

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

MINUTES

A regular meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **August 11, 2003**.

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chairman
Legislator Ginny Fields
Legislator Vivian Vilorio-Fisher
Legislator George Guldi

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Tom Isles - Director of Planning
Lauretta Fischer - Real Estate Department
Christine Costigan - Real Estate Department
Vito Minei - Department of Health Services
Alexandra Sullivan - Chief Deputy Clerk - Legislature
Sean Clancy - BRO
Vincent Gardieno - Town of Babylon
Thomas Williams - Cornell Cooperative Extension
Pat Pearson - Cornell Cooperative Extension
George Proios - Farmland Advisory Committee
Ronald Bush - SC Farm
William McFadden - Cornell Cooperative Extension
Hoot Sherman
Ann McQuade
Pat Biancaniello
All other interested parties

Minutes Taken By:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:45 P.M.*)

CHAIRMAN BISHOP:

Good afternoon. This is the August 11th meeting of the Environment, Land Acquisition and Planning Committee. Please rise for the Pledge of Allegiance to be led by our guest Brian Foley.

SALUTATION

CHAIRMAN BISHOP:

As usual, we have a long agenda. I apologize for being late. If you wish to address the committee, you need to fill out a card. We have representatives from the Town of Riverhead, I know they are anxious to speak, so we'll bring them up first. Mr. Walter. I see the Peconic Land Trust is here on the same thing. Sean Walter.

MR. WALTER:

Sean Walter from the Riverhead Town Attorney's Office. I'd like to thank the committee for providing us this opportunity to speak to you. We have two pieces of property that we want to discuss with you for possible joint acquisition. And then I have one other item that I'd like to discuss with you at the close of our presentation. I think Mr. Hoot Sherman from the Peconic Land Trust will make the presentation on the two properties now.

MR. SHERMAN:

The first property we're talking about is the -- this is the River Club in Riverhead. What we're looking at is -- the green piece over here is the Indian Island Golf Course, and the green piece over there, part of that belongs to Suffolk County, the little one up at the top belongs Suffolk County Open Space. And the other one is an old 1930's landfill that has been just let go wild. It was not capped in those days, it's just a landfill that has filled in. The brown part is the piece that we're talking about, that is River Club, where on this map it looks like it's all subdivided and it's ready to be developed, in reality, it's a subdivision that has been on the books in Riverhead since the 1960s. And it's -- depending on who you talk to, whether it's a legal subdivision or whether it's really ready to go or whether it has to go through the whole subdivision process again.

This larger piece is the Riverhead Waste Water Facility, Waste Water Treatment Plant. The Riverhead Town has gotten several appraisals for the property, and the town has gotten -- I mean, the County has gotten an appraisal for the property. The appraisals are a fair amount of difference between the appraisals. The one for the town is a little over \$6 million. The one for the County, a little over \$3 million. What the county wants -- what the town wants to do is partner with the County to purchase the property to keep it forever wild, to keep it open the way it is. Now, it's all pretty much old growth trees, a lot of habitat, a lot of indigenous species in there. It's right on the river. During flood times, the river will come up a couple of hundred feet into the woods, and they want to just -- the Town of Riverhead is trying to keep it from being developed so that it will always be wild

-- forever wild the way it is now.

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MR. WALTER:

If I can speak to the appraisal process. There's two separate appraisals here. And the County's appraisal came in at \$3.4 million, and the town's appraisal came in at \$6.5 million. And I don't know if Tom Isles will speak to this in a moment from the County standpoint, but what has basically happened here is that when the -- this is a 159 lot subdivision, and as Hoot has said, the jury is still out as to whether you can ever construct this subdivision. In addition to the subdivision, back in 2000, the developer, the contract vendee submitted an application for 222 condo units on the water. They are -- through the final Environmental Impact Statement, the town has not accepted the final Environmental Impact Statement because we are in a building moratorium, we are going through a master plan process now. And but for that master plan, a decision would have been made on this property for the 222 condo units.

And in the town zoning code, it is what we'll call a specially permitted use. Back in 1974, the town zoning code or the town's master plan -- '72 or '74, I'm not sure -- recommended that in this zoning district, Residential C Zoning District, that you would put condos of this type in. So while -- so it is a use that would be specially permitted in the town. In fact, the property could handle 276 condominium units, the developer applied for 222. So what's happened is when we did our appraisal, our appraiser looked at it and said the highest and best use for this property is condominium units, and he appraised the property based on the fact that they are three-quarters of the way through this subdivision process or this condominium map process, that it's a permitted use. And he valued it according to that. And then he also double checked his numbers against the 159 lot subdivision, that is to say that you possibly could build out the 159 lot subdivision, so he said, well, let me look at that analysis too, and that also came in around \$6.5 million.

It's an acceptable appraisal method. The County appraisal review, I understand, came in and said that this appraisal was acceptable, the methodology was acceptable, and in fact for time they would have adjusted it to seven million. The County appraiser came in and took a completely different position and said we would not be interested -- I mean, you couldn't build out the 159 lot subdivision, and the condominium map was speculative and then appraised it on basically a vacant raw land analysis. Now that is acceptable too. Your assumptions as to your highest and best use will dictate what the appraised value came in at.

I would venture a guess that if the County's appraisal had looked at

the highest and best use as to the condominiums, which is a permitted -- specially permitted use there, the appraisals would not be that far off. In any event the appraisal came in, I believe around 3.4 million, and that was also adjusted for time. The bottom line here, and I don't have all the numbers -- all the exact numbers, but the bottom line here is that the developer wants \$6.5 million for the property. If you were to average -- take the average, both appraisals were accepted by your appraisal review, if you were to take the average with the increased adjustment -- increased time adjustment and add the 10% that the Legislature could add, you would be at about \$6 million, a little under \$6 million for this purchase. And the town is

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faced with or has been offered the sale of the property for 6.5 million.

So what the town would like is the Legislature to consider a joint acquisition, wherein you would put in -- if you saw fit to increase your purchase price with the 10%, and you would put in 50% of your maximum value, and the town would pick up the rest. It is a tremendously sensitive area. And the residents of the community, they actually formed a 100 member civic organization in an attempt to preserve the property. I can speak for the various environmental groups, but I can tell you there is really not anybody that has opposed this. Some people questioned the price. And what I say to you is that -- and what I said at the public hearing is that the appraisers come in, they appraise this, they give you some hard numbers based on development, but you can't put a price on this particular piece of property being one of the last in terms of trees and the value to the environment and everything else. They do not look at that. So that's our presentation. We'd like you to consider it. If you have any questions.

CHAIRMAN BISHOP:

Mr. Walter, is -- I've seen news accounts that the District Attorney is investigating this.

MR. WALTER:

Yeah. What's happened is --

CHAIRMAN BISHOP:

It gives me cause for concern, obviously.

MR. WALTER:

Obviously. What's happened is the District Attorney issued an informational subpoena. Somebody or a group of people who were opposed to this purchase, I assume, spoke to the District Attorney, and he's got a public obligation to research this. We have give all

the information, we've given the appraisals to the District Attorney's Office, I've spoken to them numerous times. Mr. Kozakiewicz has spoken to the District Attorney directly on this. I know they are going through the documents, and I believe that they are going to -- because they understand the sensitive nature of this. They understand that the town has not taken an action on this property. And I commend the District Attorney for responding promptly when there is something that they're -- you know, when somebody make an accusation such as this. But I can't imagine what they'd be looking at here. I just cannot imagine. And I know that they will -- they're working diligently to finish the investigation so we can move forward.

CHAIRMAN BISHOP:

And that obviously would be helpful. But the \$6.5 million figure was arrived at because the appraiser assumed that condominiums are possibly on the site; isn't that correct?

MR. WALTER:

That's correct.

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CHAIRMAN BISHOP:

And I think that from what I've read that that is a speculative position, rather than a factual one.

MR. WALTER:

No. That is -- actually, I think that's from your appraiser. I'm not going to take issue with the appraiser, but that is a very poor sentence in your appraisal. This is not speculative, this is a specially permitted use, and I don't have -- I have a section of the code that I can show you, but this is a specially permitted use that the applicant --

CHAIRMAN BISHOP:

Special permit, we ran into this in a Huntington land acquisition. A special permit is not an obligation of the town, it's a discretionary action, is it not?

MR. WALTER:

It's not a discretionary action, that's a mistake. If you look -- if you meet all the criteria for the towns -- I don't want to say it's a mistake, I apologize, but if you meet -- if look at the case law, if you meet all the criteria for the towns special permit application, it jumps -- it's no longer discretionary. The town really has to grant the special permit or give us a rational basis -- provide a rational basis for not granting it. And when you look at the master plan, albeit 1974 is a long time ago, but when you look at the master plan,

it called for that type of high density housing down there. And yes, does it fit in the character of the neighborhood? The condos don't, but high density housing certainly does. So it's more than speculative. And the fact is that they have gone through the final Environmental Impact Statement on this, and but for the fact that we have a moratorium for the past year, we would have passed judgement on this one way or the other.

CHAIRMAN BISHOP:

Running into this situation more than once suggests that it's perhaps ripe for legislation from the County or at least administrative regulations that defines how municipalities are to handle these special use permits in their appraising when they want to do deals with Suffolk County. Because we had this exact same -- not exact obviously, but we had a similar situation in the Town of Huntington with a special use permit for a nursing home facility, which significantly raised the value of the property. Other members have questions. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Not as a member of the committee but certainly listening to the presentation from the town, it brings some things to mind. Whether or not it's speculative, you know, one of the issues certainly is no matter what the zoning may or may not be, there's also the issue of what the Board of Health, what the County Health Department would allow for a particular yield in that particular area, which may or may not be an intensive yield that that special permit would give it. So I think what's important here is not only the zoning, but whether or not under County regulations -- regulations would allow the kind of intense development that the '74

master plan proposes.

But I would ask this of the town representative, similar to other townships, and again, this is in the purview of the town, not of the county, but certainly since we're partners in many things, it's something to bring back, a number of townships over the years have upzoned significantly the stream corridors in the given townships. Many of us over the years, even in Brookhaven Town, it took a long time to get the town fathers and mothers do to it, but we had advocated, whether on the South Shore or the middle of the town or the North Shore to upzone to one to two to five acre areas along our stream corridors. So given the fact that you're mentioning the '74 master plan, I would say respectfully as a colleague at a different level of government, but I think the town should want to review particularly your stream corridor areas to see where and when you could significantly upzone this acreage. Because what happened

up-island from you, particularly in Brookhaven Town and other areas where there were condominium proposals, there were apartments that were proposed on the Great South Bay, all kinds of overdevelopment that really in some cases did destroy the quality of life in that given area. But what we were able to do is use those as examples to advocate and to agitate the town decision makers to upzone particularly the stream corridor areas. So I think the town -- and again, this is just a respectful suggest, almost a request since I think we're all on the same boat and want to save public dollars, but at the same time preserve land, that if you go ahead with some upzonings as you have every right to do, you're not going to see in the future the potential of 228 condos right along the stream corridor area. So I wish you would take that back to -- to your decision makers as well.

MR. WALTER:

What I will say is the town is in the process of a comprehensive master plan. And if the town board adopts the master plan and then the zoning, there will be an upzoning. How extensive it will be, that's for the town board to make that determination.

LEG. FOLEY:

In concert with the Planning Board, Planning Department and others, because as I said, other areas have done it one, three and five acre upzoning. So it's -- and again, that would also help what we're all trying to do, which is also to acquire these properties.

MR. WALTER:

Well, what's interesting is that the appraisal is a snapshot in time. And the snapshot in time, this is the zoning that exists. So the law day, if you will, is the zoning that exists back in December 26th of last year. I don't -- you know, the town board has not passed judgement as to whether to accept this purchase price or not.

LEG. FOLEY:

I'll just be another moment, Mr. Chairman. I would also look at what the actual yield at the County Health Department would allow there.

MR. WALTER:

There's public -- there's public water and the sewer is available here

as well. They'd have to make an applications to extend the water district and the sewer district, but the sewer plant is on the same street actually.

LEG. FOLEY:

As we all know, upzoning areas will make it less expensive for us to

work together to acquire properties. Thank you.

CHAIRMAN BISHOP:

Sure. Legislator Fields.

LEG. FIELDS:

In the example that you showed us, what's between the brown and the green?

MR. SHERMAN:

In here.

LEG. FIELDS:

The white, yeah.

MR. SHERMAN:

Those are individual dwellings, individual houses.

LEG. FIELDS:

How many are there? Are they all built out?

MR. SHERMAN:

Most of them are. There's, you know, eight or ten in there. I think there's only one on the north side, but several houses along here.

LEG. FIELDS:

Okay. Thank you.

CHAIRMAN BISHOP:

Michael.

LEG. CARACCIOLO:

Hoot, if you could put that up -- hold that up again, please. Where in that area would there be intense development? And could you describe intense development, define that?

MR. SHERMAN:

You mean the River Club.

LEG. CARACCIOLO:

Well, 222 condominiums would be intense development. Where in that area presently --

MR. SHERMAN:

It would be this area here.

LEG. CARACCIOLO:

I know where the property in question is. Where in the surrounding community is there intense development?

MR. WALTER:

The entire Downtown Riverhead area.

LEG. CARACCIOLO:

Where is downtown in relationship to the Peconic River?

MR. WALTER:

Right there.

MR. SHERMAN:

This is Town Hall right here. And this is the railroad track. This is Route 25, Main Street in Riverhead. And whole area over here becomes Downtown Riverhead.

LEG. CARACCIOLO:

Well, I think where you pointed Town Hall is incorrect. Where's 25?

MR. SHERMAN:

25 is here.

LEG. CARACCIOLO:

Okay. Town Hall is north of that area, not south.

MR. SHERMAN:

Yes. You are right. It would be this one here.

LEG. CARACCIOLO:

It's a good half a mile or more away. It's not in the water sensitive -- environmentally sensitive area, the waterfront. So I would take issue with the characterization that there is intense development already in the neighborhood. That's the very reason why the local residents are opposed to this project. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Gentlemen, do you want the last word or...

MR. WALTER:

No. I'd like to move on to the next one, which is one that I think we can all agree on, I hope.

CHAIRMAN BISHOP:

It's good to come with two.

MR. WALTER:

Always good to come with two, and we're ending with the best one, besides my brief little note afterwards. The next parcel is the {Krupski} Farm. I think Hoot is going to give a little presentation,

and I'll talk to you --

MR. SHERMAN:

Of course I don't have a map, but the {Krupski} Farm is two separate tax parcels, once of them is 39 acres, the other one is 20 and a half acres. They're both long thin parcels. And the one for 39 acres has been appraised at 1,870,000. The one for 20 acres has been appraised at 1,673,000 acres (sic). And these appraisals are for development rights, we're not selling fee, the town is purchasing the development

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rights. So the mean of those two is 1,771,000. And the appraisals averaged out at about \$33,000 an acre. The farmer agreed to sell to the town as the development rights at \$30,000 an acre. And the town would like to partner with the County on the -- on the sale of the development rights. The \$30,000 an acre, though, ends up being a total of less than \$16,000 of the average, which is the County's standard. It has to be the average. They would like to partner with the County, but they need to go over that average by, like, 15,400 or some odd dollars. But they would like to start the process to be able to partner with the County so that they can leverage their funds a little bit further there. They've done a lot of preserving in the last nine months, and they're starting to run out of money.

MR. WALTER:

What's basically happened with this parcel, as Hoot has said, I guess we're less than a thousand dollars an acre difference, maybe \$500 an acre if I'm calculating -- looking at that correctly. What's happened is we've wanted to partner with the County on this, and we've worked with them from day one. We gave the county our appraisal, they gave -- actually I don't know whether they gave their's to us, but we've partnered with the County -- or we're been in this partnering stance with the County. It has come out of appraisal review I think in the last day or two.

We basically started out at the same time with the County, which would have been early this year. And the town didn't want to lose the property, so we're in contract with the property. The contract is for both properties. The contract has a closing date towards the end of September. But the thought and the Attorney for the purchaser -- the seller rather understands that we're trying to bring the County on board here. The County has expended the resources to do the appraisals, to do the review, but we're at the deadline here. You folks need to act if we're going to partner here. We've been going -- we went our normal pace, which --

CHAIRMAN BISHOP:

There's no bill before us, right? There's no resolution?

MR. WALTER:

No. I've asked for a bill to be put before you, but it hasn't because I think that at -- the last meeting was August 5th, I believe it had just come out of the appraisal review process at that point. So we would need to have a bill before you folks I guess at the next meeting to consider this, or we're going to lose the ability to purchase it jointly with you. We've gone -- we went at our normal speed to purchase this, which the town -- if all goes well, the town can purchase property, you know, usually within 90 days of contract. We get everything all done. But I specifically held this one out to the end the September knowing that we are going to attempt to partner with you. It's a perfect area to partner on, because it's two separate tax lots. We could be released from our one tax lot liability, you go into contract with the next tax lot. But it's going to take the Legislature to step up to -- I hate to say it -- to step up to the plate by the end of August or the town had to go it alone. We're prepared to do that, but, you know, there's a \$900,000 hit to the town when we went into this hoping to do a 50/50 partnership.

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CHAIRMAN BISHOP:

Okay. Thank you, gentlemen.

MR. WALTER:

The last presentation -- the last thing -- my closing point. I would like to congratulate the Legislature -- the County. In their efforts, they obtained \$366,000 in USDA grants for farmland. And Riverhead was fortunate enough to be the ones that those farms were selected -- those farms in Riverhead were selected to purchase. But -- and we partnered -- we've been partnering with the County for a long time. But what's happened is I think the five East End town now are geared up and they have staffs to purchase development rights, to purchase open space. And I don't think that we're competing, because we want to work with the County, but on some levels we are competing. And it's almost that there's a duplication of effort here. And the towns have been blessed by the State Legislature with this 2% Community Preservation Fund, that we have this constant revenue stream coming in, so we're not going to shut down our programs for another 18 or 17 years, if at all ever.

What some of the people at the Farmland Select Committee, specifically {Lyle Wells} came up with this theory of selling the development rights that we've already purchased back to the County at reduced rate. It would sort of take the form of a grant. In other words, if the town purchased say 650 acres over the past year, the average purchased price with all things considered and expenses was 30, \$31,000, I think what the town would like to see is make an offer to

Suffolk County, and say, listen, we'll sell you these development rights for \$25,000 an acre or something more or less. You guys then would greatly streamline your process. Instead of having to deal with individual farms and individual farmers, you deal with the town -- each town as a whole and then you can have a public hearing on those purchases. In other words, you set yourselves up as more of grant administrators, because it just seems to me in the time of the high government costs and the fact that you have the other towns -- well the other towns, West End towns to deal with, that maybe would consider something like this.

CHAIRMAN BISHOP:

Okay. Thank you.

LEG. VILORIA-FISHER:

I just want to clarify what he just said. But these are development rights that you already have? You have already consummated those deals?

MR. WALTER:

That's correct. We have a provision in our development rights covenant that allow us assign it to Suffolk County, the development rights. So instead of you guys -- instead of the County being set up to issue grants the way the federal government and the state government does, what you would do is it would be performance space. How ever many development rights we were able to purchase, you would say we'll pay you 75% of the value. So the town has to kick in 25% of the value.

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LEG. VILORIA-FISHER:

If it's already preserved, if you already have the development rights, I think some of the incentive would be gone for us to expend more money.

CHAIRMAN BISHOP:

It will give them more money. In other words, we wouldn't be the active purchaser of farmland. They would be, because they would --

LEG. VILORIA-FISHER:

I know. So there's an incentive issue there for us if it's already preserved and the development right have already been acquired with the town.

MR. WALTER:

Well, I suspect that the towns that the people on the West End that come from Copiague and places like that love the idea that the development rights and the farms and everything have been preserved on

the East End, because they all -- I won't say all of them -- but they shop, they come out, they visit. So I think that it's not a tough sale to the constituents, because these people want to know that that's out there. Even if they don't go out there, they want to know that this is out there.

LEG. VILORIA-FISHER:

Well, that's why we have partnerships when we go out to try to do the acquisition, I mean, when we begin the process, we begin through a partnership, when we're looking for a willing buyer and we partner with the towns. But if you have already acquired the development rights, what I'm saying is we don't have the same level of incentive.

MR. WALTER:

You don't. But the way the program exists now is we have this funding source, and we're competing directly with you. And -- so that's not good for the taxpayers. And the other aspect of it is that we -- I mean, I think that the Real Estate Division is making leaps and bounds to move quickly, but when a local municipality can close a deal in 90 days, that's critical to some of these people.

CHAIRMAN BISHOP:

That's 100% more like on the other one.

MR. WALTER:

I beg to differ. We barely pay anything more than the appraised value.

LEG. CARACCIOLO:

Mr. Chairman, I would appreciate if the town could provide members of the committee with a list of the 650 acres that have been preserved. You are telling us that the town has closed on 650 acres in the last nine months?

MR. WALTER:

We have not closed on them, we're either in public hearing. I don't have the figures --

LEG. CARACCIOLO:

How many of those acres have actually been closed?

MR. WALTER:

I don't have that figure in front of me.

LEG. CARACCIOLO:

Would it be fair to say it's a couple of hundred?

MR. WALTER:

Actually closed is probably three to 400 if my recollection is correct. And then we have another -- you know, whatever the difference in the pipeline that's either in contract or we're holding public hearings on.

LEG. CARACCIOLO:

These are all farmland acquisitions?

MR. WALTER:

Yes. The bulk of them are farmland. We did purchase one piece of property right around the corner from you, Mike, on Baiting Hollow Hill, the {Esposito} property, right across from the Boy Scouts. We got a phenomenal deal. We bought fee simple for \$35,000 an acre and got 30 acres. That entire area now is completely preserved from almost Freshpond Lane to Baiting Hollow Lane all the way from Long Island Sound, but for the Boy Scout Camp, and we're working out something with them, all the way back to the Otis Pike Preserve and beyond the Calverton Facility.

LEG. CARACCIOLO:

You made reference to working with the Boy Scout Camp.

CHAIRMAN BISHOP:

There's nothing on the agenda.

LEG. CARACCIOLO:

I understand. One the thing that I find disturbing about the two properties you came before the committee to discuss today is that they ostensibly started out -- at least the River Club as a joint acquisition and some where along the way, the town went one way and the County, you know, pursued acquisition through the property owners and the town through a contract vendee. The problem I have with contract vendees is there is somewhat of history now that I've observed where contract vendees go in, they sign a contract with a property owner to develop a piece of property contingent upon certain approvals. They don't have a thing in their favor until they are granted approvals by the town.

We get -- I'll use the work sucked in if we're not watching ourselves here to that process when as in this instance the town reaches a negotiated purchase price, which hasn't been finalized, but I'd like to see the contract between the town and the contract vendee, I'd like to see the contract between the contract vendee and the property owners, because the last thing we here and you at the town level should be doing is rewarding huge profits to contract vendees slash developers for the simple means of which they sit, they negotiate a

contract with a property owner, and then subsequent threaten to develop that property, get neighborhood community residents to come out and say, oh, you have preserve this. And in the course of doing that, you double or triple the amount of money in doing so. For example, let's go back to a piece of property, the Campo property, that there was much to say in the Newsday series on land scams -- and Blueprints -- you know, we are aware of circumstance where under the former Director of Real Estate, things like this have happened. Now it hasn't happened yet at the River Club.

MR. WALTER:

It won't happen in the River Club, because I will not do anything illegal or immoral or corrupt.

LEG. CARACCIOLO:

And I believe you. I believe you. However, because it is a partnership, we have to make certain no one at the County level does so -- and at least they have to be informed of certain potentialities here that they may not be aware of. So what I'd like to know, Sean, is when -- it's germane to the matter that came before us. When did the contract vendee negotiate with the property owner? What is the purchase price in that negotiation.

MR. WALTER:

One at a time. The contract vendee would have done this, I would assume, around 2000. There's no legal reason we can't take title from a contract vendee. It's a well stated case law. In fact, the contract vendee holds equitable title to the property. In other words, they are the owner through this contract of the property. So there's no reason you can't negotiate directly with the contract vendee. It would have happened around 2000. We're not privy to that contract. We cannot force them to disclose that contract. I can tell you around 2000, they were selling the property for \$2 million. So I suspect --

LEG. CARACCIOLO:

They have a contract to purchase it for two million?

MR. WALTER:

In 2000. Now, the real estate values have gone through the roof since 2000. And the one thing that I will say is that it took -- when Mr. Spota's Office came in and wanted the subdivision files, it took a secretary about three hours to copy them. This is not a speculative subdivision. The files are probably about this big. If you would like to come into the office, I can't reproduce the maps and stuff and we've give most of the others to the DA, but the fact is that's a real subdivision. And if we don't purchase it, I suspect that they're going to try to build out the 159 lot subdivision, at least that's what they've told me. And I've spoken to numerous lawyers who I would

call legal scholars who are -- 50% say we can stop this subdivision of 159 lots, 50% say we cannot. So I guarantee that it will be for the courts to decide as to whether we stop that. But I'm sorry, I interrupted you.

LEG. CARACCIOLO:

That's all right. I have other questions. You and I can converse

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about those privately or I'll send you a letter with my questions. And I thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you. Thank you, gentlemen.

MR. WALTER:

Thank you.

MR. SHERMAN:

Thank you.

CHAIRMAN BISHOP:

We should be out of here at ten o'clock at this point. We have a delegation here on Legislator Foley's resolution.

LEG. GULDI:

I was worried that the meeting would be over before I could get here.

CHAIRMAN BISHOP:

That's a misplaced fear. Mr. Williams, Mr. Proios, everybody come forward.

LEG. FOLEY:

Mr. Chairman, if I may. We have a number of representatives from Cornell Cooperative Extension who are here to speak on Introductory Resolution 1658, which is dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands. As many in the County may not know, the fact that all these many years the grounds, the Yaphank farm, has been cultivated for decades. The fact of the matter is it is not designated as Conservation of Agricultural Lands. In other words, it could be used for other purposes. So the purpose of this resolution working in concert with those who have tried to preserve private farmland is to also preserve public farmland so as to transfer this property from its present general municipal use directly to the Conservation of Agricultural Lands classification. So with that said, we have Mr. Williams and others --

CHAIRMAN BISHOP:

Legislator Foley, is there a specific development threat that you are responding to?

LEG. FOLEY:

There's no specific as of yet, but as we all know from this committee --

CHAIRMAN BISHOP:

There have been no proposals that you know of.

LEG. FOLEY:

There's no proposals currently, but as we all know, particularly when in this case the state government brings service roads to either side of the Expressway, that is the first invitation to some future proposal.

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CHAIRMAN BISHOP:

I see. So the infrastructure is there.

LEG. FOLEY:

All the infrastructure is there. Frankly speaking, it's just a matter of time. So with that, I'd like to hand this over to -- through the Chair -- to the panel of speakers.

MR. WILLIAMS:

Thank you. My name is Tom Williams. I'm the Director of Cornell Cooperative Extension. And I have with us Pat Pearson, who is farm manager and Bill McFadden who is our farm production manager, George Proios has -- serves on the Board of Cornell cooperative Extension, also the Chairman of the Agricultural Advisory Board. And Linda Petersen serves on that Board and Ron bush also serves on that Board.

You addressed the issue of development of the land. In fact, a couple of years ago, 20 acres of the land was removed from the farm on a temporary basis, we hope, for soccer fields below the railroad tracks in back of the farm -- in back of the police station. And that in fact, had been actively farmed, we had been using that as productive land. It is our urgent wish and hope that you will designate the about 200 acres of active farmland in the Conservation Agricultural Program. As you probably know, the County bought this land originally in 1870 for a house to house and feed the poor. It was developed at that time. The only current structure left on the property now is the hay barn, which is under active rehabilitation. We have a couple of grids, and we're hoping that it will be restored completely. That barn is on the national historic places and the National Historic

Trust of Suffolk County.

This proposal was also reviewed by the Council on Environmental Quality last week, I believe. And they very enthusiastically and unanimously hoped that it would go forward and supported the application. Cornell has been the manager of the farm since 1974 when the County wanted to have another entity take over the operation of the farm. We've been developing it and running it since that time. The County Farm and Educational Center, as it got a new name at that time, produces other 230,000 pounds of pork and beef for the jail and the infirmary. So it's an active working farm. And we also provide opportunities for inmates from the Suffolk County Jail to learn skills in horticulture, carpentry, landscaping and meat production, of course. We're hopeful in the next year that we will be able to also include a small engine repair program for the inmates there. The farms also hosts the Tech Program from Farmingdale Laguardia College and Suffolk Community College. And so it is an active training site for a veterinarian technician.

And then we also have over 30,000 young people come to the farmer every year to learn about farming, agriculture, the history of the County. And it is a very actively attended farm. We also have adults come. We have a festival in the fall, our Pumpkin Fest, and we get over 20,000 people to that festival. The education center part is also a program that takes -- that takes our staff and our animals out to schools and libraries throughout the County. And we are well known for providing a lot of --

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LEG. VILORIA-FISHER:

Excuse me, Tom. I hate to interrupt you, but you are really truly preaching to the choir here. I don't -- I've asked Legislator Foley if I can go on as a cosponsor on this. We know what a treasure we have in the farm. And I believe that, as I look around me, you have before you everyone who I believe will be supporting this legislation. Actually, Mr. Chairman, I was wondering if we could move it out of order.

CHAIRMAN BISHOP:

I'm sure we can. I think the one thing that would be helpful for the record is to speak to why is the bill necessary. Why -- you know, the fundamental question, why do we need to do this? As opposed to why the farm is valuable. We are all familiar with the farm and have been there and appreciate it.

MR. WILLIAMS:

Well, before -- as I said, before I was Executive Director, the 20 acres was taken from the farm for playing fields. I know that throughout the County there's a demand for playing fields. There

could be additional requests. We also remember that there was a proposal for a dome stadium on this property a number of years ago. There was also a proposal from the Department of Transportation for a park and ride at this site that would take a number of acres from the northern section around the Expressway. I can't remember how many acres that was, but it could have been as many as 20 or 30. We also know that the County had proposed golf courses for this area slightly to the west, and while --

LEG. FIELDS:

Can I interrupt. I think we are all very aware of the fact that this bill is to preserve the property.

CHAIRMAN BISHOP:

I'm just trying to get the record straight.

LEG. FIELDS:

I think we all know that. So I would make a motion to take this out of order.

CHAIRMAN BISHOP:

The only problem with that is there may be administration people who wish to speak on the bill. That's why we don't take things out of order. This committee doesn't do that. Let's just go to it in due course. See, people are jumping up and running up.

LEG. FOLEY:

Well, it demonstrates the strong support for the bill, but --

CHAIRMAN BISHOP:

Perhaps, perhaps not. We'll get to it.

LEG. FOLEY:

I would say this. There are others who have taken time out of their own lives to be here, so -- out of their work life, so if they want to speak, Mr. Chairman, as much as there may be some redundancy

involved --

CHAIRMAN BISHOP:

That's exactly what I try to avoid here.

LEG. FOLEY:

We should give some of them the opportunity to speak if, in fact, they've made the effort to be here today.

CHAIRMAN BISHOP:

Yes. We try to avoid redundancy here. We try to avoid, you know, the obvious. And this committee is well versed on the value of the farm. We know have some testimony as to why we need the bill. If there are other issues and aspects of this that you would like to bring forward, any of you, you are welcome to do so.

LEG. VILORIA-FISHER:

Mr. Chair, I'd like to apologize to Tom Williams. If it seemed as if I was trying to cut you off, I was just trying to show our support for what you are saying, that you didn't have to sell the farm to us.

MR. WILLIAMS:

I appreciate it. We love selling the farm, it's a beautiful operation.

MR. PROIOS:

I'd like to just add that with respect to the State DOT proposal, which is also going to be a rest stop, we had written to the Governor back then stating -- that was about the time a couple of years ago when the County was just receiving over a million dollars from the state to purchase developments of farmland, and we said it seemed a little bit incongruous to be giving us money to save farmland, and here we had prime agricultural soils that the state was proposing to pave over. And they agreed with us and they immediately withdrew the application. And that's when we're faced with, the fact that we started the Farmland Development Rights Program in the country here, and private farms have more protection than this only municipal working farm that we've been able to find in the entire state.

You know, we are unique in that we are the largest county in the state, and we still are maintaining a large agricultural community. And the farm is vital to that. And one of the areas we just started getting involved in, which you may not know much about other than Legislator Fisher, is the implementation of agricultural and environmental management out at the farm. We want to use it as a showcase to show farmers that you can do a lot of these things on a working farm, not just at a research laboratory facility. And we started that last year, and this would be the first full year of starting to do programs in that area. In addition to the other areas, there are potentially more. We are looking into wind power at the farm. We're looking at solar cells to provide water for irrigation. So there's a number of things that this could be a showcase for only if it remains as a farm.

MS. PETERSEN:

I'd just like to lend my support for why we're here. I think that

it's a wonderful, wonderful gem that we have in Suffolk County, and I'd hate to see it lose any more farmland due to possible real estate values, which could present an adverse effect on what we do.

MR. BUSH:

My family goes 50 years with the farm. When there was an active dairy on the farm, my grandfather and uncle -- we had two large dairy farms on Long Island, and we provided cows to the county Farm. We provided slaughterhouse services to the County farm prior to the slaughterhouse being there. And I'm happy to be on the board trying to protect this asset. When you see hundreds of children each day come to the farm, realizing that food doesn't come off the supermarket shelves, it's just an invaluable asset that we have.

CHAIRMAN BISHOP:

We have a County slaughterhouse?

LEG. FIELDS:

Yes.

LEG. VILORIA-FISHER:

They have great llamas there. I mean, not for the slaughterhouse, but they are beautiful llamas.

CHAIRMAN BISHOP:

Is that what happens to us after term limits, we go to the County slaughterhouse?

LEG. FOLEY:

Just let the record reflect that the last person who spoke was Ron Bush from the Farm Advisory Board. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you, panel. We appreciate it.

MR. WILLIAMS:

Thank you very much.

CHAIRMAN BISHOP:

Our next -- Ann McQuade.

CHAIRMAN BISHOP:

Good afternoon.

MS. MCQUADE:

Good afternoon.

CHAIRMAN BISHOP:

You have to make sure your mike is on.

MS. MCQUADE:
How is that?

LEG. FIELDS:
That's good.

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MS. MCQUADE:
Good afternoon. My name is Ann McQuade, and I'm here today because I own a piece of land that Legislator Caracciolo has recommended for possible purchase for your Open Space Program. My property is about 80 acres in size and it fronts on Long Island Sound in the Town of Riverhead. Except for my house and two small out buildings, the property consists almost entirely of undisturbed old growth forest with high bluffs to the north overlooking the beach and the blue waters of Long Island Sound. No one lives here but myself and a various assortment of deer, foxes, chipmunks, turtles, songbirds, once in a while, a weasel. This is an important flyway for birds migrating to and from New England each year.

For all these reasons, I'm eager to see my land become a protected wildlife preserve. And I've recently been working with the Peconic Land Trust to that end. Then a few weeks ago, I learned of Suffolk County's interest. What I would like to see happen is the for the County to purchase a conservation easement on my land whereby I would retain ownership, but there would be a permanent injunction against development, except for a specified area immediately adjacent to my house. By the way, my next door neighbor is a Nassau County 4-H Camp, which I understand you are also interested in acquiring. These two properties could work beautifully together creating a continuous preserve of over 200 acres. There must be very few such opportunities available today on Long Island Sound. If any of you would like to see my place, just let me know, i'd be happy to show you around. In the mean time, thank you for your interest, and I hope we can work something out.

CHAIRMAN BISHOP:
Thank you very much for coming this afternoon. Are there any questions?

LEG. VILORIA-FISHER:
Yes. Actually, it sound like field trip time. I would love to see it, Ms. McQuade.

CHAIRMAN BISHOP:
When are we in Riverhead? August 26th.

MS. MCQUADE:

August 26th. I'll have to look in my calender, but it sounds okay.

CHAIRMAN BISHOP:

We have a lunch break between 12:30 and 2:30 on the 26th.

MS. MCQUADE:

What day of the week is that?

LEG. VILORIA-FISHER:

Tuesday.

MS. MCQUADE:

That should be fine, but I'll let you know.

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CHAIRMAN BISHOP:

Thank you. All right. We have Pat Biancaniello.

MS. BIANCANIELLO:

Good afternoon. I was not planning on speaking today, but I saw Resolution Number 1461 on your agenda, and I wanted to come out and tell you that being a resident of the Smithtown area, LD 13, that I truly support this. And there is a lot of support in the community for the purchase of this land. And I'm very happy to see --

LEG. VILORIA-FISHER:

Smithtown Y.

MS. BIANCANIELLO:

I'm very happy to see the plan and process start. I came today to show my son Christopher how the Legislature works. And I told him that if something comes up, I might speak. But he asked me to make it brief and not mention his name, which I did. But having sat here, I just want to come out in support of 1658 as well. I think it's wonderful if we can purchase that land and guarantee that the farms stays a County farm. Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN BISHOP:

Thank you. And finally from the Town of Babylon, Ed Badaracco and Vincent.

LEG. FIELDS:

Thank you for coming, Christopher.

CHAIRMAN BISHOP:

They are here to speak on 1593 and 94. They really don't have a presentation, but I've asked them to kind of outline when the town is proposing.

MR. BADARACCO:

Good afternoon. From the Town of Babylon, Ed Badaracco. We're here to talk about the remediation project for the Deer Park watershed area.

MR. GARDIENO:

We really weren't prepared to give a presentation today, but this project is --

LEG. FIELDS:

Wait. Pick up the microphone and hold it in your hand. There you go.

MR. GARDIENO:

This project is the further development -- excuse me for my voice, it's my allergies -- this project is a further development of a project initiated by the Suffolk County Soil and Water Conservation District in a proposal that they made called the South Shore Estuary Stormwater Remediation Phase II Sites. In that plan they talked about a sub-area -- watershed sub-area Number Six, which dumps direct runoff

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into the Carlls Creek area. What we've done based on their recommendation is do is more detailed study on that area.

I'd just like to mention that this plan that we're proposing in also in conformance with our five year stormwater management plan that we just submitted to the New York State DEC for our {Nipties} Phase II Program. What we did basically was go into the old records and plot the drainage system that dumps into that area and then we field verified that, looked at everything and found that there is five distinct watershed areas in the -- what we're calling the Deer Park Watershed, four of them directly dump into recharge basins right now. But the remaining 22 and a half miles of roadway dump directly into Carlls Creek through a series of seven outfalls. We looked at the amount of water that was dumping into the creek, and then came up with a conceptual plan to reduce the amount of water dumped into the creek by about 50% by installing 50 leaching basins throughout the watershed area. And what we've been looking at not the traditional leaching type basins, but the new type of basins that are coming out with the best management practices, these storms ceptors or storm traps or these vortex systems. And we're planning on scattering 50 of them throughout the area to add increased capacity upstream in the upgradient to try and stop this water from getting into the creek.

The other thing we're looking at doing is using a new type of pavement material. We're going to have to regrade these roadways and repave them in order to direct the runoff into the new structures that we put in. We're also looking at attempting to use a new type of pavement that's a porous pavement, it's called an open graded friction course, which allows the water penetrate into the asphalt layer and then move laterally through the asphalt to the gutter line and then into the flow of the structures. And what it looks like this will accomplish for us is that it will give us a longer leaching time for the material that does get into the leaching basins directly and also increase that leaching capacity so the runoff then on a certain storm will take a longer time for it to build up and then dump through the outfalls into the creek.

The entire project is going to be handled by the Town of Babylon. We've estimated about \$110,000 in in-kind services by the engineering department developing the plans and specifications, putting the job out to bid and then managing the construction observation and construction management. The estimated cost for the entire project is \$1.6 million. We've asked Legislator Bishop for \$1,150,000. The other \$450,000 will be paid for by the Town of Babylon, about 28% of the project.

CHAIRMAN BISHOP:

Plus the in-kind. At the end of the project, what will be the result?

MR. GARDIENO:

We've estimated that for a stormwater -- I don't remember all the numbers off the top of my head -- we're going to reduce the pollution -- non point source pollution by 50% for a one year storm with an intensity of a quarter of an inch per hour based on the storage capacity. And that's probably conservative, because we're working on numbers strictly on storage capacity. You do know that we just don't

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have the ability to figure that out, that the pollutant loading is mostly in the beginning portion of the storm, and that's the part we're looking to store prior to getting into the grid.

CHAIRMAN BISHOP:

Right. Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Where are the nearest public wells that serve the community in and around this project propose al?

MR. BADARACCO:

Water wells you speak of.

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

Public water wells.

MR. BADARACCO:

The closest one to that would probably be on Wyandanch Avenue, which is at least a couple of miles away from there, they're not that close to us.

LEG. CARACCIOLO:

Okay. So in terms of the Chairman's previous question, obviously there's -- there are benefits from this proposal, it doesn't come cheap, and I'm just trying to quantify what those benefits mean in real terms.

MR. GARDIENO:

Okay. The benefit that we're looking at is this water now runs uncontrolled into the Carlls Creek and eventually makes it way into the Great South Bay. This is a direct runoff area into the creek. We're going to intercept that water, try to clean it by using these new type of structures to take the floatables out and the sedimentation out of it and then recharge that water directly back into the groundwater system in that area. So we're cleaning up the non point source pollution that dumps directly into the creek.

LEG. CARACCIOLO:

Okay. And what is the health of that particular waterway right now?

MR. GARDIENO:

I think it was identified by the Legislature and one of the high priority South Shore Estuary areas. And this project was again identified by the Suffolk County Soil and Water Conservation District Report as a high priority area.

LEG. CARACCIOLO:

As the Chairman noted to the previous presenters it's important for us to know what the justification for the expenditure of this amount of money would be, and I think you have now answered that question. Thank you.

CHAIRMAN BISHOP:

Legislator Foley.

LEG. FOLEY:

Thank you for that very thorough presentation. And one of the other priority areas after this is Patchogue River in -- both in the Village of Patchogue and outside of the unincorporated areas. So you really are the -- let's say the template that's going to be used elsewhere in the County along the South Shore. So it's a very exciting project. Just putting my other hat on for a moment of the public Works Committee, you mentioned a different kind of asphalt that you're looking at using also that would allow rain water to flow down into, can you just give us the name of that again? And I intend to bring that up at our Public Works meeting.

MR. GARDIENO:

It's a material called {Novachip}.

LEG. FOLEY:

{Novachip}?

MR. GARDIENO:

Or a more generic term is an open graded friction course, graded, g-r-a-d-e-d, friction course.

LEG. FOLEY:

Okay. If you have some information, if you could send it to the Chair on that and then he could distribute it to the committee, it would be interesting to see what that material is like. Okay.

MR. GARDIENO:

Okay.

LEG. FOLEY:

Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you very much. I appreciate it. Good job. All right. Off to the agenda. That concludes the cards. I'd ask the administration's representatives to assume the usual position.

LEG. VILORIA-FISHER:

Now that we have the administrative representatives assuming the their place at the table, I would like to take out of order --

CHAIRMAN BISHOP:

All right. There's great eagerness to get to the farm before it's paved over before the end of the day. Do you have any comments on the farm proposal.

DIRECTOR ISLES:

Just a couple of points. I'll point out that the Suffolk County Planning Commission held their meeting there in July, they had a nice

tour of the site, we're certainly familiar with it. Obviously, it's consistent with the administration's efforts of the preservation of farmland. Just two points regarding the specific bill that we'd like

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to bring to your attention. Number one, we feel that consideration should be given to getting an exact description of the parcel to be included in the category for protection. That would typically be a meets and bounds description, a legal description that would specify exactly where this applies to.

CHAIRMAN BISHOP:

Let's stop there. Counsel, do we have a meets and bounds? It seems like a logical point that Mr. Isles made.

MR. SABATINO:

The Director of Planning is correct. There should be a meets and bounds description. I did not prepare the initial resolution. I did do a corrected copy to get the legal -- the legalese correct, but there was no description that I was given.

CHAIRMAN BISHOP:

Is the meets and bounds that reflect -- I don't know how quickly that could be generated.

LEG. FOLEY:

We have two weeks until the General Meeting.

CHAIRMAN BISHOP:

So I want to know can we approve it? Is this a substantive change or --

LEG. FOLEY:

We can do one of two things. We can either approve it and put additional language in there that says subject to the meets and bounds of the property, or we have to wait and put meets and bounds actually in this resolution. I would prefer if we could say subject to meets and bounds, then we can do a follow up to this particular resolution.

LEG. VILORIA-FISHER:

What Lauretta just gave us, doesn't that have information? No?

CHAIRMAN BISHOP:

Counsel, do you want to comment? You want to yield to Legislator Guldi who is eager? Legislator Guldi.

LEG. GULDI:

The question I have is, you know, I've been here a decade now. We've

done lot of resolutions, and I don't remember seeing a meets and bounds in any resolution for acquisition of preservation we've ever done before. Why is this one different?

CHAIRMAN BISHOP:

When we put things in the Nature Preserve --

LEG. FOLEY:

It's not Nature Preserve, this is farmland.

CHAIRMAN BISHOP:

But it's a similar theory. It needs meets and bounds.

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LEG. GULDI:

I disagree. We've acquired thousands upon thousands of acres in that decade, and I've never seen one with meets and bounds before. All of that has been developed administratively after we do the conceptual approval.

CHAIRMAN BISHOP:

Counsel.

MR. SABATINO:

What we've done in the past is we've either had tax map information that was accurate and correct or we've had meets and bounds description on the acquisition side. On the dedication side, again, we've either had meets and bounds description or accurate tax map information. This particular resolution, it took place during a period when I was, you know, unable to access all the requisite documents. Somebody else drafted it, it wasn't drafted properly. I did correct the legal aspects to it, but I just didn't have the ability to get the requisite description. So it really should be done the right away.

CHAIRMAN BISHOP:

All right. So know the question is -- we agree it should be done the right way. Can it move today or does it need to be tabled?

MR. SABATINO:

It can move today if we get some assurance that the requisite information can be obtained. We're fortunate in this respect, which is that we have one more week before the deadline for corrected copies hits, which is a week from today. So if the information can be secured in that period of time, then it would be workable.

CHAIRMAN BISHOP:

Okay. So it can be approved today. And when do you have to have the

information, by what date?

MR. SABATINO:

A week from today would be the 18th.

LEG. FOLEY:

Just a question on that. Do we need the backup by next week, or can we have that within two weeks, or do we need to change -- I know if we want to change or amend the language or the resolution we need to do it by Friday.

CHAIRMAN BISHOP:

Brian, I think what his ruling is that you need the actual meets and bounds by next week, by next Tuesday.

LEG. FOLEY:

Or have the -- or have the tax map numbers, which is -- which the Planning Department has submitted --

CHAIRMAN BISHOP:

Well, perhaps they have this. Maybe it's not difficult to create the meets and bounds within a week.

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LEG. FOLEY:

Going back to what Legislator Guldi had mentioned, we've preserved farmland in the past, that's been more of an administrative follow up to the resolution that we've approved to acquire farmland. My concern is that they may not be able to get the meets and bounds administratively within the next two weeks. I just wouldn't want to have the administrative issue slow down the approval of this resolution.

CHAIRMAN BISHOP:

Let's hear what they have to say, maybe it's not a problem.

DIRECTOR ISLES:

Well, I think it would take more than two weeks. It would be a function done through the Department of Public Works. I did have a brief conversation with them today about this, and it's something certainly within their purview through the engineering firms that they hire, the surveying firms. And there would also be a cost to it of obviously a certain amount of money, but a ballpark might be about 20,000 or so to prepare surveys.

LEG. CARACCILO:

Mr. Chairman.

MR. SABATINO:

If I could just interject. Don't we have -- how do we take title to the property?

DIRECTOR ISLES:

We apparently took title in 1870 as a part of the large transfer, and a copy the deed--

DIRECTOR ISLES:

And there's no deed? That's what's I was going to ask. I mean, the deed would --

MR. ISLES:

Well, the problem, I think, is that it's an overall deed encompassing a much larger area.

MR. SABATINO:

It's for the 500 or 600 acres. Okay. So the tax maps don't work either, that's the problem. This has come up in the past. Well, it's come up in the past, and that's how you make mistakes, when you don't get the accurate information. And you don't want to wind up dedicating, you know, more and then it impinges on some other project or program that might take place. I know there was that issue with the golf courses a couple of years ago. There was a concern that the proposed golf course was going to encroach on 20 acres that we had auctioned off to somebody else. It's serious business. You have to do it the right way.

CHAIRMAN BISHOP:

Legislator Foley, what we could do is we could approve it to the full Legislature and table it on the floor, if that's your wish. So we will have made progress today and --

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LEG. FOLEY:

I'd like to have it favorably reported out of committee, then if -- we can take one of two approaches; whether or not we need to have the exact description meets and bounds; or whether we can amend the resolution between now and next Monday that would simply say, you know, the conveyance will happen pursuant to the meets and bounds as laid out by either the Planning Department or the Public Works Department.

CHAIRMAN BISHOP:

Could you do that, Counsel?

LEG. FOLEY:

Then we can submit that as part of the administrative follow up to the

resolution. We've done that -- as Legislator Guldi mentioned, we've done that with private farms.

MR. SABATINO:

Does anybody in the County know what the exact perimeter or parameter of the property are? Because if we don't, you really have to have precision. I mean, this is serious stuff. You are transferring rights in real estate. These are real estate interests. I mean, some place, somewhere there's got to be a document that shows us what we have. The deed doesn't exist? So the deed exists for the 600 acres. Okay. So now the county been farming this land for 100 years. Have we been farming 204 acres, 200, 206? I mean, it's not for you to answer, it's a rhetorical question to point out what are we taking. Are we taking -- I think you'd want to know what we're taking before you vote on it, because it might be 217 acres. Well, somebody might say, gee, I thought it was only 200 acres, those 17 acres are going to be part of a golf course I was thinking about or a dome stadium. You really have to know what you are transferring. You can't say Public Works is going to decide it, because what if you don't like the Commissioner of Public Works or he doesn't like you and he does something different that what you want? The only way to get the property out there is with a County-wide public referendum. I mean, it's --

LEG. FOLEY:

Mr. Chairman, if I may for a moment. To help the Counselor who has -- who was -- took some time off in order to take care of some of his own issues so to speak, if he looks at the backup to the -- to the resolution, there is a aerial photograph that clearly delineates -- clear delineates the acreage that is intended to be preserved. So the question becomes -- the question becomes whether or not the -- let the record reflect I'm giving to Counsel the aerial photograph that delineates the acreage to the level of point five and point three acres in some respects. Whether that suffices for now in order to move the resolution forward and to do what is done with private farmland, which we don't have the meets and bounds when we approve private farmland to be preserved, but as the -- what I would call the natural administrative follow up to the intent of the legislation as approved by the Legislature that the meets and bounds would be appended to the final administrative follow up to the legislation. Is that -- does that suffice. I would think it would suffice. That's what I'm asking Counsel. If we don't have meets and bounds in a

private farmland, why do we need it here at this stage? Yes, at some certain stage, but why as this stage?

LEG. GULDI:

I think that Legislator Foley has managed to cover it with a multiplicity of words. The point being, we have a map, we know what we want.

CHAIRMAN BISHOP:
Counsel, can we do it?

MR. SABATINO:
I give up, okay? For 26 years, I've advocated doing things in a professional technically proficient way. That's my advise. If you wish to do it a different way, feel free to do it. It's not the right way to do it.

CHAIRMAN BISHOP:
Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Mr. Isles, the second of the two aerial photographs, the large photograph of the property in question, there's a red line that goes around areas that on the overall aerial are outlined in yellow. And looking at the legend, it says, "County farmfield boundary," on page two. What are those structures and roadways that are outside the red lined area?

DIRECTOR ISLES:
Okay. I believe what this shows with the map that's entitled on the top, " Suffolk County Farm," the parcel that's outlined in the red is the area proposed for dedication to the Farmland Program in Suffolk County. So therefore it includes what appears to be all of the cultivated land. It excludes the farm buildings and farm roads by and large. There are four areas depicted in green going through the center of one of the parcels. Those are also excluded as being possible wind turbine sites. So therefore what you see would be the actual crop or tillable or pasture of land is what I can determine to be the area that would be proposed for dedication to the trust.

LEG. CARACCIOLO:
All right. I don't want to digress off the main point, and that is as Counsel points out, this is serious business. Is there any time sensitive nature to this resolution that we can't wait a month if it takes that long to get this information?

DIRECTOR ISLES:
That would be up to the sponsor. In terms of getting the information, we would need to get -- make a request of Public Works for the work to be done.

LEG. CARACCIOLO:
I understood that.

DIRECTOR ISLES:

Whatever the administrative time takes, I don't know how long the

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survey would take.

LEG. CARACCIOLO:

This is County owned property. No one currently has any legislation, any proposal pending that would infringe upon the possible preservation of this property?

DIRECTOR ISLES:

Not that I'm aware of, no.

LEG. CARACCIOLO:

Then what's the hurry? We can't wait a month if it takes a month?

LEG. FOLEY:

My concern is -- through the Chair, my concern is, and it's not so much reflective of the Planning Department, but we all know working with a number of departments over the last several months that things are taking far longer than is usually the case. And my concern is that, you know, it could take six to eight months to get a survey done, that's my concern. Many of us have made simple requests of different department, it's been four or five months for some of those requests to even be considered by the department. So my concern -- and in a more general sense, I'm concerned about the legislation pending administrative follow through or administrative follow up prior to the passage of legislation, particularly when we have private farmland preservation as an example of how we can move forward at this stage without necessarily putting in meets and bounds in the resolution itself.

LEG. CARACCIOLO:

Counsel. Just on point, Mr. Chairman. Yes, Tom.

DIRECTOR ISLES:

If I can just make one point too. Sorry, Mr. Caracciolo. But in items of getting the work done, one option we requested from Public Works, they may or may not have an issue with the money it costs to do the survey, I don't know. The other option is the Director of Real Estate advises me that we can potentially do it as we do all other farm surveys that we do, which is we have a list of approved surveyors, that we would then request a survey through our office subject to the approval of Public Works. If that's permissible, we can do it that way.

LEG. GULDI:

Would you need a resolution to do that.

DIRECTOR COSTIGAN:

I'll just point out that this resolution does have a lot of oddities in it. And personally, I think -- I'm keen on the project, but it doesn't direct us to do anything. We have no role in this resolution.

LEG. GULDI:

I understand that. So you would need a resolution if we wanted you to -- to direct you to perform the survey, though?

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DIRECTOR COSTIGAN:

And to pay for it out of program funds.

LEG. GULDI:

We need --

CHAIRMAN BISHOP:

We need to amend the resolution to accomplish that.

LEG. GULDI:

The trouble is if we amend this resolution to accomplish it, it won't -- it will be two -- it will be a two step process.

LEG. CARACCIOLO:

Mr. Chairman, if I can go back to the point I had the floor for. Well, I had the floor. I mean, Mr. Isles had a question, which I acknowledged. Counsel raises his objection to proceeding without a full description including meets and bounds. Counsel, in your opinion, if this Legislative body were to move forward, would that action be outside the scope and purview of elected duties -- I mean, elected official duties of this Legislature? Would they be acting beyond their scope of responsibility?

MR. SABATINO:

No. It's two things. It's one -- it's sloppiness and it's precision. You pass resolutions all the time with precision and then frequently the Legislature comes back and says gee, why wasn't such as such and so and so done. In those cases where you've got precision, you can say, okay, there's some parameter or standard to hand somebody against. In the cases where you don't, where you just make it nebulous and you leave it open to follow up administrative action, when it doesn't, then you come back and say, gee, why didn't it get done, you have no standard to measure it against. You say, well, gee, we delegated it to some administrative body. As you pointed out, with the County owning the property, it's not as though something can happen to the property in the intervening period of time. It's purely

from the perspective of doing things the right way and doing as technically proficiently as you can. If you choice to go another way, you know, you're not going to be accused of abdicating your responsibility, but it's a professional way to do business.

CHAIRMAN BISHOP:

Legislator Foley, give us some direction of what you want.

LEG. FOLEY:

We'll amend the resolution pursuant to Ms. Costigan's suggestions and the Planning Department. And it will be my hope and expectation that we can get that language done given Counsel's --

CHAIRMAN BISHOP:

Do you want to discharge from committee today?

LEG. FOLEY:

Given Counsel's -- Counsel, can we get this language changed before next Monday?

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LEG. GULDI:

Can I make a suggestion, if I can be recognized? The suggestion is to amend the resolution to provide both directing the division of Real Estate either with appropriate funds or the Department of Public Works to prepare a survey and also, during the interim period -- the time necessary for the preparation of that survey, declare a moratorium on the uses -- changes and use of the property. And if the sponsor would like to change this resolution to that, I'll second Legislator Fisher's motion to take out of order and discharge without recommendation so we can vote on the resolution as amended.

LEG. VILORIA-FISHER:

Okay. My motion had simply been to take it out of order. So I'll amend my motion to take it out of order and discharge without recommendation.

LEG. GULDI:

And I'll second that.

LEG. VILORIA-FISHER:

And we'll amend the legislation. Paul, does that satisfy you?

CHAIRMAN BISHOP:

Motion to take out of order by Legislator Fisher, seconded by Legislator Guldi. All in favor? Opposed? It's now before us. Now the question is --

1658. Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands. (FOLEY)

MR. SABATINO:

It's a change that you can make.

LEG. FIELDS:

Can I be listed as cosponsor on that also?

LEG. GULDI:

Me too.

LEG. CARACCILO:

Me three.

DIRECTOR COSTIGAN:

Are you open to other amendments, I suppose is the question. Well, you have a direction here to the assessor of Brookhaven who has nothing to do with it.

LEG. FOLEY:

Speak to Counsel.

DIRECTOR ISLES:

If I could, just one other final comment, I had indicated two comments. The first resolve clause indicates that the parcel would be dedicated to Suffolk County Conservation of Agricultural Lands pursuant to such and such. Obviously that's the purpose of this and we understand that. The second part says to be managed under

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cooperative agreement with Cornell Cooperative Extension subject to any covenants, easements, restrictions, etcetera. The only point we want to make on that one is that the dedication of lands is one thing.

CHAIRMAN BISHOP:

Right. So that's a term agreement.

DIRECTOR ISLES:

So it's not our understanding this would in perpetuity Cornell as the managing entity.

CHAIRMAN BISHOP:

Right. We all agree. Okay. So the motion is to discharge without recommendation with the intent to modify the bill when it's on the floor. Motion by Legislator Vioria-Fisher, seconded by Legislator Guldi. All in favor? Opposed? Okay. So that's DISCHARGED WITHOUT RECOMMENDATION. (VOTE: 5-0-0-0)

CHAIRMAN BISHOP:

Let's go to the top of the agenda. Let's not take anything more out of order as anxious as we all are to get things accomplished.

INTRODUCTORY RESOLUTIONS

1605. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program, (land of McQuade, Town of Riverhead) (CARACCIOLO)

LEG. CARACCIOLO:

Make a motion to table. Mr. Isles and I had a conversation earlier today, he wants to look into the prospect of granting the seller's wishes with a conservation easement, but we have to explore what the -- what the feasibility of the County engaging itself in doing so. And he needs some time to research that matter.

CHAIRMAN BISHOP:

Okay. Conservation easement is obviously a cheaper -- or less expensive form of preservation than outright.

LEG. CARACCIOLO:

Right. But it would not possibly allow public access, and that's the concern Mr. Isles has.

DIRECTOR ISLES:

It's really a policy question, which we'd be happy to research and get back to you on. But it's a Legislative policy decision on your part. The benefits would be, as Legislator Caracciolo's indicated, protecting the property. On the other hand, we're spending, you know, pretty much 70 or 80% of the value of the property, but not having public access. We appreciate Ms. McQuade's interest and her cooperation on this. The resolution as drafted as a planning steps only, starts the process. And under the program, we can purchase fee or lesser interest, which would include an easement. But as far as that policy question, we will do a little research on that and maybe give a position paper to you on that.

LEG. GULDI:

If I may. All of that analysis of easement versus fee and the policy development is within the scope of planning steps. So I don't see -- to the sponsor, I don't see that as a reason to table it. What you're asking us to do is table a resolution authorizing planning steps so that they can engage in planning steps.

LEG. CARACCIOLO:

Tom, how long would it take you to report back to the committee?

DIRECTOR ISLES:

We could do so by September, if you would like.

LEG. CARACCIOLO:

Then I'll make a motion to approve.

LEG. GULDI:

I'll second the motion to approve.

LEG. VILORIA-FISHER:

But, Mr. Chair, going back to the original motion to table, I understood that although this is planning steps, it does say in the resolution planning steps for the acquisition, and that's outright acquisition. I don't know, Counsel, if --

CHAIRMAN BISHOP:

Acquisition does not mean that. Acquisition means a multitude of lesser interests.

LEG. VILORIA-FISHER:

Okay. All right. If it's the broad definition.

CHAIRMAN BISHOP:

So you have flexibility there.

LEG. CARACCIOLO:

So there's a motion and a second.

CHAIRMAN BISHOP:

The question I have, though, Mr. Isles, this is a question of first impression for the County? We don't -- we have never encountered a proposal for a conservation easement? We don't have analysis of the broad questions of the --

DIRECTOR COSTIGAN:

Just the way every piece is different, the analysis of this piece is different because of where it's located.

CHAIRMAN BISHOP:

Oh, because it's on the water. So we have conservation easements in other locations, but this one we may want the water access.

DIRECTOR ISLES:

We don't have very many. We do have some. Quite frankly, there's been more and more interest in doing conservation easements that we've received. So the question then becomes as the County Legislature

pulls -- pushes forward with this program, in recent past, in my two and a quarter years here, have done pretty much fee acquisition. It's a bit of a policy question; do you want to know branch out and open it up to more conservation easements? We haven't done a lot of that. I'm not sure if you can think of some recent cases. You know, the ones I found go back 20 or 30 years or so.

DIRECTOR COSTIGAN:

Are you thinking of farmland?

CHAIRMAN BISHOP:

No. It's analogous to farmland, but I thought we had done conservation easements, but perhaps not in my time. Okay. There's a motion to approve having been made and second. I believe it was Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Okay. APPROVED (VOTE: 5-0-0-0]

1609. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II active parklands (Camp Bishop McDonnell, Town of Huntington) (CRECCA)

CHAIRMAN BISHOP:

Legislator Crecca's resolution. Do we have information?

LEG. VILORIA-FISHER:

Fourteen acres.

DIRECTOR ISLES:

This is obviously a new resolution. It's under the Active Parklands Program so it's not subject to your standard rating program. Just an a preliminary review, we have provided to you an aerial photograph and a fact sheet on this. It is a site that was formerly used as a camp or is currently uses as a camp. The aerial indicates a number of buildings and a swim pool and some open and wooded fields. The number of the buildings apparently are removed, so we're down to one or two buildings on the site, so the aerial is a little bit dated. It is a generally built up area of Commack. It is adjacent to a school in terms of other open space in the community. We think it's a candidate anyway for active recreation as a conversion from a private --

CHAIRMAN BISHOP:

I would agree, because obviously what do you do with a camp? You have active recreation. Probably worth looking at. Motion by myself, seconded by --

LEG. VILORIA-FISHER:

Second

CHAIRMAN BISHOP:

-- Legislator Fisher. All in favor? Opposed? Resolution 1609 is APPROVED out of Committee. (VOTE: 5-0-0-0)

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1612. Making a SEQRA determination in connection with the proposed CR 83, North Ocean Avenue over I-495 bridge widening and rehabilitation, CP# 5849, Town of Brookhaven. (PRES. OFF.)

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

1613. Making a SEQRA determination in connection with the proposed development of a SCWA Well Field at Dwarf Pine Plains County Park, Town of Southampton. (PRES. OFF.)

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

1614. Making a SEQRA determination in connection with the proposed development of a SCWA Well Field at Laurel Valley County Park, Town of Southampton. (PRES. OFF.)

CHAIRMAN BISHOP:

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

1666. Approving the reappointment of Linda Petersen as a Member-At-Large to the Suffolk County Planning Commission. (COUNTY EXEC)

CHAIRMAN BISHOP:

This is a term appointment or is this at the --

MR. SABATINO:

It's a fixed term of office for -- I'll just mention, this persons is a member of the Brookhaven Town Planning Board. Previously I've indicated to you --

CHAIRMAN BISHOP:

Why don't you come up, Ms. Petersen.

MR. SABATINO:

I'll just point out that previously with regard to other -- with

respect to other appointments that came up, there is an Attorney General's opinion which indicates that you can't serve on the County Planning Commission at the same time that you are serving on a local board. That came up in the context I think two or maybe three of the other previous appointments.

LEG. CARACCIOLO:
Can or cannot?

MR. SABATINO:
Cannot.

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LEG. FIELDS:
May I?

CHAIRMAN BISHOP:
You may.

LEG. FIELDS:
I think there are two things to think about here. One, is that it's a fight, I guess, that I've had for maybe over a year or a year and a half that there is an inherent conflict of interest from time to time regarding certain proposals that are brought before the County Planning Commission. And secondly, we will be having a new County Executive come January, and I'm not sure that this would be a smart thing to do. I think it could wait as a hold-over for the next few months and then be looked at in the future. So I would make a motion to table actually subject to call on this.

CHAIRMAN BISHOP:
Before we get to the motion, why don't we -- Ms. Petersen, you serve currently on our Planning Commission?

MS. PETERSEN:
Yes, sir.

CHAIRMAN BISHOP:
You want to continue to serve on the Planning Commission. And you are certainly welcome to do so even if the resolution is tabled subject to call. Because the logic that Legislator Fields is using is that there is a new administration coming on and this is a term appointment, and perhaps it was only fair to the new administration to have the opportunity to make these selections if it's going to be a four year commitment. As a hold-over you would be entitled to serve until such time as another appointment is made or until you are reappointed. But having said that, why don't you tell us why you want to continue to serve and maybe perhaps address the other issue which is the

alleged conflict by also serving the Town of Brookhaven.

MS. PETERSEN:

Initially, I went over to the Suffolk County Planning Commission as the environmental representative from the Suffolk County Pine Barrens Commission where I had served for eight years. They felt that it was important to have someone go on the commission that had a background in environmental issues rather than just planning issues. So that was the reason that I went over as a delegate from that former commission which no longer exists. I've enjoyed my tenure there. I've learned a lot from the other commissioners.

It's very interesting to hear of the problems which are addressed by all the other towns. Suffolk County is so large and so diverse that you hear a number of issues that are germane to that particular area, but they come forward with solutions that can be applied everywhere. So I found that to be a very enlightening aspect of serving on the commission. I've enjoyed it immensely. I thank you for letting me serve as long as I have.

And if I'm not reappointed, I thank you for letting me be there. And

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as far as the conflict of interest, I do not serve on the Brookhaven Town Planning Board, I have not for five and a half years. So my present position with the town is one is that I take care of erosion control on Fire Island, I write and administer grants for historic structures, I've been overseeing some of the smart growth long range planning that the town is getting into as far as corridor studies and rehab of existing corridors such as Montauk Highway in the Mastic/Shirley and currently now Middle Island and Coram. So I don't necessarily see it as a conflict, but something that enables me to gain knowledge from the other commissioners and then apply it in the job that I'm doing at the present time.

CHAIRMAN BISHOP:
Legislator Caracciolo.

LEG. CARACCIOLO:
Ms. Petersen, during your tenure on the Commission, when did it begin?

MS. PETERSEN:
1988.

LEG. CARACCIOLO:
What type of milestone issues can you reflect upon that came before the Commission where either you or as a result of comments or input you had in the decision making on a milestone issue made a difference

from the perspective of Smart Growth?

MS. PETERSEN:

We did a study with the staff on Smart Growth. The issues that came forward as far as mixed use developments, necessity to try to bring in traffic, affordable housing, rehab of certain areas I've taken back to Brookhaven and used to formulate a Smart Growth Program that we're starting to put into place now, which enabled us to rewrite our codes to reflect the issues of the Smart Growth Program that the County is putting forward for all the other towns.

LEG. CARACCIOLO:

In the Town of Brookhaven when you drive the 347 corridor, there has been a tremendous influx of housing developments, multi-family housing developments, in particular around County Road 83 in Mount Sinai, Miller Place. I'm told, and I have no way of verifying this so maybe you can enlighten me, that recently constructed and proposed in that general vicinity of County Road 83 and 347, the town has approved or is in the process of approving a total of 4000 new houses. Now, I know the Ranches, I don't know how many are in there, but that's a mega home development. There's another big development proposed to the rear of that, this is the old Davis Peach Farm. That to me is very disturbing. I don't see where the town, the Town of Brookhaven has demonstrated any restraint in overdeveloping the town. So give me both perspectives; town perspective and County perspective.

MS. PETERSEN:

Well, the Town Board determines the zoning on a given piece of property. And if it's going to have multi-family homes on it, it's their call. And we just have to administrate it after the zoning has been changed.

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LEG. CARACCIOLO:

We meaning the County.

MS. PETERSEN:

You were saying the town hasn't shown much restraint. As a person who is not in the forefront, but clearly in the background, I can't say to the town board don't change the zone. That's not what I do, it's what they do. We just have to work with whatever zoning we end up with. From a perspective of Mount Sinai, I remember when that started out as the Villages at Mount Sinai, and that went back to the mid '80s. And that became a source of litigation, the Mount Sinai Civic and Laurie Baldassare and a number of other people were involved in coming to a consensus as to what would actually go there.

My personal opinion is I think it's overintense. You know, I think

that the road network in Brookhaven and in a large part of Suffolk County, the infrastructures isn't there for the amount of development that we're seeing. And I think that should become a more important part of the planning that we know the infrastructures are in place before any kind of massive zone changes are permitted to go in forward that impact the roads, because in some areas there are horrendous amounts of traffic. I'm sure -- I know you are out east further in Riverhead, that seems to be following suit to the rest of Brookhaven from a perspective of traffic. I know in Brookhaven it's horrendous, and I know on the South Shore, the South Fork it's even worse than the North Fork.

LEG. CARACCIOLO:

I'm glad you mentioned Riverhead, because I want to move east and since -- during your tenure since you've been there since 1988 and discuss with you what your position was on couple of mega projects in that town, specifically the Riverhead Town Center proposal on County Route 58.

MS. PETERSEN:

That's the one with the Home Depot?

LEG. CARACCIOLO:

Correct.

MS. PETERSEN:

The commission voted against that.

LEG. CARACCIOLO:

And it required a super-majority vote of the Town Board to make that project happen, which in effect happening. What was your vote on the commission?

MS. PETERSEN:

I was opposed to the project.

LEG. CARACCIOLO:

Okay. Thank you.

LEG. FIELDS:

Can I ask a question.

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CHAIRMAN BISHOP:

Sure.

LEG. FIELDS:

Just so you know, these are not directed personally. This has just

has been my stance for a well over a year. Is there a reason why you have not been reappointed since your term expired in 2001?

MS. PETERSEN:

I just believe I'm a hold-over. I don't know. It was never -- I was surprised. I only found out last week that this hearing was taken place. And I don't know.

LEG. FIELDS:

So you didn't realize that your term ended in 2001?

MS. PETERSEN:

No, I thought it did, then they just said a lot of people were hold-overs. Some of the other commission members I think had been reappointed for interviewed for reappointment and some of the others, we just seem to be waiting.

LEG. FIELDS:

Your actual title though is Deputy Commissioner of Planning Environment and Development in the Town of Brookhaven?

MS. PETERSEN:

That's correct.

LEG. FIELDS:

You don't see that as a conflict at all at any point under any circumstance?

MS. PETERSEN:

In the position I was representing, as I said, was County-wide. From a standpoint of Brookhaven, if I don't think a project is good and it's in Brookhaven, I'm going to vote against it. I've done that the entire time I've been on both boards. If I didn't think it was good, I voted against it. If I thought it was good, I would vote for it. But it gives me the ability, the fact that I'm in Brookhaven, to sometimes bring additional information to the table when a project is up for discussion amongst the other commissioners.

LEG. FIELDS:

What if they -- this is just, you know, making up a scenario. What if a supervisor of town desperately wanted someone to be able to move something forward, and you were his representative?

MS. PETERSEN:

Well, I'm not. First of all, I was the County Executive's representative, I wasn't the Brookhaven representative. And he has -- actually none of the supervisors that I can remember serving under have ever come to me once nor has Mr. Gaffney ever made a phone call said we want you to do something this way or that way. And I wouldn't -- truthfully, I just wouldn't do it, it's not that important to me to

do something that I don't believe in to start doing it because someone

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else thinks I should.

LEG. FIELDS:

Okay. Thank you.

LEG. GULDI:

I'd like to second the motion to table subject to call.

CHAIRMAN BISHOP:

A motion to table subject to call having been made, on the motion, I just want to say, Ms. Petersen, from your resume and your services, you are the type of person that we'd like to have serving on our Planning Commission. It's not a reflection, but I will be supporting the tabled subject to call, because I think it's just unfair to an incoming administration on an important board and commission to be dominated by people with new four year terms. So it perhaps -- hopefully so, you will back after the new year for a full term. So the motion having been made and seconded, all in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BISHOP:

Legislator Caracciolo is opposed.

TABLED SUBJECT TO CALL (VOTE: 4-1-0-0) (Opposed; Leg. Caracciolo)

Thank you. Thank you for your service.

LEG. FIELDS:

Thank you for coming.

1667. Approving the appointment of Robert R. McMillan as a Member-At-Large to the Suffolk County Planning Commission.
(COUNTY EXEC)

LEG. VILORIA-FISHER:

Same motion.

CHAIRMAN BISHOP:

Same motion, same second, same vote.

1668. Approving the appointment of Anthony Almo as a member of the Suffolk County Planning Commission representing the Town of Babylon.
(COUNTY EXEC)

CHAIRMAN BISHOP:

Same motion, same second, same vote.

TABLED SUBJECT TO CALL (VOTE: 4-1-0-0) (Opposed; Leg. Caracciolo)

1669. Approving the appointment of Frank Cichanowicz as a member of the Suffolk County Planning Commission representing the Town of Southold. (COUNTY EXEC)

CHAIRMAN BISHOP:

Thank you. Same motion, same second, same vote. **TABLED SUBJECT TO CALL. (VOTE: 5-0-0-0) (Opposed; Leg. Caracciolo)**

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1719. Declaring a specific governmental purpose for underwater lands located in Peconic and Gardiners Bays. (COUNTY EXEC)

LEG. GULDI:

Motion to approve.

CHAIRMAN BISHOP:

This a continuation of a program to declare lands for a government purpose and thus take it away from private farming. Motion by Legislator Guldi, seconded by Legislator Fisher. All in favor?

LEG. GULDI:

On the motion.

LEG. VILORIA-FISHER:

Viloria-Fisher.

CHAIRMAN BISHOP:

Viloria-Fisher, excuse me.

CHAIRMAN BISHOP:

All in favor? Opposed? The motion is **APPROVED. (VOTE: 5-0-0-0)**

DIRECTOR ISLES:

One point.

CHAIRMAN BISHOP:

Did you want it approved?

DIRECTOR ISLES:

The action was?

CHAIRMAN BISHOP:

To approve.

LEG. GULDI:

To approve. My temptation to clarify the Chairman's -- it's still subject to correction between now and next Monday. What's the concern?

DIRECTOR ISLES:

There just seems to be an error in the tax map numbers.

LEG. GULDI:

So correct them by Monday. It will be eligible for a vote by Monday of next week.

LEG. FIELDS:

Is that possible that you can do that?

DIRECTOR COSTIGAN:

Would you want to know if there is litigation filed in connection with this?

DIRECTOR ISLES:

We'd prefer to table it if we could.

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CHAIRMAN BISHOP:

Motion to reconsider by myself, I was on the prevailing side. Legislator Viloría-Fisher seconds.

LEG. GULDI:

On the motion. You know, I don't think that litigation should effect our judgement. We're declaring a governmental purpose. Notwithstanding the -- the competing interest, this is not an effort to take this out of private farming, but actually an effort to fulfil the plan we did under our management plan we did for aquaculture on Long Island to promote aquaculture through the leasing plan. And the existence or nonexistence of the litigation doesn't -- I don't feel should affect that purpose. Now, unless you -- unless you feel the constraint to go into Executive Session, I think we should go ahead and approve the resolution. It is in fulfillment of our prior adopted approved plan.

CHAIRMAN BISHOP:

Do we need to go into Executive Session?

DIRECTOR COSTIGAN:

No. I just wanted you to know that. I don't think you do. I think you have stated it correctly. If you want to go ahead, go ahead.

MR. SABATINO:

Is the tax map number wrong because the first resolution had the wrong tax map number, or is this -- oh, the first resolution that was adopted had the right number. This was has the wrong.

CHAIRMAN BISHOP:

It's a technical deficiency.

MR. SABATINO:

That can be fixed between now and Monday. The hesitation that's what has me concerned, because if the first resolution is wrong that's one thing.

DIRECTOR ISLES:

Our understanding is the first resolution is accurate. This one was missing some of the parcels, so we have to get caught up with that. Because beyond that, the County Attorney's Office had prepared this, and you know, I don't want to speak for them obviously, but just simply on the planning side, the tax map number side, we know that there are some missing parcels that would have to be corrected.

LEG. GULDI:

So correct the parcels. I don't see any reason for us to -- on reconsideration do anything but approve this.

LEG. FIELDS:

And if there is a problem on Tuesday --

LEG. GULDI:

You can bring it to our attention --

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LEG. FIELDS:

We would ask that you come forward and tell us there is still a problem.

LEG. GULDI:

I'll -- I'll remake the motion to approve since I believe we took a vote on the --

CHAIRMAN BISHOP:

The vote has been taken on approval and it was approved. Now there's a motion to reconsider, which I'll withdraw so we can move on.

TABLED RESOLUTIONS

1045. Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan. (PRES. OFF.)

CHAIRMAN BISHOP:

Can we table this subject to call?

MR. SABATINO:

I would recommend that, Mr. Chairman.

CHAIRMAN BISHOP:

Motion to table subject to call by myself, seconded by Legislator Guldi. All in favor? Opposed?

LEG. FIELDS:

What's the problem?

LEG. GULDI:

Vito is on his feet shaking his head no. Mr. Minei, come on down. You get to assume the position now.

CHAIRMAN BISHOP:

I don't know why you don't automatically assume the position.

MR. SABATINO:

Actually, I hate to tell you this, but the bill is expired under the Six Month Rule anyway.

MR. MINEI:

If you recall, back last fall, we discussed approving the GEIS Scope and its companion, the budget, the \$4.6 million budget. We held off on 1045 during this whole process while we discussed the budget. We think we should move forward and approve the GEIS Scope. Now, there's been ten months of work on the --

LEG. VILORIA-FISHER:

I thought we approved that. We approved the budget.

MR. MINEI:

You approved the budget, but you haven't approved the final scope of the GEIS.

LEG. GULDI:

If the resolution is expired, you need to refile it.

LEG. FIELDS:

Or a CN.

CHAIRMAN BISHOP:

Why do you see it differently?

MR. SABATINO:

I thought the whole debate was to go on two different paths. One path -- we always had them as split paths. There would be no point. Then that language should have been in the resolution that was adopted.

MR. MINEI:

No. I think they were on parallel and very much compatible paths, that we were going to discuss the GEIS Scope as well as the budget. As I recall, Chairman Bishop, your concern was approving the GEIS because you thought that committed the Legislature to the budget. So I agreed with you back in the Fall of 2002, while we had long and somewhat productive discussions on the budget, curious discussions on the budget. But the idea is we're about --

CHAIRMAN BISHOP:

Never give an inch, Vito.

MR. MINEI:

We're undergoing contract -- you know, we're establishing the contract, we're moving forward with the management plan and hopefully the GEIS formulation. So we need the approval of the final scope as recommended by CEQ to this body back in the fall.

LEG. GULDI:

But to do that, Vito, in any event, you're going to need to -- if it's not in the previously approved budget resolution, you're going to need to file a new resolution, because this one is not eligible for a vote. So we can't resolve it here today anyway.

MR. MINEI:

That's fine. I just hope there's no misunderstanding. If it's mechanically wrong, we'll fix the deficiency. But the idea is tabling subject to call sounds almost like a death of something that is really critical to the whole process.

LEG. GULDI:

But unfortunately, the tabling subject to call motion is also out of order, because it's dead.

CHAIRMAN BISHOP:

We understand all that. We understand he's got to refile. What we're trying to hash out is whether it's necessary, and he is saying it's a companion bill that when we did the budget we didn't do the scope officially, and this is the official designation of the scope. Counsel, is that wrong? I mean, is that --

MR. SABATINO:

I'll take another look at the bill. For six months the whole debate was to keep them separate and apart, because one was --

CHAIRMAN BISHOP:

Well, the debate was what was the budget, not to --

MR. MINEI:

And you had the legal technicality of a recommendation from CEQ on the GEIS Scope, and we had the other discussion, which I believe was appropriate to be separate on the overall budget. And I think that was appropriate. What I'm saying is I would commend to your readership the final scope. There's a lot of interesting aspects and a lot of discussions and hopefully we'll disabuse a lot of misinformation.

CHAIRMAN BISHOP:

So what you're going to do then is to work with the -- I guess this came from the County Attorney's Office.

MR. MINEI:

Yes.

CHAIRMAN BISHOP:

You're going to refile it and see whether you have to make any adjustments to parallel what was passed in terms of the budget.

MR. MINEI:

And I appreciate if I could unload some of the these final scopes. I really would --

CHAIRMAN BISHOP:

Oh, you want us to read the final scopes before you come back. Okay.

MR. MINEI:

I think there's a lot of interesting information. It's kind of unique in its preparation. There's a lot of discussion of the controversy --

LEG. VILORIA-FISHER:

Distributed would have been better than unload.

MR. MINEI:

Legislator Fisher, you didn't tow it over here. Unload I think is still appropriate.

LEG. GULDI:

You've only been carrying them six months, Vito, what's the hurry?

CHAIRMAN BISHOP:

You are unloaded. Thank you. So that -- it should be stricken from the agenda, right, Counsel?

MR. SABATINO:

Yes, Mr. Chairman. STRICKEN

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1112. To establish RFP Committee Process for County Resources Study.
(POSTAL)

CHAIRMAN BISHOP:

Same thing with the next one, right, 1112? I'm just going by the number.

MR. SABATINO:

Yes, 1112 is gone.

CHAIRMAN BISHOP:

Strike 1045, strike 1112. 1184?

MR. SABATINO:

1184 is gone.

CHAIRMAN BISHOP:

Gone, Daddy, gone.

MR. SABATINO:

Wait. Wait. Wait. Wait. 1112, no. You know what it is? 1045 was 1990 -- was 2002. 1112 is 2003, so, no, 1112 is in. Anything from 1112 down is in.

CHAIRMAN BISHOP:

Okay. Thank you.

MR. SABATINO:

1045 had the previous year's --

CHAIRMAN BISHOP:

Understood. 1112, motion to table subject to call at the request of the sponsor --

LEG. FIELDS:

Can I ask a question? I have two bills in front of me that say 1112. One called to establish RFP Committee Process for County Resources Conservation Study and the other one says directing Suffolk County Department of Public Works -- oh, nevermind.

CHAIRMAN BISHOP:

1112, motion to table subject to call by myself.

LEG. GULDI:
Second.

CHAIRMAN BISHOP:
Seconded by Legislator Guldi. TABLED SUBJECT TO CALL. (VOTE: 5-0-0-0)

1184. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:
This is the Wedge, the infrastructure --

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DIRECTOR ISLES:
It's not the Wedge.

MR. SABATINO:
This is the PAL, but there's no PAL.

CHAIRMAN BISHOP:
Okay. Motion to table subject to call by myself.

LEG. GULDI:
Second.

CHAIRMAN BISHOP:
Seconded by Legislator Guldi. All in favor? Opposed? TABLED SUBJECT TO CALL (VOTE: 5-0-0-0)

1243. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Holbrook Road, LAAM Property in Centereach) Town of Brookhaven. (CARACAPPA)

DIRECTOR ISLES:
We do not have an agreement with the property owner at this point. There was a change in the ownership of this property from Matrix Realty to LAAM. The Real Estate Division has been working extensively try to make contact with the new owner. I don't believe there has been contact made, number one.

CHAIRMAN BISHOP:
I think this is a tabling.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:

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

1253. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of Stiber) Town of Shelter Island. (CARACCIOLO)

DIRECTOR ISLES:

That was a parcel that we had reported to the committee had a ranking of 15 and was a five acre parcel in Shelter Island.

LEG. CARACCIOLO:

Motion to table subject to call.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion to table subject to call by Legislator Caracciolo, seconded by myself. All in favor? Opposed?
TABLED SUBJECT TO CALL (VOTE: 5-0-0-0)

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1456. Authorizing acquisition under Greenways Program in connection with the acquisition of active parklands at Iron Point, Flanders, Town of Southampton. (COUNTY EXEC)

MR. SABATINO:

That's withdrawn, Mr. Chairman.

CHAIRMAN BISHOP:

WITHDRAWN, thank you.

1461. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (YMCA Property) Town of Smithtown. (NOWICK)

CHAIRMAN BISHOP:

This is developed property, which is --

LEG. GULDI:

Motion to table subject to call.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Guldi to table subject to call, seconded by Legislator Caracciolo. All in favor? Opposed? I'll opposed that. TABLED SUBJECT TO CALL. (VOTE: 4-1-0-0) (Opposed; Leg.Bishop)

1476. Approving Adopt-A-County-Shoreline Program. (COOPER)

LEG. CARACCIOLO:
Motion to table.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Caracciolo, seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1570. To establish land development policy for mixed use smart growth in Suffolk County. (BISHOP)

CHAIRMAN BISHOP:
Did we distribute -- you all received a fax which outlines the bill is; that correct, Tom?

MR. CARROLL:
I faxed them out. I have more copies if they'd like.

LEG. GULDI:
Please distribute them.

CHAIRMAN BISHOP:
Well, it's actually a very complicated bill, so I'm going to table it.

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LEG. GULDI:
Second.

CHAIRMAN BISHOP:
You're going to need time to digest it. Please take this handout and take a look at the bill for the next meeting of the committee.

LEG. FIELDS:
Can you give us just a quick thumbnail sketch?

LEG. GULDI:
I've rather have the thumbnail sketch after I've had an opportunity to look at the documents.

CHAIRMAN BISHOP:

Thumbnail sketch is written out for you. That's exactly what it is.
So I'll make a motion to table, seconded by Legislator Caracciolo.
All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1593. Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for
Water Quality Protection and Restoration Program for Phase II
Stormwater Remediation Program for south shore tributaries. (Village
of Babylon) (BISHOP)

LEG. CARACCIOLO:
Motion to approve or second.

CHAIRMAN BISHOP:
Motion by Legislator Caracciolo, second by myself. All in favor?
Opposed? APPROVED (VOTE: 5-0-0-0)

DIRECTOR ISLES:
Mr. Chairman, just to make a point too. We do have this committee in
place now to review these and make recommendations to you. Obviously
it's not compulsory for you. I don't believe -- there's been a brief
presentation of that, but I don't think there's been any review at
this point. So we don't have anything to report back to you saying
what the committee thought of it.

CHAIRMAN BISHOP:
I hope the committee meets between now and two weeks, it meets
sporadically. And I think that this would certainly stand it's
scrutiny.

LEG. VILORIA-FISHER:
Vito, said Wednesday.

LEG. FIELDS:
Dave, it doesn't meet sporadically, it meets on a regular routine, and
it's at ten o'clock on August 13th.

CHAIRMAN BISHOP:
Excellent. Please, are you inviting these communities to the South
Shore Estuary Reserve?

DIRECTOR ISLES:
I'm not a member of the committee. If that's what you want, we should
convey that to the Chairman of the Committee.

CHAIRMAN BISHOP:
Okay. Motion to approve by Legislator Caracciolo, seconded by myself.

All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

LEG. VILORIA-FISHER:

Mr. Chair, if we're going to ask the committee to comment on this, perhaps we should let the Presiding Officer's Office know that we have invited them to come to the Tuesday meeting, is that what you're saying?

CHAIRMAN BISHOP:

No. What we're saying is that the Town of Babylon and the Village of Babylon and the South Shore Estuary, who I assume are there, they are in favor of this -- Soil and Water -- all these entities that help put this together --

LEG. VILORIA-FISHER:

If they're going to review it and have an opinion, I think we should give them a venue to state their opinion, don't you think so?

CHAIRMAN BISHOP:

Yes.

LEG. VILORIA-FISHER:

I mean, just in support of it.

CHAIRMAN BISHOP:

Yes.

LEG. VILORIA-FISHER:

They are meeting Wednesday. I'm voting to approve. I'm just saying that is they're considering this, there should be some kind of venue for them to give a report or an opinion.

CHAIRMAN BISHOP:

Okay. Motion having been made and seconded, all in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

1594. Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for Phase II Stormwater Remediation Program for south shore tributaries. (Town of Babylon) (BISHOP)

CHAIRMAN BISHOP:

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

LEG. CARACCILO:

Mr. Chairman, just before we leave the topic, I think Mr. Isles' suggestion of having the committee report to the Legislature it's findings is appropriate. So who Chairs that, does Vito Chair that?

DIRECTOR ISLES:

No. It's Chaired by the Department of Public Works, Bill Shannon, Chief Engineer.

LEG. CARACCIOLO:

Mr. Chairman, I would suggest as Chair of this Committee you can by correspondence to him that he do so, that he have someone report back to the full Legislature affirmatively or otherwise as to that committee's view of these two resolutions.

1598. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Toussie Property at Sachem Library) Town of Brookhaven. (CRECCA)

LEG. GULDI:

Motion to table subject to call.

LEG. VILORIA-FISHER:

Second.

DIRECTOR ISLES:

We were under the impression that the sponsor is requesting that it be tabled.

CHAIRMAN BISHOP:

Motion to table subject to call by Legislator Guldi, seconded by Legislator Fields.

LEG. VILORIA-FISHER:

Viloria-Fisher.

CHAIRMAN BISHOP:

Seconded by Legislator Viloria-Fisher.

TABLED SUBJECT TO CALL (VOTE: 5-0-0-0)

LEG. CARACCIOLO:

Mr. Chairman, before you continue with what's not very much left of the agenda, could we have Mr. Isles comment on the presentation made earlier by the Town of Riverhead and the Peconic Land Trust?

LEG. GULDI:

Can we finish the agenda first?

LEG. CARACCIOLO:

We're done. Tom, first let's talk about the Peconic -- I mean, the River club proposition.

DIRECTOR ISLES:

Okay. At this point, we have completed the County's appraisal. We've reviewed both the County's appraisal and the Town appraisal. Our appraisal review staff has issued a report to the Director of Real Estate. We now have two numbers in terms of representing those appraisals, which we then under 712 are required to offer no more than that the mean, less than that is okay, but no more than that. So at this point in time then, not to get specific in the numbers, although Mr. Walter did, we are at a point where the amount that Riverhead has

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offered for the property exceeds the amount that the County can offer and participate in under 712. He suggested that the County participate up to the extent that it could under 7-12, one half of the mean that we have and that the town would cover the rest. That's not somebody we have any authority at least at the staff level to agree to. I'm not so sure it's even permitted within 7-12 for the Legislature to do that.

LEG. CARACCIOLO:

Counsel, could you comment on that.

MR. SABATINO:

No. The way the Chapter 7-12, which consists of all the reforms is currently written, we would not be able to, even with the 10% Rule, go above that 10% just because there was a participating municipality. So you would not be able to do that.

LEG. CARACCIOLO:

Counsel, you were present at a meeting in my office on June 24th with Mr. Isles and others discussing this matter, what is the best course of action for the County to take at this juncture?

MR. SABATINO:

Well, the recommendation that I had made at the meeting was since the Town expressed the willingness to pay 100% of the cost irrespective of the difference of appraised values, my recommendation was for the Town to go ahead, consummate the transaction at 100%. Everybody would be happy; the town would be happy because they acquired something they thought was important, the County would be happy because the acquisition took place, the County would be additionally happy because the collateral benefit would be that the money we didn't spend there would be available for some other project. It seemed kind of silly for the County to have to put up 50% for something the town was willing to do by themselves.

LEG. CARACCIOLO:

Given what has evolved here in regards to the appraisals and the different appraisal methodologies by the town, the town appraiser

assuming that this property could be built out to 222 condominiums and a marine, speculative at best, and the County appraiser looking at it raw land, is there anything about the appraisal process that you would like to comment about on and those two vast different approaches and conclusions?

MR. SABATINO:

I stated at the meeting, but I'll repeat it. I was taken aback by the disparity. I know the people say that's a common event, but I don't agree. I mean, I did practice in the this field at the beginning of my career in the County, and that wide a disparity, I consider to be unusual.

LEG. CARACCIOLO:

Mr. Isles or Ms. Costigan, would you like too comment further about what actions, if any, the County should take at this time?

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DIRECTOR COSTIGAN:

The county has exhausted its review and procedures under 7-12, and our file has no further activity on it in that the town is buying the property. We're satisfied that the procedures applied and were followed.

LEG. CARACCIOLO:

Is there any reluctance on your part to see the town go it alone and the County not participate in this?

DIRECTOR ISLES:

No.

LEG. CARACCIOLO:

Okay. The other property that -- the other presentation I should say dealt with farmland acquisition. And as I indicated to Mr. Walter regarding the River Club acquisition, that was supposed to be a joint acquisition. It turns -- or it appears now it will be a town acquisition. And on the farmland piece, that too started out as a result of the monthly meetings we had in my office as quote a joint acquisition, but the town goes ahead, negotiates a purchase price, now comes to the County because it ran out of money and says help, open your checkbook and bail us out. Is that a mischaracterization?

DIRECTOR ISLES:

I don't know. I really cannot comment on the characterization in terms of intentions of the Town of Riverhead. I think in terms of the facts, we proceeded with an appraisal, which is under review or either near completion or we'll assume is completed at this point. So we're

just now beginning to get to the point where the information will be available to the Director of Real Estate to begin the process of negotiating and then bringing something back to the Legislature for consideration. So we had been kind of almost to the point of completion of all the steps that Real Estate is required to do when we became aware that Riverhead was in contract. So it's a similar situation I guess in some respects to River Club. And if they proceed with the acquisition, we're fully supportive of preserving farmland. If they don't and the situation changes, then we'd have to access where we are at that point. But that's pretty much how we see it.

LEG. CARACCIOLO:

Well, there are big differences in the appraised values and what latitude you have under the reformed legislation.

DIRECTOR ISLES:

I'm not sure what the actual value is at this point. We're certainly constrained by 7-12. So whatever the mean would come out to be, that's the limit. We have no authority to go beyond that. If Riverhead had offered more, which I believe have on the tentative numbers, and I think what Mr. Walter was referring to that is that he would suggest that the Legislature consider going above the mean, less than 10%, but above the mean. And I think he mentioned a number of 15,000 or \$16,000 that that would represent. Here again, we haven't certified those numbers to you at this point. We're in the process of doing that, then we can inform you more specifically as to what the final numbers are, then you can make your decision if you want to do

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it or not do it.

LEG. CARACCIOLO:

Will you be in a position to do that next month, next committee meeting?

DIRECTOR COSTIGAN:

We hope so. We can't guarantee that it will be done by then, but it should be.

LEG. CARACCIOLO:

Okay. Because they indicated this was a time sensitive issue, and if we can, you know, at least have it before the committee next month, then we can consider that.

DIRECTOR ISLES:

We'll do the best we can. I know Ms. Costigan has been on it.

LEG. CARACCIOLO:

The final issue they brought up was a proposition. The proposition where the County would act as grantor to -- you know, to the town. I'd like to get something on the record as to how the Planning Director and the Real Estate Director feel about that proposition.

DIRECTOR ISLES:

Well, we were the beginners of this program back in 1976 and 1977. We're known nationally for this program, and I think we are the beacon of success in pointing to almost 8000 acres of preserved farmland. So I think it's a program that we should be proud of. Some may comment that we should be moving faster, you should be paying less, paying more, whatever the case may be. I think the County has done a great job in items of running the program overall and I think specifically the reform measures that were adopted in 7-12 have done a great job. I think there should be some tweaking a little bit. But I think we have a program to be very proud of. I don't think we should abandon it. And I think in terms of the idea of a grant program, we have grant programs that we do with federal and state government. Those would still be available if Riverhead wants to use that. So my thought without analyzing this, without discussing this with the Farm Bureau or other steak holders to this whole program, I would have caution on it. And I think our County program is a good program, we should continue moving forward and proceed in that direction at this point.

LEG. CARACCIOLO:

Christine, would you like to say anything?

DIRECTOR COSTIGAN:

It's hard to think that Tom doesn't cover every dot, but I do think the perception that the County may be moving too slowly does not necessarily mean that others are not moving too fast. They are cautions that have to be honored. And one can proceed too quickly and bypass some of those cautions. I think in this particular instance, I doubt the County would be interested in buying used credits, if you will.

LEG. CARACCIOLO:

You know, as a casual observer, Mr. Chairman, I have to say that it's been interesting to watch the evolution of PDR sales on the North Fork. Historically, the Town of Southold has all sold PDR rights slightly higher ratio than the Town of Riverhead. Not only has that reversed where you have the Town of Riverhead paying more, but it's significantly more. And I would also note and I want to thank Christine and Tom for recently providing to me a list of acquisitions in my Legislative District for the last 24 months, which is over 400 acres in acreage and over \$3 million in County expenditures. But what

really glaringly comes across is that the County is paying somewhere between 12 and 14,000 for PDR rights in the Town of Riverhead, and the Town of Riverhead since they got into the game is on average paying over 35 -- 30 to \$35,000 an acre. Now somebody has to explain that to me. And it will be interesting when the town is soon out of business because they are out of money to see what we pay in the future for PDR rights.

CHAIRMAN BISHOP:

Well, thank you. Thank you for that discussion. I want to conclude with on that last -- on that last point about -- we're adjourned -- regarding selling our -- or purchasing from the town used development rights, that the success of the Farmland Preservation Program is in great part because it's a regional program and it overcomes some of the deficiencies of a town and local government, which is given to the vagaries of local politics and perhaps the influence that wielded at a greater level at politics. So I think for us to just transfer our money to them to let them run the program would -- would defeat the purpose. We're adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 3:50 P.M.*)

{ } DENOTED BEING SPELLED PHONETICALLY