

# **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 June 2, 2005.**

### **MEMBERS PRESENT:**

Leg. Daniel P. Losquadro, Chairman  
Leg. Jay H. Schneiderman, Vice•Chairman  
Leg. Allan Binder  
Leg. David Bishop  
Leg. Vivian Viloría•Fisher  
Leg. John M. Kennedy, Jr.

### **ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Kevin Duffy, Budget Review Office  
Ben Zwirn, Assistant Deputy County Executive  
Thomas Isles, Director of Department of Planning  
Jim Bagg, Chief Environmental Analyst/Department of Planning  
Patricia Zielinski, Department of Real Estate  
Janet Longo, Department of Real Estate  
Lauretta Fischer, Department of Planning  
Kevin LaValle, Aide to Leg. Losquadro  
Maria Ammirati, Aide to Leg. O'Leary  
Kara Hahn, Aide to Leg. Viloría•Fisher  
Kevin McDonald, Nature Conservancy  
Randy Parsons, Nature Conservancy  
Nicole Wachter, PO Aide

Paul Perillie, Aide to Minority Caucus  
Mayor Dave Kapell, Greenport  
Vito Minei, Director of Environmental Quality  
James Tesse, Aide to Leg. Kennedy  
John Malazo, Suffolk County Water Authority

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

**(THE MEETING CONVENED AT 2:03 PM)**

**CHAIRMAN LOSQUADRO:**

The meeting of the Environment, Planning and Agriculture will be called to order very shortly. I would ask all members to please report to the horseshoe.

Thank you. Good afternoon. Thank you for waiting a few minutes. I call the Environment, Planning and Agriculture to order. We'll begin with the Pledge of Allegiance led by Legislator Vitoria•Fisher.

**(SALUTATION)**

**CHAIRMAN LOSQUADRO:**

Thank you. We only have two cards. I know we have a request to try to get through the agenda quickly. So, I would ask the speakers to try to adhere the three•minute rule. First speaker, Dave Kapell. Sir, you can have a seat at the table here. Just make sure one of the microphones is turned on. Mayor Kapell. I apologize.

**MAYOR KAPELL:**

Members of the Committee and the Legislature. I'm here to •• how's this? Good. I'm here

today to speak or really to present myself to respond to any questions with respect to bill number •• pardon my lack of preparation •• 1474•05, which proposes planning steps in contemplation of the possibility of the county's acquisition of village owned land known as Clark's Beach.

A couple of key points that I want to make is that this property •• this is an unusual situation where a village owns a piece of property that's located outside its municipal boundary. Clark's Beach is located entirely outside the incorporated village of Greenport and was acquired by the village in the 1930's as the location for the development of an outfall pipe for conveying the effluent of our village sewage treatment system into Long Island Sound. Because the village lacks any frontage on Long Island Sound, it was necessary for us to acquire a parcel outside the village to accomplish this goal.

That outfall pipe was installed and is maintained there at the site presently. When we sell this property be it to the County or anybody else, we would seek to reserve an easement for the permanent maintenance of the outfall pipe which is a critical component of our village infrastructure.

The property •• the village board at the time in its wisdom bought 15 acres well beyond what we require for the maintenance of this pipe. Really we need maybe a strip of 25 to 50 feet in width traversing the property from the road down to the water's edge in order to accomplish our limited public purpose, which was the purpose for which the property was acquired.

As a result the remainder of the property really is surplus to the village's needs. And we will use the proceeds to fund the pay•down of debt that was undertaken by the village in connection with the development of Mitchell Park, which I assume most of you are aware of is a major waterfront park of regional importance, importance to the entire county that the village has developed with success and maintains for public access to the general public without any residency restriction whatsoever.

The de facto public access that has occurred •• that occurs and has occurred over Clark's Beach is frankly a product of the village's inability to properly manage the property. If we were private property owners, we would secure it, keep people off of it. We don't have the ability to

do that. And as a result people have free use taking it for granted that they can travel across the property to get to the water. It also happens to be adjacent to Inlet Pond County Park, which is an important waterfront park that provides little or no access to the water to the general public. So, people that want to use the County park ironically use Clark's Beach for access.

So, I think that there are a number of important public goals to be served by this transaction if it's to occur. And I hope that you will occur it positively. And I make myself available now for any questions you might have.

**CHAIRMAN LOSQUADRO:**

Thank you. Does anyone have any questions at this time? No, I believe when we get to the bill, we'll hear from Planning. And if •• are you planning on staying around for the agenda?

**MAYOR KAPPELL:**

Yes.

**CHAIRMAN LOSQUADRO:**

If we have any further questions, Mr. Mayor, we'll ask you back up.

**MAYOR KAPPELL:**

Thank you very much.

**CHAIRMAN LOSQUADRO:**

Thank you.

**MAYOR KAPPELL:**

Thank you for the opportunity to be heard.

**CHAIRMAN LOSQUADRO:**

Next speaker Kevin McDonald. Good afternoon. Is this someone accompanying you?

**MR. McDONALD:**

Yes.

**CHAIRMAN LOSQUADRO:**

If both of you could identify yourselves for the record, please.

**MR. McDONALD:**

Thank you Mr. Chairman. I'm Kevin McDonald. I'm the Director of Public Lands Conservation for the Nature Conservancy on Long Island. And with me is Randy Parsons who is a senior policy and finance advisor as well.

We have presented a letter to most of you, we hope, by fax yesterday and we have copies if there are any that are needed. It might not be a bad idea, Randy, if we can just have them go around.

This is in regards to the WJF acquisition resolution 1625, I believe. And we understand that there are a couple of issues that may have come up in the last regular session. And if there are any questions that members have either about the letter, the transaction or anything that regards this, we'd be happy to provide whatever we could to make this transaction and the deal go through.

**CHAIRMAN LOSQUADRO:**

Thank you. And I certainly don't want speak for other members of the this body, but usually people rely on the committee process to have issues vetted out and answer any potential issues that may arise especially on an acquisition of this size. So, there may have been some apprehension on the part of some of the other members. Obviously you know from the voting at the last meeting, I did not share that apprehension but I can certainly understand any apprehension that may have been on the part of some of my colleagues. I hope there won't be any problem during this Committee process but •• Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chairman, thank you very much. I'm going to defer to your guidance here. I was one of the legislators who quite frankly did have questions at the general meeting when this \$11 million purchase got brought forward by way of CN. So, whatever suits the pleasure of the Chair, I mean I'll question now or when the resolution comes up.

**CHAIRMAN LOSQUADRO:**

I believe it would be more appropriate when the resolution comes before us. We'll have Planning in front of us. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I also was not one that sent this back to committee. But I recall some of the confusion on the floor that evening. One was the role of the Nature Conservancy. I have some familiarity because the Nature Conservancy had stepped in in the past when I was Supervisor and held some properties waiting for the County to purchase.

Can you explain to the Committee a little bit of this role that the Nature Conservancy has because there was some confusion in that people were saying what's the hurry, it's not going to get developed, the Nature Conservancy owns it, there's no threat of development.

Explain the role the Nature Conservancy plays in this these types of transactions.

**MR. McDONALD:**

With the Chairman's permission, I would like to defer to my colleague who had the full involvement of the transaction. And he could sort of tell you that short story as well as how we came to be in the position we're in.

**CHAIRMAN LOSQUADRO:**

I will allow you to defer to your colleague. And I hope it's a very short story bordering on haiku.

**LEG. SCHNEIDERMAN:**

Just for the future, too, because •• so this issue doesn't come up in the future.

**MR. PARSONS:**

Randy Parsons, Conservation Finance Policy Adviser for the Nature Conservancy. Essentially because this purchase involved a state acquisition, county acquisition and a cash settlement of litigation on behalf of the Town of Southampton, as you can see, it was a multi•party purchase and it involved •• we were able to take title to the property. And then the town could pay the

settlement, the county could buy its portion of the site and the state could buy its portion of the site. So, we served as an intermediary. And we provided all of our costs in the letter that were circulated to you, but I'd be happy to address them. They're all covered as far as the County is concerned by our conservation services agreement that we have with you, which is in effect until December 31st of this year.

**MR. McDONALD:**

If I could also add that this was an instance where the landowner because of a prior history that suffice it to say, he had no intentional desire to negotiate with any level of government and only wanted to negotiate with the Nature Conservancy. In fact, he contacted you about the notion of maybe it's time to see if an arrangement can be made. So, that was an instance where the Nature Conservancy was in the unique position to actually bring together three parties that could actually result in a good public acquisition being realized as well as some troublesome litigation that the Town of Southampton was dealing with could be resolved as well.

And the function the Nature Conservancy plays from time to time is intermediary and buyer pre-acquiring properties so that government entities that need to act on a time line different than the wishes of an individual buyer, we were able to do that. But the press of time, if you will, is just that •• the Nature Conservancy has a loan fund that we borrow from when we do an acquisition like this at 8 million plus dollars. And it costs us money to borrow. Town of Southampton is reimbursing us for some of that, but it's in everybody's interest to do this transaction as quickly as possible respecting completely your process. We pass no disparaging remarks on anything that happened in the past. We're only looking forward. And to the extent that we can provide you with all the information you need to do that, we're here to do that.

**CHAIRMAN LOSQUADRO:**

Bit more of an epic poem. Certainly not in the magnitude of Bear Wolf, but certainly a wealth of information.

**LEG. SCHNEIDERMAN:**

Little more.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Okay. On the acreage, the County's resolution is not the full acreage. So the state and the town, they have a separate contract on the remaining parcel?

**MR. PARSONS:**

The town is not buying any real estate. They're just settling litigation. And the state and the county are each buying 50% of the real estate minus 100 pine barrens credits that the owners kept.

**MR. McDONALD:**

But there are separate contracts for the state and the county.

**LEG. SCHNEIDERMAN:**

So those 100 Pine Barrens credits could be transferred from this property. They're in a bank somewhere basically?

**MR. PARSONS:**

They're already held by the sellers.

**MR. McDONALD:**

They're stripped off the property. The property is permanently protected. The landowner •• the prior landowner still maintains 100 development rights. And the other two•thirds of the development rights are being acquired.

**LEG. SCHNEIDERMAN:**

Okay. So, the appraisals that were done were based upon the property less those 100 development rights?

**MR. McDONALD:**

Yes.

**LEG. SCHNEIDERMAN:**

Okay. I see Janet nodding. Let me see if there's anything else. This is core Pine Barrens.

**MR. McDONALD:**

Correct. Dwarf Pine Barrens.

**LEG. SCHNEIDERMAN:**

Yet there was development potential on this property itself; is that correct? Or no?

**MR. PARSONS:**

Just Pine Barrens credits that could be used in the Westhampton school district.

**LEG. SCHNEIDERMAN:**

Okay. So, basically we're buying the credits. The property was already sterilized; is that right?

**MR. McDONALD:**

Assuming all these •• the state transfer takes place and the county transfer take place, the property is expect to be protected fully. And the only thing that the private landowner still has is separated out Pine Barrens credits which he or she could sell over time to the town or transfer and use it on its own within the Westhampton school district.

**LEG. SCHNEIDERMAN:**

But before this purchase by the state and county, there was development potential on this property itself; was there not?

**MR. PARSONS:**

No. It was •• you're correct. It's in the core. And that the only development potential would be off site using the credits. However, the litigation that the seller had against the Town of Southampton sought to either be compensated or perhaps to seek an exemption from the Pine Barrens Act. Those were some of the remedies they were seeking. So, by the terms of the Pine Barrens act, they could not have developed the site itself. They could only have stripped off 300 Pine Barrens credits and sold them in the Westhampton Beach school district. However, the litigation did challenge whether the act should, in fact, prohibit them from developing that

site. And that litigation is now over, settled.

**LEG. SCHNEIDERMAN:**

Can I get some clarification on this because this is getting a little bit confusing. So, the property itself, the 300 plus acres was not in threat of development. But there was development that would have happened somewhere else in the Westhampton area. And so our preservation is really to prevent that additional development in the Westhampton area.

**MR. PARSONS:**

You're getting public access to the County's 154 acres. And you're retiring a hundred plus Pine Barrens credits in the Westhampton school district.

**LEG. SCHNEIDERMAN:**

Okay. I see some questionable looks on our Real Estate division. Is that correct? Can I ask Ms. Zielinski to ••

**MS. ZIELENSKI:**

Yes, that's correct.

**LEG. SCHNEIDERMAN:**

That's correct. Okay. Okay. Thank you.

**LEG. KENNEDY:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

I do still have questions with this, but I mean I'm going to ask you whether or not you want to go ahead and ••

**CHAIRMAN LOSQUADRO:**

Well, we're not debating the bill right now. The bill will come before us once we get to the agenda. So, when we get to the agenda and we have Real Estate up, I think this did raise a

couple of questions, I think, Legislator Schneiderman brought up so ••

**LEG. KENNEDY:**

There were some other more generic questions associated with the Nature Conservancy, though. And maybe if I can just limit it to that. One of the things that was mentioned when this bill was discussed at the last general meeting, and I've quickly read your letter which I did not have benefit of, is the fact that there were some interest costs that some level of government was bearing. And I don't recall whether it was the Town of Southampton •• it was the Town of Southampton. How is it that the town is bearing interest costs when the only component they have in the deal at this point is, is to go ahead and, I guess, withdraw or agree to settle? I don't know whether they were defendant or plaintiff. But in either case, how is it that they bear interest visa vie your involvement? And you did acquire fee title; is that correct?

**MR. PARSONS:**

Correct.

**LEG. KENNEDY:**

Okay. And the other thing that I should say before I ask for any answer is, I'm very familiar with the Nature Conservancy activities based on my prior role. And as a matter of fact, I applaud it because I know that you obviated a significant tax, the east end tax, community preservation fund tax. So, the role that you play and the ability to go ahead and act expediently is good for all us. I'm just •• I don't understand some of the statements that were made and some of the things that are in play here. That's all.

**MR. McDONALD:**

You want to try and answer the interest question?

