

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 September 11, 2006.

MEMBERS PRESENT:

Leg. Vivian Vilorio•Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Edward P. Romaine
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

John M. Kennedy, Jr., Twelfth District
George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Legislator John M. Kennedy, Jr., Twelfth District
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Michael Deering, Commissioner of the Department of Environment

and Energy

Ginny Suhr, Aide to Chairperson

Lisa Keys, Aide to Leg. Romaine

Deborah Harris, Aide to Leg. Stern

Joe Gergela, Long Island Farm Bureau.

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 10:49 AM)

CHAIRPERSON VILORIA•FISHER:

Good morning everyone. Welcome to today's meeting of the Environment, Planning and Agriculture Committee. Please join us in the Pledge of Allegiance to be led by Legislator Stern.

SALUTATION

CHAIRPERSON VILORIA•FISHER:

Before you sit, please join us in observing a moment of silence. Five years ago today I was in my classroom about 9:05. And there was an announcement over the loud speaker

saying that there had been an accident with an airplane at the World Trade Center. And we all know what happened after that. We were not sure yet at that point in time whether it had been an accident. So we'll observe a moment of silence for what occurred that day.

MOMENT OF SILENCE OBSERVED

CHAIRPERSON VILORIA•FISHER:

Now the mike system is on. We have a card. Joe Gergela. Go ahead.

MR. GERGELA:

Executive Director Long Island Farm Bureau.

CHAIRPERSON VILORIA•FISHER:

Is your mike on?

MR. GERGELA:

There we go. I'll be brief this morning. I just wanted to stop in to this committee and make you aware of concerns from the farm community and •• concerning funding for the Farmland Preservation Program. We've been working very closely with the administration, with Mike Deering, with the Legislature and with particular Legislators. We've been working very closely with Legislator Romaine because a lot of the farm land happens to be in his district.

And one of the concerns is that if everything proceeds the way we expect, by the end of next year we're going to be out of money and maybe sooner than that. I'm not •• I don't pretend to be an expert on the county budget and how things get done. And sometimes I'm lost trying to figure things out.

I know that Legislator Romaine has put in a resolution regarding capital money to try and put some additional funding into the program fairly immediately. Not just for farmland but for open space. Farm Bureau is part of the coalition group with the Nature Conservancy, the Pine Barrens Society and all the other environmental groups, you know, urging the County to continue going forward for both open space and farmland preservation.

Got a couple of concerns and things that I think would be helpful and also to try and speed things up. As an example, one small thing which I just talked to Tom Isles about is that the county program, the county committee traditionally has met quarterly. Well, I believe that it's time that we meet monthly. There is a lot of activity. There's a lot of issues beyond just acquiring parcels that that committee is responsible for. And I think that that's a discussion that we will have at our October meeting.

There's some things within process of how the program is working that we think could speed things up. As an example, and I'm not here to get in the middle of the administration versus legislature. Staffing is an issue. I know that Pat and the folks in the Real Estate Department have said that they could use some more people. If you want to increase the amount of land preserved, then they need more staff. They just can't get it done with the people they have. And they're all working very hard and doing a great job. But the reality is, is that they need a few more people in there.

For us advocates, we're not in a position to do other than to say to the administration this is a concern, yeda, yeda, and, you know, that's decisions that they have to make on a policy basis. We would ask you to encourage them to put a few more people on. Reason being, anybody •• you can say well, you know, real estate market's slowed down. That maybe true for housing; probably not true for land. And every year that goes by, the land values continue to escalate. The money that we would spend

on having a few more staffing would be saved by the difference in the price of the real estate. So it's kind of like penny wise, dollar foolish. But that is a policy thing that we have identified as something we would like to see the Executive Office take a look at.

There are a number of other things, but primarily I'm here to say that we are very concerned •• all of the environmental groups are concerned about going forward; that there will not be enough money available to do the job. At our last farmland committee meeting, 750 new acres were added to the list. That's a significant amount of parcels. And we know from what's available that just the farmland program alone could use up the money that's available.

So as you guys deliberate on your budgets and your work, we would just ask you to consider what I'm saying this morning; that we have legitimate concerns and want to try and get this job done before •• the program is an alternative to development. If the landowners can't get a deal and get it done with the County in a reasonable amount of time or the towns or in a partnership, then they're going to consider the real estate market for selling it out to development purposes. For us in agriculture, the County's got to plan that we want to save between 20 and 30,000 acres to retain a viable industry. So, it's more than just land preservation. It's about retention of an industry. So that's why I just wanted to give you a little bit of an update and express our concerns.

CHAIRPERSON VILORIA•FISHER:

Thank you very much, Joe.

MR. GERGELA:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Legislator Romaine.

LEG. ROMAINE:

Thank you, Joe. That \$40 million that I had put aside, that's not being used for a capital project that I was going to do for land acquisition, I'm amending that and reducing that amount to 25 million because I believe the County Executive has introduced a resolution to use 13 million of it for County Road 39 so there'd be less available so it will be a lesser amount.

But clearly, you know, we've had meetings with some of the environmental groups, yourself included, in my office. And there's been a couple of concerns expressed. And one of them dealt with money because as I brought out at our last committee meeting, Michael Deering prepared a report that said even if those things that were in negotiations were acquired, we'd have a \$39.3 million deficit.

And my concern is that there is sufficient funding. And not that the pace of acquisition be slowed to meet the funding that's at hand because at •• in January I think it was •• January or February •• there was a meeting called The Last Stand, Saving What's Left. And at that point they talked about saving 35,000 acres. And I believe the County Executive •• and I want to say this very clearly •• the County Executive and I are exactly on the same page I would hope on this, that we'd like to see that land saved. But right now we're purchasing between a thousand and 1500 acres a year. To do that, we'd have to triple that number in terms of acquisition. And I think making sure that there's sufficient funding is something we're all going to have to agree on as Legislators.

The second issue is that there are major vacancies that exist in the program. And one way you really slow down a program is to under•staff it. For example, for the last two years there's been a farmland administrative position that has gone vacant. And yet farming is one of the our key industries. What people are amazed about repeatedly when I tell them, there's 62

counties in New York State, and Suffolk County remains in terms of gross dollars the number one agriculture county in the state. But that won't last for long unless we save at least 30,000 acres of farmland.

So we're talking about saving the farmland. We're talking about saving open space. We're talking about changing some of the rules. So for example if we buy a large farm development rights to, say, a 200 acre farm, well, it's very hard for them to sell that farm because sometimes that's not possible but maybe they can subdivide it; not for housing, but into maybe two or three farms which makes it easier to sell. There's a number of other rules and regulations that we're looking at as we develop them. And I want to assure the Chair Lady, as well as the members, we're probably going to put these in a form of a recommendation. I know I'm very carefully drafting a polite request to the County Executive to consider staffing needs because that was mentioned •• besides funding that was mentioned at our last meeting by a number of people that felt that there are vacancies in Real Estate. And maybe that's why things aren't moving.

If you look, and if anyone wants to request, it's about that thick (indicating), the list of planning steps that we do. But you know what's so interesting? I had to introduce two planning steps resolutions using different programs that had been done four or five years ago, but they had sent a letter. And the type of letter that was sent get's tossed away. And there was no follow•up. And until I introduced those who resolutions, those parcels of property were not going to be acquired. And now fortunately Real Estate is looking at them again. But that should not be the way. It should be what we keep •• even if we get a rejection or we don't get a response to our letter, we should go back at least once a year, we should do telephone contacts even more so than letters. We should be far more vigorous in approaching this because situations change. You know, Joe, there are some farm families that won't sell out at

this moment in time but maybe five years from now will because the situation's changed and ••

CHAIRPERSON VILORIA•FISHER:

You broke the system.

LEG. ROMAINE:

Okay. With that ••

CHAIRPERSON VILORIA•FISHER:

Is there a question there somewhere?

LEG. ROMAINE:

I just would thank you for coming and enlightening the committee because there's a lot of issues. And, you know, if we don't discuss it here, I don't know where we're going to discuss it, but clearly we're not keeping pace with the commitment that was made to The Last Stand, the commitment that was made to that group called Saving What's Left because we are certainly not on track to meet that commitment. Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. Thank you Legislator Romaine. Are there any other questions? Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Sir, good morning. I have not had the opportunity to meet with you or to understand who you are and what your bureau does so if you can just briefly •• it's Mr. ••

CHAIRPERSON VILORIA•FISHER:

Gergela.

LEG. D'AMARO:

Gergela, is it?

MR. GERGELA:

Yes.

LEG. D' AMARO:

Okay. I just want to understand your perspective because you come in here today and you're asking, you know, in connection with land preservation that we continue funding that. And, in fact, you're telling us that maybe the funds are going to be depleted before we can really do what we need to do and also asking for more staffing. So I want to understand your perspective and who you represent.

MR. GERGELA:

Sure. Long Island Farm Bureau is an advocacy organization made up of farmers, fishermen, the vineyards, nursery, horticulture, the landscape industry. We have 6,500 families that we represent between Nassau and Suffolk County. It's part of a state organization, the New York Farm Bureau and part of the national which is called the American Farm Bureau Federation. In New York it's a federation of counties. Nationally it's a federation of states. We're known as the voice of agriculture.

At one time Cornell Cooperative Extension and Farm Bureau were one organization. The original mission was education, taking information from the university system and disseminating it across the country side educating farmers about best management practices, yeda, yeda. Over time it became apparent that we were also lobbying the government. And it became a problem because today Cooperative Extension is government funded. So there was a split in 1955. I personally am a New York State registered lobbyist. And my job is to influence local government, county, state and federal on public policy issues. We get into a thousand different bills in Albany. We're involved with the immigration debate in the congress, estate taxes, you name it. Our job is to work together with agencies as well as with the government bodies in trying to do what's good for the farm community, the commercial fishermen, the wineries, etcetera. So we're a trade group that's funded by

dues. Our people pay \$80 a year to be a member of the Farm Bureau. We have a lot of citizens that are members that are interested in trying to hold onto what we have. So we work in a coalition with, like I said, the Nature Conservancy, the Pine Barrens, some of the other organizations in trying to influence government to our point of view.

I don't want anybody to perceive that we're •• number one, we're non-partisan. We don't have a pack. We don't get involved with campaigns, yeda, yeda. We do feel strongly, however, that both the Open Space and Farmland Program could be improved to work a little bit more efficiently. And we're working internally with the administration. We're working with your committee and with Legislator Romaine. He's been holding some meetings with, you know, groups to express our concerns. For the information that we have, it looks like a year from now is approximately when we're going to start running out of funding to continue the programs at the level we desire.

LEG. D' AMARO:

What was that? When are you running out of funding? When are we running out of funding, rather?

MR. GERGELA:

I believe that it'll be 2007 is when the County will be running out of funding.

LEG. D' AMARO:

So does your organization then have its own independent analysis of what the farmland preservation and open space needs are?

MR. GERGELA:

We don't have an independent. We have been working and I received ••

LEG. D' AMARO:

So whose goals are you advocating for then?

MR. GERGELA:

The farmers.

LEG. D' AMARO:

No, but •• in other words how do you come up with those goals in your organization? You're here asking us for more funds and you're also asking ••

MR. GERGELA:

From a report that was issued by Mike Deering.

LEG. D' AMARO:

Okay. And the report concludes that we want •• we want to go ••

MR. GERGELA:

That there will be a deficit of quite a few million dollars.

LEG. D' AMARO:

So we want to go along at a certain pace of farmland acquisition and open space acquisition. And what you're saying is that the County Executive's Office has concluded that to meet their own pace, their own goals, that there's insufficient funding?

MR. GERGELA:

That's correct.

LEG. D' AMARO:

And staffing?

MR. GERGELA:

Well, the staffing issue is an internal matter. And I can't pretend to be expert. Those are policy things that they got to sort out in their own shop together with the Legislature. And I don't want to be in a position other than advocating that if they need more staffing to me, representing the farmer's point of view, that if there's staffing needed, let's get them now,

get the job done.

LEG. D' AMARO:

I understand. So your position would be if more staffing is required, you would certainly support that?

MR. GERGELA:

Absolutely.

LEG. D' AMARO:

So the staffing would go towards accelerating the pace of acquisition?

MR. GERGELA:

That's correct.

LEG. D' AMARO:

Right. So what type of staffing are we talking about?

MR. GERGELA:

My understanding is that there is some needs in the Real Estate Department. I think additional •• and I don't want to speak for them. They have their own staff people. My understanding is that they could use some more people in appraisals, but also in the attorney's office to do more contracts, et cetera.

LEG. D' AMARO:

Does your organization believe that there's been an improvement in the land acquisition programs?

MR. GERGELA:

Over the last year, absolutely, yes.

LEG. D' AMARO:

Okay.

MR. GERGELA:

It's improving. We're trying to find ways to even expedite it faster. Historically part of the problem was that it took a longtime. When a farmer came to the farmland committee, got put on the list, by the time that it gets appraisals done, gets the contract, works out a deal a year or so may pass. And that takes too long.

We're dealing with farm families, with family members and children and, you know, estate tax issues and all kinds of things. So it gets very complex and complicated for the farmers. And there's times when there's a death in the family or whatever that they got to get a deal done. And they're going to go where it's fastest to get it done, whether it be with the County, a town program combination or with the developer.

LEG. D' AMARO:

Right.

MR. GERGELA:

So we've been all working together in the environmental community, you folks, the administration on trying to, you know, make it as efficient and as fast as possible to get the job done.

LEG. D' AMARO:

Right. And I think •• I think everyone here would support the goal of the farmland preservation and the open space. It's just a question of how much more do we need? Do you have an estimate?

MR. GERGELA:

I'm just going on based upon what I saw in a report. And to me •• and knowing from the coalition group because we all talk together. And it's our understanding that, you know, we got so many acres, there's only so much money available. And that's also •• we're in the hopes that, you know, next year if there's a change in Albany, that maybe the state will step up more.

LEG. D' AMARO:

Sure.

MR. GERGELA:

I personally have been going to Washington for many years in the farm bill trying to get money back to Long Island for a federal partner. You know, we get back a few hundred thousand dollars a year. It's almost not even worth the effort to get it, but we're trying. We're trying to get more partners for you.

LEG. D' AMARO:

And we appreciate that. And •• but I want to get a handle on how much your organization believes •• how much more funding do we require to meet our goals?

MR. GERGELA:

Well, I think it's something that we could get to you, you know, we'll have to find out what's available. Part of the thing, too, in my opinion and I know that Real Estate ••

LEG. D' AMARO:

In other words, you know we need more but you're not sure how much more we need?

MR. GERGELA:

Exactly.

LEG. D' AMARO:

So how do we know we're running out? I just have to get a sense for why you're ••

MR. GERGELA:

Again, it was from a report that I saw.

LEG. D' AMARO:

Okay. But you're here advocating for your bureau. And your

bureau believes we need more funding.

MR. GERGELA:

Right.

LEG. D'AMARO:

But you can't put a number or dollar value on that funding.

MR. GERGELA:

Well, I don't have the total list of what is pending. And I just said that we just added to the farmland committee's approval at the last meeting was 750 new acres. So let's say right now that it's 80,000 an acre. That's a lot of money.

LEG. D'AMARO:

Okay. And we don't have sufficient funds available for even the 750?

MR. GERGELA:

Probably not, not with everything you got in the pipeline right now. Things that are pending, things that are already in contract. I don't have those numbers, sir. I couldn't tell you exactly. I'm sure the staff here could, but I can't.

LEG. D'AMARO:

All right. Okay. I appreciate that you don't have the numbers and certainly you can come here and tell us that we need more funding without having the specific numbers. I don't have a problem with that. But, you know, at some point we're going to have to look at the numbers and say much more do we really need? And if you have any information that goes towards that, I'd be interested in seeing it independent of what maybe the Executive's office is telling us or anybody else. Just your own bureau's perspective. Thank you.

CHAIRPERSON VILORIA•FISHER:

Just to pick up on that particular piece of information, Budget

Review Office has very different projections from what we saw in the •• that Mike Deering memo. And there have been other numbers floated and there are revenues that are recurring revenues that will also be added to that pot. So I don't believe that the picture is quite as dire as one might interpret Mike Deering's memo paints for us. Okay? I will be •• when Mr. Isles comes up to the podium, I will be asking for an analysis of the numbers so that we can •• you don't have it right now. I know. I'm not going to ask you to give it to me today.

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA•FISHER:

That would be a little bit presumptuous to expect that you can pull it out of your vest pocket. It's complicated because we have revenue •• we have partnerships with our agricultural development funds. Generally when we do those acquisitions, we partner with towns. So towns have their own revenue sources for those projects and those partnerships. And so they have to be included in the mix as well. So when we ask Mr. Isles to present those numbers for a future meeting, we will need to incorporate whatever revenues are available on the towns' parts when they partner with us. And so, of course, you're not privy to all of those numbers. And what you're doing is advocating for your membership and for the people for whom you advocate.

I do also want to mention that because we do have new members on this committee who don't know some of the other things that the Farm Bureau has helped with, it's not just the advocacy. But when we did need partners to help us move forward in best management practices, the Farm Bureau has stepped up to the plate and brought your membership to the table to lower the use of pesticides and fertilizers so that there is less of a possibility of introducing toxic elements to the environment. And that was very important. And the Farm Bureau was very helpful when I put together that legislation. But with regards

to this, we're all interested in the preservation of our farmlands. And we will be asking Mr. Isles for that information for a future meeting. Thank you for coming down, Joe, but I think there's another question from Legislator Stern.

LEG. STERN:

Thank you, madam Chair. Good morning. How are you?

MR. GERGELA:

Good morning. Nice to see you.

LEG. STERN:

You too. I was going to ask questions about numbers and issues and possible bonds and all that, but you had actually mentioned something that I have an interest in. And that was families making plans and estate issues and estate tax issues. Do you get a sense from your members what their and I think more importantly their families' commitments are to continue farming operations on the properties that we're talking about for the next generation down?

MR. GERGELA:

The good news is that there are a lot of •• there's still a number of families with young children, young adults that are in the businesses. There is a lot of interest in continuing in farming. It's more than just a job to these people. It's part of their history. It's a lot of family values involved. It's character. It's a lot of things that, you know, why somebody continues to farm. There's a lot of interest in it. And there's a lot of interest in preserving the land. Part of it was years ago the farmers felt that government was not offering them a fair shake for the value of their land.

One thing is the farmer's capital asset is the land. These are not stupid people. It's not like, you know, Mr. Green Jeans years ago with the guy with a hat on and a piece of straw sticking out of his mouth. These are very sophisticated,

college-educated smart people that are in the business of farming here. What we have are the best of the best. These are the survivors from, you know, over hundreds of years we've seen the erosion of our farming industry. So the people here are very good business people. And they are very interested in continuing in it. You know, when I go to give a lot of presentations, I usually say, well, the best farmland program is let farmers make money. That's number one.

Number two, with the preservation program, it is an alternative to development and it helps the farmers plan their assets. One of the things that their creditors, like Farm Credit and the banks are doing is encouraging business plans; and the other thing is encouraging estate plans. And there has been a lot of seminars in the last few years that we've been doing with landowners with the Peconic Land Trust, with banks and insurance companies because of the value of the land here when a farmer dies, we're talking about huge tax consequences and the effects of trying to hold that land and the business and keep families together so it is a very complex issue. And we're doing everything that we can to encourage the landowners to deal with that. And the unknowns.

As an example, the towns are very concerned about the remaining open spaces. We all are. And one of the issues that comes up is zoning as an example. Well, zoning is not something that we think very highly of from a farmer's standpoint because it could impact the value of the land. It could devalue it. So when you have that threat out there possibly going from two acre to five acre, ten acre zoning that could take equity out of the land, it makes the farmers realize that the more they can do to plan those assets, the better off they're going to be. So there's a big interest in it.

LEG. STERN:

But of course the best plan that the landowner can have and •• but again more importantly the children, the next generation

down, is to hold onto the property for those purposes because of special use valuations and the federal government has plenty of laws already in place that would exempt the value or at least the portion of the value for estate tax purposes if it's going to be continued on for farming purposes. So here as we consider preserving it for open space or preserving it for farmland purposes, as long as everybody's on the same page and, again, particularly the next generation down, if they're going to continue in what is certainly their family business, that's going to be good for their own economies as well.

MR. GERGELA:

I get calls everyday from people that are interested in establishing nurseries, wineries. There's a lot of people that are •• want to change their life; people •• executives from New York City and all that. There is more interest in owning land and preserved land than what's available on the market.

As an example, two years ago the surplus Keyspan property in Jamesport, there was 350 acres of farmland as part of the new state park. And we worked out a deal with the Governor that the farmland would be divided up into eight parcels and then sold back to the farmers as preserved farmland in the form of a lottery. We had 35 applicants that competed for that land. So what I'm saying is that that's a good thing; is because there's a lot of interest in the business of farming still.

LEG. STERN:

Thank you.

CHAIRPERSON VILORIA•FISHER:

One more question from Legislator D' Amaro.

LEG. D' AMARO:

Thanks. I really appreciate your time because it's an education for me being relatively new on the Legislature but I wanted to ask you as a general proposition, is the county acquisition of

the development rights on farmland essential to preserving the farm use of the property?

MR. GERGELA:
Absolutely.

LEG. D' AMARO:
Okay. So •• so what you're saying is that if the County had not instituted those acquisitions that we would see eventually the farmland disappearing; is that accurate?

MR. GERGELA:
There's no doubt in my mind and ••

LEG. D' AMARO:
So how does the •• once the acquisition of the development rights are made, how does the farming then become feasible on the property?

MR. GERGELA:
Well, basically the farmer or the landowner retains fee simple. When he sells off his development rights, he gets a payment. As long as the guy has a good business plan and a successful business, he's able to reinvest that money into acquiring more property for expansion, buildings, technology, being safe that he doesn't need to borrow as much. One thing that most people don't realize is the amount of borrowing that occurs in agriculture. The Farm Credit Office in Riverhead is one of the leading lenders to agriculture in northeast United States. And I forget their book of business, but it's hundreds of millions of dollars in both mortgages and working capital. So I know for myself I was a potato farmer. And we used to carry \$150,000 a year in operating loans. Well, you know, when you receive that payment from the county or the town or what have you, number one thing is to get yourself in a better financial position, pay off your debts, invest some money, be able to upgrade your operation, etcetera.

LEG. D' AMARO:

Right.

MR. GERGELA:

So it's more than just preserving the land. It's essential to the working capital of family farms.

LEG. D' AMARO:

So in your experience the funds that are received for the acquisition of development rights are reinvested into the farming?

MR. GERGELA:

That's correct.

LEG. D' AMARO:

Itself.

MR. GERGELA:

Absolutely.

LEG. D' AMARO:

Do you have any handle on how many farms, if any, were abandoned after the County acquired the development rights?

LEG. D' AMARO:

None that I know of. There's one parcel that I do know in Huntington. And it was called the Froehlich Farm. And that was not •• I don't think it was the Farmland Preservation Program, but it was open space or some other monies used for it. And that one was •• there was never an interest by farmers to operate on that particular piece of land. Number one, it wasn't the greatest piece of land. Number two, there was a lot of restrictions on the type of farming that could occur there.

People say, well, you know, we should just be doing all

organic. Well, we do have organic farming on Long Island, but that is very small scale and there's a lot of reasons for it. So sometimes with restrictions on property, it's just not economically feasible to do it. But I don't know of any preserved farmland that is dormant.

LEG. D' AMARO:

Okay. Thank you again.

CHAIRPERSON VILORIA•FISHER:

Thank you. Joe. Are there any other questions? Well, Joe, thank you for being here. You've been a great resource.

MR. GERGELA:

Thank you. And Mr. D' Amaro, with your permission, I'll give you a call just to come in and visit you.

LEG. D' AMARO:

Okay, great.

MR. GERGELA:

Part of my problem is I'm a one man show and it's hard for me to get to visit with every Legislator because I cover state and federal and everything as well.

LEG. D' AMARO:

Sure.

MR. GERGELA:

So I got my hands full.

LEG. D' AMARO:

You're welcome any time.

MR. GERGELA:

Thank you. Thank you all.

CHAIRPERSON VILORIA•FISHER:

Okay. We have no other cards and we have no presentations so we're going to move onto the agenda. Would you like to come forward, Planning, Real Estate? Give you a minute to get settled.

IR 1390, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Treemont Property, Town of Brookhaven) (Eddington) I understand that there have been some changes made to this resolution. I'm not sure if I have the amended copy here. I just want to make sure that I do. And if you can just go over it with us again because we did have some problems with the original configuration, but I understand that the sponsor has changed it considerably.

DIRECTOR ISLES:

This is Treemont Avenue, 1390?

CHAIRPERSON VILORIA•FISHER:

It's Treemont Avenue, yes.

DIRECTOR ISLES:

Okay. Yes. They •• we have been notified that there has been a corrected copy resolution filed. The program was originally selected as a Multifaceted Land Preservation Program. There was a corrected copy filed on 8/15 changing it to SOS. We believe it to be Hamlet Parks. Yes, it is Hamlet Parks.

And it is also my understanding that one of the concerns to the department with this proposal was that this is a parcel located along Route 112 •• State Route 112 in Medford. It's a triangular shaped parcel. It apparently has historically been used as a terminus point for the Memorial Day parade in this community.

CHAIRPERSON VILORIA•FISHER:

Right.

DIRECTOR ISLES:

Legislator Eddington is proposing to work to create a more formal memorial park location here. One concern we had is that there are buildings on this property, on the southern part of the property. It is my understanding that this is now being put forward as a partial acquisition so taking the undeveloped portion of the site which would then remove the issues in terms of what happens with those buildings. So that •• those are the changes •• is my understanding of the changes.

CHAIRPERSON VILORIA•FISHER:

That's what Legislator Eddington has represented to me; that they're looking at the triangular piece where there are no buildings.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA•FISHER:

Okay. Question by Legislator Losquadro.

LEG. LOSQUADRO:

Has a new ratings form been prepared?

DIRECTOR ISLES:

Yes, we have done a new ratings form. And let me just pull that out.

MS. FISCHER:

Actually it's the same ••

DIRECTOR ISLES:

Right. Yeah, this is ••

MS. FISCHER:

•• as before.

DIRECTOR ISLES:

The rating for SOS Hamlet Parks falls •• we have essentially three major rating forms. One for Open Space, one for Farmland and one for Parks and Active Recreation. So they are somewhat generic in that sense. So it would be the same rating form as the prior one and the same rating.

LEG. LOSQUADRO:

Even with the deficiencies of the existing structures from the previous rating form?

DIRECTOR ISLES:

Yeah. It really doesn't take that into consideration. So the rating form evaluates the access, the recreational aspects, the potential for this site. It also examines the environmental aspects. Certainly we don't want to put an active recreation use on wetlands and things like that.

LEG. LOSQUADRO:

Of course. And either way even with removing the portion of the property that is developed, it still remains under the ten acre threshold so none of those criteria would change either. Okay. Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. I'm going •• I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Stern. All in favor? Opposed? 1390 is approved. (Vote: 5•0•0•0)

IR 1552, authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program

Peter's property, Town of East Hampton. (Schneiderman)

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA•FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Stern.

LEG. ROMAINE:

Question.

CHAIRPERSON VILORIA•FISHER:

Question on the motion. Legislator Romaine.

LEG. ROMAINE:

I'd like to ask the maker of the motion the purpose for tabling.

LEG. D'AMARO:

Just •• it's based on the rating that's indicated on the form.

LEG. ROMAINE:

Could I through the Chair direct it to the Planning Commissioner ask what was the rating and what was your evaluation on this property and have you had an opportunity to speak to the sponsor about this?

DIRECTOR ISLES:

Yes, we have spoken to the sponsor. The initial rating for this property was 14, as I recall. And we're pulling it out right now. What's happened since •• I think this has been tabled for two or three cycles at this point. This is a parcel in the south fork special groundwater protection area, what's known as the Stony Hill area. The property owner who's been suggesting that the County consider this acquisition received a copy of the

rating form and has asked for an opportunity to provide additional information.

We have received some additional information including a report from a biologist regarding the possible presence of species of special concern. What we also understood we were going to receive is a report from a geologist regarding the possible presence of a kettle hole or kettle pond on the property. We haven't received that yet.

We are more than happy always to review new information if it changes the rating to advise you of that. So at this point we have some new information. The rating at this point still remains at 14. If there is something, you know, additional that comes forward that changes the rating, we'll be happy to inform you of that.

LEG. ROMAINE:

Good. Based on what you said I obviously will support the motion to table. But what I'd like to ask you to do, if you could in the next few weeks, and I know your schedule is busy, could you give me a list of all land acquisitions that have been approved with a rating of 14 or below?

DIRECTOR ISLES:

For what; this year, sir? Or what time frame basically?

LEG. ROMAINE:

I would say in the last 24 months just so I have an idea of if other resolutions with that rating have been approved because obviously that's the basis of possibly defeating or tabling this motion. I just would like to see what other land acquisitions have been approved with a rating of 14 or less. Thank you.

LEG. D' AMARO:

And also if I could chime in on that request.

CHAIRPERSON VILORIA•FISHER:

Okay. Legislator D' Amaro.

LEG. D' AMARO:

Yes. Thank you. If you're going to produce a list of properties of 14 or below, then, I think we need more than just the rating. I think then we need all of the backup and all of the analysis so we can see why on a case by case basis where the rating is one factor that we take into consideration, what other items were considered also. I think to do otherwise would be just misleading.

For instance, this property some of the considerations go beyond the rating as well. So I just think in the interest of being accurate to see what went into the case by case determination we would need all the information on all of those properties.

DIRECTOR ISLES:

Okay. I'm not sure what the time frame would be for completing that.

CHAIRPERSON VILORIA•FISHER:

That sounds very exhausting. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. I'm not going to ask for the information but I was just wondering aloud it would also be interesting to see how much money •• how much funding we had over the past two years and when these acquisitions were made or when these planning steps were begun to see how the money has also come down overtime; because my •• my point would be that as we continue on •• we just had our discussion about how these programs are running out of money, how important it would be to become a lot more selective on how we proceed with various properties. I mean, we just have •• that's just the nature of it. We have a budget. We are concerned about continuing to have the necessary funds for these open space and other

acquisitions. I think it's very important for us to be selective.

MR. ZWIRN:
If I might?

CHAIRPERSON VILORIA•FISHER:
Mr. Zi rn.

MR. ZWIRN:
If I might just add on •• IR 1522, this property was passed on by the Town of East Hampton, which has a very aggressive land preservation program. They took a look at it. And their community preservation fund was flush with funds at the time. This is an area that's surrounded by very wealthy development in that area. And the proposed development there is on, I think, two to five acres. It is a sensitive area, but this was something that was carefully looked at by the Town and the Town passed. So then I think Legislator Schneiderman then on behalf of the homeowners there tried to take a second bite at the apple by coming to the County Legislature to try to get it to be done.

The other thing is, the only thing I would suggest is that when we ask the Planning Commissioner to add any more projects •• you know, we do have a limited staff. And the land acquisition program, the Farmland Preservation Program has been running at the speed of light. I mean one of the reasons why we're running out funds is because of all the acquisitions that are in the pipeline and how quickly it has been moving since the process has been streamlined. This year there should be absolutely no problem. Although we are looking to next year for recurring funds and to see how, you know, what kind of finances are going to be needed to make more of these properties to come to realization.

LEG. ROMAINE:
Madam Chair man?

CHAIRPERSON VILORIA•FISHER:

Legislator Romaine.

LEG. ROMAINE:

Thank you, Ben. And in the hopes of being cooperative, let me then withdraw my request if it's a cumbersome request.

DIRECTOR ISLES:

Okay. Thank you.

LEG. D'AMARO:

All right. Similarly I will withdraw my request as well.

CHAIRPERSON VILORIA•FISHER:

Thank you, gentlemen, because we are going to ask for a synopsis of just the monies, you know, a chart with the programs and the monies. And I think that in itself will be a very exhaustive piece of work for the Planning and Real Estate Department. So this will free up a little bit of time to do something that, I think, will be more forward thinking rather than backward looking.

IR 1527. Did we vote on 1522? No. There is a motion to table and a second. And as Mr. Isles has said there is more information that he is anticipating receiving. And so the motion to table will give the Department a chance to look at it again. All in favor? Opposed? IR 1522 is tabled. (Vote: 5•0•0•0)

1527, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Oregon Avenue property, Town of Brookhaven. (Eddington)

LEG. STERN:

Motion to table.

CHAIRPERSON VILORIA•FISHER:

Motion to table by Legislator Stern, seconded by Legislator D'Amato. And I believe that's because of the low rating.

LEG. D'AMATO:

That's correct. And also at the request of the sponsor.

CHAIRPERSON VILORIA•FISHER:

And at the request of the sponsor. Okay. All in favor? Opposed? 1527 is tabled. (Vote: 5•0•0•0)

1582 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Demasi property, Town of Smithtown. (Nowick)

LEG. D'AMATO:

Motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Stern. All in favor? Opposed? 1582 is tabled. (Vote: 5•0•0•0)

IR 1662 authorizing planning steps for acquisition of land under Suffolk County Multifaceted Land Preservation Program Riverhead Meadows property, Town of Riverhead. (Romaine) I believe that this was one that had been represented earlier or ••

DIRECTOR ISLES:

Yes, it had been. And from the Department's perspective we were hesitant on this one in recommending it until there was perhaps an outcome where the County might acquire •• acquire with the Town of Riverhead what's known as the River Club property which would then enable a connection of this piece to that piece. By itself it did not score very high. So, I think we were taking a

wait and see attitude on that one. The River Club property is pending is my understanding.

CHAIRPERSON VILORIA•FISHER:

All right. So then a motion to table would be appropriate here?

LEG. D' AMARO:

Mr. Romaine has a point.

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. ROMAINE:

I won't make that motion to table.

CHAIRPERSON VILORIA•FISHER:

No.

LEG. ROMAINE:

I'll leave it to the other side of the •• however, I do have some questions concerning ••

CHAIRPERSON VILORIA•FISHER:

Okay. Well, I'm making a motion to table.

LEG. D' AMARO:

I'll second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator D' Amaro. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Could you tell me where we are with the River Club at this point?

MS. ZIELENSKI:
(Shaking head no)

LEG. ROMAINE:
No. Okay.

MS. ZIELENSKI:
I'm sorry. I can't.

LEG. ROMAINE:
Okay.

CHAIRPERSON VILORIA•FISHER:
Okay. There is a motion •• oh, I'm sorry.

MS. ZIELENSKI:
I just don't have the information available because I just got back from vacation today. But I can let your office know.

LEG. ROMAINE:
Okay. Well, we will meet next month. And obviously purchasing on the 52 acres that are left on the Peconic River and this adjoining parcel, which is now •• its fate is now tied to the River Club, even though there are other lands both county and town that adjoin this property, its fate appears, at least in Planning's mind, to be tied to the River Club, I will allow tabling for one month. But I would hope that, Ms. Zielenski, at the next meeting if you could, you know, bring us up to date on where we are with the River Club generally speaking.

CHAIRPERSON VILORIA•FISHER:
Okay. There's a motion and a second. All in favor? Opposed?
1662 is tabled. (Vote: 5•0•0•0)

IR 1683, a local law to require the recycling of cellular phones. (Viloria•Fisher) I'm going to be tabling this because I'm making changes.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? 1683 is tabled. (Vote: 5•0•0•0) Legislator Losquadro, we did talk about this at the last meeting and I am planning on making it a more educational piece.

1873 authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk. (County Executive)

LEG. ROMAINE:

Motion to approve.

LEG. D' AMARO:

Second.

CHAIRPERSON VILORIA•FISHER:

Motion to approve by Legislator Romaine, seconded by Legislator D' Amaro. Did you want to say anything on this?

DIRECTOR ISLES:

No. We support it and we appreciate the resolution.

CHAIRPERSON VILORIA•FISHER:

Okay. All in favor? Opposed? 1873 is approved. (Vote: 5•0•0•0)

IR 1878 (authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Jill Estates property, Town of Huntington) (Stern)

LEG. STERN:

I'm going to make a motion to table. We're still working with the Town of Huntington on a partnership. We're still looking to have them put something in writing to the satisfaction of my colleagues. So, we'll be asking for a motion to table at this time.

CHAIRPERSON VILORIA•FISHER:

Okay. I'll second that motion. And on the motion I have a question, Legislator Stern; and perhaps to you and to Planning as to the use of the property and the program. You had referred to an active use of the property?

LEG. STERN:

Yes. We're still •• it's something that we're still working on with Planning and with the Town of Huntington. The way it's configured coming off of the Long Island Expressway, it would make a wonderful bike path through an area to the Town of Huntington's Dix Hill Parks. So that is something that we are actively looking at.

CHAIRPERSON VILORIA•FISHER:

Okay. As to Planning, Tom, for Active Parkland, then, it would be for a bicycle path?

DIRECTOR ISLES:

We would have to do a rating on that. And we haven't done that at this point. It's been rated for Open Space purposes at this time. But we'd be happy to work with the sponsor in looking at those alternatives and whether they change the rating score at that point.

CHAIRPERSON VILORIA•FISHER:

Okay. And since we are considering the best use of the existing funds, there is still money in Greenways Active Parkland; is there?

DIRECTOR ISLES:

I'm not sure. I'd have to look.

MS. ZIELENSKI:

There's some limited funds.

CHAIRPERSON VILORIA•FISHER:

Okay. I thought there was some. This isn't too large a piece, is it?

DIRECTOR ISLES:

It's 21 acres.

CHAIRPERSON VILORIA•FISHER:

Oh, it is large. In Huntington, that is large.

DIRECTOR ISLES:

Yeah. We do think local participation is very helpful in this case; if not a complete local acquisition but •• but certainly a strong local participation.

CHAIRPERSON VILORIA•FISHER:

Okay.

DIRECTOR ISLES:

Because we think it has more local benefit than regional benefit but •• so we appreciate the efforts of the sponsor.

CHAIRPERSON VILORIA•FISHER:

Okay. So there's a motion to table by the sponsor, seconded by myself. All in favor? Opposed? 1878 is tabled. (Vote: 5•0•0 •0)

1883, a local law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership. (County Executive)

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA•FISHER:

Seconded. All in favor? Opposed? 1883 is tabled because it still has public hearing. (Vote: 5•0•0•0) Mr. Zwirn, would you like to wait 'til the public hearing to make ••

MR. ZWIRN:

We may as well wait until public hearing, then. Thank you, Madam Chair.

CHAIRPERSON VILORIA•FISHER:

Did I call the vote?

IR 1979, authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program Terrell River/Havens Estate property, Town of Brookhaven. (Romaine) This was something that had already been approved. So motion to table by myself.

DIRECTOR ISLES:

For planning steps, yeah.

CHAIRPERSON VILORIA•FISHER:

Pardon me?

DIRECTOR ISLES:

It was approved for planning steps years ago.

CHAIRPERSON VILORIA•FISHER:

Right. And these are planning steps as well.

LEG. ROMAINE:

But it wasn't acted upon at that time. And it was a different program. Could I just get a status report?

CHAIRPERSON VILORIA•FISHER:

I just need a second on the motion before we go onto comments on the motion. Seconded by Legislator D'Amato. On the motion Legislator Romaine.

LEG. ROMAINE:

Yes. Obviously this is a different program. And originally the owner had no interest. And we revived it because there was no interest in this and nothing had been done on that property for about 5 years. What I'd like to know now that we've revived it with this resolution is where are we in terms of acquisition on negotiations or what's the status now with the reputed owner of the property?

MS. ZIELENSKI:

I don't have it. I don't have a current thing. It's in negotiations but I don't have anything more specific.

LEG. ROMAINE:

Well, Mrs. Zielenski, then, what I'm going to do is I'm going to ask the same question for the Governale property. So what I'm going to do is make a note that if you could be prepared at the October meeting to answer that question of where we are with this, I would certainly appreciate it. And there is a motion to table. I'll call the question.

CHAIRPERSON VILORIA•FISHER:

On the motion, Legislator Stern.

LEG. STERN:

Was there a rating done on this property?

DIRECTOR ISLES:

On this property there was a rating probably done in 2001 which I don't have. In terms of a rating of the new resolution we did not do that because here again we viewed it as being a duplicate; that there was already a planning steps. So we

didn't a rating on the new resolution.

LEG. STERN:

I would ask through the Chair, is there any significant change in the property or in the area that would cause any kind of fluctuation in the rating?

LEG. ROMAINE:

Just that it's a different program and it is truly threatened by development. And I would appreciate a rating on this because I think it would show the value of this property.

DIRECTOR ISLES:

I mean it's next to a county park.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

So it's going to be well rated.

LEG. ROMAINE:

Right. Yeah, but I would appreciate it even a rating done on this. And you make an excellent point because this is a property that should be acquired. It's next to the Havens estate; lot of wetlands. But despite that town planners have told me they can put four lots on this seven acres, which if you saw the property, you'd wonder where you could put •• you'd have to build it on stilts where you could build it. But nevertheless I would appreciate a rating because I think this property has tremendous value. And I will be asking Mrs. Zielenski in October when she has the information at hand to give us a status of where we are because the current owner has expressed an interest in negotiations.

MS. ZIELENSKI:

And we are in active negotiations with the owner and in regular contact with the owner.

LEG. ROMAINE:

Good.

CHAIRPERSON VILORIA•FISHER:

Legislator Losquadro has a question on the motion.

LEG. LOSQUADRO:

Thank you. And I've tried to remain quiet on this as best I can. But I will just say for the sake of consistency in the past, and the Chairperson can attest to this, we have received different viewpoints on this and in the past have passed resolutions and have called it a belt and suspenders approach. And even though they were duplicative it was deemed legal and appropriate and done for the sake of making sure that the County's position was maintained and that publicly we were reaffirming that position that we were interested in acquiring these parcels. So for the interest of consistency, we have done it in the past. It's legal. We can do it. And it doesn't cause any harm.

CHAIRPERSON VILORIA•FISHER:

However, it's a moot point ••

MR. ZWIERN:

It costs money. It's expensive.

CHAIRPERSON VILORIA•FISHER:

•• to pass planning steps when we're in active negotiations. It really doesn't •• it's not logical to do it at this point. Yes, Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. From an administrative perspective, perhaps I would agree; from an expenditure point of view, however, it's •• I don't believe that it's necessary to duplicate with a belt and suspenders approach. Perhaps another rating process if it's something that Planning has already done, if the nature of the property that we're considering hasn't changed substantially; and as my colleague points out there are plenty of factors here that would support a satisfactory rating, then I would •• I would rely on the professionals at Planning to kind of guide us as to how that might score rather than going through the process again and, you know, re•appropriating or appropriating additional funds for that process.

DIRECTOR ISLES:

Let me just be clear. We've never had an issue with the rating. This is going to rate high. Here again in 2001 I think it was done differently so there's no question in our mind as to the rating. The question, I think, had only been the duplication of an existing resolution. And here again I'm not here to comment specifically on that. I'm here on the planning aspects. We don't think it's necessary to do it again. But as far as the rating and the quality of this parcel, there's no question of that in our minds.

CHAIRPERSON VILORIA•FISHER:

Would the sponsor be okay with •• if we just receive •• ask that the research be done as to what the rating was on the original resolution? Can we just have that information?

LEG. ROMAINE:

Right. The changes with the new program.

DIRECTOR ISLES:

Here again I'm not sure if they did in 2001 if it was done. But ••

MS. FISCHER:

Yeah. This was before •• this was before we put in our new rating format. And it was in 2001 that the planning steps was approved. But at that time we had no objection to this acquisition. We had an old rating sheet. We can update that and certainly bring that again to you, you know, in the new format. But that's just like starting over and that's okay. Just so you know.

CHAIRPERSON VILORIA•FISHER:

Well, there seems to be a consensus that it's a valuable piece of property. It's already in negotiations. So ••

MS. FISCHER:

Yeah, we're almost there.

CHAIRPERSON VILORIA•FISHER:

We don't want exercises in utility. There's a question by Legislator Romaine and Legislator Stern.

LEG. ROMAINE:

Well, I know that I sat here and I watched the County Executive put in a resolution and claimed it was perfectly legal because he changed the program on the North Fork Preserve that Legislator Caracciola, my predecessor, had passed six months prior. However, under the old program ••

MR. ZWIRN:

It's just not true. And you keep saying it doesn't make it true.

CHAIRPERSON VILORIA•FISHER:

Okay. Let him finish his statement and I will recognize you, Mr. Zi rn.

LEG. ROMAINE:

The old resolution called for the Old Drinking Water Protection Program. Can I ask you how much money is left in that program?

Because if we go under the old resolution and that's why •• not only did I introduce a new resolution, but my status report from Real Estate said that this property was not in active negotiations; that the owner had rejected it. And that it had sat there and there was no activity. And actually the owner had contacted my aide, Lisa Keys, to talk about that they would have an interest. And they hadn't heard from the County for many years. So for all that reason, I'm just happy that finally we got Real Estate to take a look at this property. But under the Old Drinking Water Program, which was the old resolution •• is there any money left at all sufficient to buy this •• I think it's 7 point something acres.

DIRECTOR ISLES:

We show it as being New Drinking Water from 2001 but I don't have the resolution in front of me. It's just our notes.

LEG. ROMAINE:

I believe it was Old Drinking Water. It's one of the reasons we re-drafted this not only to get Real Estate to show interest in contacting the owner, which had been not done for several years, but because the program that it was funded under, my understanding was, was out of money. So, I have no problem tabling it because let me tell you, introducing this resolution got the accomplished result. As long as we're in negotiations and as long as this is moving forward, I was happy to introduce this resolution to get this off the dime. So I have no problem tabling it.

CHAIRPERSON VILORIA•FISHER:

Very good. But Ms. Zielenski does want to respond to that.

MS. ZIELENSKI:

Just the fact that the delay on this particular project was because Mr. {Begens} was in contract with another party. And we were not in a position to enter into a contract with him while there was one enforced. We work hard but we're not magicians.

LEG. ROMAINE:

No, I understand that.

MS. ZIELENSKI:

And it's important to keep the cart before the horse.

CHAIRPERSON VILORIA•FISHER:

Let's vote on this and move on so that we don't have a dialectic here.

1979. All in favor? Opposed? Okay. 1979 is tabled. (Vote: 5•0•0•0)

1980, authorizing planning steps for acquisition under Suffolk County

Save Open Space Farmland Preservation and Hamlet Parks Fund, Governale property, Town of Brookhaven. (Romaine) And that's another one that had been previously been negotiated. And you have already •• Legislator Romaine asked the question about the Governale property, have you not?

LEG. ROMAINE:

Well, the question is very simple; that at least we're in negotiations. I'm happy my resolution did that. Obviously it's a different program. And under the old program the owners of the property who've owned it for •• it's been in their family for at 30, 40 years claimed they never had anyone contact them from the County of Suffolk.

CHAIRPERSON VILORIA•FISHER:

Okay. Well, we're happy to see it more forward. I'll make a motion to table, seconded by Legislator Stern. All in favor? Opposed? 1980 is tabled. (Vote: 5•0•0•0)

1983 amending the 2006 capital program and budget and appropriating funds to Suffolk County Multifaceted Land Preservation Program. I'm going to make a motion to table,

seconded by ••

LEG. D' AMARO:
I'll second.

CHAIRPERSON VILORIA•FISHER:

•• Legislator D' Amaro. All in favor? Opposed?

LEG. ROMAINE:

Could I have discussion on the motion?

CHAIRPERSON VILORIA•FISHER:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Thank you. This was a resolution that was drafted after the report by Michael Deering indicating that if we close on the properties in negotiations that we currently have now, we would have a \$39.3 million deficit. That was a report that was issued. And I shared it with this committee at our last meeting. And many of the environmental groups got together and they expressed concern. And this would be one way of appropriating money.

Since that time I had put forty million in from the southwest sewer district incinerator that's not going to be built that had originally 46 million in it. But since that time the County Executive has taken 13 million of that dollars to make improvements to County Road 39. He has a competing resolution. So I'm going to ask and I'm going to agree with the tabling motion for this session because I've amended this. And you'll see the amended copy as being submitted today with discussions with BRO. And that amount will be reduced to 25 million.

But, again, this is for purposes of discussion. If someone can convince me that there have been plans to set aside sufficient monies and that we can stay on track with the commitment that

County Executive made and the commitment I share with him to the last stand to buy 35,000 acres in the next seven to ten years to save what is left and that we have sufficient funding, you know, that's great. Then this resolution becomes not needed. But I think in the mean time it would behoove this committee, it behoove Budget Review and Mr. Deering and the rest of the members of the administration to carefully look at how much land do we want to buy, how much money do we need, how are we going to get there and to make sure that there's sufficient funding of money. So I have no problem tabling this.

CHAIRPERSON VILORIA•FISHER:

Well, if you recall after Mr. Gergela's presentation I did indicate to Planning that I would like a review of what we have in the pipeline, how much of a balance we have within each program. Budget Review's gave us a very different picture than that which was presented by the memo that was distributed at our last meeting regarding Mr. Deering's analysis.

LEG. ROMAINE:

Because they don't cover things in the pipeline.

CHAIRPERSON VILORIA•FISHER:

Excuse me. And so I would like you to •• Planning and Real Estate to look at those two analyses and give us your own analysis of how much we are on track to fulfill those goals that we have all committed to the people of Suffolk County; and what we need to do to reach the goals that have been stated. No, don't go there. Just where we stand now. Our balance, what's in the pipeline and where we might have deficits. And what kind of revenue we can anticipate next year in different programs. Yes, Pat?

MS. ZIELENSKI:

The difficulty with that is when you talk about what's in the pipeline, it's such a dynamic thing that changes every day. And the problem with the material that Mr. Deering distributed is

that that's something that my accounting department issues as an internal working document on a monthly basis. And it's different every month because that entire pipeline issue is totally dynamic. Things come and go off of that ••

CHAIRPERSON VILORIA•FISHER:

And we know historically that we've always over•subscribed with what's in the pipeline so that we are actively seeking contracts and in negotiations. And that we can't anticipate that we would have 100% success in every piece of negotiation. So we do want to over•subscribe so that we're not left behind. And that although we •• on paper it looks like an over•subscription, we do have some revenues coming into programs also and partnerships.

MR. ZWIRN:

Right.

CHAIRPERSON VILORIA•FISHER:

But if you could just give us a broad view of that so that we don't have just the gloom and doom of a snapshot that might have given us a wrong perception as to our status and the health of our programs. So that's what I'm asking for. Something that would give us a broader picture of it.

MR. ZWIRN:

And if I may just interject, Madam Chair, you make a good point. There are partnerships formed, not only with the towns but also with the state. And there are negotiations going on constantly with the state to see if they will participate. And if their participation comes through, it also changes the dynamics almost immediately.

LEG. ROMAINE:

Madam Chairperson.

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. ROMAINE:

Ms. Zielenski mentioned a monthly document that they produce that would give us a better handle on that. Can I make a request that members of this committee be provided with that document for our review?

CHAIRPERSON VILORIA•FISHER:

I don't think that that would be necessary. I would rather have an analysis done by Planning and Real Estate periodically because I think that having that internal kind of document here at this public meeting might confuse the issue and might not give us the broader picture of what is truly anticipated, what kind of revenues we might have, the partnerships we might have. I'd rather ask for a prepared document that's prepared specifically for this committee to use in its deliberations. Okay.

We do have a motion and a second. All in favor? Opposed? 1983 is tabled. (Vote: 5•0•0•0)

INTRODUCTORY RESOLUTIONS

2047, making a SEQRA determination in connection with the proposed replacement (of salt storage building) •• now we had voted on these in CEQ •• the CEQ pieces of these at the last meeting.

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA•FISHER:

We have no CEQ resolutions before us because CEQ has not met between then and now.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA•FISHER:

Making a SEQRA determination in connection with the proposed replacement of salt storage building. (Lindsay) Would you like to make the motion, Legislator Romaine; your district.

LEG. ROMAINE:

Yes, I'll make the motion.

CHAIRPERSON VILORIA•FISHER:

Okay. Motion to approve by Legislator Romaine.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2047 is approved. (Vote: 5•0•0•0)

2048 making a SEQRA determination in connection with the proposed acquisition of land for parkland purposes known as the Hertlin property, Town of Brookhaven. (Lindsay)

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? 2048 is approved. (Vote: 5•0•0•0)

2049 making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Forge River Watershed addition, the estate of Guccione property, Town of Brookhaven. (Lindsay) Same

motion, same second, same vote. (Vote: 5•0•0•0)

2050, making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation known as the Patchogue River wetlands addition, Irwin property, Town of Brookhaven. (Lindsay)

Same motion, same second, same vote. (Vote: 5•0•0•0)

2051, authorizing planning steps for acquisition of land under the First Quarter Percent Suffolk County Drinking Water Protection Program, approved 1987, amended 1986, Town of Smithtown, Sebesta property. (Kennedy)

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Losquadro. We'll wait until we get the information from Planning before we go ahead with the vote.

DIRECTOR ISLES:

The parcel subject to this resolution is indicated in the aerial photograph that's been provided to you. It's outlined in the red line. It's about a third of an acre, point three sevenths of an acre. It is a wooded parcel triangular in shape obviously as you can see on the map. County owned land is indicated with the green line so across the street along Hallock Avenue there is county owned parkland that forms part of the •• a tributary to the Nissequogue River. And that is owned by County as County

parkland.

We did •• we did do a rating of this in accordance with the procedures of the department and the recommendations of the committee. And we have attached that for you as well. In one sense this parcel has value in the sense it's a piece, a fragment that in many cases such as the Forge River and Mud Creek and so forth we seek to tie these pieces together and consolidate holdings.

In this case the parcel came in at a rating of about 18. And here again that's due to the points that you can see how in terms of it does have attributes of being within 300 feet of County parkland, being hydrologically connected and so forth. But it is one that given the fact that it is divided by the road at this point would be on the low side of the rating. So it's one that we were a little bit torn on when we looked at it because of the County holdings; but at this point it might be best as a local acquisition.

We do note that the program put in was the old Drinking Water which I believe is the 12•5•E portion of the program. So that is funds that are reserved for spending within the Town of Smithtown; but here again just looking at it strictly from a rating standpoint, it tends to be below the number that we try to do, which is the 25. That's not carved in stone, but that's a guideline that we use.

CHAIRPERSON VILORIA•FISHER:

And it's not considered wetland?

DIRECTOR ISLES:

It's across the street from the land that is considered wetland so it is within 300 feet of that. And here again it does have value and some merit to it; but here again in trying that line between •• is it within •• is it worth supporting? It tends to fall a little bit shy on that.

CHAIRPERSON VILORIA•FISHER:

So being that's 12•5•E and we do like to ••

DIRECTOR ISLES:

It does have wet soils, by the way.

CHAIRPERSON VILORIA•FISHER:

•• give the opportunity for the towns, you know, if they want to preserve it, I'm going to support the motion to approve on that basis. Although it's not as high a rating as we would like, it's close enough to the wetlands and almost contiguous to the County property but not ••

LEG. KENNEDY:

Madam Chair? Madam Chair, if I can?

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. KENNEDY:

While not a member of the committee, this is my resolution, I appreciate the opportunity to go ahead and appear and speak in support the resolution. And I think you kind of for this parcel once again hit the nail on the head in characterizing it as 12•5 E money to begin with; where under the old Drinking Water Quality this is funding dedicated exclusively for acquisition within the Town of Smithtown and harkens back to that time when there was an actual codified relationship between the towns and the County going forward in the acquisitions. I believe there's still a balance of about a million dollars that remains for the Smithtown portion of 12•5 E. And this one seems to fit into that area specifically where it would behoove acquisition particularly for this segment.

You're very familiar, I guess, with some of the issues associated with the property owners right immediately in that

neighborhood. As a matter of fact our 102 year old advocate comes from Hallock Avenue who •• this neighborhood has been impacted by an inordinately high groundwater table impacting on the property owner's quality of life and flooding issues around there. So clearly absolutely this parcel would be right for acquisition protection and contribution to maintaining groundwater recharge through its existing natural vegetative state rather than have it be subject to some efforts for development down the road.

CHAIRPERSON VILORIA•FISHER:

Did you want to say something?

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA•FISHER:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I was just going to agree with the comments by saying the creation of additional non•permeable surface in this area is exactly what we want to avoid. And the use of 12•5 E money given the limited amount of space available in the Town of Smithtown, I think, is a perfect purpose to use these funds for. So I'm supportive of this acquisition.

CHAIRPERSON VILORIA•FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. I had some concerns. But in listening to the sponsor and kind of the history here and what the effect would be, I'm more inclined to support. And although, you know, maybe the requirements of this particular program are in place or no longer in place, but certainly the underlying philosophy, I guess, should be honored. But for the record it seems to me

like it's yet another example of Suffolk County coming to the much needed support of the area, which I do support and support the sponsor.

LEG. KENNEDY:

Well, I appreciate that, Legislator Stern. As a matter of fact I think once again it kind of shows us where while we all benefit from the work that Planning does for us as far as giving it a rating or an analysis on a grid that we've agreed to and sought in the first instance, often times we're going to have parcels that come to us that have unique or other types of characteristics that may need to take us at least a little bit out of that framework on the rating's grid. And I think this one is a perfect example of that in that, you know, here this parcel sits approximate to a large county land holding subject to clearly, you know, environmental issues or aspects that are going on that don't necessarily have a place to be reflected in our ratings schematic that's presented to us at this point; but nevertheless something that all of us can, I guess, look at, agree and say it kind of subscribes to the philosophy that we're trying to go ahead and implement particularly in these particular towns where there's a need to help take parcels out of that demand for development and, in fact, promote the environmental concerns that we're trying to achieve as far as preservation.

CHAIRPERSON VILORIA•FISHER:

John, visa vie the problems that came before us with the groundwater in Smithtown, I don't recognize on this map any of the streets of the people who came to speak before us. Actually how close ••

LEG. KENNEDY:

Actually •• I'm sorry, Madam Chair. We had residents from North Avenue. We did have residents as a matter of fact who ••

CHAIRPERSON VILORIA•FISHER:

I remember south. I don't remember north.

LEG. KENNEDY:

Right. Who came from Hallock. And certainly the Department, I guess, will know •• I should really be deferring to them •• this lies within the area, as a matter of fact, of our resolution to undergo remediation for the Nissequogue River tributary north stream bed. That blue line that moves through our graph there actually is the Nissequogue River tributary north.

DIRECTOR ISLES:

Right.

LEG. KENNEDY:

So all of this area has been significantly impacted by some serious groundwater elevation issues as well as an inordinate amount of run•off and discharge from adjoining developments.

CHAIRPERSON VILORIA•FISHER:

Okay. You could call Tony, then, and tell him we've helped a little more.

LEG. KENNEDY:

Will do. Thank you. I appreciate the Committee's support.

CHAIRPERSON VILORIA•FISHER:

I'm sorry. Another question by Legislator D' Amaro.

LEG. D' AMARO:

Yes. Thank you. I'm also inclined to support this resolution but I did have a question. I'm not sure that preserving this parcel is going to actually impact the groundwater, the high water table in the area. But, hey, if there's a chance of it doing that, that's fine. I just wanted to know for the record whether or not through the Chair if the sponsor knows whether or not this is a buildable lot as matter of right in the Town of Smithtown.

LEG. KENNEDY:

Well, seeing that we've had that discussion many times before, I know •• well, what I know of the lot is that the owner, I believe, at one point had sought to obtain a building permit from the Town of Smithtown. As to whether or not it conforms from a single and separate perspective, whether it pre•dates the code in Smithtown from 37, that I'm not certain of. I believe that it sits in an area that's zoned off 15 •• 15 in the Town of Smithtown as one third acre. Could you carve a parcel with the necessary offsets without relief? That I'm not 100% certain of either as am I certain of whether or not there would be Health Department approval for a septic system configuration because I believe that depth to groundwater here is probably no more than 24 inches. So were it be able to be deemed buildable, I believe, it would have to go through a series of applications, denials and seek for relief through variance. Nevertheless, I think that might benefit us in the appraisal process because it may not appraise out as a buildable; but then again I'm not certain.

LEG. D' AMARO:

Right. The high water table may actually necessitate retaining walls and things like that if ••

LEG. KENNEDY:

Sure.

LEG. D' AMARO:

That's right. Which would impact the value of the property as well.

LEG. KENNEDY:

Absol utel y.

LEG. D' AMARO:

Okay. Thanks. I appreciate it.

CHAIRPERSON VILORIA•FISHER:

Did Mr. Isles want to make a comment on that? Okay.

DIRECTOR ISLES:

Unless you have any questions.

CHAIRPERSON VILORIA•FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

I was just going to make that point, as a member of the Environment Trust Review Board we see these issues routinely impact the value of properties. And highest and best use is always taken into account. And the local municipalities contacted to determine whether or not building will be allowed on these parcels. So this is one that if those deficiencies were to be, that we could possibly get for a very good price. So we shall see.

CHAIRPERSON VILORIA•FISHER:

Legislator D' Amaro.

LEG. D' AMARO:

And I just want to point out on the record what we were speaking of before in this Committee that, you know, again, looking at the rating which even is what? 18, you know, there are other factors that go into at least my decision making process in deciding whether or not to support this type of resolution. And I think this is one of them.

LEG. KENNEDY:

Madam Chair, I just •• again, I appreciate the opportunity to go ahead and speak on it and I concur with Legislators D' Amaro and Stern and with everybody that there's certainly are ••

CHAIRPERSON VILORIA•FISHER:

Mitigating factors.

LEG. KENNEDY:

Unique elements •• absolutely. Unique elements associated with any parcel. And as a matter of fact, Madam Chair, I'm also here not only in support of this resolution but I'm going to ask the Committee to indulge in discussion after we conclude the regular calendar just briefly on another acquisition I've just spoken to you about. Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. We have a motion and a second to approve. All in favor? Opposed? 2051 is approved. (Vote: 5•0•0•0)

IR 2070 authorizing planning steps for the acquisition of farmland development rights. (County Executive) I'll make a motion to approve.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Romaine. All in favor? Opposed? 2070 is approved. (Vote: 5•0•0•0)

LEG. ROMAINE:

Would the Clerk list me as a co•sponsor on that resolution since all the properties are within the first legislative district. Thank you.

DIRECTOR ISLES:

Madam Chair, we'd like to request tabling of the next three resolutions, please.

CHAIRPERSON VILORIA•FISHER:

Okay. Can you tell us why?

DIRECTOR ISLES:

They need to go to CEQ. And there was a timing problem with that.

CHAIRPERSON VILORIA•FISHER:

Oh, they haven't gone to CEQ, that's right.

DIRECTOR ISLES:

They have not.

CHAIRPERSON VILORIA•FISHER:

Because of scheduling.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA•FISHER:

By the way, CEQ will be meeting the 20th. IR 2080 (authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Hara, Dalton, estate of Friedman and Green property, Hashamomuck Pond) (County Executive), motion to table.

LEG. D'AMARO:

Motion to table 2080, 2081 and 2082.

CHAIRPERSON VILORIA•FISHER:

Motion to table 2080, seconded by myself. All in favor? Opposed? IR 2080 is tabled. (Vote: 5•0•0•0)

2081 (authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Doherty property, Hashamomuck Pond, Town of Southold) (County Executive) Same motion, same second, same vote. (Vote: 5•0•0•0)

2082 (authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program for the New Allied Realty Corp property, Santapogue Creek, Town of Babylon) (County Executive) Same motion, same second, same vote. (Vote: 5•0•0•0)

2083, authorizing acquisition of land under the Suffolk County Open Space Preservation Program, Joseph F. Gazza property, Pine Barrens Core area, Town of Southampton. (County Executive)
Motion?

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA•FISHER:

Motion to table approve by Legislator Romaine, seconded by Legislator D' Amaro. And I think we can do a same motion, same second with the next one. All in favor? Opposed? 2083 is approved. (Vote: 5•0•0•0)

2084 (authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Joseph Gazza property, Pine Barrens Core are, Town of Southampton) (County Executive) Same motion, same second, same vote. (Vote: 5•0•0•0)

2085 (authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Joseph Z. Gazza property, Pine Barrens Core area, Town of Southampton) (County Executive) Same motion, same second, same vote. (Vote: 5•0•0•0)

2086, authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Farmland Preservation component for the Johnson property, Smoke Run. I will make that motion.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? 2086 is approved. (Vote: 5•0•0•0)

2088 •• and please list me as co•sponsor. I think I am a co•sponsor but I just wanted to make sure. 2088, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlets Park Fund, Town of Islip. (Lindsay) We're get being information on that. Okay. Can we •• this is for the hamlet park portion.

DIRECTOR ISLES:

Yes. This is for under the SOS Hamlet Parks with the specific intention of the development of an active recreational use in the form of a skateboard park. The property's located in the hamlet of Sayville. This is just to the east of Montauk Highway, just to the south of the railroad tracks and north of Hansen Place. It's a location that's on the •• essentially edge of the commercial district in Sayville. And this particular area is zoned predominately industrial although in the aerial photograph you can see that there are some homes to the east, to the right hand side. There's industrial development and a cemetery to the south. And then vacant land to the west.

The Department has reviewed this proposal and, in fact, there has been a proposal for a skateboard park in this area Sayville/Oakdale for probably at least eight years it's been floating around looking for a site. The Real Estate Division had done appraisals on property along Cherry Avenue, for example, that were not •• we were not able to get a deal on that one. So this is an alternative site. We are aware that there is a proposal for the development of a youth sports center by a not•for•profit organization east of this site and essentially across the street. It is proposed to be an indoor court game

facility including basketball facilities and so forth as well as parking, as well as bathrooms and things of that nature.

From that, then, this proposal would then be associated with that as sharing some of the parking, sharing the restroom facilities and so forth. So we have completed a rating based on the information we have available to the Department at this time. We have included that as an attachment to the aerial photograph. The site is rated as 37 points. So at this point in time the Department feels that this is a good transitional site and would support this proposal for planning steps.

CHAIRPERSON VILORIA•FISHER:

Question by Legislator Romaine.

LEG. ROMAINE:

I notice that there was a structure on the facility •• on the land. Is that structure going to be demolished? Is that structure ••

MS. FISCHER:

It will be.

LEG. ROMAINE:

It's going to be demolished and then they're going to build another indoor structure? Is there any participation by the Town of Islip in this effort? Because usually a skate park of this limited locality is something that's not regional in nature and usually done by the locality as opposed to the County.

DIRECTOR ISLES:

Right. In this case the building that's going to be there is going to be, we understand, removed.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

And there would be no building put up. It would be an outdoor skate park.

LEG. ROMAINE:

An outdoor skate park.

DIRECTOR ISLES:

Right. The building I was referring to is going to be basically diagonally opposite that's proposed by a not•for•profit.

LEG. ROMAINE:

I see.

DIRECTOR ISLES:

My understanding is that there would be some sort of partnership arrangement whether it's with the town or with this youth group. There has been, here again, based on my prior experience with the other side on Cherry Avenue in West Sayville, there was a group that was advocating the development of the skateboard park and was prepared to provide resources for that and management of that.

LEG. ROMAINE:

Right. Do you view this skateboard park as a regional or local park? And the reason I ask is we have a skateboard park in Riverhead. And it's run by the town. It's at Stotsky Park on Pulasky Avenue. And it's run by the town because it's, you know, it's a limited skateboard park. It's not a regional skateboard park. You don't anticipate this being regional, do you?

DIRECTOR ISLES:

No. I would think it would be more in the surrounding communities; the Sayville community and the surrounding south shore communities. It would obviously have to be open for any county resident who wants to use it, but it would probably serve

more of the local market, I would think.

LEG. ROMAINE:

And there is no agreement at the current time for the town to operate this recreational facility?

DIRECTOR ISLES:

Not I'm aware of. Here again this is coming in under SOS specifically so under Hamlet Parks so it's our new program. And certainly I would expect that there be some type of agreement whether it be with the town or with the community group, but I'm not aware that there's one at this time.

LEG. ROMAINE:

I'm asking these questions not in opposition of this at all because obviously if there's •• I'm trying to better understand the rules because I can think of several locations in my district that would meet the criteria you've just explained.

CHAIRPERSON VILORIA•FISHER:

It'll wait 'til the next meeting.

DIRECTOR ISLES:

For what, sir?

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. Legislator Romaine, I think we're all hoping that there will be town participation. It's not required for the planning steps. We're hoping that when we get to the acquisition that we will at that time have a commitment from the town or not•for •profit to have that kind of cooperation. I would certainly look to have that kind of partnership with this kind of very regional recreational activity, although you were not sitting at the horseshoe when we were proposing and supporting a number of

active parkland acquisitions under Greenways, which although they are open to all residents of Suffolk County, they do tend to have a regional magnet approach.

LEG. ROMAINE:

I have a resolution coming forth for the Manorville area.

CHAIRPERSON VILORIA•FISHER:

And I wouldn't have doubted that at all.

LEG. KENNEDY:

Madam Chair.

CHAIRPERSON VILORIA•FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. While not a member I guess I would just appreciate the opportunity to ask Planning one procedural question, if you will. Since there is a structure on one of the proposed lots, assuming that with the •• lot of interest, that there is interest on the part of the owner to go forward, as you move into the appraisal process, then, who would wind up bearing the cost of demolition here? Is this something that we would seek from owner or we'd factor it into the appraised value of the property?

MS. ZIELENSKI:

The appraisal is based on highest and best use. If the highest and best use for the property included the building, then, the building value might be included; but I suspect the highest and best use for this property would be as vacant. And if that's the case the cost of demolition would be factored into the final value of the property.

LEG. KENNEDY:

So it would be reflective in our offer. But as to the actual

cost to bear for demolition of this structure, that is a cost that we would incur; the County would incur?

MS. ZIELENSKI:

We would incur the costs, but the costs would have been deducted from the value of the property ••

LEG. KENNEDY:

I see.

MS. ZIELENSKI:

•• when we purchased it.

LEG. KENNEDY:

Okay. Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. There's a motion to approve by Legislator D' Amaro, seconded by Legislator Stern. All in favor? Opposed? Motion is approved. (Vote: 5•0•0•0)

Okay. I just lost my place here. We're done. Thank goodness. Okay. If there are ••

LEG. LOSQUADRO:

Legislator Kennedy wanted to ask something of Planning.

CHAIRPERSON VILORIA•FISHER:

I'm sorry, Legislator Kennedy did want to ask something of Planning and Real Estate.

LEG. KENNEDY:

Madam Chair, yes. Well, actually it's not only of Planning but it's of my colleagues. And it involves interestingly enough a purchase of a property that •• actually I have a copy of the resolution. It's the Commerdingger Estate; if I can go ahead and just distribute it to my colleagues for purposes of a quick

di scussi on.

CHAIRPERSON VILORIA•FISHER:

Were the appraisals done on this? I thought so. Okay. This is not before us. It's just something that Legislator Kennedy asked if he could talk.

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LEG. KENNEDY:

The reason that I bring this up for discussion with my colleagues, if you will, is because a) first and foremost let me commend the Division of Real Estate in succeeding in negotiating over about a year's period of time. You can see when this resolution was first introduced, subsequently passed in November and signed by the Exec in December. It involves an estate and it involves really Yeomans work on the part of Division of Real Estate to go through what was a fairly tortured appraisal process working in conjunction with the property owners and with the Town of Smithtown to get a perspective yield.

Since it is in an estate, I believe, and this was related to me by Commissioner Deering that one of the elements being reflected by us, us being the County, is that we would attempt to achieve a closing on this parcel by December. In looking at the calendar an essential element of being able to do that will be the passage of a resolution hopefully in the form of CN on Tuesday authorizing the acquisition resolution. And I do not •• I saw a copy of an acceptance letter that came from the estate attorneys on this. I know what the last offer was or the appraisal amount that was authorized from ETRB. I believe it was 1.29 million, but I'm not sure. So in any event the purpose of me bringing this to the Committee is for the purposes of discussion as a prelude to possibly a CN on Tuesday as far as the authorizing resolution.

Now I know that there are a couple of elements, I guess, that have not been addressed yet since this is Hamlet Park; one of them being SEQRA, the other one being Park Trustees. But I'll defer to Madam Chair as far as SEQRA ••

CHAIRPERSON VILORIA•FISHER:

Okay. And I just want to be certain that we don't discuss any of the other elements of ETRB because those are executive sessions.

LEG. KENNEDY:

Yes.

CHAIRPERSON VILORIA•FISHER:

And so I'm just going ask Real Estate to comment on that; on your suggestion that this come in as a CN if we're ready for that at this point in time.

MS. ZIELENSKI:

Well, we are ready for it •• we are not ready for it in that it needs to go through the 20th and 21st CEQ.

CHAIRPERSON VILORIA•FISHER:

Right. CEQ doesn't meet until the 20th.

MS. ZIELENSKI:

And Parks Trustees which doesn't meet until the 21st, which puts us in an awkward spot to consider a CN.

CHAIRPERSON VILORIA•FISHER:

Okay. And if we're looking at the calendar, we do have a meeting in October; early October. And that would •• would that give you enough time to close before the end of the year?

MS. ZIELENSKI:

Yes.

CHAIRPERSON VILORIA•FISHER:

And we can't do it without CEQ. And CEQ doesn't meet 'til the 20th.

LEG. KENNEDY:

Again, I rely upon what the department is representing. This was discussions that we had last week actually Mr. Deering and I. So if it is the sense or the feeling from the department that they can effectuate the close by the end of the year ••

CHAIRPERSON VILORIA•FISHER:

Well, we have no choice but to wait until it goes to CEQ and Parks.

LEG. KENNEDY:

CEQ, as a matter of fact, Madam Chair, as you know, the determinations with CEQ are advisory. Ultimately we adopt what the clause is. If there is ••

CHAIRPERSON VILORIA•FISHER:

Yeah. However, we've been reluctant to bypass CEQ because we do rely on the recommendations made by CEQ. And they are advisory, but I've never seen a case where we've decided to bypass the CEQ process.

LEG. KENNEDY:

Never let it be said that I don't bring forth unique issues.

LEG. ROMAINE:

Madam Chair.

CHAIRPERSON VILORIA•FISHER:

Legislator Romaine.

LEG. ROMAINE:

I just want to confirm again for the record with Real Estate Department that if we allow this to be considered on the 17th, hopefully the Executive will come forward with a resolution to lay on table on September 19th. I'm trusting that that's the case. If that's not the case I would ask that you contact Legislator Kennedy. And if this is acted favorably on October 17th meeting, that the Executive, I would trust but I certainly wouldn't ask for a commitment, that he would act on signing the acquisition expeditiously; you would then have enough time to close on this property prior to the end of this year? And the answer to that is?

MS. ZIELENSKI:

That would be what I would anticipate, yes.

LEG. ROMAINE:

Okay. And if •• I would ask you to do one other thing. Legislator Kennedy isn't on this Committee; I am. I certainly will take a little bit of responsibility. I would ask you either contact this Committee or Legislator Kennedy if any of those expectations happen not to come to fruition.

MS. ZIELENSKI:

That's fine.

LEG. ROMAINE:

Thank you.

LEG. KENNEDY:

Thank you, Madam Chair. I appreciate the opportunity to discuss the matter.

CHAIRPERSON VILORIA•FISHER:

Okay. Yes.

MS. ZIELENSKI:

While we're on the subject of potential CN's, we have two issues

that I'd like to make the Committee aware of. One is property that's known as the Deborah Light PLT property. And this is property that's being partially funded by a federal grant. And we've run into a time frame that will in order to be able to take advantage of the grant, we have •• we will have to go through on a CN in this coming meeting. We were not aware ••

LEG. ROMAINE:

Could you educate us where this property is; how many acres there are?

MS. ZIELENSKI:

Yes. I have a copy of the resolution. It's 194 acres property.

DIRECTOR ISLES:

Farmland.

MS. ZIELENSKI:

Farmland. That we're proposing to purchase for \$6 million, three million of which will then be returned to us through a grant process.

CHAIRPERSON VILORIA•FISHER:

What town is it, Pat?

MS. ZIELENSKI:

The property is located in the Town of East Hampton. And it's certainly far more valuable than the price we're paying for it.

LEG. ROMAINE:

I can see that. I mean if •• what is it? 194 acres you're paying \$6 million?

MS. ZIELENSKI:

That's correct.

CHAIRPERSON VILORIA•FISHER:

Not bad. Bargain basement.

LEG. ROMAINE:

Man, it sounds like the deal they made for \$24 for the Island of Manhattan.

CHAIRPERSON VILORIA•FISHER:

Okay. Pat, you said you had a second CN or was it just that one?

MS. ZIELENSKI:

No. This was one. And the other is property in Montauk that requires a technical correction. It's in an estate. And for some reason the estate wasn't clear as to the name that was properly represented so it's just a technical correction.

CHAIRPERSON VILORIA•FISHER:

Oh, so it's just a technical correction on the name of the owner. Okay.

MS. ZIELENSKI:

But again we have •• it has progressed to a point where we're ready to close and we need the resolution corrected in order to be able to do that.

CHAIRPERSON VILORIA•FISHER:

Okay. So we'll look for it next Tuesday; two CN's.

MS. ZIELENSKI:

We would bring it to you as a CN.

CHAIRPERSON VILORIA•FISHER:

Okay, thank you, Pat.

MS. ZIELENSKI:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Is there any other business before the committee? Okay.

Meeting adjourned.

(THE MEETING CONCLUDED AT 12:32 PM)
{ } DENOTES SPELLED PHONETICALLY