

**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 **September 2, 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  
John Ortiz - BRO  
Sean Clancy - BRO  
Thomas Carroll - Aide to Legislator Bishop  
Nanette Essel - Aide to P.O. Postal  
Catherine Stark - IR/County Exec's Office  
Ben Wright - DPW - Sanitation  
Judith Gordon - Commissioner of Parks  
Nick Gibbons - Parks Department  
Alpa Pandya - Nature Conservancy  
All other interested parties

**Minutes Taken By:**

Alison Mahoney - Court Stenographer

**Minutes Transcribed By:**

Donna Catalano - Court Stenographer

---

(\* THE MEETING WAS CALLED TO ORDER AT 1:42 P.M. \*)

**CHAIRMAN BISHOP:**

Hi. Good afternoon. Welcome to the September 2nd meeting of the Environment, Land Acquisition and Planning Committee of the Suffolk

County Legislature. Please rise for the Pledge of Allegiance to be led by Mr. Vito Minei.

### Salutation

Could it be that no members of the public have filled out a card?

LEG. GULDI:

They've given up on you already, Dave.

CHAIRMAN BISHOP:

Well, we welcome public dialogue, but there is none forthcoming. All right. So let us go for the agenda. Are there members of the administration that wish to address committee on items on the agenda? Mr. Bagg, do you want to do the -- do we have the CEQ?

MR. BAGG:

Yes.

### CEQ RESOLUTIONS

CHAIRMAN BISHOP:

Why don't we do those first. Oh, my goodness, we have a whole bunch. Number 52-03, (CEQ recommendation in support of dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands).

MR. BAGG:

That's basically just a recommendation from the CEQ to the Legislature and the County Executive in support of the dedication of the County farm in Yaphank.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, seconded by Legislator Fisher. All in favor? Opposed? Approved (VOTE: 4-0-0-1 Not Present: Legislator Fields).

53-03, (proposed SEQRA classification of Legislative Resolutions Laid on the Table on August 5, 2003, Type II Action.) Motion by myself, seconded by Legislator Caracciolo. All in favor? Opposed? Approved (VOTE: 4-0-0-1 Not Present: Legislator Fields).

54-03, Proposed construction of a Sanitary Facility at Indian Island County Park, Town of Riverhead (Type II Action).

LEG. CARACCIOLO:

Explanation.

MR. BAGG:

This is the proposed construction of a 31 foot by 50 foot or 1,550 square foot sanitary building adjacent to the existing camp facilities

and Indian Island. Council feels it's a Type II Action, because it's less than 4,000 square foot across the floor area.

**CHAIRMAN BISHOP:**

Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? It's approved (VOTE: 4-0-0-1 Not Present: Legislator Fields).

55-03 is proposed improvement to Sewer District Number 20, Leisure Village (CP 8148) William Floyd, Town of Brookhaven. (Type II Action)

(\*Legislator Fields entered the meeting at 1:44 P.M.\*)

**MR. BAGG:**

This project includes the replacement of equipment within exist process tanks at the Leisure Village Sewage Treatment Plant. Council feels a Type II Action because it involves purchase and installation of equipment to maintain a repair an existing facility.

**CHAIRMAN BISHOP:**

Motion Legislator Guldi, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Approved (VOTE: 5-0-0-0).

56-03, proposed improvements to Sewer District No 3 - Southwest-Inflow/InfiltrationStudy/Rehabilitation and Interceptor Monitoring, Town of Babylon (Type II Action)

Easy for me to say. What is that?

**MR. BAGG:**

This project includes an evaluation of portions of the Southwest Sewer District Number 3, engineering assistance will be supported by the purchase of monitoring equipment and the installation of equipment into strategic locations in the system for monitoring.

**CHAIRMAN BISHOP:**

What are we monitoring?

**LEG. GULDI:**

A sewer system. What do you think we're monitoring?

**CHAIRMAN BISHOP:**

Flow?

**MR. BAGG:**

I think it's inflow. In other words, what's coming into the pipes

that --

CHAIRMAN BISHOP:

Oh, I see. Make sure it's not toxic or anything like that is essentially what we're -- no? Mr. Minei is saying no. You want to explain it.

MR. WRIGHT:

It's clean water.

3

---

LEG. VILORIA-FISHER:

You have to come all the way up.

CHAIRMAN BISHOP:

I'm sure we're going to get it in resolution form.

MR. WRIGHT:

It's extraneous flows that are really clean water, rain water, sump pumps that pump out basements when they're wet that consumes capacity in treatment plants in the collection system. So we have to make sure that we know where these flows are coming from and that we eliminate them as much as possible.

CHAIRMAN BISHOP:

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

57-03, proposed improvement of Suffolk County Sewer District Chemical Bulk Storage Facility Compliance, County Wide (Type I Action)

MR. BAGG:

This project includes the improvement to the existing tanks, alarms and approval of a spill response plan must be completed. In addition, construction of permanently installed secondary containment system is necessary. The secondary containment system is a concrete pad beneath each chemical delivery point to capture any chemical spills, captured material will be removed to the plant or other appropriate location. The average concrete structure is typical of that illustrates in attached drawings. Each sewage treatment plant concrete pad location is in a disturbed area adjacent to the chemical storage tanks and the process tanks of the plant, and there are 22 plants. Council recommends a Type II Action because the chemical-- I mean the concrete pads are less than four thousand square feet of gross floor area in its equipment.

CHAIRMAN BISHOP:

Okay. Is there a motion? No enthusiasm for this one? I don't have

it either, but I will make a motion.

**LEG. VILORIA-FISHER:**

I will second it.

**CHAIRMAN BISHOP:**

Motion to approve by myself, seconded by Legislator Viloría-Fisher.

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

58-03, proposed replacement of the bridge carrying Motor Parkway (CR 67) over the LIE at Exit 55, Town of Islip (unlisted action, negative declaration)

**MR. BAGG:**

This is a bridge replacement on Motor Parkway over the LIE over Exit 55. They are going to rehabilitate the approach road, upgrading the existing traffic signals at the LIE Service Road.

4

---

**CHAIRMAN BISHOP:**

Motion by Legislator Fields, seconded by Legislator Viloría-Fisher.

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

59-03, proposed acquisition of land known as Gabby Lane for open space preservation, Town of Southampton (unlisted action, negative declaration)

**LEG. GULDI:**

Motion.

**CHAIRMAN BISHOP:**

Motion by Legislator Guldi, seconded by Legislator Viloría-Fisher.

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

60-03, proposed acquisition of land known as Hither Woods addition for open space preservation, Town of East Hampton (unlisted action, negative declaration)

**LEG. CARACCILO:**

Motion.

**CHAIRMAN BISHOP:**

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

61-03, proposed acquisition of St, Gabriel's property for open space preservation, Town of Shelter Island (unlisted action, negative declaration)

**CHAIRMAN BISHOP:**

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

Thank you, Mr. Bagg.

**LEG. VILORIA-FISHER:**

Thank you, Jim.

**CHAIRMAN BISHOP:**

To the agenda. Page one, Introductory Prime.

### INTRODUCTORY RESOLUTIONS

**CHAIRMAN BISHOP:**

That big binder reminds me of British Prime Minister during question time.

**DIRECTOR ISLES:**

We're fully prepared.

**CHAIRMAN BISHOP:**

1735, authorizing the planning steps for the acquisition of farmland development rights by the County of Suffolk to Loughlin Vineyards, Sayville, Town of Islip. (Pay-as-you-go 1/4% Taxpayer Protection Program. (LINDSAY) I didn't know we grew vineyards in Sayville.

5

---

**LEG. FIELDS:**

Yes. It's railroad.

**DIRECTOR ISLES:**

Yes, there actually is. It's next to County property too.

**LEG. FIELDS:**

Motion.

**LEG. GULDI:**

Second.

**CHAIRMAN BISHOP:**

It's very nice.

**LEG. VILORIA-FISHER:**

Can you just tell us where it is?

**DIRECTOR ISLES:**

It's located directly adjacent to the Meadowcroft County property,

which is located at the eastern edge of Sayville, north of Middle Road, bordering Bayport. This parcel is bounded on the north by the railroad tracks. So it's a small vineyard -- and Legislator Fields certainly is familiar with it -- adjacent to County land. This was reviewed by the County Parks Trustees -- pardon me, County Farmland Committee, and they recommended it as well.

CHAIRMAN BISHOP:

Okay.

LEG. FIELDS:

The wine is good.

LEG. VILORIA-FISHER:

And it's terrific to look at farm development that far west, that's excellent.

CHAIRMAN BISHOP:

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

LEG. FIELDS:

Can you put me in as cosponsor on this bill.

CHAIRMAN BISHOP:

1758 is approving acquisition under Suffolk County Multifaceted Land Preservation Program (St. Gabriel's property) Town of Shelter Island. (CARACCIOLO)

DIRECTOR ISLES:

This is a parcel that the Legislature approved previously for an open space acquisition. The primary purpose of this acquisition is water protection. At that time, the Planning Department provided input for this as well as the Department of Health Services. The parcel is located in the Town of Shelter Island where there is not a lot of County holdings at the present time. This is one of the opportunities

6

---

to expand upon it. It is adjacent to land owned by New York State DEC. This would be a partnership acquisition with the town, so it would be 50-50 deal the town. The County would put in half that amount, of course.

CHAIRMAN BISHOP:

We approved it for planning steps?

DIRECTOR ISLES:

Yes.

**CHAIRMAN BISHOP:**  
What are we paying?

**DIRECTOR COSTIGAN:**  
Our share is \$461,500.

**LEG. GULDI:**  
Second the motion.

**DIRECTOR COSTIGAN:**  
Our share is \$461,500.

**CHAIRMAN BISHOP:**  
Wasn't there a problem with water quality on Shelter Island?

**LEG. CARACCILO:**  
Yes.

**CHAIRMAN BISHOP:**  
This is a special groundwater protection area.

**MS. FISCHER:**  
No.

**DIRECTOR ISLES:**  
No. But it was at that time, the time of planning steps, I believe Mr. Minei may have been participating in the discussions, the Health Department had completed some extensive water quality testing and drinking water resource planning for Shelter Island and did identify and recommend this parcel for our acquisition for that purpose.

**LEG. VILORIA-FISHER:**  
Makes sense.

**CHAIRMAN BISHOP:**  
Motion by Caracciolo, seconded by Legislator Guldi.  
Approved (VOTE: 5-0-0-0).

Just what fund is this coming out of? And you want to say something further.

**DIRECTOR ISLES:**  
This is coming out of the multifaceted -- yes. Yes.

---

**CHAIRMAN BISHOP:**  
The catch all capital project.

DIRECTOR ISLES:

If I could too, we would like to just relay a couple of technical comments to the sponsor for consideration, that perhaps, you know, we wouldn't recommend that this be tabled, we recommend approval.

CHAIRMAN BISHOP:

We have time, right, because we have two weeks before the meeting.

DIRECTOR ISLES:

A couple of language things we would just like to pass along for your consideration.

LEG. CARACCIOLO:

Okay.

DIRECTOR ISLES:

Thank you.

CHAIRMAN BISHOP:

You are going to do it afterwards?

DIRECTOR ISLES:

Whatever you want to do. I can give you a copy of it now or later or e-mail it to your office.

CHAIRMAN BISHOP:

They are all technical in nature, right?

DIRECTOR ISLES:

Yes.

CHAIRMAN BISHOP:

Okay. 1761, making a recommendation concerning the final scope for the Generic Environmental Impact Statement for Suffolk Vector Control and Wetlands Management Long Term Plan (COUNTY EXEC). We're always confused when we get into this topic.

LEG. VILORIA-FISHER:

Here comes Vito.

MR. MINEI:

Good afternoon.

CHAIRMAN BISHOP:

You go first.

MR. MINEI:

Okay. This was the companion to the budget that we've been discussing now for about nine months. We hadn't realized until we started the

discussion at the last ELAP Committee that the time period had elapsed for your consideration. This essentially is meeting the SEQRA requirements for the management plan. It's what instigated all of the discussion about Vector Control. And what we propose, and what's now

8

---

being pursued, is going beyond what New York City and Westchester did, which is just to prepare a GEIS. We're in the process of preparing a long term management plan for Vector Control and wetlands management together with the generic environmental impact statement. What you are about to approve hopefully is CEQ's recommendation to you that the final scope after all the scoping sessions, all the comments, all the responses to the comments and the discussion of the budget took place last fall, so hopefully I commend it to your consideration.

CHAIRMAN BISHOP:

So this word for word or item for item matches what we did previously in terms of authorization and appropriation for this?

MR. MINEI:

No. What you are doing is following the letter of the law with regard to SEQRA. You're about to approve just the scope of the GEIS, you're not approving the GEIS.

CHAIRMAN BISHOP:

Wasn't there some issue with the scope of the GEIS besides the fact that we weren't happy --

LEG. GULDI:

It cost money.

CHAIRMAN BISHOP:

It cost money. There was also an issue where some of the community groups had projects that they wanted to see as part of it, and they were not included.

MR. MINEI:

Well, what we did was the original scope that was considered before the scoping session of September 10th of 2002 was that \$2,500,000 budget. When we had the scoping hearing here on September 10th, and we entertained comments through the end of September, was when people including some agencies, they didn't just ask, they sort of directed us to do them. And our response was, gee, they're valuable investigations, but should the County shoulder the entire cost for all those investigations? So our suggestion after several debates here was to, yes, go forward with the \$4.6 million budget, but to exact out of there about a million dollars worth of work that we would pursue. But the scope remains intact. Those projects are to be done. What we

pledged to you was to try to secure federal and state funding to accomplish some of the projects that were not required by the scope of the GEIS.

CHAIRMAN BISHOP:

Okay. Got it. It is there motion?

LEG. VILORIA-FISHER:

Motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Viloría-Fisher. Is there a second? Seconded by myself? All in favor? Opposed? 1761 is approved. (VOTE: 5-0-0-0)

9

---

MR. MINEI:

Thank you.

CHAIRMAN BISHOP:

1766, approving the modification of agricultural district number one in the Town of Shelter Island and Southold subject to the required subsequent approvals of the State of New York. (COUNTY EXEC)

LEG. CARACCILO:

Motion.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

What is the significance of this?

DIRECTOR ISLES:

Okay. This is -- was actually the first ag district in Suffolk County created in the late 1970s. This was last reviewed in 1995 and approved for modification and extension by the County Legislature. We're at the point now where the district is up for renewal again towards the end of this year. This matter has been referred to the Agricultural Farmland Protection Board and the Suffolk County Planning Commission, both of whom have recommended to you the extension of the district. So what this does then is continues the program of agricultural districts in Suffolk County. We're now down to four districts. This is obviously one of them. I will point out that the number of acreage -- acres of farmland has increased from the last district renewal. We're up to about 6800 acres at this point from 6,000 acres last time. And it's good for farming because it provides certain program tax advantage as well as right to farm laws.

CHAIRMAN BISHOP:

Okay. Right to farm laws?

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Approved (VOTE: 5-0-0-0).

1767, is authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program (Schleicher - Town of Southampton SCTM# 0900-014.00-01.00-.032.000,033,000) (COUNTY EXEC). That's a lot of acres. It must be expensive.

DIRECTOR ISLES:

We haven't appraised it at this point. The Town of Southampton has been preserving land in this area. This is within the south fork Pine Barrens special groundwater protection area. It's an area with a deep flow recharge in terms of the aquifer. It's an area that is described in the surrounding areas having a number of kettle ponds and glacial knolls and so forth. So it's an area that has been targeted for protection either through land acquisitions or other forms of open

10

---

space protection. In this case, the town has recently passed a resolution authorizing a 50-50 acquisition with the County. I'm not -- at this point, it hasn't received final approval, because they're still going for a public hearing. But I think fundamentally from the County Planning Department standpoint, we have provided to you an aerial photograph that indicates the parcel in question outlined in green as well as the properties currently owned by the Town of Southampton. So they've done a rather significant investment of property in this area at this point. We feel this would be an appropriate extension under either the Drinking Water Protection Program or if Southampton comes on board officially, potentially on multifaceted as an open space purchase.

CHAIRMAN BISHOP:

Legislator Caracciolo.

LEG. CARACCIOLO:

Tom, it's clear from the handout that the property qualifies for consideration based on the score of 35. But when you look at the category of funding, it appears right now there -- we have an approximate deficit of \$904,000 under this program fund source. Where then would you recommend -- what fund would you recommend for use of

this if we were successful?

DIRECTOR ISLES:

Well, two points to that. Number one is the Drinking Water Program is replenished as sales tax proceeds come in. So at the present time, this is actually our latest number, it shows that amount available. So there will be new funds brought into it as sales tax is collected. Secondly, the Environmental Facilities Corporation based upon the resolution of the Legislature has approved the County's application for \$62 million in financing. We are going to closing on September 18th on the short term loan program, which will give us access to \$15 million during the next year. So in answer to your question, number one, we expect to have additional funds as the program proceeds. Number two, we'll have access to EFC financing. And I guess a third point is that we indicate here with contract and accepted offers is about \$13 million. We hope that all the accepted offers will go to contract. It's possible they all may not. But those are the numbers as we have it right now. It would be a separate resolution required for acquisition at which time you would then be able to see the numbers at that point in time and so forth.

LEG. CARACCIOLO:

Since last month's meeting and presentation, are you still projecting that the County will expend \$30 million this year in land acquisition?

DIRECTOR ISLES:

That's what we expect. I can report to you that we did close on the Fuch's property in Huntington, a very significant acquisition, about two weeks ago. We also closed last week on two acquisitions in the Town of Southampton, cosponsored by Legislator Guldi; the {Graff and Rich} parcels, very important acquisitions. We have the Duke parcel scheduled to go to closing very soon, in the matter of weeks at this point. So it's gone very well, and I don't see any significant

diminution of that. We expect it to be in the range that I spoke to you on at the last meeting of this committee.

LEG. CARACCIOLO:

Okay. Mr. Chairman, if you would bear my indulgence -- your indulgence for a minute. Ms. Costigan, the property -- and I don't want to get into specifics, because I understand, or at least the last e-mail you sent me, it was still in negotiation -- but the property I wrote to you about in Eastport, any new developments on that in terms of closing the deal?

DIRECTOR COSTIGAN:

Which property?

LEG. CARACCIOLO:

Tom, you recall?

DIRECTOR ISLES:

Is that the horse farm?

LEG. CARACCIOLO:

Yes.

DIRECTOR COSTIGAN:

Oh, no. There are no new developments.

LEG. CARACCIOLO:

Okay. But you are still optimistic that that will --

DIRECTOR COSTIGAN:

Yes.

LEG. CARACCIOLO:

Okay. Thank you.

DIRECTOR ISLES:

It's 52 acres too, by the way.

CHAIRMAN BISHOP:

Okay. Is there a motion by Legislator Guldi?

LEG. VILORIA-FISHER:

I just have a question.

CHAIRMAN BISHOP:

Oh, there is a question by Legislator Fisher.

LEG. VILORIA-FISHER:

Thank you Mr. Chair. When I looked at the points that were given here in the rating system, I saw that there were points given for access, but I'm wondering where the access is, public access? Is it convenient for the public? I see it has a golf course on one side and it has homes on another side. I'm not certain of what's to the northwest. Where would there be public access.

MS. FISCHER:

There is a town trustee right of way that goes diagonally through the property. It's not a separate lot, but if you go from the northeast corner through to our property through to a wetland down by Millstone Road, there's an access way there. That's part of the trustee road

there.

LEG. VILORIA-FISHER:

Now, would you have to have a town sticker to park near that town property in order to gain access to that diagonal road.

CHAIRMAN BISHOP:

Park on one of the tennis courts that are adjacent.

MS. FISCHER:

I don't know.

LEG. VILORIA-FISHER:

Well, I know that sometimes a problem when you have to go through town property that you don't have a sticker to the town road, but you are trying to access a County park, you have no place to put your car.

DIRECTOR ISLES:

There are paper streets that are basically unbuilt roads that provide access to the property. So the property does have frontage. In terms of your question, do you need a town sticker, I don't know at this point. And certainly that would not be the desire that we would want to suggest here. I will point out that this is a planning steps resolution, which is to start to gather information and complete an investigation of the property, then bring back to you with a more complete picture and answer.

LEG. VILORIA-FISHER:

And I think it's really important. I think this is terrific acquisition if we can get there. However, I know that on the east end, very often it's difficult to get access to beaches, etcetera, if you don't have towns stickers on your car. And I don't want to have a piece of County property that we can't access if we don't have town stickers.

DIRECTOR ISLES:

We agree. We agree.

CHAIRMAN BISHOP:

How do you credit something with public access? It's just --

DIRECTOR ISLES:

What, on the rating sheet?

CHAIRMAN BISHOP:

Yeah. I mean, what is the criteria to get points for public access?

DIRECTOR ISLES:

If it's connecting to some other trail system.

CHAIRMAN BISHOP:

And this does?

DIRECTOR ISLES:

Which this one does with the trustees road that Laretta spoke of. As far as -- obviously, this one doesn't have access to a water body necessarily, but if it is part of a link of a trail system, then that's what that would apply to.

MS. FISCHER:

It's a trail link.

DIRECTOR ISLES:

And here again, these are always tentative. One thing we didn't include with this form, and Laretta and I talked about it, are any other aspects of, you know, kettle holes or unique landforms, we didn't include any of that at this point, because we haven't confirmed it on this particular site. At this point this is somewhat tentative. When we come back to you, if we come back to you, if this moves forward on an acquisition resolution, we would, you know, try to sharpen the pencil and have more complete information, once we have a chance to investigate the property more thoroughly.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN BISHOP:

Okay. Is there's a motion to approve?

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

By Legislator Guldi. Is there a second? Second by Legislator Caracciolo. All in favor? Opposed? It's approved (VOTE: 5-0-0-0).

1768, authorizing the acquisition of development rights to farmland by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program. (COUNTY EXEC)

Explanation.

DIRECTOR ISLES:

These are all parcels that were recommended by the County Farmland Committee. It's a continuing effort on part of the County to expand the Farmland Protection Program. This would then authorize the Real Estate Division to get appraisals on the property and to commence

negotiations on possible acquisition of development rights.

CHAIRMAN BISHOP:

Are we locked into that Multifaceted Program under this?

DIRECTOR ISLES:

Yes.

14

---

CHAIRMAN BISHOP:

I mean, this locks those farms into the Multifaceted Program?

DIRECTOR ISLES:

Right.

CHAIRMAN BISHOP:

But there are other programs for farmland purchase and protection. They are Greenways and --

DIRECTOR ISLES:

The Greenways, the new Quarter Percent has a farmland component to it as well.

CHAIRMAN BISHOP:

Right. And those are not exhausted?

DIRECTOR ISLES:

Well, multifaceted is not exhausted. Greenways is probably not exhausted, though it's getting there. And the new Drinking Water as we just talked about is probably -- on paper it's spent out at this point, as we just went over with the prior resolution, although under the EFC financing, of the \$62 million we're getting access to, 21 million of that would be farmland acquisitions. So, you know, if you didn't want to go to for multifaceted you could come in and do the drinking water.

CHAIRMAN BISHOP:

Personally, that's the policy that I would pursue is the -- because multifaceted takes in a multiple of different -- different types of initiatives. And if we have specific farmland programs, we should exhaust those first before rolling over.

DIRECTOR ISLES:

Yeah, but on the other hand, multifaceted is the product of the former capital programs that were for land preservation partnership, open space and farmland. So historically, the County has applied some of its capital funding for farmland protection. So we haven't used it very much, but we feel that we shouldn't totally abandon that. And I

will tell you just as we've -- Legislator Caracciolo brought up with the \$30 million we expect to do this year, there's a lot in the pipeline. We are proceeding with the reverse auction, the dutch auction, as it's otherwise known. Those notices will be going out probably with two weeks. We hope to stimulate a lot of farm acquisitions. So we think it's good to tap into the Capital Program at least for a small part of the Farmland Program. We're still pulling heavily from the --

CHAIRMAN BISHOP:

How small do we anticipate this to be?

DIRECTOR ISLES:

Well, of the list you have now, there's at least 50% attrition in terms of people that are interested, or even greater than that when you consider they're not going to accept our offer. So I would it's -- maybe if we get 25% of these, we're doing well.

15

---

CHAIRMAN BISHOP:

And what would a 100% of them come out to?

DIRECTOR ISLES:

I really don't know an exact amount.

CHAIRMAN BISHOP:

Well, I know you don't have the exact amount. Give me --

LEG. VILORIA-FISHER:

One hundred-twenty acres? It's big.

DIRECTOR ISLES:

Yeah. Which was actually approved under a prior resolution. I don't know. Let me just guess, and it's strictly a guess, maybe \$10 million for the whole list. But that's really --

CHAIRMAN BISHOP:

I know. So you're saying --

DIRECTOR ISLES:

Forty-four acres in Southampton. I take that back.

CHAIRMAN BISHOP:

So if you get 25%, that's two-and-a-half million, which is a significant hit to the Multifaceted Program Fund, which is fine if you are exhausting your other funds from my perspective. I mean, how close are we to exhausting the other funds?

DIRECTOR ISLES:

Well, let me tell you. Okay. Greenways right now has \$8.9 million of which we have expenditures expected of about 3.1 million. So we have 5.8 million left in Greenways out of 20 million originally for farmland.

CHAIRMAN BISHOP:

But Greenways is 70/30?

DIRECTOR ISLES:

Yes, it is.

CHAIRMAN BISHOP:

So this is 100% County, right?

DIRECTOR ISLES:

Right. This can be less than 100%, but it can be up to 100%. Pay-as-you-go, as we talked about, pay-as-you-go farmland actually is 7.1 million. In negotiation is five million, so we have 2.1 million left on that one. Here again, that account gets replenished as sales tax proceeds come in. And we have access to EFC.

CHAIRMAN BISHOP:

I'm going to make a motion to table this. I would certainly have no objection to the farms that you have targeted, I just don't believe that that's the wise policy. I think we should use the other funds while we still have them before we go back to multifaceted.

16

---

DIRECTOR ISLES:

Well, just two things with that. If the pay-as-you-go farmland is 2.1 million, it's not a lot of money. As I say, we do have access to EFC. We have never got and used EFC for farmland. I don't think any other municipality in the state has. So we hope that we're going to be able to tap into the \$21 million and quickly.

CHAIRMAN BISHOP:

Right.

DIRECTOR ISLES:

But I don't want that to be a hang up where if we have farmers that are reluctant to participate in it, that we can't buy their land because they don't want to do the EFC package. As far as the Greenways, the Greenways being 70/30, there are some towns that have spent out their farm money, and therefore, they can't come up with the 30 and then we would have to pass on those towns. And I'm not sure if we really want to do that. So I just feel the kind of constraints at this point. I mean, I understand your message.

CHAIRMAN BISHOP:

I'm don't object to providing you flexibility as well, but what you are telling me is that these farms would have to be purchased out of this fund.

DIRECTOR ISLES:

Yeah.

CHAIRMAN BISHOP:

So that's the problem I have with it.

DIRECTOR ISLES:

Well, I understand your point, and perhaps we can take that suggestion back. We're continually doing farmland resolutions and bringing batches of farms to you after every Farmland Committee Meeting and having more of those towards the Drinking Water money if you want. We can certainly try to do that. But I'm a little bit concerned about tabling this depending on how long that's going to take. If we're negotiating for farms and the pots of money, the 2.1 million that we have, how far that's going to really go that we have ready access to. The eight million that we have in Greenways is fine, except some towns don't have the 30% to put up, as we know.

LEG. VILORIA-FISHER:

Mr. Chair, is there a way that a resolution can have flexibility built into it so that we can discuss having access to more than one fund? These are farms that have been designated by the Farmland Committee.

DIRECTOR ISLES:

Yes, they are.

LEG. VILORIA-FISHER:

And so I think that that's the critical core of this resolution is that those are the farms that have been designated, targeted, acquisitions for us.

17

---

DIRECTOR ISLES:

Yes.

LEG. VILORIA-FISHER:

The funding source isn't the core -- I mean, the funding source is important clearly, but can we put flexibility into the resolution?

CHAIRMAN BISHOP:

No. I think what you can do -- Counsel is not here -- is probably file mirroring resolutions to authorize the farm acquisition under a

different programs and then they could have their pick. My point is that leaving aside whether you are exhausting the multifaceted fund and you want to use it for other purpose as well, is that we should always due pay-as-you-go first and then do borrowing second. And we haven't exhausted the pay-as-you-go fund on farmlands as well. You have a suggestion?

MS. FISCHER:

The EFC Program puts very stringent requirements on those farmlands. They have to come up with a best -- or what are they call a best management practices program, and a number of farmers have been lucky.

CHAIRMAN BISHOP:

Okay. So they're elected on EFC, but what about the quarter percent as a pay-as-you-go?

DIRECTOR ISLES:

Well, here again, we have 7.1 million, we have five million in negotiation, we have 2.1 million left or available at this time. So we can use that, but that's not going to pay for this most likely.

CHAIRMAN BISHOP:

Or it may, depends on --

DIRECTOR ISLES:

It may, depending on how many we come down to. But to me, it's kind of limiting at this point. That's all that we can tap into.

CHAIRMAN BISHOP:

Okay. I assume there's a motion.

LEG. CARACCIOLO:

Yes. Motion to approve.

LEG. VILORIA-FISHER:

I have other questions now because of what Laretta said.

CHAIRMAN BISHOP:

There's a motion and a second, but Legislator Fisher has questions -- Viloría-Fisher, excuse me.

LEG. VILORIA-FISHER:

Based on what you just said regarding the stringent requirements of EFC, that is the direction that we want to go in for us to impose those best management practices. We want to limit the level of fertilizers and insecticides. I mean, this is why we have the

Farmland Agricultural Management Committee put together, to help farmers reach that. I don't want to hold up the, you know, acquisition of development rights. However, I think that we have to also keep our eye on that, because we don't want to spend a lot of money on development and then find down the road that we're facing other issues with tainting of our environment, you know, hurting our environment.

DIRECTOR ISLES:

I agree completely, and I think if we speak to a number of farmers and the farm groups and so forth, they would agree as well. And I think that there is a general acceptance of the fact that there is a need to limit pollution, pesticides and so forth coming from farms. I guess the concern with EFC is they have a requirement for clean water, and we certainly agree with that, and we went to embrace that as well. But having worked with the State of New York on their environmental bond programs, which are generally pretty good and worked with the federal government on their federal farm grant programs, they bring along a lot of new requirements and language and contract language and so forth. That is sometimes a learning curve for all of us including the farmers, the property owners. There sometimes is resistance to change and so forth. There is a meeting going on as we speak right now regarding the federal farm program, the conditions they're putting on it. And the problem with it is that the program says go out and buy farmland, but they put conditions on it where no one can live with it, and it's presented a big impediment. We try to work through those and get an understanding and cooperation with the farm community on it, and I think we can do that. But we're beginning this EFC Program brand new, here again, no one else has ever done it. We hope it's smooth as glass and it's fair to all parties involved and protective of the environment to the maximum extent it can be. But I'm just a little bit leery of, you know, that it may not go as we good as we hope it will go, that it may take a little time to work it in where there's a comfort level with the deed language and so forth of EFC. And I just wouldn't want to be put into the position for the County of bringing dragged into that for six months or whatever it's going to take to work it out. And then having farmers that are willing to sell the development rights to us and not having money to execute the sale and so forth. I don't disagree with your point at all, I think your point is well taken. And probably in three months after we've tried this once or twice, I will have a better comfort level as to what can work and what can't work. But having not done it before and being the first County to do it, I'm reluctant.

LEG. VILORIA-FISHER:

No one else has accessed EFC for farmland development?

DIRECTOR ISLES:

I'm not aware of any other community that has at this point. So we would be the first. I'm not sure if any of the east end towns may

have. There's a representative from the Nature Conservancy who knows more about this than I do, Alpa Pandya is here. But for us anyway, for the County, it would be new to us. We agree in best management practice and AEM practices.

19

---

LEG. CARACCIOLO:

Mr. Isles -- no. Motion to approve.

CHAIRMAN BISHOP:

I made a motion to table.

LEG. CARACCIOLO:

With regard to the towns and their ability to provide funding either as a match or in one of the other programs, 70/30, what are their current resources? Do we have a town by town --

DIRECTOR ISLES:

I don't have a town by town breakdown as to the resources. Obviously, we do communicate with the towns on a regular basis. And the towns are going through their monies, especially the farm communities of Riverhead and Southold. I think Riverhead has pretty much expended if not completely almost all the way. Southold still has money left from what I understand when we discussed it, but they've got a number of properties in the works right now. So it's certainly not a certainty that their Community for Preservation Fund will be able to support the 30% contribution, for example, required in Greenways.

LEG. CARACCIOLO:

Are any of the properties on the attached list time sensitive in terms of our negotiations with the property owners or the prospective seller?

DIRECTOR ISLES:

Let me just discuss that with Christine.

DIRECTOR ISLES:

I think the two that we would consider to be a little bit sensitive, Soundview, which was originally authorized under a prior Omnibus resolution, and the other one is Elmer Zay, where we do have active appraisals under way at the present time that PLT has ordered. Those are the only two that I can see on this list that are?

LEG. CARACCIOLO:

Excuse me, Tom.

LEG. VILORIA-FISHER:

Sorry to interrupt you, Tom. We were just going over our legislative

calender to see when our next General Meeting was.

LEG. CARACCIOLO:

Okay. I'm sorry. So the two that you feel may be jeopardized if we don't take action amount to about a 140 acres or so out of the total?

DIRECTOR ISLES:

(Shook head yes).

LEG. CARACCIOLO:

And if you were a successful -- to go back to I think a very good question that the Chairman raised earlier -- in negotiating just those two acquisitions, what kind of a financial impact would that have on the Multifaceted Program.

20

---

DIRECTOR ISLES:

So we're looking at Soundview, Zay, those two?

LEG. CARACCIOLO:

Approximately. Give me a range so we're not locking ourselves into anything publicly here. On the low end?

DIRECTOR ISLES:

Yeah. We would have to do a little homework to give you a number, I think. It's just very difficult to throw out a number that I can feel confident and reliable.

LEG. CARACCIOLO:

Give me a range. I don't want to pinpoint you to an absolute number.

DIRECTOR ISLES:

Let's give you a range of four million to \$8 million.

LEG. CARACCIOLO:

On those two acquisitions?

DIRECTOR ISLES:

Potentially.

DIRECTOR COSTIGAN:

We don't have the figures, but that would be absolute up side.

LEG. CARACCIOLO:

That sounds awfully high.

DIRECTOR COSTIGAN:

And the question more on the delay and the time sensitivity is the

entire movement. If we -- if we can't go ahead on these now, we're -- they're going to be lumped in with the group that Tom is talking about about that we'll be sending notices out for reverse auction. They're going to be approached from two different -- it's going to make things very confusing. They're going to be approached all over again.

LEG. CARACCIOLO:

So to recap where we have some flexibility in terms of our funding resources, we have Greenways.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

Which is a program now five years old. Okay. The farmland component is a \$20 million program, which you said earlier we have approximately \$5.8 million left.

DIRECTOR ISLES:

No. I think it was -- yeah. I'm sorry, yes.

LEG. CARACCIOLO:

Okay. Right now we have five -- so that would cover these two acquisitions. But it would be contingent upon the Town of Riverhead

21

---

and the Town of Brookhaven kicking in 30% of the acquisition costs, correct?

DIRECTOR ISLES:

Correct.

LEG. CARACCIOLO:

I would suggest that that's something we consider doing.

DIRECTOR ISLES:

Can I make one other suggestion too or comment? And that is to just keep in mind that every acquisition that we do in excess of one million dollars has to come back to you anyway.

LEG. CARACCIOLO:

Right.

DIRECTOR ISLES:

So that most of the probably will be in excess a million. I can't say that for certainty, but. So therefore, we would have to request or a sponsor would have to request an authorization to acquire if it exceeded a million dollars, you would then have the opportunity to

once again review the numbers, review the program and so forth. So I don't think this is going to be -- this should be viewed as a blanket, there goes X millions of dollars coming out of the Multifaceted Program and you as the Legislature will not have any say over that. Everything over a million comes back to you. As an example, we have --

LEG. CARACCIOLO:

Okay. Are you representing then right now that every farm that's in Exhibit A is going to exceed one million dollars? Because if that's the case, then we have a problem.

DIRECTOR ISLES:

No, I can't. I can't represent that. But I think it's likely that many of these will be excess of a million based on our Farmland Program and what land costs and so forth. So the point -- my point is that it is highly likely that for us to move ahead with these, most of these will have to come back to you.

LEG. CARACCIOLO:

That said, that said, then what's the urgency in taking action today? That don't bring us any closer to acquisition if another step is involved by virtue of our reform.

CHAIRMAN BISHOP:

He's got you.

DIRECTOR ISLES:

This is actually -- this authorizes us to get appraisals, to do the investigation of the property and so forth.

LEG. CARACCIOLO:

Why don't we have a planning steps resolution instead of a blanket authorization?

22

---

CHAIRMAN BISHOP:

Right. And that would give you the flexibility. Because with planning steps under the reforms you are -- I assume the reforms apply to farmland as well.

DIRECTOR ISLES:

Yes, they do.

CHAIRMAN BISHOP:

So then planning steps would allow you to negotiate and then you can come back to us with the final deal and the program you want to pull it out of.

LEG. VILORIA-FISHER:

The right program.

LEG. CARACCIOLO:

Tom, Can I make a suggestion, that you file a corrected copy and make this a planning steps resolution?

CHAIRMAN BISHOP:

We can approve -- we can discharge this without recommendation.

LEG. CARACCIOLO:

Right. Subject to your agreement the change this to a planning steps resolution so you can go ahead and do everything we do under planning steps; order surveys, order the appraisal.

CHAIRMAN BISHOP:

Negotiate.

LEG. CARACCIOLO:

Negotiate and everything else.

DIRECTOR ISLES:

Well, I can certainly bring that back to the County Executive since it's his bill and bring that to his attention.

LEG. CARACCIOLO:

Mr. Chairman, I will amend my motion then to discharge without recommendation.

CHAIRMAN BISHOP:

I will second it. All in favor? Opposed? Resolution is discharged without recommendation.

And the committee is going to tell the full Legislature this is not -- we're not going to recommend approving it unless it's changed to planning steps. If it's changed to planning steps, we'll be four square behind.

LEG. VILORIA-FISHER:

And that will give us the flexibility as to which funding source we use.