**MR. PARSONS:**

Yeah. I think the situation was •• there was federal lawsuit that was going to trial on this property last fall. And the owners of the property agreed to settle the litigation provided, among other things, that there was a time of the essence closing on this property on May 2nd. So, in order to meet the time of the essence closing on May 2nd, the conservancy borrowed •• the Long Island chapter of the conservancy borrowed funds from its revolving loan fund which costs interest. And the town because they wanted the settlement and they wanted the

acquisition to proceed agreed to cover our interest costs.

**LEG. KENNEDY:**

Were you a party to litigation? Was the Nature Conservancy part of the litigation?

**MR. PARSONS:**

No.

**MR. McDONALD:**

No.

**LEG. KENNEDY:**

So, plaintiff has a suit in federal court. They agree to settle provided among a whole laundry list of items that defendant voluntarily agrees to a time is of the essence closing and then defendant looks to you to go ahead as the funding party; is that correct?

**MR. PARSONS:**

And it was all blessed by federal Judge Pratt.

**LEG. KENNEDY:**

Okay.

**MR. PARSONS:**

We all appeared before the Judge. He agreed to all the terms of the settlement in advance.

**LEG. KENNEDY:**

You were part of •• the Nature Conservancy was part of the settlement negotiations?

**MR. PARSONS:**

We appeared before the Judge as part of the settlement and signed the stipulation.

**LEG. KENNEDY:**

But the interest component, again, if you will just quickly since I'm still struggling to follow this, you agree to step in, you provide the funding, the town agrees in essence then to go ahead and to absorb your costs to carry for whatever the funding was from your revolving loan fund; is

that it?

**MR. PARSONS:**

That's correct.

**MR. McDONALD:**

For a defined period of time. Not until the end of time.

**MR. PARSONS:**

And that's why their interest is to have this be consummated quickly because the interest clock is running.

**LEG. KENNEDY:**

So, what's your cost of money?

**MR. PARSONS:**

4%.

**LEG. KENNEDY:**

4%. So, the town is absorbing your cost of money ••

**MR. PARSONS:**

Half. Well, yes; correct. I'm saying the County's share is half of that. But ••

**LEG. KENNEDY:**

Okay. The two other questions that I have, I mean I see your list of actuals. That's fine. I'm a little curious about the 35 grand lump sum which is time in on a project, but I understand it's a large project. Title premiums and things like that are, you know, fixed by law. But you make reference to an agreement or an arrangement where the County is a party with you, I guess, in order to go ahead and you must act on our behalf ••

**MR. PARSONS:**

Correct.

**LEG. KENNEDY:**

•• when it comes to vetting or purchasing property, something like that; is that the case?

**MR. PARSONS:**

Yeah, I think your Planning and Real Estate division can address that. But we had an agreement with the County. They can address the particular terms of that, that authorized us to pre-acquire on the County's behalf.

**LEG. KENNEDY:**

Are you compensated? Is the County compensated? Is there consideration with this contract?

**MR. PARSONS:**

Only what's in the letter pursuant to our contract.

**LEG. KENNEDY:**

So, it's only actuals? In other words, you don't get some kind of said administrative fee above and beyond? What I'm trying to get at is, is do we pay you to conduct services for us? And then are we looking at actuals associated with this particular purchase in addition?

**MR. PARSONS:**

All of the costs are in that letter before you. And they are determined by our contract •• our two and a half year contract for services with you.

**LEG. KENNEDY:**

I guess I'm going to defer to Real Estate because I'm struggling with this one.

**MR. McDONALD:**

There's no other fee that we receive other than contract •• other than closing specific things that you see such as what's before you. There's no other fee.

**LEG. SCHNEIDERMAN:**

That contract you just spoke of, Randy, I think was saying •• I'm sorry I just want clarification

on that issue.

**CHAIRMAN LOSQUADRO:**

Hold on. Legislator Bishop was on the list. Would you just defer for one question, Legislator Bishop?

**LEG. BISHOP:**

Yes.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You said it authorized you to pre-acquire for the County? Is that what I believe I heard you say.

**MR. PARSONS:**

We had a letter from the County authorizing us to pre-acquire pursuant to the terms of that contract, which allows the County to authorize us to pre-acquire on your behalf.

**LEG. SCHNEIDERMAN:**

I'm a little bit confused because the County can't acquire it until it goes through the Legislature to provide the funds for the acquisition. I don't •• does the Nature Conservancy do that at its own risk; acquire it or is there a guaranty?

**MR. PARSONS:**

Well, we have a contract with you •• which I have copy of with me; a two-and-a-half year contract that authorizes us to perform certain services for the County pursuant to certain terms and authorizations. And ••

**LEG. SCHNEIDERMAN:**

This is confusing. I also thought you said that part of the interest was being borne by the County before. Did I mishear that? I thought the interest was all being paid by the town.

**MR. PARSONS:**

No. It's being paid •• the town is paying the County's interest costs because ••

**LEG. SCHNEIDERMAN:**

The town is paying the county's interest?

**MR. PARSONS:**

Because the contract we have with you prohibits the County paying interest costs.

**LEG. SCHNEIDERMAN:**

All right. So, we will have to then reimburse the town?

**MR. PARSONS:**

No. All of yours costs are in the letter.

**MR. McDONALD:**

If I could also set the context for this. This is an extremely unusual, very complicated transaction made more complicated by the wishes of the Governor's office to take control of the announcement of this transaction. And there was a time when we were going to ask that this resolution be put in before the announcement on April 22nd. And we've let the Governor's office know that if this resolution was put in, it would be known and available to the public; anybody making an inquiry and tracking resolutions. And then the effect of the announcement would have been made at the time of that transaction.

And the Governor's office said, well, you know •• and most of you know this •• when there's a state partner, the Governor's office likes to be the entity that makes the announcement. And we were told in no uncertain terms that if the Governor's office didn't make the announcement, the acquisition •• the state's portion of the acquisition could be at risk or could be problematic either in this one or going forward in other state's transactions, none •• it's not in our collective interest to have that happen. So, we said let's do this. The Governor's office made the announcement. And we're now trying to put all the pieces together.

**LEG. SCHNEIDERMAN:**

I think we are as well.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Bishop.

**LEG. BISHOP:**

Legislator Schneiderman actually went where I sought to go. I'm not concerned so much about this transaction. I think that we're well on our way to approving it. But just the idea that the Legislature may be stepped on in this process, as I hear it. The Nature Conservancy acts as the temporary holder of the property. When there is an agreement but where •• but the closing from the County's perspective is further out. So before the County can close but after an agreement. What Legislator Schneiderman is pointing out is how can the County have agreed to this deal without going through the Legislature first?

**MR. PARSONS:**

You authorize certain acquisitions such as your master lists. You authorize ••

**LEG. BISHOP:**

Okay. That's what I'm looking for. Where did you get your confidence that the County wasn't going to back out of the deal since, you know, legislators are fickle? Who knows what we'll do.

**MR. PARSONS:**

Again, I would defer to your Real Estate division. But I believe this property had been authorized for purchase for several decades by both the state ••

**LEG. BISHOP:**

Okay. So it had been approved by the Legislature in several different fashions ••

**MR. PARSONS:**

Previously.

**LEG. BISHOP:**

Master lists or ••

**CHAIRMAN LOSQUADRO:**

Pine Barrens core.

**LEG. BISHOP:**

Pine Barrens lists.

**LEG. BINDER:**

Yeah, but not by the ••

**LEG. SCHNEIDERMAN:**

No.

**LEG. BINDER:**

Only through the ••

**LEG. BISHOP:**

But it's within the Pine Barrens. So, it's probably •• I don't know how many ••

**LEG. SCHNEIDERMAN:**

Anything over a million had to come back here.

**CHAIRMAN LOSQUADRO:**

Hold. One at a time. Do you have a comment, Ms. Zielinski? I know the bill's technically not before us but we seem to be debating it now anyway so ••

**MS. ZIELENSKI:**

One of those unusual factors of this is that it is in the core Pine Barrens and was identified early on in the Pine Barrens acquisition program which was •• and the other thing is that anything the County enters into with the Nature Conservancy or other not•for•profits, they're always subject to just as we enter •• we the Real Estate Department enter into contract with a seller, they sign the contract. When the negotiations are completed, we bring it to you for your approval. In the same sense the Nature Conservancy did that. Always subject to the approval of the Legislature.

**LEG. BISHOP:**

Right. So, they're really taking a risk if that's ••

**MS. ZIELENSKI:**

Yeah.

**LEG. BISHOP:**

They need confidence that the County's actually going to come through; otherwise, they're going to be stuck with this property, which is not their intention. They just wanted to hold it temporarily. So, I don't think it's the same situation.

**MS. ZIELINSKY:**

Well, that's certainly true. But in the letter of intent to authorize them as our agent, I think it states in that letter that it's subject to legislative approval.

**LEG. BISHOP:**

Yeah. But I think the ••

**MS. ZIELENSKI:**

And that in the event that the •• it is not approved, then the Nature Conservancy has the right to sell whatever they've acquired for us to the public.

**LEG. BISHOP:**

You see, if I were the Nature Conservancy, I would have no problem acting as the County's agent stepping in holding the property. But I'd only want to do that post approval of the Legislature pre•closing of the County. What happened here is they did it before the County through the Legislature approved, which means they really took a risk in this case. Because we could meet today and say no. And then they'd be stuck. But we're not going to do that, colleagues.

**MS. ZIELINSKY:**

And aren't we glad we have the Nature Conservancy to take those risks for us.

**LEG. BISHOP:**

But the other distinction, I think, that cuts in their favor of the way this occurred is that this is

core Pine Barrens; right? And the way that the Legislature approves core Pine Barrens are through master lists; not on individual piecemeal.

**MS. ZIELINSKY:**

We came back for a specific approval because it was over a million dollars.

**LEG. BISHOP:**

Even in the core Pine Barrens. We just don't do it off a master list. Was this on a master list?

**MS. ZIELENSKI:**

It's part of the core Pine Barrens legislation.

**LEG. BISHOP:**

Well, you guys took a big risk. I hope it works out. I'm with you,

**MR. McDONALD:**

Thank you for making it interesting.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Just while Ms. Zielinski is here, if you can, and I'll try to make it very quick, just help me understand on this side, then, the arrangement that we have; the contractual arrangement we have with the Nature Conservancy? Do we •• does our contract obligate us to go ahead and reimburse them for actuals or by an hourly arrangement? Or do we have a percentage of the transaction?

**MS. ZIELINSKY:**

Excuse me. In the event that they're acting as our agent, not necessarily to pre•acquire but solely as our agent in the negotiation, they work on a percentage basis to cover their overhead costs, a percentage of the transaction that's ••

**LEG. KENNEDY:**

Right. That would be a point?

**MS. ZIELENSKI:**

That is capped at \$35,000. So, when we're dealing with these multi-million dollars properties, though, it starts out as a percentage point. It is capped at 35,000 •• is the most.

**LEG. KENNEDY:**

So, regardless of consideration you're capped at 35 grand?

**MS. ZIELENSKI:**

As far as their overhead costs; that's correct.

**LEG. KENNEDY:**

All right. So on the three point ••

**MS. ZIELENSKI:**

And then over and above that, we reimburse them for their hard costs if they've •• in this case with appraisals and surveys and so on. And the cost of money, if they do pre-acquisition for us.

**LEG. KENNEDY:**

So where they are acting, in essence, as the bank that we're sanctioning, we agree to absorb whatever their carrying cost is.

**MS. ZIELENSKI:**

Except in this case where the Town of Southampton ••

**LEG. KENNEDY:**

How about when we vicariously get into time is of the essence deal? I presume we knew that this was going to be something that all parties were agreeing to? That we consented? I don't mean we, the Nature Conservancy. I mean we County being part of the negotiation that was going on?

**MS. ZIELENSKI:**

We consented in terms of the values and what we were acquiring.

**LEG. KENNEDY:**

No, no, no. We agreed to that simple thing. In other words, we agreed to make a conventional land transaction into a time is of the essence; which somebody would have been on the hook for if we didn't close by May 2nd. Somebody would have forfeited money.

**MR. PARSONS:**

Your closing isn't time of the essence.

**MS. ZIELENSKI:**

Yeah, our closing wasn't time of the essence.

**MR. PARSONS:**

Ours' was.

**MS. ZIELENSKI:**

Just theirs'.

**MR. McDONALD:**

Between the seller and Nature Conservancy, it was a time of the essence.

**MS. ZIELENSKI:**

And we weren't party to that.

**MR. McDONALD:**

And frankly up until May 2nd, it was very curious as to whether it would happen.

**LEG. KENNEDY:**

Okay. Fine. I beat this horse.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman and then Vilorina•Fisher.

**LEG. SCHNEIDERMAN:**

Somebody who's more familiar with the Pine Barrens Development Rights Program, these credits, however many there were, where's the receiving area? Do you have a specific receiving area where they were headed?

**MR. PARSONS:**

Westhampton Beach •• Westhampton school district.

**LEG. SCHNEIDERMAN:**

Now, is that the only place •• and that's the only place they could have gone?

**MR. PARSONS:**

There are exceptions in the Southampton code that require majority plus one of the town board. But generally speaking they land in the Westhampton school district.

**LEG. SCHNEIDERMAN:**

And are they sanitary credits or are they actual development credits?

**MR. McDONALD:**

However they can be used. I mean, for instance, if there's somebody proposing a planned development district and they need additional density units to acquire, they could be used that way. Town of Southampton is working on a series of code amendments that would conceptually liberalize the use of these credits for other purposes like cottages on existing properties and apartments over stores and things like that. So, you know, that's unclear. And they could be used tomorrow or they might not be used for ten years. And we're not in any way of ever knowing that.

**LEG. SCHNEIDERMAN:**

They not necessarily be used for affordable housing purposes or they might be used for affordable housing.

**MS. ZIELENSKI:**

They can be.

**LEG. SCHNEIDERMAN:**

Again, is it a sanitary credit or is it a development? In other words, if •• however many units ••

**MR. McDONALD:**

It's however the person wants to use it. If they need additional sanitary flow, that person can use a credit or sell it.

**LEG. SCHNEIDERMAN:**

Let's say if we wiped out 100 of these things, could the town tomorrow change their zoning and allow 100 units in that area or no?

**MR. McDONALD:**

On the property that just got protected?

**MS. ZIELENSKI:**

Not the ones that •• ones that we've acquired. We can't use them.

**LEG. SCHNEIDERMAN:**

No, no. In the receiving area?

**MR. McDONALD:**

Sure they could.

**LEG. SCHNEIDERMAN:**

All right. So, it doesn't necessarily guarantee to the Westhampton school district that they'll be that much less development?

**MS. ZIELENSKI:**

It guarantees 200 credits less development.

**MR. McDONALD:**

Right.

**LEG. SCHNEIDERMAN:**

Is it sanitary credits or is it development?

**MS. ZIELINSKY:**

It's Pine Barren credits.

**MR. McDONALD:**

Typically one goes with the other.

**LEG. SCHNEIDERMAN:**

I know because •• I want to know if it's a sanitary credit or a development credit. It's a big difference.

**MR. PARSONS:**

Jay, it's done as •• generally a pine barrens credit is good for 300 gallons per day either used for residential or commercial use.

**LEG. SCHNEIDERMAN:**

Okay. So, the Pine Barrens credit program is a sanitary flow credit?

**MR. PARSONS:**

It is a sanitary •• it's based on the sanitary flow. And then whatever the zoning district is where you land them will determine whether it's used for residential flow or commercial flow.

**LEG. SCHNEIDERMAN:**

Okay. Because basically •• and I've supported this all along. But you're basically saying that by doing this •• the property is already preserved, but somewhere in Westhampton, there's going to be less development. I just want to make sure that that's going to be the case; that it's not something that, you know, somebody will pop the crumble glass system in and you'll get the development in. We'll have spent all this money and not get the results. So, I mean I think it's justifiable to spend the money to take out some of this future development. But we just have to be honest making sure our money's going to doing what we think it will.

**MR. PARSONS:**

It would be up to the town board to hold public hearings on a zone change to increase density

in the Westhampton district.

**MR. McDONALD:**

And it's also up to the owner and the holder of those instruments to decide how he or she wants to use them. No one else can make the person use them.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Vilorina•Fisher.

**LEG. VILORIA • FISHER:**

This is really a brief question. Pat, the \$35,000 that you referred to, is it •• well, maybe I should be asking Randy. Is the \$35,000 that I'm •• it's on page D. Page three letter D in that itemization of costs?

**MR. PARSONS:**

That's the cap, yes.

**CHAIRMAN LOSQUADRO:**

Very good. No further questions on this? Thank you.

**MR. McDONALD:**

Thank you very much.

**MR. PARSONS:**

Thank you.

**CHAIRMAN LOSQUADRO:**

Okay. To the agenda. While you're on your way up, we'll take care of the first two. They don't necessarily pertain to department heads but we would ask them to come forward.

TABLED RESOLUTIONS

Tabled resolutions, **2286•04 to appointment a member of the Planning Commission John Nickles.** I still have not heard back as to the applicant's future intentions, so I'll again be making a motion to table. Hopefully we'll hear back about whether or not he would continue to qualify for this. Motion to table, second by Legislator Binder. All those in favor? Opposed?

**LEG. VILORIA•FISHER:**

Opposed. I'm opposed.

**CHAIRMAN LOSQUADRO:**

List Legislator Viloría•Fisher as opposed. **Motion is tabled. (Vote: 5•1. Leg. Viloría •Fisher opposed.)**

**Resolution 1006•05, establishing automobile and credit card policy for the board of the Suffolk County Water Authority.** Motion. I'll make a motion to continue tabling this.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

Motion to table by myself, second by Legislator Binder. All those in favor? Opposed? **1006 is tabled. (Vote: 6•0)**

**1078, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Robbins property, Town of Brookhaven.** That's quite a stack. If you could update the Committee as to the ••

**MR. ISLES:**

Sure. This has been tabled for a couple of cycles of the Committee. Have had recent conversations with the sponsor. And at this point he's indicated to me that he's been in contact with County Department of Public Works. This is along Portion Road. And they are looking at a portion of this property for highway purposes either drainage or something related to the reconstruction. So, he's conveyed to me •• the sponsor has conveyed to me the request that it continue to be tabled.

**LEG. BINDER:**

Motion to table.

**LEG. VILORIA • FISHER:**

Second.

**CHAIRMAN LOSQUADRO:**

Very well. Motion to table by Legislator Binder, second by Legislator Viloría•Fisher. All those in favor? Opposed? **1078 is tabled. (Vote: 6•0)**

**1081, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the North Fork Preserve property.** How have we heard back from the Farmland Committee yet on this?

**MR. ISLES:**

The Farmland Committee has twice recommended disapproval of this request.

**CHAIRMAN LOSQUADRO:**

And they have not changed their position.

**MR. ISLES:**

No.

**CHAIRMAN LOSQUADRO:**

Very well. Motion to table by myself, second by Legislator Schneiderman. All those in favor? Opposed? Yeah, I spoke with the sponsor. Just for clarification he said that the Farmland Committee has not signed off on it. Then there's no reason to move it. All those in favor? Opposed? **1081 is tabled. (Vote: 6•0)**

**1109, adopting local law, Charter Law adopting the extension of the Smart Government Plan for environmental protection for county taxpayer protection and for sewer tax stabilization.** This would extend the Quarter Percent Drinking Water Protection Program to out to 20/25.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

I still have questions as to what percentages will be going to where if we do extend this. Motion to table by myself, second by Legislator Viloría•Fisher. All those in favor? Opposed? **1109 is tabled. (Vote: 6•0)**

**1186 (authorizing acquisition under Suffolk County Multifaceted Land Preservation Program)**

**LEG. BINDER:**

Motion to table.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Binder, second by myself. All those in favor? Opposed? **1186 is tabled. (Vote: 6•0)**

**1187, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program. This is the Gould's Pond property.**

**LEG. KENNEDY:**

Before I make a motion, if I can just ask from Planning, Mr. Isles, is there any further update on this parcel?

**MR. ISLES:**

This is active with the Real Estate Department. I'm not sure at this point if they've completed negotiations or they're in contract, but I know it's active. If you want to add anything to that or not.

**CHAIRMAN LOSQUADRO:**

So the planning steps have already been approved?

**MR. ISLES:**

Yeah. It is active, yeah. This was under a prior approval.

**LEG. KENNEDY:**

So, there was a six year old resolution that apparently I guess lived a very long life in the department that allowed for these continued activities to occur. And I patiently agreed to go ahead and continue to table predicated upon the fact that we had multi-year, I guess, authority to continue this on. So, I'm just curious as to what's going on at this point.

**MS. ZIELINSKY:**

We have an agreement on this property subject to ••

**LEG. KENNEDY:**

We are actually in contract?

**MS. ZIELINSKY:**

Well, they have agreed to our contract.

**MR. ISLES:**

We may not be in contract.

**MS. ZIELINSKY:**

We have not executed the contract. But they have agreed to the terms of our contract.

**LEG. KENNEDY:**

Excellent. That's good to hear. Okay. Fine. You know what?

**CHAIRMAN LOSQUADRO:**

TSTC?

**LEG. KENNEDY:**

Yeah.

**LEG. BINDER,**

Motion to table subject to call.

**CHAIRMAN LOSQUADRO:**

Motion to table subject to call by the sponsor, second by Legislator Binder. All those in favor? Opposed? **1187 is tabled subject to call. (Vote: 6•0)**

**1195, authorizing planning steps for acquisition under SOS, Farmland Preservation and Hamlet Parks Fund. This is the Richter's Orchard property.** Again, an update, please.

**MR. ISLES:**

Yes. At the last meeting I reported to you that this was reviewed by the Farmland Committee. They did not recommend approval. You asked that I contact the sponsor, which I did by telephone and e•mail. We have not connected at this point just to discuss with her if there's any other facts that might the Farm Committee to change their recommendation.

**LEG. VILORIA•FISHER:**

Motion to table.

**LEG. BISHOP:**

This is an active farm?

**LEG. KENNEDY:**

Yes.

**MR. ISLES:**

Yes, small orchard.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Vilorina•Fisher, second by Legislator Binder. On the motion, Legislator Bishop, do you have a comment?

**LEG. BISHOP:**

Well, I would say the impetus might be on the committee •• the Farmland Committee to tell us why they wouldn't recommend it in this case.

**MR. ISLES:**

There's criteria for farms, which is •• a minimum size is seven acres or a minimum dollar value of annual products sold. And it ••

**LEG. SCHNEIDERMAN:**

Who's developed those criteria?

**MR. ISLES:**

And this point the Farmland Committee's not convinced that they meet either of those minimum requirements.

**LEG. BISHOP:**

I think that, you know, those criteria make sense on the east end; but when you have a west end farm which is unique and probably has great ••

**MR. ISLES:**

Well, that's why there's the other criteria if it's less than seven acres. If it does, I think it's at least \$10,000 a year in agricultural sales.

**LEG. VILORIA • FISHER:**

Table for one cycle.

**CHAIRMAN LOSQUADRO:**

If my information is correct, this is 21.6 acres?

**MR. ISLES:**

But the portion that's actually farmed is actually much smaller than that from what we can tell.

**LEG. BISHOP:**

It's really a way of acquiring open space in the cheapest possible way. I mean, for the west end; right? Because they'll be committed to continue to farm it.

**LEG. SCHNEIDERMAN:**

Almost the same price.

**LEG. BISHOP:**

Is it?

**LEG. SCHNEIDERMAN:**

But we don't have to manage it, which is good.

**LEG. VILORIA • FISHER:**

But this isn't development, is it?

**MR. ISLES:**

I'm sorry?

**LEG. VILORIA • FISHER:**

Is this for acquisition or development rights?

**MR. ISLES:**

Yes, yes. Development rights.

**CHAIRMAN LOSQUADRO:**

It's for development rights?

**MR. ISLES:**

Yes, it is. It's development rights, yes.

**CHAIRMAN LOSQUADRO:**

The question was acquisition or development rights. Not acquisition of development rights.

**MR. ISLES:**

Okay, okay. Sorry.

**LEG. BINDER:**

It would seem •• I mean we're allowed to disagree with the committee.

**MR. ISLES:**

Yes.

**LEG. BINDER:**

And I would just ask you to get in touch with the sponsor. I'm pre•disposed to •• I mean I know the area. It seems this would be a good opportunity to preserve the land. But it's only in two weeks. It's not a long tabling.

**CHAIRMAN LOSQUADRO:**

Absolutely. And my suggestion was going to be it is only two weeks. If you could contact the committee. If it's just a matter of size, being that it's on the west end and not the east end, if they could not give us something more specific as to why this property should not be preserved. I think it's something we'll probably be willing to move forward with in absence of a recommendation from the committee.

**MR. ISLES:**

Okay.

**CHAIRMAN LOSQUADRO:**

So if you could ••

**MR. ISLES:**

Okay. I'll bring to you, then, the rating that was used by the Farmland Committee, which identifies what their issues were. Okay.

**CHAIRMAN LOSQUADRO:**

Thank you. So, we had a motion and a second to table. All those in favor? Opposed? Legislator Schneiderman. Motion is tabled. **(Vote: 5•1. Legislation Schneiderman opposed)**

**1284, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Third Creek Woods property.** I understand this resolution has been amended. The purchase price is out of the resolution. The question now is, is this deal done?

Are negotiations complete? Is there a contract?

**MS. ZIELINSKY:**

There's an active negotiation as we speak. It's improperly characterized •• this is the Third Creek Woods property additions. And the information in this is not appropriate to what we're negotiating. This shows that the County and the town would be tenants in common each owning an undivided 50% interest. And that's not correct.

**LEG. BINDER:**

I'm sure he'll amend it.

**MS. ZIELENSKI:**

Pardon me?

**LEG. BINDER:**

I'm sure he'll amend it after he finds out the final disposition of the deal.

**MS. ZIELENSKI:**

But we do not have a contract completion on this at all. We're still under active negotiations.

**CHAIRMAN LOSQUADRO:**

Hold on one moment. Counsel.

**MS. KNAPP:**

This resolution gives the County the option of holding title either by itself, with the Town of Shelter Island as tenants in common or by physically dividing the property. Have we come up with a fourth?

**MS. ZIELINSKY:**

Well, there needs to be a fourth if that's the case.

**MS. KNAPP:**

There might to be a fourth?

**LEG. SCHNEIDERMAN:**

Either way you're representing that there is no tentative contract on this?

**MS. ZIELINSKY:**

No. It's still in negotiation.

**LEG. BINDER:**

Mr. Chairman? Mr. Chairman? Before we make •• there's going to be obviously a tabling motion because we ran through •• can I just ask on 1186 where we are? That's the Elwood/Greenlawn Woods property. As long as we're asking what the status of these are.

**LEG. BISHOP:**

Well, why don't we finish the one we're on.

**LEG. VILORIA • FISHER:**

Why don't we finish the one we're on?

**CHAIRMAN LOSQUADRO:**

Use the microphone, please?

**MS. ZIELENSKI:**

June 15th it will be going before CEQ.

**LEG. BINDER:**

So, you have an agreement. You're just going before CEQ at this point?

**MS. ZIELINSKY:**

Do we have Parks' approval?

**MS. FISCHER:**

Yes. We got it last month.

**LEG. BINDER:**

Right. We've got an agreement. You're going to be going to contract soon?

**CHAIRMAN LOSQUADRO:**

Yeah.

**LEG. BINDER:**

Okay.

**CHAIRMAN LOSQUADRO:**

All right.

**LEG. BINDER:**

We're still debating 1284?

**CHAIRMAN LOSQUADRO:**

1284. And I would just ask that ••

**LEG. BINDER:**

Motion to table.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Binder, seconded by Legislator Bishop. All those in favor?  
Opposed. **1284 is tabled. (Vote: 6•0).**

Now, I would just ask •• I know that some of this confusion was created when updates were given. And I understand mistakes do happen; that things may have been inappropriately characterized as being further along than they were. So, if •• when these contracts are put into place and, again, if the requests could be made to the County Executive's Office that people who have worked on these acquisitions for quite sometime, the initial sponsors, could be included in this process instead of things just coming over absent their input, I think that would go a long way towards alleviating any future concerns we may have with these types of situations.

**1298 (authorizing planning steps for acquisition under Suffolk County Save Open**

## **Space Farmland Preservation and Hamlet Parks Fund)**

### **LEG. KENNEDY:**

Motion to table.

### **CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Kennedy, seconded by myself. All those in favor? Opposed?

**1298 is tabled. (Vote: 6•0)**

**1332, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for Dosiak Farms.** Is this the same situation as 1284 or is this one further along in the process? Are they the same deficiencies that you mentioned earlier?

### **MS. ZIELINSKY:**

Yes. There are deficiencies. There is no price per acre in this resolution. And the acres are incorrect to the survey, which normally isn't a problem. If it includes a price per acre, we include in the resolution that the number of acres are subject to what the survey will show. And so then there's a necessity for the price per acre to be included in the resolution so that we can adjust the price if the survey changes. The acres.

### **LEG. BINDER:**

Motion to table.

### **CHAIRMAN LOSQUADRO:**

Motion. Again, same comments as earlier so we can we can avoid these problems in the future. Motion to table by Legislator Binder, seconded by Legislator Bishop. All those in favor? Opposed? **1332 is tabled. (Vote: 6•0)**

**1345, authorizing planning steps for acquisition under SOS. This is for the Long Island Beagle Club Property.** An update. Did this go before the Farmland Committee as well?

### **MR. ISLES:**

It did as well. And the Farmland Committee recommended disapproval. This is a great location

in terms of being surrounded by farmland; however, it is a parcel that is not farmed nor has it been farmed in a number of years. I did have some contact since the last meeting with the sponsor's office. You had indicated to me or asked me to contact them. You had talked possibly about affordable housing. I have not received anything back and have not spoken face to face or word to word with the sponsor. But our comment on this at this point it's not a farm so, therefore, it wouldn't qualify for the County Farmland Program. If there were some sort of program to clear the property and re•farm it again, that certainly would be fine. Here again, it's in the Riverhead Agriculture Protection Zone and so forth. But at the present time since it's not a farm, it doesn't fit into the County Farmland Program.

**CHAIRMAN LOSQUADRO:**

And I assume that this property would not score well under a straight open space acquisition being that it really has no features of any significance; is that correct?

**MR. ISLES:**

That's correct, yeah. Now, whether it would fit into an active recreation, that's a possibility.

**LEG. BINDER:**

Motion to table. Talk to him.

**CHAIRMAN LOSQUADRO:**

Okay.

**MR. ISLES:**

I have a meeting with the sponsor tomorrow on something else. I could try to bring it up and see if I can get some more information.

**CHAIRMAN LOSQUADRO:**

If you could, please bring this up to the sponsor when you meet with him.

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

This is something I would like to •• again, I'm familiar with the property. That area has seen large scale developments go in just across the street from it and just down the road from it. So, I know that the development pressure is there for that area. So, it is something I would like to see us find a way to be able to move forward with. Motion to table ••

**LEG. VILORIA • FISHER:**

Question, Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Yes. Hold on. This to table by Legislator Binder, second by Legislator Viloria•Fisher. On the motion.

**LEG. VILORIA • FISHER:**

Tom, what kind of protection zone did you •• what did you say?

**MR. ISLES:**

The Agricultural Protection Zone. It's a zoning district in the Town of Riverhead.

**LEG. VILORIA • FISHER:**

Okay. So would it •• being part of that protection zone, would that preclude affordable housing or other uses?

**MR. ISLES:**

It doesn't preclude it. It requires a minimum density of development of one house per two acres. It gives the ability to do a transfer of development rights at a rate of one house per acre. So, you can move development off at one per one per acre, but to develop on site is a minimum of per two acre. So, it's probably not going to be too conducive to affordable housing at that kind of density.

**LEG. VILORIA • FISHER:**

I would think so. Okay. I just wanted to know what the parameters were there. Okay. Wouldn't make sense for affordable housing.

**CHAIRMAN LOSQUADRO:**

Very good. All those in favor? Opposed? 1345 is tabled.

**1419, reorganizing and strengthening the Nassau•Suffolk Regional Planning Board and renaming the board "The Long Island Regional Planning Council." This is my resolution.**

**LEG. BISHOP:**

We need this initiative.

**LEG. BINDER:**

I'll second it.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop, and I know you made some comments last time, but I can honestly tell you •

**LEG. BISHOP:**

And the time before that. And the time before that.

**CHAIRMAN LOSQUADRO:**

At this time we are •• we're pretty well done with the County Executive's Office and with Nassau County. We're tweaking the last few bits of the language. And if we do not have an agreement by the next cycle, I will be moving this bill.

**LEG. VILORIA•FISHER:**

Out to the wood shed, you mean.

**CHAIRMAN LOSQUADRO:**

Yes. So, I will make one more motion to table. And I guaranty you that's the last one. Motion to table by myself, second by Legislator Binder.

**LEG. SCHNEIDERMAN:**

On the motion.

**CHAIRMAN LOSQUADRO:**

On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

My understanding is that Nassau County is entertaining very different versions of the bill.

**CHAIRMAN LOSQUADRO:**

Not at all.

**LEG. SCHNEIDERMAN:**

No.

**CHAIRMAN LOSQUADRO:**

No. I can say that we're extremely close at this point and just tweaking some last bits of the language.

**LEG. SCHNEIDERMAN:**

All those in favor? Opposed? **1419 is tabled. (Vote: 6•0)**

**1426, designating the week of April 22 as Green Earth Week in Suffolk County. In 2006?**

**MS. KNAPP:**

Yeah. It's been amended.

**LEG. BISHOP:**

Motion.

**CHAIRMAN LOSQUADRO:**

Do we have a motion?

**LEG. VILORIA • FISHER:**

Sure. Motion to approve it.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Bishop, seconded by Legislator Schneiderman. All those in

favor? Opposed? **1426 is approved. (Vote: 6•0)**

**1430, authorizing an inter•Municipal agreement for the creation of a Lake Ronkonkoma Management Advisory Commission.**

**LEG. KENNEDY:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

I would make a motion to go ahead and table this resolution. I know that my predecessor working with other legislators around the horseshoe here had created and had actually extended the Lake Ronkonkoma Management Advisory Commission.

**CHAIRMAN LOSQUADRO:**

Absolutely.

**LEG. KENNEDY:**

There was a question as to whether there's a need for this. I believe that there is a commission in place.

**LEG. BINDER:**

Second to table.

**CHAIRMAN LOSQUADRO:**

I concur with you. We have a motion to table subject to call by Legislator Viloría•Fisher. Or by Legislator Kennedy, second by Legislator Viloría•Fisher. All those in favor? Opposed? **1430 is tabled subject to call. (Vote: 6•0)**

INTRODUCTORY RESOLUTIONS

Onto Introductory resolutions. **1453•05, authorizing planning steps for acquisition under SOS, Farmland Preservation and Hamlet Parks Fund. This is the Lake Ronkonkoma County Park addition.**

**LEG. KENNEDY:**

Yes.

**CHAIRMAN LOSQUADRO:**

I believe Planning is coming around. Mr. Isles, this is 2.9 acres, the addition? Is that correct?

**MR. ISLES:**

Yeah. These are several parcels that are in the Lake Ronkonkoma corridor. As you can see on the aerial photograph that's being handed around, the County owns all the parcels that are dotted with the red ink. So we own quite a bit of land in this area. The parcels in question were reviewed based on the county's rating system and came up with a scoring of 39. I will point out that these parcels as well as a few others in the immediate area are part of the master list two that's also before you today as well.

**LEG. KENNEDY:**

We have the wrong photo.

**LEG. SCHNEIDERMAN:**

I got Clark's Beach.

**LEG. BINDER:**

Maualem. I got Bayport.

**CHAIRMAN LOSQUADRO:**

We have the right resolution; wrong picture.

**LEG. KENNEDY:**

I got Montauk Highway.

**LEG. VILORIA • FISHER:**

I have a question.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría • Fisher.

**LEG. BINDER:**

Everyone has different things here.

**LEG. VILORIA • FISHER:**

Tom, yesterday •• I'll wait until they've settled all their paper work over there. Yesterday at the ad hoc Affordable Housing Committee meeting, a gentleman came before the Committee speaking about the Lake Ronkonkoma Association Visioning Process or •• what was it called, Jay, do you remember? The gentleman who came to speak before us.

**LEG. SCHNEIDERMAN:**

He mentioned Portion Road.

**LEG. VILORIA • FISHER:**

Is this part of that association's master plan? He was discussing a master plan. The Lake Ronkonkoma management or master plan or visioning plan.

**LEG. KENNEDY:**

If I can, through the Chair •• if you want to take it; I mean I'll be happy •• I'm a member of that ••

**LEG. VILORIA • FISHER:**

If this part of the plan? Does this fit in with that visioning?

**LEG. KENNEDY:**

Well, there is the Tri•Town Lake Ronkonkoma Task Force, which is dedicated to remediating and upgrading the quality of the lake itself and the surrounding waters. This parcel here actually is vacant property that abuts the northern portion of the lake, the headwaters there on the northern side of Portion Road. And so we're looking, I guess, or my reason for sponsoring was to expand the headwater section for the purposes of remediation and protection. That does fit into the overall visioning process for that group in that they're trying to upgrade and

improve the quality at the lake itself. And they have to go ahead and acquire and improve the surrounding run-off areas in order to improve the lake. So, in a long, drawn about way I guess I would say yes.

**LEG. VILORIA • FISHER:**

Okay.

**LEG. BISHOP:**

Can you use it for a sump pool?

**LEG. KENNEDY:**

No. This will not be sump. There's a sump area that •• actually that was one of the resolutions that I had sponsored earlier for the south portion. This is vacant land that will be adjacent to marsh and wetlands which is on the northern side •• north of the Bavarian Inn, actually.

**LEG. VILORIA • FISHER:**

Okay. Now it looks like some of that has been sand mined; is that •• according to •• from this aerial. What is that white large area?

**CHAIRMAN LOSQUADRO:**

Yeah, if you could comment. I also see a •• are those structures or what is that on the property?

**LEG. KENNEDY:**

At this point right now, I don't think I'm looking at the same thing that everybody else is looking at.

**LEG. VILORIA • FISHER:**

I'm looking at Lake Ronkonkoma County Park Addition.

**LEG. KENNEDY:**

All right. I'm still looking at Mouallem.

**CHAIRMAN LOSQUADRO:**

You have that aerial?

**MS. FISCHER:**

I'm sorry for this.

**MR. ISLES:**

Yeah, why don't we just give them this one and I'll use this.

**LEG. VILORIA • FISHER:**

Tom, what's on the property? I'm seeing ••

**MR. ISLES:**

Okay. The property consists of the pond in the middle, as you can see.

**CHAIRMAN LOSQUADRO:**

Right, I see the pond.

**MR. ISLES:**

And as you go around further to the south, there are either sheds or truck equipment on the property.

**LEG. VILORIA • FISHER:**

Is there excavation there? That large white piece ••

**MR. ISLES:**

I don't know if that's excavation or just clearing at this point. I will tell you that that it's a very low-lying area. There's wetlands right up against it. Obviously the pond itself is wetlands. It did achieve a pretty good rating. The issue with this is that there are •• these lots are •• potentially can be developed. And so even though it's not a pristine site in the sense there is some use of it, we're not proposing the purchase of any houses of course. And any of this miscellaneous equipment on the site would be cleared away, here again, to avoid the construction of homes, sanitary systems and noting the significant county presence and ownership that we have directly adjacent to this to the east.

**CHAIRMAN LOSQUADRO:**

Very good. Any further questions? Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

I thought I still had the floor. Tom, it's showing to the north of this parcel, there are County properties that have structures on them as well? That little corner?

**CHAIRMAN LOSQUADRO:**

Not, it's only the dotted properties, Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

Oh, I see the dotted and then ••

**MR. ISLES:**

So, the outline in red is just the tax map parcel ••

**LEG. VILORIA • FISHER:**

I see. Okay.

**MR. ISLES:**

•• lot numbers. But the dotted parcels are county. Right.

**LEG. VILORIA • FISHER:**

Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Motion by Legislator Kennedy?

**LEG. KENNEDY:**

Motion to approve.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. All those in favor? Opposed? **Motion is approved.**

**(Vote: 6•0)**

**1454, reappropriating funds for an incentive program promoting the closure of residential underground fuel tanks.** Do we have a representative from BRO? Has any money been expended in this program before we go and reappropriate •• to appropriate additional monies? Or •• Mr. Minei, if you could comment on that; if you know off the top of your head or Budget Review, if you know?

**MR. DUFFY:**

I don't know off the top of my head. But what I can say is that when an appropriation is made, unless that appropriation is encumbered at year end, the appropriation will lapse.

**MR. MINEI:**

No, the 200,000 has not ••

**CHAIRMAN LOSQUADRO:**

I should know better than to ask a yes or no question in government.

**MR. MINEI:**

The money has not been expended.

**CHAIRMAN LOSQUADRO:**

The money has not been expended.

**MR. MINEI:**

It was originally in the Health Department budget under 477. And then when you passed the budget in the fall, it got appropriated as did all 477 monies towards the new department. So, we have not had a budget to draw on to pay back the homeowners.

**CHAIRMAN LOSQUADRO:**

Have we have had requests?

**MR. MINEI:**

As of this morning 272.

**CHAIRMAN LOSQUADRO:**

Okay.

**MR. DUFFY:**

Excuse me. If you look at the resolution, the First Resolve Clause, I think there's a typo there because it refers to •• "this program established by resolution 714•2005." I think they meant 2004.

**LEG. VILORIA • FISHER:**

Mine says 2004.

**MR. DUFFY:**

Yours' says 2004?

**CHAIRMAN LOSQUADRO:**

We believe it has been corrected. Yes. The new copy is '04. Motion by Legislator Viloría •Fisher, seconded by Legislator Binder.

**LEG. BISHOP:**

How much do they get each?

**LEG. VILORIA • FISHER:**

A hundred dollars.

**CHAIRMAN LOSQUADRO:**

It's a 100 dollars. Just an incentive problem.

**LEG. BINDER:**

But 272 people wanted it.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed? **1454 is approved. (Vote: 6•0)** Thank you.

**1467, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks Fund, Mouallem property.**

Thank you. Mr. Isles? We've heard some comments already from the peanut gallery.

**MR. ISLES:**

This is a parcel that's located in the hamlet of Bayport in the Town of Islip on the north side of Montauk Highway at the intersection with Bernice Drive. As you can see by the aerial photograph, it's a parcel that's within the commercial district of Montauk Highway and Bayport. It's a parcel that's currently vacant. It has a funeral home to the •• immediately to the west and a strip shopping center to the east, residential extending to the north.

The sponsor's resolution indicates that this a proposed hamlet park active recreation site. We have done a rating based on the information we have thus far. And it came out to a rating of 14. Typically 25 is the usual minimum rating aspect. We don't have a site plan or a proposal on this. The resolution indicated that there was support by the Town of Islip and a willingness to partner on this. With the time given on this preparation for this resolution, I did speak to the Acting Commissioner of Planning. He wasn't aware of it. He's going to look into it further and just see if there is a plan that the town may have to partner with the county. So at this point it rates at 14 points. At this point we don't have enough information to recommend to you this acquisition at this time.

**LEG. BINDER:**

Mr. Chairman.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Binder.

**LEG. BINDER:**

Just as a curiosity, I'm looking on the thing and it says on the rating, that the site contains or is adjacent to water body of an ocean, bay, sound, pond, lake. What do we mean by adjacent? Because I'm looking at a picture. And unless I'm missing an ocean somewhere ••

**CHAIRMAN LOSQUADRO:**

Are you looking at the right rating? Where are you looking?

**LEG. BINDER:**

I'm looking at the attached rating. I have the rating. It's a 39.

**CHAIRMAN LOSQUADRO:**

It's a 14.

**LEG. BINDER:**

Oh, you attached the wrong rating. Never mind. I was wondering where's the ocean? It's not making sense to me. Okay, we're going to switch.

**LEG. SCHNEIDERMAN:**

On the rating ••

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Under B, site attributes, one thing you didn't check that I think this should be checked, is a site can or will adequately accommodate the proposed recreational use on the site and associated parking needs.

**CHAIRMAN LOSQUADRO:**

I don't think it has room for parking.

**LEG. SCHNEIDERMAN:**

Is that the problem? They can't put ••

**MR. ISLES:**

We don't really know what's proposed so we don't really know if it can be accommodated on the site at this point.

**LEG. SCHNEIDERMAN:**

I'm just looking at the size of the funeral home parking lot that's right next to it. It just seems

like •• it depends. You could probably get a soccer field ••

**MR. ISLES:**

If it was a playground, certainly it could accommodate it; if it was a small hamlet park, it could accommodate it but ••

**LEG. SCHNEIDERMAN:**

It looks like we could get a soccer field and a parking lot in without a problem.

**MR. ISLES:**

But we can't say that with certainty at this point.

**LEG. SCHNEIDERMAN:**

That would bring it up to a whopping 19. But the rating sheet is basically an environmental rating sheet. It's really not designed so much for parks.

**MS. FISCHER:**

No. This is for active recreation.

**MR. ISLES:**

No. This is for parks and active recreation.

**CHAIRMAN LOSQUADRO:**

Did you want to comment, Legislator Bishop?

**LEG. BISHOP:**

Yeah. Hamlet Parks is a concept without a definition; right? I mean we've never authorized a hamlet park program per se so there's no guidance that •• I don't know what you're working off of. I guess Greenways Active Park.

**MR. ISLES:**

Yeah, that's actually where it started. And that's •• we are using that, yes.

**LEG. BISHOP:**

But I think it's a different concept. Although I have the author of the concepts to my right, I don't know what the concept of Hamlet Parks exactly was. I think it's more like pocket parks as they used to say in the Lindsay administration in the city. Right?

**LEG. VILORIA • FISHER:**

Yes. It's a pocket park.

**MR. ISLES:**

But I would think even in that case you'd want to me what's being proposed.

**CHAIRMAN LOSQUADRO:**

If I may?

**LEG. BINDER:**

A playground.

**LEG. BISHOP:**

A playground, right?

**CHAIRMAN LOSQUADRO:**

There are two items here. Number one ••

**LEG. BISHOP:**

So then you evaluate it differently. If it's a playground, it's a ••

**CHAIRMAN LOSQUADRO:**

Number one •• item one in section B and item one in section C, "the site and its proposed recreational uses have community support", I think if you did have a proposed usage for this, and I think the proposed use is quite clear for something of this size in this area, it would be for a community, you know, pocket park or recreation area. I think that it would rate, you know, much higher at that point. If we were to just strictly go by the rating criteria, that alone would bring it up to a 29. I know we •• and this is something I was going to mention later, this is something we need to be aware of, is that I know sometimes people get a little bit too free with approving planning step saying oh, it's only planning steps. But when we do approve those, letters get sent out. And if we do get a response back in regard to •• in regard to how things

are prioritized, when they come back from our letters of intent from the owner, that goes on the •• that level of priority.

So, I certainly don't want to inundate the department with unnecessary planning steps resolutions; but at the same time, there are limited opportunities for recreation in these areas. And I think under a recreational use, that strictly based on the rating form, it would score fairly well. And it could be an asset to the community.

**MR. ISLES:**

I think we have to be very careful, though, with hamlet parks. I mean, it's a new program for the County. And it's something quite frankly where a lot of the towns have tried to move away from these small vest pocket parks because they're very expensive to manage and maintain. They can be nuisances in the community.

**CHAIRMAN LOSQUADRO:**

Well, this is something that •• I'm not talking about approving it today, but it's something that certainly bears closer scrutiny. And if some sort of even public private partnership could be established that a community group was willing to maintain the parcel because that is a model that has been used because of the costs incurred by Parks Department in maintaining these facilities, it's something, I think, you know, bears further discussion with the sponsor. If there is a specific intended use for this parcel and if an agreement could be worked out as to its maintenance, it might bear, you know, another look.

**MR. ISLES:**

The best example's probably the Village of Lindenhurst where there's a park there that actually •• they maintain and it's probably the text book example of it. That goes back five years, whatever it was.

**CHAIRMAN LOSQUADRO:**

Right.

**MR. ISLES:**

The Wedge is on a larger scale with the Town of Brookhaven.

**CHAIRMAN LOSQUADRO:**

Right. Motion to table by myself, second by Legislator Bishop. All those in favor? Opposed?

**1467 is tabled. (Vote: 6•0)**

**1474, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Clark's Beach parcel.**

**LEG. BINDER:**

Is this the one with the waterways that we were talking about?

**CHAIRMAN LOSQUADRO:**

I believe there is a body of water being that it says Beach in the title.

**LEG. BINDER:**

You could see where I was confused. Ah, I see water.

**CHAIRMAN LOSQUADRO:**

Thank you. Mr. Isles.

**MR. ISLES:**

Okay. What you have before you is the aerial photograph that's been circulated on this. This was discussed earlier by Mayor Kapell. But just to bring you up to speed on the facts, it's 15 acres of land located outside of the unincorporated portion of Greenport so it's in the Town of Southold. It is adjacent to Inlet Pond County Park, which on the aerial photograph is here again indicated with the red dots on the map. There is a small portion of land in yellow which is a beach owned by the Town of Southold.

The subject parcel's outlined in green. You can look at this from a couple of different perspectives. And just strictly looking at it from the stand point of consideration for one of the county's acquisition programs, we have done a rating on this. And from that standpoint just simply based upon the proximity to existing County land and the ability to expand and enhance County ownership, the fact that it does meet number of the criteria of the Multifaceted Program in this case, all those, I think, would argue for consideration of this.

On the other side of the coin is the issue of the fact that is publically owned land. And the issue

that should the County of Suffolk be using its very limited resources on an open space acquisitions for purchasing lands from municipalities and more of a general policy question on our part, but I think it has raised some issues with us in terms of the acquisition. The property has merits certainly on one level. On the other hand is this the path we want to start walking down?

**CHAIRMAN LOSQUADRO:**

Thank you. Mr. Zwirn, do you have a comment on this?

**MR. ZWIRN:**

Yes. I've spoken with the County Executive about this. And it is unusual situation where you have land that's in the public domain and then another public's entity asked to take a look and to purchase it. But having said that, it is a unique piece of property. And at least for the planning steps, County Executive's suggested maybe we should take a look at it before •• you know, our knee jerk reaction would have been that this would not be the right way to go but ••

**LEG. BINDER:**

Yeah, it says Caracciolo.

**MR. ZWIRN:**

No, no.

**LEG. BINDER:**

It's a joke.

**CHAIRMAN LOSQUADRO:**

Please, let's not digress. We're moving forward.

**MR. ZWIRN:**

But it may be •• it was on the master list. And it's something maybe we should take a look at even though the County Exec's initial reaction was one to not move forward. But maybe take a second look.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Just, I guess, one aspect and I'll refer back to the history that Mayor Kapell gave us before, and I'm looking at the photo. This property has been owned by the village for seven years; in excess of seven years. And it is •• clearly from the photo there has to be some kind of use in there. And the village has not actively maintained or utilized it. I'm going towards whether or not there's a constructive easement across this property notwithstanding the fact that it's still in municipal hands. When we start these planning steps, do we do any detailed title inquiry?

**MR. ISLES:**

We have in this case actually.

**LEG. SCHNEIDERMAN:**

There's no such thing as a construction easement against a municipality. Hold on. And I'm not the lawyer but ••

**LEG. KENNEDY:**

Thank you. Thank you, non•counsel. But I guess on certain occasions I say defer to Counsel.

**CHAIRMAN LOSQUADRO:**

As a former Town Supervisor. Counsel?

**LEG. BISHOP:**

Can I go on the list?

**CHAIRMAN LOSQUADRO:**

Yes.

**MS. KNAPP:**

I think that Legislator Kennedy may be drawing a distinction between the government acting in its governmental capacity and a government acting in its proprietary capacity.

**LEG. KENNEDY:**

Yes.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman, do you have another comment or was that it?

**LEG. SCHNEIDERMAN:**

Well, I'm going to say, Greenport owns this piece as a village •• small village. They have not dedicated this property as parkland. So, it is clearly surplus property. If the County doesn't act here, Greenport will sell it to somebody else and it would be developed and the County will lose the opportunity to expand its parkland. This is something that makes totally good sense to me. Sorry for my improper English. But it makes very good sense. And I think we should move forward with it.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Bishop.

**LEG. BISHOP:**

First I want to say that, you know, I followed Mayor Kapell's career through the newspaper. And he's obviously been a very dynamic and positive force out there. And he's very clever. And I don't know if this •• this is troubling. You have a municipality that needs money. And they have property on the water. And they say you know what, we're going to sell our property on the water unless the County buys it. And basically then we're just subsidizing the village. And what you end up with is what you already had, right? So, maybe he wants to address that argument because somebody has to address that argument at some point.

**CHAIRMAN LOSQUADRO:**

I was just going to ask, Mayor Kapell, if you could come up. If you want to use the podium, that's fine.

**LEG. BISHOP:**

Whatever you want to use. Then the other thing I'd like you to •• the other notion I'd like you to address is my Shadmore regret. You know I voted for Shadmore which was this spectacular property •• it is •• it's spectacular out in Montauk right on the ocean. And wasn't there on the table like a concept where if one or two homes was built on a portion of it, the rest of it would have been preserved forever? So, how about something like that in this context as well?

**LEG. BINDER:**

We did exactly that with Robbins Island. Was very successful in protecting it.

**LEG. SCHNEIDERMAN:**

Okay. Put me on the list.

**LEG. BISHOP:**

Do you want to respond to those two ideas?

**MAYOR KAPPELL:**

First of all, I want to thank you for the compliment. I take it as a compliment. What was the word you used? Clever. Thank you. I would submit that it's my job as Mayor to be clever when it comes to the management of public resources.

Also, with respect to the municipality needing money, I'd like you to find me a municipality that doesn't need money including the County of Suffolk.

**LEG. BISHOP:**

Good. So, we're going to sell our property unless the state buys it.

**CHAIRMAN LOSQUADRO:**

Mayor Kapell.

**MAYOR KAPPELL:**

I'd like to respond to that. We did not •• and we are not asking the County to buy Clark's Beach. I want to put that out on the table. The Village Board in its examination of priorities at the village level where we've expended •• where we've partnered with the state principally •• a small amount from the County but principally with the state and federal government for a \$15 million waterfront park in the middle of the village, which is open and available to all residents not only of Suffolk County but for the world for that matter, in our wisdom as a village board we concluded that there's some properties that we own both inside and outside the village •• this happens to be one of them and the one that's located outside the village •• that are surplussed to our needs. And the proceeds of the sale of those properties could be used to lower the debt that we incurred in conjunction with the development of Mitchel Park.

Now, I would argue that Greenport has become a major economic asset not only for the Town of Southold, but for the entire County of Suffolk. Greenport is a huge destination now on Long Island. And we've done that as a small village of 2100 residents. We're a blue-collar community. We want to stay that way. And the way to do that is to keep taxes down. And one way to keep taxes down is to leverage your assets. I mean this is just simple economics and simple arithmetic.

So, here's a piece that we own. We don't need it. We don't need it. A lot of people will say that they need it. But I would submit that the vast majority of them are not village residents; that this property is used heavily by people throughout Suffolk County. As a matter of fact, I don't know if this committee is in possession of the many letters that have come from the Long Island Diver's Association, for example.

**CHAIRMAN LOSQUADRO:**

Yes, we are.

**MAYOR KAPPELL:**

Letters from as far away as New Jersey, Nassau County, people that want Clark's Beach preserved. You know, as an individual, as a person, I sympathize with those letters. But as a village taxpayer, do I want to fund that? And I say I don't particularly when I measure it against the other priorities that exists within the village. So, this business that the village needs money, that the County would somehow be stepping in and bailing us out, is really hogwash. It's a smokescreen for justifying a decision not to buy it. Now, if you decide not to buy it, case closed. But we're not asking the County to sell it •• County to buy it. On the contrary, what we did was to give the courtesy of notice to the County Executive and to our local Legislator when the village made a decision to sell the property next door to Inlet County Park. I mean I would do it for a residential neighbor. If I decided to sell my property, I would go to my neighbor and say, hey, look, I'm going to sell my property. It's courtesy. If you don't want to buy it, case closed.

This is a very valuable piece. It has 1100 feet running on Long Island Sound. This is an extremely valuable piece of property. If the County wants to buy it, we would like to cooperate in that. But we're not asking the County to buy it. We're offering •• we're just offering you the

courtesy of notice that we're going to sell this piece. It would seem to me from a lot of standpoints, and I think the Planning Director hit them on the head, was that this is next to a county park. It would substantially enhance the county park.

I also would submit that you take it for granted that we own it because right now if you want to use Inlet Pond County Park, you got to park on Clark's Beach. The County doesn't provide adequate parking. The County doesn't provide access to the water across Inlet Pond County Park. People use Clark's Beach. The town parcel that you see on that map is totally landlocked. The only way to the town parcel is across our property. So, this is the scenario. If I can answer any further questions, I'll be glad to.

**CHAIRMAN LOSQUADRO:**

Mayor Kapell, thank you for taking your time and coming out •• up island as you like to refer to it to address the Committee.

**MAYOR KAPELL:**

I thank you for the opportunity.

**CHAIRMAN LOSQUADRO:**

Thank you.

**LEG. VILORIA • FISHER:**

I have a question for Mayor Kapell.

**CHAIRMAN LOSQUADRO:**

Legislator Vilorina • Fisher, you have another question for the Mayor?

**LEG. VILORIA • FISHER:**

Good to see you, Dave.

**MAYOR KAPELL:**

Nice to see you again.

**LEG. VILORIA • FISHER:**

Is part of the beach outside of the incorporated village?

**MAYOR KAPELL:**

The entire beach.

**LEG. VILORIA • FISHER:**

It is outside the village.

**MAYOR KAPELL:**

The entire piece is •• the village has no frontage on Long Island Sound. That's why we acquired it. We needed frontage. We needed property on the Sound in order to construct the outfall pipe that delivers our sewer effluent into the Sound. And because there was no property within the •• because the village doesn't front on the sound, we had to buy a piece outside the village. That's the only reason we own it. When a municipality acquires property, it has to have a public purpose. That was the public purpose. No other.

**LEG. VILORIA • FISHER:**

Okay. What kind of shape is the property in now?

**MAYOR KAPELL:**

Frankly, the property is an abused site. Because we lack the capacity to properly manage it and police it and maintain it, it's subject to frequent abuse. There's a road in there that we often put a chain across it. People break the chain to get in. They dump on it. We've had deer carcasses, asbestos remnants from commercial asbestos removal jobs. There's unrestricted access that results in abuse by people that are actually using it; camping down on the beach at night. There are no sanitary facilities to support public use. I mean, frankly it's a liability.

**LEG. VILORIA • FISHER:**

What kind of use do you see at the county properties to the east? Wouldn't that be the same problem there?

**MAYOR KAPELL:**

Well, Inlet Pond County Park frankly doesn't really offer itself much in the way of public access. There's a small building on the •• that fronts on the county road on 48 that's used •• I think rented or under some agreement possessed by the Audubon Society; the local Audubon Society

Chapter. And they have stewardship over the trails such as they are in Inlet Pond County Park. But I understand from constituents that those trails are not well maintained. It's very difficult to get down to the water across the County park.

**LEG. VILORIA • FISHER:**

So, it might be a problem in management for the County if we were to acquire this piece of property.

**MS. FISCHER:**

Like anything else.

**LEG. VILORIA • FISHER:**

I couldn't hear you.

**MR. ISLES:**

Yeah, it could be. I think that's something we would want to talk to the Park's Department about, too.

**LEG. VILORIA • FISHER:**

Yeah, we'll have to talk about that with the Parks Department because we do own so much property. And if there's already an existing management problem, although it would be •• we always want to look at having public access to our beaches. We don't want to make that private property. But it's a concern to burden ourselves with more management issues.

**MAYOR KAPELL:**

If I can just add •• if I can add something in response to that. Access to Long Island Sound for the general public is almost non-existent on Long Island. Regionally this is a problem. And I'm talking about access where you don't have to prove that you live in the town or you live in the village or even that you live in the county for that matter.

**LEG. VILORIA • FISHER:**

And that's why this is appealing. That's the appeal of this.

**MAYOR KAPELL:**

And that's why people use it. Okay? But I would submit that that's not a proper responsibility to place or burden to place on a small municipality like Greenport. This is a regional issue. This is not a village issue. And I believe that the County •• you know, I understand what you're saying. And I sympathize. You would be taking on a significant responsibility. But I think that responsibility is yours.

**LEG. BISHOP:**

How did Greenport acquire this property?

**MAYOR KAPELL:**

That the public is entitled •• the public should have ••

**LEG. VILORIA • FISHER:**

Access to the waterfront.

**MAYOR KAPELL:**

•• access to •• well, to Long Island Sound in particular. And this is •• you know, this is a place where it's already occurring. And it would make sense for it to be allowed to continue to occur.

**LEG. VILORIA • FISHER:**

And as you correctly stated this is outside of your incorporated village. And so to have it available to all county and to everyone who comes to the county ••

**MAYOR KAPELL:**

The public at large. Yeah, that's the way we run Mitchel Park, for example, in the village. They have no residency restrictions. Anybody. You can come from China and use Mitchel Park.

**LEG. VILORIA • FISHER:**

Good to see you, Dave. Thank you for your responses.

**MAYOR KAPELL:**

Thank you all.

**CHAIRMAN LOSQUADRO:**

Legislation, Schneiderman, did you have a comment? No. Legislator Kennedy.

**LEG. KENNEDY:**

Just one follow up question for the Mayer. In the process of going through this assessment as far as inventorying your property and determining, I guess, that this is surplus, as I agree with you, it's prudent for any municipal corporation to do, have you done anything to appraise it? Do you have a ••

**MAYOR KAPPELL:**

We don't, no. We've done nothing to appraise it at this point. And, you know, if the County decides not to purchase it, we will. But as I understand it, that's one of the steps that's before you actually, would be a county appraisal.

**LEG. KENNEDY:**

Okay. Thank you, Mayor. And I agree with my colleagues. You've done an excellent job out there in Greenport.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Schneiderman.

**MAYOR KAPPELL:**

Thank you very much. I appreciate the support I've had from the County.

**LEG. SCHNEIDERMAN:**

Just this distinction. Maybe, Mayor Kapell, you may want to stay at the podium for another moment. Towns or villages buy property for different reasons. And sometimes town and villages buy property to hold for future municipal types of uses. Those properties are not dedicated as parkland at the time of purchase and they can't be sold. And I think most towns and villages probably do have some holdings of land that are in non•park purposes.

The County has bought land recently. The Scully estate was bought from the Audubon Society. It wasn't bought from a town or village, but it was bought by •• from an organization similar to the Nature Conservancy. And I have seen groups •• even the Peconic Land Trust has •• some

of the lands that they hold, and maybe the Nature Conservancy, I think there's been situations where lands that the Nature Conservancy has held have been sold to other or swapped with other parcels. So, it's not that unusual.

So when a town owns something and dedicates it as a park, it's forever preserved. It's not going to change. It would take an act of the state legislature and a public referendum, I believe, to change that. So, this is not one of those properties. This is something that the village has full control over.

**MAYOR KAPPELL:**

Thank you, Legislator Schneiderman. If I could just add one other small point. And that is, you may not be aware but half of the physical area of the Incorporated Village of Greenport is public park. The village bought and dedicated this parkland, the largest stand of virgin woodland on the north fork known as Morris Woods. The combined \\_Millers/McCann\\_ woods property. Half of the village is off the tax rolls as a public park.

Also, I think it's really •• I believe, you know, I have a very conservative attitude towards fiscal management at the public level. But I believe that it's important. I think it's paramount on all of us to minimize our ownership of real estate to those purposes that are specifically important to our municipal function. So, if you happen to own real estate that's just sitting there, just because you own it, doesn't mean you have to own it. You know, we really •• in the case of Clark's Beach, all we need is that easement for the purposes of maintaining the outfall pipe. We don't need 15 acres. The other parcels we're talking about selling are under similar conditions.

**CHAIRMAN LOSQUADRO:**

Mr. Mayor. Motion to approve by Legislator Schneiderman, second by Legislator Vioria•Fisher. Before I recognize Legislator Binder, I have two quick questions.

Number one, and I know this is sort of jumping the gun a little bit, I'm sure it will be taken under consideration with the planning steps, but would the value of the property be affected by this effluent outfall pipe? And number two, would there be any development restrictions placed on the property as a result of that effluent outfall pipe and the accompanying easement? I mean, what are we really talking about in terms of •• I'm just trying to get to the bottom of

this. What would the realistic development potential for this property be if the village were to put it up for sale?

**MR. ISLES:**

I'll turn to Pat for the appraisal part of it, but certainly I think it's something that would have to be considered. The pipe is going to remain. The village would most likely seek to retain easement over that. What the width of that easement would be, what the constraints of that easement would be would have to be known. And then that would have to be set back into the appraisal practice in terms of what can you do with this property. Do you want to add anything to that?

**MS. ZIELENSKI:**

Well, it's my understanding that the pipe bisects the property. So from a development standpoint, it would certainly be an effect. But it is •• a lot of water fronts ••

**CHAIRMAN LOSQUADRO:**

And this is something that would be taken into account ••

**LEG. SCHNEIDERMAN:**

Sure.

**CHAIRMAN LOSQUADRO:**

•• in determining a value, of course.

**LEG. SCHNEIDERMAN:**

Of course.

**LEG. BISHOP:**

I have a question for the Mayor.

**CHAIRMAN LOSQUADRO:**

Hold on. Legislator Binder. All right. Legislator Bishop.

**LEG. BISHOP:**

Mr. Mayor, are you under Clean Water Act pressure to do something with this pipe?

**MAYOR KAPELL:**

No. No. The pipe is thoroughly permitted by the New York State DEC. And I our plant operates within the requirements of our SPDY'S permit.

**LEG. BISHOP:**

Does that ring true to you? Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Very good. Thank you. Legislator Binder.

**LEG. BINDER:**

Is there something that •• if we acquire this, obviously we would landlock a town beach. So, would we be required to give them access or it's just one of those •• it's just ••

**LEG. SCHNEIDERMAN:**

It's a county beach.

**LEG. BINDER:**

No, no, no. There's a town beach there. Are we required to do anything with them or ••

**MR. ISLES:**

Well, I think they're presently landlocked as I can see it. Now, I'm not aware if there's any easements of access that they enjoy. There's none on the village property based on the title research we've done thus far.

In terms of your question would we be obligated to provide access to them, I'm not aware that there would be an obligation by the County on that. I will tell you that as part of the backup in the resolution, I did see that there is a resolution from the Town of Southold indicating support for this resolution; for the County's resolution and a willingness to partner with the County. I don't know what that means. I don't know what role they would have, but it does appear they're interested in participating if the County goes forward with this. So, that's a good question in terms of what the answer is going to be.

The only other part of this would be in terms of if this were developed privately, would the Town of Southold as part of the subdivision review of this property, the development review require some sort of access? That maybe that they would. So, those are some of the things we'd want to talk to Southold about prior to giving the appraisal problem out.

**LEG. BINDER:**

Right. So, a number of things came up here. There's a question with this whole easement. It bisects the property; makes it difficult. And you can see it's right at the edge, the green edge, where the pipe's coming down. So, to get access to that whole triangle that juts out, then, the town would certainly not landlock themselves. Let's be real honest here. They're not going to let their beach be landlocked. So, they're not going to zone this thing and give anyone the ability to develop anything unless they •• unless there was access to their own beach.

On top of that, then, if we buy this, we have one or two questions. Are we going to just leave it the way it is and say that's very nice. I mean I'm hearing them talk about access, wonderful access, but we have a whole of thing of beach up right by this here, east of it. Do we have access? We have parking. Do we have ••

**CHAIRMAN LOSQUADRO:**

No.

**LEG. BINDER:**

Right. So, I heard the only way to get to it is some really difficult trails. So, the County now hasn't shown a willingness at least in its purchases to the east of this to show that we're going to create access, create this whole county park opportunity here; whether we can •• or anything with this •• with this pipe. I think there's got to be a point at which we get a lot more information before we start going forward even on acquisition. I mean, if it was a small parcel, we're talking a few dollars. It's not like we're not spending money out here. It's not like we're not purchasing beach front property. It's not like we're not doing what we need to do. But, you know, the dollars are scarce. And we have to be pretty deliberate about what we're doing here. I'm not going to support this today. There's way too many questions outstanding before we even start a process of planning steps on this.

**LEG. SCHNEIDERMAN:**

Let's call the vote.

**CHAIRMAN LOSQUADRO:**

Legislator Vilorio • Fisher.

**LEG. VILORIA • FISHER:**

When we look at the situation here with Clark's Beach, we do have to think regionally. We live on an island. And we want to provide access to our beach fronts to as many people as possible. And on a regional basis, having this access, this piece of property as part of a county and town holdings would give •• would provide access to all of the parcels that are held to the east of the parcel in question. The town of Greenport •• the village of Greenport has taken on a tremendous leadership role in another regional issue that we're facing here on Long Island, which is affordable housing. And has put many of its resources in the developing of its village to be a strong economic and social force on the east end.

At this point in time the Mayor and the Board don't see Clark's Beach as an asset to their moving forward with their plans and their initiatives. I believe that as good partners, the Town and the County should step up to the plate, look at the planning steps, begin the planning steps to just answer some of the questions that have been posited by •• have been posed by Legislator Binder. There are questions that I believe the planning steps help to answer some of those questions. With regard to the pipe bisecting the beach, I think that that would lower the price of the property. The highest and best use, I think, would be reflected in the appraisal value. And might provide maybe 15 acres of beach front property that would not be as expensive as others might be.

So, I believe that the planning steps are an important part of the process here that will answer the questions, that will provide the basis for good decision making with regards to a regional view of this piece of property.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Kennedy; then Legislator Bishop. If we could try to move this along.

**LEG. KENNEDY:**

I'm still struggling with the title aspects of this, if I can. And I know that you've indicated, I

guess •• what did you do at this point? You chained back just to •• when the village acquired in the thirties? Or did you take it back prior to that? And I guess I would throw the question over to the Mayor as well. Is there any CNR's on this, anything that indicates any kind of use, restriction? Or is this genuinely and truly raw land that just happens to be in the village's name?

