

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on March 10, 2008.

MEMBERS PRESENT:

Leg. Jay H. Schneiderman, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro (excused absence)
Leg. Brian Beedenbender
Leg. Jon Cooper

ALSO IN ATTENDANCE:

William Lindsay, Presiding Officer
John M. Kennedy, Jr., Twelfth District
George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, Deputy County Executive
Kevin Duffy, Budget Review Office
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Director of Real Property Acquisition & Management
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek-Gallagher, Commissioner of the Department of Environment and Energy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, AME Legislative Director
Bill Shilling, PO Aide
Stephen M. Jones, Suffolk County Water Authority
James F. Gaughran, Appointee of Suffolk County Water Authority
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:10 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order this 10th day of March 2008. I'll ask you to all rise and join us for the Pledge of Allegiance led by Legislator Brian Beedenbender.

(SALUTATION)

You may be seated. We're going to do public portion first. I have but one card Stephen Jones from Suffolk County Water Authority. No?

MR. JONES:

I will wait.

CHAIRMAN SCHNEIDERMAN:

You'll wait to answer questions. Somebody has filled out a card with your name on it. So, okay, we have no cards. Even better.

We have no presentations.

TABLED RESOLUTIONS

So we will move directly to the agenda. I think that we may want to take one thing out of order. Is there a motion to take 1149 out of order for Mr. Gaughran so --

LEG. COOPER:

I'd like to make that motion.

INTRODUCTORY RESOLUTIONS

CHAIRMAN SCHNEIDERMAN:

All right, there's a motion by Legislator Cooper to take 1149 out of order, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **1149** is now before us. Mr. Gaughran, if you'll step forward in case there are any questions. **This is a resolution to reappoint member of the Suffolk County Water Authority Jim Gaughran. (Cooper)** Is there a motion to approve?

LEG. COOPER:

I'd like to make a motion to approve, please.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper, second by Legislator D'Amaro. On the motion, any discussion? If I may, I know -- thank you, Mr. Gaughran, for being present. You just were appointed to an interim position.

MR. GAUGHRAN:

I've been there for either five or six weeks.

CHAIRMAN SCHNEIDERMAN:

How's it going?

MR. GAUGHRAN:

Good.

LEG. COOPER:

That was going to be my question.

MR. GAUGHRAN:

Good. We had one board meeting. It went very well. People work hard there and I'm hoping to really be able to grasp this for a full term and get involved in a lot of the issues that I spoke about last time. And, you know, one of the areas that the Water Authority is moving towards by a recommendation from the State Comptroller is to put RFP's out for all professional services so I'm urging that that be done. And I think that is something that is going to be productive as we move forward.

CHAIRMAN SCHNEIDERMAN:

As you know, you are not the only person who is vying for this at this point. There are two names unless the other person has dropped out, which I have not heard. So Mr. Tripp is also -- there's a resolution that was tabled. I think that's probably up to us to decide if we move forward with this then we're sending a signal that we have chosen one over the other. And I think we have two excellently qualified people, but I just want to make sure the committee is aware that there are two names that are under consideration.

LEG. COOPER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other comment? Okay. There's a motion and a second. All in favor? Any opposed? Abstentions? 5, 0. Okay. **(Vote: 4-0-0-1. Leg. Losquadro not present)**

MR. GAUGHRAN:

Thanks very much.

CHAIRMAN SCHNEIDERMAN:

And John is not on the committee. Oh, I'm sorry. It's four.

TABLED RESOLUTIONS

Okay, so we're going to go back to the beginning of our agenda Tabled Resolutions.

We begin with 1021, to promote environmental protection through Suffolk County by requiring the remediation of Brownfields properties. (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **IR 1021 is tabled. (Vote: 4-0-0-1. Leg. Losquadro not present)**

1022, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program, Smithtown Boulevard property, Town of Smithtown, identified by the Suffolk County Tax Map designation of 800-168-4-1. (Kennedy) I know the sponsor is here. Is there a motion to --

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper, second by Legislator D'Amaro. On the motion, Legislator Kennedy? If you will. If you don't need to comment --

LEG. KENNEDY:

No. Tabling is fine. We'll continue with the local efforts to try and promote the stewardship and partnership, Mr. Chair. Thank you.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **1022 is tabled. (Vote: 4-0-0-1. Leg. Losquadro not present)**

IR 1025, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Kraft property, Town of Huntington, SCTM number 400-89-2-18. (Cooper) Is there a motion?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by the sponsor, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **1025 is tabled. (Vote: 4-0-0-1. Leg. Losquadro not present)**

1037, authorizing planning steps for the acquisition under the Suffolk County Multifaceted Land Preservation Program the Coffey property, Town of Smithtown, SCTM 800-164-4-2 (Kennedy) Again the sponsor is present. Is there a motion?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. Mr. Kennedy?

LEG. KENNEDY:

On the motion, I would as I did two weeks ago appeal to the Committee to go ahead and consider approving or at the very least doing a discharge with recommendation on this parcel. There had been some questions at the last meeting. I did try to reach out to some of the members on the Committee here to discuss where things were at with this property.

This one is somewhat atypical in that the members of the Committee may recall this was a subject of a planning steps resolution from approximately two and half years ago. The appraisals were

solicited and done. The local community partner or stewardship group that was requested by the Department was contacted. I met with them twice. I did get the level of agreement to go ahead and go forward with the local stewardship. Mr. Isles has a copy of that correspondence from the Nesconset Tax Payers Association indicating the same.

My appeal to the Committee is that we have gone through the substantive evaluation and vetting of this property as I said probably somewhere in the mid part of 2005, the latter part of 2005. And we were very much into the process and of acquisition. And but for the expiration of the SOS program, we would have had the approved ETRB offer tendered. But because of the calendar SOS expired. By statute we must go ahead and make offer under what was originally authorized for planning step purposes.

This planning steps reso in essence is for the purposes of putting this parcel into a viable funding stream for the purposes of making the offer. We're operating under the governance of 626 of 204 which sets out a very specific ministerial process once a planning steps reso is approved. And to hold off on this is going to mean that those appraisals that had been procured, vetted and approved through ETRB are going to go stale by virtue of the calendar. And in essence we will then have lost even that ministerial opportunity that's been done by the Department.

So I ask the Committee to please consider allowing this to go forward based on the work that's been done to date.

CHAIRMAN SCHNEIDERMAN:

Okay. I believe we had a motion to table and a second. Any further discussion? Legislator Cooper.

LEG. COOPER:

On the resolution, I just wanted to point out that the rating from Planning is relatively low. It only has a rating of 15 points. And we generally do not move forward with a planning steps if it's below 25 or at least if it's in western Suffolk if it gets pretty close to that. And this is pretty far below that threshold. So I don't know if the sponsor has any counter --

CHAIRMAN SCHNEIDERMAN:

Wait, I just have to jump in because you said if it's in Western Suffolk implying that you may treat properties in eastern Suffolk differently.

LEG. COOPER:

Absolutely, because there is so much land that's acquired in eastern Suffolk County.

CHAIRMAN SCHNEIDERMAN:

A rating is a rating. You're going to treat the ratings differently in eastern Suffolk -- so it's going to have to have a higher score now on the east end to be preserved? Is that what you're saying, Jon?

LEG. COOPER:

If the parcels in western Suffolk County, most of which are small parcels, they're already at a disadvantage because they're not able to get the extra points for large parcels which are able to often get in eastern Suffolk. So I would be willing to give a little bit of -- I'm not saying that we would approve something that had a rating of 5, but I would be willing to -- I personally would be willing to approve a planning steps resolution for a parcel in western Suffolk County if it had a little bit below a rating of 25. On the east end there's so many parcels to choose from that I think that we should adhere to the standard of 25 points. In this case it's so far below that threshold of 25, I am not prepared to support it.

CHAIRMAN SCHNEIDERMAN:

I think that's a slippery slope. And I would advise on having a rating system that is impartial to location. It's based on environmental attributes.

MR. ZWIRN:

Then this parcel would never qualify. This was not even recommended by Planning.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, but I haven't recognized you yet. I'm responding to Legislator Cooper.

LEG. COOPER:

But as I said it's not solely environmental attributes. Some of it is just solely the size -- you get extra points for the size of the parcel. And there are not that many parcels in western Suffolk County that are large enough to qualify for that. So if you want to remove the point that you get for these non-environmental criterias such as the size of the property, that's a whole other discussion. But I think that it puts properties in western Suffolk County at a disadvantage so I'm willing to give a little more leeway for parcels in western Suffolk, there aren't as many of them, and I'm willing to move on planning steps for western parcels considering the fact that they almost never, almost never get those extra points for -- that accrue to larger parcels.

CHAIRMAN SCHNEIDERMAN:

I would just build that into a rating system. If there are factors such as lack of open space in an area that could qualify it --

LEG. COOPER:

That's actually something that I tried for.

CHAIRMAN SCHNEIDERMAN:

But to do this arbitrarily and create a divide between east and west and two different standards, I think, is a terrible mistake and I would urge you not to go that route. Just talk to Planning about how they look at properties. And if there are certain factors such as very limited open space in an area, whether it's east or west, that could qualify it for points, I think that would be a better approach.

Meanwhile there is a -- there's been a motion to table and a second. Is there any other discussion?

LEG. BEEDENBENDER:

I have a question.

CHAIRMAN SCHNEIDERMAN:

Besides rhetorical comment? Mr. Beedenbender.

LEG. BEEDENBENDER:

I just had a question through the Chair to Legislator Kennedy. I have a note that says the town has agreed to pay for the demolition. Do we have a resolution or something confirming that; that they're going to put up that money?

LEG. KENNEDY:

I would have to check my records. But as a matter of fact we did get that by correspondence, Tom? Or was it -- we have gone through quite a bit of discussion and quite a bit of back and forth with the Planning Department. And --

LEG. BEEDENBENDER:

But isn't this normally the sort of thing that we need a resolution from the Town? Because if they're committing to expend dollars -- Tom?

DIRECTOR ISLES:

Excuse me. My understanding is that Town of Smithtown has committed to demolishing the structure. I don't know what the cost is of that. It's a single family residence. I believe we do have a letter to that effect. We'd have to check our file in the office.

LEG. KENNEDY:

Again, as I said, I think that, you know, some of the discussion that we have here at this point about the rating and as to where it's at, my recollection is some of the properties that we just did approval on at the last general meeting had originally received ratings; one in particular I think had a rating of 15 because I remember the query. I would appeal to the Committee again from a process perspective in suggesting that having gone through what was substantive discussion and deliberation, some two, two plus years ago, we did identify a number of unique aspects with this parcel. And now all I'm really appealing to the Committee to do is to allow the culmination of the ministerial functions to occur that were put into place by our collected decisions some two plus years ago. 626 is very specific as far as the process and the time frames and the internal vetting so --

CHAIRMAN SCHNEIDERMAN:

John, can I ask you a question? This property, the final disposition of this, is this a nature preserve, is this an active park?

LEG. KENNEDY:

Nature Preserve. It will ultimately wind up in the form of a nature preserve. And I might point out that it is --

CHAIRMAN SCHNEIDERMAN:

Okay, I just wanted to ask Tom a question, Mr. Isles, Commissioner Isles a question. And it would be more suited if this was going to be for active use. But the rating system that we use is kind of based on environmental criteria primarily. So if you were trying to preserve a piece of land from development and use it for an active park, it could possibly have a very low score because it wouldn't have wetlands and things like that. It's just something for the body to keep in mind that when we talk about low scores, that in and of itself may not be a good indicator of the worthiness of an acquisition. Really, you have to look at what the end use of the property is as well. Is that correct, Mr. Isles? That the scoring is geared toward environmental characteristics; right?

DIRECTOR ISLES:

Absolutely. The -- this has been put in under open space purposes. It's rated under the natural environments criteria. Under that rating it picked up points for being in a special groundwater protection area -- pardon me, a groundwater management zone category. Also for the species of special concern, which was a plant species, the orchid species on the property. It also gained points for the size that it was ten acres.

The one point I did want to clarify is that it's not automatically nature preserve so it's being proposed in the resolution for open space which would be for conservation purposes -- yeah, passive parkland purposes.

CHAIRMAN SCHNEIDERMAN:

Well, the funding source is Multifaceted.

DIRECTOR ISLES:

Yeah, it's Multifaceted which --

CHAIRMAN SCHNEIDERMAN:

So it could be -- the same funding source could be used to create a hamlet park; an active park.

DIRECTOR ISLES

Yes. Yes, it could be. I just think that if it's -- if it's being advocated --

CHAIRMAN SCHNEIDERMAN:

But you use the same scoring sheet to do so; right?

DIRECTOR ISLES:

No, we use a different scoring sheet.

CHAIRMAN SCHNEIDERMAN:

You do?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

So if the sponsor were to consider this for a community park, it might actually have a higher score?

DIRECTOR ISLES:

I don't know. Here again, it's been advocated for conservation purposes for drinking water protection and for that plant species protection. So, therefore, it might be a little contrary to then say this should be developed. Perhaps -- here again, that's a whole other domain to go into the active parkland whether there's a partner and so forth. It's much great obligation at that point.

CHAIRMAN SCHNEIDERMAN:

Okay. Are there no partners on this, Mr. Kennedy?

LEG. KENNEDY:

The Town has indicated the willingness to go ahead and absorb the demolition cost. As far as outright acquisition at this point, no, we're looking at something that would be a county only acquisition.

CHAIRMAN SCHNEIDERMAN:

Okay. And is that reflected on the ratings score that the Town is paying for demolition or no?

DIRECTOR ISLES:

No, that's not part of -- not one of the categories. Since the last meeting --

CHAIRMAN SCHNEIDERMAN:

If they were paying for acquisition, though, it would be reflected?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

As a partnership. Okay.

DIRECTOR ISLES:

What we changed since the last -- this was considered two weeks ago at your Committee meeting. The rating form we had at that point was the one from 2005. It rated 15 points. Since then we've updated that so it now rates 16 points. It gained one point for the offer from the Nesconset Taxpayers Association to assist the County in managing the property.

CHAIRMAN SCHNEIDERMAN:

And now again your department has not a policy but kind of a standard for recommending acquisition when it hits what, 25 points; is that correct?

DIRECTOR ISLES:

Right, that's the guide. And we sometimes -- even if a parcel's above that, we have concerns which we express to you. And sometimes when it's below it we sometimes think they should be considered for acquisition on other factors. So the guide is intended to be a guide as it says. We do appreciate the committee's sticking to it but we do know that it's not an absolute in every circumstance.

CHAIRMAN SCHNEIDERMAN:

Okay, I'm going to call the vote. This is on the tabling. All in favor? Opposed? Abstentions? I'm going to vote in opposition to tabling. **(Vote: 3-1-0-1. Leg. Schneiderman opposed. Leg. Losquadro not present)** So it's three to one and it's tabled. That was 1037.

1043, appointing member of the Suffolk County Water Authority Jim Tripp. (Romaine)

LEG. BEEDENBENDER:

Motion to table.

LEG. D'AMARO:

Second.

LEG. COOPER:

Motion to table subject to call because there's no opening.

LEG. BEEDENBENDER:

I'll withdraw my motion.

CHAIRMAN SCHNEIDERMAN:

Okay, there's a motion to table subject to call and a second. The motion was by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? I'm going to abstain from that until the candidate is actually officially appointed. **(Vote: 3-0-1-1. Leg. Schneiderman abstained. Leg. Losquadro not present)**

1045, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law 24-2007, the RND LLC property in the Town of Islip. (PO Lindsay)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **1045 is tabled.**
(Vote: 4-0-0-1. Leg. Losquadro not present)

LEG. COOPER:

And just for the record I'm making the motion to table because of the low rating.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you. **1049, a charter law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman)** We have now had a public hearing on this. And it has been closed. So I will make a motion to approved. Is there a second?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

And a second. Legislator Cooper making the motion to table. Legislator D'Amaro making the second. On the motion, I guess my question for those who are moving to table this, I think this is important legislation because it sets up a limit as to how much money we are going to spend from the Water Quality fund in terms of salaries for County employees. Many of those employees were County employees before this program even started. And we are now funding them from Water Quality Protection money.

I think many of us thought that that money would be used as we often say, for brick and mortar types of projects, storm drains, even some of these things like the Aquaculture Programs, either the seeding of clams, oysters, scallops, things that actually filter out pollutants from our harbors. As we divert more and more money to salaries, we have less and less available toward those types of projects. And the idea of this bill is to set up a limit. 50 percent seems like it's already too high, but that's what's contemplated under this legislation. And I think we're approaching that 50 percent limit right now. And I hate to see us go over because we failed to act.

Legislator Beedenbender.

LEG. BEEDENBENDER:

I just wanted to, on the motion, just to make a request that I'm not really sure where we are. So I guess this would be a request to the administration or Commissioner Gallagher, to get a sense of who these people are, what their job titles are and what they're doing so we can actually have an understanding of what the percentage is. Because right now I've heard arguments on both sides. And it's all speculative numbers. So if we can get something listing, you know, the people that are being paid out of this fund and what they're doing, that would give me a better idea of whether or not we need to move forward or not.

CHAIRMAN SCHNEIDERMAN:

Commissioner Gallagher?

COMMISSIONER MEEK-GALLAGHER:

Yes, I could certainly get you a copy of the memo that was circulated towards the end of last year that details all of the staff in my Departments. I do not have that information for the Parks Department. I did share my memo with Commission Pavacic when he came on board to show what's put together. And I believe he's working on that and trying to get a handle because Parks does have the largest portion of the positions in the funding.

In terms of the total dollar amount that's going to -- towards salaries including benefits for this year, including Parks, Department of Environment and Energy and the one position currently in Planning, our Budget Office has given me a figure of \$3.3 million.

Now we don't know what the -- we don't have the model yet of what the estimated revenues will be for this year under the new program. We should have that shortly so I can't tell you whether that's going to be 50 percent or not. Obviously that amount will change. It'll change slightly every year because the estimated annual revenues are going to change every year based on sales tax collections.

CHAIRMAN SCHNEIDERMAN:

Right. And those salaries will go up with -- based on contractual raises as well.

COMMISSIONER MEEK-GALLAGHER:

Exactly.

LEG. BEEDENBENDER:

Well, through the Chair, then, I guess I would ask Ben -- I'm assuming there's some positions in Public Works, too, from what I was told that might be paid under this as well. So if we can get those just so we have --

MR. ZWIRN:

Yeah, absolutely. And let me just remind the Committee what the County Executive has stated. You have this control now. I mean -- and this may be a nice law to codify it, but you have that control. I know the Parks -- the Acting Parks Commissioner at that time Tracy Bellone came in just about when she was going to go out for maternity leave and try to come up with a quick memo on what the positions were in the Parks Department and what they were doing.

But if this Committee or the Legislature decides as a whole that those positions are not doing 477 work as pursuant to the agreement -- I think it was 80 percent of their work had to be, I think, with 477 projects, the County Executive would just -- he would just let them go at this point. There's no room in the General Fund to bring these people on.

As you recall, a lot of these people came from the Labor Department originally when they lost a grant there. So we thought that we could somehow move these people in and have them do 477 work that we normally would contract out for to try to keep them on the payroll and keep them, you know, keep their families with benefits. If it turns out that they're not doing 477 work, then I think the County Executive would concur with you and say, look, let's remove them and not put them in the 477 budget.

LEG. BEEDENBENDER:

Well, I know we don't meet again as a Committee for quite sometime. Do you think this is something we could have by then?

MR. ZWIRN:

Absolutely. And I would suggest that maybe in the Parks Committee that they ask the Commissioner to come back with a list and a job description of the individuals that are covered by the 477 funding.

LEG. BEEDENBENDER:

And the reason I ask the question, just, you know, for -- to put it on the record is that my concern with this level is we have decreasing revenues because sales tax goes down so 477 goes down but salaries always go up. So what I'm concerned about is that we have people doing a job right now. And if the salaries go up and the revenues go to a point all of sudden we start firing people that might be justified because we have this kind of trigger. So I want to know what the people are doing before we make that kind of determination. So that's why I'd like to table it until we can get a list so I can look on paper of titles and job responsibilities.

CHAIRMAN SCHNEIDERMAN:

All right. I think it's also important that if a job is going to be funded with 477 funds that the job is 100 percent 477. Let's say the job is 80 percent or 50 percent water quality, then 50 percent of that salary should come from 477, not the whole thing. And I know recently when we looked at the environmental consultant in the Planning Department, that was presented as entirely water quality and would stay entirely water quality. But I'm -- I guess -- I'm warning against using 477 to fully fund a position that's partially water quality related. And I think we need to be careful on that as well.

COMMISSIONER MEEK-GALLAGHER:

Yeah. And if I could just respond to one other think that Legislator Beedenbender had brought up. There currently are no positions funded through for 477 in Public Works; however, my water quality unit sits out -- the majority of them sit out in Yaphank with the Public Works folks and we, you know, cooperate, collaborate especially when we're sending crews out to clean out catch basin inserts, etcetera so there's a lot of cooperation between the two departments.

LEG. BEEDENBENDER:

Okay.

LEG. D'AMARO:

Can I go?

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro. I wasn't sure if you wanted to say something.

LEG. D'AMARO:

Yeah, that's all right.

Okay, thank you. We had a discussion about this bill last year. If I recall Legislator Schneiderman had submitted it last year as well and that's fine. And I know we started to make some headway and then a couple of events came up where -- and plus the end of the year where we just didn't finish up on it. But I wanted to ask BRO did you have an opportunity in your office to do any type of analysis previously when the bill was pending in '07?

MR. DUFFY:

Yes, we did. If you recall in the Operating Budget we did an evaluation. And I've attempted to update it and discuss the issues that we have come up with. As of the end of February, there are 52 positions of which three are vacant, two in Parks, one in EVE. Of the 33 positions that are in Parks that are filled, they have a total cost of salary and benefits of two-one-four-O-one-fifty-five. The Planning, I only have the one position that was shown as of the end of February, that has a cost of forty-five-two-thirty-four. And EVE there are 15 positions with a cost of 1,046,000. The total filled positions is 3.2 million. The total of all positions is basically what the Commissioner has said 3.380. In going through we had quite a bit of discussion --

LEG. D'AMARO:

All right. Before you just go through to the next level, 52 positions that are funded through the 477 fund.

MR. DUFFY:

Correct.

LEG. D'AMARO:

And of those 33 are in Parks, one is in Planning and in Energy --

MR. DUFFY:

Of those there are -- I've broken down as far as vacant and filled. There are three vacant. One is in EVE, two is in Parks. The filled positions are 33 positions plus the two equals 35 total positions in Parks Department. In the Environmental Department 15 filled, one vacant. And in Planning as of the end of February there was just one position.

LEG. D'AMARO:

Which is is vacant.

MR. DUFFY:

No. The one position in Planning is a clerk typist which is filled. And the Legislature at its last meeting, which was after I did this analysis created that position.

LEG. D'AMARO:

Okay. So there are 49 filled positions and three vacant positions of the 52 authorized for 477.

MR. DUFFY:

Correct.

LEG. D'AMARO:

And you gave us --

MR. DUFFY:

As of the end of February.

LEG. D'AMARO:

All right. And that was the breakdown between Parks, Environment and Planning. So have you done any -- now we know what positions we have. Did do any analysis of whether or not the thresholds in the bill were met or exceeded?

MR. DUFFY:

Okay. Based on the projection we have, which, of course, could be effective as Legislator Beedenbender said by a declining sales tax based upon the amendment of the law which increased the water quality protection restoration and stewardship by point 50 percent, we projected that that would generate approximately \$8 million worth of revenue, which if you're going with the 50 percent test, that would be approximately \$4 million. And at the current point we're at 3.4 million.

LEG. D'AMARO:

Okay. So the revenue fluctuates annually.

MR. DUFFY:

Yes.

LEG. D'AMARO:

Depending on sales tax and how -- how it's -- that's how we're funding this account. How it's now --

MR. DUFFY:

Correct.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. In that figure -- sorry to interrupt -- that's the new Quarter Penny Program figure?

MR. DUFFY:

Yes. Yes. Well, that was one of the things --

CHAIRMAN SCHNEIDERMAN:

So how much did it drop? Did it drop by a significant amount of money under the new program?

MR. DUFFY:

Well, under the new program --

COMMISSIONER MEEK-GALLAGHER:

You get more money.

MR. DUFFY:

You increased it.

CHAIRMAN SCHNEIDERMAN:

We increased the land acquisition part. Did we also increased this part?

P.O. LINDSAY:

Water quality.

MR. DUFFY:

Yes. What you did under the new program is you increased land acquisition by 10.2 percent and you increased Water Quality Protection Restoration Program and Stewardship which is a new program by 0.50 percent which --

CHAIRMAN SCHNEIDERMAN:

Okay. And we cut back on sewer stabilization.

MR. DUFFY:

And it was also taken from sewer stabilization. It was reduced from 35.7 percent to 25 percent.

LEG. D'AMARO:

Now those positions, of course, are created and funded through the budget which comes here during the budget process that we have later in the year for the Operating Budget; is that correct?

MR. DUFFY:

That's correct.

LEG. D'AMARO:

So right now we have -- we, meaning the Legislature, have discretion over those positions. We have full authority and discretion over each of those positions if we wanted to de-fund them, change the funding source, in the budget process we could do that?

MR. DUFFY:

Well, the Legislature has the ability to amend the budget four times a year.

LEG. D'AMARO:

Right.

MR. DUFFY:

But only if its revenue -- if it's expense neutral or it decreases expenses.

LEG. D'AMARO:

We could do it throughout the year but we can also modify and make change during the budget process.

MR. DUFFY:

For the 2009 budget.

LEG. D'AMARO:

For '09. And right now we're not at the thresholds. Just a suggestion to the sponsor, it may, you know, putting these artificial thresholds on our discretionary authority during budget time, especially when we're coming up -- we're in a position where we have to craft budgets, it's becoming more and more difficult with declining revenues, we might be better off just getting a report during budget time telling us percentages. And then we can take a look at that and determine on a policy level whether or not we want to increase it or decrease it and make changes.

CHAIRMAN SCHNEIDERMAN:

Let me just respond to that, I think, in two ways. One is I am actually working on a bill, it doesn't do quite that but it does drain the budget process, require that the proposed budget include a job description of all those 477 funded positions detailed in terms of the percentage that they're spending on water quality types of activity. So we'll have a better sense as we go into the budget as to the appropriateness of those budget allocations.

This bill, though, it does, I guess, set up an arbitrary restriction, the purpose of it is to basically force the Legislature to comply with what I believe is the intent of the program. I think most of you believe that this program was set up to do water quality types of projects. It wasn't set up for

salaries. And at some point we have gone too far in allowing this dedicated fund to be used towards salaries, particularly salaries that the County would have ordinarily been paying. These are positions that have existed for a longtime. Now some of them are new positions. But in general we would have been funding these things, these positions.

So you don't have to pass it. It does restrict our abilities. But I think it really is in harmony with the way the program was created. So I would just ask you to pass it. But we have a -- I don't have a second to pass it so we have a motion to table and we have a second. All in favor? Opposed? Abstentions? I will certainly vote in opposition. **(Vote: 3-1-0-1. Leg. Schneiderman opposed. Leg. Losquadro not present)**

IR 1104, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Carbon Beach property, Town of Southampton. (Schneiderman) Turns out this is on the Master List so I will withdraw this resolution.

IR 1130, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Schmitt property, Town of Brookhaven. (Browning)

LEG. D'AMARO:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
This is 50 plus acres. There's a motion to table by Legislator D'Amaro.

LEG. COOPER:
I'll second the motion.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Cooper. Is there -- can I ask those tabling why you --

LEG. COOPER:
It's at the request of the sponsor.

CHAIRMAN SCHNEIDERMAN:
At the request of the sponsor. Okay. All in favor? Opposed? Abstentions? **1130 is tabled. (Vote: 4-0-0-1. Leg. Losquadro not present)**

1142 authorizing planning steps for the acquisition under Suffolk County Environmental Legacy Program, the Manzi property, Town of Riverhead. (Romaine)

LEG. COOPER:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
This is also a very large property, 51 acres. There's a motion to table and a second. I think at our last meeting -- the Town of Riverhead was not -- this is not a legacy acquisition, right? They are not partnering?

DIRECTOR ISLES:
Yeah, it is proposed as a legacy acquisition. We have no information to say or indicate that Riverhead is going to partner.

CHAIRMAN SCHNEIDERMAN:
Okay, that's a requirement of that program. So we would need something from Riverhead showing

their willingness to partner.

DIRECTOR ISLES:

Right. Just for the record, too, we have concerns as to the validity of this in the County's program. It's not environmentally sensitive from what we've determined. It's also next to the Riverhead landfill. There's no other County holdings in the area so beyond the issue of the partner, which we don't have that information, even on the substance of the acquisition we would call that into question here.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to table.

LEG. COOPER:

Actually I'd like to change my motion to motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

Okay. Is there a second to tabling subject to call?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. So any discussion? I would prefer the tabling motion.

LEG. BEEDENBENDER:

Well, on the motion, regardless of Riverhead's interest or not, it's a 51 acre parcel that only got 18 points which probably means ten of it is because of the size. And we just tabled a resolution for Legislative Kennedy for 16 points. So I'd be remiss if I wanted to approve this resolution for 18 points because I think it's low.

LEG. COOPER:

And it's also adjacent to a landfill. There's no other open space nearby.

CHAIRMAN SCHNEIDERMAN:

I remind you, though, that Town of Riverhead, I think, has spent some \$40 million reclaiming that landfill trying to turn it into some kind of open space park or something. So it may create an even larger block of open space. I would say table until we hear at least from the Town of Riverhead. I think that's the right thing to do. But there's a motion to table subject to call and a second. All right. All in favor? I'm opposed. Not opposed to tabling; just opposed to tabling subject to call. Abstention? **So 1142 is tabled subject to call. (Vote: 3-1-0-1. Leg. Schneiderman opposed. Leg. Losquadro not present)**

INTRODUCTORY RESOLUTIONS

Okay, moving onto introductory resolutions, we've already done 1149.

1150, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Langman property, Town of Southampton. (Schneiderman)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table. I'd like to have Planning at least give us information so we don't table it without even having any knowledge about it.

LEG. COOPER:

Fine. Be that way. Sounds a little quick on the trigger.

CHAIRMAN SCHNEIDERMAN:

Was it something I said?

DIRECTOR ISLES:

Okay. The property's located in the Town of Southampton. It is within the south fork special groundwater protection area. It achieved a rating of 19 points, which here again, was based on the SGPA classification. Also 11 points on a variety of things dealing with location. There is other County parkland within 300 feet. As you'll see on the aerial photograph County land is green. The subject parcel's indicated in red. So it's a location where there has been some County ownership occurring. These have been predominantly through tax defaults and transfer to County parks system, here again, for the purpose of groundwater protection.

Other points are associated with the proximity to Peconic Estuary in terms of watershed location as well as proximity to other holdings. And those are holdings of the Town of Southampton which are indicated in the purple on the map before you. So it's not a location at this time the County has targeted for a master list approach. It is a location through the tax defaults. We have accumulated some pieces and going forward, in a future master list we would probably seek to incorporate some of these surrounding parcels in the County's program. This one stands by itself, though, as 19 points. Any questions we'll do our best to answer those.

CHAIRMAN SCHNEIDERMAN:

There is no Southampton town partnership on this, right?

DIRECTOR ISLES:

To our knowledge, no.

CHAIRMAN SCHNEIDERMAN:

And what would that add to the score if they decide to partner?

DIRECTOR ISLES:

About five points, right? Yeah, five points for intermunicipal management agreement with the town.

CHAIRMAN SCHNEIDERMAN:

Which would bring it to 24.

DIRECTOR ISLES:

24, right.

MR. ZWIRN:

We could borrow John's turtle.

LEG. COOPER:

See, 24, if you'd ask nice I'd probably go for it.

CHAIRMAN SCHNEIDERMAN:

All right. So there's a motion to table. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Where's Lou because I'm going to oppose. We have the Presiding Office is here. So I'm opposed. There's three votes table. So the planning steps resolution **1150 is tabled. (Vote: 3-1-0-2. PO Lindsay included in vote. Leg. Schneiderman opposed. Legislators Losquadro and D'Amaro not present)**

1152, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Brookfield Presbyterian Church property, Town of Brookhaven.
Is there a motion?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

All right, Mr. Isles?

DIRECTOR ISLES:

Okay, this was before you -- this Committee last year, at the end of last year. The Committee did not recommend it or approve it at that point nor did the Legislature. County Planning has reviewed it. We are providing the rating in front of you. It does rate 17 points; however, the key certain we've expressed with this is that it's not in a location that really complements any existing County open space preservation area. This parcel sits by itself. There's no intrinsic quality to this in terms of achieving a County purpose as far as open space protection. So similar to the recommendation we provided last year, we'll echo that again this year, that it's not one we feel fits into the County's program or serves a County objective. Perhaps it would be suited to a town program or some sort of a local program.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you. There's a motion to table by Legislator Cooper, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)**

IR 1153, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Zoumas property, Town of Riverhead. (Romaine) This is 18 acres.

DIRECTOR ISLES:

Okay, this is a parcel located in Wading River just to the east of the hamlet center. It's depicted on the aerial photograph in front of you. It's next to Boy Scout property. It is -- has been or has recently been used as a farm field. This was before the Committee a couple of years ago under the SOS program. County Planning had noted at that point from a locational stand point the site is well located in terms of an active recreational use in terms of separation from existing residential uses, the ability for overflow parking in the shopping center that's to the west.

The issue at that time principally had been the issue with who was going to be the partner. So the issue is with partnership. As far as the matter before you today, it's now under the Multifaceted Program for active parklands. And, here again, from a locational standpoint it's a pretty good location. We gave it 37 points from that criteria. The questions in terms of who's going to pay for the development of the facility, who's going to manage it and so forth, we don't have that information. We're not aware of what that would be. The resolution does speak of -- pardon me -- I'll check on the actual partnership that's mentioned in there. But -- right, the Shoreham Wading Little League. So that's about all the information we have on this.

As I managed to the Committee in January we are requesting sponsors and asking sponsors to

complete some basic information in the form of a two page questionnaire regarding hamlet parks and active recreation at the planning steps phase so it'll help us to define what the use is, assess what the impacts are and not leave all of that to the acquisition resolution in the end when we're already in contract and so forth.

We would request in this case that information with this matter so that we're being consistent with what we're asking the sponsors. And, here again, we think it's helpful to both the Department as well as to the sponsors in terms of getting that information early in the process so we don't snag acquisitions with a lot of the questions that have come up in the past.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. COOPER:

I just had a question as to whether the information was provided? You said you requested it.

DIRECTOR ISLES:

We have not received the information. We really just got notice of this on Tuesday when it was laid on the table so we have not had a chance to contact the sponsor.

LEG. COOPER:

So just based on that I'd make a motion to table.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, but how did you then conclude that the site -- oh, no, you didn't conclude that, I'm sorry. I was going to say that it has -- there's something about has community support. Yeah, number one under community value site. And it's proposed recreation use, have community support. You gave it ten points for that. So I'm assuming that you have information from the community.

MR. ZWIRN:

If I might?

CHAIRMAN SCHNEIDERMAN:

If I can just get an answer to that because that would have had to come through some kind of support material.

DIRECTOR ISLES:

Right. This was from the original submission with the original proposal under Greenways. At that time there was an indication of community support. Now, let me just add to that. In that questionnaire discussion we had in January in that questionnaire form, Planning Department is taking the position now that we'd like to see something of that in writing either a resolution or a letter from the organization indicating their support just to tighten this up a little bit in terms of having -- being able to represent to you that we do have something in the file that indicates that support.

CHAIRMAN SCHNEIDERMAN:

Okay, so you have nothing in the file, then, to that effect?

DIRECTOR ISLES:

(Shaking head no)

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn, you had wanted to comment a moment ago?

DIRECTOR ISLES:

Here again, we haven't had a chance to update this either.

MR. ZWIRN:

This property has been before the Legislature and going back to Legislator Caracciolo. Part of the problem is that the organization that we're -- now it's the Shoreham Wading River Little League. Before that it was the Northeast Sports Group that was under an audit by the County Comptroller. And we've had issues in the past where the group that has -- wanted to do the stewardship did not have the financial wherewithal. And BRO -- Kevin usually does an analysis of whether they have the financial wherewithal to maintain the property once that happens.

So I think that's what -- this property has been reviewed and does have a high score. But the problem is that we want to make sure that the group who is being designated to be the steward on this property can actually -- before they're not-for-profits. A lot of them are financially strapped and don't have the financial wherewithal to do it. And we're left with a piece of property that nobody's able to manage.

CHAIRMAN SCHNEIDERMAN:

Do we have that analysis for this piece, Mr. Duffy? No, okay.

MR. ZWIRN:

Not yet, no.

CHAIRMAN SCHNEIDERMAN:

So there's a motion to table, Legislator Cooper, correct?

LEG. COOPER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Is there a second? Legislator Beedenbender seconding the motion. All in favor? Opposed? Abstentions? So if somebody could advise the sponsor that at least a formal letter from some community group saying that they're supporting this. **(Vote: 4-0-0-1. Leg. Losquadro not present)**

1154, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Long Island Beagle Club property, Town of Riverhead. (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

I thought we weren't motioning until after we've heard. You can't help yourself, can you?

LEG. COOPER:

I can read.

CHAIRMAN SCHNEIDERMAN:

Resist. Okay. This is a 150 acre property.

DIRECTOR ISLES:

Okay. County Planning has reviewed this matter. We do note the facts in terms of the size of the property is principally surrounded by farmland as well as the subdivision to the east. The subject parcel is previously cleared land so it's not naturally vegetated at this point in terms of original forest and so forth. So it's overgrown brush and field type vegetation. There are improvements on the property. There are buildings on the property.

In terms of the County's Open Space Program and rating on that, the parcel scored 18 points. And a lot of that, here again, due to the size of the property. It is in a special groundwater protection area so that did give it 8 points. But as far as the, here again, County interest that are hopefully reflected in the guide lines that we measure, this is not a location where there are other County holdings in terms of fee acquisitions. We do have development rights but no other fee acquisition. It's not part of a County park or expansion of a County park.

So it's one that from our prospective in terms of priorities of open space protection, this would not achieve a high rating, would not be recommended by Planning. A possibility down the road if they were to return it back to a farming category that it might fit into a PDR program certainly. But with the matter before you today, without further explanation from the sponsor at this point, we feel it would not be a high priority acquisition.

CHAIRMAN SCHNEIDERMAN:

A motion to table by Legislator Cooper, second by Legislator Beedenbender. On the motion, Legislator Beedenbender.

LEG. BEEDENBENDER:

Tom, I just had a -- I'm just trying to orient myself. What road is that just to the east of this?

DIRECTOR ISLES:

That's Edwards Avenue.

LEG. BEEDENBENDER:

That is Edwards. Okay, that's what I thought. And didn't we do this once before?

DIRECTOR ISLES:

Yes, it was under SOS.

LEG. BEEDENBENDER:

And I guess your recommendation then was what it is now for the same reasons?

DIRECTOR ISLES:

Yes.

LEG. BEEDENBENDER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? All right. That is -- resolution 1154 then is tabled.
(Vote: 4-0-0-1. Leg. Losquadro not present)

Let me just state for the record that Legislator D'Amaro for personal reasons had to be excused for the duration of the meeting. And I also would put on the record that Legislator Losquadro has an excused absence. Okay.

IR 1156, authorizing the County of Suffolk to deduct from a credit fund established for the benefit of Suffolk County Water Authority, the Authority's share of the cost for the preparation of the update of the Suffolk County Comprehensive Water Resources Management Plan (Presiding Officer Lindsay)

LEG. COOPER:

Motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Cooper, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **1156 is approved. (Vote: 4-0-0-2. Legislators Losquadro and D'Amaro not present. PO Lindsay included in the vote)**

1157, authorizing the County of Suffolk to deduct from a credit fund established for the benefit of the Suffolk County Water Authority the cost of the installation of certain water main on County Road 39 by the County. (Presiding Officer Lindsay) Same motion, same second. All in favor? Opposed? Abstentions? (Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)

1176, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Carlls River County Park addition, Napoli construction property, Town of Babylon. (Presiding Officer Lindsay) Same motion, same second. All in favor? Opposed? Abstentions? (Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)

1180, authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program, the Pattersquash Island property -- Pattersquash Island, never been there -- Town of Brookhaven. (Browning)

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve. Is there a second?

LEG. BEEDENBENDER:

Second, pending.

CHAIRMAN SCHNEIDERMAN:

All right. And, second.

LEG. BEEDENBENDER:

Oh, it actually is an Island. Look at that.

CHAIRMAN SCHNEIDERMAN:

It really is an Island. And I thought I was making a joke. I can just see the commercial, "come to Pattersquash Island." Okay.

DIRECTOR ISLES:

Okay, Mr. Chairman and members of the Committee. This is a property that's approximately six acres. You can see on the aerial photograph it is on the bay side of Smith Point County Park in Mastic Shirley community. The property has been rated based on the County criteria. You can see the rating points are awarded based upon the fact that it is tidal wetlands for part of it. This was used for dredge spoil deposition at some point in time just so you know that. The site also is -- has classification based on among their other criteria including proximity to other County lands, here again, Smithtown County park being in the flood hazard zone.

As far as the acquisition itself, we believe that this property is probably not very likely to be developed at any point. It's -- the assessability would be extremely difficult; couldn't come over the County property and so forth. So we don't really see this as being a threat in site in terms of development and loss of natural habitat and so forth.

As far as a unifying acquisition with the County in terms of owning Smith Point County Park, that

would be okay. We don't see a problem with that, but it's like considered to be a qualified acquisition, one that would not be a priority, one that, you know, perhaps one day would be a donation or something but certainly I can't speak for the owner on that.

If we do seek to acquire it, obviously it should reflect the fact -- the valuation should reflect the fact that the property would have great difficulty getting any kind of development right on it.

MS. FISCHER:

And if I could also add, there was an error in the acreage on the -- in the resolution. So we requested the sponsor change it to 6.6 acres.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

I just had a couple of questions. You said that it was used for dumping of dredge spoils. So is there a possibility that this island is contaminated?

DIRECTOR ISLES:

There's a possibility. There's certain materials in there.

LEG. BEEDENBENDER:

So there's a possibility that we're buying -- well, I don't want to call it a Brownfield, but we're buying a polluted island?

DIRECTOR ISLES:

There's a possibility that there's contamination in some of the dredge spoil material. If we were to go forward, we would have to do a phase I or a phase II investigation of that.

CHAIRMAN SCHNEIDERMAN:

Is there a possibility if there was, let's say, a category two hurricane that this property would no longer exist?

DIRECTOR ISLES:

Yeah, there is a possibility of that.

LEG. BEEDENBENDER:

Well, my other question is do we know -- I know you had said -- you had said that it's not likely that it would be developed. Do we know who owns this now? I mean --

DIRECTOR ISLES:

Yes. It's owned by Dowling College.

CHAIRMAN SCHNEIDERMAN:

It's owned by Dowling College.

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Is this something that is basically -- they're transferring it out at little to no value or -- I mean I don't mind the County -- I mean I think we're relatively good stewards of property, though we have probably more than we can handle; but I'd prefer to see this in the County's ownership than let's say a private college in terms of stewardship. But I can't -- it's hard to imagine this would have any value. Because it -- it seems like it can't be developed. It seems like it's in a high velocity area that could easily disappear. In fact without seeing all the aerials it probably at one point was connected

to the land mass. And now all that remains is a small piece of sand out there in Moriches Bay. And I don't mind moving forward to get it under County control, but I certainly hope we don't have to pay very much for something like this.

LEG. BEEDENBENDER:

Well, if I can just ask, there's another island to the northeast that doesn't -- it's not colored or anything. So I guess my question would be that's probably under -- I don't know -- you obviously didn't look at it, I'm not going to expect that you know if that's -- I don't know, this is Pattersquash. I have no idea what that could be called. But it just seems like that might be the next place we go. And if it's a tiny island --

CHAIRMAN SCHNEIDERMAN:

Pattersquash East.

LEG. BEEDENBENDER:

You know what, Jay, when I said that I knew you would have an answer.

DIRECTOR ISLES:

Our understanding is that Dowling received this as part of a donation.

LEG. BEEDENBENDER:

Okay. Well, regardless it has to be amended because it's incorrect at the moment, anyway, right?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Is there a motion to table?

LEG. BEEDENBENDER:

I'll make a motion to table.

LEG. COOPER:

I'll second the motion to table.

CHAIRMAN SCHNEIDERMAN:

I'm not sure that we need to table it to make that kind of change. That's a minor change in the acreage. I think that we could move forward. I actually suggest that we move forward with it and maybe Counsel can comment on whether that is a fatal flaw, the acreage.

MR. NOLAN:

The amending deadline is today at five o'clock so we could amend it today.

LEG. COOPER:

Is this time sensitive?

DIRECTOR ISLES:

Not to my knowledge.

LEG. COOPER:

Then I would just --

CHAIRMAN SCHNEIDERMAN:

Okay, there's a motion to table and a second. All in favor? Opposed? Abstentions. Okay. **(Vote: Vote: 4-0-0-2. PO Lindsay included in the vote. Legislators Losquadro and D'Amaro not present)** That was 1180. The problem with now tabling is we have to go through this again at the

next meeting.

1181, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program, former section C12-5 (E) (1) (a) of the Suffolk County Charter for the South Bay Street property, Town of Babylon. (Horsley)

LEG. COOPER:

Motion. I'm not saying anything.

CHAIRMAN SCHNEIDERMAN:

No motions. It looks like one house lot --

MR. ZWIRN:

If I might, Mr. Chairman, when you have an opportunity, I'd like to just have something to say about this parcel.

CHAIRMAN SCHNEIDERMAN:

Okay. Would you mind if it followed the Commissioner's report?

MR. ZWIRN:

Absolutely.

DIRECTOR ISLES:

Okay. This is a parcel that was before you previously for planning steps approval which you granted. What's before you now is a resolution to consider acquisition of this property. It has gone through the process with the Division of Real Property Acquisition and Management and the ETRB and so forth. The property in question's outlined in red. The property is currently owned by the Village of Lindenhurst. There is proposed acquisition then by the County of Suffolk in the resolution before you.

The Village of Lindenhurst owns the property in blue, which is a large village park to the west with the ball fields and so forth on it. And to the east is a smaller parcel that actually was owned by the County up until a couple of years ago. And the County transferred it to the Village under a 72-H process, I believe, at no consideration.

So the proposal before you is an acquisition by the County. We would question from a County planning standpoint as we did with the planning steps phase the County purpose to this. We understand the interest in partnering with local municipalities to enhance recreational opportunities in the County.

We would just raise the concern in terms of, here again, the County's interest. And we don't know if the matter would involve the County residents getting access to the entire park including the ball fields and so forth as a result of this partnership or not. So we would just, here again, just question whether this is more of a village park or a town park.

Yeah, two other quick points is this does need CEO as well as Parks Trustees' review prior to approval by the Legislature.

CHAIRMAN SCHNEIDERMAN:

Okay. And for that reason alone it probably should get tabled. But I did want to ask you this program itself, this is the water quality funds that are dedicated and reserved for the townships?

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

Is that correct?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

So typically we have viewed these funds as being at the discretion of those towns if they wanted to spend them on a particular piece of property. We don't usually second guess since it's really their funds that are reserved; is that correct? I see you're shaking your head.

DIRECTOR ISLES:

You have the right to second guess. I mean it's the towns -- the money has to be spent within each of those towns. The towns have no direct sale, though and formally they can certainly provide it. But it's strictly the Legislature and the County Executive determine how the money is actually spent within the geography of each of the towns.

CHAIRMAN SCHNEIDERMAN:

Okay, my recollection when we looked at these in the past under this funding source, we pretty much have followed the towns' leads as if it was their money that's being spent. But we have other people who want to comment. I'll start with Legislator Cooper, then Legislator Beedenbender.

LEG. COOPER:

I just had a question. What was the rating on this parcel?

DIRECTOR ISLES:

Here again --

MS. FISCHER:

I don't think we rated it because it was so old.

DIRECTOR ISLES:

We'd have to go back to the planning steps. We can try to find that for you in a moment, sir.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

My question, there's two areas -- perhaps, Tom, I'm sorry, I missed a few seconds of what you said. And if I'm repeating I apologize. One of the areas outlined in red looks like it has a house on it.

DIRECTOR ISLES:

Right. There was a house on it. I believe the house has been removed by the village.

LEG. BEEDENBENDER:

Okay, so this is just a picture. Okay.

DIRECTOR ISLES:

Right. This is from 2004, this aerial.

LEG. BEEDENBENDER:

Okay. So that house isn't there? And these two pieces of property are just separate. And I guess the Village of Lindenhurst owned what's in the middle?

DIRECTOR ISLES:

There's a paper street there. There's a public road and then a portion of a paper street. So presumably that would be abandoned and connected to parcels presently or will remain as a

right-of-way.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

I'd like to make a recommendation that in the future for -- when we get documentation for an acquisition that the original rating form that accompanied the planning steps resolution be attached so we'll have it readily available.

CHAIRMAN SCHNEIDERMAN:

Commissioner, why did you feel that this might somehow give County residents rights to use the ball field? Can you explain that?

DIRECTOR ISLES:

Here again, in terms of the County purpose and the partnership typically when the County partners with a municipality, County residents get the benefit and enjoyment of the facility.

CHAIRMAN SCHNEIDERMAN:

But we're not buying the ball field. We're buying a lot adjacent to it.

DIRECTOR ISLES:

No, but I think it's -- I think this is intended to --

CHAIRMAN SCHNEIDERMAN:

Let me just tell you why in particular this is an important question. Because this has come up -- and I've actually wanted to hear a legal explanation of this. Sometimes the County or a town will buy a piece of property in, let's say, a property owners association that has a park or private beach or something like that. And the question is does that suddenly give everybody in the County rights to use those association facilities. And my understanding is no, it does not. You have a corporation with a thousand shareholders; doesn't give each shareholder those rights. The property has those rights but not the individuals in the corporation. So do you have an answer on that?

DIRECTOR ISLES:

Well, my only answer is the answer I gave before which is that when the County partners, we share access to the property. Grant it the point can be made, well, for the two pieces we're talking about here at the end of this residential street, that would have to be marked off separately to allow the County residents could use that. It would appear that since the Village from my understanding is seeking to unify their waterfront access with primary access to the village park coming in from the north not through the residential street, that it probably require some sort of condition whereby County residents could utilize the park.

I have not been engaged in the discussions with the Village on this. The main point being is that the -- I think it might be difficult to separate this small portion of the property for use by only County residents while the rest of it on both sides are then used by Village residents exclusively. To me it presents a problem.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

My other question, Tom, it says this is point 22 acres but I'm just guessing from looking that that looks -- I mean there's a house so that alone probably was on just about that amount of property. So I am confused that that's the size because --

DIRECTOR ISLES:

Well, based on the information we get from the tax map records, that's what we believe the size to be. We're dealing with a very densely developed village. These are relatively small lots. I don't have the exact amounts. Everything we do is subject to a survey prior to closing so all that would be confirmed.

LEG. BEEDENBENDER:

Yeah, that's why the plus or minus is there; right?

DIRECTOR ISLES:

Right.

LEG. BEEDENBENDER:

And I guess this, for lack of understanding, the section of the water that's covered is actually a piece of property. I mean you have the rights to the water up to that point.

MS. FISCHER:

Correct.

LEG. BEEDENBENDER:

Okay.

DIRECTOR ISLES:

Yeah, the parcel extends under water.

CHAIRMAN SCHNEIDERMAN:

So there's underwater lands involved with this acquisition. And there is a house? What happens to the house here?

LEG. BEEDENBENDER:

Well, I think he said the house was gone.

DIRECTOR ISLES:

The house was removed.

MS. FISCHER:

Yes.

DIRECTOR ISLES:

We -- yes -- understand that. It was removed by the village.

CHAIRMAN SCHNEIDERMAN:

Okay. So this is an older aerial.

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

Any other questions?

MS. FISCHER:

They actually own it at this point.

CHAIRMAN SCHNEIDERMAN:

Who owns it?

MS. FISCHER:

The Village.

CHAIRMAN SCHNEIDERMAN:

Would we be buying it from the Village?

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

Sounds like that Greenport thing.

LEG. BEEDENBENDER:

Both parcels?

CHAIRMAN SCHNEIDERMAN:

Clarks Beach.

DIRECTOR ISLES:

Both parcels are owned by the Village of Lindenhurst.

CHAIRMAN SCHNEIDERMAN:

So we're buying it -- it's already a park and we're buying it from them? All right.

DIRECTOR ISLES:

I'm not sure if it's already a park but the Village owns it.

MR. ZWIRN:

Mr. Chair? This is what I wanted to get into. You know, the County Executive has been consistent from the beginning about using our funds to buy property that's already in the public domain, to keep it in the public domain. This is already owned by the Village so we opposed this when this was first proposed, I think, by Legislator Bishop back a few years ago. So he would be consistent in this as well.

Also that -- I understand that the Village paid, I think, \$180 thousand for this parcel. And I would caution that I don't think we would want to pay -- if the Legislature decides some point to move forward to keep that number in mind and not try to pay more for it and to give the Village a profit on top of everything else. But the County Executive would oppose this because again once this public's in the public domain, then, for us to buy it from another municipality just seems counterproductive.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

While I agree with what you said, Ben, for the most part and we'll reserve 100 percent agreement for other purposes later, why -- I mean I know in some instances a municipality or some taxing district will own it. And there is a legitimate reason that the County would buy it for purposes of transferring it to somebody else or whatever that might be, but is there any sense, maybe, Tom, to you, I don't know if you or Ben, as to why the Village wants us to buy it when they own all the stuff around it?

And the other question is, is that field to the left, is that where we put the big field; the Legislator Bishop turf field? That's not it.

DIRECTOR ISLES:

I'm not aware of that, no.

LEG. BEEDENBENDER:

All right. Then just the first question, Ben.

MR. ZWIRN:

I think the issue back then was that they would take the money from the proceeds and expand the park.

CHAIRMAN SCHNEIDERMAN:

And not make it available for County residents.

MR. ZWIRN:

I would doubt that.

DIRECTOR ISLES:

And, here again, the County gave the parcel to the east to the Village at no cost.

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to approve for the purposes of defeating. If you guys want to table it --

LEG. COOPER:

I'm sorry. Did we ever determine what the rating was?

MS. FISCHER:

It's an old resolution. I'll have to go back in my file. I don't have it with me, I'm sorry.

CHAIRMAN SCHNEIDERMAN:

What motions do we have at this point?

LEG. COOPER:

I'll make a motion to table.

LEG. BEEDENBENDER:

I'll second the motion to table.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to approve for the purposes of defeating. There's no second, then we'll have to see this again at the next meeting. All in favor? Opposed? Abstentions? This is on the tabling. Okay, I'll go along along with the tabling, then. So **1181 is tabled. (Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)**

1184, adopting a local law No - 2008, a local law to prevent litter by restricting the distribution of plastic encased advertising matter. (Viloria-Fisher) This needs a public hearing. There's a motion to table for public hearing by Legislator Cooper, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislator Losquadro and D'Amaro not present)**

IR 1200, authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Berms Estate property, Miller Place Yaphank Road NP addition, Town of Brookhaven. (County Executive Levy)

DIRECTOR ISLES:

Okay, we had several of these on at the last meeting. Real Estate is continuing with the successful negotiation of a number of additional Miller Place Nature Preserve parcels. As you'll --

CHAIRMAN SCHNEIDERMAN:

Can I ask -- because there's three of these on; is that right? The next three are all related?

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

Can you cover all three at once?

DIRECTOR ISLES:

Next two. Actually one other. So a total of two, I believe.

MS. FISCHER:

Two. And the third one is Carlls River.

DIRECTOR ISLES:

Yeah, so that's different. Okay, so with the two which is 1200 and --

CHAIRMAN SCHNEIDERMAN:

So incorporate both into this and we'll have one vote.

DIRECTOR ISLES:

So this is the location. Here again, you had a couple of these before you at the last meeting. This is along Miller Place Yaphank Road in the Town of Brookhaven, hamlet of Miller Place. This is a location where primarily through tax default transferred to Parks Department over the past twenty years the County has accumulated a significant portion of this nature preserve, which is in at least dozens and dozens of acres right now that we've preserved.

There are literally a handful of out parcels that remain within this area. So, here again, Real Estate's been going through based upon the Master List to pick up these remaining properties. These are relatively small. They're parcels that are of nominal consideration. This parcel is point 134 of an acre. And the acquisition is \$20,125. But what it does do is it, here again, fills in a number of these holes that are remaining, improves ultimately in management and maintenance of the property for the County Parks Department.

CHAIRMAN SCHNEIDERMAN:

And the price on the second is \$20,125; right?

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So, motion by Legislator Beedenbender, second by Legislator Cooper. This is on 1200. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislator Losquadro and D'Amaro not present)**

Same motion, same second on **1201 (authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Byrne property, Miller Place/Yaphank Road NP addition, Town of Brookhaven) (County Executive)** All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Linday included in vote. Legislator Losquadro and D'Amaro not present)**

IR 1202, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program C 12-5 (E)(1)(a) for the Napoli Construction property, Carlls River, Town of Babylon. (County Executive Levy) Commissioner?

DIRECTOR ISLES:

Okay. This property as indicated on the resolution is point 33, on one third of an acre. The Carlls River has been a frequent area of recent activity before this Committee. The County of Suffolk has significant holdings along the Carlls River watershed through this resolution as well as the Master List. Division of Real Estate of Real Property Acquisition and Management has been proceeding to pick up these out parcels. The subject parcel has been through the ETRB and the negotiation process. It is a buildable lot and a valuation of \$140,000.

We in particular in the Carlls River corridor look at it as being somewhat stressed and compromised by development in a relatively densely developed portion of Suffolk County. So where there are opportunities to provide further protection and buffer against intrusions into the stream corridor, we think that is beneficial.

This ultimately drains down to Belmont Lake State Park and out to the Great South Bay so consistent with prior policy of the Legislature and the Executive this would further that protection.

LEG. BEEDENBENDER:

Motion to approve.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Beedenbender, second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislator Losquadro and D'Amaro not present)**

IR 1216, adopting local law number - 2008, a local law to reduce the use of fertilizer near wetlands in Suffolk County. (Schneiderman) This needs to be tabled for public hearing. I'll make that motion.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislator Losquadro and D'Amaro not present)**

IR 1221, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Decarmine property, Town of Smithtown (Nowick) Commissioner?

DIRECTOR ISLES:

Okay, this is a property that was previously reviewed and approved by the Legislature and the Executive. And it was previously considered under the SOS Open Space Program. At that time it achieved a rating of 41 points. This resolution is to authorize planning steps under the Multifaceted Land Preservation Program also for conservation purposes. This is on the Nissequogue River corridor. The County has significant holdings in the Nissequogue River corridor that this that would add to. So with that the rating is 41; is a basis on which the Department would recommend the approval of planning steps under this program.

LEG. BEEDENBENDER:

On the motion, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Why is this under Multifaceted?

CHAIRMAN SCHNEIDERMAN:

Because that's where the money is.

LEG. BEEDENBENDER:

I know. But the very next resolution we're approving the New Quarter Percent money. And wouldn't that be a more -- I'm just asking.

CHAIRMAN SCHNEIDERMAN:

No, it's an excellent question.

LEG. BEEDENBENDER:

Wouldn't that be a more appropriate fund? So my question would be should we table this for one cycle, approve the next resolution and then amend it and use that funding source for this rather than Multifaceted? Because if this is going to be Save Open Space --

CHAIRMAN SCHNEIDERMAN:

Let's hear the answer.

LEG. BEEDENBENDER:

Yeah.

DIRECTOR ISLES:

That's your decision. As far as -- you know, I can't speak for the sponsor. As far as the program, I think, the issue might be is that, I can't presume and maybe the sponsor can't presume that you're going to approve the next resolution, hopefully you will. And the program that is active and ongoing has been Multifaceted. It's your call as to the Quarter Percent. We certainly wouldn't opposed the concept. It certainly would qualify under that as well.

CHAIRMAN SCHNEIDERMAN:

And the argument may be Multifaceted land money could be used for active parkland, for affordable housing and a host of other things; whereas the Quarter Penny money -- Quarter Penny is more limited. Not as much, though, under the new program. Janet?

MS. LONGO

Okay. This was originally under SOS. The planning steps were under SOS. The contract -- we're actually in contract at this point under Multifaceted because that's where we had money. At this point we realized that the planning steps were under SOS so we had to start over and backtrack now. But this project, you know, when we had that SOS money and it expired at the end of last year, there were a lot of projects in there that had moved along. And this one just fell through the cracks as far as the planning steps. We didn't realize that this was one of the planning steps once.

CHAIRMAN SCHNEIDERMAN:

Janet, what's the price on it? Is it a significant amount of money?

MS. LONGO:

Yeah. When we bring it back with the authorizing resolution, that's when we can --

CHAIRMAN SCHNEIDERMAN:

I'm determined to see what kind of impact it might have on the program. It would be good to know -- I can't tell by looking at the aerial to what degree it's developable.

MS. LONGO:

There's a lot of wetlands.

CHAIRMAN SCHNEIDERMAN:

What the price might be. Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, I was going to say, I mean I have no problem with the acquisition. It got a high score. It's along the river. It looks like a piece of property we should be preserving. But exactly what you said, Legislator Schneiderman, you know, there's only \$8 million or something, or whatever there is in Multifaceted. And I know there are a lot of hamlet parks. So if this fits more under the Quarter Percent, I'd rather spend that money than the park money.

COMMISSIONER MEEK-GALLAGHER:

Just to make it clear that under the New Quarter Percent Program that was approved last fall, we can purchase pretty much everything; hamlet parks, farmland, open space, active recreational sites. So there aren't the same restrictions that there used to be on the program. Specifically for the purpose that we wouldn't have to worry so much about which funding source do we not have funds left. And it was basically to make us -- the entire program more flexible. So you're looking at it as one holistic program.

CHAIRMAN SCHNEIDERMAN:

We can't do affordable housing, though, under that.

COMMISSIONER MEEK-GALLAGHER:

No, we cannot do affordable housing but we've already appropriated the funds for affordable housing for the year.

CHAIRMAN SCHNEIDERMAN:

So they're encumbered now. There's time constraints on this in terms of closing.

MS. LONGO:

Well, only that we've been in contract for a while and we're at the point where we're ready bring an authorizing resolution to you. But first we need the planning steps done again.

LEG. BEEDENBENDER:

Well, maybe we could discharge it and have it amended by the end of the day.

CHAIRMAN SCHNEIDERMAN:

We could discharge it without a recommendation. That's a possibility. We could --

P.O. LINDSAY:

Could I just get in the middle? The Department is looking for a corrected planning steps actually backing into it. I mean they're already in negotiations. Give them what they want, the latitude and see what they come back with, with the authorizing.

CHAIRMAN SCHNEIDERMAN:

I think Legislator Beedenbender makes a good point that, you know, these Multifaceted funds could be used for other things. There might be a program -- you know, rather than tying up all this money in Multifaceted, which could be used for affordable housing, what not, buying it in another program might be more appropriate but --

MS. LONGO:

That's not -- we've already got our allocation for Multifaceted. It's separate from affordable housing. It has nothing to do with affordable housing.

CHAIRMAN SCHNEIDERMAN:

Well, I'm fine with it. I'll follow your lead. Brian, what do you want to do?

LEG. BEEDENBENDER:

Well, I mean I think -- I personally think that the money would probably be better spent out of Quarter Penny than this.

COMMISSIONER MEEK-GALLAGHER:

Just to reiterate, though, Legislator Beedenbender, you can do -- now you can buy everything under the Quarter Percent that you can under Multifaceted except for affordable housing. And that appropriation's already been made so the money's already in two separate pots.

LEG. BEEDENBENDER:

I didn't hear it that way when you said it the first time but I got it now. Okay. Well, then, I'm fine.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to approve by Legislator Beedenbender, second by Legislator Cooker. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)**

IR 1228, amending the 2008 Capital Budget and Program and appropriating funds in connection with the Charter Law Extending and Accelerating the Suffolk County 1/4 percent Drinking Water Protection Program for Environmental protection for land acquisitions. (County Executive Levy)

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Can I just get an explanation on this?

LEG. BEEDENBENDER:

Second, just so you have it.

CHAIRMAN SCHNEIDERMAN:

A motion and a second. Motion by Legislator Cooper, second by Legislator Beedenbender. What is the necessity?

COMMISSIONER MEEK-GALLAGHER:

The necessity is that we currently have just under \$32 million in accepted offers meaning that the majority of those -- the majority of them have executed contracts back from sellers but that much is in accepted offers. Hence, in order to keep the process moving forward we would need that money now. That's why we ask for that specific amount.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. BEEDENBENDER:

So now we're going to bond this year out of what we put forward or at least so far?

COMMISSIONER MEEK-GALLAGHER:

Right, for the first bond issuance of the County cycle. We will definitely be coming back for another amount of money later in the year.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislator Losquadro and D'Amaro not present)**

IR 1233, authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Nature Conservancy, Inc as contract vendee of the Blocker property, Corey Creek, Town of Southold. (County Executive Levy)

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Beedenbender, second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)**

MR. ZWIRN:

If I just might add, Mr. Chairman, there's \$4 million for the County's contribution to the Town of Southold for affordable housing on the property here. That's \$4 million.

CHAIRMAN SCHNEIDERMAN:

This is affordable housing property, is that what you're saying?

DIRECTOR ISLES:

Blocker? No, this is open space.

MR. ZWIRN:

\$4 million.

DIRECTOR ISLES:

This is Corey Creek.

CHAIRMAN SCHNEIDERMAN:

I'm not understanding what Mr. Zwirn is saying.

MR. ZWIRN:

I thought this was for the affordable housing portion but it's not. This is for open space. It's still \$4 million.

CHAIRMAN SCHNEIDERMAN:

Okay. And it's a match, right? We have four million from Town of Southold?

DIRECTOR ISLES:

Yes.

MR. ZWIRN:

The County's contribution is four million.

DIRECTOR ISLES:

And it's a Master List parcel.

CHAIRMAN SCHNEIDERMAN:

Okay. And we have voted on it already.

IR 1234, authorizing acquisition of land under the Suffolk County Environment Legacy

Fund for open space preservation for the Nature Conservancy as contract vendee of the Filippelli property, Accabonac Harbor addition, Town of East Hampton (County Executive Levy) I'll make the motion.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. What's the price on this one?

MS. FISCHER:

1.6 million.

MR. ZWIRN:

1.6 million County's contribution and 1.6 from the town.

CHAIRMAN SCHNEIDERMAN:

And the other one was four so that's about 5.6 million. This Legacy Fund has what \$50 million in it originally?

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

This requires 50 percent partners. The Nature Conservancies were all in both of these? They've already purchased them from the owners and they're holding it until the transfer? Is that --

COMMISSIONER MEEK-GALLAGHER:

No, they're just contract vendees they're working for the town to assist on some of these acquisitions but they have not actually closed. I believe their closing is scheduled for April, right?

CHAIRMAN SCHNEIDERMAN:

So the Nature Conservancy has a contract to purchase these properties. Are we paying the same price or is the Nature Conservancy -- they're not making anything on this? Or am I misunderstanding the process?

COMMISSIONER MEEK-GALLAGHER:

I don't know. They're not acting as an agent for us. They're acting as an agent for the town.

CHAIRMAN SCHNEIDERMAN:

Who are we buying the property from? The Nature Conservancy or somebody else?

COMMISSIONER MEEK-GALLAGHER:

From the property owner.

CHAIRMAN SCHNEIDERMAN:

Mr. Kent, perhaps? Mr. Kent?

MR. KENT:

Yeah, the Nature Conservancy will be closing on both of these parcels in advance and we will be closing with the Nature Conservancy, buying their interest.

CHAIRMAN SCHNEIDERMAN:

Are we buying it for the same price as the Nature Conservancy is buying it?

MR. KENT:

Yes. The Nature Conservancy is not making any money on the transactions.

CHAIRMAN SCHNEIDERMAN:

Is there an interest clock? I've been there before.

MR. KENT:

Well, they are making money because they represent the two individual towns so it's in their interest to get them closed. They're agents for the towns.

CHAIRMAN SCHNEIDERMAN:

I've seen this before where the Nature Conservancy has an interest clock for every, you know, day after they close, it starts building interest that --

MR. KENT:

No. If you close within 30 days from the date they close there's no interest due. So our intention is to close within 30 days.

CHAIRMAN SCHNEIDERMAN:

And what if you close -- because the County can't often close that quickly. What's the interest rate after that point?

MR. KENT:

I deal with both of them on both of these transactions. They're not going to earn any interest on these.

CHAIRMAN SCHNEIDERMAN:

Okay. Because I've seen deals in the past where their interest rate was seven percent or more. Can't get that in the bank. I'm just saying that -- I'm just curious as to how the deal is structured because in which case we may want to close quickly because those -- that interest can add on up on some of these larger, you know, higher priced properties.

MR. KENT:

Our intention is to close -- they're going to close by April 18th, I believe, is their date. And we're going to close by May 15th so there'll be no interest due.

CHAIRMAN SCHNEIDERMAN:

Mr. Presiding Officer, the reason I ask these questions because I think all the stuff needs to be upfront.

P.O. LINDSAY:

Don't be so sensitive.

CHAIRMAN SCHNEIDERMAN:

Okay. We had a motion. I believe I made the motion. I'll make the motion again, second by Legislator Cooper. All in favor? Opposed? Abstentions? All right. 1234 is approved. **(Vote: 4-0-0-2. PO Lindsay included in vote. Legislators Losquadro and D'Amaro not present)**
That concludes our agenda and we are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 2:34 PM)
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