---

DIRECTOR ISLES:

I understand that. I understand your concern for the spending and so forth. The only thing to be a little bit concerned about too is process in that we typically handle farmland this way. If we're going

to change it, that's fine. But I don't want to be flip flopping back and forth and doing it one way sometimes.

CHAIRMAN BISHOP:

Well, what way do we typically handle farmland? You make the call on which fund to draw out of --

DIRECTOR ISLES:

No. There's typically an authorizing resolution just to approve acquisitions under farmland and with the screening by the Farmland Committee, approval by the Legislature and so forth.

CHAIRMAN BISHOP:

I think when you get into programs though that use money in a multitude of initiatives you have -- we're going to look at it differently. If it's a farmland, solely a farmland program, it's going to be treated differently. And would probably be --

DIRECTOR ISLES:

Okay.

LEG. CARACCIOLO:

And just to echo those comments by the Chairman, you know, when we put together the EFC Environmental Fund back in 2001, which was my legislation, that was done with the understanding as Legislator Bishop just pointed out that for the west end of this County where we have rare opportunity to make land acquisitions, we would we would predominantly earmark multifaceted funds for that purpose. And the new \$62 million program that the Legislature and the public supported in referendum in 2001, set aside \$41 million for open space County wide and 21 million for farmland. And that's what that money is to be used for. So we have the money. And I think we have to work out the nuance here and not digging into this Multifaceted Land Preservation Program, which is very limited in terms of the amount of dollars we have available to us.

DIRECTOR ISLES:

Okay. Not to belabor it, just anything with multifaceted has to be appropriated by the end of this year too, because it is a capital account.

LEG. VILORIA-FISHER:

How much is left, Tom?

LEG. CARACCIOLO:

I'm sure you have a whole list of eligible properties that you could run -- well, keep in mind now with the calender we were just talking about, we have a meeting the 6th of September, and we don't meet again for this type until November --

LEG. VILORIA-FISHER:  
Eighteen.

24

---

LEG. CARACCIOLO:

That's right, because the budget is the 6th, right. So that's the meeting you are going to have to have those resolution before us.

LEG. VILORIA-FISHER:

How much is left in multifaceted? I sorry to make you say it again.

DIRECTOR ISLES:

Well, if you take away what's in negotiation, what's in contract, it appears to be about three and a half million. And I think that doesn't include -- so we've got, and don't quote me on this, but somewhere in the range of 13 to 15 million in multifaceted between last year and this year at this point.

LEG. VILORIA-FISHER:

Okay. You are saying we have 15 million left.

DIRECTOR ISLES:

Approximately. I can give you an exact amount, but that's approximately it, yeah.

CHAIRMAN BISHOP:

So we called the vote, right? Discharged without recommendation (VOTE: 5-0-0-0).

LEG. VILORIA-FISHER:

Budget Review, I'm very confused about this, and we shouldn't be doing this as an aside, it should be on the record. Mr. Isles just indicated that we have -- that we need to use the multifaceted money this year.

DIRECTOR ISLES:

You have to appropriate it this year.

LEG. VILORIA-FISHER:

We have to appropriate it this year. And if we don't, what happens with that \$15 million?

MR. CLANCY:

I just believe you appropriate what you are going to use. What you don't appropriate is just shown as --

LEG. CARACCIOLO:

The roll over.

MR. CLANCY:

It's not a roll over, because I don't think it's an actual account.

CHAIRMAN BISHOP:

Let me see if I can explain it this way. There's -- let's say the program has -- it's 12 million, I believe, it's authorized for in a given year? Multifaceted, I believe is 12 million.

DIRECTOR ISLES:

Thirteen million a year.

25

---

CHAIRMAN BISHOP:

And you only spend seven million in a given year, then you are only borrowing seven million, and the six million doesn't roll over, it's just not spent. But the next year, the program is renewed again at 13 million. So you have \$13 million to spend the next year.

LEG. VILORIA-FISHER:

Okay.

CHAIRMAN BISHOP:

So when he says, you know, it disappears, you know, disappears only in the sense that you can't max it out two years in a row, which is --

LEG. VILORIA-FISHER:

But this is money that has been set aside in the budget.

CHAIRMAN BISHOP:

No, it's not, because it's borrowed, it's not set -- it's capital. We haven't taxed anybody for it.

LEG. VILORIA-FISHER:

I thought you said it was pay-as-you-go.

CHAIRMAN BISHOP:

No. That's the other one which is --

LEG. VILORIA-FISHER:

Okay. Multifaceted is not pay-as-you-go?

CHAIRMAN BISHOP:

It's borrowing. It's borrowed money.

LEG. VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

It is money that you as Legislature plan in the Capital Budget.

LEG. VILORIA-FISHER:  
We planned it.

DIRECTOR ISLES:  
You spend this much money for open space or whatever else.

LEG. VILORIA-FISHER:  
Right, but it is bonded money.

CHAIRMAN BISHOP:  
Right.

LEG. VILORIA-FISHER:  
Okay. Thank you.

CHAIRMAN BISHOP:  
Okay. Thank you. That was informative and productive. Okay. Tabled prime.

26

---

LEG. CARACCILOLO:  
No. You have 1774 unless you want to forget about that.

CHAIRMAN BISHOP:  
1774, permitting County to waive 10% rule for land acquisitions. This bill would permit the Legislature to waive the 10% rule only with a two-thirds vote of the Legislature. Tom, do you want the comment on this?

DIRECTOR ISLES:  
Well, we've had the opportunity now to work with Chapter 7-12 for about 14 months. It came into effect at the end of May of last year. I think that it's provided some great directives to the department in the system of checks and balances to provide clear guidance for the acquisition of land, and I think we've implemented them with the spirit of doing the best job we possibly can, integrity above approach as TNC says. But I do think there are a few things that now that we've had -- here again, this over a year to work with Chapter 7-12 to look at a few things that we may want to consider as a County collectively just taking a look at it again. And this item, this resolution, we think is interesting in that I do find it a little odd that we can't even bring an acquisition to you if it's more than 10% above the mean. And I think one of the things we have talked about at this committee is that we have presented to you appraisal reports from various acquisitions, and we're surprised by the spread in the dollar amounts of the appraisals and so forth. We have had cases where we

have an acquisition that we have negotiated based on a planning steps resolution come in above the 10%. And here again, we can't even present that to you for your consideration even if it is below the top praised value. I understand that the Chapter 7-12 was done after dozens of hours of consideration by this committee and the Legislature in total. It came on the heels of a very tough time for us. But I think the sum modification of 7-12, some tweaking, some adjusting to it, I think should be considered. I don't think any of it should be considered in the light of weakening the standards or reducing the checks and balances in any manner, but I think there should perhaps be practical adjustments. Specific to this resolution, we do feel that some change to the 10% may be warranted, not that the Director of Real Estate or the Director of Planning has the discretion beyond what we currently have, but at least the 18 elected representatives of the People of the County would have that discretion with transparency and so forth, full accountability presented to you.

At this point in time we are not supporting necessarily the second procedural motion on top of the first procedural motion. We're not sure how that will work mechanically. We philosophically think the idea is worthy of consideration. There are a couple of other things within 7-12 we would like to have the chance to converse with you on, perhaps with the sponsor, and bring those to your attention as well that we had some practical problems with. So at this point, we would like to request that this perhaps be tabled and perhaps we have some have further discussion on it. Be a little bit concerned since this was such a carefully constructed legislation to begin with and here again has done the job very well, I think, to quickly change it without considering its impacts and perhaps if you are going to consider some adjustments to it, maybe take care of a few -- or at

27

---

least you should be aware of some of the other problems that we've come across so you can take that into consideration when you are looking at 7-12.

CHAIRMAN BISHOP:  
Okay. No I --

LEG. VILORIA-FISHER:  
Motion to table.

CHAIRMAN BISHOP:  
Well, hold on. I just want to go through a couple of things. I feel a little blindsided, because I did call and say this was coming. I was under the impression that it was welcomed. So now you are telling me that while it's welcomed, you have a litany of other things that you want to bring up, you know, while we're at it kind of thing.

DIRECTOR ISLES:

Well, certainly there was no intention to blindside you. Mr. Chairman. Believe me. No.

CHAIRMAN BISHOP:

The 10% rule has been cited as a hindrance to the County's land preservation efforts. Is that a fact or is that a myth?

DIRECTOR ISLES:

Well, I will let Real Estate Director Costigan speak for whatever she wants to comment. I have just been observing that to me we're paying -- we're looking at a price that's going to be paid with this in terms of we put on extra standards, what we get for that is the checks and balances, we get a better comfort, we get better protection, so forth. So the question here then is that is this a hindrance? I believe that there are transactions that we are not doing because of the 10% rule. It may be that you decide that's a price we we're going to pay, because we would rather have the controls and the certainty of the controls and not have the risk of perhaps overpaying for property.

CHAIRMAN BISHOP:

I just want to get -- so you are encountering potential purchases, potential acquisitions, where you are running into the 10% rule. Can you give me, you know, some quantification on that point or even qualitative.

DIRECTOR ISLES:

I think I have reported to the committee in the past that the -- I believe last spring, just giving you some idea -- at that time I think we had maybe a dozen or a dozen and a half parcels, we had rejected offers. What's difficult is that -- two things, one is that the seller doesn't always articulate why they're rejecting it other than it's not enough money perhaps. Then secondly, the sellers don't always articulate that they're totally out of the game. So sometimes somebody says no, and they walk away from the table and you think that's the end of it. Three months later they come back. But I think the --

---

CHAIRMAN BISHOP:

So you couldn't tell whether it's the 10% rule or whether it's --

DIRECTOR ISLES:

There are some cases where there's -- like, for example, the Wall acquisition in Huntington was a case where we had two appraisals. We had an owner who had offers coming in from the private sector. We ended up computing the mean, the 10% above the mean, and it was a case where we could not even bring that acquisition to you. It was a for a

park for handicapped children and so forth that the Town of Huntington then was going to build the park if we bought the land under the Greenways Active Recreation Program. So it struck me as being a little strange that we had a dollar amount that the owner, we think would have accepted, that was half a million dollars below the highest appraised value, obviously, it was above the lower appraised value, and we couldn't even bring it before you for you to consider or to look at. So that to me sounds odd.

CHAIRMAN BISHOP:

That's the kind of thing I'm looking for, but that happened once. Has it happened multiple times?

DIRECTOR COSTIGAN:

Yes, it has.

CHAIRMAN BISHOP:

Or is it that we abandon -- we don't really know because you know the 10% rule is there and there's no further negotiation?

DIRECTOR COSTIGAN:

It's verifiably happened more than once. In addition there are situations where we've had to abandon them.

CHAIRMAN BISHOP:

So wouldn't you want in the next eight weeks to have the 10% rule waived. Can't we move forward with this particular piece of legislation and the committee, of course, will always consider additional legislation to make the program work better. We have never closed our doors to it. I don't understand why we would say, hey, we don't want this ability to have transparency and accountability in the system enhanced and more flexibility, because there are other things we want to bring up later on. It seems, you know, just on the last resolution when we were discussing six weeks till the next General Meeting, when you are in a race to preserve open space, it would seem that you would want to get this on the books so that you can have the opportunity to come back to us with potential deals.

DIRECTOR ISLES:

I understand what you are saying.

CHAIRMAN BISHOP:

Long winded that was.

DIRECTOR ISLES:

I just not sure. I mean, certainly I think doing what you are doing would be, I think, better in the sense still understanding our

obligation to the public in terms of their trust of the program and accountability for how we acquire land and so forth and having a very strict system of checks and balances. This I think moves a step closer to giving us the option of at least bringing these to you for your consideration.

CHAIRMAN BISHOP:  
Right.

DIRECTOR ISLES:  
I just got a copy of this I think on Friday. And I think you certainly did put a call into the Real Estate Department and talked about this a little bit in terms of the process of the second procedural motion it just strikes us as being somewhat cumbersome.

CHAIRMAN BISHOP:  
Well, because the way it works, you know, is that you're authorized to negotiate and you come back with a deal that's greater than 10%, greater than the mean, and it would come to the Legislature and we could approve that deal, but it would be -- require an extraordinary two-thirds vote. So it's -- so in that sense, the public is protected because a potential deal with problem is flagged, it requires additional votes. But the efforts to preserve the environment are also enhanced because there's now flexibility if it's something that we need to get done that we can do it.

DIRECTOR COSTIGAN:  
I think maybe the point is not being -- we're not enunciating the point. The problem is the drafting is patently confusing.

CHAIRMAN BISHOP:  
All right.

DIRECTOR COSTIGAN:  
If you just eliminated "D", you would solve the problem. What you have done is add yet another two-thirds vote on top of the first one. And it's baffling as to what the second vote would vote on when the second first one already voted to waive the restriction. You see, in "C" you have to have a two-thirds vote to waive it.

LEG. CARACCILO:  
By separate resolution, by separate motion.

DIRECTOR COSTIGAN:  
No. In "C" --

LEG. CARACCILO:  
In "D", I meant.

DIRECTOR COSTIGAN:

I'm saying in "C" you need a two-thirds membership which just lets you go above the mean. We'll stop there. You're done. "D" then adds another resolution that says you can go above the mean --

CHAIRPERSON BISHOP:

No. I think the reason -- I think if anything "C" should be

30

---

eliminated. The point is that we want to know -- we don't want to authorize you to go above the mean, we want to know what the dollar amount is.

DIRECTOR COSTIGAN:

Well, of course. Yes.

CHAIRMAN BISHOP:

Is that "D" or "C"?

DIRECTOR COSTIGAN:

That's all articulated in "C". "D" is just like icing on a cake that's already made of fudge.

CHAIRMAN BISHOP:

That's beautiful. Okay.

LEG. FIELDS:

Great analogy.

CHAIRMAN BISHOP:

Okay. So this is another situation I think the committee and you all agree, we just need to--

DIRECTOR COSTIGAN:

No. Waiving the 10% would help our lives a great deal. And with hearing from you that you are interested in some of the other things that would make our life easier is even more --

CHAIRMAN BISHOP:

Then what I would suggest is that this is another one that's discharged without recommendation.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

And it will be changed between now and the General Meeting to reflect the drafting concerns.

LEG. GULDI:  
Second the motion.

CHAIRMAN BISHOP:  
Kicking Sabatino when he's down.

LEG. GULDI:  
It's more fun that way.

CHAIRMAN BISHOP:  
All right. Finally, motion to discharge without recommendation by myself, seconded by Guldi. All in favor? Opposed? It's discharged without recommendation. (VOTE: 5-0-0-0).

31

---

TABLED PRIME

All right. Tabled resolutions. 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).

This was a recreational, right, active park land, right?

LEG. VILORIA-FISHER:  
Town resolution.

LEG. FIELDS:  
What was the score on this one?

LEG. GULDI:  
Five pointer, right?

DIRECTOR ISLES:  
No. No. It didn't score because it was under active recreation. And by the way, we think there should be a scoring system for active recreation. We're going to get back to you on that one. But the problem with this is that there was a change in ownership and the new owner -- Real Estate has been working extensively to try to reach the new owner and try to find out if they are willing sellers or not. And although they've made progress, we're not they're not yet. And we certainly don't have a number to bring back --

CHAIRMAN BISHOP:  
Motion to table by myself, seconded by Legislator Guldi. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

1476, approving Adopt-a-County shoreline Program. (COOPER)

**CHAIRMAN BISHOP:**

Motion to table by the request of Legislator Cooper, so Legislator Guldi makes the motion. I second it. 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)

I, at the previous meeting, gave you a memorandum which outlines the legislation. I recircled it again today. The essence of the legislation is that too often as the regional government we are not able to control the destiny of some of the most important issues that we face, particularly land use development as it relates to the creation of affordable housing. The one area where we seem to have some leverage is in the ceptic systems. And what this legislation would do is with regard to only sewerred areas, it would incentivise certain types of projects into sewerred areas, particularly affordable housing. Affordable housing with this bill would allow the Multifaceted Program, which is has the affordable housing capital component in it to be used not only for the purchase of land, but also for the construction of the sewer line. That would have a great benefit to developers who find that the sewer costs are a great burden particularly if they want to hook into, for example, southwest and are

32

---

outside the district boundaries. This would allow us to fund the purchase of a line to the main from the project if there is 70% affordable housing.

**LEG. GULDI:**

The question I have of the sponsor, is the sewer connection cost on a quantifiable basis? I mean, what are we talking about in terms of the overall cost of the project?

**CHAIRMAN BISHOP:**

Well, it would always come back to the Legislature for additional votes.

**LEG. GULDI:**

I understand. I understand. That's not -- just in terms of how much of an incentive are we creating? Sewer connection costs and projects are, at lease to my experience and knowledge, generally less than 1% of total project costs.

**CHAIRMAN BISHOP:**

Then it would be 1%.

**LEG. GULDI:**

And if it's 25% or 70% of less than 1% -- I mean, how much of an incentive are we really creating? And has anyone done and quantifiable research on that?

CHAIRMAN BISHOP:

Well, quantifiable, no. Qualitative research has been done. I spoke to several developers including Susan {Barbash} who develops affordable housing projects, thank goodness, one of the only ones, and this isn't -- this is the type of incentive that often can make their numbers work where they couldn't in the past. Now, is it going to spur affordable housing creation throughout Suffolk County? I'm hoping so you, but, you know, I think it's just, you know, it's one incentive, but it's not going to solve the problem in and of itself. But it's an important step.

LEG. GULDI:

Okay.

LEG. FIELDS:

I have a question.

CHAIRMAN BISHOP:

Sure.

LEG. FIELDS:

Number three on your memorandum says, is a smart growth project, but we haven't -- just let me finish my question. We haven't really put any place exactly what smart growth is, and I would think that --

CHAIRMAN BISHOP:

Let me explain how that section works, because you are right, and I know you are working -- you were the one Legislator who is most responsible for bringing the notions of smart growth to this body.

---

Smart growth projects are mixed use projects, but they are not designated smart growth unless the Legislature determines them to be smart growth. So nothing happens without a vote of the Legislature. The way this would work is that the legislation names seven uses, and a project needs to contain four of them.

LEG. FIELDS:

Wait. Go back to the thing that you just said. The Legislature designates it to be smart growth. What if the Legislature likes a developer and decides that they're going to just call him a smart growth developer? I'm looking for criteria that is absolutely stating what a smart growth development is.

**CHAIRMAN BISHOP:**

A smart growth development would need to use four of the seven articulated uses, and the bill has seven uses. Four of them would have to be in the project, and then the Legislature could designate it a smart growth project. And that's after both the Planning Department and Health Department have opportunity of 60 days to comment. So the first step is Legislator or County Executive files a resolution for a project with, you know, four of the seven uses, and then there's a comment period, and then there would be a vote of the Legislature to declare it a smart growth project.

**LEG. FIELDS:**

But it's not -- it's not really designating what smart growth is. You are saying one of these seven on the page; residential sales --

**CHAIRMAN BISHOP:**

No, four.

**LEG. FIELDS:**

Well, one of the -- four of these seven; residential sale, residential rental, commercial retail, light industry or office, affordable residential, affordable residential -- oh, site and then rental and civic and institutional site. But you can take four of these and just have a developer put up, you know, a sprawling area and say, okay, that's smart growth, but it's not really smart growth.

**CHAIRMAN BISHOP:**

That's why you have the protection of both the department's comments and the Legislature's vote.

