just vote for it, Dave, vote it down.

CHAIRMAN BISHOP:

I want to know about the birds, so tell me about the --

LEG. FISHER:

We have a long agenda and I have to leave, come on. There's a motion and a second.

CHAIRMAN BISHOP:

All right. There's clearly a majority that wants to silence me and I appreciate that. Motion having been made in the second, who made the motion?

LEG. FIELDS:

I did.

CHAIRMAN BISHOP:

Legislator Fields. And who seconded it? Legislator Fisher. All in favor? Opposed? I'm opposed. Planning steps carries nearly unanimously. (VOTE: 5-1-0-0) (OPPOSED: BISHOP) APPROVED

1164. Appointing member to the Suffolk County Water Authority (James T.B. Tripp). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Tonna)

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CHAIRMAN BISHOP:

1164.

LEG. FISHER:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fisher, second by myself. All in favor? Opposed?

LEG. FIELDS:

Can we vote that one up or down?

LEG. FISHER:

Because I thought --

CHAIRMAN BISHOP:

She made a motion, it already happened.

LEG. FIELDS:

Why keep it on the agenda if we don't have to?

CHAIRMAN BISHOP:

1164, I'll make a motion to reconsider, second by Legislator Fisher. All in favor? Opposed? Now I'll make a motion to table subject to call, second by Legislator Fisher. All in favor? Opposed? 1164 is tabled subject to call. (VOTE: 6-0-0-0) TABLED SUBJECT TO CALL

1177. A resolution authorizing the issuance of \$20,000 Serial Bonds of the County of Suffolk, New York to pay the cost of the acquisition of Normandy Manor (CP 7430). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Cooper)

CHAIRMAN BISHOP:

1177. I thought we did the closing costs adjustments and everything.

MS. COSTIGAN:

This you have to turn back to the end of the year. This was for the closing costs, this was to pay the tax adjustment. At the end of the year on that snow day there was a resolution passed approving this, but the resolution for the bonding, if I have it right, was not -- you adjourned early, it didn't get passed.

MR. SABATINO:

It fell short by a vote, absolutely correct, it fell short by one vote because of the confusion.

CHAIRMAN BISHOP:

Motion by myself, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1178. Making a SEQRA determination in connection with the proposed improvement to CR 12, Oak Street between Wellington Place and Lake Street, Amityville, Town of Babylon, CP3301. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

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CHAIRMAN BISHOP:

1178. Motion by myself, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1179. Making a SEQRA determination in connection with the proposed radio transmitter site for Suffolk County Police Department, site at Northport Veterans Memorial Hospital, Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

CHAIRMAN BISHOP:

1179. Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1180. SEQRA determination in connection with the proposed renovation at the Yaphank Correctional Facility, Town of Brookhaven (CP 3009). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

CHAIRMAN BISHOP:

1180. Motion by Legislator Caracciolo, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1181. SEQRA determination in connection with the proposed improvements to Riverhead County Correctional Facility, (CP 3014), C-141, Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

CHAIRMAN BISHOP:

1181. Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1184. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Haley)

CHAIRMAN BISHOP:

1184. Motion to table by Legislator Haley, second by myself. All in favor? Opposed?

LEG. HALEY:

Wait. I want a discussion, I said.

CHAIRMAN BISHOP:

Oh, excuse me.

LEG. HALEY:

Dave, you and I, we co-sponsored legislation that originally came up with an infrastructure improvements fund. That was only good for that particular year, I mean where is that fund?

CHAIRMAN BISHOP:

No, that's a capital fund and it should be during and continue to exist.

LEG. HALEY:

Right.

CHAIRMAN BISHOP:

It was one and a half million dollar capital fund. I only know of one or two draw downs from that.

LEG. HALEY:

Yes. And that may have been approved, it may have even not actually been drawn down, right?

CHAIRMAN BISHOP:

Well, no, we drew down for the wedge.

LEG. HALEY:

But they haven't drawn it, drawn it, per se, it's been approved. Jim, is that your understanding, we still have money in this capital improvement fund? The only reason -- the reason I'm tabling this is rather obvious, we're still in a, you know, a working progress, work in progress, because the seventy-five acres that we've basically come to some sort of terms based on appraisal, but we need to resolve other issues that don't directly relate before the farmers will part with that seventy-five acres.

MR. SPERO:

I have to go back and check on the million and a half on this. I don't recall it off the top of my head that we had a separate dedicated fund for a variety of projects.

MR. SABATINO:

What happened was it was set up for the first year, a portion was drawn down, the programmatic criteria remained in place, but the subsequent years there wasn't separate stand-alone funding. So what we had to do in subsequent years, the criteria is still in place, we have to get offsets. So, for example, there will be an offset to do the funding for this. So, the program exists, but not the funding.

CHAIRMAN BISHOP:

What do you mean the funding doesn't exist? When this happens in this Legislature, it just drives me off the wall. We set up a program, we fund it, it's a Capital Program, it's not an Operating Budget Program, does not the funding --

MR. SABATINO:

It was set up in the Capital Budget -- it was created in the Capital Budget process for that first year.

CHAIRMAN BISHOP:

What do you mean for that first year? If it's not spent in the first year, it rolls over, it's capital.

MR. SABATINO:

It only rolls over if you appropriate it. Nobody appropriated more than the amount that the wedge came in --

CHAIRMAN BISHOP:

And nobody tells the Legislators, who expect that it's going to live on. You know, this happens, I'm just going to start naming names, BRO, this happens all the time with you guys. Everybody knows they want that

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program to go on.

LEG. FISHER:

He's naming names, watch it.

MR. SPERO:

I'll take the blame.

LEG. HALEY:

What vehicle can we implement to make sure that Legislator Bishop doesn't have this problem and I don't have this problem?

LEG. GULDI:

I'll run him over with my truck.

MR. SPERO:

You have to make a blanket appropriation in this case of a million and a half dollars that would be open-ended that could be used for projects that the Legislature deems appropriate.

LEG. HALEY:

If Legislator Fisher wants to sponsor that, I'll co-sponsor it.

MR. SPERO:

You still need an offset.

CHAIRMAN BISHOP:

What I'd like to know, when we do the Capital Budget what we're zeroing out, because we don't understand that we're cutting things --

MR. SABATINO:

You're not cutting it, the County Executive in the following year didn't make it part of the Capital Budget Program, but it wasn't a problem for two out of those three years because what we had created was the five million dollar infrastructure account. The theory behind the five million dollar infrastructure account was that it would deal with a multitude of things, not just by itself.

But in the last budgetary process for some reason there was not a desire to go with the five million dollar infrastructure account, so we don't have it in place for 2003. But that's the solution, make it -- go back to what we used to do on our annual basis, which was to have the five million dollar catchall infrastructure account and then you can cover all of these issues.

LEG. HALEY:

Just say yeah, Dave, tell him to put it together and we'll put our name on it and we'll do it.

LEG. FISHER:

Okay. Let's go.

CHAIRMAN BISHOP:

Okay. Yes.

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LEG. HALEY:

Is that a request?

CHAIRMAN BISHOP:

If I can figure out what happened, I still don't understand what happened to the million and a half.

1185. Donation and dedication of certain lands to County parks (File # S02-02-0056). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

1185. Now there's a nice nebulous title. We have three of them. Counsel, do you want to run through these?

MR. SABATINO:

Really, they're somewhat complicated by the notion that each of the three deals with a variance that was issued by the Suffolk County Department of Health Services Board of Review. So even though from a technical standpoint you can look at it and see what's being proposed, I mean I'm not in a position to evaluate or explain to you what the -- what the impact is.

So, it's a donation of land in exchange for a variance that was issued in each of the three particular parcels, but I mean unless somebody is here from Health that was personally involved, you might want to get that aspect of it from them.

MR. ISLES:

Just to add to that, the Planning Department was asked by the Health Department to look at the parcels proposed to be exchanged. We have done so and we've provided a memorandum.

CHAIRMAN BISHOP:

Can you just give me, what is this?

MR. ISLES:

Well, the basic idea is that somebody is seeking to develop, they don't have enough land to meet the density requirements, requirements of the Health Department. There's an option then of transferred development rights, whereby you can buy land somewhere else, agree not to develop it, in this case donate it to the County.

CHAIRMAN BISHOP:

Got it.

LEG. CARACCIOLO:

Where is the land located?

MR. ISLES:

This particular resolution is Miller Place and Yaphank Road, in that area.

CHAIRMAN BISHOP:

What are they building?

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MR. ISLES:

I'm not sure what they're building, but --

MR. SABATINO:

That was the problem when I read the backup, I couldn't tell.

CHAIRMAN BISHOP:

Motion to table. Okay. Next one.

MR. ISLES:

Apparently on the site is a residential house.

CHAIRMAN BISHOP:

We'll table that one, because we don't know what that one is about, right?

MR. ISLES:

It's a house. I just had that told to me. Laretta would know more of the details than I do, she's handled it.

CHAIRMAN BISHOP:

All right.

LEG. HALEY:

1185 we're going to table because we don't know where it is?

CHAIRMAN BISHOP:

Laretta, pull up the microphone and lead us through these, please.

MS. FISCHER:

Okay. I'm sorry. The first one, the property that would come to the County is in the Miller Place/Yaphank Road area. The property that the development rights are being sent to is in the area of Centereach, nearby, but it's in a residential area and it's going to be developed residentially.

CHAIRMAN BISHOP:

How many houses are they building, how many acreage, what's the significance?

MS. FISCHER:

It's less than an acre or so.

MR. ISLES:

It would still have to meet local zoning requirements.

LEG. FISHER:

Lauretta, the area where it's being transferred to the County, I'm assuming that's the map that has the number 159 on it, page 159, that's Ontario and Shoreham Avenue?

MS. FISCHER:

That's where the property is going to in Centereach?

LEG. FISHER:

No.

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MS. FISCHER:

No, that's the receiving area. That's in the Miller Place/Yaphank Road nature preserve area where we've acquired --

LEG. FISHER:

So those are paper streets there?

MS. FISCHER:

Yes.

LEG. FISHER:

Okay, that was my question.

MS. FISCHER:

Yes. It's all wooded. And actually, that will be coming up before the Parks Committee in total next meeting.

CHAIRMAN BISHOP:

Why can't they just build their house, why do they have to go through this?

MS. FISCHER:

Because their property is not large enough to accommodate what they want to build.

CHAIRMAN BISHOP:

You mean they want to build a really big house, is that what you're telling me?

MR. ISLES:

It's a single-family home.

MS. FISCHER:

But they just don't --

LEG. FIELDS:

Can we just determine, A is receiving or A is giving?

LEG. FISHER:

A is where their house is going.

LEG. FIELDS:

Who is the receiving, B or A?

CHAIRMAN BISHOP:

Miller Place.

LEG. FIELDS:

A or B?

MS. FISCHER:

A is the property that's coming to the County and B is the property -- I'm sorry.

LEG. FISHER:

No, it's the other way around, Laretta, isn't it?

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MS. FISCHER:

Yes, I'm sorry.

LEG. FISHER:

A is where the house is, B is what the County is getting.

MS. FISCHER:

Yes.

LEG. FIELDS:

B, the County gets?

MS. FISCHER:

Yes.

LEG. FIELDS:

Thank you.

LEG. CARACCIOLO:

Who is the entity that's involved here?

CHAIRMAN BISHOP:

I just want to go back to why.

MS. FISCHER:

The name is Sonia {Grunheid} is the owner who is looking for this transfer.

CHAIRMAN BISHOP:

Why do they need a special variance?

MR. ISLES:

The Department has requirements for minimum lot size for development. I believe this is in a zone that would require a minimum lot of thousand square feet. And, therefore, if they don't have that, they would have the ability of buying land and being able to then develop on an undersized lot even though it meets zoning as a way of --

CHAIRMAN BISHOP:

It meets zoning, but we have more stringent -- okay.

MR. ISLES:

Right.

LEG. CARACCIOLO:

Who owns the adjacent lots?

MS. FISCHER:

Let me read that from the County Health Department, their findings and facts with regard to this property. It went before the Board of Review in October of 2002.

CHAIRMAN BISHOP:

All right. Lauretta, if you read it into the record, it's going to take --

MS. FISCHER:

It's only part one, I'll just read the applicable parts. "Finding and facts. Proposed development of a thirty-five thousand nine hundred and

fifty-seven square foot parcel with an existing family home into two lots of seventeen thousand approximately and eighteen thousand approximately square feet to allow construction of an additional single-family home."

And that's -- they're going to subdivide the property. And there is a house on one, on it now, they're going to subdivide it and they want to build another building next to it in the second lot. They need the extra square footage to build these two. In exchange for that, they're donating the other property in the Miller Place/Yaphank Road nature preserve to accommodate that.

LEG. CARACCIOLO:

What is the value of the land they're donating?

MS. FISCHER:

I don't know.

LEG. HALEY:

I think the concern is more on the health credit, if I may, not the money.

MS. FISCHER:

Right. There is no transaction of money involved here, it's a pure donation.

CHAIRMAN BISHOP:

Right. Okay. Is there a motion?

LEG. HALEY:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Haley.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fisher.

LEG. FISHER:

It seems to be completing a parkland area.

CHAIRMAN BISHOP:

All in favor? Opposed? It's approved.

LEG. CARACCIOLO:

I abstain.

CHAIRMAN BISHOP:

Abstention by Legislator Caracciolo.

(VOTE: 5-0-1-0) (ABSTENTION: CARACCIOLO) APPROVED

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1186. Donation and dedication of certain lands to County parks (File#C08-01-0024). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

What's the next one?

MS. FISCHER:

The next one is proposed conversion of a twenty-three thousand seven hundred and forty-three square feet industrial space to office space within an existing one hundred and six thousand five hundred and forty-three square foot building. This is property that, it's commercial, industrial property and they need the acreage to expand. And they're donating a piece of property along the Carlls River in place for this expansion.

LEG. CARACCIOLO:

What type of business?

MS. FISCHER:

I believe it's Audiovox is the corporation, I'm not exactly sure what they do. I think it's electronics.

LEG. CARACCIOLO:

Where are the cross streets?

MS. FISCHER:

For which one?

LEG. CARACCIOLO:

For the expansion.

MS. FISCHER:

It's in the Hauppauge Industrial Park. There's a map in there.

LEG. FISHER:

It's by Old Willets Path and Kennedy Drive.

MS. FISCHER:

Right.

LEG. FISHER:

So it's going from an industrial to an office building, is that what you're saying?

MS. FISCHER:

That's what they're proposing.

LEG. FISHER:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Fisher. All in favor?
Opposed? (VOTE: 6-0-0-0) APPROVED

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1187. Donation and dedication of certain lands to County parks (File # S02-02-0069). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

1187.

MS. FISCHER:

This one is a proposed development of a hundred and forty-three thousand, one hundred and eighty-seven square feet parcel into seven lots. They are proposing as part of their need to donate a piece of property in the South Setauket Woods area.

CHAIRMAN BISHOP:

So they're going to create seven buildable lots?

MS. FISCHER:

Yes.

CHAIRMAN BISHOP:

Where?

MS. FISCHER:

It's in the Centereach area. South of 347 and north of 25, basically.

LEG. FISHER:

Yes. And actually, the County has been -- I've looked at this, because I saw it in CEQ, and we have been trying to acquire the parcels in the South Setauket Woods so that we could finish that, that's been part of our goal. So I'll make a motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Second by Legislator Guldi. All in favor? Opposed? It's approved.

(VOTE: 6-0-0-0) APPROVED

1188. Making a SEQRA determination and approving a management plan regarding the Environmental Facilities Corporation application establishing a line of credit for \$62 million to purchase environmentally sensitive lands and farmlands. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

1188.

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

It's your bill about a decade ago I think it was.

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LEG. CARACCILO:

It seems like that.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? It's approved. (VOTE: 6-0-0-0) APPROVED

1189. Accepting and appropriating 100% grant-in-aid funds from New York State for a non-toxic pest management project and signing of associated State contract, under the appropriate laws of New York State. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

1189.

LEG. FISHER:

Motion to approve and place on the consent calendar.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Second. All in favor? Opposed? 1189 goes to the consent calendar. (VOTE: 6-0-0-0) APPROVED CONSENT CALENDAR

1196. Amending the 2003 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Department of Public Works for the Administration of a New Water Quality Unit in the Department of Public Works and creating positions in the Department of Public Works. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING.

(County Executive)

CHAIRMAN BISHOP:

1196. This funds positions in the Department of Public Works to administer the Quarter Cent Program, the Surface Water Program. I would draw a distinction of this and some of the other resolutions which seek to do a permanent staff in that the program cannot function at all without the staff, so it would seem to make sense to me. I think it's only four hundred thousand dollars a year or less. Does anybody have any --

MR. SABATINO:

Two hundred --

CHAIRMAN BISHOP:

What does it come to total?

MR. SABATINO:

Well, this particular one is two hundred and thirty-one thousand seven seventy-one, but that's based on probably about two thirds of the year, so probably it's about three-fifty, three twenty-five.

CHAIRMAN BISHOP:

Okay. Motion to approve by myself, second by Legislator Guldi.

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LEG. GULDI:

No.

CHAIRMAN BISHOP:

Legislator Fisher. All in favor? Opposed?

LEG. GULDI:

Abstain.

CHAIRMAN BISHOP:

Legislator Guldi is abstaining.

(VOTE: 5-0-1-0) (ABSTENTIONS: GULDI) APPROVED

1203. Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program (Adamowicz Property, Town of Southold, Suffolk County Tax Map No. 1000-121.00-05.00-004.001). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Caracciolo)

CHAIRMAN BISHOP:

1203.

MR. ISLES:

This is a parcel of about seventy acres. It's indicated in the green.

You have the black and white aerial, sorry. It's a parcel along the south side of Sound Avenue. And the large blob type, amoeba type structure to the left of the parcel is {Laurel} Lake. There are significant holdings by both the County, the State and the Water Authority around {Laurel} Lake. It's been an excellent job in terms of water protection in that location.

Also in this vicinity in Mattituck, across the street or to the north of this parcel is the strawberry fields site that the County authorized and purchased last year. The subject parcel totals about seventy acres, of which the County would be purchasing about 59.4 acres. The balance would be purchased by the Town of Southold, with the exception of a small approximately two acre piece that would be retained on which a residence is located.

The subject parcel had received an open space ranking of forty out of a scale of a hundred and ten. We have before you the information regarding the appraisal on the property. There was an original authorization of this property in 1997 so this is, this one has been around a while. The Real Estate Division has been active in the review of this and negotiations. The appraisal has been reviewed and we're prepared to answer any of your questions today.

LEG. HALEY:
Question.

CHAIRMAN BISHOP:
Question from Legislator Haley.

LEG. HALEY:
I'm curious, one of the problems in Southold is water, obviously, it's got a very narrow water lens. And I know in order to, in the future to effectively supply water, they have to put -- they wouldn't put wells

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like they would in Brookhaven that can pump seven hundred and fifty thousand gallons a day or million, they can only do maybe two hundred to two hundred and fifty maximum, because you may have, in fact, a dewatering problem.

I'm just curious in this whole consideration for this particular parcel, is there a consideration for the possible use by the Water Authority if necessary to supply water in the Town of Southold? Because they would, if you follow me, they would need to put more wells per area than they normally would put here in say Brookhaven.

(SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO)

MR. ISLES:

Well, just two comments on that. Number one is that the Water Authority is purchasing some of the land in {Laurel} Lake a little bit to the west --

LEG. HALEY:

They have some now, I know that.

MR. ISLES:

They have some now, exactly, and they're adding to that for the purpose of putting in a pump station. Secondly, the Town of Southold is working with the Water Authority doing an updated plan to look at what their options are for handling future growth. And that will be looking at, as I understand it, pumping within the town, pumping from an adjacent town and those types of issues.

LEG. HALEY:

Well, you know, if they're willing to pay the price, we're willing to give them water from Brookhaven.

MR. ISLES:

Okay.

LEG. HALEY:

Thank you.

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Hold on. On the motion. I'm still trying to sort out this map, because you resorted to black and whites and the color scheme is gone and it's important at {Laurel} Lake that I know exactly what parcel we're discussing, because at one point I was in title and in litigation with respect to one of these parcels. The target parcel is what?

LEG. HALEY:

He lost by the way, did he tell you that?

LEG. GULDI:

Oh, yes, I had a partner in that property, it could have been you, Marty. And in response to your question about the water quality in {Laurel} Lake, it's come to my attention they're from having sunk six wells there,

that it didn't meet Suffolk County drinking water standards, excess nitrates.

LEG. HALEY:

That's a problem throughout Southold.

LEG. GULDI:

And Riverhead and the South Fork and East Hampton.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo. Is there a second? Legislator Guldi makes a second. All in favor? This is not planning steps, this is the actually acquisition, just so people know what they're voting on. All in favor? Opposed? The resolution carries.

(VOTE: 6-0-0-0) APPROVED

CHAIRMAN BISHOP:

Mr. Isles, I think it's interesting as a Rorschach Test that you see that as an amoeba and I see that as a baseball glove.

MR. ISLES:

We'll note that for the record.

1204. Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program land of Peat Hole Pond property, Town of Brookhaven, Suffolk County Tax Map No. 0202-011.00-0300-009.000 and Suffolk County Tax Map No. 0200-011.00-05.00-010.000). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Towle)

CHAIRMAN BISHOP:

Next one.

MR. ISLES:

The next one is Resolution 1204, which is an authorization to acquire property that's known as Peat Hole Pond property, in the Town of Brookhaven, in the Village of Bellport. This received a prior planning steps authorization.

CHAIRMAN BISHOP:

Is this where they claim that the children skate in the winter and all that?

MR. ISLES:

Yes, exactly. It's a relatively small parcel. At this time -- we recently, we received an appraisal from the Town of Brookhaven as a partner in this transaction. The County had also ordered its own independent appraisal. We recently received that appraisal, but that appraisal review has not yet been completed. This also needs CEQ.

CHAIRMAN BISHOP:

So a motion. It's not ready is the bottom line. A motion to table by myself, seconded by Legislator Caracciolo. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

Skip over to the tabled resolutions, we should be able to move through

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these rather rapidly. 2004.

LEG. GULDI:

Mr. Chairman, before we go to those, if I may?

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

I asked the Real Estate Division to present two items that they told me are -- have been approved for planning, are complete, are ready to go, are available at discount, and I've asked for them to bring them to our meeting on Tuesday with CN's. Do you have that literature available? Can we do those now since we there are --

CHAIRMAN BISHOP:

Well, there's nothing actually to be done.

LEG. GULDI:

I'd like to present to the Committee and go through any questions that anyone has so that they have been thoroughly reviewed and we're prepared for Tuesday.

CHAIRMAN BISHOP:

My point is you're going to end up doing it again for the full Legislature on Tuesday. If you can do it on CN, so --

LEG. GULDI:

I understand that, but I'd like to take a moment and bring them to the Committee now, if I may?

CHAIRMAN BISHOP:

You may, I'm just pointing out that you're going to have to do it again.

LEG. GULDI:

Thank you. Dune Road, they're not making it anymore, Marty. I have to -- I'm familiar with -- both of these parcels are being offered to us at substantially below our appraised values by sellers who wish to see them preserved in perpetuity. And that's the reason we're able to see the substantial discounts together with the fact that we're getting a two level partnership on it. But in addition, the sellers -- the reason that I've asked for the Certificate of Necessity is both sellers are anxious to close because this has been pending a long time.

LEG. CARACCIOLO:

What is the cost per acre?

CHAIRMAN BISHOP:

Let them present first before you fire, Haley.

LEG. HALEY:

No, I just wanted to make a crack.

CHAIRMAN BISHOP:

Okay. Go ahead.

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LEG. HALEY:

Yeah, I just find it interesting how Legislator Guldi consistently beats up on the whole appraisal process and illegitimacy of the same, and now all of a sudden it seems appropriate.

LEG. GULDI:

I didn't say that. I said these are available for a lower number, which means what?

LEG. HALEY:

The only way it can be any kind of a lower number is to legitimize that there was, in fact, an appraisal and an appraisal review.

MR. ISLES:

There was.

LEG. HALEY:

Thank you.

CHAIRMAN BISHOP:

Crack time is over, let's go to the presentation.

MR. ISLES:

Very briefly. There are two parcels in question, one owned by Peter {Grief} and others which is 4.8 acres. These are on the bay side the barrier beach on Dune Road, an area that generally should be restricted in development, we believe from a planning standpoint. The subject parcel was previously approved for planning steps. It achieves an open space ranking of about forty on a scale of a hundred and ten.

There are other public holdings, including by Suffolk County as well as by the Town of Southampton and the Village of Quogue. Those are indicated on the color aerial photograph that's before you. We have two copies of those. We can circulate that, perhaps. When our machine gets fixed, we're going to have copies for everybody.

The Real Estate Division, through Christine Costigan, has ordered two appraisals for this property. The mean is one million, if you want to

get into that detail. The appraisal review has certified an amount slightly below that and the actual amount of purchase of offer would be about 20% below that amount. Of that amount, the County would pay 50%.

This is proposed acquisition under Multifaceted Land Preservation Partnership Open Space with the Town of Southampton and the Village of Quogue putting in the remaining 50% equally.

The other parcel is the Rich parcel, which is a larger parcel of 11.3 acres adjacent. Achieved an open space ranking of 45. This is a case where we've had two appraisals and an appraisal review. The offer is at least 10% below the appraisal review number. And once again, its a joint action with Suffolk County coming in with 50% of the money and the Town and Village coming in with 50%.

CHAIRMAN BISHOP:

Thank you very much. To the tabled prime resolutions.

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TABLED PRIME RESOLUTIONS

2004-02. Suffolk County Private Well Water Remediation Program. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Caracciolo)
CHAIRMAN BISHOP:

2004-02. Motion to table by myself, seconded by Legislator Guldi. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

2043-02. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:

2043. Motion to table by myself, second by Legislator Fields. All in favor? Opposed?

LEG. GULDI:

Opposed. (VOTE: 5-1-0-0) (OPPOSED: GULDI) TABLED

2051-02. 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:

2051. This is the one we heard from the Mayor earlier. Motion by myself. Is there a second?

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Guldi. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BISHOP:

Legislator Caracciolo is opposed.

(VOTE: 5-1-0-0) (OPPOSED: CARACCIOLO) TABLED

2257-02. Establish land development policy for mixed use smart growth in Suffolk County. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Bishop)

CHAIRMAN BISHOP:

2257. Motion to table by myself, seconded by Legislator Guldi. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

1045-03. Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Presiding Officer)

CHAIRMAN BISHOP:

1045. Is this one that's -- Counsel, didn't we do this? Is this one we

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need to table into perpetuity?

MR. SABATINO:

This is the one you have to make a choice on. This was recommitted to Committee after getting out and then coming back because this one drives the process on 1067.

CHAIRMAN BISHOP:

Right. And 1067 is going to -- and Committee members requested further study by the Budget Review Office. So is there a motion?

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table for Legislator Caracciolo. Is there a second?

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

Second by Legislator Haley. All in favor? Opposed?

LEG. GULDI:
Opposed.

CHAIRMAN BISHOP:
Opposed to tabling, Legislator Guldi. And I'm opposed to tabling.
(VOTE: 4-2-0-0) (OPPOSED: BISHOP, GULDI) TABLED

1067-03. Amending the 2003 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Department of Health Services for the preparation of the Suffolk County Vector Control and Wetlands Management Long Term Plan and Environmental impact statement (EIS) and creating positions in the Departments of Health Services and Public Works. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (County Executive)

CHAIRMAN BISHOP:
1067. I assume same motion, same second, same vote.
(VOTE: 4-2-0-0) (OPPOSED: BISHOP, GULDI) TABLED

1074-03. Adopting Local Law No. -2003, to penalize illegal clearing or building in the Suffolk County Pine Barrens. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Cooper)

LEG. HALEY:
1074. Motion to table by Legislator Haley. Is there a second?

LEG. CARACCIOLO:
Second.

CHAIRMAN BISHOP:
Second by Legislator Caracciolo. All in favor? Opposed? I'm opposed.

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LEG. GULDI:
Opposed.

CHAIRMAN BISHOP:
Legislator Fields, your opposed?

LEG. FIELDS:
Discussion?

CHAIRMAN BISHOP:
I'll switch my vote, it's tabled.
(VOTE: 5-1-0-0) (OPPOSED: GULDI) TABLED

1107-03. Authorizing planning steps for implementing Greenways Program

in connection with acquisition of active parklands at 2295 Great Neck Road, Copiague (Town of Babylon). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Postal)

CHAIRMAN BISHOP:

1107. Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

1112-03. To establish RFP Committee Process for County Resources Conservation Study. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING. (Postal)

CHAIRMAN BISHOP:

1112. Motion to table by myself, seconded by Legislator Fields. (VOTE: 6-0-0-0) TABLED

1149-03. Adopting Local Law No. -2003, 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. (Fisher)

CHAIRMAN BISHOP:

1149. Motion to table by myself, seconded by Legislator Caracciolo. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

TABLED CEQ RESOLUTIONS

70-02. Proposed Suffolk County Department of Public Works - 2003 Vector Control Plan of Work (Recommendation- impermissible segmentation).

CHAIRMAN BISHOP:

Tabled CEQ. 70-02. Needed to be tabled again. Motion by myself to table, second by Legislator Caracciolo. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. HALEY:

Opposed. (VOTE: 4-2-0-0) (OPPOSED: GULDI, HALEY) TABLED

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10-03. Proposed acquisition of Active Parklands at Marion Carll School, Commack, Town of Huntington under the Suffolk County Greenways Program. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:

1003. We tabled it last time. Motion to table again by myself, seconded by Legislator Fields. (VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

Okay. That concludes the agenda, but hardly concludes the meeting. Mr. Isles.

MR. ISLES:

One brief statement, if I could? You had asked me last time about the prioritization of parcels. I've prepared a memorandum, it was sent out today, I can provide you with copies of that today as well if you want to review it and comment to me.

CHAIRMAN BISHOP:

Right.

MR. ISLES:

The only other point I would like to make is that in view of some comments made earlier, just so you know for this year we've closed on seven acquisitions which can involve multiple parcels. We currently have twenty acquisitions in contract and we have about eighty pending in terms of active negotiations.

CHAIRMAN BISHOP:

So do you think by the end of the year you'll beat his five hundred average, five hundred acre average?

MR. ISLES:

Well, the parcels are getting more expensive and we're getting smaller and smaller parcels that we're buying, so I don't know if we're going to beat it, but certainly the program is moving.

And the only other final point I'll make is that I just did a quick listing of parcels where the buyers have backed out, they've rejected our offers, when we talk about appraisals and so forth. We have fourteen transactions at this point that have now been terminated because they have walked away from the table, and so be it. But we are making offers, we are doing appraisals, we are going to contract, but if the deal is not going to happen, it's not happening and we're moving forward. So, just so you know that.

LEG. GULDI:

Would you provide me a list of those fourteen transactions at your convenience?

LEG. CARACCIOLO:

To everyone.

MR. ISLES:

Yes, sure.

CHAIRMAN BISHOP:

I have Loretta. You are rejected, Tom, we'll slide you over.

LEG. GULDI:

Can we have place cards at future meetings, please?

CHAIRMAN BISHOP:

No. And we'll bring up Mr. Sawicki and is it staff or consultants? I'm not sure. Staff. I have good news and bad news for him.

LEG. CARACCIOLO:

Good afternoon, Joe.

COMPTROLLER SAWICKI:

Good afternoon.

LEG. CARACCIOLO:

It's my pleasure to introduce the Honorable Joseph Sawicki, Comptroller of the County of Suffolk, for a brief presentation as I understand it.

COMPTROLLER SAWICKI:

Okay. That kind of --

LEG. CARACCIOLO:

We're looking at about a forty-five minute window here.

COMPTROLLER SAWICKI:

Window? Do you want me to speak for forty-five minutes?

LEG. CARACCIOLO:

No. We'd like you to summarize the report, summarize your recent report and recommendations and then we'll open it up to questions.

COMPTROLLER SAWICKI:

Okay. Here with me, Mr. Chairman, Acting Chairman, Vice-Chairman?

LEG. CARACCIOLO:

All of the above.

LEG. FIELDS:

Chairman in charge of Vice.

COMPTROLLER SAWICKI:

Chairman in charge of Vice. I have with me Elizabeth Tesoriero, CPA, who is in charge of our Audit Division, she's the Executive Director of Auditing Services. And also Jean Trentini, our Principal Auditor who conducted the actual field work of the Real Estate audit as well.

I didn't come over here in anticipation of providing a presentation, but more so to address any kind of questions that you had. I could review

and read for you, which I think might simply be redundant, the summary which is on page two or page three of the audit report, but its so voluminous and there was so much we covered. Would it be better in your estimation, Mr. Chairman, just to go into questions?

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LEG. CARACCIOLO:

I know the Chairman who had to temporarily leave the room had some questions, but I think initially what he would have preferred is just a quick recap of your summary so that some of the members can focus in on some of the key recommendations you have made.

COMPTROLLER SAWICKI:

All right. If you have the audit in front of you, I'll just refer to page three. And, Liz, do you want me to basically synopsise page three of the audit?

MS. TESORIERO:

Fine with me.

LEG. CARACCIOLO:

What page is -- everyone did receive a copy of the report, not everyone has it right now, I assume, so which pages did you want to highlight, Joe?

COMPTROLLER SAWICKI:

Page three, four and five, Mike, are the summary of the audit findings.

LEG. CARACCIOLO:

Okay. Then we'll take a five minute recess until we can make those copies.

COMPTROLLER SAWICKI:

Okay, good.

LEG. CARACCIOLO:

Thank you.

(A RECESS WAS TAKEN)

(SUBSTITUTION OF STENOGRAPHER - ANA GRANDE)

COMPTROLLER SAWICKI:

Mr. Chairman, how are you?

CHAIRMAN BISHOP:

Great.

COMPTROLLER SAWICKI:

We are waiting for you.

CHAIRMAN BISHOP:

How do we want to structure this? Why don't you present straight without interruption and then we'll take it from there.

COMPTROLLER SAWICKI:

If I were to do that, Dave, I would be basically reading pages three, four and five. I'd be happy to do that, but it's kind of like, I know we're going to be wasting your time to just reread all the audit findings, which we read about, which we --

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CHAIRMAN BISHOP:

Well, we want to get to the portion of the audit which identifies and recommends the alternatives, identifies problems and recommends alternatives.

COMPTROLLER SAWICKI:

All right. So you're not so concerned about findings, you want more as to the recommendations?

CHAIRMAN BISHOP:

Right.

COMPTROLLER SAWICKI:

The first recommendation for legislative implementation would be to lower the threshold of County Legislative approval from a million dollars to five hundred thousand dollars.

CHAIRMAN BISHOP:

Right.

COMPTROLLER SAWICKI:

What we did is we went -- we went back over the past several years, over the entire audit period, we wanted to determine how much work that would have been for you, the Legislature, in terms of additional approvals, and it only turned out to be twenty-eight additional that you would vote on.

CHAIRMAN BISHOP:

That's my favorite one, because that's what I advocated in committee, it was two hundred and fifty thousand, but they went with a million. At the time the feeling was, as you pointed out, there was a workload issue and that houses are selling for half a million dollars, so they were almost insignificant.

LEG. CARACCIOLO:

So you recommend five hundred thousand as a threshold instead of one million.

COMPTROLLER SAWICKI:

As a reasonable threshold, yes.

CHAIRMAN BISHOP:

You have no, Real Estate or Planning, no vehement objection to that one?

MS. COSTIGAN:

Just a comment.

MS. TESORIERO:

They have a response.

MR. ISLES:

No, we don't have an objection per se to that, except, I mean pretty much we have a two step process anyway for planning steps and authorizations, so most of the times you see it. The only one it's going to have an effect on will be the Farmland Program whereby typically that's done as a generic authorization.

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The only suggestion we would make if you do go down to five hundred thousand, which we don't object to, is to consider maybe moving the two appraisal threshold, which is currently three hundred thousand, to five hundred, so we have five hundred --

CHAIRMAN BISHOP:

Right, so we have continuity for both.

MR. ISLES:

Yes.

CHAIRMAN BISHOP:

That makes sense. And that was very brief for you, that was very good.

MR. ISLES:

Okay.

LEG. FIELDS:

What page did you start on?

MS. TESORIERO:

We jumped around.

COMPTROLLER SAWICKI:

I just pulled that one out of my pocket.

MS. TESORIERO:

The recommendations start on page ten.

CHAIRMAN BISHOP:

Oh, okay. That wasn't number one?

COMPTROLLER SAWICKI:

No. Sorry, Dave. That was the first one that hit my memory.

CHAIRMAN BISHOP:

That was very good.

COMPTROLLER SAWICKI:

You know, let's turn to page ten, let's go recommendation by recommendation. How does that work?

CHAIRMAN BISHOP:

That make more sense.

COMPTROLLER SAWICKI:

And Liz, Mr. Chairman, this is Liz Tesoriero, CPA, who is our Chief Auditor, Executive Director of auditing.

CHAIRMAN BISHOP:

Just keep in mind that elected officials' attention span is, you know, very brief.

LEG. CARACCIOLO:

Some.

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MS. TESORIERO:

We can skip right to twenty-nine if you like.

CHAIRMAN BISHOP:

No.

COMPTROLLER SAWICKI:

And Jean Trentini, who did the actual field work of the audit.

CHAIRMAN BISHOP:

We've lived with these for years, we have all the background, we don't need a lot of preamble. What's number one?

COMPTROLLER SAWICKI:

I agree.

MS. TESORIERO:

Our first recommendation had to do with developing a comprehensive policies and procedures manual. And I believe the department may already --

CHAIRMAN BISHOP:

They're nodding affirmatively. Let's go to two.

MS. TESORIERO:

No problem. The second one had to do with the concern regarding independence of the staff involved in the acquisition. And basically I think the Division has already taken action with that also. And we just indicated that their policy should be documented in their policy and procedure manual.

CHAIRMAN BISHOP:

Very good.

MS. TESORIERO:

To avoid any kind of conflict.

CHAIRMAN BISHOP:

Tremendous pace.

MS. TESORIERO:

Okay. We're at page twelve.

LEG. FIELDS:

No, wait.

CHAIRMAN BISHOP:

Yes.

LEG. FIELDS:

No.

MS. TESORIERO:

Oh, no, you have a question.

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LEG. FIELDS:

You talked about a formal procedure, but I think recommendation two, according to mine is about a comprehensive database, isn't it?

MS. TESORIERO:

That's three.

LEG. FIELDS:

Okay. I see. Thank you.

COMPTROLLER SAWICKI:

Your recommendation is at the end.

CHAIRMAN BISHOP:

Comprehensive database, costs money. Does anyone know what it costs?

MS. COSTIGAN:
It's done.

MS. TESORIERO:
We're trying to get the recommendations and they're already implementing them before we can, you know --

LEG. FIELDS:
That's good.

CHAIRMAN BISHOP:
That's good. Four.

MR. ISLES:
Not on everything.

LEG. FIELDS:
That's why an audit was a good thing.

CHAIRMAN BISHOP:
Number four.

MS. TESORIERO:
Number four. This had to do, we felt the Assistant Director really was functioning as a supervisor and we felt that this was pulling him away from duties that he should have been responsible for and that there really should be a supervisor in that capacity.

LEG. CARACCIOLO:
Could you be specific as to pulled him away, from what duties, what is the job description for an assistant director?

MS. TESORIERO:
What we were looking for, we felt there was no supervisor in the Acquisitions Unit and the Assistant Director was basically functioning in that capacity. But we felt that there should have been someone that's a little bit more -- a little closer to that work from a functional perspective.

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LEG. CARACCIOLO:
Would that require adding staff?

MS. TESORIERO:
It's possible that they could have used somebody that was already in the unit. We really didn't -- we didn't look at it that way.

LEG. CARACCIOLO:

Okay. Maybe they can respond.

MS. COSTIGAN:

The Deputy Director is the -- does hold the title of supervisor of the Acquisition Unit at this time, he's not just filling in, he is that person. If we had another person, we would have that, you know, a different, might have a different allocation of responsibility. It's really a budget thing.

CHAIRMAN BISHOP:

Yeah. It's a budget thing, we can address it. Five.

MS. TESORIERO:

We had some problem at the time because of the lack of supervisory review of some of the acquisition files, which again, that went to our last recommendation, we felt because it was a Deputy Director, that this type of function, a review of files, wouldn't normally be performed by him. So we felt because there wasn't, that we found a lot of --

LEG. FIELDS:

Can you just talk into the microphone? Just move the microphone toward you.

MS. TESORIERO:

Okay. We found a lot of errors, issues that maybe a review of the files themselves may have uncovered.

CHAIRMAN BISHOP:

Okay.

MS. TESORIERO:

So we're recommending on page thirteen, recommendation five, we're recommending that they should perform a review of the acquisition files and specific areas that they should look for.

CHAIRMAN BISHOP:

Okay. Is that one --

MS. COSTIGAN:

Yes. If you don't mind, I'm going to give you -- I have summarized all the recommendations in our responses and that will save us a lot of nodding.

CHAIRMAN BISHOP:

Yes. Excellent. Excellent. Six. I don't think I like six.

MS. TESORIERO:

You don't like

CHAIRMAN BISHOP:

Is this the one where you say, you know, the Legislature shouldn't have any discretion or something?

MS. TESORIERO:

Yes. Well, we felt that the Planning Department, that their assessment of the proposed acquisition should be included in the resolution. And we felt that that was --

CHAIRMAN BISHOP:

Why?

MS. TESORIERO:

Important support for the acquisition and it would remove any kind of doubt that people may have as to the --

CHAIRMAN BISHOP:

But sometimes we disagree with their assessment. I mean they're not flawless. I mean they're wonderful, but they're hardly flawless.

MS. TESORIERO:

But they do have expertise in that area.

CHAIRMAN BISHOP:

So do we. We spend countless hours doing this.

MS. TESORIERO:

Well --

CHAIRMAN BISHOP:

All right.

LEG. GULDI:

The one problem with that --

MS. TESORIERO:

That's our recommendation.

LEG. GULDI:

The one concern I had with that is that it really does to a degree, it cuts across the legislative versus the Executive function and it does it to a minor degree to violate my notion of separation of powers. Their recommendation certainly and now is always on the record and part of the record and available to all Legislators, but the trouble I have with this is it's the Comptroller telling the Legislature that it has to include the Executive's language in its resolutions.

MS. TESORIERO:

We don't tell, we just recommend.

LEG. GULDI:

I understand that. The problem I have with it is not so much conceptual, as everyone should be aware of the recommendations and findings of the Division, as it is constraining what goes into the legislative process. And I don't think that that should be constrained as a matter of governmental policy. I have a problem with that from that perspective.

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MS. TESORIERO:

We just felt that in light of what had happened and the press and everything else, that the County's concern would be that everything is above board and we just felt that that gave it additional support.

CHAIRMAN BISHOP:

Eight.

COMPTROLLER SAWICKI:

You can throw all these recommendations out, Mr. Guldi.

LEG. GULDI:

I'm well aware we can. Unfortunately, many of them we've already begun. Some of the ones that are already implemented were part of the past legislation we've already approved.

CHAIRMAN BISHOP:

Eight is the one we discussed at the outset, so we can skip eight. We like eight, we'll probably do, legislatively somebody will file a bill to do eight.

LEG. GULDI:

Mr. Chairman, I think we should consider a committee bill.

CHAIRMAN BISHOP:

Yes, absolutely. And I'm sure eight would be part of it. So, there you go, eight's in. Nine.

LEG. GULDI:

Eight's in with the threshold on -- I think we should do the threshold on appraisals at the same time with eight.

CHAIRMAN BISHOP:

Yes, continuity. We agree.

MS. TESORIERO:

Okay. Nine had to do with the annual review of the list of appraisers. You've recently -- that was part of the Resolution 425. We just felt that the other vendors should also be reviewed on an annual basis.

LEG. GULDI:
Other vendors being?

CHAIRMAN BISHOP:
We haven't even gotten the appraisal list for this year, have we?

MS. COSTIGAN:
Only one appraiser has responded with his license and qualifications.

CHAIRMAN BISHOP:
He must be a very wealthy appraiser, he must be getting all the work there.

MS. TESORIERO:
Nobody wants to deal with the County.

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MS. COSTIGAN:
We've solicited to the entire yellow pages beyond the existing list and we got about twenty people who responded saying they'd like to hear more. We sent out a little RFP. But it was thing like your license, have you ever been arrested, I mean it was a very {softball} RFP. And thus far I've gotten one candidate back. Now it's been out, they've had about two weeks to respond.

CHAIRMAN BISHOP:
Who responded back?

MS. COSTIGAN:
Breslin.

LEG. GULDI:
I'm not surprised at that result given how difficult it is to fund an appraiser, if you can get anything on the boards in the next six weeks given the refinance activity in the market presently, appraisers are not exactly looking for work nor have they been for the last year, year and a half.

CHAIRMAN BISHOP:
Okay.

LEG. GULDI:
What other vendors were you referring to?

MS. TESORIERO:
We're talking about surveyors, title insurance companies and environmental assessment companies, they all provide services.

LEG. GULDI:

I think that's a good recommendation for inclusion in the committee bill, Mr. Chairman, because we don't have review of that now. What's the Department's response on that?

MS. COSTIGAN:

DPW did just review the list of surveyors last year and came up with a new contract.

CHAIRMAN BISHOP:

Surveyors is not your bailiwick, is that the first one is DPW?

MS. COSTIGAN:

We take from their list, except you'll see that will come up again later, but they did just review the list last year.

CHAIRMAN BISHOP:

What about the other, what other function?

MS. COSTIGAN:

The title companies, we generally, you know, choose from any across the board title companies. Environmental firms, there's a subsequent recommendation as well. If you want to update them more often, fine, but there's a very limited -- there's a limited field.

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CHAIRMAN BISHOP:

I don't hear vehement objection.

MS. COSTIGAN:

No.

MS. TESORIERO:

Moving along.

CHAIRMAN BISHOP:

Planning Department should assist in the development of list of environmental companies. That's the next one?

MS. TESORIERO:

Right

CHAIRMAN BISHOP:

Which is the one you're referring to. No objection, right? You left in blank. George, that might go into the Committee bill. All right. Eleven. Have you ever seen such economy and efficiency in government?

MS. TESORIERO:

Good, it's great.

COMPTROLLER SAWICKI:

For you to move it along, Mr. Chairman.

MS. TESORIERO:

This had to do with the negotiations. We felt they were undocumented. Here we recommend the Division implement procedures, we want procedures to provide assurance that the negotiation process is witnessed and fully documented.

LEG. GULDI:

I see you've done that as part of your procedures manual?

MS. COSTIGAN:

We have. I've made up a new form and I'm regarding it as done.

LEG. GULDI:

Fine.

CHAIRMAN BISHOP:

Twelve.

MS. TESORIERO:

Twelve has to do with the purchase of the land. We found cases where the director negotiated the purchase price and also approved the transaction. We feel that the resolution indirectly addresses this issue with the oversight, so we were happy with that I guess.

CHAIRMAN BISHOP:

Okay. Thank you. Thirteen.

MS. TESORIERO:

Again, we concur with the legislative resolution on this.

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CHAIRMAN BISHOP:

Excellent.

CHAIRMAN BISHOP:

Fourteen. Cannot use sellers appraisal as basis for purchase price. That was an old practice.

LEG. GULDI:

That was an old practice. The one transaction that you had focused on in your audit, I'm familiar with that, that appraisal, it was on the {Savin} property in East Hampton. That appraisal was ordered by the seller at the request of the East Hampton Supervisor from the appraisers on our then approved list.

CHAIRMAN BISHOP:

Right.

LEG. GULDI:

In order to expedite the transaction.

CHAIRMAN BISHOP:

In fact, I remember Real Estate used to say, but tell them to pick one of your appraisers and get their own appraisal done.

COMPTROLLER SAWICKI:

Who paid for it?

LEG. GULDI:

The seller. Ultimately, doesn't the County always pay for it? Since we buy the property, we give the seller the money.

COMPTROLLER SAWICKI:

Then every house and piece of property you buy privately would be the same situation.

LEG. GULDI:

True. There's always -- the seller brings -- the buyer brings the money and the seller leaves with it.

CHAIRMAN BISHOP:

Right. Okay. So this is --

MS. COSTIGAN:

712 has already changed it.

COMPTROLLER SAWICKI:

Are you looking for controls here, Mr. Guldi?

LEG. GULDI:

I'm just -- I'm inquiring as to the --

CHAIRMAN BISHOP:

Fourteen is adopted in the resolution.

LEG. GULDI:

I understand that, I want clarification of the audit conclusions, if I

may, I want to dwell on it for just one moment. And that is, the problem in that transaction was the fact that the seller paid the appraiser notwithstanding that they were one of our approved lists, and that's the practice that you feel should be prohibited or precluded in the audit, is that correct?

MS. TESORIERO:

We feel that we should not accept the seller's appraisal, because it might not be in the County's best interest to do so.

LEG. GULDI:

Even --

LEG. FIELDS:

It's a conflict.

LEG. GULDI:

Under any circumstances, even when --

LEG. FIELDS:

Yes.

LEG. GULDI:

Under the ones that were used in that transaction?

MS. TESORIERO:

We concerned about the appearance of impropriety. We feel that there is -- you have, you know, there's jeopardy there.

CHAIRMAN BISHOP:

I follow.

LEG. GULDI:

Okay. I just wanted clarification.

CHAIRMAN BISHOP:

I follow.

MS. COSTIGAN:

With all due respect, 712 permits us to take in a seller's appraisal as a consideration, but not to base anything on it. And they've been very valuable in pointing out other aspects, but no, we don't rely on them.

LEG. FIELDS:

It's almost like a comparative, right?

MS. COSTIGAN:

Yes. It's just one more piece of evidence.

CHAIRMAN BISHOP:

Okay. Fifteen. The first one is don't use sellers, this one is don't use other municipalities' appraisals. Now, isn't that going a little -- we can't trust another town or village?

LEG. GULDI:

Or the State.

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MS. TESORIERO:

We prefer to be cautious. I mean, you know, we're trying to be prudent with it and --

COMPTROLLER SAWICKI:

It's our money, it's not the town's money, who knows what the town may want to --

MS. TESORIERO:

There could be an interest and you could be pressured.

LEG. GULDI:

What's the Department's position with respect to this?

MS. COSTIGAN:

I think this would make our life very difficult if we say we can't rely on town appraisals. The town often is the first one to discover these properties and appraise them. They only use our okayed appraisers. And when the joint acquisition comes to us, it saves a lot of staff time, energy and effort to split it. We review them, all the appraisals.

CHAIRMAN BISHOP:

Let me point something out. Is something over five hundred thousand we're requiring dual appraisals?

MS. COSTIGAN:

Yes.

CHAIRMAN BISHOP:

Or we will when we adopt this reform.

MS. COSTIGAN:

Yes.

CHAIRMAN BISHOP:

The other municipality will be only one of the other two appraisals, we'll still have our own appraisal. So in that sense, you know, the County Treasury will be protected.

MS. TESORIERO:

Well, then that mitigates it.

MS. COSTIGAN:

Also --

MR. ISLES:

Let me just make the point that a couple of the programs specifically allow municipalities to provide appraisals, Greenways, Land Preservation Partnership, current law permits it.

CHAIRMAN BISHOP:
Right.

LEG. GULDI:
So you would feel comfortable provided one of the two appraisals was done by an independent auditor?

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CHAIRMAN BISHOP:
Accountable to us, not to the town.

COMPTROLLER SAWICKI:
As long as there is someone accountable to the County, not relying strictly on the town.

CHAIRMAN BISHOP:
Right, okay. That's a good idea. Sixteen. The Nature Conservancy, you know, I have to say that that has to be done. You can't -- you can't --

COMPTROLLER SAWICKI:
Which are you on?

MS. TESORIERO:
Sixteen is just what we just really talked about, right?

MS. COSTIGAN:
Sixteen is the town.

CHAIRMAN BISHOP:
Fifteen was about the municipals, but they actually make money on the deal, the Nature Conservancy.

LEG. GULDI:
With respect to the Department's response to this, is this not like the municipalities where when you have a PLT or a Nature Conservancy appraisal, you still have to get a second appraisal anyway?

MS. COSTIGAN:
It's identical. And they again choose from our list and they order the appraisals pursuant to our direction.

LEG. GULDI:
And in those transactions in which they are actually acting as our agent in some transactions, are they not?

MS. COSTIGAN:
That's correct.

LEG. GULDI:
How is this different from the municipality requirements then from an Audit & Control perspective?

CHAIRMAN BISHOP:
Because, George -- well, they'll answer, but to me in this -- when they're the agent, they're making money on the deal. The municipality is not making money. That would be the distinction.

COMPTROLLER SAWICKI:
Exactly.

LEG. GULDI:
So in those situations, you would require two fresh appraisals?

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MS. TESORIERO:
Well, under the existing structure, the contracts, there was a fee based on the value of the acquisition.

LEG. GULDI:
Right, there's a percentage.

MS. TESORIERO:
So right away that kind of opens the door to the possibility that that could be questionable, there could be incentive for them not to negotiate in the County's best interest. The higher the appraisal, the higher their fee. So we feel that there's a danger there.

MS. COSTIGAN:
I think we should add that those contracts in their current realization, in fact, the final drafts are going around now, the higher the price, the less they make. We changed the fee structure.

LEG. GULDI:
How did you change the formula?

MS. COSTIGAN:
So that might --

LEG. GULDI:
How does the formula work in the new contract?

MS. COSTIGAN:
It used to be two percent, now it's 3-2-1. The higher the price goes, the lower the percent goes. So you actually make less now.

CHAIRMAN BISHOP:

I think it's in their best interest also to keep these agency relationships going, that they're not be this appearance of a conflict.

LEG. GULDI:

3-2-1 on what, the specific dollar thresholds on all parcels?

MS. COSTIGAN:

On specific dollar thresholds with a cap of thirty-five thousand on any transaction. So it's significantly reduced from the last contract. It's recent, we haven't even signed it yet.

LEG. GULDI:

Is that -- would that be a sufficient control?

MS. TESORIERO:

Initially I didn't I think it would be, because I felt it was still based on a percentage, even though it was a declining percentage, but if there's a cap, the cap may change that situation.

CHAIRMAN BISHOP:

All right. Let's go to the next one. Seventeen.

MS. TESORIERO:

That was seventeen.

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CHAIRMAN BISHOP:

Oh, we have disagreement. Recommends against using third-party payments to meet purchase price in excess of mean appraised value. Disagree, private money can help achieve acquisition.

MR. ISLES:

Where are we?

LEG. GULDI:

Number seventeen.

MS. TESORIERO:

We did seventeen, we're at eighteen.

LEG. GULDI:

The Division, why don't you give them a copy of your summary sheets, since that seems to be what --

COMPTROLLER SAWICKI:

You might be reading from --

LEG. GULDI:

The Real Estate Division summary, so why don't you pass a copy of your summary over to the --

COMPTROLLER SAWICKI:

The recommendation follows the findings.

LEG. FIELDS:

You should use the microphone.

COMPTROLLER SAWICKI:

The recommendation follows the finding. So you may be reading that the recommendation precedes.

CHAIRMAN BISHOP:

What is seventeen? Since I'm the one who created the problem.

MS. TESORIERO:

Seventeen was what we just discussed.

CHAIRMAN BISHOP:

What is eighteen then?

MS. TESORIERO:

Eighteen starts off with the, it's on page 22 and it starts off with finding is included in our audit division -- in our audit test selections with five acquisitions.

CHAIRMAN BISHOP:

And what's the --

MS. TESORIERO:

The recommendation? Actually, we say that this was addressed in the legislative resolution.

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CHAIRMAN BISHOP:

Okay.

MS. TESORIERO:

And I think we're fine with that.

CHAIRMAN BISHOP:

Isn't there one that says third party should not contribute money to the deal?

MS. COSTIGAN:

Yes.

MS. TESORIERO:

Well, that's part of the finding.

CHAIRMAN BISHOP:

That's seventeen, the one where were discussing the agency relation with the Nature Conservancy?

MS. TESORIERO:

No.

CHAIRMAN BISHOP:

That was sixteen. So did we discuss seventeen?

MS. TESORIERO:

Yes.

CHAIRMAN BISHOP:

I didn't hear a discussion of it, that's why.

MR. ISLES:

That was on the percentage.

CHAIRMAN BISHOP:

I thought that was about the --

MS. TESORIERO:

That was the environmental --

CHAIRMAN BISHOP:

-- the agency relationship.

LEG. GULDI:

Well, all right. Let's forget which number we're talking about. Is it not the Comptroller's position that third parties should not be -- we should not permit third parties to contribute to the purchase of preservation parcels that the County is a partner in?

MS. TESORIERO:

No, that's not what we were saying.

CHAIRMAN BISHOP:

Only when it goes above appraised value.

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MS. TESORIERO:

Exactly. We don't the -- we don't want in excess of the appraised value to be paid.

CHAIRMAN BISHOP:

I'll give you an example of how I've used it in my district. If the Village wants to condemn something, I say to the Village, yeah, we'll be a partner, but only up to the appraised value. If there's going to be a premium in this deal, it's going to get paid by the Village. So in that circumstance --

LEG. GULDI:

All right. But what's --

MS. TESORIERO:

It just seems like a way of circumventing the appraised value, and I think that that can be questionable.

LEG. GULDI:

Why? Third party -- third party usually are not-for-profit or charitables --

MS. TESORIERO:

Or a town.

LEG. GULDI:

Is contributing the spread between a seller who says, no, I won't sell for your appraised value or your appraisal is wrong.

MS. TESORIERO:

Excuse me, it's usually a town.

CHAIRMAN BISHOP:

What if you had a corrupt municipality, for example, is what she's saying, and so you --

LEG. GULDI:

So the one I'm thinking about is {Chadmore} where the State, the County and the Town were equal partners and a private contributor put up the million dollars additional to close the deal, because it wouldn't close because the seller said no, is that practice the one you're saying that that million dollars from -- should be prohibited and we should forgo that acquisition since the seller said no?

CHAIRMAN BISHOP:

Can I make a discussion that might satisfy both of you?

LEG. GULDI:

Let me hear the answer to my question first, please.

MS. TESORIERO:

We're saying in any -- I mean I don't know the particular, which acquisitions you're talking about, but we're saying in general we feel that it should not exceed the appraised value.

LEG. GULDI:
Why?

CHAIRMAN BISHOP:
Because they feel that the appraised value --

LEG. GULDI:
But from Audit & Controls perspective, why?

MS. TESORIERO:
Because we feel that this is the appraised value. To pay in excess of the appraised value means that there, it could give the appearance that there may be something questionable in that situation. I don't know, in fact, that there would be --

LEG. GULDI:
What's the intrinsic inaccuracy of an appraisal?

CHAIRMAN BISHOP:
Oh God, do we have to do this at every meeting?

LEG. GULDI:
Yes, we do. Pardon? It's a hypothetical model with adjustments that are discretionary. If the seller says no, the appraiser is wrong.

CHAIRMAN BISHOP:
May I offer this up, George?

MS. TESORIERO:
All we can do is offer our recommendations.

LEG. GULDI:
Yeah, but I'm trying to understand the recommendation. I don't see the flaw in --

COMPTROLLER SAWICKI:
Why would you want to exceed the appraised value?

LEG. GULDI:
Because the seller refuses to sell at your appraised value because he determines that the land is worth more than your appraiser thinks it is. You still want to preserve it and you have a third party willing to kick, as it were, put up the difference so that your cost doesn't change.

COMPTROLLER SAWICKI:
You know the good thing is that in the future for any parcels in excess of five hundred thousand dollars you'll have the opportunity to

debate it with your colleague. I'm not being smart and a wise guy, but --

LEG. GULDI:
I know that.

COMPTROLLER SAWICKI:
-- that's the bottom line.

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CHAIRMAN BISHOP:
That's the point I wanted to make, if I can cut this off, the point I wanted make, George, please, is that if there's a third party that brings it above appraised value, we should simply have a vote and then --

LEG. GULDI:
Well, yeah, but --

COMPTROLLER SAWICKI:
Maybe the County's portion should be less.

CHAIRMAN BISHOP:
So you're not prohibiting the practice, you're just simply revealing it.

LEG. GULDI:
Actually, in that situation you've got an appraised value with three government levels, the one that happened with {Chadmore} you had three government levels, each contributing a third, and a private donor putting up the balance. So we got the parcel, we, the County, got the parcel preserved for a third of its appraised value. And you're saying that we shouldn't have done that, we should have forgone the contribution of the third, of the non-municipal donor and --

COMPTROLLER SAWICKI:
We're saying that --

LEG. GULDI:
-- not preserve the parcel.

COMPTROLLER SAWICKI:
No, no, no, we're not saying that.

LEG. GULDI:
The problem I'm having with that is that is saying forgo a benefit to the taxpayers.

COMPTROLLER SAWICKI:

Not at all.

LEG. GULDI:
Why not?

CHAIRMAN BISHOP:
Let's just say, is it an absolute prohibition against going above appraised value even if it's an outside entity contributing the difference? Is that what you're recommending?

MS. COSTIGAN:
I have to jump in. It has nothing -- for starters, what you are restricted to now is not the appraised value, it is the mean, which may be significantly less than the highest appraised value. So don't start it that evenly, so you're limited at the mean. You have the ability to go, after I put a dog and pony show on, to go ten percent over that. That's all you can go.

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We have this coming up in real time in Shelter Island, there is a deal coming up where the neighbors are prepared to kick in a hundred and fifty thousand dollars to make up the difference between the mean and the appraised value. So it's a very real situation that they think it's important enough to put their money where their mouth is to keep it.

LEG. GULDI:
I'm trying to understand. Here's another thing --

CHAIRMAN BISHOP:
Are you trying to understand it or debate it with them? They're not in a position to debate it.

LEG. GULDI:
If you'll stop interrupting, they can answer my questions so I'll understand it, Mr. Chairman, please. The recommendation is we don't take the money, the result of that is going to be that we lose the deal either with partners or with private contributions, and I don't understand the governmental purpose to be achieved by doing that. I see it as a detriment to taxpayers, because we're getting a desired by definition transaction with a contribution from a third party, which is a direct benefit to taxpayers.

COMPTROLLER SAWICKI:
Mr. Guldi, first off, it's already addressed in the resolution, in your Resolution 425. Second of all, from an accounting and auditing point of view from internal controls, we prefer to fall on the side of fiscal conservatism. I don't mean that as a buzz word or anything like that.

LEG. GULDI:

I don't see how this does that. I don't understand the recommendation, I don't see how that says that.

COMPTROLLER SAWICKI:

Because we don't feel that a purchase should be made in excess of the appraised value.

LEG. GULDI:

Ever?

COMPTROLLER SAWICKI:

Because if someone is going to chip in as a third party, perhaps that could then lower the town or the County's share. Why should we go above the appraised value? And besides, this is all moot, because you're going to have to vote on it and debate it anyway.

LEG. FIELDS:

Can I ask a question?

COMPTROLLER SAWICKI:

Go ahead, Ginny.

LEG. FIELDS:

Tom or Christine or Dave or George, do you remember this coming with a

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property in Riverhead? Did this not happen where Riverhead kicked in a certain amount?

CHAIRMAN BISHOP:

It happened in my district.

MR. ISLES:

It's happened.

CHAIRMAN BISHOP:

Where Lindenhurst kicked in above the appraised value.

LEG. FIELDS:

I'm talking about Riverhead, and I think everybody questioned the whole process saying that, well, then perhaps that shouldn't have happened, because it actually did raise the County's share instead of letting it be what it should have been and Riverhead would have paid more anyway.

CHAIRMAN BISHOP:

Let me say this, Legislator Guldi, Legislator Fields, this is

obviously not a consensus. So if we're going to adopt this one, it's going to have to be on a stand-alone.

LEG. GULDI:

I don't even understand it, is my problem. But I'll talk to you after the meeting then.

CHAIRMAN BISHOP:

Thank you.

LEG. GULDI:

To see if I can understand the recommendation, because I'm having trouble with it.

CHAIRMAN BISHOP:

Next one. We won't name a number, because I'm going to obviously call out the wrong number.

MS. TESORIERO:

The next one we felt that there wasn't --

LEG. FIELDS:

Use the microphone.

MS. TESORIERO:

I'm sorry. We're on page twenty-two, actually the recommendation is on twenty three.

LEG. FIELDS:

Just because the Stenographer has to use the tape sometimes to get the minutes, so I want to make sure we're all on the record.

MS. TESORIERO:

Actually, nineteen, I don't think any further action is necessary. I don't think the Division --

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CHAIRMAN BISHOP:

Okay. Twenty.

MS. TESORIERO:

-- responded.

CHAIRMAN BISHOP:

Twenty. They say Section 12 -- 712 mandates --

MS. TESORIERO:

Twenty-three, page twenty-three, recommendation twenty. That's been taken care of also.

CHAIRMAN BISHOP:

Very good.

MS. TESORIERO:

The finding on the bottom of page twenty-three, this is not an issue that's addressed in the legislative resolution.

COMPTROLLER SAWICKI:

It's recommendation twenty-one on the top of page twenty-four.

CHAIRMAN BISHOP:

Right.

MS. TESORIERO:

Right.

CHAIRMAN BISHOP:

Okay.

COMPTROLLER SAWICKI:

This is something we feel is important.

MS. TESORIERO:

This is a situation where the Division purchased only a portion of the property that was appraised. We believe that the Division should request a revised appraisal when that circumstance, when circumstances change and only a portion of the appraised property is purchased. Now, the Division did respond to that and I'll let them tell you.

MR. ISLES:

This actually creates we think a potentially serious problem in that it's not uncommon to have some final adjustments, especially on farmland where they might be cutting out a future development site and so forth. So obviously the question is we don't want to pay more than fair market value and we want to make sure that doesn't adversely effect the appraisal.

What we usually do is have our appraisal reviewer review and it's written down in terms of his or her report in terms of the effect of the parcel separation from the appraisal. If they find that it's needed to get a new appraisal, we'll do that. But at the present time, we just had one recently, actually, where they did a full analysis and it concluded it really had no impact and no need, that

the per acre value stayed the same.

So the only point I would like to make is that this would be rather

disruptive and that it would increase the workload substantially in terms of additional appraisals. We understand the point, we think we've satisfied it. We acknowledge that in the past perhaps it wasn't done the same way, we weren't doing appraisal reviews as much, but we we'd like you to think about this one carefully, we know it's an issue with you, but it's an issue with us too.

LEG. GULDI:

I have a concern on it, Tom, if I may? How can you divide out from any parcel the road frontage, the water frontage, the wetlands, the unbuildable portions and not -- and get a fair appraisal, if you will, without re-evaluating the parcel in its entirety?

MS. COSTIGAN:

It's a fair question, but I think we should address the other thing we've done to try and anticipate again the proactive famous words. What it used to be is you'd pass the planning steps resolution with some tax map numbers on it and that would go through the pipeline as it was an enacted. That's not the way we're doing it now. We are sitting with the farmer or the land owner or whoever and saying, all right, what is it you really intend the County to acquire? So we're trying to identify up front what it is we're appraising.

A lot of these came up in the test period, because we just appraised the whole thing and then everybody would sit down and decide what you were going to buy. So I think that that should cut most of it off at the pass.

LEG. GULDI:

Well, in those cases, you would have an appraisal of what you're acquiring, that's not the situation they're talking about here.

MS. COSTIGAN:

What I'm saying is there will be many fewer of these situations. The other way we're addressing is the appraisals will be on a per acre and have become generally on a per acre basis. The contracts won't say we are buying this identified property at this price, it will say we're buying it at this price per acre to be determined by survey.

And if indeed it's road frontage versus rear lot frontage, that is where it would spring up in the appraisal review and we'd say these are not, these are not fungible acres, you can't just cut them off. And we would either go back to the appraiser or do some kind of evaluation, because now we have the ability to do that in-house without going through the whole appraisal process all over again.

LEG. GULDI:

Would what she described fully meet the concerns of Audit & Control or not?

MS. TESORIERO:

I believe as long as the appraisal review was involved and they also looked at the property and determined that it would impact --

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LEG. GULDI:

There were fungible acres that we were taking out.

MS. TESORIERO:

I couldn't find that definition of that word anywhere, but I think I understand what you meant.

COMPTROLLER SAWICKI:

I think you may want to give serious consideration to implementing this recommendation, because, George, you just said it perfectly, wetlands, road frontage, sound frontage.

LEG. GULDI:

It's my views. What's the view from one portion of the parcel versus another.

COMPTROLLER SAWICKI:

Exactly. I mean if you're talking about a multi-million dollar piece, what harm could it be to have a separate appraisal to define the property you're buying? You're the guys that have to vote on it, we're just making the recommendations on how to tighten the procedures up.

LEG. GULDI:

This one I have no trouble understanding your recommendation on. And I think you understand my concern in that by definition no two parcels of real estate are fungible, they're all unique.

CHAIRMAN BISHOP:

Go ahead.

LEG. GULDI:

Next.

MS. TESORIERO:

The next one, page twenty-four, recommendation twenty-two. This issue isn't addressed in the resolution.

CHAIRMAN BISHOP:

They say it's going to be included in the procedures.

MS. COSTIGAN:

Yes.

LEG. FIELDS:

Well, I have a question about that. And I'll give the example of the NYCONN property. Apparently, according to the contract, the property was to be given to the County cleaned up. We closed on the property and the property was not cleaned up and the County had to go out and pay to clean it up. And it's still not cleaned up completely.

How do -- first of all, how does that happen? And secondly, how do you stop? I mean maybe there's another step in between that prior to the closing somebody does a site visit and says, okay. Just like when you buy a house, don't you have the day of the closing the ability to go in the house and find out that the house is the way it was when you

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first went into contract?

MR. ISLES:

Yeah. In the case of NYCONN, as I understand it, there was a twenty-five thousand dollar credit given to the County for the clean-up. It turns out the cost of the clean-up was substantial higher than that.

MS. TESORIERO:

Higher than that.

MR. ISLES:

That's become the poster child of what not to do on the clean-up costs. So we agree with the basic idea. There are times when this does become a matter of negotiation, when there's inconsequential clean-up, perhaps, or we have the towns clean it up.

LEG. FIELDS:

Can I ask why -- before you close on a piece of property, would it not be better to have the clean-up done?

MR. ISLES:

Yes, it would be better. And in most cases, I think that happens. If the owner says, well, I'm only selling it to you as is, where is, and that's it, we have to make a decision as a County do we want to do that. If there's a rusted car on the property do we then say, we don't really want it there, but we're going to buy it and we're going to deal with it.

Everything that we talk about with the control of the acquisition process comes down to how much control do we want to exert and how many fluid process do we want to have. So, we look for your direction on that. I think what we're trying to find is a little bit of a balance there. So we agree with the clean-up idea, we just feel it should be addressed in the procedures manual. We agree the County

should not take on unexpected cost, but we are concerned about getting so saddled with requirements in closing requirements and so forth that it impairs our ability to buy land.

LEG. GULDI:

Well, you know, the trouble with NYCONN is that we blew the estimate, we took a credit instead of an escrow and we didn't take an indemnification promise, but if your closing procedures had had an estimate, an escrow doubling the estimate and indemnification promise, there wouldn't have been a problem with NYCONN.

LEG. FIELDS:

In addition, George, let me just interrupt. Now that they're in the process of trying to sell us the second piece of property, so it's not even like they went away, I mean if we had done it, you know, correctly the first time, we wouldn't have to have this ongoing problem, you know. I'm just using that as an example, because what if there was another piece of property that we did want to be cleaned up and we're not really following through because we don't have the manpower or we don't have the ability to do it, but I think it's important because we do get saddled with the clean-up and the cost and

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that costs I think twice as much after the fact.

MR. ISLES:

We're not going to argue with you.

LEG. FIELDS:

You can disagree.

MR. ISLES:

If the answer is that you want this resolved, we will do it.

LEG. FIELDS:

No, no. I'm just asking -- argue with me a little, debate with me a little bit. And if you don't agree, tell me.

MS. COSTIGAN:

Frankly, NYCONN is a big pimple on a small face, because it hasn't been a problem for most things since then, we've either had the owners clean up. Or in instances such as Sagtikos Manor, we did the environmental assessment first, we identified an oil tank, which may or may not have to be reviewed, and some other small matter with some old pipes. They estimated the costs, the company did, we didn't, we had it professionally estimated, and the cost was six thousand dollars I think, it was a modest amount. And the seller said, we're not cleaning it up. Now I've got six thousand dollars and an oil tank and some pipes or no deal.

LEG. FIELDS:

Okay. So --

MS. COSTIGAN:

So that is much more typical of what we have run into since NYCONN. We have not run into a circumstance where we've had an excessive clean-up bill that wasn't either anticipated or addressed in advance.

LEG. FIELDS:

So I guess then the whole answer to this problem would be to address it in advance so that you know what you've got. Okay.

MS. COSTIGAN:

We now do the environmental review earlier, and that seems to help.

LEG. FIELDS:

Okay. Thank you. That was worth the argument.

LEG. GULDI:

Next one.

MS. TESORIERO:

The next one had to do with the appraisal review staff. The recommendation is on page twenty-five. Basically in the past, I think this has actually been changed. And in the past the Appraisal Review individuals were actually performing an appraisal and stating value. We felt that that was inappropriate. I think that's been changed

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MS. COSTIGAN:

Those procedures were written and distributed last week. They're still -- we haven't implemented them because they've just been distributed, so we're educating the staff, but that's going to be the procedure.

MS. TESORIERO:

So that's taken care of.

LEG. GULDI:

Certification is the same issue, it's handled the same way, the next recommendation.

MS. COSTIGAN:

Yes.

MS. TESORIERO:

Okay. So there's no question about twenty-four either. The next recommendation, page twenty-seven, had to do with the amount of

documentation and the appraisal review files.

LEG. GULDI:

You put the documents in the file recommendation, you think that's a good idea from Audit & Control's perspective?

MS. TESORIERO:

There you go.

LEG. GULDI:

I mean talk about self evident. It's in your procedures, I don't see a need for us to legislate on it. It seems like a matter of minimum standards and practical sense.

MS. COSTIGAN:

Yes.

MS. TESORIERO:

Right.

MS. COSTIGAN:

Yes. There are a number of the recommendations that fall into that category and we have welcomed them.

LEG. GULDI:

Okay.

MS. TESORIERO:

The next would be a similar type of situation, I don't think you'd be interested in it then.

LEG. GULDI:

Well, it's expand appraisal review resources.

COMPTROLLER SAWICKI:

He wants to go home.

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LEG. GULDI:

No, that's all right, I don't have a home anymore. That's one of my part-time assignments, I've been assigned to live in the basement of this building. Actually, the next recommendation I did want you to explain, explain expand a appraisal review resources, in what manner exactly?

MS. COSTIGAN:

We have gotten the software and the licenses from the State to make available to the appraisal reviewers the State database, which records all sales of real property, and it's an invaluable resource.

LEG. GULDI:

This is our review appraisers?

MS. COSTIGAN:

Our appraisal reviewers. We've gotten them new computers and we've gotten them that --

LEG. GULDI:

So that's already been implemented from the Audit & Control perspective.

LEG. FIELDS:

Just out of curiosity, when was that implemented?

MS. COSTIGAN:

I know they got two of the licenses last week and they got the computers about two months ago.

LEG. FIELDS:

Very good.

MS. TESORIERO:

Page twenty-eight, recommendation twenty-seven. Again, this had to do with documentation. I don't think the Department commented on that.

MS. COSTIGAN:

Here we have changed the whole procedure on how we're going to order a appraisers, appraisals, so that will be done by the Valuation Section, which will be headed by the general appraiser. So I have seen his forms, and they include the appraisal review form, which he will have in the file, the order form.

COMPTROLLER SAWICKI:

Will that be part of your manual also?

MS. COSTIGAN:

Yes.

COMPTROLLER SAWICKI:

All these things?

MS. COSTIGAN:

Yes. I've already written that.

MS. TESORIERO:

Recommendation twenty-eight on the bottom of page twenty-eight. This had to do with the surveys that are ordered. In this case, we felt

that there was some confusion, at least we felt there was confusion in some of the surveys because of inconsistencies between how the information was presented. We just recommended that basically in some cases that maybe two price proposals would clarify the issue, a separate one, one for the survey and one for monuments or markers, as they're called.

LEG. GULDI:

I don't know if you've had the same experience with appraisers that I've had, but the last appraisal I ordered in October, the appraiser refused to take my call, he had the prior order and had the prior survey, required payment in full in advance and I still haven't heard from him or received an appraiser.

LEG. FIELDS:

Get rid of him.

MS. COSTIGAN:

You mean surveyor?

LEG. GULDI:

Surveyor. Appraiser, I meant surveyor.

MS. COSTIGAN:

Surveyors too are very busy. The bids we get from them now consistently have a separate line item for monuments, so I don't know if that's different from what you were looking, but now there is a price for the survey and a price for monuments. And we have a new procedure with the Parks Department, because of the ATV's, they need to monument much more often to put up fences to keep the ATV's out. So I think we've addressed the monument issue here without even knowing that it was going to be raised as an issue.

On the other ones about the further recommendation of requiring more complex survey bids, I think that's a non-starter in our opinion in that it's just -- I have spoken with the surveyors, it's not how they do business, they're not going to give you a price for the field work, a price for the drafting, a price for the -- they're going to give you a survey price. If you don't want it, go away.

LEG. GULDI:

Well, at this point if you give them the survey price, I can't even get the survey out of them. I mean the market is that saturated, that the demand exceeds the supply so extremely that the vendors are not going to sit for it, you're just going to end up with no bids if you require it. And that's the concern I have.

LEG. FIELDS:

Can I ask a question?

COMPTROLLER SAWICKI:

The bottom line, George, was that we just -- we were just seeking -- I believe we were just seeking an explanation as to why the survey bids

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that we tested varied by thousands of dollars between bidders. Obviously they weren't comparing apples to apples and we're just looking for a uniform application of surveys, I believe.

LEG. FIELDS:

How much do we spend annually on a survey, on surveys?

MS. COSTIGAN:

I don't know.

MR. ISLES:

I don't know.

MS. COSTIGAN:

Each survey is paid for under the particular acquisition, I don't run a line for surveys, you know, specific line. And I don't know what DPW spends on surveyors as well.

LEG. FIELDS:

Do you, Sean? I wonder how much it would be if the County hired its own surveyor just like we have an appraiser.

MS. COSTIGAN:

The County has surveyors in DPW and it's DPW who needed the list for more surveyors, so --

LEG. FIELDS:

I'm just -- it may be more, you know, less expensive if we had, you know, if you add up how much you're spending on consultants or surveyors or outside people that do work for us, do we save millions of dollars?

MS. COSTIGAN:

We do pick up, however, in recalling that surveyors are liable for their work, I mean there's a reason that they're public entities that put a stump on it and then we -- that's where the title company gets comfort from. So that we do get more than just the value of the piece of paper that it's written on.

MS. TESORIERO:

Our concern was that we couldn't really compare one survey to another and we saw the large variance in the prices that were being offered. And sometimes, you know, you take the low bid, but you don't necessarily know that you're comparing apples with apples, so the one,

the one that gave the low bid may not have been providing the same service as a higher bid. So that was --

MR. ISLES:

They would all have to meet specification, they'd all have to be sealed and stamped to be guaranteed to the County. So you should have a uniformity there, I think.

MS. TESORIERO:

Do you want to go to the next item?

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LEG. GULDI:

Yes.

MS. TESORIERO:

Page thirty, recommendation thirty. This again has to do with the surveys.

LEG. GULDI:

Breakdowns in the bids, yes.

LEG. FIELDS:

No, expand the list.

MS. TESORIERO:

On page thirty, recommendation thirty.

LEG. GULDI:

Recommendation thirty, require breakdown in survey bids. Is that the essence of your recommendation?

MR. ISLES:

No. This is wetlands boundaries.

LEG. FIELDS:

Which one are you doing?

MS. TESORIERO:

I'm doing recommendation thirty on the top of page thirty. The Division should obtain the updated format information sheet from DPW.

LEG. FIELDS:

Okay.

LEG. GULDI:

To list, to breakdown and itemize the survey components.

MS. TESORIERO:

Right. This had to do with the identification of wetlands.

LEG. FIELDS:

No. Your list is different than Christine's list. I guess that's what we're trying to -- we have to use the words instead of just the number. Her thirty is expand the list of surveyors and information required in surveys. Your thirty is require the breakdown of survey bids. Right?

MS. TESORIERO:

The numbers got off somehow.

LEG. GULDI:

Which is I think listed on the Real Estate Division's list as number twenty-nine, require this breakdown of survey bids. Thirty on the, recommendation thirty corresponds with item number twenty-nine on the Department's memo. Okay?

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MS. TESORIERO:

Okay. So you're talking about twenty-nine and we're talking about thirty.

LEG. GULDI:

Yes. Okay?

MS. TESORIERO:

Okay. And in this case we wanted the information, the DPW format information sheet to be expanded and to include other unspecified survey components, such as topography, wetlands boundaries, wetlands acreage, etcetera.

LEG. FIELDS:

I think that's a good recommendation.

MR. ISLES:

Are you suggesting that all surveys, all acquisitions?

MS. TESORIERO:

Yes, we were.

MR. ISLES:

Do we need to topo for flat land that we're buying?

LEG. GULDI:

Pardon?

MR. ISLES:

Do we need topo for flat land or land that's not critical? That

becomes a time and expense factor for us. We'll do it if you want us to do it, but I don't know if it's necessary.

LEG. FIELDS:

Let me ask you on NYCONN, isn't that flat?

MR. ISLES:

Yes, basically.

LEG. FIELDS:

We needed a topography or a topographic map from a survey in order to do the property. So, maybe it wouldn't have been so bad or maybe --

MR. ISLES:

To do what, to the replanning of it?

LEG. FIELDS:

Yes.

MR. ISLES:

Right. Not for the acquisition, but for the later event, in that case.

LEG. FIELDS:

Right.

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MR. ISLES:

For most open space, I don't think we need it.

MS. COSTIGAN:

I have spoken to DPW on this point and I know they're looking at changing their format information sheet. And I think you may want to a little info from them as to what we're talking about in costs, because they think it will drive up the cost of the surveys.

LEG. FIELDS:

You're right, Tom. In some cases, most cases probably, you wouldn't really need it.

MR. ISLES:

For like Drinking Water Protection, Pine Barrens, something.

COMPTROLLER SAWICKI:

I wouldn't think you would need it if you're buying, you know, a hundred and fifty acres of farmland, pure farmland. However, in situations that we found in the audit where have you some wetlands, you have some --

LEG. FIELDS:

Maybe in the explanation of the purchase it should define exactly what the property is. And then once it gets into wetlands or hills or anything else, then it should go, automatically go to that.

LEG. GULDI:

You know, you could certainly describe it, put a threshold into your requirement manual that if the parcel has a grade that exceeds more than "X" feet of elevation change within -- actually, you probably ought to do "X" feet within "Y" distance. If you cut -- if you have thirty feet of elevation change on a five hundred acre parcel, it's far less material than it is if you have thirty feet of elevation change on a fifty by a hundred lot. So you certainly need some correlation to create a threshold, a minimum threshold, otherwise you'd be spending honey for topos on flat land.

MS. COSTIGAN:

Again, this is a DPW question. I mean we don't even order the surveys until we have a deal.

LEG. GULDI:

Well, you know, perhaps that doesn't make sense, simply because DPW orders surveys. Their surveys are different than the Real Estate Division survey needs. The surveys for construction purposes need a different level of detail.

MS. COSTIGAN:

I'm sure they'd be glad to include that sort of thought. All I mean is that they control the spec sheets under which the surveyors work and they'd be glad to change them in any way that we all want for our purposes. But the surveyors work pursuant to a contract, the contract spec sheets are in DPW's control.

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LEG. GULDI:

I see. We use requirements bid surveyors?

MS. COSTIGAN:

Yes.

LEG. GULDI:

We don't use individual quotes?

MS. COSTIGAN:

It's the same -- excuse me, it's the same as the appraisers. There's an overall contract that qualifies the surveyor to work for us. Having gotten that, you then get a quote for them for that specific piece of work.

MR. ISLES:

I understand the point of the recommendation in terms of if the site is affected by severe topography whereby it's not as buildable or the yield is less, that becomes a critical piece of information.

Similarly on wetlands, that's something that I've actually been spending a fair amount of time on in deciding and working on a method whereby we can identify wetlands when they are critical accurately and then reflect that in the appraisal.

It's not easy. We can certainly do the flagging and mapping and have DEC go out there and so forth, but we're actually looking at that right now and figuring -- trying to figure out a way where we can implement something that provides enough safety and security to us, but also is not a mountain of work and time and money and so forth.

So I don't disagree with the point, I want to investigate how we can perhaps do it as easy as possible. This is one method I'm still, I'm still searching a little bit at this point.

LEG. GULDI:

Just on the survey issue, and I think it dovetails maybe perhaps more with the next recommendation than with the others. It's always been my practice in real estate transactions in order to achieve the quickest, cheapest surveys for my clients, to simply find the old survey, find out who drew it and call up and have them process an updated order or even, frankly even, an update of the survey to make sure that no structures or any major changes have occurred instead of incurring the delay and sometimes huge expense of getting a surveyor in the field to conduct a fresh survey.

Your next recommendation says to come to the Legislature for approval to do that.

MS. TESORIERO:

Because basically procedurally, you know, you're approving a list. So from our standpoint, if you're establishing who's on the approved list, exceptions to that should be --

LEG. GULDI:

Should come here. I mean how big is your list for the County?

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MS. COSTIGAN:

I don't have a list, it's DPW's list.

LEG. GULDI:

How big is the DPW list? I mean is it ten surveyors, is it a hundred surveyors?

MS. COSTIGAN:

It's closer to ten. Yeah, ten.

LEG. GULDI:

Which frankly probably doesn't very frequently turn out that you have a surveyor on that list who's done a prior survey of a parcel.

MS. COSTIGAN:

They are the ten big ones, so they do an awful lot of work. But we do more, it is relatively frequent that we run into, particularly where you have something that's already under subdivision consideration, they have extensive survey work already done that we can just have in a moment as you forecast.

LEG. GULDI:

Right. In a moment, and usually at a cost that's nominal like a person do a re-survey.

MS. COSTIGAN:

Yes.

LEG. GULDI:

But you don't do that now because they're not on the list.

MS. COSTIGAN:

No, we do it now, and they're saying that we shouldn't do it.

MR. ISLES:

We probably shouldn't.

LEG. GULDI:

Without legislative approval on an item by item basis.

MS. COSTIGAN:

Right.

LEG. GULDI:

So how would we do that, would we imbed that in a planning steps resolution or would we look at separate resolutions?

MS. COSTIGAN:

We wouldn't know at a planning steps resolution whether there were a survey or not.

LEG. GULDI:

So before then. So essentially, you turn a two resolution acquisition into a three resolution acquisition in order to save a few dollars on the survey.

LEG. FIELDS:

Wait, wait, wait. If you expand the list of surveyors, then you won't run into that problem.

LEG. GULDI:

You only expand the list of surveyors if you get the surveyors to meet the bid requirements of our purchasing department.

MS. COSTIGAN:

You would meet the problem. Just as I'm with the appraisal situation, you can expand the list all you want, everyone is not going to get on it, they don't want to be on the list.

LEG. FIELDS:

Maybe not everyone is going to get on it, but maybe you are going to get another twenty or thirty or who knows, at least try.

MS. COSTIGAN:

And we can do that, but let's assume we're still going to run into one, because some of the surveyors maybe from Westchester. There may be surveyors we never even, you know --

LEG. FIELDS:

I think according to County Law, aren't we supposed to use people within the County, Suffolk County?

MS. COSTIGAN:

No, on the contract, the people on the contract are Suffolk County people. We're talking here about exceptions where the survey work is already done. So, yes, I mean we could come back, but as you say, in some way to avoid, maybe we can come back to the committee.

LEG. GULDI:

I don't know. I don't see a practical solution. Any other ideas on it?

COMPTROLLER SAWICKI:

Well, the one finding which Newsday pretty much exhibited was the wetlands. Was that the Southold piece, the one in Newsday?

MR. ISLES:

Yes.

COMPTROLLER SAWICKI:

The wetlands piece in Southold that the surveyor did not disclose wetlands or didn't disclose them in full. I don't recall exactly every detail. That's what we're trying to avoid.

LEG. GULDI:

All right. But it's been my experience that my surveyors don't flag, don't show the wetlands unless I have an environmental consultant come in and flag them independently, then they'll show the flag. Surveyors don't -- I don't think that surveyors even addresses that problem directly. Do you get your wetland maps from surveyors or do you only get them from environmental consultants?

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MS. COSTIGAN:

We have the DEC flag the property and then hope the flags are still there when the surveyor goes out --

LEG. GULDI:

That's the only way I know to get one done anyway.

LEG. FIELDS:

I have a question, big question. What's a survey? I know what it is, but I want you to define a survey, Christine or Tom.

MS. COSTIGAN:

I think you should look at the description that DPW gives. I think all of us could come up with a different definition of a survey.

LEG. FIELDS:

What do you get in the file? What is a survey that you receive in your file when you go out and do a planning step?

LEG. GULDI:

Actually, the simplest legal --

MS. COSTIGAN:

You really have to look at the County contract to make sure that --

LEG. FIELDS:

I'm asking you.

MS. COSTIGAN:

I mean it's a picture -- it's a piece of land with a meets and bound description and a rough description of the, you know, terrain and the physical impediments on it, buildings and the like.

LEG. FIELDS:

Now, let me ask you another question. I'm a surveyor and I'm busy and the County has just asked me to do a survey. Instead of me getting out and walking the property or driving around the property or physically going on the property, I look at the thing and I go, all right, and I submit it to you and I charge you a lot of money, but I've never even walked that property, I didn't survey the property.

MS. COSTIGAN:

I don't think there's a surveyor that would submit that.

LEG. GULDI:

Or one that will remain licensed.

LEG. FIELDS:

I believe in some of the acquisitions, that was done.

LEG. GULDI:

But the legal definition of a survey is any document that has a surveyor's stamp on it and certifies anything with respect to a piece of property. It doesn't even have to certify meets and bounds. I've seen surveys where they punt on one of the boundaries because of the defects in the chain of title or documents on it. Practicing law on

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the East End gives you an opportunity to see things in real estate you'll see nowhere else in the world.

But the trouble with the survey, the thing that the audit attempts to reach is the absence of wetlands on a survey. The surveyor isn't the one who flags the wetlands, the DEC does it upon request of a buyer or seller or a third party. Surveyors only show the flag locations when they survey the parcel.

How do we -- how have we addressed that in the past that we managed to miss wetlands and what procedures are in place or being put in place to see to it that the problem doesn't occur in the future?

COMPTROLLER SAWICKI:

The prior recommendation was what you were talking about, George, I think if that's included in the instructions to the surveyor, that they have to include topo, wetland boundaries, wetlands acreage, etcetera, that should resolve it. No, Christine?

MR. ISLES:

The only point I'll make is that we buy a lot of land that has some wetlands on it. I guess the question is, is it germane, is it pertinent to the valuation question before us, and it might be a little spec somewhere. That's why I mentioned before, this is a big issue to me in terms of how we're going to rectify this, so we don't have something like what happened with the Southold piece come back at us. And I'm not sure if that was a problem or not, but obviously the perception was that it was a problem.

So, the only problem is that if we say uniformly that it must have -- everything must be flagged, everything must be surveyed, then we can add three or four months on to the review process, and that's fine

with me, but you have to make that decision --

LEG. GULDI:

Yeah, the practical problem is if we put this requirement on every parcel, even on a parcel that has no material wetlands on it, when the surveyor gets the order, the first thing he has to do is call the DEC and get on the DEC list for flagging for another six or eight weeks of delay, then get out to the parcel in conditions like the absence of snow, or this is actually debatable among surveyors whether you can survey in snow or not, in order to do the field work to bring it back to the office and draw it. We're now two months minimum into the process to obtain the survey, which is a -- not ordered by the Department until planning steps indicate that acquisition is substantially probable.

MS. TESORIERO:

Probable.

MS. COSTIGAN:

It's well down past that, yes, till we have a deal.

COMPTROLLER SAWICKI:

Someone -- I mean would you buy a piece of property of your own without walking it?

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LEG. GULDI:

I actually have bought a house in real estate without ever seeing it.

LEG. FIELDS:

I have to ask a question. On the Chandler estate, I believe, and maybe our Counsel can answer this question, was there not a question about the yield of that property and when we read some of the material we found out later on that actually there was a vast amount of it that was not even buildable, but yet the survey gave you a yield that was much different than the actual property? Am I correct? Maybe it wasn't the Chandler estate, but --

MR. SABATINO:

I think what you may be referring to, not the survey, but the appraisal. But I know that one of the appraisals, and it's confusing because we only saw three. In this Committee we saw the OBI, we saw the {Campo} property and we saw the Chandler one, but I recall that one of the problems was that the appraisal in one or two of those was predicated on a misrepresentation of what had taken place in terms of town or, in that case, town or village approval, so that it was based on a yield that didn't exist.

For example, like the one in {Campo} in Riverhead specifically stated that there was some kind of approval in place, but the actual reality

was there was no approval and then they used the seller's appraisal.

LEG. FIELDS:

So then if you had a survey and the survey really truly was walked, you would know when that other information came in that it couldn't possibly be accurate, because the surveyor literally walked the property and said there were wetlands and this is not buildable.

MS. COSTIGAN:

Your experience with the NYCONN piece is much closer to home with the other NYCONN piece. The survey lays out a plot that has lots that hopefully meet the square footage of the Code. It's not assuming that they can all be built on, it's saying you can find these many envelopes on this piece of property. Now you need zoning review, you need planning review, you need the rest. And that's where NYCONN stumbled and failed, because they had the upland, the downland, the transfer of rights, they were trying to get a yield from it. But it's not for the surveyor to decide whether these lots are realizable or not. So, we're putting a lot of, you know, implied value on a survey.

LEG. FIELDS:

So let me ask you this question then, if there's a piece of property and it's recommended for acquisition and there are wetlands scattered all over it and the appraisal is done based on what the yield is, but it's never brought out that half of the property or three quarters of the property is possibly wetlands, how do you determine how much of the property is wetlands without doing a walking survey or a walking appraisal?

MS. COSTIGAN:

I think you should recall there are four people who walk this property before it gets there, I mean the environmental review walks it, the

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acquisition agent walks it, either Jim or I walk it. We walk every single piece of property we acquire. And at that point, the surveyor walks it as well, and the appraiser walks it.

LEG. FIELDS:

Then how did we run into a problem with some of the other acquisitions if that's done?

MS. COSTIGAN:

You haven't recently run into that problem.

LEG. FIELDS:

In other words, it wasn't done before, but it's being done now?

MS. COSTIGAN:

I couldn't say -- I just know we address it now. We're aware of what the wetlands are, we flag them. If we can't get them surveyed, then it's not going to go anywhere unless we know where they are, if they're substantial. If they're insignificant, that's another matter. If there's phragmites in some people's backyards, I don't call that a wetland.

LEG. FIELDS:

I know.

LEG. GULDI:

The DEC does.

MR. ISLES:

It's part of the appraiser's job too, to make those kind of evaluations and note them in his report and then we have to assess, do we accept it, do we not accept it. And, as I said, it's a little bit of a treacherous area

LEG. GULDI:

In the order of events that you just outlined, Ms. Costigan, who walks them and what order? Does our field -- our County employee, I forget which one you --

MS. COSTIGAN:

It would be the acquisition, the land management acquisition agent.

LEG. GULDI:

Do they walk the parcel before or after the appraiser and the survey?

MS. COSTIGAN:

Before. Before they order those things, yes.

LEG. GULDI:

But there is no -- there is no systematic verification of those documents by a subsequent field inspection?

MS. COSTIGAN:

Well, yes, because the environmental person would walk it after that.

LEG. GULDI:

The environmental person is a County employee or an --

MS. COSTIGAN:

Mr. Red Coat, Jim Bagg walks it, much closer to the acquisition. The acquisition agent would do it as a preliminary matter.

LEG. GULDI:

So we do have a fail-safe in it. To go back to Audit & Control's concern, what you want to make sure is that we catch the wetland, does the physical process that was just described having County employees walk it before the appraisal's offer and survey order and after they're received meet that requirement rather than a paperwork, if you will, requirement of wetland and topo surveys on all parcels?

COMPTROLLER SAWICKI:

I would say yes, Mr. Guldi. First off, Ms. Costigan has indicated that these are all brand new procedures since she's taken over and they're probably part of the {Matt Newly} put together implemented manual.

MS. COSTIGAN:

Yes.

COMPTROLLER SAWICKI:

And I would imagine you would have an opportunity to ask these questions before you vote to purchase certain properties anyway, correct?

LEG. FIELDS:

Can I just, Jim Bagg --

COMPTROLLER SAWICKI:

We don't want to legislate ourselves into a ton, you know, a thousand page booklet either.

LEG. FIELDS:

I agree. This is something that came up during all of those hearings and so forth and it was a question of yield. And if you're saying, though, that Jim Bagg walks the property, Jim Bagg's been with us for a long time, so are you saying then that he didn't walk the property before and that's how we didn't know that some of these properties had -- somebody has to be in charge of walking the property that we're paying, like the surveyor or the appraiser, somebody physically that we're paying. I mean what are we paying them for?

MS. COSTIGAN:

Both of them do walk the property. The question was who is the initial person, that's before we hire a surveyor or an appraiser, so it's a County person first. And they said whose the last person, that's after the survey and the appraisal. So yes, the appraiser and the surveyor by duty bound of their license have to walk the property.

LEG. FIELDS:

But we found, though, that they didn't do that, and that was what my concern was, is that how do you, you know, if a surveyor is -- first

of all, I guess I would like to know, I'd like to see the list of surveyors and then I would like to find out, you know, exactly what we pay them for, and appraisers. Are they -- are we absolutely sure that somebody's walking the property and that they are not just, you know, giving us -- taking it off a map and giving us some numbers.

MS. COSTIGAN:

The appraisals have pictures of the property, so that helps, you know they were there. Do they go to the furthest corner? I don't know, but they do have -- every appraisal has pictures of the actual property.

MR. ISLES:

Maybe we should talk about this one a little bit further and bring in our appraiser and maybe bring in one of the surveyors from DPW or something.

LEG. GULDI:

Bring in some actual examples of the paperwork.

MR. ISLES:

This is it. Having done town planning for twenty years and determining yield on property is not a simple question, obviously wetlands effects it greatly. And, you know, in terms of getting to a level of comfort that we're all comfortable with, it's not an easy thing. And I'd like to -- I'm continuing to look at it.

We had a resent acquisition come through where the appraiser looked at a parcel, said there were wetlands, said that he thinks it could be built upon and based his appraisal on that. We looked at it, I sent Jim Bagg out and he says, no, I don't think it can be built upon. And we didn't have any evidence from the town or the State that it was buildable. And so we terminated the review of that acquisition until we could see some proof of that. But it's -- it ain't easy, that's all I can say.

LEG. GULDI:

I understand that.

MR. ISLES:

In terms of a system that's going to be uniform, it's going to protect us against over appraisal of the property, but still have it so that we can have a fluid process. That's the key thing.

LEG. GULDI:

All right. Let's try to get through the last three so we've touched all of these. We have three left only.

MS. TESORIERO:

All right. The next one had to do with budgetary issues. I don't really know if there was -- thirty-two for us, thirty-one for them.

LEG. GULDI:

Yeah. That's acquisition resolution to include funding for taxing, that's for closing adjustments?

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MS. COSTIGAN:

Yes.

LEG. GULDI:

And you have a practical problem with this or -- I'm not sure I understand your comment.

MS. COSTIGAN:

The problem is limited. It only is a problem with capital acquisitions. That's why you've seen Normandy Manor so many times. The other -- with the other programs, we have -- with capital acquisitions, you only have the amount that you have appropriated for that specific price and that's the only place the problem has come up.

LEG. GULDI:

But in the general acquisitions to handle with adjustments at closing, they're in the funding resolutions now.

MS. COSTIGAN:

Yes.

LEG. GULDI:

So the extent of the problem -- is there a cure for the problem with respect to capital acquisitions without --

MS. COSTIGAN:

I think the cure would be that my people should not rely on something closing or being appropriated quickly and they should add another year's taxes as a matter of course. If we don't spend it, that's fine.

LEG. GULDI:

And then generate a surplus to close the fund balance.

MS. COSTIGAN:

Yes.

LEG. GULDI:

And that will be in your procedure manual?

MS. COSTIGAN:

Yes.

LEG. GULDI:

Okay. Conforming the Nature Conservancy in Peconic land contracts, make them sign the same form for different organizations. Is that your next recommendation? Why?

MS. TESORIERO:

It basically -- it wasn't even so much that we felt that the contracts had to be the same, but we do have a problem with the percentage being reimbursed based on a percentage of the acquisition.

LEG. GULDI:

Does the change in contracts that Ms. Costigan outlined earlier address that concern sufficiently?

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MS. TESORIERO:

I believe it does by the imposition of a cap.

LEG. GULDI:

By the imposition of a cap and of a reverse sliding scale?

MS. TESORIERO:

Yes.

LEG. GULDI:

Okay. So that's done, essentially.

MS. TESORIERO:

Right.

LEG. GULDI:

And the last one?

MS. TESORIERO:

This has to do with the clean-up. We're really just looking for a consistent policy regarding clean-up and incorporation into the policies and procedures manual.

MS. COSTIGAN:

I think this is what we had described before, that we're trying to do the environmental assessment earlier and in there get a professional estimate of the costs. We're just trying to be more rigorous. I'm sure there's some old rusty car that's going to slip by or some oil tank.

LEG. GULDI:

Even if you do a day before the closing inspection on a parcel and you

close the next morning, the guy who dumped the rusty car and the construction debris on the parcel overnight got you. So I don't, you know, I understand the difficulty of finding a procedure, I see you list it as under review.

MS. COSTIGAN:

I just didn't get to that chapter yet to rewrite it.

LEG. GULDI:

Well, all right. We'll discuss that one in the future then. Is there anything else that you'd like to bring to our attention with respect to this matter or -- obviously Dave Bishop has abdicated and I've usurped the fact of the role as Chairman, but is there anything else that you'd like to bring to our attention?

COMPTROLLER SAWICKI:

I think that -- I would just like to add that as we've gone through these recommendations one by one, Mr. Chairman, you know, some of the, granted, some of the recommendations seemed less dramatic than others, but all I can tell you is that we looked at, you know, a hundred and fifty million dollars worth of purchases over a five year period and we just wanted to strengthen up the system as tight as possible. So we offered that to you and to the Department, the Division to make this as, you know -- and what's really important was to restore the

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faith and confidence of all of Suffolk County in our Preservation and Acquisition Program.

LEG. GULDI:

Well, I'm sure that the fact that the synergy that really worked between the Real Estate Division going through these issues, bringing them to your attention, you in turn reviewing their procedures and the fact that we can sit here and largely days, a few weeks at most after the publication of your report, run down your list by saying done, done, done, done, will not be reported by Newsday or anybody else.

But I want to thank you for your time and attention, the hard work on the project and everyone involved in trying to bring this procedure back together. I just wish that all of my colleagues were here to have reviewed it with you. Thank you very much.

LEG. FIELDS:

I want to thank Tom and Christine too, besides you, you'll be thanked later, but you had to I'm sure go through a lot to get them in your Department and continue to do the work that you had to do. And so we appreciate that and, you know, all the work that you're doing to try and firm it all up.

And, Joe, and staff, thank you very much. I think, you know, the result and the recommendations are something that we can all look forward to getting past the problems that we had and moving on to getting this acquisition process moving again. Thank you.

COMPTROLLER SAWICKI:
Good.

MS. COSTIGAN:
We appreciated all the courtesies of the Comptroller's Office, because my staff was, you know, anxious and whatnot, and they were extremely courteous and helpful in helping them understand what it is they were looking for.

LEG. FIELDS:
Thank you all.

MS. TESORIERO:
Likewise, the Department was very cooperative throughout the course of the audit.

LEG. GULDI:
How do you feel about being the Comptroller and having it still be Joe and staff?

COMPTROLLER SAWICKI:
That's fine, George.

(THE MEETING CONCLUDED AT 5:40 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY