

**ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE**  
**of the**  
**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Wednesday, **May 5, 2004.**

**MEMBERS PRESENT:**

Leg. Jay H. Schneiderman, Vice•Chairman  
Leg. Peter O'Leary  
Leg. Daniel P. Losquadro  
Leg. David Bishop  
Leg. Michael Caracciolo (excused absence)

**ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Roger Podd, County Executive's Office  
Thomas Isles, Director of Department of Planning  
Lauretta Fischer, Principal Planner of SC Planning Department  
Patricia Zielenski, Director of Division of Real Estate  
Vito Minei, Director of Division of Environmental Quality  
Charlie Bender, PO Aide  
Frank Tassone, Aide to Leg. Crecca  
Kim Kennedy, Aide to Leg. Caracciolo  
Lisa Keys, Aide to Leg. Caracciolo  
Jim Bagg, Planning Department  
Maria Ammairati, Aide to Leg. O'Leary  
Kevin LaValle, Aide to Leg. Losquadro  
Eric Brown, Aide to Leg. Schneiderman  
Carolyn Fahey  
Julie Debold

Scott Cullen

John Cortez

Emily Botti

Nancy Donohue

Helen Kalbach

Elizabeth Harrington, Ass't County Attorney

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

**(THE MEETING WAS CONVENED AT 1:17 PM)**

**VICE • CHAIRMAN SCHNEIDERMAN:**

Legislators for the Environment Committee, please report to the horseshoe.

Okay. I'd like to call the meeting of the Environment, Planning and Agriculture Committee to order. I'd like to ask you to rise and join us for the Pledge of Allegiance led by Legislator O'Leary.

**(SALUTATION)**

**VICE • CHAIRMAN SCHNEIDERMAN:**

Okay. I'm going to take things slightly out of order. I think I'd like to first recognize the Honorable Andrew Crecca, Legislator who is interested in an appointment to the Suffolk County Soil and Water Conservation District. I think that Legislator Crecca would like to address us.

**LEG. CRECCA:**

Actually I appreciate it, Legislator Schneiderman, for taking this out of order as I teach at Hofstra on Wednesday afternoons. And I'm about to head out and do that. So, I appreciate it. I'm just here to say that 1381 •• Introductory Resolution 1381 is before you today appointing me to the Soil •• proposing to appoint me to the Soil and Water Conservation District as the Legislature's representative to fill the seat previously held by Legislator Fields. So, I'm just really here to say I look forward to a new challenge. And I've met with George Proios who's the

Chairman of that Committee. And I look forward to working there and representing the Legislature on its behalf on important issues regarding farmland uses, water protection and storm water runoff.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Any questions for Legislator Crecca?

**LEG. O'LEARY:**

I'd like to entertain a motion to take 1381 out of order for purposes of approval.

**VICE•CHAIRMAN SCHNEIDERMAN:**

I just want to make sure. We do have a quorum? We're fine. Okay, so, we'll take **1381 (Appointing Andrew A. Crecca as a member of the Suffolk County Soil and Water Conservation District)** out of order. Okay, do we have a motion to approve?

**LEG. O'LEARY:**

Motion to approve with reservations.

**LEG. CRECCA:**

I can't say I blame you, Legislator O'Leary. I can't say I blame you at all.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Losquadro.

**LEG. BISHOP:**

He knows a lot about soil.

**LEG. CRECCA:**

That's right. When it comes dirt, I'm your man.

**VICE•CHAIRMAN SCHNEIDERMAN:**

He's been soiled many times.

**LEG. CRECCA:**

But I have to say, if I can just interject here, last year •• was it last year, Dave, that I served on the Environment Committee when you were the Chair?

**LEG. BISHOP:**

Yes.

**LEG. CRECCA:**

And I learned a lot serving on that. It was an area that I could say I was a little bit rusty on. And I learned a lot serving under Dave's tutorship in that area. And I look forward to doing the same here and advocating ••

**LEG. O'LEARY:**

There's a motion to approve on the table.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Quit while you're ahead. And a second by Legislator Losquadro. All in favor? Any opposed? Passed and carried. Good luck. **(Vote: 4•0•0•1)**

At this point we do have a presentation. Vito Minei, Director of the Division of Environmental Quality is here to present an overview of the Brownfields policy.

**MR. MINEI:**

Good afternoon, Acting Chair, members of the Committee, learned Counsel, assorted but essential staff.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Vito, actually before you start, the fact you said Acting Chair, reminded me to state for the record that the Chair, the normal Chair of the Committee Legislator Caracciolo has an excused absence as he's on jury duty. Okay, thank you.

**MR. MINEI:**

Okay. Thank you. I was asked by Legislature Caracciolo to give an overview of the Brownfields Program leading to, I believe, action on your agenda today on IR 1011 regarding one of the properties being considered for the Brownfields Program. There's been a lot of discussion at prior meetings of this Committee, so I thought I would just give this presentation •• hopefully it won't take more than about twenty minutes. It's broken into a few parts. Overview of Brownfields in general, a discussion of recent changes to state legislation and their regs, the

activities of the County with regard to Brownfields; and then I have some specific examples and some site plans and some monitoring activities to show the Committee. So, I'll just get right into it if it's okay.

**VICE•CHAIRMAN SCHNEIDERMAN:**

That's fine.

**MR. MINEI:**

Essentially Brownfields are properties that have been abandoned industrial sites. And they're really a concern to the communities. They're subject to vandalism. They truly are a blight on the community. And they often can siphon off valuable community resources as vagrants and children access these properties with regard to police protection, fire and sanitation. So, the big concern is you have these underutilized properties.

Currently there are three Brownfields Grant Programs created by the recent revisions to state law. There's a Brownfields Clean•up Program which was for privately owned sites. It's a •• the forerunner was the voluntary clean•up program. If a private party came in and wanted to take on a property, they could enter voluntarily and to clean up both on the site. And if any of the contamination, the ground water had migrated off the site, they could enter into that program voluntarily.

What we call the Brownfields Program is the second bullet. The Environmental Restoration Program. It's intended for municipally owned sites. And there's some major, major improvements to the program with the new revisions. The state has stepped in and said they'd really only be concerned with clean up on•site. And some of the clean up off•site would be forgiven at least from the state's perspective. And they changed the formula for the grants from 75/25 to 90/10. And also there was another onerous portion of the prior Brownfields Regulations that when you did restore the property at the municipality and you sold it off or you had revenues generated from that, you were to split those revenues 50/50 with the state. So, they've eliminated that portion of it as well.

The last program now is called a Brownfields Opportunity Area Program. And we're looking at the possibilities to enter this program. This is more sub•regional plans of areas. We have a few that we might be interested in to enter into this program as well.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Vito, before you move on, can I ask a quick question on the last one? Can you go back for one second? The last one, the Brownfields Opportunity Areas Program •• no, no, I'm sorry. The one before that, the Environmental Restoration Program where you said there used to be a split of 50/50 when the property is sold ••

**MR. MINEI:**

Yes.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Is there any requirement to pay back the state?

**MR. MINEI:**

I believe not, no.

**VICE•CHAIRMAN SCHNEIDERMAN:**

There's nothing?

**MR. MINEI:**

Yeah, I think the next slide might enlighten us a little bit more. Again, only on•site clean•up is required. This is •• this is a big, you know, change, big important change because it's one thing to evaluate ground water contamination on a piece of property. It's another to start evaluating how far down gradient and ground water flow, any contamination has occurred. That's when the money starts to really snowball. And the concerns really get compounded as you leave the site.

Also, as I mentioned, they reduced the municipal match for the Brownfields, the Environmental Restoration Grant. And as you just asked, Legislator Schneiderman, the idea is they eliminated that onerous 50/50 split from the proceeds.

Also, another very important element for the private parties is this idea of tax incentives for developers. And we understand that a lot of private parties are becoming more informed on this aspect •• are looking into it independently to restore some properties. So, we may be getting involved in more instances of private parties redeveloping Brownfields sites.

When we were approached nearly four years ago to start looking at the potential for entering Brownfields Program, people were aware that there were lot of dormant sites. But there are

often times a lot of constraints on these abandoned properties. So, please keep in mind that not every abandoned piece of property in Suffolk County is a good candidate for a Brownfields Program.

The off-site migration of contamination remains a complicated issue. And that's mainly because the next item is not resolved. This idea that, you know, it's very important and beneficial that the DEC will forgive and give relief to the municipality to have to clean up off-site. But it's another thing entirely to discuss what a private party might do if, in deed, contamination has gone under their property odors in the house from solvents and fuels, etcetera. The DEC has indicated that they will help with the legal protection, but we haven't gotten a firm translation of what that help constitutes with regard to private party lawsuits. So, that still remains probably my biggest reservation as to when the County should move forward in acquisition. So, I'd ask you just to keep that one question mark hanging for the remainder of this presentation.

Again, private property owners can redeem the property and ask for a Brownfields clean-up as a private party, which takes it out of our hands. So, again, that limits the field of potential Brownfields that the County might be involved in.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Vito, on that, are they entitled to •• the private person who takes the property, are they entitled to the same 90% funding from the state?

**MR. MINEI:**

No, I don't think so. What they're doing, in essence, is entering something on the order of that volunteer clean-up program. So, they'll expend it. But what happens is the incentive now is that tax incentive piece to them. They might also get that relief from the state with regard to having to clean up the plume off-site. Keep in mind, most times it's a new property owner. And the old impediment to getting these restored was you were taking on all the liability from all the decades of past activities. Now the DEC absolves even private parties of that clean-up from their stand point. But you don't get a grant as I understand it to do the Brownfields as a private party. Your incentive is the tax incentive when you're building out the property. So, it really constitutes a big financial incentive now.

**VICE-CHAIRMAN SCHNEIDERMAN:**

The original polluter is still on the hook? The original polluter would still be on the hook?

**MR. MINEI:**

Yes, yes, yes. What they're trying to do, again, you know, it's abandoned, they're trying to find the title holder of the property and things like that, has been a big problem. And often times they're gone. The original polluter, the original owner, they're in tremendous tax arrears. So they have a private party that might be interested. He has to reconcile those tax arrears not only with the County, but with the Town, any other lien holder. And, then, again, what was missing was the upside for private parties. And the upside seems to be these very substantial tax incentives.

Just to quickly go through the Suffolk County Program, it was initiated in 1998. It was sort of a pilot program. And it directed Public Works and the Health Department to select three candidate sites for a Brownfields Program. Three were, in deed, identified. One was entitled Carl's Kerosene on Long Island Avenue in Wyandanch. This like many of these industrial properties is kind of a misnomer. I recall this property was a silk screening Tee shirt place. So, that was one of the properties under consideration. The \\_Benelli\\_ property, as I recall, is west of 110, north of 25. And that was an old fuel depot. And then the third pilot site was our own Francis Gabreski Airport in Westhampton Beach.

Two of those sites, Carl's Kerosene and \\_Benelli\\_ property were acquired by the County and then sold at auction. And the Francis Gabreski Airport, we were fortunate enough to get a •• we were selected by the state for one of the three sites in the Rebuild Now New York. And I'll explain that in a moment. So we really didn't do a Brownfields yet. This is a •• not clear as clear as I hoped, but this is an aerial of Gabreski Airport. The concern is along the west side. You're •• the property is oriented correctly. So up in this graphic is north. This is as everyone, I think knows here, this is south of Sunrise Highway, north of Montauk and Westhampton Beach. The airport development is sort of for that western portion of the site. This has been a problem that I'm familiar with, our investigations going back to the late '70's. It mostly had to do with improper discharge to ground of jet fuel. Apparently there were a lot of activities when they delivered jet fuel that if they had something left over, they would indiscriminately just discharge the remainder of the tank truck because they couldn't go back with any fuel on the truck. So, there are a number of problems on the Westhampton Beach Airport site that have different names. But really they're related to the airport activities in jet fuel in general.

There's an Airport Plan Development District that the County is working on, an industrial subdivision of the west side. And as I mentioned, we were one of three sites in New York State selected for the Rebuild Now New York grant in 2001. One site is on the Hudson River. And the

other site is in the Buffalo area. So, we were rather proud we were one of the three sites. And what this designation did for us is provide free investigation paid for by the DEC •• free to the County. And when this work that's now on going, this will end in a remedial action work plan that will be presented to the County. Then the County can decide if we want to go forward with that Environmental Restoration Program Grant for the implementation phase. Keep in mind Brownfields grants can either be for the investigation and/or the implementation phase.

And, finally, the incentive for joining this program was that the State's Economic Development Office will help with any marketing of that site afterwards. Here's some of the investigation site •• again, it's not too clear. It's designated on the graphic as Baumann Bus. Part of the property used to be rented out to the Baumann Bus Company for storage of their vehicles. But they were not the cause of the jet fuel that was discharged on that property. But it's still referred to as the Baumann Bus site in the designation.

There are a number of other issues that we'll be working on. There's a kennel in the area on the property that's again contaminated not by housing dogs, but by again that indiscriminate fuel spills that were done over time on that. And keep in mind the history here now. When we started these investigations in the late '70's, there was not any of the formal regulations between local regulatory agencies and federal installations. So over time and the changes in federal law that makes it a requirement of federal installations to also comply with local laws, we were sort of under informal arrangements doing the investigations in the late '70's and '80's. So it isn't recently that we have formal access to the property, especially the portion that the County owns. We anticipate this work plan •• it hasn't quite been forwarded to us yet, so it's imminent getting the work plan from the consultant on this.

I wanted to go into some of the additional candidates we talked about. In 2000 Legislator Bishop had a resolution that established a Brownfields Review Committee. And it had 18 sites, ultimately 19 sites on it. And after discussions with the Legislative sponsor, it was decided that the Health Department would take the lead on evaluating these 19 sites for potential entry into the Brownfields Program. After looking at all 19 sites, about 16 of them were discounted for various reasons. Some of them are in the federal estate super fund program so they're automatically disallowed for Brownfields consideration. Some of the properties during the time of investigation the tax arrears were paid up so they no longer could be acquired by the County. So we ended up with three good potential sites for possible entry into the Brownfields Program. Blue Point Laundry, Ronkonkoma Wall Paper, and the Eastern Resources out in Eastport, which is the subject of IR 1011.

In doing the work, the staff of the Division of Environmental Quality undertook quite a substantial amount of tasks, about 100 inspections were performed as you all know. We have our own well drilling capabilities. We installed about 40 wells and sampled them. We took some 60 soil samples and about 140 lab analysis were performed by our Environmental laboratory here on the property in the North County Complex. Blue Point Laundry at the request of the State DEC became the subject of what's referred to as a targeted site assessment grant. This is federal pass through money that the state has. So you don't have to seek Brownfields or state bond act money. And about \$118,000 was used. The state DEC approached my staff and asked if we had a good subject title •• subject property that could be evaluated under this targeted site assessment. And we recommended Blue Point Laundry to them. And I'll show you some site description of that. DEC, in deed, took the work and they're overseeing. They hired a consultant. Their work started in about end of 2002. They assigned a project manager, prepared a work plan. This site assessment will end up in an action work plan that the County could then take and possibly use for applying for an Environmental Restoration Program, a Brownfields grant for again implementation, the actual remedial work. Not for the site assessment, which is going on now.

This is the Blue Point Laundry site if you're not familiar with it. Again this is a project that dates back to my early days with the County over 30 years ago. The Blue Point Laundry, if you take Nicolls Road south to Montauk and head east a little bit, it's south of Montauk Highway. It was in deed a big commercial laundry. It's a pretty sizeable site as shown on this graphic in the midst of a generally residential area. So you have a commercial piece among all this residents.

The County took the property back in 2001. And some of our preliminary ground water investigation showed some •• these are industrial solvents generally. This was not associated with your typical laundry operations. They had their own machine shop. So, we believe that this ground water contamination can be associated with just the machine shop activity. The state's contractor began their investigative work in February. And with the weather, they put in some additional monitoring wells, did some additional soil samples. We expect their work plan •• their report probably either the end of this month or maybe in early June. This graphic shows again some of the investigative work that was being done and you can see the concentration of the effort with regard to ground water investigations was towards the •• towards the west. You see the blue arrow showing ground water flow. The ground water in this case on the south shore is heading generally southward, but also heading south easterly towards the nearest stream channel. And, again, most of the investigation is focused around

that machine shop area of the overall piece of property. It looks pretty nice now but it didn't look this way a few years ago. So, again, you're probably looking from Montauk Highway in that south, south•easterly direction.

Ronkonkoma Wall Paper was the second of the three candidates we picked from the list of 19. This has had several generations of use. It was in deed a wall paper manufacturing company at one part of its life. It was a paint distribution company. And it was also a recycling of plastics company as well at one point. The staff has done quite a considerable amount of environmental investigations. And the Real Estate Division has done quite a bit of work with regard to securing contractors for demolition and clean•up already on the site. This, again, is an aerial graphic of the site. It looks a little busy again. The property is south of the Expressway close to the •• and just west of the Ronkonkoma Railroad. And at what you're seeing is a lot of the soil samples. And you're seeing the results of the heavy metals analysis for those samples. Again, considerable soil contamination which needed to be removed and hauled off•site. But heavy metals generally don't constitute a ground water threat. They don't move readily into the ground water system.

What happened was Real Estate had a program to remove some of the soil and to demolish the building. One of the last structures was a power house related to a boiler room on the site. And we've prepared •• the Division has prepared our first true application package for a Brownfields grant. And we just delivered that to the County Executive's office just yesterday for their review hopefully with the intent to submit it under the Brownfields Program, which is part of the state bond act. This shows that stack coming down. And this gentleman in the foreground had to move. He was a little closer than probably he should be especially without a hard hat on. But this was the last element of that coming down. Again, the recurring theme here is that these properties are in the midst of residential areas. And they're a detraction to the area and a drain on resources. Here's some more of the demolition work, the west wall demolition that took place. Once they took down that building, which shows how these things can, again, snowball, they uncovered a tank that was just full of waste, paints, etcetera. So that incurred another clean•up.

I want to just quickly move into Eastern Resources, which is the subject of the resolution on the agenda today. This is in Eastport, former duck farm property just on the south side of the railroad tracks and Montauk Highway just west of what can be considered the downtown hamlet area of Eastport. We did a considerable amount of sampling and investigations of this former duck farm. It has considerable tax owed to the County as well as to the Town of Brookhaven.

And at this time we have not •• the County has not taken Eastern Resources's property. So it's privately owned. This is, again, an aerial graphic of the Eastport property. It's something between six and seven acres. To the left of the property •• there's two pieces that we've broken it off. There's actually a few sub pieces that constitute the overall close to seven acres of this property. But I wanted to highlight in this graphic the old duck buildings, those two structures still remain. Up to the right•hand corner near East Moriches Boulevard, if you look more to the right, you're looking eastward and you're looking towards the Hamlet of Eastport. And up in the upper portion of the property was the main building, the duck processing building that was truly an eye sore and really a mess for the community for many, many years. It was just demolished in recent times. The investigations took place throughout the property. And, again, this maybe a little difficult to discern, but hopefully you'll get the idea that we have some investigations not only on the property, but you see some monitoring wells off the property site because the ground water is once again moving from the northwest to southeast. Seatuck Creek is •• there's a tributary coming from just off the property meandering to the south, southeast. And Seatuck Creek is just off the graphic to the right. But you see some of the commercial buildings in the hamlet of Eastport. But there are •• this is an older aerial, so that building, you can see the main building was partially demolished at the time of this graphic. A couple of the other duck utilization buildings were still standing. Up in the middle portion of it was the old duck waste treatment facility that discharged. And to the north of the railroad tracks is a LIPA electrical substation which I'll be discussing in a moment.

The DEC had a spill site as a result of above ground fuel tank. Some of the other issues was nitrate concentration. Again, it was a duck processing plant so duck waste, a part of the contaminants of concern from duck waste is nitrogen. There was unidentified volatile organic chemicals found near the spill site of the fuel. We think they are fuel related volatile chemicals. There were pesticides coming onto the property from the north. We believe they might have been herbicides used by either LIPA or on the railroad right•of•way. The concern a few years ago when the staff was accessing for ground water investigation, someone had occupied one of the abandoned buildings for a clandestine furniture stripping operation, and, indeed, he was using professional grade industrial strength solvents for the furniture stripping. The staff informed him he was operating illegally and to leave. And the next time they returned, sometime later, he was, indeed, gone. But he remains a concern because obviously if he was doing this without sanction, he might not have been handling his solvents in the proper manner. This showed the partial demolition of the building. The main building. This is after

demolition. And this is the status now. We still have some scheduled work that we proposed when Legislator Caracciolo convened a group a couple months ago. We're going to go back and do some more investigations, ground water monitoring near the furniture stripping operation. There is still a complication of the town liens as well as the County property. We want •• we're meeting with the state spills people to see if we can resolve the spill cases that remain unresolved. And then we're going to conduct this work because there's two lots. One owner has granted us permission. Another owner we haven't been able to contact. So we're going to access the property under a Commissioner's warrant. We're often times adjoined by sheriff in our warrants on these properties.

I just wanted to give you a glimpse of what can happen at some of these properties. I wouldn't call this a formidable operations for a business but, you know, it's free for the taking if no one's securing the property. And this is where that furniture stripping operation was going on. No electrical connection, no water, no sanitation connection, but I guess it kept his operation out of the rain for the duration of his activities.

Finally, I just want to leave you with what we believe are the next steps in the County Brownfields Program. As I mentioned before, we have the application for Ronkonkoma Wall Paper, which will serve as our template for any other candidates the County considers for entry into the State Bond Act Brownfields Program. And that's generally what we're talking about. Accessing that nearly \$200 million of the 1.6 billion dollars 1996 State Bond Act that's intended for Brownfields. And, again, it is by far the most under subscribed portion of the State Bond Act mainly for the reasons of the onerous provisions of the prior Brownfields Regulations. With the new regulations, we think that activity and applications will certainly pick up as the regulations for the new program become well known.

We're going to continue the further investigation of Eastern Resources. And we believe that the Legislator Sponsor, Legislator Caracciolo, has intended for us to pursue a possible Brownfields application. When we get the work plan from Gabreski Airport and Blue Point Laundry, we will probably be returning to this body to ask if you want to pursue environmental restoration program grant for the actual implementation. And currently we're looking at a list that is growing as we speak. It's up to about 62 sites in tax arrears for possible inclusion and valuation as potential Brownfields. And then we •• the Health Department will report back to the Legislature and to the County Executive. I want to thank you. And I'll take any questions.

**VICE•CHAIRMAN SCHNEIDERMAN:**

We'll start on the Eastern Resources, which we have in the past been calling the Poulos property in Eastport. There's a resolution. It's 1011. Would you say, Mr. Minei, that that's premature at this point? That until you have gotten the information, that you're currently investigating?

**MR. MINEI:**

Okay.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Is that true? Or do you need a resolution like this to move forward?

**MR. MINEI:**

You need the resolution to move forward. I think the way the new revisions to the state regulations are that we can start the process for a Brownfields application as long as the municipality is in actions to take the property. So, if that's what's being intended here to take this property because of the considerable tax arrears, we can start the application process. The work I was outlining before is scheduled for about two weeks from now. So about two weeks after that we should have the results of the ground water investigation. So you're about a month away from having that guidance. But certainly the process of getting this through the full Legislature and also preparing the grant application will take well in excess of a month in any event. So we can start that if your of the mind to move on this resolution.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Do you need this resolution to start that? I don't quite understand why the County hasn't taken the property yet unless the County is waiting to see what the costs of the remediation might be.

**MR. MINEI:**

The dialogue •• the dialogue between the Legislative sponsor and I started well in excess of a year ago. And, again, one of the concerns I had as I've had with several •• with Legislator Bishop as we've gone through the list of potential candidates, was the possibility of off•site migration of any contamination. And that still remains a bit of a question mark. But the idea • • now that a lot of the requirements, restrictions, impediments that were in place under the old regulations have been resolved, I think make it far more attractive to do it. The complicating factor, again, for this particular parcel •• property was that two years ago, the current owner of the portion to the left of this graphic seemed to be actively pursuing acquiring the entire property and was actively discussing how he could resolve the tax arrears with the County and the State. In fact, he had gone so far as to prepare a site plan for an adult community, had

come to the sewer agency for approval of his sewage treatment facility; but again, now that's two years in time that's passed, so I don't know what the interest of that private party is at this point. If nothing else, maybe moving forward on a County action to acquire it, and maybe indicating an interest in a Brownfields application might spur the private party. But I don't believe there's any detriment to the County to move this process forward, especially now administratively we have a model to follow in the Brownfields application package with the recently completed Ronkonkoma wallpaper. But ••

**VICE • CHAIRMAN SCHNEIDERMAN:**

No, I agree with that. I'm not sure exactly what the steps are in terms of having the County move forward to take this property. From your presentation it's clear that the County would be in an excellent position to get the funding to clean up the property.

One of problems I have with Mr. Caracciolo's •• Legislator Caracciolo's resolution is that in the Fourth Resolved, it talks about auctioning off the property. And I'm looking at this property as, you know, potentially for a similar type of use for •• you just mentioned that the zoning might be for affordable type of housing. Maybe the Town of Brookhaven would be interested in this site for those purposes. Why should we be forced to auction it when, you know, we could use it, the County could use it and the town can use it for such purposes.

**MR. MINEI:**

I don't know if the County could auction it with that provision, that the prospective bidders intend to construct affordable housing. I don't know legally what constraints can be put on an auction piece of property. But again, this is Legislator Caracciolo's resolution. We were asked • • we were doing the investigation under the original directive to evaluate 19 sites and hone that down to what we thought were realistic candidates for Brownfields and that's how we got to that list of Blue point, Ronkonkoma Wallpaper and this site. The problem remains with this site and sort of diminishes its potential in relation to the other two is the County does not currently own this property.

**VICE • CHAIRMAN SCHNEIDERMAN:**

But if the County were moving forward in a different resolution to take the property ••

**MR. MINEI:**

Yes.

**VICE • CHAIRMAN SCHNEIDERMAN:**

•• you could then go ahead with your Brownfields investigation.

**MR. MINEI:**

Yes.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Legislator O'Leary?

**LEG. O'LEARY:**

I just need some clarification with respect to the process itself.

Is the demolition work accomplished and finished before we make Brownfields application?

**MR. MINEI:**

In this case, the main building was; but I believe the Town of Brookhaven has included that on its tax arrears assessment to the tune of nearly a quarter of a million dollars. What happened with Ronkonkoma Wallpaper was indeed the demolition took place, but it doesn't have to. It's just that the County took the property. Again, it was truly a detriment to the community and there was Capital money set aside so the County has invested a considerable amount of money not only in the investigative phase on Ronkonkoma Wallpaper but the demolition. But to answer your question, no, the demolition does not have to take place before the grant, that could be part of the grant request to restoring the property. That would be the implementation phase. You wouldn't do that during the assessment phase of the Brownfields Program which is what we would request for this to continue the assessment. So you could ••

**LEG. O'LEARY:**

If I understand your answer correctly, then, demolition has not occurred or has occurred?

**MR. MINEI:**

On the main building; but those other buildings to the left of this graphic still stand today.

**LEG. O'LEARY:**

No, I'm not talking about the Poulos property, I'm talking about ••

**MR. MINEI:**

Ronkonkoma Wallpaper?

**LEG. O'LEARY:**

Yeah, Ronkonkoma Wallpaper.

**MR. MINEI:**

Ronkonkoma Wallpaper has been demolished.

**LEG. O'LEARY:**

That demolition has been completed?

**MR. MINEI:**

Under County funding, yes.

**LEG. O'LEARY:**

All right. And we're in the process now of making application for a grant with respect to the Brownfields?

**MR. MINEI:**

Yeah, to restore the property. You can do a Brownfields in two stages, an assessment and an implementation phase of remediation. And then you could restore the property which would be our, you know, funding. So we're looking for the actual remediation phase for the Brownfields application under Ronkonkoma Wallpaper, not the assessment phase. We believe we're fairly complete with the assessment but we're looking for remediation funding under the Ronkonkoma Wallpaper grant.

This one we're still early enough in the assessment that we think we would marry the two, assessment and remediation of any groundwater contamination.

**LEG. O'LEARY:**

Thank you.

**MR. MINEI:**

It's confusing to us, Legislator O'Leary, too, so we're getting into the program.

**LEG. O'LEARY:**

Just one more question. What assurances do you have that the grant's going to be approved?

**MR. MINEI:**

We don't. What's in our favor is how undersubscribed it has been. I think they're begging for a successful Brownfields program. Then you're left with having the County foot the bill for the entire clean•up and then trying to recoup those costs in an auction or whatever arrangement is made with the private party to build on.

But no, there's no guarantees to these grants. It's an application we're making.

**LEG. O'LEARY:**

Okay. Thank you.

**MR. MINEI:**

If you have any connections, we'd ask you to make those contacts.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Any other questions from Legislators?

**LEG. BISHOP:**

Yes.

**VICE•CHAIR SCHNEIDERMAN:**

Legislator Bishop.

**LEG. BISHOP:**

Vito, we've worked together, we've worked hard on this issue, we've got a long history on it. And I guess a lot of what our dialogue was about over the year was about how the State was handling it and what the role of the County would be once the State regulations were adopted. So we •• I can't see you. So we have final ••

**MR. MINEI:**

I'm not sure you wanted to see me.

**LEG. BISHOP:**

I've got to read the body language. So we have the •• we now have a final set of State regulations with regard to the Brownfields.

**MR. MINEI:**

We have the regulations but we haven't gotten all the formal guidance. Their staff is still working on the actual guidance.

**LEG. BISHOP:**

We just don't know what they mean yet.

**MR. MINEI:**

Well, no, we've been in close dialogue. We had a presentation from Dale \\_Dinorez\\_ who heads the program from the State. But we don't have the actual forms. But we have the guidance enough and we were told to go ahead and use the old application form.

**LEG. BISHOP:**

So now for the benefit of all my colleagues, I just want to go through a typical scenario where we have a property that's abandoned, nobody has paid taxes on it for ten years. There's believed to be pollution underneath it so the County Real Estate Division and the County Treasurer have decided, and I guess the Health Department have come together and decided that it's too risky to take the deed on because the liability for the clean•up would be too great. Typical situation, I have one in •• we all have one.

**MR. MINEI:**

We have a list of those properties that the County Treasurer has.

**LEG. BISHOP:**

Okay. Under the new regulations, would it •• would the County be considered the owner if it did a Phase I investigation on it?

**MR. MINEI:**

The County would have to take title to undertake the Phase I. My answer to Legislator Schneiderman was we could start the process of the application while we were in the process of taking, but I believe you will not get the grant 'till you actually have title.

**LEG. BISHOP:**

I wasn't concerned with the grant. The issue is that •• I guess the maxim we used to say is if you act like the owner, you are the owner. So if you go on to the property and you just put a dipstick down and see what's underneath it, boom, you're the owner; is that still the status of the law?

**MR. MINEI:**

No. I mean, you have to take title to the property to be the owner.

**LEG. BISHOP:**

Good. So then we can do Phase I's on all these sites that we don't take •• because one of my theories is that many of the sites have a lot less pollution underneath them than we originally think. And when we do an investigation we see, "oh, look at this one, it has barely nothing," and we can own it by simply taking the deed. So why don't we move forward? So that can occur, right; on all of these sites throughout the County we can do a Phase I.

**MR. MINEI:**

The County •• to do a phase I.

**LEG. BISHOP:**

Phase I •• maybe I better make sure we're taking about the same thing because it may mean something to me that doesn't ••

**MR. MINEI:**

Yes.

**LEG. BISHOP:**

Preliminary, you go on the site and you sort of dig a hole and see what's underneath it.

**MR. MINEI:**

We're going to have to take you out in the field, Legislator Bishop.

**VICE-CHAIR SCHNEIDERMAN:**

To identify ••

**LEG. BISHOP:**

That's the last thing I want to do.

**MR. MINEI:**

But what we've done •• and you're correct. What we did under the old Brownfields Regulations because of our concerns about all those onerous provisions I talked about, we took your list of 19 properties and we went out and we evaluated. We gained access in most cases by Commissioner's warrant because we couldn't find the owners.

**LEG. BISHOP:**

Right.

**MR. MINEI:**

Considerable tax arrears on them.

**LEG. BISHOP:**

Sure.

**MR. MINEI:**

And we went through that list of 19, and again, we started to cull them out for various reasons, they were very small, they were too overgrown ••

**LEG. BISHOP:**

But that's not the entire universe of ••

**MR. MINEI:**

So we started to weed those out, literally. And then we went on a few properties and we started to do a little bit more investigation; one was that Levy property down in Lindenhurst.

**LEG. BISHOP:**

Right.

**MR. MINEI:**

The County didn't have ownership to it, but the idea was, again, it was a sizeable piece of property, we got permission through the Commissioner's office on a warrant to start putting holes in the ground with a geoprobe and taking samples and determining direction of groundwater flow and determining contaminants on site and entering from upgrading groundwater flow and getting an estimate of possible contamination and leaking. But the County did not take title to that; what we were doing, in essence, in our parlance during the course of your deliberations of what I thought was a good surrogate for a Phase I, not waiting •

**LEG. BISHOP:**

Absolutely. Now, the entire universe ••

**MR. MINEI:**

But no County ownership.

**LEG. BISHOP:**

Good. The entire universe of parcels is not just the 19, correct?

**MR. MINEI:**

We're up to another list of 62.

**LEG. BISHOP:**

Okay. And we're doing phase •• what we're agreeing is phase I.

**MR. MINEI:**

Yeah, we're saying that we're doing ••

**LEG. BISHOP:**

On all of them.

**MR. MINEI:**

I was more comfortable to give the County Legislature and the County Executive better guidance. We have these little notations in the Treasurer's manifesto of all these properties that says, "Don't take yet for environmental reasons."

**LEG. BISHOP:**

Right.

**MR. MINEI:**

So what we were trying to do was better interpret what that means to the Treasurer, to the County Exec and to you.

**LEG. BISHOP:**

Okay. So now we put the dipstick in and we say, "ah, it's •• you know, there's pollution but it's not the end of the world pollution." What are the County's options under the new regulations now to remediate and to keep; would that be a 100% County cost?

**MR. MINEI:**

Yeah, you could do that. I mean, it would be, in essence, a replacement to the old voluntary clean•up program.

**LEG. BISHOP:**

So the only way to get State funds is to auction; is to auction it off at the end of the process.

**MR. MINEI:**

No. The way to get State funds to pay for the remediation is to go through this Brownfields Application Program.

**LEG. BISHOP:**

So •• but I guess •• my question is ••

**MR. MINEI:**

That was that second bulletin.

**LEG. BISHOP:**

So it is a viable option for the County to say take this property, take the deed, clean it up and keep it as a government asset, either ultimately for affordable housing purposes which would

require a subsequent transfer or a youth center which is what I wanted to do with the Levy property, which is technically in Copaigue, you know, for •• I mean any other property that may be out there. The government •• we could take it, clean it and keep it and still get State funds for that.

**MR. MINEI:**

Under the Brownfields Grant Program.

**LEG. BISHOP:**

Good. Okay, that's good to know. That gives us another option.

**MR. MINEI:**

Yeah. The Levy property still remains a concern for me, Legislator Bishop, because of the proximity to homes and the fact that we've already taken that dipstick approach you discussed. It involves a little bit more sophisticated science. But we found that there are solvents emanating from that property and leaving towards homes to •• in the direction of groundwater flow in close proximity. And what we still haven't resolved, even with the best intentions of the State, is how much exposure to the County results from that contamination leaving the property. The State has made it clear in their new regulations that they will not hold us responsible, they will not pull us into an enforcement activity. They may indeed even take on the clean up. But they haven't really resolved that private party potential lawsuit. And that's something we would prefer to discuss more with you and with the County Attorney and others •

**LEG. BISHOP:**

Because the ••

**MR. MINEI:**

•• on properties that we know contamination is leaving the site. That's why today, as I did under the old regulations, I would suggest not to stake the Jericho Marine property because of that outstanding question of where that plume is heading towards, the \\_Santa Po Creek\\_ and under people's homes. So that would still be my guidance, both for Levy as well as to Jericho Marine because of the outstanding issue. Eastern Resources doesn't seem to have a significant

plume leaving it. Ronkonkoma Wallpaper, because of that contamination of heavy metals, doesn't seem to have a significant plume leaving it.

**LEG. BISHOP:**

But at the meeting we had in my office with Mike Deering who was Assemblyman DiNapoli's ••

**MR. MINEI:**

Aide.

**LEG. BISHOP:**

Assemblyman DiNapoli's Legislative Aide, who did what he's doing, he's probably put all the words in Assemblyman DiNapoli's mouth, he maintained that there would be a liability wash for the subsequent owner. And so I'm confused as to why you think that there isn't.

**MR. MINEI:**

I don't recall him being that adamant about that. He was operating under the same guidance and talking to the same individual at the State DEC that, again, the liability was washed, was cleansed from the State's perspective. They have also promised to assist us with any legal actions that might be taken with it, but we haven't heard what that translates to.

**LEG. BISHOP:**

Well, but if the County didn't clean it up, it's the State's responsibility, the off•site plume.

**MR. MINEI:**

That's what we we're believing. We're hoping that's the case.

**LEG. BISHOP:**

I mean, there's no logic to •• I mean if the County were sued, they would simply say it's the state's responsibility.

**MR. MINEI:**

Hopefully that would be that straight forward.

**LEG. BISHOP:**

Why is this not resolved? That wasn't resolved legislatively?

**MR. MINEI:**

We're still asking the same questions to the people •• we're hoping •• we're hopeful with the further guidance that that will be resolved and it will be put to rest. But quite honestly to our interpretation that's still open.

**LEG. BISHOP:**

It's maddening that this question has been going on for a decade. I mean ••

**MR. MINEI:**

No, we share your frustration. I wish I could easily say with our investigative capabilities, to say, this is the end of the contamination on•site. And we could just wash our hands clean and say it's now a state responsibility. I would like to pose these specific examples to the state and say is it absolutely clear to you that this plume leaving Jericho Marine to this lady's house immediately next door is now your responsibility. And if we took it today, we would be going under this Brownfields Remediation Program. I think that might be a legitimate way to put this whole thing to rest.

**LEG. BISHOP:**

When do you think we'll get this answer? I mean it's not your agency. It's their agency, but your guidance.

**MR. MINEI:**

It sounds like they're working very diligently to get the further guidance and the new forms out. They said this spring. I mean, so we're still in the spring time season as far as I know. But I'm not purposely dragging my feet. It's just •• and it isn't just me who's asked this question about the off•site exposure to a municipality taking it. We've had, what I believe, is good faith commitments on the state, but I don't know where that takes us when someone says we'll help defend you in these private party lawsuits. I would hope the interpretation is the one, and as clear as you just stated it, that it's now a state responsibility in all regards. I honestly have not heard that clear a description. We've been posing that question at every meeting we go to, I sensed after every Brownfields meeting. But hopefully this spring we'll have that resolved. It may change our whole direction on all these properties.

**LEG. BISHOP:**

Okay. Thank you.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yeah, I think Legislator Bishop's questions are obviously very important to any property under this Brownfields Program. And I heard it said before that some of them may not have potential for off•site contamination. But I think until we get those answers as to our liability exposure in taking these properties, I think it may not be prudent to move forward with some of the more risky ones with, you know, high levels of contamination that may move off•site. And just for clarification, in response to Legislator Schneiderman's question before, the Eastern Resources, Poulos property, the resolution before us today, it would be possible to take possession of that site, get state funding under Brownfields to clean it up, and maintain possession of it for future usage as a municipally owned property?

**MR. MINEI:**

Yes, if we go through that Brownfields application project.

**LEG. LOSQUADRO:**

Yes.

**MR. MINEI:**

But as Legislator O'Leary correctly stated, the grant is not guaranteed. We think we have very good chances because ••

**LEG. LOSQUADRO:**

Right, I understand that, there are no guarantees.

**MR. MINEI:**

To this date it's an under subscribed program. And we think it's a great candidate.

**LEG. LOSQUADRO:**

I was just asking that the possibility does exist? It would not have to be auctioned off. We could •• we could retain it.

**MR. MINEI:**

Yes. Well, I believe so. I don't believe there's any directive that the County absolutely has to

auction if off.

**LEG. SCHNEIDERMAN:**

In their resolution, the Fourth Resolve does direct us to auction it off. I'm sorry, the Second Resolve, fourth part.

**MR. MINEI:**

By the wording of this legislation. But I'm not sure that's an overarching directive to County when we take the property. I mean some we retain for various public and municipal purposes.

**VICE-CHAIRMAN SCHNEIDERMAN:**

The County Treasurer could take it now, could they not? They don't really need an action by this body. It's been ten years in arrears.

**MR. MINEI:**

Right.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Your recommendation may be in the past had been to not take until you had information. You've conducted some kind of phase I investigation because you said ••

**MR. MINEI:**

Well, that's what that report •• you saw all the ground water investigations and site inspections that we have done.

**VICE-CHAIRMAN SCHNEIDERMAN:**

And you said that there was no or insignificant off-site plume. Are you comfortable at this point advising the Treasurer to move forward to take this property?

**MR. MINEI:**

Well, I would be comfortable to start the process because in the next few weeks we'll have better definition if that clandestine furniture stripper left us anything significant. I suspect by the size of his operation hopefully a short duration he hasn't. And as long as we can quickly resolve those open fuel spill cases with the State DEC, I think that's •• my staff is meeting with the DEC staff. If we can resolve that in short order, I think in a few months, we could actively

pursue it. But again in response to your original question, I think the process can start.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Without this resolution it can start? It already sounds like it already has. You're halfway through this investigation.

**MR. MINEI:**

Under the direction of the 2000 resolution, we were moving forward on it. The only thing that • there were two things that held us up. One under the old Brownfields Regulations, it wasn't that attractive. Number two, we didn't own it. And now if your're saying to the •• that we should recommend to the Treasurer to take it, we could start that action. It would be interesting •• it would be interesting to see how interested that private party is in acquiring the whole property and developing it as a site plan indicated more than two years ago.

**VICE•CHAIRMAN SCHNEIDERMAN:**

And it seems to me the prudent thing to do is not act on this resolution which requires us to auction the property off, but to allow you to finish your preliminary work and make your recommendation within the next couple of months to the County Treasurer ••

**MR. MINEI:**

Yeah.

**VICE•CHAIRMAN SCHNEIDERMAN:**

•• when you have a better sense of what the liability on this property is.

**MR. MINEI:**

My response to you today is what my response was several meetings ago when this was first introduced. I hope we never have to have any more of these resolutions. I'm hoping that we have a Brownfields Program in place that now that we have this model on how to apply for it, once we get some of these outstanding issues resolved, we'll quickly go through these lists of properties as they come up and routinely will be recommending properties to the Legislature and to the County Executive to move forward without the need for resolutions.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. But for now ••

**MR. MINEI:**

But the answer is yes, you could do it either way.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Right. In the absence of that policy, you still can ••

**MR. MINEI:**

We're moving forward.

**VICE•CHAIRMAN SCHNEIDERMAN:**

You're moving forward, gathering the information. And then in a few months, we'll make a recommendation.

**MR. MINEI:**

Yes. And we're doing as the Legislator sponsor requested. One of the first bullets in the resolve was that the Health Department do further investigation.

**VICE•CHAIRMAN SCHNEIDERMAN:**

So, we're not holding you up by not passing this? That's really what I wanted to •• I wanted to say.

**MR. MINEI:**

We do not feel bound.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you. Any other questions? Thank you, Mr. Minei. Very thorough as usual.

Okay. We do have several speaker cards. We'll move to the public portion. Thank you all for waiting. First speaker Scott Cullen. Is he still here? I'm looking around and it looks like Mr. Cullen may have left. Mr. Cullen for the Nature Conservancy was here to speak on is S•033. And he is for it. Thank you. And our next speaker Julie Debold for Joseph Gergela, Long Island Farm Bureau, who has been patient enough to wait. Thank you.

**MS. DEBOLD:**

The reason that I am here is to speak for Mr. Gergela who is the Executive Director of Long Island Farm Bureau primarily in regard to 1330 and 1331. And his statement is as follows: "Long Island Farm Bureau is in support of and appreciates all possible funding opportunities presented in an effort to preserve Suffolk County Farmland. Suffolk County has been the innovator, and continues as a national leader, in farmland preservation.

We currently have several thousand farmland acres lined up for preservation. It is an important time where additional funding will facilitate our ability to reach our critical mass goal of preserving 20 thousand farmland acres.

Farmland preservation contributes to the robust tourism industry of eastern Long Island. Visitors appreciate the bucolic surroundings of active cropland, an oasis away from more congested areas. Suffolk County is New York State's leader in agriculture product sales. By acquiring the development rights on our remaining farmland, we preserve not only Suffolk County's agriculture heritage, but also pledge our support to the future of Long Island's farming community and economic viability.

Finally, it must be noted that if the Legislature moves ahead with 1239 adopting local law number X, 2004 in Charter Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space, we respectfully request that you then also adopt 1330 and 1331. Thank you.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Thank you. Okay. Those are all the speaker cards I have. We'll move on with the rest of our agenda. **Resolution 1352 authorizing planning steps for the acquisition of development rights to farmlands by the County of Suffolk, Froehlich property in the Town of Riverhead under the new Drinking Water Protection Program 12 • 1 (c).**

**LEG. O'LEARY:**

Motion to approve.

**VICE • CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Any opposed? Passed and carried. **(Vote: 4 • 0 • 0 • 1)**

**1355 • authorizing planning steps for the acquisition of land under Pay • As • You • Go  
1/4% Taxpayer Protection Program, Lakeview Woods, Bayport parcel, Town of Islip.**

Sponsor is Legislator Lindsay.

**LEG. O'LEARY:**

Motion.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator O'Leary.

**LEG. LOSQUADRO:**

Second.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Is there a second? Discussion. Legislator Bishop. Okay. Our County Planning Director is here, Thomas Isles.

**MR. ISLES:**

I'll make •• make a very brief presentation. This a parcel located in the Town of Islip, in the hamlet of Bayport. It is adjacent to significant County holdings known as the \\_Sansucci\\_ preserve of about three hundred acres that we own. Our only concern with the parcel at this time is that it is partially developed with some at this point remnant greenhouse structures, smoke stack and so forth. So certainly the portion that's adjacent to the County park approximately three acres would appear to be, you know, suitable. This I realize is only a planning steps resolution. And we will have to come back to you for full authorization any way. We did rate this in terms of the current rating program in the County. It came in at a range of 25 to 35.

**VICE • CHAIRMAN SCHNEIDERMAN:**

You can anticipate my question on this one.

**MR. ISLES:**

Yes, I can, affordable housing, yes.

**VICE-CHAIRMAN SCHNEIDERMAN:**

I'm looking at the zoning here. And it's saying nursing home, hospital, daycare, adult center, assisted-living facility. These are important community types of uses. This is obviously zoned for community types of use; municipal types of use. It's on a major highway. It's got •• it looks like fairly intensive development on both sides. So it does touch on the north side, that preserve. Possibly portions of this property, if not more, could be used for, yes, housing or nursing facilities, daycare facilities. These are very important needs and there are not a lot of parcels we know left for these types of things.

**MR. ISLES:**

Yes. Certainly a good point. It is located along the commercial corridor in Bayport. There is •• this used to be zoned industrial. The Town of Islip rezoned it to residential; and then approved the assisted-living facility that's reflected in the general service C category. As you're indicating, there is a condominium development to the west, various commercial development to the south and to the east. So, in terms of the nature and character where you would expect to find housing, higher density-type housing, certainly it could be here. This is along the S40 bus route line to •• which provides that connection as well.

**VICE-CHAIRMAN SCHNEIDERMAN:**

So, a classic Smart Growth type of property, isn't it?

**MR. ISLES:**

Here, again, we're not •• the County Executive's not sponsoring this. The County Executive's not opposing it. The fact that there is a portion of it adjacent to the County park certainly makes sense. Certainly if you would like, we can go back and discuss this with the sponsor further, but I believe it's his intention, as I understand it, to advocate a resolution to at least consider planning steps for the full property for open space purposes.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Also, as you pointed out, it's •• quite a bit of this property's already disturbed. It's been cleared, it's got buildings on it. It's right next to a condominium.

**LEG. BISHOP:**

We're in the west end. It's not •• we don't have this. To us, this is like pristine. When the weeds come back, we're like, hey, green.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Maybe a portion of the that property could be preserved. I'm not comfortable with moving ahead, though, on this. I wish the County would involve itself in a comprehensive study of Smart Growth sites, affordable •• potential affordable housing sites because there's no doubt in my mind that this would pop out on that list. Legislator Bishop.

**LEG. BISHOP:**

No. I agree with everything you've said. But I would point out that it's planning steps, which just provides this information from which we could make a more informed decision later on. But what we ought to have and do we have a fund that would fit the following criteria or •• let me rephrase it. What is the best vehicle to acquire property and have the most flexibility for the future?

**MR. ISLES:**

Probably just a non•park general municipal acquisition.

**LEG. BISHOP:**

Right. I mean that's what this would be very good for. I mean we would get an asset into the County hands and perhaps it could be determined that it's, you know, more appropriate for affordable housing or perhaps a community and the local leaders in that area would prefer to restore it to its natural state.

**MR. ISLES:**

Yes. Certainly as a capital budget item, that's a possibility. We do have a separate affordable housing program. When I worked in the Town of Islip, this site had come up a couple times for development and was very controversial. This assisted living was approved when I was there. And that was an alternative at that point.

**LEG. BISHOP:**

Right.

**MR. ISLES:**

And that's the current zoning.

**LEG. BISHOP:**

Well, Mr. Chairman?

**VICE•CHAIRMAN SCHNEIDERMAN:**

Legislator Bishop.

**LEG. BISHOP:**

What I would suggest perhaps is that if we're inclined to table it, perhaps yourself or the Planning Director could speak to the sponsor about moving forward with the planning steps.

**VICE•CHAIRMAN SCHNEIDERMAN:**

I would like that opportunity.

**LEG. BISHOP:**

But keeping •• putting language into the resolution that it could be acquired not necessarily under open space, but also under a general land acquisition program so that there is flexibility to ••

**VICE•CHAIRMAN SCHNEIDERMAN:**

I'd prefer if we were taking planning steps to evaluate the project under the affordable housing program rather than the open space program. But •• so I would appreciate the opportunity to talk to Legislator Lindsay on it.

**LEG. BISHOP:**

I think a few years ago when I was Chairman we discussed just having a separate fund for planning steps so that we wouldn't •• we weren't locked in. We wouldn't "stigmatize" properties with, you know, future determinations.

**VICE•CHAIRMAN SCHNEIDERMAN:**

That's what I'm concerned •• I'm concerned about that; that we would by taking •• by moving

forward with •• accepting the planning steps resolution, that that somehow will be used against us later on and •• or complicate our situation. So, I'd like to make a motion to table so I could have that opportunity to talk to Legislator Lindsay.

**LEG. O'LEARY:**

I'll second the motion. I have a question of Mr. Isles before you move on that motion. Can you be more specific as to this location? Is this west of the Broadway Avenue?

**MR. ISLES:**

This is east of Broadway Avenue.