**MAYOR KAPPELL:**

I'm aware of no covenants and restrictions against this property at all. We bought it in what was strictly a business transaction in the thirties. It was privately owned. We acquired it for a very limited purpose and executed that purpose. And that's it.

**LEG. KENNEDY:**

For the installation of the outfall ••

**MAYOR KAPPELL:**

Of the outfall pipe. I'm aware of no restrictions on it whatsoever in good faith.

**LEG. KENNEDY:**

One last technical question, Mayor. How far does that outfall pipe actually go beyond shore?

**MAYOR KAPPELL:**

I think it's about 250 feet into the Sound. And I don't think there's any question that the existence of the outfall pipe lowers the value. I think Legislator Vilorio•Fisher made a very good point; that it, in fact, creates an opportunity for a relatively reasonable purchase. However, I do take question with Legislator Binder's assertion that the zoning on the property is not suitable for development. On the contrary. The Town of Southold •• first of all, their piece is already landlocked. That condition has been there for years. And secondly the town in its wisdom zoned it for residential two acre zoning; two acre development.

**LEG. KENNEDY:**

Mayor, how is it that the town zoned it and not the village itself?

**MAYOR KAPPELL:**

Because it's outside •• you see this is •• this is the fundamental.

**CHAIRMAN LOSQUADRO:**

Right. It's outside the village, John.

**MAYOR KAPELL:**

It's not in the village. We have no regulatory authority whatsoever over this piece of property. We're just like, we might as well be Joe Blow from Timbuktu owning this piece insofar as authority is concerned. Our authority is no greater than it would be if you owned it yourself, sir. Okay?

**LEG. KENNEDY:**

Thanks.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Bishop.

**LEG. BISHOP:**

Yes. Thank you. Well, first my initial comments has been addressed because precedential value of this is not that great because how many times are we going to be faced with a government that owns property outside of its jurisdiction that's not parkland? You know, it's •• it truly is capable of being surplussed by the village; unique situation. I don't think we're going to encounter that too often.

I think this is worthwhile if it can •• if we can after we acquire it create something that's very positive for the public. And so I want to ask the Planning Director if he sees that potential? Or are there factors that are going to prevent it from being a regional facility; a public beach, for example?

**MR. ISLES:**

We definitely see the potential given the proximity to the county park that we already own. Obviously the point was made in terms there are limited opportunities for access to Long Island Sound, to water in general. And this certainly would add to the County's holdings of access to the Sound. So, I think it certainly has a lot of potential from the County's perspective.

**LEG. BISHOP:**

Well, why haven't we done more with what we have already?

**MR. ISLES:**

Well, number one, we do have a parking lot there. We do have trails that do extend out to the pond. But quite frankly I think by the fact that Clark's Beach has existed there owned by the village since 1936 or something, it's better than our piece in terms of access. It's unregulated apparently. And so people are using it; so it's showing an indication of demand. So, I think if this were developed, then maybe they'd start using our piece a little bit more. But at the present time it's easy to use, it's more convenient so it seems to serve the market better in that sense.

**LEG. BISHOP:**

Okay. Right. And it's not even developed as such. So, it's sort of acting without the government directing people towards it. So if we got our hands on it, in theory we can make it even better. Okay. So, I think this is a great potential. It's certainly a unique situation. And I have come 180 degrees from where I started because the arguments are compelling.

**CHAIRMAN LOSQUADRO:**

Thank you. Very quickly, Legislator Vioria•Fisher hit upon my initial comments about how the value would be affected. As a member of the Environment Trust Review Board, I have the utmost faith in our appraisal review; that I know that they will determine the highest and best usage. And no offense to the Mayor, but I do think that this could potentially be a bit of a bargain for the amount of the frontage and the type of land that we're looking at. So, we had a motion and a second to approve. All those in favor? Opposed?

**LEG. BINDER:**

Abstain.

**CHAIRMAN LOSQUADRO:**

One abstention, Legislator Binder. **Motion is approved. (Vote: 5•0•1•0. Legislator Binder abstained.)**

**1479, appointing me, Daniel P. Losquadro as a member of the Suffolk County Soil and Water Conservation District.** Obviously I need to abstain on this vote. Do we have a

motion?

**LEG. SCHNEIDERMAN:**

I'll make a motion.

**CHAIRMAN LOSQUADRO:**

Motion by Legislator Schneiderman, second by Legislator Binder. All those in favor? Opposed? Myself as an abstention. **1479 is approved. (Vote: 4•0•1•1. Legislator Losquadro abstained. Legislator Vloria•Fisher not present)**

**1480, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Lake Ronkonkoma property.** A whopping point 28 acres.

**LEG. BISHOP:**

You're pushing it here.

**LEG. KENNEDY:**

Dave, hey, listen. I mean, you know, we're always here to have fun.

**CHAIRMAN LOSQUADRO:**

Mr. Isles?

**MR. ISLES:**

Okay. My Chairman ••

**CHAIRMAN LOSQUADRO:**

Since we already have a list, I'll just say Mr. Isles, Mr. Zwirn.

**MR. ISLES:**

Very briefly, Mr. Chairman, this is a parcel that is across the street from county parkland. What's been passed out to you is an aerial photograph and indicating once again the red dots are county ownership. This is Ronkonkoma County Park. This is actually opposite the entrance to the park so it is in a very prominent location. So, on one hand the proposed resolution did

consider an acquisition of this property. We think has merit from the standpoint that we have a significant investment in this location for county park purposes. This is at a critical location to that as well.

Secondarily, the parcel is located in an area of a very high ground water location. It's right down from Bavarian Inn which has chronic drainage and flooding problems. It's a location where if we could eliminate sanitary systems flowing into Lake Ronkonkoma, that would be positive. So, that's another attribute as well.

The concern, however, in this case is the fact that these are occupied dwellings at this point; at least a number of them are. And although this is a planning steps for a voluntary acquisition program, not compulsory, although there are plusses to this acquisition, the concern would be for the well-being of the residents. So, obviously that would have to be handled appropriately.

**CHAIRMAN LOSQUADRO:**

Mr. Zwirn, did you want to comment before Legislator •• please, comment, sir. Go ahead.

**MR. ZWIRN:**

You know, this is the property that was the cause of contention last year. It was the trailer park where Legislator Crecca wanted to use the condemnation proceeding to go ahead. This is a land acquisition. The property, I understand, is for sale. It's been listed for sale. It's a different procedure. Certainly not as expensive as going through a condemnation proceeding. There are issues that will have to be dealt with along the way, but I think at this stage for the planning stages, I think it's certainly worth taking a look at.

**LEG. KENNEDY:**

Thank you. Mr. Chair, that's what prompts me to have introduced this resolution precisely what Mr. Zwirn referenced, the fact that the property was listed and is active on MLS at this point. I certainly would not support a condemnation proceeding. I do not believe that we should be in the business of dispossessing folks. However, I also very strongly believe that the County should be at the table and where there's active negotiation with the existing owner. I understand there's been a history in the past. There are multiple owners. It appears that one is of the mind to sell. Sometimes the other is not. That notwithstanding, I guess I would ask Mr. Isles if we could just quickly take a look at the •• well, two things.

One point that I'd like to make for the record. I have discussed with Mr. Isles and have written and corresponded for a list of county-owned properties. Obviously anything that would be worked out for acquisition we would want to go ahead and try and do something to provide for the current residents.

But I would also look specifically at this rating criteria. And I direct you to item C 1, community values. I would indicate to you that there is overwhelming support in the community for the acquisition of this property both by the Tri-Town Lake Ronkonkoma Task Force, by the Lake Ronkonkoma Civic Organization, by the Nesconset Tax Payers Association; by many, many, many organizations. And just by that alone we would take a rating to 33 going above your minimum criteria of 25 for serious consideration.

**MR. ISLES:**

So noted. Anything down the road that's in writing on that would certainly be helpful, too. But we'll take your word for it, too.

**LEG. KENNEDY:**

I'll be happy to make sure that we get some correspondence over to you to that effect.

**CHAIRMAN LOSQUADRO:**

Thank you. Especially in light of the fact that this property has been listed and it's adjacent to a county park. We have a motion ••

**LEG. KENNEDY:**

I'll make a motion to approve, Mr. Chair.

**CHAIRMAN LOSQUADRO:**

•• by Legislator Kennedy. I will second that motion. On the motion, Legislator Bishop.

**LEG. BISHOP:**

All the support for this bazar little piece. What are you going to do with this once you get it? That's ••

**LEG. KENNEDY:**

Add it to the county park.

**LEG. BISHOP:**

It's a quarter of an acre.

**LEG. KENNEDY:**

The size is small; however, what it would do is, it would be an addition to some of the parkland area. And it would lend itself to the overall composition, if you will, for Lake Ronkonkoma Park. I think it would fit in nicely. I was there with Commissioner Foley only two weeks ago to take a look at a better use and design for the park area. And he seems to indicate that it certainly would be something he'd be in support of to go ahead and broaden the uses of the park.

**LEG. BISHOP:**

All right. I don't see it, but all right. Since it's planning steps only, we'll find out when ••

**CHAIRMAN LOSQUADRO:**

All those in favor?

**LEG. BISHOP:**

And I'm going to come back to that meeting two years from now and visit you.

**CHAIRMAN LOSQUADRO:**

**Motion is approved. (Vote: 4•0•0•2. Legislators Vilorina•Fisher and Binder not present)**

**1482, making a SEQRA in connection with the proposed donation of point one acres, Suffolk County Parks, Patchogue River County Nature Preserve area. Motion by Legislator Schneiderman, second by Legislator Bishop. All those in favor? Opposed? 1482 is approved. (Vote: 4•0•0•2. Legislators Vilorina•Fisher and Binder not present)**

**1483, SEQRA determination in connection with the proposed donation of point 11 acres to Suffolk County Parks within the South Setauket Woods Nature Preserve**

**area. Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Vilorio•Fisher and Binder not present)**

**1484, SEQRA determination in connection with the proposed acquisition of 3.7 acres of land by Suffolk County for park purposes, Pipes Cove, Rendel, Hamlet of Greenport, Town of Southold. Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Vilorio•Fisher and Binder not present)**

**1485, making a SEQRA determination in connection with the proposed donation of point 18 acres to Suffolk County Parks within the Mastic/Shirely Conservation area, Town of Brookhaven. Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Vilorio•Fisher and Binder not present)**

**1486, making a SEQRA determination in connection with the proposed donation of point 14 acres for Suffolk County Park purposes in the Hedges Creek Wetlands area, Town of Brookhaven. Same motion, same second •• could Legislator Bishop please return to the horseshoe if he's not indisposed? We'll take a very short recess.**

**(RECESS)**

**CHAIRMAN LOSQUADRO:**

Madam Clerk, did we have a quorum at the last vote, 1486? 1485 we did. 1486, I'll have to call the vote on that one when Legislator Bishop returns. Very good. Thank you.

**(RECESS)**

**CHAIRMAN LOSQUADRO:**

**1486, same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1487 (making a SEQRA determination in connection with the proposed rehabilitation of Shinnecock Canal Bulkhead, CP # 5348, Town of Southampton) Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1488 (making a SEQRA determination in connection with the proposed DPW Sanitation Division Garage, Yaphank, Town of Brookhaven) Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1489 (making a SEQRA determination in connection with the proposed donation of point 37 acres to Suffolk County Parks within the Warbler Woods County Park and the Beaverdam Creek Headwaters area, Town of Brookhaven) Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1490 (making a SEQRA determination in connection with the proposed acquisition of 1.37 acres of land by Suffolk County for park purposes, Hauppauge Springs, Rawluk, Town of Smithtown) Same Motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1491, (making a SEQRA determination in connection with the proposed acquisition of 17.1 acres of property known as the Third Creek Woods by Suffolk County for park purposes, Village of Dering Harbor, Town of Shelter Island) Same motion, same second, same vote. (Approved. Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1542, approving the renewal of Agricultural District No. 1 in the Towns of Southold and Shelter Island subject to the required subsequent approvals of the State of New York. Explanation please.**

**MR. ISLES:**

The County has had agricultural districts in effect for probably more than 15 years at this point. From time to time they do come in for renewal. This is Agricultural District number 1, which encompasses parts of the Town of Southold and Shelter Island. And this is in for renewal at this point in time. What's before you then is a resolution to approve the renewal. And in doing so, this has been administered through the Agricultural and Farmland Protection Board. The Board has held public hearings on this and has also solicited renewed interest in the program.

I will note that the renewal is actually resulting an increase in the acreage within the Agricultural District from the last renewal of 5,850 acres ••

**CHAIRMAN LOSQUADRO:**

So, almost 2,000 acres?

**MR. ISLES:**

•• to now •• yeah, going up by almost 2,000 to 7,700 acres. So, that's positive. The effect of the Agricultural District designation is number one, there is a property tax assessment reduction. Proper notice can get that without being in the district, but it does provide a •• some benefit to be within the district from an administrative standpoint.

But secondly and equally importantly is it provides a right to farm protection under New York State law. So farmers are given benefits in terms of protection against nuisance and zoning violations and so forth if they're doing bona fide farming activities. And that's on a case by case basis.

**CHAIRMAN LOSQUADRO:**

So, on that, if I may, the financial impact statement says there is no impact? But aren't there tax implications here?

**MR. ISLES:**

Well, the impacts, the tax benefits are available without a district. So, they can apply absent the district. Individually you can make an application to the Assessor's Office. But it can also be done in bulk through the Agricultural District program. So, the fact that it's available independently, it would be a lot of farmers applying separately, of course. We feel it neutralizes

it out at that particular point.

The basic purpose of Agricultural Districts is to continue and perpetuate agriculture in Suffolk County. So, it's one of the tools that's available at the County level.

**CHAIRMAN LOSQUADRO:**

Tom, please, continue to enlighten us on the agricultural district.

**MR. ISLES:**

Okay. What else can I say?

**CHAIRMAN LOSQUADRO:**

Well, I'll make a motion to approve this. Second by Legislator Schneiderman. And I'd like to be able to call the vote. I'm beginning to take this personally. And I will say for the record ••

**LEG. BISHOP:**

Sorry.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed? **1542 is approved. (Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1543, accepting and appropriating 100% Grant Funds from the New York State Department of Agriculture and Markets to the Suffolk County Soil and Water Conservation District.** Motion to approve by Legislator Schneiderman and place on the consent calendar; seconded by Legislator Bishop. All those in favor? Opposed? **1543 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1546 (accepting and appropriating 100% Federal Grant Funds from the US Environmental Protection Agency to the Department of Health Services for Peconic Estuary Pathogen TMDL Support)** Same motion, same second, same vote and is placed on the consent calendar. **(Approved. Vote: 4•0•0•2. Legislators Vioria •Fisher and**

**Binder not present)**

**1554 (accepting and appropriating 100% Federal Grant Funds from the New York State Department of Health to the Suffolk County Department of Health Services, Division of Environmental Quality for a bathing beach water quality monitoring and notification program)** Same motion, same second, same vote. Place on the consent calendar. **(Approved. Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1566 (Reorganizing and strengthening the Nassau•Suffolk Regional Planning Board and renaming the board "The Long Island Regional Planning Council")** This is a competing resolution, again, on the Regional Planning Council. Motion to table by myself, seconded by Legislator Kennedy. All those in favor? Opposed? **1566 is tabled. (Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1568, approving the acquisition of the Water Distribution System of The Bayview at Mattituck Homeowners Association by the Suffolk County Water Authority.**

**MR. MALAZO:**

Hi. I'm John Malazo from the Suffolk County Water authority. I'm here to discuss this acquisition of the distribution system of the Bayview system. Do you have any questions?

**CHAIRMAN LOSQUADRO:**

Thank you. If you could just move a little closer to the microphone.

**MR. MALAZO:**

There you go. How's that?

**CHAIRMAN LOSQUADRO:**

Perfect. Thank you.

**MR. MALAZO:**

If you have any questions, you can ask me. It's very simple. The residents of Harbor Farms, which is the name of the subdivision, contacted Water Authority several years ago about ••

expressing an interest in us taking over their system. We've been negotiating with them for two or three years. And we finally signed a contract which will provide for the acquisition of the distribution system only of the Harborview Farm system by the Water Authority. The residents of the community will retain their well field. They're going to disconnect that and they're going to have that piece of property for community use. And they will then pay the Water Authority the cost of installing mains in the area, bring the system up to our requirements; and also installing meters in all of the houses.

Then the customers will become consumers of Suffolk County Water Authority. Same rates and fees as we use for all the other people in the County. And it's consistent with the covenant restriction to help the developers of the area to put on the map which said when there was public water available that they would connect to our system at no cost and fee to the Water Authority.

It's standard under New York State Public Authority's Law, any acquisition by a water distribution system in Suffolk County by the Water Authority has to be approved by this body. And once it's approved, we can go forward and close the deal.

**CHAIRMAN LOSQUADRO:**

Very good. Thank you for the explanation. I'll make a motion to approve, seconded by Legislator Schneiderman. All those in favor? Opposed? **1568 is approved. (Vote: 4•0•0 •2. Legislators Viloría•Fisher and Binder not present)**

**1571, authorizing the acquisition of Westmoreland Farm, Inc., Town of Shelter Island.** Is this a done deal?

**MS. ZIELENSKI:**

No, I think this is premature. We still have no decisions ••

**CHAIRMAN LOSQUADRO:**

This is •• there is no •• because this says 50% county, 50% town.

**LEG. BISHOP:**

You don't have the votes without me anyway. So, why don't you just table it.

**MS. ZIELENSKI:**

We haven't any idea of what we'll actually be acquiring. The landowner has yet to decide whether he's interested in selling an interest in the entirety or part of the property.

**CHAIRMAN LOSQUADRO:**

Very good. Motion to table by Legislator Bishop, seconded by Legislator Schneiderman. All those in favor? Opposed? **1571 is tabled. (Vote: 4•0•0•2. Legislators Vilorio•Fisher and Binder not present)**

**1580, amending the 2005 Capital Budget and Program and appropriating funds in connection with improvements to the Active Parkland/Recreation areas at Dixon Avenue and Great Neck Road, Copiague, Town of Babylon.**

This is, Counsel, \$75,000 from what projects?

**LEG. BISHOP:**

We don't have the funds yet.

**MS. KNAPP:**

This is still under Greenway.

**LEG. BISHOP:**

This is the improvement fund.

**MS. KNAPP:**

Are we out of money in •• oh, 7178, I believe, is the fund. Hold on. This was acquired under the Greenways Program, though.

**MR. DUFFY:**

What's done for Active Parklands that •• there must be an offset for the project. And what they're attempting to do is that they're using as the offset project 1755, infrastructure improvement for traffic and public safety and health.

**MS. KNAPP:**

Yeah, I found it. Yeah. So, they found money.

**CHAIRMAN LOSQUADRO:**

So there is an offset.

**MR. DUFFY:**

That's what's being proposed in the resolution as the offset.

**LEG. BISHOP:**

Motion to approved.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Bishop.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Seconded by Legislator Schneiderman. All those in favor? Opposed? **1580 is approved.**

**(Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

**1617, approving Master List II and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions.** I'm assuming you're going to hand this out and ••

**LEG. SCHNEIDERMAN:**

Can I put this off 'til next meeting?

**CHAIRMAN LOSQUADRO:**

Yeah. I'm sure we're going to want to have an opportunity to take a look at this. I have not had a chance to examine it as of yet, but I will just ask something that I already know the answer to. But the initial master list, all of our letters have been sent out to property owners to see whether or not they have an interest in selling their property?

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

So, we are current on that process.

**MS. ZIELENSKI:**

99% of the people have been contacted. There's always somebody that's difficult to contract. Sometimes some people more than once. But, yes, we've in the last six months have gone through all of the first master lists for our last owner search and initial contacts.

**CHAIRMAN LOSQUADRO:**

Okay. We'll discuss this at the next cycle. I know we have a couple of people, I'm sure who would •• myself included who would like to look through this. Motion to table by Legislator Schneiderman, seconded by Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chairman, on the motion.

**CHAIRMAN LOSQUADRO:**

On the motion.

**LEG. KENNEDY:**

On the motion. Tom, like Dan and everybody else obviously I want to go through this, too. I'm just curious as to •• quickly, very quickly •• how did these items get in here?

**CHAIRMAN LOSQUADRO:**

How it was compiled.

**MR. ISLES:**

It was compiled by a couple of methods. But number one is we contacted all the municipalities in the County, the towns and villages, and said we were beginning this process; if they had any nominations, suggestions, to please bring them forward. That was number one.

Number two, there have been organizations over the years that have contacted us periodically

making suggestions; that would include the Nature Conservancy as one example of an organization. So, those are considered as well.

And then thirdly ongoing lists that are maintained by the Planning Department throughout the years. As we become aware of properties, as people contact us with properties. And then what happened is that all of those then were considered, weighed and evaluated by Planning Department staff and brought to you today.

Let me just make the point that this list, although it's a very bulky book, it's a little bit more involved than last year in what we're giving you in information. It's about three quarters of the acreage of last year's list. So, Real Estate went through about 5,000 acres in their contacts and so forth. This encompasses a little less than 4,000 acres total including farmland. But that was the methodology in brief.

**LEG. KENNEDY:**

And obviously if we have any properties known to us through various contacts, or whatever, constituent contacts, things like that, you'll be receptive to going ahead and at least entertaining them for possible inclusion here?

**MR. ISLES:**

Yes. And, you know, with the County Executive's Office, who directed us, the County Executive, to prepare this list. You know, I'll bring that back to them. And I think that's something we'd be, you know, more than happy to consider.

**LEG. KENNEDY:**

Of course, I'm sure they would want comprehensiveness.

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

Thank you. And as last time, this would not preclude anyone from filing individual planning steps as we've done in the past. I would just again ask is the staffing adequate to absorb another close to 4,000 acres of planning steps on top of the master list we already approved and the continuing addition of individual planning steps from Legislators? Do we have the staff

to accommodate that?

**MR. ISLES:**

I think we do. Real Estate has staffed up considerably in terms of adding appraisers and a new surveyor in, for example. The County Executive and the Legislature has supported some staff increases in planning for open space planning. We have a new planner starting in about a week and a half. And we are working on our ••

**CHAIRMAN LOSQUADRO:**

I was just going to ask how goes the search?

**MR. ISLES:**

Yeah, it takes forever. It's like finding somebody going through all the process and finding good candidates and so forth. But it does yield results. We appreciate the support of the Legislature and certainly the County Executive on that. We are preparing and finishing up the budget requests for 2006. I think we're okay and I'm not going to speak for Real Estate in terms of their side; but on the planning side we're addressing issues in the 477 program, water quality projects. That's something that also is a demand on us that we will be making suggestions on that as well.

**CHAIRMAN LOSQUADRO:**

Thank you. And I look forward to that input. Obviously the intent of this committee is to see that the resources are in place to make sure obviously we've made very good progress over the course of the past 18 months or so. And I would like to see us build upon that success. So, please feel free to make whatever recommendations you feel are necessary for the department to ramp up to continue this success. And you know you can count on our support.

**MR. ISLES:**

Okay. Thank you.

**MS. ZIELENSKI:**

Thank you.

**CHAIRMAN LOSQUADRO:**

So, motion to table and a second. All those in favor? Opposed? **1617 is tabled. (Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1618, donation and dedication of certain lands to County Parks • a SCDHS Board of Review Transfer of Development Rights.** Motion by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **1618 is approved. (Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)** Counsel, would this be appropriate •• this is something that's not appropriate to place on the consent calendar, is it? A donation and dedication of lands? No.

**1619, donation and dedication of certain lands to County Parks • A SCDHS Board of Review Transfer of Development Rights.** Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1620 (donation and dedication of certain lands to County Parks • A SCDHS Board of Review Transfer of Development Rights)** Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1621, authorizing the acquisition of Farmland Development Rights under the New Drinking Water Protection Program. This is the Terry property, Town of Southold.**  
Real Estate, brief.

**MS. ZIELENSKI:**

Yes. Not to be confused with the other Terry property of the Town of Southold. This family has quite a large holding. And this particular parcel is on the Sound side of the main road in Orient. The other Terry property, which may also come up today, is on the Long Beach Bay side of Orient.

**CHAIRMAN LOSQUADRO:**

Very good. Motion by Legislator Schneiderman, seconded by Legislator Bishop. All those in favor? Opposed? **1621 is approved. (Vote: 4•0•0•2. Legislators Vloria•Fisher and Binder not present)**

**1622, authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the**

**Dosiak property.** This is 24.3 acres. \$1.037 million. Is that correct?

**MS. ZIELENSKI:**

That's correct.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1623, authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the Andruszkiewicz property.** 20 acres for 950,000. Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1624, authorizing the acquisition of Farmland Development Rights under the Suffolk County Multifaceted Land Preservation Program. This is the other Terry Farm.** Seven acres for 350,000. Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1625, authorizing the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program.** This is the WJF Realty Corp property that we discussed earlier. Are there any comments or do we have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Schneiderman, second by Legislator Bishop. Anyone on the motion? All those in favor? Opposed? **1625 is approved. (Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)**

**1626, authorizing the acquisition of land under the first 1/4% Suffolk County**

**Drinking Water Protection Program, Town of Islip.** This is the Pines property.

**MR. ISLES:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Yes.

**MR. ISLES:**

We'd like to request a tabling of that today, please.

**CHAIRMAN LOSQUADRO:**

Very good. Motion to table by myself, second by Legislator Schneiderman. All those in favor? Opposed? **1626 is tabled. (Vote: 4•0•0•2. Legislators Binder and Viloría•Fisher not present.)**

**1629, appointing member to the Council on Environmental Quality. This is Mary Ann Spencer.** I spoke to the sponsor today. There have been other bills filed. We would like to see all of the potential appointees come before us. I wouldn't want to see anyone get preferential treatment just because a bill was filed before a deadline. So, we will have all of these come before us at once and we can make a determination of who'se best. So, motion to table by myself, second by Legislation Schneiderman. All those in favor? Opposed? **1629 is tabled. (Vote: 4•0•0•2. Legislators Viloría•Fisher and Binder not present)**

#### SENSE RESOLUTIONS

We have a couple of Sense resolutions. **Sense 30, memorializing resolution in support of Assembly Bill number A04723 to prohibit excessive idling of heavy•duty vehicles.** I'll make the motion, second by Legislator Schneiderman. All those in favor? Opposed? **Sense 30 is approved. (Vote: 4•0•0•2. Legislators Binder and Viloría•Fisher not present.)**

**Sense 46, memorializing resolution requesting State of New York to enact outdoor lighting act.**

**LEG. SCHNEIDERMAN:**

I'll make a motion.

**CHAIRMAN LOSQUADRO:**

Motion by Legislator Schneiderman, seconded by Legislator Bishop. All those in favor? Opposed? **Sense 46 is approved. (Vote: 4•0•0•2. Legislators Vioria•Fisher and Binder not present)**

Mr. Bagg, if you could just please come forward. Thank you to Planning and Real Estate. A very light CEQ agenda. Thank you.

CEQ AGENDA

CEQ. **42•05, proposed SEQRA classifications of legislative resolutions laid on the table on May 17, 2005.** Motion by Legislator Schneiderman, second by Legislator Kennedy. All those in favor? Opposed? **42•05 is approved. (Vote: 4•0•0•2. Legislators Vioria•Fisher and Binder not present)**

**43•05, proposed firearms training section drainage project.** This is an unlisted action; is that correct? Neg dec?

**MR. BAGG:**

Unlisted action neg dec. It's simply painting areas that are already being used at the Firearm Training Center and putting in some drainage.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vioria•Fisher and Binder not present.)**

**44•05, proposed Long Island Maritime Museum Marine Railway Restoration, Town of Islip.** It's a Type I Action, neg dec?

**MR. BAGG:**

Yes, that's the recommendation.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 4•0•0•2. Legislators Vioria •Fisher and Binder not present)** And I believe that is it. No other business before this committee •• thank you, Jim •• we stand adjourned.

**(THE MEETING CONCLUDED AT 4:23 PM)**