

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**MINUTES**

A meeting of the Environment, Planning & 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 July 30, 2007.

**MEMBERS PRESENT:**

Deputy Presiding Officer Vivian Vioria Fisher, Chairperson  
Leg. Lou D'Amaro, Vice Chairperson  
Leg. Wayne R. Horsley  
Leg. John M. Kennedy  
Leg. Daniel P. Losquadro

**MEMBERS NOT PRESENT:**

Leg. Wayne R. Horsley  
Leg. Daniel P. Losquadro

**ALSO IN ATTENDANCE:**

Renee Ortiz, Chief Deputy Clerk of the Legislature  
George Nolan, Counsel to the Legislature  
Gail Vizzini, Director of Budget Review Office  
Robert Lipp, Deputy Director of Budget Review Office  
Kevin Duffy, Budget Review Office  
Seth Squicciarino, Aide to Chairwoman Vioria-Fisher  
Lora Gellerstein, Aide to Legislator Cooper  
Linda Bay, Aide to Minority Leader  
Lori Murphy, Aide to Legislator Losquadro  
Paul Perillie, Aide to Majority Leader  
Linda Burkhardt, Legislative Aide  
Kara Hahn, Director of Communications  
Ben Zwirn, Assistant Deputy County Executive  
Brian Bielanski, County Executive's Office  
Thomas Isles, Director of Department of Planning  
James Bagg, Chief Environmental Analyst/Department of Planning  
J. Lance Mallamo, Suffolk County Vanderbilt Museum  
Carol Ghiorso Hart, Suffolk County Vanderbilt Museum  
Carrie Meek Gallagher, Commissioner of Dept. of Environment and Energy  
Janet Longo, Assistant to Commissioner, Dept. Of Environment and Energy  
Christopher Kent, Director of Real Property Acquisition and Management  
Lauretta Fischer, Department of Planning  
Debra Alloncius, Legislative Representative for AME  
Other Interested Parties

**MINUTES TAKEN BY:**

Lucia Braaten, Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 1:10 P.M.]

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Good afternoon, everybody. Welcome to the Environment, Planning and Agriculture Committee. Please join us in the Pledge of Allegiance.

*(\*Salutation\*)*

We have two cards, the first one being Lance Mallamo.

**MR. MALLAMO:**

Good afternoon, Ladies and Gentlemen. Am I on here? I hope you can hear me. I have a bit of a respiratory infection, so I don't have my whole voice. I just want to draw your attention to the CEQ Resolution 5107 for Capital Project 7452. This project, Vanderbilt Planetarium, replacement of technical show production equipment, is actually the project to replace the GOTO projector. We didn't use the name "GOTO", because that may not be the manufacturer we're going with, that's the actual technical vendor name.

**CHAIRWOMAN VILORIA-FISHER:**

Excuse me.

**MR. MALLAMO:**

Lance, can you say the number of the resolution again? That didn't sound familiar.

**MR. MALLAMO:**

It was CEQ Resolution --

**CHAIRWOMAN VILORIA-FISHER:**

Oh.

**MR. MALLAMO:**

-- 5107.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I was going to say we don't have any 5107. We do a lot of paper, but not quite that much.

**MR. MALLAMO:**

No. I don't what the I.R. is on this one, but the CEQ on was 5107.

**CHAIRWOMAN VILORIA-FISHER:**

No. I see the CEQ resolution.

**MR. MALLAMO:**

So I just wanted to clarify that that environmental resolution, determining the SEQRA status of that, was for the GOTO projector. And we intend to submit that resolution very shortly, if you're inclined to approve this today.

I also wanted to appear personally today. This will be my last meeting before the Suffolk County Legislature. I hope everyone got my E-mail that I am leaving the museum on Friday and I'm headed down to Alexandria, Virginia. My interim replacement will be Carol Ghiorso Hart, sitting to my left. Carol has been named by the Board of Trustees as the Deputy Director of the museum. She does meet the criteria established in Section 184 of the County Code for that position, which is authorized by the Legislature, and she'll be serving as interim Director until a permanent Executive Director is named. They'll be doing a national search in the meantime. Carol has worked for the museum in the -- she's working there now since October as Director of Special Projects, primarily writing grants and fund-raising, and you've worked there for --

**MS. HART:**

Six.

**MR. MALLAMO:**

Six years before as a curator, so -- of the museum. She left in 2001 to go to the -- 2000 to go to the Smithtown Historical Society, where she was the Executive Director there. So I hope you will join me in welcoming Carol in her new duties. I think there will be a great seamless transition, and the quality of the museum will be maintained during this period. And I want to thank you all for the please of working with you over these past two decades.

**CHAIRWOMAN VILORIA-FISHER:**

Well, Lance, we want to thank you, because it certainly has been a privilege to work with you. We've learned a great deal from you. And you've given a great deal to the County of Suffolk, too. I know in our -- in my own district, you've certainly had -- you've left a great mark there. You're knowledge of history, the -- what you've shared with everyone has been really invaluable.

**MR. MALLAMO:**

Well, thank you very much.

**CHAIRWOMAN VILORIA-FISHER:**

So I wish you all the best. And again, thank you very, very much for your public service. Carol, you have big shoes to fill, but I think you know that.

**MR. MALLAMO:**

She's definitely up to it. Okay.

**CHAIRWOMAN VILORIA-FISHER:**

It's a good thing you're in the history business, because you are in yourself an institution.

**MR. MALLAMO:**

Thank you so much.

**CHAIRWOMAN VILORIA-FISHER:**

You've been great.

**MR. MALLAMO:**

Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. We have no other cards and we are going to have a presentation by Commissioner Gallagher. But before we do that, we're going to take care of the CEQ resolutions. Mr. Bagg? And, Jim, with the acquisition resolutions, which number 53-07 down to 60-07, we'll take those altogether, so you don't have to describe each one separately.

**MR. BAGG:**

Fine, I was going to do that.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

### **CEQ RESOLUTIONS**

**MR. BAGG:**

First resolution, CEQ number 51-07 deals with the --

**CHAIRWOMAN VILORIA-FISHER:**

Wait a minute. First is 50-07.

**MR. BAGG:**

Okay. **50-07 (Ratification of Recommendations fro Legislative Resolution Laid on the Table June 12, 2007)** deals with the County's -- the Council's recommendations for the Legislative resolutions laid on the table on June 12th, 2007. That's fairly pro forma.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Motion by Legislator D'Amaro, seconded by Legislator Kennedy. All in favor? Opposed? Approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**. And we'll do same motion, same second on the rest of them.

**MR. BAGG:**

**(51-07 - Capital Project 7452 - Vanderbilt Planetarium Replacement of Technical Show Production Equipment)**

**MR. BAGG:**

Okay. The next resolution, Number 51-07 is proposed Capital Project 7452, for the Vanderbilt Planetarium replacement of Technical Show Equipment. Council recommends that as a Type II action, since it involves the purchase of equipment.

**CHAIRWOMAN VILORIA-FISHER:**

And that's the GOTO?

**MR. BAGG:**

That's correct.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**(52-07 - Final Scoping Document on the Shellfish Aquaculture Lease Program DGEIS)**

**MR. BAGG:**

Next resolution, 52-07, this is for the final scope for the Draft Generic Environmental Impact Statement on the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay in the Town of Southampton, East Hampton, Riverhead, Southold and Shelter Island. Council recommends that the final scope be adopted by the Legislature, so that the Draft General Environmental Impact Statement can then be prepared.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**MR. BAGG:**

The next resolutions all deal with property acquisitions. It has the same reasons, so I'm just going to give you the first one. This is for the acquisition for land, open space preservation purposes known as Mastic/Shirley Conservation Area I addition, the Sferrazza property in the Town of Brookhaven. Council recommends unlisted action. They will not have an impact on the environment for the following reasons: That none of the criteria of SEQRA are exceeded, and the undeveloped property will be used for open space preservation and passive park purposes. And, as you noted, Legislator, all the CEQ resolutions that deal with 52-07 through 60-07 are for property acquisitions for passive park purposes. The Council recommends unlisted actions and negative and that they're negative declarations for the same reasons.

**CHAIRWOMAN VILORIA-FISHER:**

And again, for the record, that's:

***53-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area I Addition - Sferrazza Property in the Town of Brookhaven).***

***54-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area II Addition - McLaughlin Property in the Town of Brookhaven).***

***55-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area II Addition - Stiffel Property in the Town of Brookhaven).***

***56-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area II Addition - Valenta Property in the Town of Brookhaven).***

***57-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Forge River Watershed Addition - Pandolfi Property in the Town of Brookhaven).***

***58-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Seatuck Cove - Pheasant Meadow Farms, Inc. Property in the Town of Brookhaven).***

***59-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Bluffs at Shoreham - Hallock Landing at Shoreham, LLC Property in the Town of Brookhaven).***

***60-07 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Bayport County Wetlands Addition - Farley Property in the Town of Islip).***

And it's the same motion, same second, same vote. ***(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)***

**MR. BAGG:**

CEQ Resolution Number ***61-07 is for the proposed Suffolk County Eelgrass Restoration Initiative.*** Project involves the planting of 9.75 acres total of the eelgrass over three years within Long Island Sound, the Peconic Estuary and the South Shore Estuary Reserve. Council recommends that it's an unlisted action and it will not have a significant impact on the environment, because none of the criteria of SEQRA are exceeded. Proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code. Eelgrass beds play an important role in the marine environment and the action will result in minimal bottom disturbance.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. ***(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)***

**MR. BAGG:**

The next resolution is ***62-07, for the Francis S. Gabreski Proposed Hangar Development - Mailand Hangers, Inc. in the Town of Southampton.*** Council recommends that this is a Type I Action under the provisions of Title 6 NYCRR, Part 617.410, since it involves a physical alteration of more than 2.5 acres adjacent to publicly operated parkland. Council also recommends that it will not have a significant impact on the environment for the following reasons:

Proposed action will not exceed any criteria in SEQRA. Proposal does not appear to significantly threaten any unique or highly valuable environmental cultural resources, as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code.

The parcel does not appear to suffer from any severe environmental developmental constraints. No poor soil properties, no high groundwater and no unmanageable slopes. Proposed improvements are in conformance with the Gabreski Airport 1990 Master Plan.

Project is in conformance with the 1992 Long Island Comprehensive Special Groundwater Protection Area Plan, which was adopted by the New York State DEC. Project is in conformance with the 1975 Central Pine Barrens Comprehensive Land Use Plan and Standards. The project is in conformance with the 1999 Town of Southampton Comprehensive Update Implementing Strategy Plans, the LI 200 Zoning and Act for Protection Overlay District requirements as required by the Legislature in 1990. The facility will be hooked up to an existing site sewage treatment plant, which was built by the County to accommodate the future growth at the airport, as called for in the 1990 Airport Master Plan. All aspects of the proposal will meet the requirements of 6, 7 and 12 of Suffolk County Sanitary Code.

All noise generated by planes at the airport currently meets FAA standards and the Town of Southampton Noise Ordinance, which would -- does not regulate noise from aircraft flight operations.

And the aspects of cumulative growth at the airport have been considered with all of the duly adopted State, County and Town plans that have recommended channeling new growth into the previously disturbed and developed airport, while preserving the undisturbed natural outline areas to the west, north and east of the site. This is a smart growth concept.

Council recommends that it's an unlisted action that would not have an impact on the environment for those reasons.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)*

**MR. BAGG:**

Now, the next three are also for hangar operations, or the next two. The next one *(63-07) is for the proposed hangar development for Northside Hangars, Inc. in the Town of Southampton*. Council recommends that it is a Type 1 Action for the reasons so donated -- duly noted formerly in the other resolution.

**CHAIRWOMAN VILORIA-FISHER:**

And these all had come before the Gabreski Airport Committee as well, the --

**MR. BAGG:**

Yes, the Advisory Committee, and they were all approved.

**CHAIRWOMAN VILORIA-FISHER:**

The advisory Committee had all approved these.

**MR. BAGG:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So it's the same motion, same second, same vote on 63-07. *(Vote: Approved 3-0-0-2 Not*

*Present: Legs. Losquadro and Horsley)*

**MR. BAGG:**

The next one *(64-07)* is for the *Proposed Hangar Development - Brookwood - Westhampton Inc. Hangers in the Town of Southampton*. Council recommends Type I Action with the duly noted reasons for a negative declaration.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)*

**MR. BAGG:**

And CEQ Resolution Number *65-07 is proposed Hertz Rental Car Counter development in the Town of Southampton*. Council recommends that this is a Type II Action.

**CHAIRWOMAN VILORIA-FISHER:**

It was very interesting. It was a copy machine on the counter, I think.

**MR. BAGG:**

Well, that's a very small counter here that they're going to put in in an existing building and utilize ten of the existing parking spaces there.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. We're on 66. Did I do the vote on that?

**MS. ORTIZ:**

No.

**CHAIRWOMAN VILORIA-FISHER:**

Sorry. Same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)*

**MR. BAGG:**

CEQ Resolution Number *66 of '07 is regarding I.R. Resolution Number 1635, establishing guidelines for the use of Methoprene in Suffolk County*. Council recommends that it is a Type I Action. That resolution said it was a Type II Action, and that Council also says that to be in conformance with SEQRA, an environmental assessment form has to be prepared and submitted to CEQ.

**CHAIRWOMAN VILORIA-FISHER:**

There was a question by Legislator Kennedy.

**LEG. KENNEDY:**

Hi, Jim. How are you?

**MR. BAGG:**

Hi. Fine.

**LEG. KENNEDY:**

Good. I've been listening as we were going along. So, in other words, CEQ is recommending now with this resolution, the Methoprene resolution, that we're going to go to a Type I and we're going to have -- I'm not following. Where are we going with this resolution?

**MR. BAGG:**

Okay. Well --

**LEG. KENNEDY:**

What's the recommendation?

**MR. BAGG:**

Well, basically the Legislature adopted a findings statement relative to the whole Vector Control Program, and in that findings statement, they allowed the use of Methoprene as a defense against mosquitoes in the larval stage. I believe that the Department of Vector Control and the Health Department recommended a procedure that used first, you know, the BTI's, all right, and then if that did not work, to use -- allow the use of Methoprene and the Legislature approved that. This resolution that's before you changes that procedure that has been subject to a DGEIS, FGEIS and a Findings Statement, so it does change those procedures, and, basically, it cannot be a Type II Action. So what CEQ is recommending here, that they feel that this change in procedure would be a Type I action, but before anybody can make a determination, you have to have an environmental assessment form to determine what this impact or change of procedure would have. They might recommend a negative declaration, but, at this point in time, not enough information has been submitted to really clearly evaluate the change in procedure. And the Department of Health Services, along with Vector Control, attended the CEQ meeting and gave roughly an hour's presentation as to why they thought it was a significant change and would affect the public health of the community as well as the program.

So the Council's not saying do a DEIS or anything, they're saying we need an environmental assessment to be prepared in order to really evaluate these proposed changes.

**LEG. KENNEDY:**

All right, fine. Thank you for the explanation. Okay.

**CHAIRWOMAN VILORIA-FISHER:**

And actually, just to make it absolutely clear, the legislation does not prohibit the use of Methoprene, but, rather, it's just more stringent and mandates that BTI's have failed twice before Methoprene could be used.

**MR. BAGG:**

Correct, that's what the resolution calls for.

**CHAIRWOMAN VILORIA-FISHER:**

Rather than just one, which is what was in the long-term plan. And this was precipitated by some of the restrictions that were hinted at. I'm not going to say that they were ever clearly imposed by the DEC, because we never had a clear definition of what their criteria is on State lands.

**MR. BAGG:**

Yeah, I think that that's the point. I mean, the Council would like to have more definitive information as to why the State DEC is pursuing that course of action, especially at the State level when they approved Methoprene for use in all of New York State. They would like to know what their reasoning is behind for restricting it on their own lands, as well as a lot of the, I would say, alleged impacts are really not -- have not been evaluated clearly and from a scientific point of view the use of this particular product. I mean, you read these articles and they say, well, it may have a significant impact, or it may do this or it may do that, but nobody has clear scientific information to back up that point.

**CHAIRWOMAN VILORIA-FISHER:**

And with a Type I, we could possibly have more data before us.

**MR. BAGG:**

Yes. Well, most definitely, especially in the EAF. I think a lot of people oppose the use of Methoprene. Well, now's the chance in their EAF where they can come forward with all that definitive information and all the reasoning as to why it should be limited from a scientific point of

view.

**CHAIRWOMAN VILORIA-FISHER:**

Can we make that same motion, same second, same vote? That's 66, same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**MR. BAGG:**

Next, Resolution Number **67-07 is the proposed Suffolk County Historic Trust Manual Amendments and Additions**. Council recommends amendments to the Historic Trust Manual in two particular areas. I was asked by the Legislative Counsel to research whether or not the Historic Trust Manual was adopted by the Legislature and I do not believe it was. The Legislature formed the Council on Environmental Quality and made them the members of the Historic Trust. The Historic Trust uses the Historic Trust Manual as their policy-setting guidelines, and I assume that, because at the last meeting, CEQ, as the Historic Trust, adopted these changes, that they now become definitive, because that really is an in-house document, not a Legislative approved document.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**. And was that clear to everyone? We don't need to have a Legislative resolution, the CEQ resolution is enough, because it's an in-house change. Thank you.

**MR. BAGG:**

The next resolution is **(68-07) proposed relocation of the Big Duck back to its former location in Flanders in the Town of Southampton**. The project involves relocating the Big Duck, which is a well-known historic landmark and historic resource, which is owned by Suffolk County and is listed on the New York State and National Registers of Historic Places, from County-owned Sears Bellows Park back to the original Duck Farm location where it existed, I believe, up until 1984, from 1938 to '84.

Council recommends that the relocation is an unlisted action. They're also recommending a conditioned negative dec. That will not have significant impacts on the environment. However, they do think that the County should put conditions on the relocation back to that original site, which is currently Town-Owned property. Would you like me to read all those conditions or --

**CHAIRWOMAN VILORIA-FISHER:**

I don't need you to read them, but if my colleagues need to hear them? No? We'll take you at your word.

**MR. BAGG:**

And I think the last thing states that in the conditions, that all of the conditions will be included as part of the agreement between the Town of Southampton and Suffolk County for the relocation of the Big Duck, Sears-Bellows County Park to the Flanders Duck Farm. And the Town is supposed to pay for everything involved in the relocation or any damages done, and they're in agreement with the conditions.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**MR. BAGG:**

Next CEQ Resolution Number **69-07 is for the Council's recommendations for Legislative resolutions laid on the table June 26th of '07**. That's fairly pro forma.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**MR. BAGG:**

Next resolution, *CEQ 70-07, is for the proposed rehabilitation of Abets Creek bulkhead in the Town of Brookhaven.* Council -- this is a simple replacement of 300 linear feet of deteriorated bulkhead. Council recommends it's a Type II Action because of replacement in kind on the same site. And it probably should be noted that the Department of Public Works is going to use recycled plastic lumber.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I was waiting for you to mention that, because I know that we're not using timber again, that we're using the composite materials.

**MR. BAGG:**

Right. So it will be recycled plastic lumber reinforced with fiberglass.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).*

**MR. BAGG:**

Now --

**CHAIRWOMAN VILORIA-FISHER:**

And again, as we did before, we'll consider these together.

**MR. BAGG:**

The next resolutions, 71-07 to 75-07, deal with property acquisitions for passive park purposes. They are all unlisted actions with a recommendation for negative declaration for the reasons so noted previously.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So on *71-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area II Addition - D'Alesso Property in the Town of Brookhaven)*, same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).*

*72-07 (Proposed acquisition of Land for Open Space Preservation Purposes known as the Mastic/Shirley Conservation Area II Addition - Gram Property in the Town of Brookhaven).* Same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).*

*73-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Beaverdam Creek County Wetlands - Estate of Angelo Giambalvo Property in the Town of Brookhaven)*, same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).*

*74-07 (Proposed Acquisition of Land for Open Space Preservation Purposes known as the Montauk County Park Addition - Foley Property in the Town of East Hampton)*, same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)*

*75-07 (Proposed Acquisition of Land for Open Space Preservation purposes known as the Peconic Land Trust, Inc. - as contract vendee - Crackle Hill Property in the Town of Shelter Island)*, same motion, same second, same vote. *(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).*

Now, you didn't mention 76, but is it --

**CHAIRWOMAN VILORIA-FISHER:**

No, no, that's a little bit different. This is the proposed acquisition of land known as the Lewis Oliver Property in the Town of Huntington. This project involves the acquisition of two acres of land, which was privately developed dairy farm by Suffolk County for community parks/education farm use. It's in partnership with the Town of Huntington. And the Council recommends that it is an unlisted action and that a negative declaration be issued. None of the criteria of SEQRA will be exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental cultural resources. The parcel does not appear to suffer from any severe environmental developmental constraints.

And there's one last reason. It says that Council did request a Phase I Environmental Assessment when they did review it the last time. A Phase II Environmental Assessment was in the process, and they said that if the Phase II Environmental Assessment reveals that there is contamination of the property with toxic and hazardous substances, the Town of Huntington would be responsible to provide mitigation as per the terms of the contract, which are currently being considered in the County Attorney's Office. And I believe a Phase II Environmental Assessment was completed as of today and they did not find any contamination. But if they in the future were to find any kind of contamination, I believe the contract reads that it's the Town of Huntington's responsibility to remediate.

**CHAIRWOMAN VILORIA-FISHER:**

And that's why that had not been approved the month before --

**MR. BAGG:**

That's correct.

**CHAIRWOMAN VILORIA-FISHER:**

-- when it came before CEQ --

**MR. BAGG:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

-- because we needed that assurance from the Town of Huntington.

**MR. BAGG:**

And also, they needed to find out what the environmental assessments did do.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote (*Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley*). Jim, thank you very much.

**MR. BAGG:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I see that Commissioner Gallagher is here.

**COMMISSIONER GALLAGHER:**

Oh, yes, I'm here.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you, Commissioner. Go ahead, Carrie.

**COMMISSIONER GALLAGHER:**

Okay. So coming around is just the latest, then, spread sheet that shows the balance of funds for Open Space and Farmland Acquisition as of July 24th. So we're essentially in total 1.5 million dollars across all programs underfunded at this point in time.

I do just want to make it clear, if you look at the numbers "In Contract", in "Accepted Offers" and "In Negotiation", when we put "In Contract", it means a fully executed contract signed by all the parties. "Accepted Offers" are executed by the seller already, so it's already, you know, in the contractual phase. And "In Negotiation" is the only area where you will see differences from month to month, because that's where usually the deals will -- something will happen with the deals, maybe it will get pushed off or it will be increased or decreased.

**CHAIRWOMAN VILORIA-FISHER:**

Now, as you know, there is a lot of discussion going on right now regarding the extension of the quarter percent.

**COMMISSIONER GALLAGHER:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

And what we need to look at is the short view and the long view, because we're looking at a lot of red on that bottom line.

**COMMISSIONER GALLAGHER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

And so you're sitting right beside Gail Vizzini and Robert Lipp, and maybe you could tell us, with what we have right now in our programs, how can we make ourselves whole and how do we move forward, looking at all of this red ink at the bottom of the page?

**COMMISSIONER GALLAGHER:**

Right. Well, in terms of, if we go over to Quarter Percent Open Space, some of that money, if you look at what's in negotiation and where we're short, essentially, either stuff would have to fall through or would have to get pushed forward into the future. I don't know, Janet, if you want to comment on the specifics.

**CHAIRWOMAN VILORIA-FISHER:**

But, Carrie, before we go on, though.

**COMMISSIONER GALLAGHER:**

Yeah.

**CHAIRWOMAN VILORIA-FISHER:**

I'm looking at, for example, New Quarter Percent Drinking Water Protection, Open Space.

**COMMISSIONER GALLAGHER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

And I'm seeing a negative \$631,472.

**COMMISSIONER GALLAGHER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

And under that, I'm looking at blue that says 10,714,330. What does the blue signify?

**COMMISSIONER GALLAGHER:**

Oh, that's all accounted for. That was this year's appropriation. We were just trying to keep it separate, so we knew how much was --

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**COMMISSIONER GALLAGHER:**

-- this year, if there was, you know, an additional -- this year's appropriation. And so that's accounted for now in the balance of accounts, but we were kind of highlighting that.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, good.

**MS. LONGO:**

If you look at the "In Negotiation", in that category --

**CHAIRWOMAN VILORIA-FISHER:**

Yes.

**MS. LONGO:**

-- is \$761,000. So, actually, out of that, we don't have that accepted yet, those are just offers that have been made. So that red number takes into consideration the offers that are out there. We're trying to be fiscally prudent here and only make offers, number one, to people that we think may accept it, and then, hopefully, we'll have the money to be able to follow through. We're not -- we're trying to not get too far ahead of ourselves. Not all of the offers will be accepted, we understand that?

**CHAIRWOMAN VILORIA-FISHER:**

And what is the likelihood that those that are in negotiation of 761,000 in that column and in the subsequent -- in the next column, that 889,000 in negotiation, what's the likelihood that the negotiations would be completed within this year on those?

**MS. LONGO:**

That they'll will be completed within this year? If they're accepted soon --

**CHAIRWOMAN VILORIA-FISHER:**

Good, okay.

**MS. LONGO:**

-- they will be completed this year.

**CHAIRWOMAN VILORIA-FISHER:**

So then how do we fund them?

**MS. LONGO:**

It's first come, first serve, so whoever's -- whoever gets in contract and we get through the title issues, and we get through whatever survey issue, you know, nothing goes smooth, so whichever ones come to the top first and are ready to close first, those are the ones that we will close first.

**COMMISSIONER GALLAGHER:**

This year.

**MS. LONGO:**

This year, and then --

**CHAIRWOMAN VILORIA-FISHER:**

Now, is any of that offset by partnerships in those two lines?

**MS. LONGO:**

Oh, many of them, sure.

**CHAIRWOMAN VILORIA-FISHER:**

Oh, so, I mean, if we're seeing 761,000, if we can enter into 50-50 partnerships with some of those --

**MS. LONGO:**

Oh, that reflects it.

**CHAIRWOMAN VILORIA-FISHER:**

-- then it becomes -- is this just our half of it?

**MS. LONGO:**

Yes.

**COMMISSIONER GALLAGHER:**

Yeah, so that's already been take into consideration --

**CHAIRWOMAN VILORIA-FISHER:**

It has, okay.

**COMMISSIONER GALLAGHER:**

-- when it's put on the spread sheet.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Anyone have any questions for the Commissioner? Okay.

**LEG. KENNEDY:**

Go ahead, Lou, you go first.

**LEG. D'AMARO:**

I just had a quick question.

**LEG. KENNEDY:**

Yeah, sure, go ahead.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Good afternoon.

**COMMISSIONER GALLAGHER:**

Good afternoon.

**LEG. D'AMARO:**

Just a clarification. All of these different accounts that we maintain with the different balances, do any of them, just a snapshot just for 2007, do any of them get replenished in '08?

**COMMISSIONER GALLAGHER:**

Yes.

**LEG. D'AMARO:**

Which?

**COMMISSIONER GALLAGHER:**

Several get replenished in '08. Quarter Percent gets replenished for as long as that fund exists. The Multifaceted gets replenished, and Legacy Fund will be replenished in 2008 and 2009, but only -- it's 15 million dollars in 2008 and 2009.

**LEG. D'AMARO:**

So, in 2008, those three or four accounts that you just named will be replenished, and if we oversubscribe in '07, we can carry into '08?

**COMMISSIONER GALLAGHER:**

Yes, but we -- what I have been asking staff to do is to be very careful. You know, I mean, they are always very careful, but really be careful, since we don't know what may happen with the Quarter Percent right now. And so we have not been making as many offers as we might normally after projects go through Environmental Trust Review Board.

**LEG. D'AMARO:**

What do you mean we don't know what will happen?

**CHAIRWOMAN VILORIA-FISHER:**

The Assembly issue.

**LEG. D'AMARO:**

Oh, that issue, okay.

**COMMISSIONER GALLAGHER:**

No. I just --

**CHAIRWOMAN VILORIA-FISHER:**

The Assembly issue you're talking about?

**COMMISSIONER GALLAGHER:**

No, until we know that the Quarter Percent reconfiguration extension will be approved here. We will only have -- we only have 50 million dollars right now in '08 that we can count on between those four programs.

**LEG. D'AMARO:**

How much is it?

**COMMISSIONER GALLAGHER:**

Fifty million.

**LEG. D'AMARO:**

Fifty million. Okay, thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

My questions go similar to I guess what we were just talking about, as far as looking at commitment into '08 and looking at the funding that would start. I'm looking at Legacy. I'm trying to understand

with Legacy. Is see that we have a 5 million dollar deficit as of where we sit right now, yet we have 20 million slotted? I don't understand the dynamics with those numbers.

**MS. LONGO:**

That's -- we're already negotiating some of the '08 Legacy money. We know we're going to get that 15 million, and Legacy's requirement is that it has to be at a minimum 50-50 partnership with the Town. So we're anticipating the other 15 million for next year. Some of these we're already expecting are going to -- they were negotiated that it would be in an '08 deal, not in '07.

**COMMISSIONER GALLAGHER:**

Because we know that sometimes these deals take a long time from planning steps to closing, a year, a year-and-a-half, sometimes longer if there are complications. It's better to have it in negotiation now, so you know that by 2009, when the fund ends, we will have used all of that money. It's one of the problems that we have with some of the -- when there is this time limitation put on the fund, such as with SOS, we're going -- we're most likely going to lose several hundred thousand dollars, maybe a million or more in SOS Hamlet Greens, because it's very restrictive what those funds can be used for. It expires at the end of this year and it's almost August. So, in order to get them in, get them closed, etcetera, by the end of this year, it will be very tight, just because there aren't as many projects that qualify in that particular category.

**LEG. KENNEDY:**

You need to close them with SOS Hamlet Green. In other words, we actually have to have -- we need an executed contract to encumber the funds beyond 12/31, or we need to actually sit and close them?

**COMMISSIONER GALLAGHER:**

We need to encumber the funds.

**MS. LONGO:**

Encumber the funds.

**LEG. KENNEDY:**

Okay. All right. I'll yield. Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Carrie, you've said that next year, coming into all of these funds that you said that were recurring funds, including Legacy, the Quarter Percent monies and Multifaceted, the total of those four would be 50 million?

**COMMISSIONER GALLAGHER:**

Approximately 50 million dollars.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. And we're looking at starting out with a -- now, I'm looking at a total here.

**COMMISSIONER GALLAGHER:**

And what's also a little -- yeah. What's also a little misleading is when you total them across like this, is, for example, some of the categories such as South Setauket Woods --

**CHAIRWOMAN VILORIA-FISHER:**

Yes.

**COMMISSIONER GALLAGHER:**

That can't be transferred anywhere else, that's very specific. It was by referendum. We've basically canvassed and re-canvassed that list many times. There are no willing sellers on that list. We can't do anything with the money, so it's misleading. We really should be more like 2. -- you know, so, if

you add that, you're more like 2.7, 2.8 million dollars. And some relate, some of the other -- you know, some of the other programs. That's the one that has the biggest amount of money. But SOS, Hamlet Greens, you can't use that for anything but what is very specific into that program. Miscellaneous acquisitions, that's for Lake Ronkonkoma projects.

**MS. LONGO:**

Trailer park, specifically.

**COMMISSIONER GALLAGHER:**

Trailer park, specifically. So --

**CHAIRWOMAN VILORIA-FISHER:**

And, Carrie, I'm looking at the bottom line under Legacy Fund, showing a negative of 5 million, but that's not added into the total of the negatives, that is one million.

**COMMISSIONER GALLAGHER:**

Oh, it is. It is added into the total, but that's why I'm saying it's a little misleading when you look at --

**CHAIRWOMAN VILORIA-FISHER:**

Oh, because you have all the of the other ones that showing a positive. Okay.

**COMMISSIONER GALLAGHER:**

-- South Setauket Woods, and whatnot, that offset it then.

**CHAIRWOMAN VILORIA-FISHER:**

I see. Okay. So I'm going to go to Gail on this. Gail, we're looking at 50 million coming in next year. And in your report, you had stated that with the fund balances that we're going to have -- not fund balances, but with the resources available to the various towns, that we should be able to move forward with what we have now, using partnerships to the greatest extent, or towns doing the sole acquisitions in their towns? Am I paraphrasing it correctly? I'm trying to get some of the ideas in a nutshell.

**MS. VIZZINI:**

Well, in terms of Carrie's presentation here and the 50 million, what we're talking about the combination of what we have in the Capital Program for Multifaceted and Legacy and the projections for the Drinking Water Protection Program as they currently exist through 2013. So, in terms of the 50 million, we're pretty much in agreement on that.

The memo that we did projects out the revenue that the Community Preservation Fund Programs are likely to generate from 2008 to 2030, which is a fairly vibrant, robust source of revenue, since their programs go out to 2030. So I don't know which number or figure you're referring to.

**CHAIRWOMAN VILORIA-FISHER:**

Well, the Commissioner just said -- well, I think all of the above, because the Commissioner has just said we're going to be getting 50 million, and the 50 million wouldn't be enough to continue the program as robustly as we would want.

**COMMISSIONER GALLAGHER:**

Right, especially if you take an average in the west end towns of upwards of, you know, 500 to \$800,000 an acre, because you're buying building lots in west end towns. And Riverhead and Brookhaven, you have -- you see the lowest numbers.

**CHAIRWOMAN VILORIA-FISHER:**

The larger.

**COMMISSIONER GALLAGHER:**

But then you get back into the east end, Southampton, Easthampton, and again, your -- even farmland development rights can be as high as \$300,000 an acre there, because it's -- I mean, that's just the price of land there.

**CHAIRWOMAN VILORIA-FISHER:**

Right. So what I'm saying, Gail, is then I'm just trying to dove-tail what you're both saying here, so that we're clear. What you said in your report was that although we need more than 50 million, that it would be supplemented by the CPF's in the different towns in order to maintain the same kind of robust land acquisition program that we've had?

**MS. VIZZINI:**

I'm going to ask Robert to talk to the projections. This goes to two thousand and --

**COMMISSIONER GALLAGHER:**

Well, this is just the current year.

**MS. VIZZINI:**

This is 2007.

**COMMISSIONER GALLAGHER:**

Right. This is --

**MS. VIZZINI:**

Right.

**COMMISSIONER GALLAGHER:**

What we do is, every month, we've been giving an update, yeah. So this is as of, basically, you know, early last week.

**MS. VIZZINI:**

Because the Quarter Cent Program, the way it's currently configured, you have a revenue stream of close to thirteen-plus million going to the combination of open space and farmland each year through 2013. So, as Legislator D'Amato indicated, what we don't -- we are unable to close on or move along, and as Commissioner Gallagher indicated, these do take sometime, they would still be on the pending, waiting to close for the 2008, 2009, 2010, 2013 revenue streams, if need be.

**CHAIRWOMAN VILORIA-FISHER:**

Janet, did you want to say something? I thought you had your hand raised.

**MS. LONGO:**

No, I was just -- you know, the 13 million dollars in Farmland would buy two farms, you know, if you equate it.

**COMMISSIONER GALLAGHER:**

Right, because farms tend to be high acreage, since we're purchasing development rights. We did have -- you know, there was a little -- right. There was a little bit of -- there was about a 100 million dollar difference that we saw between what BRO estimated -- projected out to 2013 and what we felt we'd actually have available, meaning that we thought we had about 100 million dollars less, because you're accounting for, you know, what's in contract and accepted offers differently, and we had slightly different estimates. Multifaceted, a certain amount always going for affordable housing each year. It changes year to year, but that is a portion of Multifaceted. It reduces the amount then for open space and farmland acquisition. And so there were some slight differences there in our -- well, not slight. A hundred million dollars is -- you know, we can buy a lot with that, but --

**CHAIRWOMAN VILORIA-FISHER:**

It's not just chump change.

**COMMISSIONER GALLAGHER:**

Yeah.

**CHAIRWOMAN VILORIA-FISHER:**

Robert.

**MR. LIPP:**

Yeah, we could address that difference. We don't have any problem with the presentation provided by the Department. The difference that we're -- it's like sort of an apples and oranges comparison. This document is fact. The comparison is what question were we asking and trying to answer. What we did is we were looking at what was available from 2007 on, that is we were trying to compare what is being requested. Basically, I guess the focal point was the Long Island Pine Barrens site. I used a report that they did at the beginning of 2007 to say, "Here's how much land we're trying to buy in terms of open space and farmland." So, when we were looking at the County portion, which is consistent with Footnote 4 from our most recent memo, what we did is we looked, okay, what do we have available at the beginning of 2007. So when we're talking here for this particular document of what's in contract or accepted offers or in negotiation, those aren't parcels that have already been purchased, but, rather, it's stuff that one expects to be purchased during this year, no argument. I mean, as the Department accurately said, the properties in negotiation, you know, are iffy, it remains to be seen, you know. But even if they were, the point here is at the beginning of '07, that's money that would go towards the purchase of property, that would go towards purchasing the 33,000 acres that are being requested on that report. So I don't think there's a difference in their numbers, we just -- we have a different starting point to try to compare to that 33,000 acres.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**COMMISSIONER GALLAGHER:**

And I think one of -- you know, one of the big differences, too, is just in terms of, if you -- on, you know, pay-as-you-go versus trying to get the reconfiguration now and being able to borrow up front is if you believe that the land is going to be available, and that's the concern is that once it's developed, it's lost.

**CHAIRWOMAN VILORIA-FISHER:**

It's gone.

**COMMISSIONER GALLAGHER:**

Yeah, once it's developed, it's lost. And so our concern is that, in order to preserve as much as possible now, we need to borrow the money up front, because it won't be spitting around for 20 years as we, you know, get the money here and there.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. We've gotten a lot of material as far as the background for the Quarter Cent extension, and I appreciate Budget Review's perspective, as do I, I guess what I would say is coming from the Administration. Do you think that there is going to be any impact or effect on the price of property if we go forward with this Quarter Cent adoption? Is it pure speculation, or, from an appraisal perspective, would you see a real impact associated with price per acre going forward?

**COMMISSIONER GALLAGHER:**

No. I think that this is such a small percentage of the overall transactions that take place, and because vacant land is going to continue to diminish anyway -- the price of vacant land is going to

continue to rise no matter what, because it's going to continue to diminish whether we buy it or it gets purchased for development purposes. I think that the amount, and I know it's the overall real estate market that we had calculated, as opposed to just vacant land, but it amounted to something like 1%. The transactions that Suffolk County enters into is about 1% of like the total -- what's happening in the total real estate market in Suffolk County, so -- meaning Suffolk County government, the amount of money that we spend would be equivalent of like one percent of all the transactions. That does include developed land, though. Obviously, we couldn't break that out, so --

**LEG. KENNEDY:**

But, Commissioner, I mean, maybe I'm misunderstanding this or maybe I don't pose question properly. I think the universe that we've been told is that we're looking at 75 to 80,000 acres --

**COMMISSIONER GALLAGHER:**

Right.

**LEG. KENNEDY:**

-- uncommitted acres.

**COMMISSIONER GALLAGHER:**

Right.

**LEG. KENNEDY:**

Okay. The quarter cent acceleration would address approximately 33,000, 34,000?

**COMMISSIONER GALLAGHER:**

Well, in combination with all the other funding sources, the Town CPF's, money from the State and the other programs that we have. That's our goal. But you're looking at a funding gap of about 3.5 billion dollars. Yes, if all of a sudden we had 3.5 billion dollars tomorrow to spend from all those sources, it would probably impact the market, but we're not going to have 3.5 billion dollars all at once to spend tomorrow.

**LEG. KENNEDY:**

This is a question you and I should have, because I guess I -- or a discussion you and I should have. I should --

**COMMISSIONER GALLAGHER:**

I'm not understanding or I'm not answering.

**LEG. KENNEDY:**

No, no, no, no, it's --

**CHAIRWOMAN VILORIA-FISHER:**

And there is a public hearing on the extension of the Quarter Percent, too. We'll have a good time to have an in-depth discussion on this, but --

**LEG. KENNEDY:**

I'll leave this and I'll just basically thank you for these projection of these numbers, because as we continue to go through the year, I think it's pointing out to us the reality of what we can and can't do and, you know, where time's going, even as we attempt to introduce additional planning steps resos.

**COMMISSIONER GALLAGHER:**

Yes. Thank you.

**LEG. KENNEDY:**

I'll leave it at that. Thank you.

**CHAIRWOMAN VILORIA-FISHER:**  
Legislator D'Amaro.

**LEG. D'AMARO:**

Very quickly, the -- assuming in 2008 the quarter point is not extended or borrowed against, just assuming that for a moment, you've stated in these three or four programs the 50 million that comes back on line, which in your opinion is not sufficient to purchase at the pace we would like to purchase with all the variables going into that equation, the availability price, that kind of thing, what's the total available in '08, 50 million from the County and the total from all other sources?

**COMMISSIONER GALLAGHER:**

From all other sources, it could be roughly, let's see, another possibly 80 million from the CPF's, so you'd have maybe 130 million dollars total.

**LEG. D'AMARO:**

And --

**COMMISSIONER GALLAGHER:**

Oh, however -- however -- I'm sorry. That's not -- that's not accurate, because that's not the amount that would be available for acquisition. I haven't had a chance yet. I just got some figures, estimates from the towns on their CPF's, but they are obligated to the tune of -- like Southampton's got 23% of their money obligated to debt, Easthampton, about 28%. Riverhead's 80% of their money is obligated to debt service, because they've all borrowed so much in -- and Southold, 50% is obligated to debt. Shelter Island -- okay. And Chris is telling me that the towns are projecting that after 2010, they won't have anymore money to spend, because it's all going to be going to debt service essentially. So, I'm sorry, I would have to recalculate that. I just got this information right before coming here, but -- so it might only be about half that figure then.

**LEG. D'AMARO:**

Just excuse me one moment.

**COMMISSIONER GALLAGHER:**

Yeah.

**LEG. D'AMARO:**

The Community Preservation Fund programs, the various programs in the town, those are finite, they come to an end?

**MR. KENT:**

Yeah, 2030.

**COMMISSIONER GALLAGHER:**

Well, they end in 2030, but what -- I guess what they're projecting, and Director Kent might have more up-to-date information as that, they'll only have enough, because they're borrowing again.

**LEG. D'AMARO:**

I got it, right. They borrowed against the revenue stream and now they're getting into debt service at this point.

**COMMISSIONER GALLAGHER:**

Right, that they're going to have very little money, if any, available after 2010 for actual acquisitions. So much of it will be going to not only debt service, but they also allow land

stewardship, administration, all those types of costs to come out of there.

**LEG. D'AMARO:**

All right. But, of course, they would have the option to extend those programs as well.

**COMMISSIONER GALLAGHER:**

Yes, yes, and they may very well do that.

**LEG. D'AMARO:**

Or, should we extend and borrow, then the burden will shift more to the County and away from the towns as they go down the road of debt service, and we're not quite there yet. We'll be borrowing or spending in the next four years up front.

**COMMISSIONER GALLAGHER:**

Right, and that's part of the -- yeah.

**LEG. D'AMARO:**

Okay. What's the -- so 50 million from the County in '08, something less than that from the towns, and that's due to expire without extension in 2010. Given the pace that you would like to acquire the open space --

**COMMISSIONER GALLAGHER:**

Ours expires in 2013.

**LEG. D'AMARO:**

Right, okay.

**MR. KENT:**

The towns' expires in 2030.

**LEG. D'AMARO:**

Right.

**MR. KENT:**

What the towns are projecting is to borrow using 20 years --

**LEG. D'AMARO:**

Funds available, though, well end in 2010 --

**COMMISSIONER GALLAGHER:**

Right.

**MR. KENT:**

Twenty year --

**LEG. D'AMARO:**

-- because we're going to debt service.

**MR. KENT:**

Right.

**COMMISSIONER GALLAGHER:**

Right.

**LEG. D'AMARO:**

Okay.

**COMMISSIONER GALLAGHER:**

And other costs.

**LEG. D'AMARO:**

So, in 2008, you must have a certain sense now of how quickly you'd like to acquire the environmental lands that are available. How much do you need?

**COMMISSIONER GALLAGHER:**

If we'd like to -- if we'd like to continue --

**LEG. D'AMARO:**

Yeah, best -- in your best case.

**COMMISSIONER GALLAGHER:**

Yeah. Twelve -- say twelve hundred acres a year, you're looking at a minimum of one -- you know, 120 million dollars. And that's going with, again, this very rough estimate. If you look across all the purchases we make with farmland development rights up to the building lots on the west end, rough estimate of \$100,000 an acre, and that's sheerly just dividing total amount we've purchased by total dollar amount spent.

**LEG. D'AMARO:**

So, short of anything changing and not being able to borrow against a projected stream, after -- if the referendum should pass, you're going to fall short of the 120, clearly.

**COMMISSIONER GALLAGHER:**

Yes.

**LEG. D'AMARO:**

Okay. So, then, I'd just like to ask BRO if they agree with that.

**MR. LIPP:**

We've been trying to collect data and we -- to this day, we still have trouble getting the information. Among other things, you know, for factual information, last year, 2006, the Community Preservation Funds for the five east end towns collected 83.2 million dollars, not less than 50. Will it be less or more this year? Who knows, it's a projection.

**COMMISSIONER GALLAGHER:**

That's what they collected, that's not how much they're able to spend on acquisition, though. That's a big difference, because if 50% of that, if you averaged out, say 50% is going to debt service, administration and other things, then it's really 40 million that we have.

**MR. LIPP:**

Okay. Let's talk about the debt service then. The towns are saying that they're tapped out. The only data we were able to get from the towns -- understand, what we're trying to do is provide for the Legislature what the financial impact is. It would not be -- we would not be doing our job if we just based it upon second-hand information; okay? So what we observed from the programs is how much revenue is coming in, and from other documents we've been able to cobble together information on what expenditures have been made for purchasing land. When we add to that what the towns are borrowing, we see surpluses in some of the towns. Is it true that there are surpluses? I don't know, because we're not getting specific data from the towns. But we do see, based upon the limited information we were able to get, that there are some surpluses.

So what we did is we went forward and we shrugged our shoulders and we said, "Okay, we don't know specifically what the towns are getting, we would like to get that information, so we'll put all

our assumptions out there and we'd be more than willing to update that when the information comes in." And we're still -- that offer still stands, but to try to be a little bit conservative, what we decided to do as an adjustment is to not include any of the Community Preservation Fund dollars for 2007, which would go towards the purchases for land -- for land moving forward. So we did hold back some. Are our estimates too high, too low? Not sure, because we're not getting this information, so it's based upon the specific assumptions. We're trying to get this information together.

We feel that the Legislature should make this very important decision, and we're not trying to tell anybody what to do, based upon what the actual finances are. The data is not out there. It's very interesting how the information is coming out in dribs and drabs, but nobody's brought it to the table to us, period.

**LEG. D'AMARO:**

Yeah. And, Rob, there's going to be a lot of policy considerations that go beyond the numbers when we get to that, and there's a lot of variables built in there. But I think what you're saying, or what I'm hearing, is it's difficult to project where we'll stand in the next two to three years, because you just can't get that information to make a projection, let's say, that you're very comfortable with.

**MR. LIPP:**

We're not even sure what the current data is. We're not able to get that --

**LEG. D'AMARO:**

Right, okay.

**MR. LIPP:**

-- based upon what you just said.

**CHAIRWOMAN VILORIA-FISHER:**

Just to Budget Review, we certainly appreciate the work that you do. It's critical for us to have the numbers. And we're -- you're both going to be there Tuesday at the public hearing. I hope that all of the Legislators will have this, Carrie, so that they can get it. That's the snapshot of where we're at right now, just to give that clear picture. And, as Legislator D'Amaro said, we're looking at the numbers. You can't work with numbers that aren't being given to you, and so we feel that you're working in good faith giving us the numbers. And it's critical that we work with the numbers, with the projections, with the data that we have, that we have two different points of view, so that we can somehow reconcile or maybe just ask the right questions going forward, which is our responsibility as policy-makers. And maybe we could cut some of the rhetoric out of it and just look at the numbers, and I think that's what we're trying to do here, which is look at the numbers. John?

**LEG. KENNEDY:**

Thank you, Madam Chair. This is over to BRO, and I would offer this to you, Commissioner, as well. I'm a little mystified by the difficulty in quantifying specifically CPF funds collected in the first instance, because at the counter at the County Clerk's Office, no deed goes of record, as you know, without CPF being tendered. That's captured actually by district for the five towns as it is for the village. That's captured in the first instance and it's very specific. And, as a matter of fact, we had an awful lot of back and forth between our accounting unit and the various entities charged in the five east end towns as far as collection and reconciling in the first instance. So capture should be there, an amount brought in, even as to where we're at right now.

Also for the purposes of trending, there should be at least some projection that you can -- that you can get a hold of by contact with the Clerk's Office. The rate of transfer is down, but the magnitude of sale continues to escalate. So those two South Fork towns continue to throw huge amounts of CPF, even if the volume of transactions is dropping.

On the other end of the equation, trying to find out and see, A, what piece of the fund was attributed to administrative, and the enabling pieces of legislation limit that very specifically, I think it's only a

point that can be had on the administrative side, was a little bit more difficult to get at. And specifically trying to make the determination as to what was paid out, what was held for the towns to go ahead and aggregate the vig on, as far as the interest while they held it, was a different type of a delta. But to get at specifics, I would encourage both sides, please, contact the Clerk's Office in the Accounting Unit.

**CHAIRWOMAN VILORIA-FISHER:**

John, I have a question for you.

**LEG. KENNEDY:**

Yeah.

**D.P.O. VILORIA-FISHER:**

Would they be able to also get the debt service dollars?

**COMMISSIONER GALLAGHER:**

No.

**LEG. KENNEDY:**

No, because there was --

**D.P.O. VILORIA-FISHER:**

Because it's critical they're populated, otherwise we don't have to borrow the money.

**LEG. KENNEDY:**

Well, but see, again, the Clerk's Office was initial point of contact as far as collection, as, you know, Lou or anybody knows who was doing east end work.

**CHAIRWOMAN VILORIA-FISHER:**

But I think, Robert, you have that, though. They have that information, but what they're lacking is the second piece, which is the subtractions, which is how much is going out of debt service administrative stewardship.

**MS. VIZZINI:**

Exactly, how much did they borrow, for how long, what have they been paying it back. Yes, that's the piece that's missing.

**CHAIRWOMAN VILORIA-FISHER:**

And do you have that piece, Carrie?

**COMMISSIONER GALLAGHER:**

Not completely. What I -- what I have is --

**CHAIRWOMAN VILORIA-FISHER:**

I'm sorry to interrupt you.

**LEG. KENNEDY:**

No, that's okay, because none of this should be a mystery, though.

**COMMISSIONER GALLAGHER:**

That so far to date, the five east end towns estimate they have spent 252 million dollars in debt service. Now I'd have to get what the total was, you know, over how many years.

**LEG. KENNEDY:**

Wouldn't the Comptroller's Office have that? State Comptroller's Office has to have it. All those

debts were --

**CHAIRWOMAN VILORIA-FISHER:**

I'm not certain we have that, and Counsel's not here, but we'll -- do you know who would have the debt service numbers?

**MS. VIZZINI:**

Well, we continue to -- you know, we continue to reach out to the towns on an individual basis. After the memo, they've been a little bit more responsive, but not necessarily directly to us, to other parties.

**CHAIRWOMAN VILORIA-FISHER:**

When it hits the fan.

**MS. VIZZINI:**

You know, again, to echo it, this is a piece that we should know to what extent are they committed, because there is a formidable revenue stream in, you know, the successes of the environmental activists and the vision of the five east end towns, coupled with Brookhaven's initiative, that they have developed these formidable revenue streams. This is an area where your policy decision, whether we marry our funds with the existing funds that are out there, but, you know, how much is available out there, and for how long, and whether you alter the balance, the current balance, if you, you know, take 10% away from sewer rates stabilization and move it to promote the land acquisition, committing us out to 2030. These are the things that I know you're looking at.

**CHAIRWOMAN VILORIA-FISHER:**

George, we were just asking the question while you were out of the room regarding the information about debt service that each town has encumbered against their CPF. How could we gather that information? Who would -- where would that be housed? Would anyone -- would any office in the County have that information?

**MR. NOLAN:**

I doubt it. I think when you get it, we're going to have to get it from the towns.

**LEG. KENNEDY:**

Comptroller's Office, State Comptroller's.

**MR. NOLAN:**

What was that?

**LEG. KENNEDY:**

They've got to authorize or track.

**MR. NOLAN:**

But probably the towns would be a lot faster than the State Comptroller, if the towns would cooperate.

**MS. VIZZINI:**

They might be more cooperative with the Commissioner of Environment and Energy than they have been with Budget Review Office.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Since this is going to be before the full Legislature during the public hearing next Tuesday, I would like to ask all parties involved that we try to get as much information as we can regarding the debt service so we have a more complete picture of what -- how much we can depend on the CPF monies, what kind of other expenditures are associated with those CPF monies. You're talking about

the stewardship and administration, etcetera, so that we get to a bottom line, so that we have that real picture of how much we need in order to maintain the energy and that we've -- and the momentum that we've developed in our Land Acquisition Program. So I hope that on Tuesday we can focus on -- we're going to hear a lot of rhetoric, but I think that we serve ourselves best when we are looking at the numbers and work with the numbers.

We all want to preserve the land that we've earmarked as land that we think is important for us to preserve, it's just how we're going to get there. And, you know, when we put SOS together, and I was dealing -- Carrie, you weren't here yet, but we put in the monies for the hamlets, because we wanted to see that those five western towns, which had the smaller pieces, many of them that were in downtowns, we were trying to find a way to capture those western towns, and it's been just difficult to find appropriate places to spend that, but that was the intent at that time.

**COMMISSIONER GALLAGHER:**

Right. And we continue that forward in the new Quarter Percent, the proposal.

**CHAIRWOMAN VILORIA-FISHER:**

I hate to leave money on the table, though.

**COMMISSIONER GALLAGHER:**

I know, I know, but it happened with Greenways as well in that same category, because it's just a difficult category as it turns out. And that's why we would -- we like the idea of having one kind of big pot, so whatever is available and comes forward, you can use the money for that, as opposed to leaving money sitting on the table because something in that category just wasn't available by the time the deadline hit.

**CHAIRWOMAN VILORIA-FISHER:**

And the Multifaceted would be able to capture that while we have those big parcels that can be covered under the quarter percent that's coming in with the tax.

**COMMISSIONER GALLAGHER:**

Exactly.

**CHAIRWOMAN VILORIA-FISHER:**

John, any more questions?

**LEG. KENNEDY:**

No.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Thank you very much.

**COMMISSIONER GALLAGHER:**

You're welcome.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you. To the agenda.

**TABLED RESOLUTIONS**

**CHAIRWOMAN VILORIA-FISHER:**

Tabled Resolutions. ***I.R. 1020 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Lenzer property - Town of East Hampton) (Schneiderman).*** Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? Motion tabled -- I mean, I.R. tabled.

**(Vote: Tabled 3-0-0-2 Not Present:  
Legs. Losquadro and Horsley)**

***I.R. 1050 - Amending the 2007 Operating Budget to transfer funds from Water Quality Protection, Fund 477, and amending the 2007 Capital Budget and Program and appropriating funds in connection with a watershed study of Lake Panamoka (CP 7152) (Romaine).*** That went before the Water Quality Review Committee.

**COMMISSIONER GALLAGHER:**

Yeah. I did want to comment on that, because we have not had another meeting of the Water Quality Review Committee yet.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**COMMISSIONER GALLAGHER:**

I will be scheduling one for September.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**COMMISSIONER GALLAGHER:**

And I did have several conversations with the sponsor this morning right before coming here, that's why I was a little late. And I couldn't get you ahead of time, but, you know, he would request that -- and I would, you know, be okay with it, moving forward with just discharging it to the floor so it doesn't expire, with the understanding it would be tabled on the floor until it could go before the committee. I have asked also for --

**CHAIRWOMAN VILORIA-FISHER:**

You know, he can always resubmit it. I don't feel comfortable discharging it without having it go before the committee first.

**COMMISSIONER GALLAGHER:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

I'm reluctant to do that. So I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R.1050 stands tabled. **(Tabled: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1241 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Boatyard Vistas, Inc., Town of Brookhaven (Schneiderman).*** Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1241 is tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1247 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Yaphank property - Town of Brookhaven (Browning).*** Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1247 is tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1261 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Program, Reiter Property, Town of Southold (Romaine).*** Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1261 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1357 - Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Toppings Farm property, Town of Brookhaven (Romaine).*** Motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1357 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1484 - Amending the adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for County Road 36, South Country Road (CP 8240.319) (County Executive).*** Has this gone before CEQ?

**COMMISSIONER GALLAGHER:**

Neither of the -- sorry. Am I still on? Yeah. Neither of the storm water remediation projects have gone before CEQ yet.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So we need to table this so that it can go before CEQ. I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1484 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***1485 - Amending the adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements at County Road 65, Middle Road (CP 8240.320) County Executive).*** Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? 1485 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1488 - Amending the adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with fertilizer nitrogen reduction - residential and golf course (CP 8710.117) (County Executive).*** And again, I'm going to make a motion to table until the work of the Homestead A-SYST Task Force has been completed. So I'll make that motion, seconded by --

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator D'Amaro. All in favor? Opposed? I.R. 1488 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1489 - Amending the adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with Suffolk County Eelgrass Restoration Initiative (CP 8710.118) (County Executive).*** That was passed in CEQ. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

You're okay with moving ahead on that?

**COMMISSIONER GALLAGHER:**

Yes, we're happy to.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1489 is approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1511 - Adopting Local Law, Charter Law extending and accelerating (the Suffolk County 1/4% Drinking Water Protection Program for environmental protection).*** This needs to be tabled for public hearing. I'll make the motion.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Second by Legislator D'Amaro. All in favor? Opposed? I.R. 1511 is tabled. **(Vote: Tabled for Public Hearing 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1513 - Reappointing a member to the Suffolk County Water Authority (George Proios) (Caracappa).*** There is no open position at this point. I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1513 is tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1554 - A Charter Law to strengthen the Water Quality Protection and Restoration Program (Schneiderman).*** I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1554 is tabled. ***(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley).***

***I.R. 1604 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Lawnsdale LLC property - Fresh Pond/Dickerson Creek, Town of Shelter Island (County Executive).*** This is the 1.2 for 1.2. Okay. Motion to table. Did you want to say something?

**MR. ISLES:**

Well, we do have additional information, if you want to table. There is new information that Real Estate has about partnership with the Town of Shelter Island. I'm not sure if that's reached a resolution yet, but both that issue as well as additional environmental issue has been prepared by the Department of Planning for you as well.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Has there been a resolution passed by the Town?

**COMMISSIONER GALLAGHER:**

No, it hasn't been --

**MR. KENT:**

Not yet, no.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So we can table it for two weeks. Okay?

**MR. KENT:**

But they are -- the question for the committee is if the Town is -- the Town is considering adopting a resolution at this point.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**MR. KENT:**

But they would only do that, they would only go forward if the Committee would be inclined to go forward with the County's partnership with them, if they partnered with the County. Right now, it's under -- it would be 100% acquisition by the County.

**CHAIRWOMAN VILORIA-FISHER:**

Well, it's on our agenda.

**MR. KENT:**

So it would require --

**CHAIRWOMAN VILORIA-FISHER:**

It's on our agenda, and so as soon as they pass it, we'll be happy to get it out of committee.

**MR. KENT:**

Well, it would require an amended resolution, because right now the resolution is a hundred percent.

**CHAIRWOMAN VILORIA-FISHER:**

So we need to table it.

**MR. KENT:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Okay? So we'll table it anticipating an amended resolution and we'll consider that in two weeks. Thank you very much, Mr. Kent. Okay. So I'll make a motion to table I.R. 1604, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1604 stands tabled. **(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1634 - Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund - Hamlet Parks component - for the Lewis Oliver Property, Town of Huntington.*** Okay. That did pass CEQ this time. And has it gone before the Parks Trustees?

**MR. ISLES:**

Yes, and they did recommend it.

**CHAIRWOMAN VILORIA-FISHER:**

And it was approved there as well? Okay. So I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro.

**MR. ISLES:**

I just want to -- Madam Chair.

**CHAIRWOMAN VILORIA-FISHER:**

Is there -- yes?

**MR. ISLES:**

I'm sorry. Just one issue we'd like to bring to your attention.

**CHAIRWOMAN VILORIA-FISHER:**

Yes.

**COMMISSIONER GALLAGHER:**

Yes, there has actually been -- the Division of Real Estate received a letter from the sellers that they wish to back out of the deal at this point.

**CHAIRWOMAN VILORIA-FISHER:**

Oh.

**COMMISSIONER GALLAGHER:**

The Town of Huntington -- I don't know -- Margo Miles is here from the Town of Huntington. I don't know if you have any additional information at this point, Margo, but we did just want to bring it to the Committee's attention.

**MS. MILES:**

Can I speak from here?

**MR. ISLES:**

No.

**COMMISSIONER GALLAGHER:**

No, come up and --

**CHAIRWOMAN VILORIA-FISHER:**

No, you have to come to a mike, Margo.

**MS. MILES:**

Hi. Margo Miles, Town of Huntington Department of Planning and Environment. I spoke with our Open Space Council just before coming here. He has had verbal agreement from the owner's attorney that they are more than willing to consider -- not to consider, to continue the transaction at this point. There was some question based on where the survey came in, which meant that the number had to drop, but they understand the situation. They are willing to move forward.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Hot off the presses, huh?

**COMMISSIONER GALLAGHER:**

I think there were -- yeah, there were also some boundary issues in addition to what came back with the survey, so I wanted to bring that -- yeah.

**CHAIRWOMAN VILORIA-FISHER:**

So, Commissioner, is it okay to move this forward, or do we need to wait? We're okay?

**COMMISSIONER GALLAGHER:**

Yeah, it's okay to move it forward at this point then.

**CHAIRWOMAN VILORIA-FISHER:**

All right. Because I know it was delayed in CEQ --

**COMMISSIONER GALLAGHER:**

And Parks Trustees.

**CHAIRWOMAN VILORIA-FISHER:**

-- but Huntington Town did meet the requirements of CEQ. Legislator D'Amaro, did you have --

**LEG. D'AMARO:**

Just my question, if there are other issues or boundary issues, anything that would affect the price that we're going to pay?

**COMMISSIONER GALLAGHER:**

The survey did affect the price. The survey came back and it was less acreage than originally accounted for.

**LEG. D'AMARO:**

Oh, I see.

**COMMISSIONER GALLAGHER:**

And, therefore, the offer has to be reduced. Chris, do you want to provide some more information?

**MR. KENT:**

Yes. The original deal was for 1.96 acres. Upon completion of the survey, it came back at 1.925 acres, so there was a slight reduction. That's all things we can handle within the -- within our division. I think, at this point, it could come out of committee. We'll negotiate the final price, as we do on other deals, when the survey comes back with a slight variation from the approved acreage.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. John, did you have a comment?

**LEG. KENNEDY:**

No, that's --

**CHAIRWOMAN VILORIA-FISHER:**

You okay?

**LEG. KENNEDY:**

Yeah, that's fine.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**LEG. KENNEDY:**

I'm okay with it.

**CHAIRWOMAN VILORIA-FISHER:**

I've made a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1634 is approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**. Hello, Joy. I didn't see you back there earlier. Congratulations.

### **INTRODUCTORY RESOLUTIONS**

We now move to Introductory Resolutions. **I.R. 1665**. And did you -- Laretta, did you want to give out information on this or --

**MR. NOLAN:**

It's an acquisition.

**MR. ISLES:**

This is a farm acquisition.

**CHAIRWOMAN VILORIA-FISHER:**

Oh, it's an acquisition. Thank you. Thank you, George.

**MR. ISLES:**

The purchase of development rights in the Town of Riverhead.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. **(1665) Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program for the Schmitt and Zilnicki property, Town of Riverhead.** I'll make a motion to approve. Do you want to second this, or you have a problem with it?

**LEG. D'AMARO:**

No, I do. I was just thinking.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. On the motion.

**LEG. D'AMARO:**

Yeah. Just I'll offer a motion to second the approval, and just ask, on the chart that you handed out before --

**COMMISSIONER GALLAGHER:**

Yes.

**LEG. D'AMARO:**

-- where would we find this?

**CHAIRWOMAN VILORIA-FISHER:**

This is farmland development.

**COMMISSIONER GALLAGHER:**

Which program is this, New Drinking Water Protection?

**LEG. D'AMARO:**

First column.

**CHAIRWOMAN VILORIA-FISHER:**

This is Farmland Development, so it would be in the second.

**COMMISSIONER GALLAGHER:**

The second blue one, yeah.

**LEG. D'AMARO:**

The second -- the second blue one, quarter point.

**COMMISSIONER GALLAGHER:**

New Quarter Percent DWPP Farmland.

**LEG. D'AMARO:**

And which row is this reflected in?

**COMMISSIONER GALLAGHER:**

This would be in "Accepted Offers".

**MS. LONGO:**

"Accepted Offers", right.

**COMMISSIONER GALLAGHER:**

So it's accounted for in that 15 million dollars in "Accepted Offers".

**LEG. D'AMARO:**

Okay. So "Accepted Offers" means that the seller has signed and now we're authorizing execution to close.

**COMMISSIONER GALLAGHER:**

Exactly. And this is a 70/30 County/Town split.

**LEG. D'AMARO:**

Okay. Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. We have a motion and a second to approve. All in favor? Opposed? I.R. 1665 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1679 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the McLaughlin property - Mastic/Shirley Conservation Area II - Town of Brookhaven.*** And again, this is in that first blue column.

**COMMISSIONER GALLAGHER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

All right. I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1679 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

***I.R. 1680 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Valenta property - Mastic/Shirley Conservation Area II - Town of Brookhaven.*** I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1680 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1681 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Sferrazza property - Mastic/Shirley Conservation Area I - Town of Brookhaven.*** I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro, and he's going to say the name in Italian as well. All in favor? Opposed? 1691 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**MR. NOLAN:**

Is the "S" silent?

**CHAIRWOMAN VILORIA-FISHER:**

Sferrazza.

**MR. NOLAN:**

The "S" is not silent.

**CHAIRWOMAN VILORIA-FISHER:**

No, Sferrazza.

**LEG. D'AMARO:**

Sferrazza.

**LEG. KENNEDY:**

What's that in Gaelic?

**CHAIRWOMAN VILORIA-FISHER:**

***I.R. 1682 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund - Farmland***

*component - for the Thomas Conklin property - Town of Southampton.* And it's good to be spending the money from SOS. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1682 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

*I.R. 1683 - Authorizing acquisition of land under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund - open space component for the Hallock Landing at Shoreham, LLC property - Bluffs at Shoreham - Town of Brookhaven.* And there was concern that this is not a partnership. So it's my understanding that Brookhaven was running short on funds?

**COMMISSIONER GALLAGHER:**

Yes. They spent their hundred million dollars bond money already and they can't move forward essentially at this point on anything until 2008, and they're counting heavily on their CPF passing in order to be able to do that.

**CHAIRWOMAN VILORIA-FISHER:**

Janet, did you want to say something?

**MS. LONGO:**

Yeah. We were originally in contract with them. It was supposed to be a 50-50 split and they did run out of money, so they asked us if we could do this on our own. We try to partner on every acquisition. We can't partner on every acquisition for various reasons. So the agreement was that we would do this 100% on our own, and then the next one that we had intended to split with them they're going to have to do on their own. We try to work it out as equitably as we can.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. And, Janet, when I'm looking at SOS Farmland, now this piece that we're looking at, we're paying for 4.6 million on it.

**MS. LONGO:**

This is Open Space, it's not Farmland.

**CHAIRWOMAN VILORIA-FISHER:**

Oh, it's not.

**COMMISSIONER GALLAGHER:**

It's open space, but it is SOS.

**MS. LONGO:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

It is SOS and it's under Open Space, okay. So besides this, we only have one -- another piece that's one million on that "Accepted Offers"? Because I'm seeing 5.5 million, so we only have another 900 million -- I mean, 900,000?

**MS. LONGO:**

We have a couple of them that add up to whatever the difference is. I don't have my sheet here.

**CHAIRWOMAN VILORIA-FISHER:**

Nine hundred thousand, more or less.

**COMMISSIONER GALLAGHER:**

Right.

**MS. LONGO:**

SOS open space, yeah. We just closed a 2 million dollar one this morning, so it changes minute by minute.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So now that column, then, that says 5.515 --

**MS. LONGO:**

Right, in the "Accepted Offers".

**CHAIRWOMAN VILORIA-FISHER:**

-- now would be a higher number?

**MS. LONGO:**

So now it's whatever's left here, yeah. We have small ones that are left. One, two three, we have four left in SOS that we haven't closed that we have an accepted offer.

**CHAIRWOMAN VILORIA-FISHER:**

Yeah, but what I'm asking is, this is 4.6, and you said you closed on one that was 2 million this morning.

**MS. LONGO:**

I'm sorry, that was in contract.

**COMMISSIONER GALLAGHER:**

That was in contract. In order to close on it, it has to be a fully executed contract.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So that's that 3 million number that's above that, okay.

**MS. LONGO:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, I get it. Thank you. It just wasn't adding in my head. I'm a numbers person. Okay, yeah, we're moving.

**LEG. D'AMARO:**

Well, is it a viable option to wait until the Town is prepared to go forward?

**MS. LONGO:**

No.

**LEG. D'AMARO:**

How come?

**MS. LONGO:**

No. Well, in this case, the seller is adamant about moving it along in closing. He's had other offers. Like I said, we were in contact with the Town, that we had to change, amend the contracts and go back, and we do sometimes have to do that. There were other situations in the Overton Preserve

where we ended up buying one parcel and the Town ended up buying another, because closing, timing issues where time was of the essence for various reasons. So we have a lot of projects out there with the Town of Brookhaven in a lot of different stages.

**LEG. D'AMARO:**

Is this property in contract right now?

**MS. LONGO:**

We're ready to close it. Everything we bring before you for an authorizing resolution --

**LEG. D'AMARO:**

Right. It was a rhetorical question.

**MS. LONGO:**

-- is in contract.

**LEG. D'AMARO:**

I got it. What compels the County to close tomorrow as opposed to January 2nd, in the contract?

**MS. LONGO:**

I don't know that there is anything in the contract that compels us.

**LEG. D'AMARO:**

So could the County wait until January 2nd to close?

**MS. LONGO:**

I suppose we could, if the seller still wants to sell it to us.

**LEG. D'AMARO:**

Well, that's what I'm asking you, would the seller have a right to terminate the contract before the new year?

**MS. LONGO:**

I don't remember the exact details of that. Sometimes there's an out, like we just saw with the Lewis Oliver piece.

**LEG. D'AMARO:**

Well, the reason why I ask is, you know, having some experience with real estate myself, I've never met a seller that wasn't anxious to close.

**MS. LONGO:**

They're all anxious to close.

**LEG. D'AMARO:**

Right. So -- but if we have the contractual right to wait for the Town to replenish its funds, that's something I'd like to make part of my decision.

**MS. LONGO:**

We have a lot of other projects out there with the Town, that the Towns has agreed to do by themselves without our input, and that's why we structured it like this.

**LEG. D'AMARO:**

Well, I don't -- you know, I hear what you're saying. You're working on a daily basis with the folks in the Town and you're --

**MS. LONGO:**

I am, and the sellers --

**LEG. D'AMARO:**

-- informally, I guess, doing this.

**MS. LONGO:**

-- and trying to close things in a timely manner, so that we know what we really truly have available for the next offer that we're going to make.

**COMMISSIONER GALLAGHER:**

The other difference with this is, because it's under SOS/Open Space, which is expiring at the end of the year, it would be a little difficult probably in, say, August to come up with another project for 4.6 million dollars that could actually get fully executed and encumber the funds, just in terms of making a decision about moving forward with this versus trying to squeeze something else in and leave -- you know, get this parcel or end up leaving some money on the table, if we can't move something through.

**LEG. D'AMARO:**

Oh, because it's use it or lose it by the end of the year?

**COMMISSIONER GALLAGHER:**

Right.

**MS. LONGO:**

It is.

**LEG. D'AMARO:**

Well, that would answer my question.

**MS. LONGO:**

It is.

**CHAIRWOMAN VILORIA-FISHER:**

It expires.

**LEG. D'AMARO:**

Okay, that's fine.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? 1683 is approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

***I.R. 1684.*** Is the mike picking me up over there? Thank you. ***Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - open space component for the Pandolfi property - Forge River Watershed addition (Town of Brookhaven).*** We're going to have all of Forge River soon.

**MS. FISCHER:**

Hopefully.

**COMMISSIONER GALLAGHER:**

We're trying.

**CHAIRWOMAN VILORIA-FISHER:**

But these are small pieces. Okay. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1684 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

**1685 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Stiffel property - Mastic/Shirley Conservation Area II - Town of Brookhaven.** And this is .09 acres for \$7,500. And I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1685 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

**I.R. 1688 - Authorizing the acquisition of land under the Suffolk County Land Preservation Partnership Program and the Suffolk County Multifaceted Land Preservation Program - for the Pheasant Meadow Farms, Inc. Property - Town of Brookhaven.** Motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1688 stands approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley)**

**I.R. 1689 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Farley property - South Snedecor Avenue addition - Town of Islip.** I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1689 is approved. **(Vote: Approved 3-0-0-2 Not Present: Legs. Losquadro and Horsley).**

**I.R. 1691 - Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS) Farmland Preservation, and Hamlet Parks Fund, Kabbaz property - Town of East Hampton.** Laretta, do you have information for us on this one?

**MS. FISCHER:**

This is another farm.

**CHAIRWOMAN VILORIA-FISHER:**

This is planning steps?

**MR. ISLES:**

Right.

**MS. FISCHER:**

I do have just a very draft --

**CHAIRWOMAN VILORIA-FISHER:**

Can you put the mike near you?

**MR. ISLES:**

This was referred to the Suffolk County Farmland Committee at their meeting held on July 24th last week. The Farmland Committee rated it as two points. With the Farmland Committee, their scale's a little bit different from yours. Theirs goes from about zero to 23. About 10 is a passing grade for their criteria. So with that, the Farmland Committee did not recommend your approval of this resolution.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Can you tell us why it was so low?

**MR. ISLES:**

The rating in the County Farmland Program includes consideration of soils, vistas, contiguity with other County farmland. As you can see in the aerial photograph, the parcel is wooded.

**CHAIRWOMAN VILORIA-FISHER:**

It's not farmed.

**MR. ISLES:**

It doesn't appear to be farmed, although maybe it's -- a small part of it is a horse farm, it's hard to tell. But in terms of the criteria of open space, of open agricultural lands, good soils, proximity to other preserved County farmland and so forth, it rated very low on those criteria.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1691 is tabled.

We have one Memorializing Resolution, *Memorializing Resolution 39 in support of legislation to create the Fire Island Beach Erosion Control District*. Commissioner, how does this impact how we move forward on the Erosion District? I don't understand what this would do.

**COMMISSIONER GALLAGHER:**

I have to admit, I'm not actually clear myself on what this would do. I just know that in general, in terms of planning, it's big picture planning. I don't know that it is the best strategy to continue to create specialized districts, that perhaps what you need to do is take a larger -- you know, larger planning picture, as we have seen so many problems have arisen, or many of the issues that we deal with are difficult in Suffolk County because they cross town boundaries, and one town does something that the other town has no control over, and, therefore, it causes an impact in that town. We see it in Sagtikos District right now as, you know, big -- all these development projects that are approved. So I don't have all the details. That would just be my comment on, or my concern. And I don't know, Tom, if you have anything, but just -- know anymore details, but in terms of creating additional districts.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Mr. Isles?

**MR. ISLES:**

My only understanding on this, I don't know directly about it, is that there are a number of erosion control districts currently in place in a number of communities on Fire Island. This is an attempt to do two things. Number one, have an overall district encompassing the -- all the communities, the 17 communities. And also, the purpose of this would be, as I understand it, also to provide a match on local share for Federal and State grants, so that there's a certain percentage that must be achieved locally, and whether that can be done through municipal contributions or whether it can be

done directly through a tax district. I think that's also part of the purpose, is to help come up with a device to collect money to match Federal and State dollars.

**CHAIRWOMAN VILORIA-FISHER:**

So this would be a taxing district. And if this were to occur, then what would happen to those other smaller districts on Fire Island?

**MR. ISLES:**

I'm not certain of the answer to that. I don't know the answer to that.

**CHAIRWOMAN VILORIA-FISHER:**

I'm inclined to make a motion to table until I understand this all better.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? M.R. 39 is tabled.

If there is no further business --

**MR. PERILLIE:**

You have no quorum.

**MS. ORTIZ:**

You have no quorum right now.

**LEG. D'AMARO:**

Oh, we need John. John, come in. If you can hear us, come.

**LEG. KENNEDY:**

Yes.

**LEG. D'AMARO:**

Just say yes.

**LEG. KENNEDY:**

Yes.

**LEG. D'AMARO:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. If there's no further business -- the vote is motion is tabled. ***(Vote: Tabled 3-0-0-2 Not Present: Legs. Losquadro and Horsley)***. Thank you. Meeting adjourned.

***[THE MEETING WAS ADJOURNED AT 2:38 P.M.]***