**LEG. O'LEARY:**

East of Broadway.

**MR. ISLES:**

So, it's between Broadway and Nicolls Road, the north side of Montauk Highway. So, as you go east of Broadway, you go passed the Lake Systems •• \\_Sansuccci\\_ Lake System Browns River; then you start coming into Bayport on Montauk Highway, scattered uses of Beverage Barn, Pizza place, deli.

**LEG. O'LEARY:**

Then is it just •• is it just east of Broadway?

**MR. ISLES:**

Well, it's east by about a third of mile, I would say.

**LEG. O'LEARY:**

Okay.

**MR. ISLES:**

I'm trying to think of any other landmark that will help you with that.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. Any other discussion? Okay. There was a second on the motion to table. All in favor? Any opposed? So tabled. **(Vote: 4•0•0•1)**

**1381 we took out of order.**

**1386 • amending criteria for implementation of Suffolk County Community Greenways Infrastructure Improvement Fund.** Motion by the sponsor Legislator Bishop. A second.

**LEG. LOSQUADRO:**

Second by the co•sponsor.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Second by the co•sponsor Legislator Losquadro. All in favor?

**LEG. O'LEARY:**

I have a question on the motion.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. Discussion.

**LEG. O'LEARY:**

Yes. Is this tied into the turf policy ••

**LEG. BISHOP:**

Brian turf policy.

**LEG. O'LEARY:**

All right. And this addresses that concern as far as the •• increasing the matching funds?

**LEG. BISHOP:**

Right. The concern of the administration was the turf policy would be every County park. And there would be no end to it. This would limit the opportunity •• just Greenways active recreation sites. And it raises the •• it doesn't necessarily say it's about turf. It's about any matching grant for any site.

**LEG. O'LEARY:**

And it's not just restricted to the Town of Babylon?

**LEG. BISHOP:**

Absolutely not.

**LEG. O'LEARY:**

County•wide ••

**LEG. LOSQUADRO:**

If I may comment?

**VICE•CHAIRMAN SCHNEIDERMAN:**

It raises the County participation ••

**LEG. BISHOP:**

I would never write legislation like that.

**LEG. LOSQUADRO:**

I know I have a couple of organizations in my district currently that have been very successful in fundraising efforts. And this would just increase the potential for matching funding for groups such as that anywhere throughout the County.

**VICE•CHAIRMAN SCHNEIDERMAN:**

This is only on property that the •• County•owned property through the Greenways program.

**LEG. BISHOP:**

Right.

**VICE•CHAIRMAN SCHNEIDERMAN:**

That we would be able to contribute toward infrastructure; instead of a hundred thousand dollar cap, a \$250,000 cap. Okay. Any other discussion? All in favor? Any opposed? Passed and carried. **(Vote: 4•0•0•1)**

**Resolution 1390 • making a SEQRA determination in connection with the proposed donation of land for open space preservation purposes (in the Mastic/Shirley Conservation Area (0.04 acres), Town of Brookhaven),**

we actually have a bunch of SEQRA declarations coming up with, if Mr. Bagg •• Jim Bagg? I'm not sure if you need to, but if you want to step forward to the table in case there are questions. This is on a donation of a

very small conservation easement in the Town of Brookhaven. What was the SEQRA ••

**MR. BAGG:**

All of these were reviewed by the Committee at your last meeting. And they were voted out in terms of CEQ's recommendations. This is a donation to the County in the Mastic•Shirley conservation area where we own resources that has wetland areas and everything else.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay.

**LEG. O'LEARY:**

Motion to approve.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator O'Leary, second by Legislator Losquadro.

**LEG. O'LEARY:**

Motion to place it on the consent call.

**VICE•CHAIRMAN SCHNEIDERMAN:**

These go on the consent calendar? Do they go on the consent calendar? Okay. Skip the consent calendar. All in favor? Aye. Any opposed? Passed and carried.

**1393 • (making a SEQRA determination in connection with the proposed historic restoration, preservation and stabilization of historic buildings and structures, Project No. 7510, within Suffolk County Parks), SEQRA determination, historic restoration.**

**LEG. BISHOP:**

Motion.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Bishop.

**LEG. O'LEARY:**

Second.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Second by Legislator O'Leary. All in favor? Aye. Any Opposed? Passed and carried. **(Vote: 4•0•0•1)**

**1394 • (making a SEQRA determination in connection with the proposed planning for aviation utility infrastructure at Gabreski Airport, (CP #5734), Town of Southampton.)**, this is for infrastructure at Gabreski. Same motion, same second. All in favor? Aye. **(Vote: 4•0•0•1)**

**1395 • (making a SEQRA determination in connection with the proposed planning of the maintenance facility at Gabreski Airport (CP #5733), Town of Southampton.)** Same motion, same second. All in favor? Passed and carried. **(Vote: 4•0•0•1)**

**1396 • (making a SEQRA determination in connection with the proposed Forensic Sciences Medical and Legal Consolidated Laboratory Equipment and Cleanup (CP #1109), Suffolk County.)**

**LEG. O'LEARY:**

Motion.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator O'Leary.

**LEG. LOSQUADRO:**

Second.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Losquadro. All in favor? Passed and carried. **(Vote: 4•0•0•1)**

**1397 • (making a SEQRA determination in connection with the proposed restoration of historic structures of the Long Island Maritime Museum at Charles R. Dominy County Park, West Sayville, Town of Islip)**, SEQRA determination historic structures, Long Island Maritime Museum, West Sayville. Is there a motion?

**LEG. O'LEARY:**

Motion.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Same motion, same second. All in favor? Any opposed? Passed and carried. **(Vote: 4•0•0•0)**

•1)

**1398 • (making a SEQRA determination in connection with the proposed modifications/installations of fire alarm and intrusion alarm systems, (CP #4064), Suffolk County).** Same motion, same second. All in favor? any opposed? Passed and carried. **(Vote: 4•0•0•1)**

**1399 • (making a SEQRA determination in connection with the proposed installation of a fueling facility at Indian Island Golf Course, Town of Riverhead)** Indian Island Golf Course fueling facility. Same motion, same second. All in favor? Aye. Passed and carried. **(Vote: 4•0•0•1)**

**1400 • making a SEQRA determination in connection with the proposed planning for Fire, Rescue and Emergency Services, (CP #3230), County Building C0110, Yaphank County Complex, Yaphank, NY, Town of Brookhaven)** SEQRA determination, proposed fire rescue emergency services, planning. Same motion, same second. All in favor? Aye. Passed and carried. **(Vote: 4•0•0•1)**

**1402 • amending the 2004 Capital Program (and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park, Town of Babylon (CP 7178.413),** program and budget and appropriating funds for improvements to active parkland/recreation area ••

**LEG. BISHOP:**

Motion to table.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. All in favor of tabling? Any opposed? Okay. So tabled. **(Vote: 4•0•0•1)**

**1403 • (amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Our Lady of Grace Roman Catholic Church property within Van Bourgondien County Park, Town of Babylon (CP 7178.413),** again, amending the Capital Program and Budget.

**LEG. BISHOP:**

I'd like to table this one. We are waiting for a village board resolution.

**LEG. O'LEARY:**

Second.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. Motion to table by Legislator Bishop, second by Legislator O'Leary. All in favor of tabling? Any opposed? So tabled. **(Vote: 4•0•0•1)**

**1439 • appointing member of the Suffolk County Water Authority James T.B. Tripp,** who I thought withdrew his name. Maybe I'm wrong.

**LEG. BISHOP:**

Motion.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion to approve. I'm sorry. Or motion to table? This is Suffolk County water authority. I'm not sure that this gentlemen actually has his name in for this position. I had heard he does not. I'll make a motion to table. Is there a second on tabling? Okay. There's no second.

**LEG. BISHOP:**

I'll second it.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. All in favor of tabling? Any opposed to tabling?

**LEG. O'LEARY:**

I'm opposed to tabling.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay, so tabling motion fails. Okay. So is there ••

**LEG. BISHOP:**

I make a motion to approve.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Is there a second? There's no second so it's going to fail for lack of motion.

**Sense Resolution 33 • Sense of the Legislature resolution in support of the Fire Island to Montauk Point Reformulation Study ensuring the future of Fire Island and the Barrier Beaches.**

**LEG. BISHOP:**

Motion.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Motion by the sponsor.

**LEG. LOSQUADRO:**

Second.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Second. All in favor? Any opposed? Passed and carried. **(Vote: 4•0•0•1)**

**VICE • CHAIRMAN SCHNEIDERMAN:**

**Sense resolution 33 • Sense of the Legislature resolution in support of the Fire Island to Montauk Point Reformulation Study ensuring the future of Fire Island and the Barrier Beaches.** Motion by the sponsor.

**LEG. O'LEARY:**

Second.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Second. All in favor? Any opposed? Passed and carried. **(Vote: 4•0•0•1).**

**Sense 40 • (memorializing resolution in) support of H.R. 3409, house resolution 3409, prohibiting the dumping of dredged materials in Long Island Sound, Block Island or Peconic Bay.**

**LEG. O'LEARY:**

Motion to approve.

**LEG. BISHOP:**

Second.

**LEG. LOSQUADRO:**

Second.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion by O'Leary, second by Losquadro. All in favor? Any opposed? Okay. Passed and carried. **(Vote: 4•0•0•1)**

**CEQ resolutions. 27•04 Proposed construction of an Aircraft Hangar at Francis S. Gabreski to implement 365/24/7 Medivac Services, CP #5723, Town of Southampton.**

**LEG. BISHOP:**

Why is this a neg dec?

**MR. BAGG:**

Interruption of a facility and disturbance of a site. It's a new facility.

**LEG. BISHOP:**

Right. So it would have impact.

**MR. BAGG:**

Well, it's an unlisted action. But the Council recommends that the action is not large enough to have a significant impact.

**LEG. BISHOP:**

It's not significant.

**VICE•CHAIRMAN SCHNEIDERMAN:**

No adverse impact.

**MR. BAGG:**

That's the recommendation, yes.

**LEG. BISHOP:**

What's there now?

**MR. BAGG:**

Actually some of it's cleared, some of it has a small portion of woods. And it's an area of a former tie-down area at the runway, which was used during the •• when the air force •• at the airport.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Any other questions?

**LEG. O'LEARY:**

Motion.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Losquadro. I'm sorry, motion by O'Leary, second by Losquadro. All in favor?

**LEG. BISHOP:**

I'm opposed.

**VICE-CHAIRMAN SCHNEIDERMAN:**

One opposed, Legislator Bishop. So it does pass. **(Vote: 3•1•0•1)**

**Resolution 28•04 Proposed construction of a New New York Air National Guard Base Entry at Gabreski Airport, Town of Southampton.** We talked about this earlier.

**LEG. O'LEARY:**

Motion.

**VICE-CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator O'Leary, second by Legislator Losquadro. Okay. Discussion.

**LEG. BISHOP:**

What did you say this involved?

**MR. BAGG:**

The project involves relocating the main base entry from CR 31 to a location within the airport by the intersection of Smith and Cook Streets in order to comply with the DOD anti-terrorism/force protection standards. Existing roads and cleared areas are going to be used. And it'll provide a safe entry to the Air National Guard for security purposes. Also, I might point out that if this is voted out of committee, the resolution that was reviewed in the prime also contains a SEQRA clause.

**LEG. O'LEARY:**

Is that a question?

**MR. BAGG:**

I'm informing the Legislative Counsel of that fact, that it would be redundant to prepare a separate SEQRA clause because that resolution contains ••

**MS. KNAPP:**

It was corrected?

**MR. BAGG:**

Yes, it's exactly what is in the CEQ's recommendation.

**MS. KNAPP:**

We don't need another resolution.

**MR. BAGG:**

Right.

**VICE-CHAIRMAN SCHNEIDERMAN:**

End of discussion? Motion to approve? We have a motion to approve. We already did this. Second? All in favor? Aye. Any opposed. Okay. 28•04 is passed and carried. **(Vote: 4•0•0•1)**

**Tabled resolutions. 1011 • implementing Brownfields Policy (for Poulos property in Eastport, Town of Brookhaven).** We discussed this at length. Motion to table by Legislator Bishop. Second by Legislator Losquadro. All in favor of tabling? Any opposed to tabling? Okay, **so tabled. (Vote: 4•0•0•1)**

**Resolution 1033 • Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions.** Motion to table. Is there a second?

**LEG. LOSQUADRO:**

Second.

**VICE • CHAIRMAN SCHNEIDERMAN:**

All in favor of tabling? Any opposed?

**LEG. BISHOP:**

Opposed.

**VICE • CHAIRMAN SCHNEIDERMAN:**

One opposition to tabling, Legislator Bishop. So, that is also tabled. **(Vote: 3•1•0•1)**

**1239 • Charter law (adding Article XXXVI to the Suffolk County Charter to) provide a Suffolk County Save Open Space environmental bond.**

**LEG. BISHOP:**

Is the hearing closed on this?

**VICE • CHAIRMAN SCHNEIDERMAN:**

The hearing is closed.

**LEG. BISHOP:**

Motion.

**LEG. LOSQUADRO:**

Motion to table.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Okay. The tabling supersedes •• preempts the others. So all in favor of tabling? Any opposed?

Okay. It's unanimously tabled. **(Vote: 4•0•0•1)**

**1330 • (a Charter Law adding Article XII•B to the Suffolk County Charter to establish the 2004 Suffolk County Farmland Preservation Fund.)** The public hearing is also closed. This is establishing a County Farmland Preservation Fund. I think it's a \$30 million bond.

**LEG. LOSQUADRO:**

Motion to table.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Motion to table. Is there a second to table?

**LEG. O'LEARY:**

Second.

**VICE•CHAIRMAN SCHNEIDERMAN:**

All in favor of tabling? Aye. I'm sorry, correction. It's a 50 million bond as Counsel is informing me. Or was amended to 50 million?

**MS. KNAPP:**

Yes.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. All in favor of tabling? Any opposed to tabling? So tabled. **(Vote: 4•0•0•1)**

**1331 • (a Charter Law adopting the extension of the common sense) extending the tax stabilization plan for sewers, environmental protection and County taxpayers.**

**LEG. BISHOP:**

Motion to approve.

**LEG. LOSQUADRO:**

Motion to table.

**LEG. BISHOP:**

On the motion, I would ask my colleagues to take a look at this. It's putting it up for a referendum to extend the quarter cent program when the program expires for an additional •• 12 years?

**VICE•CHAIRMAN SCHNEIDERMAN:**

When is it dead ••

**LEG. BISHOP:**

2013 to 2025.

**VICE•CHAIRMAN SCHNEIDERMAN:**

When is the •• the referendum, so would be on November's ballot?

**LEG. BISHOP:**

Potentially. I don't know when the ••

**VICE•CHAIRMAN SCHNEIDERMAN:**

Isn't there a particular time frame by which you have to ••

**LEG. BISHOP:**

I think it's July.

**VICE•CHAIRMAN SCHNEIDERMAN:**

I think it has to be done after a date and before a date. This maybe premature.

**LEG. BISHOP:**

Any particular window.

**VICE•CHAIRMAN SCHNEIDERMAN:**

This may be before the window, anyway.

**LEG. O'LEARY:**

Under the new guidelines, does this not go before the Rules Committee?

**LEG. BISHOP:**

Yeah, I think it does.

**LEG. O'LEARY:**

So, why don't we just move it?

**VICE•CHAIRMAN SCHNEIDERMAN:**

Let's table it.

**LEG. O'LEARY:**

Table it?

**LEG. BISHOP:**

But I would like •• I would like it to get a fair hearing at one point so what I'm asking is •• first of all, what is that? Does anybody have •• do you know that off the top of your head?

**VICE • CHAIRMAN SCHNEIDERMAN:**

I would allow counsel to research that issue before the next time we meet.

**MS. KNAPP:**

You have to count back from whenever election day is. I haven't done it this year. It's usually falls the end of July or beginning of August.

**LEG. BISHOP:**

Right. Okay. So if you could e•mail that to me or to the Committee just so they know what the situation is.

**MS. KNAPP:**

Okay.

**LEG. BISHOP:**

Right.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Because this may be premature. So, there's a motion to table and a second. All in favor of tabling? Any opposed to tabling? Okay. **So tabled. (Vote: 4•0•0•1)**

Okay. We got a new master list to look at. So on **1338 (approving master list of environmentally sensitive farmland and recreationally important land acquisitions and implementing planning steps.)** Obviously we are going to need additional time. I have a growing list of properties that were not on the last one, Tom. More than you probably want to see at this point. So, I'm not sure what we're going to do here but I'd love to give you an opportunity, Mr. Isles.

**MR. ISLES:**

Okay. What you're seeing here is a revised version that's based on two things. One, the comments we did receive at the last meeting which we realized it was the first time you saw it

at that point. And also some corrections that we made. There was a corrected copy of the resolution, I believe, filed Monday. As a result of that, the list has been modified so there were •• we're not at 60 separate sites. I think we had 59 before. There's been a slight reduction in the acreage on the open space acquisitions to about 3800 acres. But what I would like to point out is that, this is somewhat of a new initiative in terms of rather than coming to you every single time, let's say for those 60 sites, 60 separate resolutions and so forth, the idea here is to have a bulk approval but only for planning steps. I will tell you, too, that all of the parcels that are in here, I consider to be somewhat plain vanilla in terms of being solid parcels in terms of either wetland characteristics, watershed, groundwater, woodland habitat. And then in a few rare cases park use such as some of the camps that are included.

What I'd like also to bring to your attention, too, is that it is very important for us to monitor the pipeline of our acquisitions. And by that, what I mean is, that we have approximately 3000 acres in the pipeline of parcels that are now pending. However, many of those are not necessarily active, where we've made offers and they're dormant at this point and so forth. So I do have a concern that we're going to be starting to run out of parcels to actually have real estate then work on and so forth. It's kind of a good problem to be in in a certain way, but if we don't start refilling the pipeline, we're not going to be able to move acquisitions at the rate that I know we all want to do.

So, at this point we feel that the •• we understand that there's always this continuing effort to find other parcels in your respective districts, I know. One of the things I said at the last meeting is that there's no such thing as a perfect list. We understand that. We think this is a sound list in terms of across the County in terms of clearly environmentally important parcels. But certainly it's not to the exclusion of obviously any other planning steps that you may put forward or any of your colleagues or any amendment to this list down the road or any subsequent list that may come out of. So I realize it's a bit of a big step for us to be taking to be considering this in such a big scale. On the other hand, I just get a little concerned that if we get too caught up in this, we're going to kind of lose the purpose of really getting moving by trying to cover every possible base.

And the final point is that, we've tried to strike a balance here of putting in parcels that we think real estate and planning could manage the processing of that and still have an ambitious program. On the other hand, we don't think we should be ending up with a list at this point of 20,000 acres where it's just impractical to consider doing that. So, when we reviewed the

various lists that were out there, we did do some culling and we removed parcels that we felt were just too enormous for the current program budget, things like that. So that's my only comment I wanted to make. It is, we consider, this to be very important. We consider it to be very helpful to the program. And we'd respectfully ask for your endorsement of this.

**VICE • CHAIRMAN SCHNEIDERMAN:**

Okay. Some discussion. Legislator Losquadro?

**LEG. LOSQUADRO:**

Yes, I know I had made several requests of you last time regarding clarification on some of these parcels. And I'm just trying to flip the •• anyone in particular here. Chaplin Creek addition. If there could just be a comma and what town it's located in. I mean, is that Blue Point, is it Miller Place, it is •• I know you have the tax map numbers there, but it's very burdensome on us to try to plug in tax map numbers just to realize what town something like this may be located in. Just a very simple thing. I know it may be difficult for you, you said, to break it down by Legislative district, which would make it perhaps easier on us to see, you know, what areas there were in our immediate district that were of interest to us. But, if you could at least include what town they're located in, that would make things far easier.

**MR. ISLES:**

Right. Chaplin Creek is in the Town of Islip. That's just one example for you.

**LEG. LOSQUADRO:**

No, I'm not even •• Brookhaven, Islip. I mean ••

**MR. ISLES:**

Hamlet?

**LEG. LOSQUADRO:**

Actual •• yeah, actual hamlet.

**MR. ISLES:**

Yeah.

**LEG. LOSQUADRO:**

Absolutely. If that were included, I would greatly appreciate it. Even on any further, you know, planning steps. Anything you do, if you could just please include the hamlet on there; make it far easier for us to, you know, cull through a list of this size. Thank you.