**LEG. FIELDS:**

Can we hear from Vito and Tom regarding this also?

**LEG. VILORIA-FISHER:**

If I could just -- if I recall, Legislator Fields, there was -- on your recommendation, the Planning Department put together a document defining certain criteria that constitutes smart growth and smart growth development. Doesn't this define a great deal of what the parameters are vis-a-vis the department? I read that when it published.

**LEG. FIELDS:**

I think it's still a work in progress.

---

**LEG. VILORIA-FISHER:**

But I think smart growth as a concept is a work in process. I think there are different definitions. It's a catch phrase that seems to

catch a lot. And I think we have to make those judgments on a project by project basis, absolutely.

CHAIRMAN BISHOP:  
With some guidelines.

LEG. VILORIA-FISHER:  
And we have guidelines that were published by the Planning Department.

LEG. FIELDS:  
I'm concerned about these seven, just that the they can be altered -- not altered, that's an incorrect --

CHAIRMAN BISHOP:  
Manipulated.

LEG. FIELDS:  
Right. I am very concerned about that.

CHAIRMAN BISHOP:  
But how would you solve that problem? I mean, the way I solved the problem with Counsel was to say, well, we ought to have a process that requires both comments from the administration and an affirmative vote of the Legislature before something is declared a smart growth.

LEG. VILORIA-FISHER:  
The way we have with land acquisition input from the department with the rating system so that we can make an intelligent or try to make an informed and objective decision.

LEG. FIELDS:  
I'm just worried. Be careful what you wish for. You may put something like this out there and it can hurt, you know, when all is said and done unless you've covered and thought about every possible problem that could occur. And is it going to push more development of things that people deem smart growth or is it going to really be a policy that will utilize smart growth?

CHAIRMAN BISHOP:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
Thank you. Mr. Chairman, as sponsor of the resolution, could you just clarify Section 8 under E, E Number 8? Here it is. This speaks to reducing by one dollar for each \$20 million worth of construction work.

CHAIRMAN BISHOP:  
This is an old one. Sorry about that.

LEG. CARACCIOLO:

Okay.

35

---

CHAIRMAN BISHOP:

We're giving him an updated copy.

LEG. CARACCIOLO:

Mr. Minei. Vito.

MR. MINEI:

Yes, I'm listening.

LEG. CARACCIOLO:

I don't know if you had an opportunity to look at this resolution and if you are prepared to comment on it. First, if you have had an opportunity to look at the resolution and address the committee on your sediment, recommendation or lack of recommendation, I would appreciate hearing from you either way. And then I do have a specific question about E Number 8.

MR. MINEI:

We've had several opportunities to review the proposed legislation. There are many elements of affordable housing that I think the County is supportive of. I know working with Tom Isles and Planning and his staff and certainly the Health Department, there's been a number of initiatives we have been working on with the towns, with the Long Island Housing Partnership and with the Affordable Housing Director. Some of these elements, I think, are well taken; this idea of directing us to expedite affordable housing. What I hear from developers is time is probably one of the most critical elements. And we have been routinely expediting projects. The one element that we in the Health Department have had a problem with from the beginning, and I still believe it's in here, is the directives in element E, one through five, that directs the Health Department to reduce its sewage design flow rates as promulgated in its standards. And we have very strong reservations. As you know, the standards are promulgated in accordance with the Sanitary Code and is held separate from Legislative directives for that purpose, and this seems to run contrary. So we certainly have a problem with those element directing us to change sewage design flow rates. Its also, we believe, counter-productive --

CHAIRMAN BISHOP:

It's not in there. You don't have an updated copy. The problem -- 8-11 was the latest version, and apologize, because it has gone through numerous versions, at least ten versions, as we picked up more, you know, comments. You're comment were incorporated, and we

understood the department was drawing the line on design sewage flow rate, so we've not done design sewage flow rates. They are not impacted.

MR. MINEI:

It says -- I'm sorry. I have something --

CHAIRMAN BISHOP:

The only place it is impacted is where it offers a challenge if -- I don't know why he took it away from me when I need it.

36

---

LEG. GULDI:

He's taking the staple out to go make copies.

LEG. CARACCIOLO:

Mr. Chairman, if I could have my time back while we wait for that copy, okay.

MR. MINEI:

I'm looking at something that says corrected as of 8/11/03, and it still has that section in there.

LEG. CARACCIOLO:

When we get copies, we can follow along all together. But in the meantime, Vito, Mr. Chairman, I think the reservation I would have -- this is far reaching, and I know what your intent is, it's very positive, you want to stimulate, you want to aid, you want to assist affordable housing where the County appropriately has a role. And it appears that you have taken great strides here to accomplish that goal. However, I think given the depth of this proposal, we need more time to review it and make certain that it's going to accomplish your stated goal of providing affordable housing contractors, such as the one you mentioned. I want to make certain they're familiar with this legislation. I want to make sure that they're comfortable that this is actually going to accomplish the stated goal of being in an incentive for affordable housing contractors. And then there is a whole myriad of other issue that we don't have jurisdiction over with towns and land use those issues. So to the extent that we can aide and assist, we should, but we have to make sure from a County perspective and the taxpayers' perspective that we are not foregoing valuable fees and revenue in an effort to accomplish something that may not be workable. And I won't be convinced it's workable until I hear from all the vested parties that it is.

LEG. FIELDS:

Can I -- go ahead, Vito.

MR. MINEI:

I was just going to -- if I was hearing one point correctly, this idea that the County would contribute to the sewer connection? There might be some merit to that. I mean, we have a really glaring example of a problem. We have a project, it's called Lexington Village in Bay Shore, just west of Entenmann's, north of Southern State and out of the Southwest Sewer District, a horribly dilapidated sewage treatment plant in what is welfare housing. And we have been struggling with the design engineering with the Town of Islip, with others, to try to get either treatment plant upgraded or connected to the Southwest Sewer District. Either of those alternatives; their own treatment plant or connection is very very costly. And the idea of the County participating in some underwriting of that connection makes some sense to me. What -- we still really have reservations, and hopefully it is taken out, is this idea of, well, maybe, if you undersize the pipe or you change your design sewage flow rates, that will be a cost incentive. I don't buy it.

LEG. VILORIA-FISHER:

No.

37

---

MR. MINEI:

Also, I think it's counter-productive because we find, unfortunately, that some of these affordable housing projects have excessive sewage flow rates, not under-utilized sewage --

CHAIRMAN BISHOP:

Where you are you reading the sewage flow rate, I want to go back to that. Because I say it's not in there, and I am the sponsor and you're telling me it is in there, and you're the department.

MR. MINEI:

I have something that says corrected copy as of 8/11/03.

CHAIRMAN BISHOP:

Right. Okay. So we're all reading from the same document.

MR. MINEI:

And I see on page -- okay. So this isn't correct, even though it says corrected. Okay. I'm looking at the bottom of -- I was before -- page two, item E.

CHAIRMAN BISHOP:

Page two, Item E.

MR. MINEI:

And it says, sponsor is able to demonstrate the proposed mixed land use of more than so many acres, 25 to 50% less than the Suffolk County

Health Department prescribed designed flow standards, then this shall get a reduction in designed sewage flow rates up to a maximum. And it goes on to discuss those sewage flow rates as in the --

CHAIRMAN BISHOP:

Tom, is this -- the problem is that --

MR. CARROLL:

That's the part you want to give them.

CHAIRMAN BISHOP:

That's just to a challenge to the department, and the challenge is within the department's discretion to deny or accept. That's not a -- in other words, that's just the developer saying, look, I have built, I don't have the flow that you say that I have, I'd like to alert the department to that, and I want my reduction because I'm not producing the amount of flow that you said I am going to. And it's up to you. It's not -- this is not something where -- this is different than the rest of the bill, in other words. It's simply a challenge where a developer feels that they're being -- I won't say abused, they're being unfairly treated.

MR. MINEI:

Well, if there's one category where we think the case would not be really persuasive or compelling, it probably would be affordable housing. If you want to leave that in there and say we can considerate it, we can considerate in any event. If someone comes before us in the Board of Review and says, I'm not generating the

sewage flow rate you say I am, and these are our flow records, the problem is almost to a project, they come in with water use records.

CHAIRMAN BISHOP:

Right.

MR. MINEI:

And the standards are based not only the quantity of water, but the characterization -- the characteristics of the sewage. And they invariably fail on that second part of the test. So we've heard all about plumbing code, fixtures, changing/reducing flow, it hasn't changed sewage design factors because of that combination of flow.

CHAIRMAN BISHOP:

My point is that I understood your criticism in the beginning of this process that you didn't want incentives to mess with design flow rate, and this bill does not do that. So that's where I'm drawing your attention to. That is merely the one time that it's mentioned, and if

you read further, it says, as determined in the sole discretion of the Commissioner of the County Department of Health Services. So this criticism may not be -- you may be reading more into it than is there.

LEG. FIELDS:

I have another question.

CHAIRMAN BISHOP:

Because I was aware of the department's objection on that, and it was addressed.

LEG. FIELDS:

Can I ask another question. Who determines what's affordable? If a developer -- and I have an example of one -- said he wanted to build affordable houses in Islip Terrace, and he was -- senior citizens, he was charging, you know, thousands of dollars every month for apartments, and he was calling it, affordable but it was not affordable to -- not even to a working family, but never mind to senior citizens, and then secondly, one of the other problems that I've brought up in the smart growth -- one of the other problems that I think I've brought up in the smart growth --

CHAIRMAN BISHOP:

Are you talk to go me solely? Then wait. I'm trying to get the information one question at a time.

DIRECTOR ISLES:

Well, I think the affordability is determined -- it makes reference to Chapter 36, which is our Affordable Housing Code, which has constraints on income.

LEG. VILORIA-FISHER:

Is that HUD?