**MR. ISLES:**

Certainly we could do that here. Again, I'll just remind you once again it is planning steps. Everything that's on this, if it were to proceed would require a full presentation and obviously your endorsement of that. And certainly if you were inclined to support this today •• I'm not speaking that are you or aren't •• but we could certainly get that kind of information to you before a full legislative meeting, for example.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes, Mr. Isles. As you can probably imagine, the problem that has arisen as a result of establishing a master list is the perception that other properties will be excluded for consideration. But that's not the case.

**MR. ISLES:**

It clearly is not the case, sir.

**LEG. O'LEARY:**

Well, it's important that you put that on the record.

**MR. ISLES:**

Yes.

**LEG. O'LEARY:**

And I mean just merely establishing this particular master list certainly doesn't preclude other properties not listed to take priorities of the properties that are here.

**MR. ISLES:**

Right. That's certainly the case, Mr. O'Leary. And perhaps in that sense, you know, the word master list is intended to say a major initiative. But it's certainly not to the exclusion of

everything else.

**LEG. O'LEARY:**

That was initially the perception as I understood it, you know. By the establishment of this, it would exclude all other considerations, which is not the case at all.

**MR. ISLES:**

We've put a lot of work into this and I can tell you it is not the intention of the Planning Department nor the administration.

**LEG. O'LEARY:**

Thank you.

**VICE-CHAIRMAN SCHNEIDERMAN:**

You know, I appreciate this effort. It's quite thorough. When I got the last book, I went to the supervisors within my Legislative district. I met with both of them and went over the list. I also met with head of the Peconic Land Trust in trying to gather information about their response to this list as well as, you know, properties that might not be on this list. And I have a list of properties that I think should be the list. And although I know that I can add them later, I'd prefer them to be on this list so that they can move ahead with the same swiftness that some of these other properties would. I think they rise to the same level of protection as the properties that are on here. So I would like a little bit more time. I hate to hold this up. I think it's conceptually •• I conceptually support the idea of having a larger list like this. But I'd like one more cycle if I could. I'd like to •• you and I or •• we can •• we don't necessarily have to meet, but I would like to get you a copy of that for your comments and potential inclusion of these properties.

**MR. ISLES:**

You're list?

**VICE-CHAIRMAN SCHNEIDERMAN:**

Yes. Of the properties that I would like to see added to this list. I can probably have that to you within the next two weeks.

**MR. ISLES:**

Obviously it's your decision.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Question from Legislator Bishop, how was the current list developed?

**MR. ISLES:**

The current list was developed using several sources. Number one, the Long Island Regional Planning Board had prepared a list of acquisitions. So we went through that to begin with. In fact I met with Dr. Koppelman within the past week on that. And he and I reviewed that list together actually. Secondly, it included submissions from the towns. Many of the towns did respond back to us. We went through their list. Not everything on their list we felt fit into a County program, but many of the parcels did. Thirdly, it included lists from organized •• from organizations such as the Nature Conservancy. We had worked with them a year•and•a•half ago when we did the EFC application and had gone back and used some of those parcels as well. And also the Long Island Pine Barrens Society, another organization that had put forth a list to the County Executive, we reviewed that in determining what would fit in. So, we tried to cover a number of sources. The other point I'll make, too, is that within the department itself, we also used our own resources and information, prior plans that were done to finalize the list as well.

Let me just make one final point too, on that topic is that the report you see here is the open space side of this. Exhibit A, which is exhibit B of the resolution, exhibit A is the farmland sites. So there is a farmland site which is about 1200 acres just so that's not forgotten along the way.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Some of the properties that I had on my list were farmlands parcels.

**MR. ISLES:**

Okay.

**VICE•CHAIRMAN SCHNEIDERMAN:**

So this does not include any farmlands parcels?

**MR. ISLES:**

No. So the farmland parcels are contained in exhibit A. We normally don't do aerials on those

just from an economy standpoint. Usually the photograph is not as critical in terms of wetlands and things like that. But we're not going to forget them anyway. But they are there and certainly if you need aerials of any particular areas, we can certainly provide that.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Mr. Isles, it would be somewhat helpful to me, I have an old list of the properties that already have been approved for planning steps resolutions. But I don't think it's current. If I could have that current list so that I'm not picking properties that •• to add onto this list that •• or if the County's already in the past •• past planning steps resolutions.

**MR. ISLES:**

So, you'd like a list of what's pending or what has been approved for planning steps?

**VICE•CHAIRMAN SCHNEIDERMAN:**

Yea, what's been approved but not purchased yet.

**MR. ISLES:**

Okay. I can speak with the Real Estate Director. We'd have that information in various form. How quickly I can get that to you, I'm not sure. But I'll speak to her about it.

**VICE•CHAIRMAN SCHNEIDERMAN:**

If you can within the next few weeks.

**LEG. LOSQUADRO:**

Mr. Chairman.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro. Okay, go ahead. Legislator Losquadro.

**LEG. LOSQUADRO:**

I'm waiting for Mr. Isles. Waiting in the aisles. Mr. Isles, I know you had sent over to my office a list of properties that were approved for planning steps. But, again, it was not hamlet

specific. It was just tax map number and some of the names of these parcels give you no indication of where they may be located. So, if you could also include •• my point was with including the hamlet, that would be for any parcels that you have when you send out these lists. It would just make them far easier to cull through for us to be able to come back to you with questions as to the status of these or whether or not they should be included. I know for my district I'm trying to sort of make my own master list to be able to see what properties have already been put up by my predecessors without having to cull through a quite extensive list like that, tax number by tax number, will be very helpful.

**MR. ISLES:**

I certainly understand your point. We maintain the records in a certain way which works for us. It may not work for you.

**LEG. LOSQUADRO:**

Right.

**MR. ISLES:**

We do try to do that on these information sheets we prepare. So your request at this point •• as much as possible ••

**LEG. LOSQUADRO:**

I think it would be far more cost effective to just put the hamlet on those lists than printing out one of those sheets for every planning step that's been approved that is currently pending.

**MR. ISLES:**

Yeah. It would be a manual step. There's not an automatic way for us to do that. We'll •• so your specific question to identify by hamlet the parcels here, I guess, is what you're looking at for the first thing.

**LEG. LOSQUADRO:**

And for properties that have been approved for planning steps. So I can, you know, further go through the list that has already been provided to me. But as I said it's quite extensive. And not being familiar with, you know, many of the generic names listed for these acquisition steps, I have no way of knowing where they are.

**MR. ISLES:**

Are you looking for that county•wide or just within your district?

**LEG. LOSQUADRO:**

Last time I was told it could not be done district specific. If you can break it down district specific, I think that will be great for all of us.

**MR. ISLES:**

Just in terms of the size of the task, okay.

**LEG. LOSQUADRO:**

Right.

**MR. ISLES:**

Okay. Well, I understand what you wanted. I understand the purpose of it. We have to figure out a way where it's not going to take out us ••

**LEG. LOSQUADRO:**

If there is a way to amend your recordkeeping system or your program to be able to include that, I think it will go a long way towards eliminating many of these questions that many around this horseshoe are constantly posing to you as to where these properties are. Thank you.

**MR. ISLES:**

Okay. We'll certainly try to do that.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Legislator Bishop.

**LEG. BISHOP:**

If we were to approve this and you had an authorization for 65 planning steps resolutions, what is the shelf life or the useful life of the information acquired through planning steps? I mean if you don't •• if you're not able to purchase it within a year, right, don't we have to go back and do more planning steps?

**MR. ISLES:**

We would be •• the resolution remains in effect; the planning steps resolution. But in terms of the shelf life and the information, the appraisal then certainly would become dated at that point. Certainly the ownership information may become dated and so forth. I will tell you and certainly the Director of Real Estate is here today, is that that's been one of her focuses is having a situation where we don't have too much dead wood in the system where we either move on the property, we don't move on the property and we try not to get caught up in things being in the twilight zone for a long period of time. So one of her number of initiatives that she's taken on is to try to work more efficiently in terms of not spinning her wheels or treading water too much. But there is definitely a shelf life. We should be as fresh as possible in making the processing of the appraisal orders, appraisal reviews, making timely offers, putting time limits on those offers. It does definitely relate to •• and the Director and I talked about this yesterday •• the availability of funds. So once we kind of make an offer, we set aside the money. We can't hold that aside forever. And so if the person's not going to take it after a reasonable time of review, then we've got to put the file away, put it inactive and then move onto the next one. So that's how we would head it at this point.

**LEG. BISHOP:**

So if we were to approve this, then, we would anticipate fairly rapid action on all of these and preliminary offers made to all these owners.

**MR. ISLES:**

Right.

**LEG. BISHOP:**

This is a very significant portfolio.

**MR. ISLES:**

Yes.

**LEG. BISHOP:**

It's not simply saying, you know, when the time comes, you're authorizing us to move. We're going to move now. We're going to appraise and survey and offer.

**MR. ISLES:**

But we would contact the owners first; and then if there's an interest, then we proceed. If they're not interested, we don't proceed.

**LEG. BISHOP:**

Oh, okay.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Do we have •• I guess we can't without appraisals. There could be a \$100 million worth of property on this list. Probably a lot more.

**MR. ISLES:**

Probably, yeah.

**VICE•CHAIRMAN SCHNEIDERMAN:**

So, suddenly you're •• I don't understand how you can even go about making offers unless you know you have the funds available to •• and the authorization to fulfill the offer.

**MR. ISLES:**

We can't •• we can't buy anything unless we come back to you. And certainly we'd have to lay that out. The pattern has been is that we have a real low yield rate on acquisitions meaning that you may approve 5,000 acres and we're lucky if we buy a thousand acres. So our problem has been that. Hopefully, you know, with the new Director and her experience in this in having a vibrant program whereby we •• what we want to do is get in position where we have the property owners consider the acquisition and either fish or cut bait on it and move it along. But in terms of the larger program planning which you're talking about and over•extending ourselves or over•committing ourselves, I don't think this would do that in this resolution. That's part of the reason why we've tried to limit the number of acres. We don't want to get into ten or fifteen thousand acres for that reason at this time. And, here again, your control is still fully there when we come back for the acquisitions. And often times at these meetings and the full legislative meetings, you ask and we answer questions in terms of the budgeting and so forth.

**VICE•CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you. Any other discussion? So I made a motion to table. There's a second by

Legislator Losquadro. All in favor? Any opposed? So tabled. **(Vote: 4•0•0•1).**

That is it for our agenda. Meeting is adjourned. Thank you.

**(THE MEETING WAS ADJOURNED AT 2:58)**