CHAIRMAN BISHOP:

It's based on the median income in an area?

39

---

DIRECTOR ISLES:

It's all spelled out. I have a copy here.

LEG. FIELDS:

Based on affordability.

DIRECTOR ISLES:

Yes.

LEG. FIELDS:

One of the other problems that I have brought up within the Smart Growth Committee also is these developers come in and build what they deem smart growth or affordable -- take away smart growth. They build affordable housing for people, and then a year later, the rents go up and by five years they're about equal to what you would pay in regular housing, not affordable housing. So one of the things that I've asked is that somehow or other when you talk about smart growth and affordable housing that you limit the ability for them to raise rents so that they eventually come up to being unaffordable. Because then really you are just giving someone the ability to build a lot of apartments and then it's not affordable at that point.

LEG. VILORIA-FISHER:

I have to say I have seen that problem in the past where so-called affordable units have been built even using the HUD standards.

LEG. FIELDS:

Yes.

LEG. VILORIA-FISHER:

And elderly people have had these increases every year according to the HUD allowable increases, and it's really driven them right out of their affordable apartments. So it is a problem, but I don't know whether within our code do we have an increase adjustment within that code, Tom? Thirty six in the Suffolk County Code, Chapter 36.

DIRECTOR ISLES:

Yeah, we do. Well, with rentals what we do is we have a management agreement with the entity, and I can give you a copy of this, but there are income limits on who's participating and they are required to do annual filings, I think it is, to confirm that the tenants are paying 80% of the median rental and so forth.

LEG. FIELDS:

Who do they file that with?

DIRECTOR ISLES:

The way our program works is we go through the towns, and they're required to do an annual report to the County's Director of Affordable Housing on their program. We have only had two projects approved so far, and they're not occupied, they're under construction. But as they're occupied, each year they have to file a report showing how they are in compliance. So that how the current Chapter 36 is spelled out, which is really oriented for the County Capital Program.

---

LEG. FIELDS:

So the County then -- let's say we have ten houses that were built or

complexes then -- and they were built already a year or two or ago, we would have had an opportunity for the past two years to look at a report that was filed of how much money they were charging and how much money they're raising it?

DIRECTOR ISLES:

I missed the first part of your question.

LEG. FIELDS:

Where do they file that report, to the County?

DIRECTOR ISLES:

To the County with the Director of Affordable Housing, yes.

LEG. FIELDS:

And then the Director of Affordable Housing is checking that?

DIRECTOR ISLES:

Yes.

LEG. FIELDS:

And what happens if they're not compliance?

DIRECTOR ISLES:

Then there would have to be action taken perhaps to take -- get our money back, because basically what happens with the County program --

LEG. FIELDS:

What I'm saying is is that written somewhere that now they're not in compliance with that code, they have gone above and beyond what they're supposed to be doing, and what is -- what's the penalty? Is it written somewhere that there's a penalty and that someone is going to be monitoring that and making sure that it's refunded or something?

DIRECTOR ISLES:

Yeah. I'm looking at Chapter 36 as an conditions of County transfer, which it spells out the requirements in terms of when the County does do transfers under 72-h, the municipalities, it does put reverter clause in that if there's nonperformance by the municipality, the County has the option then of taking the property back.

LEG. FIELDS:

But we've gone through that saying that nobody is really looking to see whether or not --

DIRECTOR ISLES:

Well, no, we are.

DIRECTOR COSTIGAN:

Not as to affordable housing. What we have been talking really is the

other items; the affordable housing ones, Marion has been getting reports.

41

---

LEG. FIELDS:

Again, the reasons I'm asking these questions are what ends up happening very often is be careful what you are wishing for. And something happens and we say, oh, God, if we had only looked at that a little bit better and more cautiously to cover all the angles, because you know people are going to take advantage of this in some way. And they're going to call it smart growth or they going to call it affordable. And I want to make sure that we've really examined that.

CHAIRMAN BISHOP:

Your point is well taken about a potential for manipulation by a developer. I don't know if it's currently drafted, if it's sufficient to meet that concern. It's certainly a concern I want to address. Chapter 36 does meet that concern, and I'm -- I don't know if Counsel contemplated that or not. So what I want to do is --

LEG. FIELDS:

Tom, can we have a copy of what you were just talking about?

CHAIRMAN BISHOP:

It's in your code in your office. Chapter 36.

LEG. FIELDS:

If he has it, it would be a little bit easier.

CHAIRMAN BISHOP:

But what I will do is, you know, we're at a disadvantage here, particularly when we talk about legislation like this which is lengthy and complex, without the Chair being occupied, but I will speak to Counsel and I will not let the bill go forward for a full vote of the Legislature until I know that that concern was addressed, because it's a valid one. We don't want -- we don't want a program that is open to abuse.

LEG. CARACCIOLO:

Mr. Chairman, Exhibit A identifies within --

CHAIRMAN BISHOP:

Downtown areas, right?

LEG. CARACCIOLO:

Downtown areas, right. CBD, that stand for business district?

DIRECTOR ISLES:

Central business district.

LEG. CARACCIOLO:

Okay. Now, that's broken down into very finite areas, for example, in the Town of Riverhead, it's Route 25 west of Union Avenue.

CHAIRMAN BISHOP:

Right.

LEG. CARACCIOLO:

Okay. What is the --

42

---

CHAIRMAN BISHOP:

There's -- actually, there's not a great downtown incentive. If there is a project in a downtown, what this legislation simply would do is expedite it. None of the sewer incentives are in that section. The downtown section is about expediting.

LEG. CARACCIOLO:

Okay. Just one last question, Mr. Isles. Within the County in the last -- since our initiative to provide land to the ten townships, how many towns have actually taken advantage of that initiative, which I think goes back now at least three or four years?

CHAIRMAN BISHOP:

More.

LEG. CARACCIOLO:

And I know we have Millennium Hills in Huntington. You mentioned two, which is the other?

DIRECTOR ISLES:

The other one is Sunny Brook in the Town of Islip.

LEG. CARACCIOLO:

Okay. In total, how many affordable housing units do those two projects encompass?

DIRECTOR ISLES:

Millennium Hills is 84 units, Sunny Brook is ten units.

LEG. CARACCIOLO:

And ultimately, you know, affordable housing projects require the active participation -- well, consideration, participation and approval of town boards and town governments. We can play an auxiliary role. But I know what the sponsor is trying to do, and I want to be supportive of this legislation. I have a ton of question

above and beyond those that we have addressed today. And I would like to see a Rule 28 attached to this resolution so we all know full well upfront what the full import and potential impact would be under this legislation. And I'd like to see written comments from both Planning and the Health Department on this resolution. So Mr. Minei and Mr. Isles, if you would make note of that before our next meeting in November, I would appreciate that very much.

CHAIRMAN BISHOP:

Well I'm going to--

LEG. FIELDS:

How did arrive at Exhibit B of places in each township?

CHAIRMAN BISHOP:

That's your list, right?

DIRECTOR ISLES:

No. Is that the one from the downtown office space policy?

43

---

LEG. FIELDS:

Where is Ronkonkoma listed on some place in the town?

LEG. VILORIA-FISHER:

Town of Brookhaven.

LEG. FIELDS:

Ronkonkoma is in the Town of Islip.

CHAIRMAN BISHOP:

It's the same list that we used when we passed legislation earlier in the year.

LEG. FIELDS:

Lake Ronkonkoma is the Town of Brookhaven. Ronkonkoma is the Town of Islip.

DIRECTOR ISLES:

Lake Ronkonkoma is in Town of Islip.

LEG. FIELDS:

Lake Ronkonkoma is apparently the Brookhaven.

DIRECTOR ISLES:

The actual lake is in Islip.

LEG. FIELDS:

Right. But I'm talking about where you see a sign that calls it the Town or the Hamlet of Lake Ronkonkoma, it's actually on the Brookhaven line, believe me.

DIRECTOR ISLES:

Okay. I stand corrected.

LEG. FIELDS:

Then it just says Town of Islip and it lists Oakdale. So that means anywhere in Oakdale you can pick a place, and it could be called -- or anywhere in Sayville.

CHAIRMAN BISHOP:

This is the central business district list that was approved by the Legislature earlier in the year. I didn't think that this was controversial in any way, because we're using it already.

LEG. FIELDS:

Oakdale doesn't have a central business district nor does it say here for Sayville. But Sayville just says Sayville, it doesn't have a central business and there is an actual business district in Sayville. So I think I would also look at this list, because I don't think it's correct.

CHAIRMAN BISHOP:

Okay.

44

---

MR. MINEI:

And by general designation, a lot of these areas don't have sewers either.

CHAIRMAN BISHOP:

Right. So what it says, the resolution says in a non sewerred area that's a central business district, you'd be getting just expedited consideration. This is not the sewer incentive section.

LEG. FIELDS:

Are you going to make a motion to table this?

CHAIRMAN BISHOP:

No. I'm going to make a motion to discharge it without recommendation.

LEG. GULDI:

I will give you a second.

CHAIRMAN BISHOP:

What I will do is I certainly have to take care of that first concern and I have to find out more about this list, because I thought the list was the least controversial section of the bill, because it was adopting a list that was already used.

DIRECTOR ISLES:

We objected or we had concerns with the list originally when it was in the office space policy. So we have those same concerns here. It's tough to define, but it is a problem.

CHAIRMAN BISHOP:

Motion and a second, all in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. FIELDS:

Opposed.

CHAIRMAN BISHOP:

Vote is carried three to two. Discharged without recommendation.  
(VOTE: 3-2-0-0) (Opposed; Legis. Fields and Caracciolo)

Thank you. Is that it for the agenda? Motion to -- is there any other business? Motion to adjourn by myself, second. All in favor? We stand adjourned.

(\*THE MEETING WAS ADJOURNED AT 3:13 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY