

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 April 14, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Presiding Officer Lindsay
Leg. Edward P. Romaine, First District
Leg. John M. Kennedy, Jr., Twelfth District
Leg. Steven H. Stern, Sixteenth District
George Nolan, Counsel to the Legislature
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
Ben Zwirn, Deputy County Executive
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
Rick Brand, Newsday
Marge Acevedo, Aide to Presiding Officer
Lisa Keys, Aide to Leg. Romaine
Catherine Stark, Aide to Leg. Schneiderman
Nancy Manfredonia, Central Islip Civic Council
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 1:07 PM)

CHAIRMAN SCHNEIDERMAN:

I'd like to call this meeting to order of the Environment, Planning and Agriculture Committee this 14th day of April 2008. If you all will rise and join us for the Pledge of Allegiance led by Legislator Lou D'Amaro.

SALUTATION

You may be seated. Okay, we have no presentations today. Are there any yellow cards? I do not have any before me, which means -- is there anyone who wants to address the Committee? Ma'am if you'll step forward. I see you have something to hand out, if you could pass that to the Clerk and then if you'll take your place at the podium and identify yourself for our record.

MS. MANFREDONIA:

Good afternoon. My name is Nancy Manfredonia. I'm the Executive Director of the Central Islip Civic Council. We're located on Wheeler Road in Central Islip.

And I'm here today to speak on behalf of listing our homestead farm in the Farmland Preservation Program. I've handed out some information. This is a unique piece of land in downtown Central Islip that very few people knew about until our non-profit group purchased it ten years ago. We have continued the tradition on this piece of property of farming. It was the two homes on the property. One was built in 1888 and the other one in 1905. We run a food pantry, we do housing work, but we also bring school children into this farm.

We have a wide variety of agricultural products. And you can see from some of the pictures in here that we are growing organic produce for sale and to give away in our food pantry. We have our own bee hives and our own honey. We have fruit trees. We have jam. We have sheep and we sell wool from the sheep. We also have a great deal of flowers that we sell so -- and plants. So this is a farm that is very important to our diverse Central Islip community. And it has become a focal point in downtown Central Islip.

I have some more information here for you that you could look through. And we do have a farm manager who has experience in the Philippines and he is running our farm now for us. And if you have any questions, of course, we -- I forgot to mention that we do have ducks and chickens and we sell free range eggs, eggs from free range chickens and ducks.

So it's a very unique place. I'd love to have you all visit. And if you have any questions about this I'll be here when it comes up on the agenda.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, which resolution does this pertain to?

MS. MANFREDONIA:

1258.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. Thank you.

MS. MANFREDONIA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other questions? Thank you. You may be seated. Anyone else who wishes to be heard?

Okay. We'll move to the agenda starting with CEQ resolutions. Mr. Bagg, if you'll come forward.

CEQ RESOLUTIONS

Resolution 03-08, Finalization of Draft Generic Environmental Impact Statement for the Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay and setting the public hearing date. I will make a motion to accept, second by Legislator Beedenbender. On the motion just so you know either, Mr. Bagg, or I -- I could provide some information as well. Jim do you want to?

MR. BAGG:

Yeah, if I might say, this is submitted to the Legislature for informational purposes. The Legislature does not need to do anything. Council approved the Draft Generic Environmental Impact Statement as being in conformance with the requirements of SEQRA. A notice of completion was drafted and filed with the environmental notice bulletin and the document was sent to you. And a public hearing will be held this Thursday on the 17th of April in Riverhead County Center.

CHAIRMAN SCHNEIDERMAN:

Right, after we've gotten public comments and this draft document may be changed, I would applaud the work that went into this document from the County's and the Planning end as well as Cashin Associates who worked on this and particularly, Mr. Isles, who has been spearheading this effort to set up this Agriculture Lease Program. And it's an extremely thorough document. And it will only get more thorough as it goes through the review process, but it certainly -- the entirety of CEQ felt it was ready for a public distribution and comment. So all in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

04-08, Ratification of Recommendations for Legislative Resolutions Laid on the Table March 4th, 2008 and March 18th, 2008. (Type II Actions) These are all the Type II Actions. Is there a motion?

LEG. COOPER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

05-08, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Crab Creek - Judith C. & Howard C. Brandenstein Property in the Town of Shelter Island. (Unlisted Action, Negative Declaration)

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **05 is Approved. (VOTE: 5-0)**

06-08, Board of Elections Warehouse Addition. (Unlisted Action, Negative Declaration)

This is an unlisted action. It's a negative declaration. It was made by CEQ.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Losquadro. I'll second. Any questions? It's fairly benign. This is for the additional voting machines for the optical scanning machines. It's a air conditioned climate

controlled environment in the back of the current building. All right. All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)** All right. Moving onto tabled resolutions.

TABLED RESOLUTIONS

IR 1021, To promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine) The sponsor is here. Ed, do you want to comment on this?

LEG. ROMAINE:

Yes, I did. I was here back at the beginning of the year. And at that time back at the end of January, I spoke about this. This is a very simple resolution. It's a resolution that says, if Suffolk County is going to put tax liens for sales on Brownfields properties, that the basic requirement that should be in there is an agreement that these properties have to be cleaned up.

Now the Executive said at that time that they wanted to tweak the language. I had sent Ben Zwirn a fax about the tweaking. I hadn't heard about it so I assume that they have not moved forward in an expeditious fashion. And, therefore, I'm going to ask that the Committee adopt this. I think it's important that we send a very strong message that the whole goal of a Brownfields Program is to have cleanup; not to make money. When we sell the tax liens, we should make them subject to the fact that these properties are eventually going to be cleaned up.

CHAIRMAN SCHNEIDERMAN:

Did you, Legislator Romaine

LEG. ROMAINE:

Yeah.

CHAIRMAN SCHNEIDERMAN:

-- because I had questions the last time this came through, too, and I don't know if it's been amended in any way since that point, I take it it has not.

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

One of my concerns was that they had to commence cleanup within a certain amount of time.

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

But it didn't say anything about having to continue to cleanup.

LEG. ROMAINE:

Right. It was broadly worded to try to gather support and not make it onerous because the tighter you may -- I believe the Executive would have problems with that so I try to keep it as loose as I possibly could and was still committed to the idea of getting these properties at least initiating cleanup on these properties. Right now we're selling tax liens without cleanup despite the fact that we were told originally in 2006 when I raised the question, that, yes, a cleanup provision would be included; and in fact none were. And then we voted on it, if you recall --

CHAIRMAN SCHNEIDERMAN:

No, I think we understand that history.

LEG. ROMAINE:

-- in 2007 and, uh, sorry I never said that. Well, here's the minutes, whoops, I made a mistake. There we go. So now we're clarifying that.

CHAIRMAN SCHNEIDERMAN:

Right. No. This gives us the opportunity to revisit that issue to see if that is something that we absolutely want as a precondition --

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

-- to bidding on these Brownfields properties. And my recollection is the idea was not met adversely last time.

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

There was just -- there was some questions about the time -- the windows of time in the bill. And let me go to Legislator Cooper first.

LEG. ROMAINE:

Sure.

CHAIRMAN SCHNEIDERMAN:

And then I think that the administration wants to comment as well.

LEG. COOPER:

Well, that was one question that I had. But also I'm not sure what you're trying to accomplish, Legislator Romaine. All that this resolution requires is that the owner initiate remediation, but it wasn't defined. What does that mean? What steps could he take, what minimal steps could he take?

LEG. ROMAINE:

Well, remediation is usually defined by DEC who has control over remediation projects. They usually have to file with DEC a plan of action. In that plan of action they give a deadline, a timetable in which that remediation is going to be done. That's a matter of state law.

LEG. COOPER:

Counsel, is that your understanding of the way this resolution is worded?

MR. NOLAN:

Well, it says that the remediation efforts will begin within two years of the foreclosure. It doesn't explicitly say what Legislator Romaine just laid out in terms of the DEC, but in practical terms he may well be correct, that that's what will happen and that's how you'll know that it -- the remediation has begun. But the resolution itself does not expressly state that.

CHAIRMAN SCHNEIDERMAN:

And it's one year from the end of the foreclosure process.

MR. NOLAN:

You have one -- it's two years from the end of the foreclosure when the foreclosure's actually done. They have one year to do the foreclosure and then two years from foreclosure to actually begin remediating the properties.

CHAIRMAN SCHNEIDERMAN:

Two years from the -- not the beginning of the foreclosure procedure, but the end of the foreclosure procedure.

MR. NOLAN:

From the date of the foreclosure. Two years from the --

CHAIRMAN SCHNEIDERMAN:

The actual transfer of the --

MR. NOLAN:

When they take title, yeah.

CHAIRMAN SCHNEIDERMAN:

Take title, okay.

LEG. COOPER:

So again to clarify, Legislator Romaine, you're saying that the property owner would comply with this resolution simply by filing a plan and taking no further action?

LEG. ROMAINE:

Well, once he starts remediation he has to file a plan of action with the DEC. A plan of action with timetables --

CHAIRMAN SCHNEIDERMAN:

Oh, I see.

LEG. ROMAINE:

-- a timeline. And he has to comply with that timeline and enter into an agreement with DEC regarding remediation.

LEG. COOPER:

But none of that's in the resolution.

LEG. ROMAINE:

No, that isn't in the resolution because it's in state law. However, I'm happy to -- I am happy to table this for one cycle if I can get a commitment from you since you're raising these questions, if I tighten this, will you support this? What language will it take for you to vote for this?

LEG. COOPER:

I don't know, but it doesn't make any sense to -- for me to support this at this point.

LEG. ROMAINE:

I understand that.

LEG. COOPER:

And this is the discussion we had --

LEG. ROMAINE:

I understand your point of view. I'm trying to accommodate your point of view to tell me what is the language that you need to vote for this on the record. Because I don't mind people voting against things, if there's a remedy because I'm happy to remedy whatever it is. But then when I revise this next month, will there be something else?

LEG. COOPER:

If your office would like to reach out to my office, I can consider this and get back. I can't answer

that on the spot. I'm just saying --

LEG. ROMAINE:

I understand that.

LEG. COOPER:

-- that the same questions that we had at the last meeting and the meeting before, nothing's changed. And you're asking for a different outcome. It doesn't make sense. So I'm willing to work with you on this, but you've got --

LEG. ROMAINE:

No, I'm not asking for a different outcome. I just said I'd table this for a month, but I'd like to know the language. If you could e-mail me the language that you're looking for, that would get your vote on this, I'd be interested to hear that.

CHAIRMAN SCHNEIDERMAN:

Well, I think you actually have answered my question, that the state law requires --

LEG. ROMAINE:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- the plan to be followed and finished within a certain period of time.

LEG. ROMAINE:

That's correct.

CHAIRMAN SCHNEIDERMAN:

So there's already a hook in that. My concern was that just saying you have to initiate, so what, they stick a shovel in the ground and nothing's really happened. And now what you're saying is basically to get to that point, they would have had to have a plan approved by the DEC, which may have penalties in it for -- if they don't complete it by a certain date. So that would -- that satisfies my concern, but you have -- may have a slightly different concern.

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

I got actually -- Lou is next. Legislator D'Amaro, then Beedenbender, then we'll hear from --

LEG. D'AMARO:

I just want to think this through, to pick up on what Legislator Cooper's saying. Looking at, you know, what is -- what are we trying to achieve here because in concept I agree that when we're selling a tax lien as opposed to the property, and this is the only circumstance under which we sell a tax lien, because the County does not want to take title to a property. Let's say a lien goes to bid, which has happened recently and we have approved, I believe, the sale of a few tax liens so far. Is that accurate?

CHAIRMAN SCHNEIDERMAN:

Two.

LEG. ROMAINE:

Two.

LEG. D'AMARO:

Two, right. Well, what happens when the tax lien is bid upon and then let's say assigned over to the

successful bidder, the County is then made whole as far as any arrears. Is that accurate, George?

MR. NOLAN:

Yes.

LEG. D'AMARO:

Yeah, okay. So now the County is in a position where we're made whole and the tax lien is now in private hands. If the bidder refuses -- now remember the title remains in a private property owner, not the successful bidder. That's only the lien that is assigned over to the bidder. So now the successful bidder can either foreclose the lien or not foreclose the lien. If they don't foreclose the lien, at a minimum to protect their interest they would probably pay the taxes on the property. If they do not, then the County would be put right back in the position it was in by now accruing a new tax lien, but having had all the arrears paid. So we're actually in a better position even if the lien is not foreclosed in that sense, just in the sense that we got the arrears paid off. It has nothing to do with the cleanup of the property, but the arrears have now been paid, the taxes are still not being paid, the lien has not been foreclosed. But now we have another tax lien, but we got our tax money, which were owed in arrears.

The other outcome could be the foreclosure of the lien by the successful bidder in which case it's my understanding that all of the liabilities and cleanup obligations under all the other -- let's say state law, would then attach to the successful bidder so you do have an enforcement mechanism where the property would be required to be cleaned up. In other words, the bidder of the lien would foreclose the lien, take title to the property and then be obligated under state law to clean it up anyway.

So you have a -- you have an enforcement mechanism. So in one scenario, we get our arrears and wind up with the tax lien, which is a better position than we started at least from a fiscal standpoint. And the other scenario there are already state laws and liabilities that are going to attach for clean up anyway. So that's just a point I want to make in that --

LEG. ROMAINE:

That's a good point except --

LEG. D'AMARO:

Hold on, let me just finish. Just -- excuse me -- so the trade-off then becomes, you know, putting this County obligation on a successful bidder. And is it worth putting that County layer or obligation on a bidder as opposed to our interest in getting the arrears paid off? Are we going to somehow dampen someone's willingness to bid on a tax lien when we're setting time periods that we don't know whether they're going to be too short or too long. And I think we had some discussion last time about the time periods being a little too short.

So on the one hand, I question whether we even need this because there are other liabilities that are going to attach. On the other hand, you know, I want to be a little careful in dampening someone's willingness to bid on a tax lien especially given the fiscal problems that we might be encountering next year in the County. Legislator Romaine, go ahead.

LEG. ROMAINE:

Thank you. That would be good except for the property in question, which Mr. Kent knows very well that's in my district, which is right down the block from my office and Mr. Kent's former office, has been probably a Brownfields for at least 20 years and has never been cleaned up. And there's a question of how much remediation needed to be done. And there's a question of when it's declared a Brownfield, who declares it a Brownfield, by what standard and how much cleanup is involved. We may be selling tax liens that are at absolute basement bargain prices, which require very little remediation. That's another question about the whole Brownfield's Lien Program that we could go into. But my goal in drafting broad based legislation, and I'm happy to revise it and I'm going to work with Legislator Cooper and get the right language for him to support this, my goal is to get

Brownfield's cleaned up, end of story.

Under the Suffolk County Tax Act, the only reason we're not taking possession of this is because we suspect that there's a Brownfields or it's been declared a Brownfields. We have no idea in many cases on many of these parcels why or how much remediation is involved at all. And I've got to say, we now have a piece of property that probably will not get cleaned up in Riverhead; that the successful bidder, who I believe is Mr. Toussie, may never foreclose on, may never cleanup and people are waiting who live around there to find out exactly how much remediation has to be done, what is involved. It was a former gas station and now is a vacant lot.

And my concern is that these situations don't occur throughout the County, that if we're selling Brownfields, we make it clear that at some point with more precise language perhaps than my original draft has, that Brownfields will be required to be cleaned up. You're concerned about the financial aspect of this. We're talking about -- I think we had 14 properties or 12 properties in the last Brownfields auction and only two were sold. I'm concerned about the cleanup. And obviously we're approaching this from two different methods.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. ROMAINE:

I will not be contacting you because I don't think that we'll see this.

CHAIRMAN SCHNEIDERMAN:

All right. In the interest of brevity -- and it sounds like this is going to be tabled. I know a few other Legislators wanted to comment here, if we could just kind of quickly get through this.

LEG. ROMAINE:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Chris, I just had a couple of questions for you. I'm trying to recollect the discussion we had last time. I agree with what Legislator Romaine is saying. I would like to see them get cleaned up, but I remember you had a concern about what we were just talking about, whether this would dampen the interest from people on the tax liens. I wanted to ask what -- did you propose a remedy or is there a specific part that is problematic within the current legislation that you think would dampen the interest that we could fix and get it to a point where we could pass something?

MR. KENT:

Well, I don't have the answer right here today.

LEG. BEEDENBENDER:

Okay.

MR. KENT:

I did ask for some time to put together some proposed new rules that would be presented to the Legislature for approval prior to us conducting the next sale of tax liens at auction. We haven't proposed those yet. We did have a meeting about it with the County Attorney's Office and we had some discussion about it, but we have no new proposed rules at this time. I would like the opportunity to present new rules and rather than do this as a separate resolution to include it within the proposed new rules that will be brought back to the Legislature for approval. We won't conduct another tax lien sale until those rules are adopted. So I think -- I really think that would be the way to proceed in rules rather than in legislation that mandates it by, you know, rather than being within

the rules by separate resolution.

One last thing I wanted to comment on that was stated by Legislator Romaine, there is a group that's made up of the Suffolk County Treasurer, the Health Department, the Office of -- the Department of Environment and Energy that sits down and goes over all the properties that -- where liens have been taken for nonpayment of taxes based on information provided by the Health Department. The decision is made whether or not to take title to property. They also identify a range of costs that would have to be expended in order to get the property free of contamination.

LEG. BEEDENBENDER:

So that's the procedure that Legislator Romaine was referring to and the ones that we suspect; that's how we suspect when that group comes forward?

MR. KENT:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Ms. Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yes. And another piece of it is that we actually have a person from the Division of Real Property Acquisition and Management who will go out and do a site inspection as much as possible, pull up aerial photos and then do a drive by. Obviously we can't get onto the property because we don't own it. And then come back and share with us both the aerial photos and what he found during his, you know, reconnaissance mission, so to speak, to help us then determine between what we know from health service records and what we know from site inspections whether or not we see a potential risk. And a lot of it is based on former uses as well as what we see currently on this site.

And again it gets to the issue of do we want to be in the chain of title so it is a question of how much risk we would want to take on to go ahead and take title to these properties and be in the chain of title and be potentially liable or to then -- or to sell them in a lien -- as a tax lien.

CHAIRMAN SCHNEIDERMAN:

Do you do on that -- do you do some kind of literature search to see what the DEC has?

MR. KENT:

We do a document review of all files.

CHAIRMAN SCHNEIDERMAN:

I know there's groups, private companies, like Toxics Targeting is one of them, that could give you like a full report pretty much for any property in terms of the history of contamination on it as long as they've been reported.

COMMISSIONER MEEK-GALLAGHER:

Health Services has access to -- well, Health Services goes onto the DEC -- they have all the DEC records.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER MEEK-GALLAGHER:

And that's essentially where Toxics Targeting gets their information, too, between DEC records and DHS records.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. ROMAINE:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

All right. You want to make a motion? You're not on the committee, are you?

LEG. ROMAINE:

No, no. I'm sorry, I just realized that.

CHAIRMAN SCHNEIDERMAN:

That would be interesting. Who's next? I think Dan Losquadro -- Legislator Losquadro's next and then we'll come back to Legislator D'Amaro.

LEG. LOSQUADRO:

Thank you. Mr. Kent, you talked about putting these rules forward. And I know you had asked for some time to do that. Do we have a time frame in which we might see something? I know you said you had a meeting.

MR. KENT:

Well, we did circulate -- we circulated internally between my division and the County Attorney's Office some potential language or concepts than actual language. So I will make an effort to set up a meeting so that we can draft some actual language into the proposed rules.

LEG. LOSQUADRO:

So that's a no, you don't have a time frame?

MR. KENT:

Do I have a time frame? I could say that we could probably have it laid on the table not at the -- the meeting in May, I think we could probably have something prepared.

LEG. LOSQUADRO:

And I appreciate your thought that this would be something that will be easier to do in a package of rules, but you're talking about presenting it to us for legislative approval. As a fellow elected official I just have a little bit of a problem that a Legislator saw a real problem that needed to be addressed, introduced his own resolution, which now will be folded into a proposal by a department. And, you know, we're not always doing this for accolades or for praise, but sometimes you do want some recognition for the good work that you do and for problems that you see.

And, you know, on behalf of my colleague I just would say that perhaps working with him to amend this resolution and addressing other parts of your concerns for -- as the auction moves forward, might be prudent and, you know, some deference to the sponsor who brought this to the forefront might be in order.

MR. KENT:

Well, I could say that I've had a couple of conversations with Legislator Romaine about these -- about this. And I did acknowledge to him, if that's what you're looking for, I acknowledged to him that what he raised was a valid point and that we should address it with some amended rules that could be presented to the Legislature for approval.

MR. ZWIRN:

And that's no small concession.

CHAIRMAN SCHNEIDERMAN:

Okay. Was there any other comments? Legislator D'Amaro. Legislator D'Amaro.

LEG. D'AMARO:

Just through the Chair, Legislator Romaine, if you're going to be revising this bill --

LEG. ROMAINE:

I am.

LEG. D'AMARO:

-- or revisiting this bill, the Fourth Resolved clause talks about taking action; that the County Attorney is going to take or bring an action against anyone who does not initiate remediation efforts on the subject Brownfield property within two years. What -- this kind of gets to my -- again, I'm not adverse to the concept. I was only -- the point I'm trying to making, though, is that that would happen in the case where the lien has been foreclosed by the bidder, in which case there is already probably statutory action authorized under state law.

LEG. ROMAINE:

I wish there was. As I said -- let me get this on. I wish there was. As I said, the property in Riverhead, which by the way no one has a problem going on because it's used as a parking lot as Mr. Kent knows, the property in Riverhead has been unremediated for the last 20 years so obviously state law did not -- must have failed in that instance.

LEG. D'AMARO:

Yeah, I don't have any knowledge of that particular situation.

LEG. ROMAINE:

I've asked for information on that particular piece of property. And I would appreciate through the Chair, if I could, asking the Commissioner of Environment if I could get a full write up either from her or from the Department of Health through her of the exact problems with the, I think, it's {Kamis} property in Riverhead on Pulaski. And if you could get me that so I could understand why that was -- the property was particularly listed, that property that Mr. Toussie purchased for \$80,000 acre -- one acre plus. I believe it's zoned commercial. If you could get me that information, I'd be very interested to take a look at that. But I -- I will tell you -- and I would invite all my colleagues please call me if you have concerns, e-mail me, whatever. I plan to submit by Wednesday a revised version so it can be laid on the table so it will be ready for our next meeting in May. So if you have any suggestions or any improvements that you think is worthy of consideration, please let me know. I will try to incorporate all of them. I'm looking to get this passed. I think this is a Legislative initiative.

If this was up to the Executive -- the Executive had assured us, you were Chairman of Ways and Means when I asked the question on the record to Ms. Bizzarro about the clean up. And she assured us, and the verbatim transcripts say that, that there would be a clean up provision in the final presentation of the rules and the auction. The auction was held. The rules were never adopted by this Legislature with the clean up provision. And when we were presented with the sale, we were told no, that was never said. And we had to produce verbatim transcripts and in fact that was said. So I'm just trying to clarify not by administrative fiat, because that has failed before, but by Legislative action, something so necessary; a policy which I believe every environmental group will endorse. And I fully intend to e-mail and work with every environmental group to ensure the cleanup of Brownfields properties in which -- where we sell either the property or the tax lien. Thank you.

LEG. D'AMARO:

You know, it's just -- very quick. Look, I read those same minutes and my recollection was that although it was said that they should be part of the terms of sale, it wasn't agreed to by Ms. Bizzarro that they would be in the terms; and in fact that's why you voted against the resolution itself. But anyway I don't want to re-debate that whole thing.

LEG. ROMAINE:

I voted against it because I didn't believe her.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. Let's not --

LEG. COOPER:

Can I make a motion to table?

CHAIRMAN SCHNEIDERMAN:

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

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? **1021 is tabled. (VOTE: 5-0)**

LEG. LOSQUADRO:

Moving right along.

CHAIRMAN SCHNEIDERMAN:

Yeah, hopefully we'll start moving at some point. I have a feeling it's not going to be immediately, though.

1022, I see the sponsor is here as well. **1022, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Smithtown Boulevard property) Town of Smithtown (SCTM No. 0800-168.00-04.00-001.000). (Kennedy)** The sponsor -- are you here on this one specifically?

LEG. KENNEDY:

No. Actually I want to speak on the other one. I'm tabling this one.

CHAIRMAN SCHNEIDERMAN:

Fine. Thank you.

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table.

LEG. COOPER:

Motion to table subject to call.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. There's a motion to table and a motion to table subject to call. And, Lou, which one are you seconding? There's a second on the motion to table subject to call. I'll second the regular tabling motion. Which comes first? Subject to call. Any discussion?

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

To the sponsor of the motion table subject to call, just a question as to why we wouldn't continue tabling this?

LEG. COOPER:

It has a rating of 14.

LEG. LOSQUADRO:

Excuse me?

LEG. COOPER:

It has a rating of 14. It had a rating of 14 at the last meeting and the one before that and the one before that.

CHAIRMAN SCHNEIDERMAN:

You're tabling it subject to call as opposed to just voting it down. Is that what you're saying?

LEG. COOPER:

I made a motion to table subject to call. If the rating changes, then we could bring it back. But if the rating doesn't change, I don't see a point for it to keep appearing on the agenda.

LEG. KENNEDY:

You know what, that's fine, as a matter of fact, I'm not on the committee. And I mean, if that's the committee's will with this, what I'll do is, is perhaps I'll withdraw. I have been working actively with a local neighborhood group regarding acquisition of this. If it's more appropriate to get a higher rating going from a different program -- I'm going to reserve my comments about rating, though, when we speak about the next resolution if we can.

LEG. D'AMARO:

Just on the motion.

CHAIRMAN SCHNEIDERMAN:

Can we consider it withdrawn on, then? Is that what you're doing?

LEG. KENNEDY:

No. I'm not going to withdraw at this point right now.

LEG. D'AMARO:

Just on the motion, Jay.

CHAIRMAN SCHNEIDERMAN:

All right. So there's a motion. I'll support the table subject to call under that circumstance. All right. So all in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions? **It's tabled subject to call. (VOTE: 4-1-0-0. Leg Losquadro opposed)** I'm sorry Lou.

LEG. D'AMARO:

That's all right.

CHAIRMAN SCHNEIDERMAN:

1025, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Kraft property) Town of Huntington (SCTM No. 0400-089.00-02.00-018.000). (Cooper)

LEG. COOPER:

Despite it's rating of 30, I make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by the sponsor, second. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 5-0)**

Still on tabled resolutions, **1037, Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program (Coffey property) Town of Smithtown (SCTM No. 0800-164.00-04.00-002.000). (Kennedy)** Is there a motion?

LEG. COOPER:

Motion to table.

LEG. LOSQUADRO:

Motion to approve.

LEG. COOPER:

Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table subject to call and a motion to approve. Do I have seconds on either?

LEG. D'AMARO:

I'll second the motion on the table.

CHAIRMAN SCHNEIDERMAN:

Second on the motion to table subject to call. I'll second the approval motion for discussions. The sponsor is here again.

LEG. KENNEDY:

Thank you, Mr. Chair. On this parcel, the Coffey property, I would say that this one is dramatically different than the prior resolution in that for those of my colleagues, they've heard this before, we have gone through the process with this piece of property. It was previously approved under a prior acquisition program. There have been appraisals that have been done. There has been an assessment and an analysis that has been done. There has been a neighborhood group who's been solicited who has committed and who has forwarded correspondence to Planning as far as a willingness to go ahead and sponsor monitoring and upkeep of the program. There's been a commitment that's been obtained from the Town of Smithtown to actually go on, do demolition on the structure that's on the property, do the removal. We have appraisals that are aging as we speak with this.

And what I have asked of my colleagues is that we merely have the opportunity to go ahead and present to the owners the approved offer that's been obtained from ETRB. I think what I would say to my colleagues in this is that if there is a desire to go ahead and to revise the process hereafter the fact, that I think the only recourse I'm left with is to go ahead and revise the ratings process.

Because unfortunately this parcel seems to be getting some type of an after the fact of post-hoc vetting due to merely having had the finance source come against a time frame or a time deadline. And it's questionable as to whether or not there is even a need to go ahead and to have another planning steps reso adopted since we've come this far in the process. So that's what I would appeal to my colleagues to consider with this.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you, Legislator Kennedy. Is there any other or comment or discussion? If not, we'll call the vote on the table subject to call motion. We have -- all right, Legislator Beedenbender and then Legislator Losquadro.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Legislator Kennedy, I believe I sent a letter to you about this property; I hope you got it. And my concerns remain what they were. And I'm not indifferent to the fact that you have all those community groups and the town's willing and everybody's involved, but I think it's important that even with all that involvement, we still have 15 points. And I know that this resolution was approved by the Legislature in a previous iteration. But I wasn't here for that. And I think that this -- the points are low. And that's why I think it shouldn't be approved. And I think these points, it should be uniformed throughout the County. And we have this rating system from the Planning Department. And at 15 with -- even though we have all this money, you know, from the sales tax, with 15 that just doesn't rise to the level that we normally use for an approval. And that's why I don't -- and if that doesn't change, my opinion will never change, which is why I'm going to support the motion table subject to call.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro, then Cooper.

LEG. LOSQUADRO:

I guess this to directed to a couple of people. Number one, any recommendations that come forward from any agency within the County are merely that, they are recommendations. We make the ultimate decision.

In this case, I have to concur with Legislator Kennedy here. I've had properties in the past that we have changed throughout the process the funding source. Because this one ran up against an expiration, that somehow this is being treated differently now, I had disagreed with and I continue to disagree with. Ultimately this body acted in good faith, approved this property for review. The property was appraised and now it's in limbo and it will not move forward. I disagree with that. I think the actions of this body when it voted regardless of who was here and what turnover has taken place, are binding.

So if we absolutely cannot agree that no further resolution is necessary with this one in front of us, then I suggest we approve this resolution and allow this process to move forward. So that's why I made my motion to approve.

CHAIRMAN SCHNEIDERMAN:

Let me just really quickly comment on that, too. This was a planning steps resolution. Most of the planning steps it sounds like have already been done so I can't imagine there's a lot more cost to be incurred in this amendment to the planning steps resolution. If you don't think it's worthy of acquiring it when it comes before the Legislature, don't vote to acquire it. But I think to respect the decision of the earlier board to move forward with the planning steps, which they actually have done and they've already paid for appraisals and what not, I think to bring it to that point seems to be prudent to me and respectful.

But anyway, we have -- Legislator Cooper also is on my list. While he's speaking -- Legislator D'Amaro, and then we'll come back to Legislator Cooper.

LEG. D'AMARO:

Thank you. Director Isles, just very quickly, how far along are the planning steps on this particular acquisition or resolution?

DIRECTOR ISLES:

Commissioner Gallagher and myself, my understanding is this has gone to the ETRB. There is a -- an appraisal process has been completed. I don't believe any negotiations have started at this point.

COMMISSIONER MEEK-GALLAGHER:

Well, the --

CHAIRMAN SCHNEIDERMAN:

When you say negotiations, I didn't think we negotiated. We -- it's -- a price has been approved and --

COMMISSIONER MEEK-GALLAGHER:

Well, the negotiation process.

CHAIRMAN SCHNEIDERMAN.

And then that would be offered. Has it not been offered?

DIRECTOR ISLES:

I don't believe so, but I'll defer to Commissioner Gallagher in terms of the funding source, I guess, being the question. But in answer to your question, contact was made with the owner. Appraisals were ordered, reviewed by Real Estate and brought to ETRB at this point.

COMMISSIONER MEEK-GALLAGHER:

Yes. And an offer letter was sent, but it has not yet been accepted.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. D'AMARO:

All right. And the purpose of this resolution is that the program that was named in the prior approved planning steps resolution is no longer -- was terminated or expired by its terms. What program was that?

DIRECTOR ISLES:

SOS.

LEG. D'AMARO:

SOS. And did that have a different rating under the prior program?

DIRECTOR ISLES:

The only -- the answer is yes. And the only difference is that since the time of the original review of the planning steps, there is an organization that indicated an interest in managing the property so that gave it one extra point, so it's now 16 points.

LEG. D'AMARO:

Oh, but under SOS the rating was still 15?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And that planning steps resolution was passed in 2005, I believe?

DIRECTOR ISLES:

I believe it was, yes. We have a copy here. I can pull it out.

CHAIRMAN SCHNEIDERMAN:

It's a waterfront property, is it not?

COMMISSIONER MEEK-GALLAGHER:

Coffey, no. This is in a neighborhood in Nesconset. Along a -- yeah.

LEG. KENNEDY:

Yeah, it's the Smithtown/Islip Town border.

COMMISSIONER MEEK-GALLAGHER:

Let me -- yeah.

LEG. D'AMARO:

It appears to me to be just smack in the middle of a residential subdivision, single family home development looking at the aerial. And I had another question and I forgot.

CHAIRMAN SCHNEIDERMAN:

That's all right. Legislator Cooper was waiting anyway.

LEG. D'AMARO:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

First of all, if Legislator D'Amaro is interpreting the map the same way I did, I turned down a potential acquisition in my district that was almost identical to this because I just didn't think it was appropriate and it didn't have enough environmental significance. And we don't have an unlimited amount of money to spend. We're spending taxpayer dollars. And I think we have to begin to be a little bit more careful where we spend it. And, yes, the 25 rating threshold isn't legally binding, but I think it's incumbent upon us to use that as a way to set priorities. And I've said very often that I'm willing to give some leeway for parcels in underserved communities, which are primarily western Suffolk. But even -- and I have a resolution that I'm drafting right now, but even there the extra points that I would give for an underserved community acquisition still wouldn't get you to 25. It's just -- it's too far short of that threshold. If it was 20, 21, 22 I'd be willing to work with you. But 15 or 16 I just feel is too low to support. And as I said, I turned down my own constituents when they wanted me to preserve a parcel that was almost identical to this. So in good consciousness I can't support it.

CHAIRMAN SCHNEIDERMAN:

Okay. We've beaten this death I think. Let's have the vote if we can.

LEG. KENNEDY:

If I can add just one more point --

CHAIRMAN SCHNEIDERMAN:

Okay, I guess we're not done.

LEG. KENNEDY:

-- if I can to this, Mr. Chair. I understand the concept that Legislator Cooper's articulating. And I think I've also said, all of us agree, that we're not, you know, slavishly bound to that rating system. But nevertheless, you know, we try to go ahead and put in criteria because all of us try to go ahead and adhere to and work by a uniform set of criteria.

My concern with this parcel is, and in particular with the process on this one is, we are deviating substantially from what we have done as far as giving an indication of a willingness to go ahead and engage in a negotiation process, having undertaken all of the mechanics associated with the department that struggles and labors to go ahead and meet the request that we give to them. Have come them back, gone through the ETRB process, which is well defined in the acquisition statute from 2004 -- 623 I believe it is -- in which once that process happens, the offering then is almost automatic or ministerial. And we've elected now to insert this notion of the funding issue and now taken this and set it awry. And if there's actually been an offer that's been made to private property owners, I think -- I think that's sends a terrible message to the community out there.

I'm going to defer and yield to what the committee's, you know, decisions are of course. But I do genuinely believe that this is the atypical process and not the norm of just trying to move a property that may not have reached a particular set of thresholds to go forward.

CHAIRMAN SCHNEIDERMAN:

I think -- it seems pretty clear that views are not changing on this and we're just going around and around. But Commissioner Gallagher, you wanted to say one thing and then hopefully we'll have a vote on it.

COMMISSIONER MEEK-GALLAGHER:

Yes, I did. I just wanted to throw one more piece of information out there, maybe one more wrench into the -- the process is that given the budget situation that we find ourselves in and the fact that the Legislature and the County Exec's Office having been working very diligently to try to close the budget gap and reduce debt service, what we would respectfully request, meaning the County Exec's Office, is that any projects that would be moving forward under Multifaceted except -- there are four on the agenda today that I will get to that are 2007 funded and that already have signed contracts back from the sellers -- we would like to actually move those projects into a different funding source including any planning steps either to Quarter Percent, or if they meet the criteria, Legacy Fund so that any of the debt service associated with it, any of the expenditures associated with those negotiations, etcetera and so forth would be under the -- if it's Quarter Percent, which most of them would be, the sale backed by the sales tax as opposed to the General Fund. And we'd like to do that at least for the next several months going forward until we see how the budget situation shapes up and the Multifaceted money would still be there later in the year if in fact we needed it. But we would be coming forward to you sooner rather than later requesting additional bonded money out of the Quarter Percent that we'd be able to pursue. Of course, the decision is up to the Legislature and to this Committee but we thought that in light of the budget situation we are facing, it would be prudent to move in that direction.

CHAIRMAN SCHNEIDERMAN:

Okay, okay. So let's have a vote. I think the table subject to call comes first ahead of the approval motion. So this is resolution 1037, on tabling subject to call. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

I'm opposed. Two opposed, Legislator Losquadro and Legislator Schneiderman. **And table subject to call is carried. (VOTE: 3-2-0-0 Opposed: Legislators Losquadro and Schneiderman)**

1045, Authorizing planning steps for the acquisition of land under the Suffolk County

Drinking Water Protection Program, as amended by Local Law No. 24-2007 (RND LLC property - Town of Islip) (SCTM Nos. 0500-089.00-04.00-001.000 and 002.000).
(Lindsay) Is there a motion?

LEG. BEEDENBENDER:

Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

Motion to table subject to call.

LEG. COOPER:

I'll second that.

CHAIRMAN SCHNEIDERMAN:

And seconded. Any discussion? All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. COOPER:

I just wanted to point out because of its low rating of five I feel it should be tabled subject to call.

CHAIRMAN SCHNEIDERMAN:

Okay. There was one opposed. **And it's tabled subject to call. (VOTE: 4-1-0-0 Opposed: Legislator Losquadro)**

1049, Adopting Local Law No. -2008, A Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman) I'll make a motion to approve as the sponsor. This is a -- sets a cap at 50% for salaries and salary related expenses from the 477 Program with the hope that the rest would be used for water quality projects. Do I have a second?

COMMISSIONER MEEK-GALLAGHER:

Mr. Chair, I am passing out as per the request of yourself and this Committee at our last meeting an updated memo that details the work that all of the Water Quality funded positions in the Department of Environment and Energy Division of Water Quality Improvement are currently undertaking.

CHAIRMAN SCHNEIDERMAN:

Can I say while I wait for the second, currently --

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Thank you. Second by Legislator Losquadro.

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Currently -- let me just finish my comment and then we'll -- I'll entertain that motion. Currently 40% of the money of the \$8 million is going toward salaries. So there's room to grow. Right now of the 8 million, 3 million is going towards salaries and related expenditures. So we're not over the cap, but we're approaching the cap. I'm sorry then we had a motion to table by Legislator Cooper.

LEG. D'AMARO:

I'll second the motion and also on the motion, Mr. Chair, if I may, the same comments basically that I gave last time on this bill. Again, I think that the 477 Fund should be used for its intended purpose. We are doing that. This is something that can be addressed in a discretionary fashion during budget time here in the County. I don't really see a need to be tying our hands with any kind of artificial thresholds. And in addition to that, the sales tax and we made this point last time, the sales tax is always fluctuating, therefore, the 50% rule is going to be fluctuating as well.

So there's a lot of uncertainty built into it. I just think this is something I had mentioned before and I'm happy to see that the Commissioner has given us a more detailed description. And this is precisely what I was talking about that we can request this information, take a look at it during budget time and then make a decision how these monies should be expended as part the budget process. I don't really see the need for this kind of legislation.

CHAIRMAN SCHNEIDERMAN:

If can I comment, I think we need a simple -- we keep taking more and more of this fund and using it to pay salaries. And I think the handwriting's on the wall. It's going to continue as long as the County faces a fiscal crisis to use this money for ordinary expenses that the County -- to offset those ordinary expenses. And the idea of this is to tie our hands so that we reach a limit and say no more. Doesn't mean people are going to be fired. We'll have to take these ordinary expenses and fund them as they normally would have been, not using Water Quality Funds.

The intent of this program probably was primarily for improving water quality through projects. And now I'm basically agreeing and consenting to allow only half of it to be used for that and the rest to be used for these expenses. But I think that there ought to be a limit and that's what this bill is for. Now, yes, we can do this legislatively -- not legislatively, but as a body when we approve the budget. But we're not doing it and it doesn't appear that we're going to do it. And that's the reason for this bill is to put some restrictions so that we don't have to face that difficult question later on.

LEG. D'AMARO:

Well, just very quickly. The -- your comments kind of drive home my point because the operative word there is "we". We made the decision. And that's all I'm saying is that we can continue to make that decision. We are under the 50% threshold and it's really a matter to be determined by us and we as a body during the budget process. That's my only point.

(P.O. Lindsay entered the meeting)

CHAIRMAN SCHNEIDERMAN:

I mean, a 50% threshold to me is extremely high. We probably could have set it at 30, but we're already passed 30. We're, you know, we're in the 40% range and growing. So the idea of setting kind of a moral threshold to me, it makes sense as a reminder to us of the intent of this program. And I think it would be a good policy to have in place. All right. There's a motion to table and a second. All in favor? Opposed? I'm opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Two opposed, Legislator Losquadro, Legislator Schneiderman. **And 1049 is tabled. (VOTE: 3-2-0-0 Opposed: Legislators Losquadro and Schneiderman)**

1130, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Schmitt property) Town of Brookhaven (SCTM No. 0200-706.00-01.00-004.000). (Browning)

LEG. COOPER:

Motion to table at the request of the sponsor.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **So tabled. (VOTE: 5-0)**

1150, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Langman property) Town of Southampton (SCTM No. 0900-098.00-02.00-018.023). (Schneiderman)

LEG. COOPER:

Motion to table subject to call.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion -- this is a 24 point property, Jon.

LEG. COOPER:

I understand it's 19.

CHAIRMAN SCHNEIDERMAN:

Can I get the rating on this one?

DIRECTOR ISLES:

It was 19 points, right.

CHAIRMAN SCHNEIDERMAN: It was 19 points?

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

I would just -- I'll make a motion to table and ask for another cycle so I can look at this. Is there a second to the tabling?

LEG. LOSQUADRO:

I'll second to table.

CHAIRMAN SCHNEIDERMAN:

All right. So we'll vote on the motion to table subject to call first and then a motion to table second. All in favor of tabling subject to call? Okay. On the -- that fails. Then the motion to table --

LEG. COOPER:

No, wait. What fails?

CHAIRMAN SCHNEIDERMAN:

Oh, I'm sorry, I thought you were not voting for it.

LEG. COOPER:

Oh, no.

CHAIRMAN SCHNEIDERMAN:

Okay. Oh, I'm sorry.

LEG. COOPER:

I raised my hand. That usually affirms, yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. COOPER:

Count me in.

CHAIRMAN SCHNEIDERMAN:

All right, all right. Okay. All right. On the tabling, all in favor? Opposed? I'm opposed. On the tabling subject to call, I'm sorry, no we don't have to do a roll call. On the tabling subject to call, all in favor? All right.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

And then opposed? Two opposed. Okay. **So it is tabled subject to call. (VOTE: 3-2-0-0 Opposed: Legislators Losquadro & Schneiderman)** All right.

1152, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Brookfield Presbyterian Church property) Town of Brookhaven (SCTM No. 0200-559.00-03.00-034.001 p/o). (Romaine)

LEG. COOPER:

Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

Another tabled subject to call.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Same motion, second same. All in favor?

LEG. ROMAINE:

Could I speak on that? My resolution.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

CHAIRMAN SCHNEIDERMAN:

Are you the sponsor on this one?

LEG. ROMAINE:

Yes, I am.

CHAIRMAN SCHNEIDERMAN:

Yes, okay. Legislator Romaine.

LEG. ROMAINE:

Yeah, I'd appreciate tabling this for one cycle. I'd like to work with the Planning Department on this. I believe it received an 18, if I'm not mistaken.

LEG. COOPER:

17.

LEG. ROMAINE:

17?

DIRECTOR ISLES:

We have 17.

LEG. ROMAINE:

Was it 18?

DIRECTOR ISLES:

17.

LEG. ROMAINE:

17. And I'd like to talk to you about some of the aspects of this property. I made the church aware of the rating system. And they said they are getting me some information that may change that points system. So I'd ask this to be tabled for one cycle. And if I get the information, I'll forward it to your office. And if there's a revision, there's a revision. If not, then we can -- I'll probably withdraw it at the next meeting.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to table it. Second by Legislator Losquadro. All right. We have the tabling subject to call comes first. All right. All in favor of tabling subject to call? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Schneiderman and Losquadro opposed. **Tabled subject to call. (VOTE: 3-2-0-0 Opposed: Legislators Losquadro and Schneiderman)**

LEG. ROMAINE:

Counsel, would you please introduce this resolution again.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. ROMAINE:

It's subject to call. Introduce another resolution; I'll change it slightly.

CHAIRMAN SCHNEIDERMAN:

Just withdraw it and then reintroduce it. You have to withdraw it.

LEG. ROMAINE:

But play those games, I play the same games.

CHAIRMAN SCHNEIDERMAN:

All right. **1153, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000). (Romaine) 37 points.**

LEG. LOSQUADRO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

It's a motion to approve by Legislator Losquadro. I'll second.

LEG. COOPER:

Motion to table, but actually on the motion, I had question. I understand that Planning was waiting for a written commitment as regards -- partnership with the Shoreham Wading River Little League. Was that forthcoming?

MR. ZWIRN:

If I might, Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn.

MR. ZWIRN:

In the past Budget Review Office has -- when there's been a partner, there's been some question whether they have the financial wherewithal. I remember it was Legislator Caracappa, I think, had an organization that he wanted to partner with. And after review by BRO it was found that they probably didn't have the financial means to carry out their mission.

Mr. Duffy here from BRO indicated to me that that was done after the planning steps resolution had been approved, is when they began their analysis of the individual organization. So, if that's the case, that's the way it's going to be done. We thought it might be done before hand so we wouldn't start with the planning steps resolution. But if that's the way they've done it in the past, then we have no objection.

LEG. LOSQUADRO:

And on the motion additionally.

CHAIRMAN SCHNEIDERMAN:

All right. Actually I had Legislator D'Amaro first --

LEG. LOSQUADRO:

Sure.

CHAIRMAN SCHNEIDERMAN:

-- and then Legislator Losquadro.

LEG. D'AMARO:

I just want to note that in the backup there is the letter from a Richard J. Davolio, who is the Vice-President of the Little League organization, indicating that they're willing and capable of entering into a license agreement to construct the fields and continue to maintain those fields working with the soccer club and some other organizations. And that's a very positive indication so I would intend to support the resolution.

CHAIRMAN SCHNEIDERMAN:

Great. Okay.

LEG. LOSQUADRO:

Just quickly on the --

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Losquadro and then Commissioner Gallagher.

LEG. LOSQUADRO:

Just by way of background, this organization has been very involved and actually was willing and able to enter into an agreement if KeySpan had been willing to donate some of the 800 acres of property they have in the Shoreham area. Unfortunately -- they had architects' plans drawn up, they were ready to move forward. And unfortunately KeySpan was asking for some pretty significant give backs from the town to donate that property. Ultimately the town was not willing to go along with those changes of zone and the deal fell through. But this organization is very well organized and was capable of doing it then and is very capable of doing it now especially working with these other clubs.

CHAIRMAN SCHNEIDERMAN:

All right. Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yes, I just wanted to refer back to my earlier comments that we were hoping to, given the budget situation, move everything forward including any planning steps under the Quarter Percent Drinking Water Protection program as opposed to Multifaceted so that we could fund even the planning steps such as appraisals and environmental assessments, etcetera, out of that Quarter Percent Fund, which is backed by the sales tax revenue as opposed to the General Fund. And I'm not sure procedurally what that means in terms of being able to move forward today or not but that would be, of course, again the will of the Legislature. But the request is that given the budget situation to try to move everything for the time being into that program or Legacy Fund if it make sense.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, I was just going to make a suggestion that if Legislator Romaine was amenable to that we could discharge it, he could amend it by Wednesday and we could vote on it Tuesday.

LEG. ROMAINE:

Change the program to Quarter Percent?

LEG. BEEDENBENDER:

Yeah.

LEG. ROMAINE:

This is going to be used for active recreation.

LEG. BEEDENBENDER:

Well, the new sales tax has a component for that, does it not?

COMMISSIONER MEEK-GALLAGHER:

Yes, you're allowed to do everything that you could do under Multifaceted.

LEG. ROMAINE:

Fine. If you send me an e-mail, we'll change it and we file it by Wednesday.

LEG. BEEDENBENDER:

All right, then.

COMMISSIONER MEEK-GALLAGHER:

Okay.

LEG. BEEDENBENDER:

Okay.

LEG. LOSQUADRO:

So I'll change my motion to discharge without recommendation then in anticipation of that change being made.

MR. ZWIRN:

You'll see when -- we have bills coming out the County Exec is sponsoring. We're going to be asking for the same thing. We originally put them under -- well, some of them. Right, Carrie?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So now the motion is to discharge without recommendation and there's a second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Discharged without recommendation (VOTE: 5-0)**

LEG. LOSQUADRO:

Madam Clerk, if could you please list me as a cosponsor.

1154, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Long Island Beagle Club property) Town of Riverhead (SCTM No. 0600-078.00-01.00-002.000) (Romaine) Is there a motion of any kind?

LEG. COOPER:

Sorry, we're on -- this is 1154?

LEG. LOSQUADRO:

I'll make a motion to approve for purposes of discussion.

CHAIRMAN SCHNEIDERMAN:

All right. I'll second the motion.

LEG. COOPER:

Tabled subject to call.

CHAIRMAN SCHNEIDERMAN:

Motion to table subject to call by Legislator Cooper.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. The sponsor is here. Any last words?

LEG. ROMAINE:

Yes. This was approved by the Legislature in 2005. The planning steps was approved. And last year apparently there was an appraisal done of the property. And at the time it was approved under SOS. Now, when I served on this Committee in the past I was told well, planning steps it really doesn't matter what you approve it under, when the acquisition comes forward, we'll put it under the right program. So now they said, well, we introduced this resolution that Mr. Caracciolo, my predecessor, had done in 2005 that the Legislature approved and put it in.

Now my understanding is that there were appraisals done on this property and that this was pretty close. And we have a great deal of e-mail traffic on this property. And why I'm doing this is because I was asked to do this because the SOS program expired. And rather than argue that fact that I didn't think I had to do this because I've seen other people, mainly the Executive bring

forward resolutions where he's under one program and then the authorization to purchase is under another, and they said, well, that's fine, but I guess I'm in a different category so I introduced this planning steps. This has already been approved, the planning steps, by this Legislature back in 2005. And my understanding is that appraisals have done and that they have discussed with the owner of the property. So maybe I'll just withdraw it and ask them to go ahead and bring forward a resolution for approval.

But this is the same issue that John Kennedy raised. Because I've been told multiple things as a Legislator. And I guess the only way to cure that in my job title as a Legislator is to legislate. So I'm going to legislate that now, when you submit something under one program, if that program doesn't have enough money or you want to change it, you have to reintroduce resolutions whether you're the Executive or a Legislator because apparently there's different rules for different branches of government. This was adopted in 2005. I should not be doing a planning steps. What should be happening is that when the authorization to purchase comes forward, the change in program should be duly noted.

CHAIRMAN SCHNEIDERMAN:

I agree. And all these, you know, the future planning steps ought to be broader in terms of, you know, not necessarily specifying how -- which particular program because --

LEG. ROMAINE:

I would ask the Counsel for all of us, for all 18 to include --

CHAIRMAN SCHNEIDERMAN:

A qualifying program ought to be enough.

LEG. ROMAINE:

Right, right.

CHAIRMAN SCHNEIDERMAN:

Rather than -- hold on.

LEG. ROMAINE:

I would ask Counsel --

CHAIRMAN SCHNEIDERMAN:

Because the money keeps shifting around from one to another.

LEG. ROMAINE:

-- to use the same language the Executive does where he lists all programs as potential programs in planning steps and then we won't have this issue again.

CHAIRMAN SCHNEIDERMAN:

Right. That's what probably what we ought to be doing. All right.

LEG. ROMAINE:

Well, I'm going to be doing that with all of mine. This, I don't care if it's tabled to subject to call because my question then to our Environmental Commissioner or Real Estate is this has already been approved. You already did appraisals. Bring forward the approval resolution, just state a different program.

CHAIRMAN SCHNEIDERMAN:

Right. Well, this has happened. This is not the first time we've seen this this afternoon. So, Legislator D'Amaro.

LEG. ROMAINE:

So when it's tabled to subject to call doesn't really matter because my next question is this has been approved by this Legislature. The planning steps have been approved. You've done the appraisals. You've talked with the property owner. Bring forward the resolution.

CHAIRMAN SCHNEIDERMAN:

Well, has an offer been made to the property owner?

LEG. ROMAINE:

That's a good question.

CHAIRMAN SCHNEIDERMAN:

And if not, if they agree to the offer, then it moves onto acquisition not to planning steps.

COMMISSIONER MEEK-GALLAGHER:

I don't know. I don't recall. No offer's been made.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. ROMAINE:

No offer has been made.

CHAIRMAN SCHNEIDERMAN:

It is getting confusing.

LEG. ROMAINE:

I'm sitting on -- with an August 2006 News Review article where you say that -- where your department is quoted as saying the offer was initially rejected by the owner.

CHAIRMAN SCHNEIDERMAN:

All right. Mr. Kent wants to confirm it.

LEG. ROMAINE:

This article right here.

CHAIRMAN SCHNEIDERMAN:

Let's skip over it for now. We'll come back to it if that's okay with everybody, let Mr. Kent get the information to answer the question. So that was 1154. We're going to move on.

Moving onto **1180, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Pattersquash Island property) Town of Brookhaven (SCTM No. 0200-988.30-02.00-001.000). (Browning)**

LEG. COOPER:

Motion to table at the request of the sponsor.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **So tabled. (VOTE: 5-0)**

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 (SCTM Nos. 0103-025.00-02.00-018.000 and 0103-025.00-02.00-019.000). (Horsley)

LEG. COOPER:

Motion to approve.

LEG. BEEDENBENDER:

Second.

LEG. D'AMARO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve and a second. This is almost ironic, but it's a very tiny piece of property with a lot of questions. But, all right, on the motion we'll go to Legislator D'Amaro.

LEG. D'AMARO:

I had a question for Real Estate. My understanding of this resolution is to reimburse the village for an acquisition that's already been completed. And what I wanted to know was who is going to ultimately get title to the parcel?

MR. KENT:

Was that a question for me?

CHAIRMAN SCHNEIDERMAN:

We've moved on, Chris. The other piece --

MR. NOLAN:

Whoever wants to take it.

CHAIRMAN SCHNEIDERMAN:

Did you follow that? We skipped that other one.

MR. KENT:

Yeah, I know.

CHAIRMAN SCHNEIDERMAN:

Okay, now we're talking about that --

MR. KENT:

I'm ready for the Lindenhurst question.

LEG. D'AMARO:

Go right ahead, please.

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay.

MR. KENT:

I'm multi-tasking here. The County will be taking title from the Village of Lindenhurst; that's what this provides.

LEG. D'AMARO:

The County will ultimately get title to the property.

MR. KENT:

Yes.

LEG. D'AMARO:

We're paying for it; we should own it is the theory.

MR. KENT:

That's correct.

LEG. D'AMARO:

And my other question was, I'm just a little concerned as to whether or not this somehow then circumvents the vetting process. If just -- I wasn't here when the acquisition was proposed, I don't think. And was this property vetted as all other properties with a rating and review and all of that? No?

DIRECTOR ISLES:

No, it was not rated. It preceded that current rating system we currently use.

LEG. D'AMARO:

Oh, it preceded the requirement for a rating.

CHAIRMAN SCHNEIDERMAN:

Could we have it rated?

DIRECTOR ISLES:

Could we or did we?

CHAIRMAN SCHNEIDERMAN:

Could we have it rated?

DIRECTOR ISLES:

Sure.

CHAIRMAN SCHNEIDERMAN:

Just to see where it would come out before we actually go and purchase it. Is there public access? This is going to be a County acquisition. Does it become a County beach?

DIRECTOR ISLES:

The question is, I'm not sure. I missed the question.

CHAIRMAN SCHNEIDERMAN:

This is that piece right along a big parkland --

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- that the town owns. I think it's right on the highway, but it's also on the water on the beach.

MR. KENT:

I believe it's two parcels.

CHAIRMAN SCHNEIDERMAN:

Is there going to be parking?

DIRECTOR ISLES:

I have a map if you'd like to look at the map. But it's a parcel that had a house on it that the village purchased and removed the house, the dwelling. There's another lot that's on the waterfront. It is adjoined on two sides by land owned by the Village of Lindenhurst that are used as a village park.

CHAIRMAN SCHNEIDERMAN:

What is the proposed usage? Now does this give the County right to use that village park as well?

DIRECTOR ISLES:

I'm not certain of that. We think that's a good point, though.

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro.

MR. ZWIRN:

I might add that the County Executive, when this property first came up for planning steps, I think the County Executive vetoed the resolution and it was 18-0, I think, to override at that particular time by the Legislature pretty much as it's constituted today.

P.O. LINDSAY:

I want to comment.

CHAIRMAN SCHNEIDERMAN:

All right. Presiding Officer Lindsay.

P.O. LINDSAY:

I might be the only -- I don't know whether Dan was here, I might be the only one here when this came up initially. It was -- yeah, it was Dave Bishop, I think, was the sponsor of the resolution. And Dave, we couldn't move fast enough and Dave got the Village to purchase the property when it went on the lot with an understanding, I don't think there was anything written, that we would pick it up from the Village.

It is a little bit unusual although we do do similar deals with the Nature Conservancy and other groups as such where they purchase the property initially because they can move faster than we can. And then we reimburse them somewhere down the line. I'm not -- I haven't voted on anything and I'm not to going to intervene. I'm just trying to give you some historical perspective on the whole thing. And I know at the time there was a commitment that we would reimburse the Village. And I know the County Executive's been opposed to this. He was opposed to it the first time and he's still opposed to it now. But, you know, I think if we made that commitment we should keep it.

CHAIRMAN SCHNEIDERMAN:

It's a very small piece --

P.O. LINDSAY:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- of County holdings surrounded by village holdings and residential holdings so I'm not going to support it.

MR. NOLAN:

Could I just put something on the record?

CHAIRMAN SCHNEIDERMAN:

We have more discussion. Counsel wants to put something on the record.

MR. NOLAN:

Just that the resolution was amended today to -- it appraised at 360. That was the original acquisition price in the resolution. We amended it this morning to \$180,000. According to Legislator Horsley's Office, the Village is amendable to taking that amount. That's what they paid for the property so that amendment was made today.

CHAIRMAN SCHNEIDERMAN:

All right, Legislator D'Amaro. Did you want to --

LEG. D'AMARO:

Yeah, I did.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator D'Amaro and then Legislator Losquadro.

LEG. D'AMARO:

Yeah, just very quickly, that was one of my questions also, that we confirm that the County is going to be paying 180 for the parcel not the appraised value, which is higher, 360. And just, you know, I guess the point here is that had this proceeded timely, at the time there would have been no rating anyway, is what I'm hearing; that it predates the law. At the time did not require that this would be vetted with a rating, ultimately our rating sheet being produced. Is that correct?

DIRECTOR ISLES:

That's correct except I'm not sure that there's a law that says there has to be a rating form --

LEG. D'AMARO:

Well, right.

DIRECTOR ISLES:

-- done with every acquisition. But the practice certainly has been, right.

LEG. D'AMARO:

It just was not our practice.

CHAIRMAN SCHNEIDERMAN:

But now we do have ratings and now we're looking at it again. We can at least gather data. There's nothing wrong with knowing whether this meets the County's general purposes. I haven't really figured out why the County would not want to own a tiny little piece in between two village pieces.

But, you know, maybe by tabling it a cycle we can actually have some of those questions answered in terms of what would be the County's use, would the County have a beach front park here, would the County have access to the park, what do we get for our 160 or 180,000 that we're paying for this? So again, I made a motion to table, but there's also a -- the tabling motion would come before the motion to approve.

LEG. LOSQUADRO:

On the motion quickly.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

I do recall this property somewhat now, it was a while ago. But I'm a little perplexed as to why it was even put forward at a new appraised -- higher -- twice the value of what they paid for it because to my understanding we were going to just reimburse them, not --

P.O. LINDSAY:

I could answer that if I could. I could answer that.

LEG. LOSQUADRO:

I'll defer to the Presiding Officer.

CHAIRMAN SCHNEIDERMAN:

I does seem a little bit embarrassing.

P.O. LINDSAY:

And maybe Planning -- and correct me -- but I think the difference in the two prices is you're absolutely right. The lower number was what the town -- the village paid for it. And we were supposed to just reimburse the Village. But when the planning steps was filed, Planning appraised it and appraised it at twice what the village paid for it, or close to twice. But our deal was always to just reimburse the Village not to pay --

LEG. LOSQUADRO:

That's very big of them that they would agree to take only what they paid. I'm just surprised that the resolution was even put in at the higher amount being that that was the understanding; it was that we would simply reimburse what was paid so --

CHAIRMAN SCHNEIDERMAN:

All right. Legislator D'Amaro.

LEG. D'AMARO:

Again, Director Isles, just -- the title says it's under the Old Suffolk County Drinking Water Protection Program so I'm assuming that that program is no longer available or is unfunded?

DIRECTOR ISLES:

No, that is available. And there still are some funds left in the individual towns.

LEG. D'AMARO:

Okay. And what's -- do we know what's left in the old program?

DIRECTOR ISLES:

I'll defer to Mr. Kent, Commissioner Gallagher.

MR. KENT:

Yes, I believe we have over \$2 million in that fund now for the Town of Babylon.

CHAIRMAN SCHNEIDERMAN:

Was that money -- were there conditions, I'm sorry, conditions on that money for Water Quality; ground drinking water quality or any kind of water quality? We'll anyway, Legislator D'Amaro, let him finish.

LEG. D'AMARO:

When you say targeted for Babylon, in other words, under that program each town, I guess, received a certain allocation?

DIRECTOR ISLES:

Yes. Each of the non-pine barrens towns received an allocation.

LEG. D'AMARO:

So this particular \$2 million could only be spent within the Town of Babylon?

DIRECTOR ISLES:

Correct. And I'm not sure of the number, but according to Mr. Kent, that's the number. And, yes, it would only be for that town as determined by the County, the Legislature and the County Executive.

LEG. D'AMARO:

Right, okay.

CHAIRMAN SCHNEIDERMAN:

But were there specific purposes attached to how the money could be spent?

DIRECTOR ISLES:

The question is were there specific purposes attached to that money. And Laretta is a better expert, then.

MS. FISCHER:

It was for basically passive recreation as the -- non-pine barrens versus the pine barrens. The pine barrens was passive recreation, put in nature preserve. The non-pine barrens towns were primarily passive recreation although it's not specifically required to be passive recreation, but the majority of property that we've acquired under 12-5 E for the non-pine barrens towns has been passive recreation.

CHAIRMAN SCHNEIDERMAN:

And do we know on this one how the property will be used once the County owns it?

MS. FISCHER:

We are not fully aware of that.

CHAIRMAN SCHNEIDERMAN:

These are things we should know. All right. Let's take a vote on the tabling motion. All in favor? Opposed?

LEG. D'AMARO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions? Jon, you missed the vote, sorry, it just got tabled. All right. So, The tabling motion fails. There's a motion to -- Bill are you voting or no?

P.O. LINDSAY:

No, I'm not voting.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to approve. All in favor? Opposed? Abstentions?

DIRECTOR ISLES:

Just want to add for your consideration that --

CHAIRMAN SCHNEIDERMAN:

Make mine an abstention.

DIRECTOR ISLES:

-- the matter would be required to be reviewed by CEQ and Parks Trustees, you know, based on the

modification of the resolution. So we can do that and how you want to handle that, of course is up to you, but we want you to be aware of that.

CHAIRMAN SCHNEIDERMAN:

Okay. **It's approved. (VOTE: 4-0-1-0 Abstention: Legislator Schneiderman)** I would like -- for my own edification, I would like to see a rating on that form before the floor vote. 1184 -- a question?

DIRECTOR ISLES:

The vote?

CHAIRMAN SCHNEIDERMAN:

Oh, yeah, we already voted. It was approved. And one abstention, myself.

1184, Adopting Local Law No. -2008, A Local Law to prevent litter by restricting the distribution of plastic encased advertising matter. (Viloria-Fisher)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Does that include political campaign signs, or no?

P.O. LINDSAY:

Yeah, absolutely.

CHAIRMAN SCHNEIDERMAN:

It does. All right. There's a motion to table by Legislator Cooper and a second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **So tabled. (VOTE: 5-0)**

1216, Adopting Local Law No. -2008, A Local Law to reduce the use of fertilizer near wetlands in Suffolk County. (Schneiderman)

We have not had the public hearing yet so I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 5-0)** There was actually -- Scott's Miracle Grow people sent out a memo that I distributed as well. Okay.

Moving on to introductory prime.

INTRODUCTORY PRIME

1247, Directing the Department of Planning to file Open Space Rating System forms with the Legislature. (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper. Is there a second to the tabling motion?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. On the motion, Legislator Romaine, I'll recognize you though you're not on the committee, you are the sponsor.

LEG. ROMAINE:

Yes, this is simply a matter of allowing Legislators to have a better understanding of what properties are rated. Not all of us have the pleasure of serving on this Committee. And as a result, when properties come up for a vote, before the full Legislature we're often in the dark about these properties. We don't know how they scored in the rating system. And obviously the rating system is important to many of us because it's used as a method to determine the value of these properties in terms of the various programs for acquisition that we have.

I haven't served on this committee now for, I think, the last two years. I did serve the first year. And I think it would be very helpful for me to understand the number system. For example, prior program, the Zoumas property, it was difficult for people to table it subject to call because it rated 37 points. And that would have looked a little odd if that happened. I think it would be good for us to have this information, not only the people that serve on this Committee, but all Legislators because we all have to cast a vote, we're all voting on bonding and we all want to know where these properties rate before we cast that vote. It's a simple method of helping us understand and inform ourselves as Legislators of the value of these properties and how they are rated. I don't know why it would be tabled. If there's a reason why, possibly it can be explained to me.

CHAIRMAN SCHNEIDERMAN:

All right. Okay. Legislator Cooper.

LEG. COOPER:

I agree that Legislators should have this information before the vote. So if you were to amend this resolution to require that the rating form be provided to all Legislators in advance of the general Legislative meeting, I would support that.

LEG. ROMAINE:

Done, done.

LEG. COOPER:

I'll cosponsor it.

LEG. ROMAINE:

Yeah, double it. Done, okay.

CHAIRMAN SCHNEIDERMAN:

Do you guys already do that as backup material? No? All right, fine.

LEG. ROMAINE:

I give you my word that if you vote this out without recommendations I will make those changes.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table and second. All right, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just very quickly, that when we say amended to include the rating forms as backup prior to the vote -- prior to the full meeting, is that what you're talking about?

LEG. COOPER:

Not committee.

LEG. D'AMARO:

Not committee.

LEG. COOPER:

The general session, which follows it.

LEG. D'AMARO:

All right. So, just -- I want to ask so how would that be distributed then? How do we do that?

LEG. ROMAINE:

Well, at the general meeting. The reason I introduced this is --

CHAIRMAN SCHNEIDERMAN:

As backup material.

LEG. ROMAINE:

-- is for example, let's take the property in --

LEG. D'AMARO:

No, no, no. I'm sorry --

LEG. ROMAINE:

What.

LEG. D'AMARO:

-- Legislator Romaine.

LEG. ROMAINE:

Yeah.

LEG. D'AMARO:

My question just simply, you know, one of the things I get very concerned about is as we impose more and more requirements on Clerk's Offices and County employees, you know, how much can they actually physically get done especially given the workforce that's available at this time in our budget situation?

LEG. ROMAINE:

I know, the sales tax went up by 3.8%.

LEG. D'AMARO:

That's great news. It really is.

LEG. ROMAINE:

Yeah, really good news.

LEG. D'AMARO:

Yeah, all right. So my concern only becomes then, you know, now we have all of these rating forms. And I've sat in these committees and looked at them. There's quite a few them out there. So now

another job -- these forms would be filed with our Clerk and then, I guess, be scanned in and then e-mailed out again --

LEG. ROMAINE:

Right. These forms are currently filed.

LEG. D'AMARO:

-- as yet another requirement prior to a general meeting.

LEG. ROMAINE:

Yeah. But these forms are currently provided to members of the committee. They simply would make more copies or scan them in and provide them to all members of the Legislature. The reason I was trying to get this before the Committee meeting is because, for example, there was a piece of property in Manorville that scored 17% -- 17 points.

If I had known that, I probably would have withdrawn the resolution and not cluttered up the -- I don't know the value of the property. People bring me properties in my district and say this is a very valuable piece. I look at the property. I say, okay, it seems valuable, let me put it in. But for whatever reason it doesn't score high. I'm going to withdraw it because it isn't worthy of the consideration of the full Legislature. That's the reason I drafted this resolution. But if that's a problem, at least I'd like to know before I vote on something to bond it what the point system is.

CHAIRMAN SCHNEIDERMAN:

All right. If I may, it's going -- we're all agreeing to go table it. You're going to change it, no?

LEG. LOSQUADRO:

No. On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I agree with Legislator Romaine there. I mean, I'll make a motion to discharge without recommendation if we can make some small changes to this. This is no additional burden. These documents are already provided to the Clerk's Office. And the great thing about doing this is you only have to scan a document once. Moving us into the electronic age, a document is scanned once. It's then an attachment. Whatever distribution list you specify to send it to, you specify to send it to, Legislature All, or you set up your distribution list, Environment Committee, whatever it is. So send it out the way it's currently being scanned in as is all of our other backup material now moving towards a paperless environment.

So there is no reason not to move forward with this. This information can be provided easily and electronically in a very sound environmental manner. And should be provided to us, in my opinion, prior to this meeting so we can review it as members of this Committee. But for some reason if you only want it to be provided prior to the legislative session, which I happen to disagree with, but it's not my bill. If the sponsor is willing to concede that, I don't see any reason not to given our current technological abilities.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Cooper.

LEG. COOPER:

I just want to say I do agree that all Legislators should have this information before they vote on a bill whether it's a planning steps or an acquisition resolution. There's actually another reso, 1263 that we'll be voting on shortly that I sponsored that requires that these exact same rating forms be

filed as backup to acquisition resolutions. So once again --

LEG. ROMAINE:

I'm cosponsoring that.

LEG. COOPER:

-- we'll have educated Legislators. So I will take Legislator Romaine at his word. I would support discharging without recommendation based on his commitment to modify it the way we agreed.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. So the tabling motion's withdrawn. I think there was one earlier so that's -- Jon, you're changing your motion to discharge without recommendation.

LEG. COOPER:

Yes.

CHAIRMAN SCHNEIDERMAN:

And you had the second, Brian, so you're -- and you have -- all right. I'm sorry, I'm just saying that before we had a motion to table and a second. Those are gone now. And now we have a motion to discharge without recommendation and a second by Legislator Losquadro. Commissioner Isles.

DIRECTOR ISLES:

Not to drag it out, but, you know, one issue we had with this was the two day requirement that we submit it two days prior to -- two business days before the EPA Committee meeting. We're happy to attempt to do that. There may be times however, when you lay bills on the table on a Tuesday and then it has to be delivered to you by Thursday; essentially gives us one day to do the research and put it all together. So we would ask that that part of the language if you're going to be amending it be deleted or somehow that it be delivered prior to the general meeting or two days prior to the general meeting we could do that. But I just want to bring that to your attention in terms of a timing.

CHAIRMAN SCHNEIDERMAN:

Okay, okay. There's a motion and second to discharge without recommendation. All in favor? Opposed? Abstentions? So discharged. **Discharged Without Recommendation (VOTE: 5-0)**
All right.

1252, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Chicanowicz property) Town of Riverhead. (Romaine) Planning.

DIRECTOR ISLES:

Okay. This is a farmland acquisition. It's actually also included in IR 1258, which is an omnibus bill later on in your agenda that reflects the parcels that came out of the County Farmland Committee recently. It has been recommended, but we typically do it as part of an overall resolution so it's your call. But it is included in 1258 as well, this particular parcel.

CHAIRMAN SCHNEIDERMAN:

All right.

DIRECTOR ISLES:

So it's redundant or potentially redundant.

CHAIRMAN SCHNEIDERMAN:

So if we pass it here and 1258, it would be redundant.

MS. FISCHER:

Yes.

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

Just -- I'm sorry, did you mention what is the rating of this parcel?

DIRECTOR ISLES:

We'll get you that rating. County Farmland Committee rates on a scale of zero to 22. And okay -- so zero to 22, the typical quote unquote passing grade, and that's only a guide, is 10. This achieved a rating of 13.

CHAIRMAN SCHNEIDERMAN:

Okay. What do we want to do here?

LEG. LOSQUADRO:

Question to Counsel.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro has a question for Counsel.

LEG. LOSQUADRO:

If we approve this and 1258, is there any harm in doing that?

MR. NOLAN:

I don't see any.

LEG. LOSQUADRO:

The Department is still only directed to appraise the property once. Correct?

MR. NOLAN:

They only have to do it once.

LEG. LOSQUADRO:

I'll make a motion to approve then.

LEG. D'AMARO:

I have a question also for Counsel.

CHAIRMAN SCHNEIDERMAN:

All right. I'll second for purposes of discussion.

LEG. D'AMARO:

To Counsel, if we deny this and approve the other resolution, does that affect the other resolution?

MR. NOLAN:

No.

LEG. D'AMARO:

No.

COMMISSIONER MEEK-GALLAGHER:

Mr. Chair, if I could just comment under 1258 there's the option to use any funding source for the planning steps moving forward so we could -- in a sense it could easily be transferred into Quarter Percent through 1258 or Legacy Fund, which ever one is appropriate; whereas under this it's still the concern that we're trying not to at this particular time move anything forward under Multifaceted other than a few authorizing resolutions that were from previous year funding.

CHAIRMAN SCHNEIDERMAN:

All right. Ed, sponsor is here. Either way the property looks like it's moving toward acquisition. What do you want to do? Do you want to -- is there a pride of authorship here?

LEG. ROMAINE:

No pride of authorship. I'll withdraw this resolution. **(1252 is withdrawn)**

CHAIRMAN SCHNEIDERMAN:

Thank you.

1254, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Karras property - Miller Place/Yaphank Road NP addition, Town of Brookhaven (SCTM No. 0200-188.00-05.00-006.000). (Co. Exec. Levy)

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Losquadro.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. Planning.

LEG. D'AMARO:

Just a question to Mr. Zwirn or Director Isles, if -- was there a concern about which program these were coming in under as well?

COMMISSIONER MEEK-GALLAGHER:

This one happens to be one that's already got a signed contract back from the seller and it's from the 2007 appropriation. So we felt that it was, you know, we'd like to move forward instead of having to push that one back we might lose the seller at this point.

LEG. D'AMARO:

Okay.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. D'AMARO:

All right, thank you.

CHAIRMAN SCHNEIDERMAN:

Did we have a motion and a second? I'm sorry, was there a motion and a second on this one?

LEG. COOPER:

I second.

CHAIRMAN SCHNEIDERMAN:

Who was the motion? I'm sorry I missed it.

LEG. COOPER:

I don't know.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro, that's right. Yes, you made the motion that's right. Okay. All in favor? Opposed? Abstentions? **1254 is approved. (VOTE: 5-0)** Okay.

Okay, **1255, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Rodick Realty Corp. Property - Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-06.00-034.000 and 0200-983.40-06.00-035.000). (Co. Exec. Levy)**

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Any discussion? Half an acre for 40,000.

LEG. BEEDENBENDER:

This is '07 again? This is the '07 Multifaceted?

COMMISSIONER MEEK-GALLAGHER:

Yes, correct.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

1256, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Ostler property - Forge River addition, Town of Brookhaven (SCTM No. 0200-713.00-03.00-001.000). (Co. Exec. Levy) It's about five acres for around \$635,000.

COMMISSIONER MEEK-GALLAGHER:

And we would request that this be tabled one cycle so we can change the funding source.

LEG. BEEDENBENDER:

But we could discharge it. And if you amend it by Wednesday, we can vote on it on Tuesday, like we did some of the other ones.

COMMISSIONER MEEK-GALLAGHER:

I don't think we can do that because under the new Quarter Percent Program we also have to evaluate a TDR yield from each parcel. And I'm not sure that Planning would have the time to do that in time for this cycle.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to table.

LEG. BEEDENBENDER:

Does that affect the previous ones where you agreed to do that? Legislator Romaine's?

COMMISSIONER MEEK-GALLAGHER:

Well, not for planning steps.

LEG. BEEDENBENDER:

Okay, all right.

COMMISSIONER MEEK-GALLAGHER:

It doesn't affect planning steps. It's only when you get to the authorizing resolution that you have to calculate the yield.

LEG. D'AMARO:

They won't have the time.

LEG. COOPER:

I'll second the tabling motion.

CHAIRMAN SCHNEIDERMAN:

So I made a motion to table, second by Legislator Cooper. All in favor? Opposed? Abstentions? **So tabled. (VOTE: 5-0)**

1257, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Verrico property - Patchogue River Wetlands addition, Town of Brookhaven (SCTM No.

0200-865.00-03.00-053.000). (Co. Exec. Levy) This is about a quarter acre for \$92,000. Is there a motion?

LEG. COOPER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

1258, Approving planning steps for the acquisition of Farmland Development Rights March 2008. (Co. Exec. Levy) This is the omnibus farmland bill. Planning, can we hear a little bit about what this entails?

DIRECTOR ISLES:

Yes. This involves a total of -- it's 15 sites that were presented at the Suffolk County Farmland

Committee as per chapter eight of the County Code for review. These sites have been recommended to the Legislature for inclusion in the County's Purchase of Development Rights Program. They are spelled out in appendix A of the resolution. They total in area of 400.7 acres of land.

They -- the only one I would per se would like to bring to your attention is one that was discussed earlier today in public comment. It's the only one that's really a little unique in the sense that it's a western Suffolk acquisition in the Hamlet of Central Islip as noted earlier. This is the one that's property currently owned by the Central Islip Civic Council totalling about four and-a-half acres of land. This is one that the Farmland Committee labored with a bit. It did score a point rating of actually seven points at this time. And, here again, they go from zero to 22 with 10 being the approximate cut off point.

LEG. LOSQUADRO:

Which one was that again, Mr. Isles?

DIRECTOR ISLES:

I'm sorry.

LEG. LOSQUADRO:

Could you just reiterate which parcel?

DIRECTOR ISLES:

Yes, I can. It's parcels number four and five on the list.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

The committee, however, felt that the parcel was worthy of recommendation for inclusion in the County's program given the lack of farmland in that area, given the precedent or the history of the Farmland Committee and looking at other west end farms that perhaps have, you know, a smaller agricultural value, but also serve a community value, a cultural value and so forth, an historic value.

And so in this case they felt that -- and by the way, the examples of that would be Benners Farm in Setauket, McLaughlin Vineyards was a -- here again, an operating farm, but a little bit unique in terms of not meeting all the cut and dry criteria of a typical farm acquisition out in Riverhead or Southold. So I just bring that to your attention. You didn't hear testimony earlier. All the other farms I think are pretty customary. Farms number two and three, which are Eastport properties were recently put in as active recreation. And we're now switching those over to farmland based on the interest of the owner. So other than that -- and that's certainly a qualified farm, well above the ten points. So with that, if you have any questions we have details available if you need them.

CHAIRMAN SCHNEIDERMAN:

Any questions? Legislator D'Amaro.

LEG. D'AMARO:

Very quickly, I see two that catch my eye, number eight and number nine are the sod farms here, which is extensive. We're purchasing only development rights --

LEG. ROMAINE:

So is two and three.

LEG. D'AMARO:

Excuse me?

LEG. ROMAINE:

So is two and three.

LEG. D'AMARO:

Yeah, two and three as well. What do you mean, they're sod farms?

LEG. ROMAINE:

Oh, yeah.

LEG. D'AMARO:

Yeah, okay. And --

LEG. COOPER:

Got something against sod?

LEG. D'AMARO:

I don't, but what I do have a question, I think, is legitimate to ask is, you know, we keep talking about vetting properties through the Workforce Housing Program. And just these two purchases alone here are 1500 acres. I'm sorry, 150 acres, 152.9 acres. And I just want to know has that been looked at? I'm not sure it's in an area that would be conducive, you know, but seems like we're just purchasing an awful lot of acreage here and there are competing needs.

DIRECTOR ISLES:

There certainly are competing needs, certainly it's a good question. We feel in the case of the properties that are before you and specifically the Eastport, we'll point that out that's along County Road 51 and Sunrise Highway, it does border a single-family neighborhood adjoining the west side of the property. It is a highly visible farm piece right now. It is well located in terms of public visibility for farmland. As far as access for a higher density workforce housing it would not be highly recommended because it doesn't have proximity to services, train stations, commercial services and so forth.

And in fact in the review by the Workforce Housing Commission, where we worked with each of the towns and so forth, this was not a site that was brought forward as a possible workforce housing site. Similarly for the DeLalio Sod Farm sites that were mentioned, those are within farm belt areas in the Town of Riverhead. We do have maps on those.

We do feel that higher density workforce housing should be first and foremost oriented around hamlet centers and commercial centers and so forth in transportation routes. And in fact, in the Town of Riverhead, they have adopted a Transfer of Development Rights Program under the zoning code we're they're seeking to move development off of the ag protection zone of which these parcels are located and moving them into hamlet centers and satellite centers and so forth.

So in the case of the parcels that you've made reference to, at least from a preliminary planning standpoint and review, they would not appear to be good candidates for workforce housing. We do understand the balance and the competition of needs, but these are more remote sites and without proximity to the typical types of access and services that would be desired for higher density workforce housing.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I think we're missing a basic component of this, which is, especially in the case of these sod farms is that these individuals want to continue their farming operation. They're not interested in selling fee simple. They're interested in selling development rights. And the main focus of that program was to keep a sustainable agricultural economy, which is an important part of

Long Island. So we could talk about affordable housing, but if we don't have a seller who's interested in selling fee simple to the County, for that purpose or for any other purpose, we have an opportunity to acquire farmland development rights and keep that agricultural economy strong, that's what this program was intended for.

CHAIRMAN SCHNEIDERMAN:

All right. No, we're listening, all right. Are we ready to vote?

LEG. D'AMARO:

Commissioner Isles, could you just -- what was the rating on number eight and number nine? It was out of 22, correct?

DIRECTOR ISLES:

Right. In the case of lots number eight and nine, the rating was 15.

LEG. D'AMARO:

15 out of 22.

DIRECTOR ISLES:

Out of 22. And my experience in the Farmland Committee --

LEG. D'AMARO:

Ten is good.

DIRECTOR ISLES:

That's an extremely high score. I think the highest I've seen is 17, just in terms of that how that scales, just so you know, so 15's pretty good actually, quite good.

CHAIRMAN SCHNEIDERMAN:

Okay. So there is a motion to approve and a second. No? There was not a motion to approve and a second.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

All right, now there's a motion to approve and I'll second it. Also please list me as a co-sponsor on this one. All in favor? Opposed? Abstentions? **1258 is approved. (VOTE: 5-0).**

Chris, you want to go back to the one -- did you get the information from earlier? All right, let's rewind for a second back to 1154. This was authorizing planning steps for the Long Island Beagle Club property in Riverhead.

MR. KENT:

There were appraisals prepared. They were not presented to internal review or to the ETRB based on Riverhead -- Riverhead not being willing to partner with the County on the acquisition. So they weren't -- they were not presented to internal review or ETRB. And no offer has been made.

CHAIRMAN SCHNEIDERMAN:

Okay. And I think we had a motion to table.

LEG. COOPER:

Tabled subject to call.

CHAIRMAN SCHNEIDERMAN:

There's a motion tabled to subject to call. And it was, I believe, a second on that. Were there any

other motions? I think there may have been an approval motion.

LEG. ROMAINE:

Yes, could I comment, Mr. Chair?

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine, briefly.

LEG. ROMAINE:

Very briefly, the resolution was not a partnership so why Riverhead Town had to be contacted, if at all, I don't understand. The original resolution was 1345 of '05, introduced by Mike Caracciolo. I believe it passed by a large majority and it had no requirement to partner. This was a County acquisition under what was then the SOS Program.

CHAIRMAN SCHNEIDERMAN:

Is this the -- this is the property adjoining the -- the old landfill area?

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

No.

LEG. ROMAINE:

No, nowhere near it.

CHAIRMAN SCHNEIDERMAN:

No?

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

It's a 150 acres.

LEG. ROMAINE:

150 acres of property. It's surrounded by other farmland that the County owns and development rights that the County -- I think it's almost totally surrounded.

CHAIRMAN SCHNEIDERMAN:

And it's a woodland piece or --

LEG. ROMAINE:

Yeah.

MS. FISCHER:

It's old field.

CHAIRMAN SCHNEIDERMAN:

It's old what?

MS. FISCHER:

It's old field vegetation, scrub oak, scrub species. It's used by a Beagle Club for going out and doing maneuvers and things with their dogs. There's two -- I think two or three buildings on the property. And it hasn't been farmed in many, many years, but it was previously a farm many years ago.

CHAIRMAN SCHNEIDERMAN:

Would this be a good piece that if it were farmed, would you be looking toward buying the development rights on?

MS. FISCHER:

If it was farmed, but at this point it's well overgrown.

CHAIRMAN SCHNEIDERMAN:

Right. But it could be active farmland. That would be a direction -- we're trying to increase farming; right? To support farming so --

MS. FISCHER:

In this area there's a lot of farming.

CHAIRMAN SCHNEIDERMAN:

Maybe this ought to be looked at as a purchase development rights.

DIRECTOR ISLES:

Well --

MS. FISCHER:

But we have --

LEG. ROMAINE:

It's almost total surrounded by farms that have been purchased -- where the development rights have been purchased by the County of Suffolk.

MS. FISCHER:

Exactly.

LEG. ROMAINE:

Almost totally except on the east side where there's a housing development. Other than that, to the northwest and south there's farmland that the County has purchased development rights on.

CHAIRMAN SCHNEIDERMAN:

And is there a willing seller, do you know? Is there a willing seller on this?

LEG. ROMAINE:

My understanding is that right now there is a willing seller.

CHAIRMAN SCHNEIDERMAN:

All right. And Legislator Cooper.

LEG. COOPER:

Just to address the question that someone raised about whether this could be acquired for farmland, don't you normally need a farmer for it to be considered farmland?

DIRECTOR ISLES:

Well, we need a farm, that's for sure.

MS. FISCHER:

We need a farm.

LEG. COOPER:

We don't have a farmer so it's --

CHAIRMAN SCHNEIDERMAN:

No, but in a year or two you might -- could have a farmer there.

LEG. COOPER:

Yeah, we could.

CHAIRMAN SCHNEIDERMAN:

I'm serious. Don't we want to promote farming in the area?

LEG. COOPER:

But you need an active farm --

CHAIRMAN SCHNEIDERMAN:

Right.

LEG. COOPER:

-- to buy farmland.

CHAIRMAN SCHNEIDERMAN:

This is a former farm. This is a former farm. So it's fallow fields right now.

DIRECTOR ISLES:

The County -- the Farmland Committee requires that it be farmed at the time that they're considering it.

CHAIRMAN SCHNEIDERMAN:

Right.

DIRECTOR ISLES:

And actually they usually look back two years to make sure it's been farmed.

CHAIRMAN SCHNEIDERMAN:

Right.

LEG. ROMAINE:

Yeah. Well, I have a memo from you, Tom, dated May 26, 2005 in which you said, and I'm going to quote you --

DIRECTOR ISLES:

Okay.

LEG. ROMAINE:

-- from your e-mail, "it's a good site for agriculture, but the Farmland Committee usually requires the parcel be actively farmed at the time of the purchase, at least be farmed within the past two years so that we" -- it states exactly what you said, but it is a good site for that because it's surrounded totally by farmland. It's 150 acres, obviously the owner wants to sell it at this point. If it's not sold to the County, it will simply be developed, which some people don't seem to have that much of a concern about, but I know that it is a concern to the Town of Riverhead. And they're certainly anxious, because unlike other towns the town has --

CHAIRMAN SCHNEIDERMAN:

We can look at it again three years from now if somebody starts farming it.

LEG. ROMAINE:

All right, I'll stop.

COMMISSIONER MEEK-GALLAGHER:

Mr. Chair, if I might, though, right now we currently do not have a program that would allow us to purchase this acquisition full fee and can turn it into farmland because under our Farmland Program we can only purchase development rights nor would we -- nor could we purchase it under an Open Space.

CHAIRMAN SCHNEIDERMAN:

I understand.

COMMISSIONER MEEK-GALLAGHER:

So, you know, you can't purchase it under Farmland Program the way it currently exists nor could you purchase it under an Open Space Program and convert it to farmland. Nothing allows us to do that so it either has -- it would have to at this point be a full fee purchase and because it is such a large acquisition of 150 acres or so, where you're looking at, you know, approximately maybe \$15 million value, you know, very roughly we have obviously you -- we tend to try to look for a partnership with the local municipality on such large acquisitions.

CHAIRMAN SCHNEIDERMAN:

Right. My concern, I guess, is that if we bought it under this -- under Multifaceted Land Program this parcel that really should be farmland could never be farmland; it's just basically going to sit there as a former farm field that's now fallow.

COMMISSIONER MEEK-GALLAGHER:

Correct.

CHAIRMAN SCHNEIDERMAN:

And it might make sense to not move forward on this and, you know, maybe we'll see this in years ahead if somebody starts farming it and maybe then it will -- then we can help keep that farming going.

LEG. ROMAINE:

Mr. Chairman, I just want to say again, I don't -- I'm sorry I even introduced this. I introduced this because that's what I believe I was recommended to do. Planning steps have already been adopted for this in 2005.

CHAIRMAN SCHNEIDERMAN:

Right.

LEG. ROMAINE:

So what we need now is an acquisition resolution indicating what program it will be funded under. And the planning steps that came out in 2005, that my previous colleague, Mr. Caracciolo, did indicated that it was going to be purchased by the County without involvement of Riverhead. So why Riverhead, was even mentioned I don't know, but clearly 150 acres or important piece of property -- let me end by asking --

CHAIRMAN SCHNEIDERMAN:

Well, shouldn't the goal be to see this in the future farmed somehow?

LEG. ROMAINE:

Yeah, let me end by asking --

CHAIRMAN SCHNEIDERMAN:

Whatever steps we take should be toward the goal that makes sense of seeing this property farmed, maybe in conjunction with the farms that are adjoining it.

LEG. ROMAINE:

I'm drafting a resolution now and I'm going to give full credit to the Town of Southold, what they do and possibly Mrs. Gallagher could listen to this, what they do is they actually buy farmland and then they lease it out to small farmers, the town, to encourage agriculture. Because they've seen too much of their farmland disappear. And because unlike towns to the west, towns like Riverhead and Southold have set absolute population ceilings. For Southold it's about 20,000, approaching that number now. And for Riverhead, it's about 40,000, Riverhead has about 32,000. But part of that is to purchase land and then lease it to small farmers. Now I'm going to introduce a program where the County could purchase land, let the Farmland Committee use that and the Environment Department to then lease it out to small farmers. Much that was done with the KeySpan property over in the Northville area.

CHAIRMAN SCHNEIDERMAN:

Well, I did something similar when I was supervisor in East Hampton.

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

We bought a property for a fee and we leased it to an organic community farm. It's a very active community farm now. But you -- I don't think that we could get to a situation like that under the Multifaceted Program.

LEG. ROMAINE:

No, you know --

CHAIRMAN SCHNEIDERMAN:

It would be prohibited.

LEG. ROMAINE:

Again, the only reason I did this is because it was requested of me because they said, well, the original planning steps was SOS. And that's no longer around, please reintroduce something. So that's why I did this. For me, I would have just --

CHAIRMAN SCHNEIDERMAN:

Yeah, well this will only lead to a fallow field, so --

LEG. ROMAINE:

Yeah.

CHAIRMAN SCHNEIDERMAN:

-- that doesn't make any sense.

LEG. ROMAINE:

Right.

CHAIRMAN SCHNEIDERMAN:

You're going to make it a permanent fallow field in the middle of farmland. And I don't think that's where you want to go. So, all right. There's a motion to table subject to call and a second. And you're talking about withdrawing it?

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

You're not going to withdraw it?

LEG. ROMAINE:

I'll let you guys kill it. It's easier.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor?

LEG. COOPER:

Actually, in the spirit of compromise, and this would have been funnier if I had been recognized ten minutes ago when I first raised my hand --

CHAIRMAN SCHNEIDERMAN:

Oh, I'm sorry. Sorry, Jon.

LEG. COOPER:

I was going to say that if Legislator Romaine committed to farm the property himself, I would support it.

CHAIRMAN SCHNEIDERMAN:

Nice.

LEG. COOPER:

But never mind; it's too late now. So, yes --

CHAIRMAN SCHNEIDERMAN:

Was there anything else you wanted to say? I'm sorry.

LEG. COOPER:

No, that was it. Like I said, it would have been funnier ten minutes ago.

LEG. ROMAINE:

I thank you. And maybe the County can buy some small parcels in the west end and create community farms that people can actually farm a parcel. I mean, that's a tremendously innovative program and I realize you do have small out lots that are more or less devoid of vegetation that could be -- right, converted into small community gardens. I think that would be a great idea. I'd be happy to cosponsor that with you.

LEG. COOPER:

As a matter of fact, actually Froehlich/Wicks Farm in my district, I forget the acreage, four or five, six hundred acres, but we set up an agreement with Friends of Huntington Farmland. And I think that we gave them a one acre parcel and they set up an organic farm. And it's a community farm, they give the produce --

LEG. ROMAINE:

Right, good.

LEG. COOPER:

-- to underprivileged kids in the area. It's a fantastic program.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. COOPER:

But that being said, tabled subject to call.

CHAIRMAN SCHNEIDERMAN:

Okay. You done? Okay. So voting on the tabled subject to call motion. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

I'll oppose. Abstentions? **And it is tabled subject to call. (VOTE: 3-2-0-0 Opposed: Legislators Losquadro & Schneiderman)**

Back to **1259, Approving planning steps for the acquisition of Farmland Development Rights - Delea Farm outparcels and others. (Co. Exec. Levy)** This is a --

LEG. LOSQUADRO:

I'll make a motion to approve. And I just want to go on the record thanking Planning. I know that this was a herculean effort. This was a very complicated planning steps resolution to put together. A number of months ago we had approved the bulk of this property, but we could not approve this other portion of it until all of these out parcels were sorted out. It took some time to do, a lot of research, a lot of legwork. And I am very, very happy to see it finally put forward. This is a very important parcel right in the heart of Miller Place. One of the few remaining active farms in eastern Brookhaven Township. So motion to approve.

CHAIRMAN SCHNEIDERMAN:

It's roughly what, 343 parcels totaling 95, 96 acres.

LEG. LOSQUADRO:

For a total of well over 200, between the first planning steps resolution, which was the bulk parcels that were in larger blocks and then this one making up the other almost 100 acres. It's almost -- Planning, what's the total acreage between the two? It's well over 200. I can't remember the exact acreage now.

DIRECTOR ISLES:

Not sure.

LEG. LOSQUADRO:

But it's -- it's in excess of 200 between the two resolutions.

CHAIRMAN SCHNEIDERMAN:

Between the two, he's saying. All right.

LEG. BEEDENBENDER:

Legislator Losquadro, could you just orient me --

CHAIRMAN SCHNEIDERMAN:

Wait, I'm sorry, Legislator Beedenbender.

LEG. BEEDENBENDER:

I was going to ask where just in Miller Place the orientation. What road is that up there? I'm just trying to get a better idea.

LEG. LOSQUADRO:

If you look to the right of this parcel, you'll see a long strip that runs north/south. That is the bulk of the parcel. The parcel actually makes a T. The darker line to the north there is Route 25A in Miller Place. So the property does actually front on Miller Place and then you'll see a road that

almost bisects this on about a 45 degree angle that runs from the north to the southeast. And that's Miller Place/Yaphank Road and that -- this -- these out parcel properties straddle both sides of that road to make the T of this entire portion.

LEG. BEEDENBENDER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Cooper.

LEG. COOPER:

I just want to clarify for my own edification. So this is a sod farm right now. But only about half the acreage in the sod farm is owned by the DeLea Sod Farm Company or family?

LEG. LOSQUADRO:

No.

LEG. COOPER:

And they're leasing the parcels or --

LEG. LOSQUADRO:

I'll allow Planning to explain. It's a little more complicated. There are a number of small parcels -- actually the entire thing is farmed with sod. But there are a number of parcels within and I'll allow Planning to explain.

DIRECTOR ISLES:

Okay. This is part of an old file map system so there are a lot of scattered lots. And so when this initially went to the Farmland Committee, which it did at the same time as the larger piece, when we started examining this area in more detail, it was then identified that there were a number of other owners. We estimate that those out parcels are about 10%. They're small lots, 25 feet, 50 feet wide and so forth.

So in terms of your answer to your question, DeLalio apparently farms the entire property with agreements from these scattered owners to put together a comprehensive resolution. We did do a careful search of the properties and identified the 343 properties. We identified the ownership. Here again, we estimate that about be 10% of it is owned by others than the DeLalio family. And we point this out to you because this is going to be a bit of a challenge as to -- as we do the appraisals and then put this thing together. And that's why I wanted this handed out is that you see it. And the hope is that this can then be brought to you in a clean package in terms of a comprehensive acquisition as opposed to one with swiss cheese of holes all throughout it.

So this is unique. We think it is important and the Farmland Committee did recommend it, but this is a unique problem in terms of these scattered ownership that will have to be addressed as we go through the next steps if this resolution is approved.

LEG. COOPER:

And further -- I'm sorry just for the --

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Legislator Cooper, then Legislator D'Amaro, then Legislator Losquadro.

LEG. COOPER:

Just one other question, I see that there are just a few scattered parcels where it says unknown ownership, but it's just planning steps so you'll have more time to identify those owners and --

DIRECTOR ISLES:

Right. We'll do a last owners search through Real Estate formerly.

LEG. COOPER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Assuming the resolution gets passed then, Director Isles, the -- there are several or many owners of these little out parcels so let's say you pick up -- planning steps includes making the offer.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And let's say 10% or 20% come back and say not interested, so where do we go at that point?

DIRECTOR ISLES:

That's a good question, not one that I can answer. But that's precisely what we might be facing here.

LEG. D'AMARO:

Like I see parcel number 225 is a .09 of an acre owned by Robert I. Toussie. So for example if Mr. Toussie decided not to cooperate and sell his development rights what, you know -- is there a threshold you're looking for? I mean, could we -- if one person says no, does it kill the whole concept? I mean, how do we do that?

DIRECTOR ISLES:

Right. I think when we were looking at this we were saying okay so what happens if we can't get those 10%, let's say all the 10%. Potentially then we have people building roads on paper streets in order to get access to build a house in the middle of this sod farm so to speak. So the worst case is that this is perforated with houses amidst the property. And the question then becomes does it diminish or destroy the viability as agricultural land. That's the threshold question, can they co-exist? If there's one house, I'm sure they can co-exist. If there are 40 houses interspersed in this, I would have my doubts.

So I think that's something we have to look very closely once we see exactly what we have, who's interested or not. We'll make a bigger map, too. Obviously we'll have bigger maps when the time comes. But it's a threshold question. We can't answer it. We agree that it will have to be addressed when we get to that point.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And, I mean, I think what needs to be realized here is we're only talking -- if it's 10%, you're talking about 9.5 acres total scattered throughout many parcels. As you pointed out, some exceptionally small. And regardless of whether or not it's old file maps they would still have to seek --

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

-- relief from the town as to whether or not these lots will be buildable. And if you look at the acreage involved, the vast, vast majority of these tiny little parcels are not buildable parcels. And as I said, this makes up the whole of the rest of this parcel. And we do -- and I know the Farmland Committee did approve this, we do have an owner who is willing to sell and wants to continue a viable agricultural operation in eastern Brookhaven Town, as I said, one of the few remaining.

CHAIRMAN SCHNEIDERMAN:

Any other questions? You know, I think it make sense. And really to get the answers we need to do the planning steps anyway. And I'm assuming when this comes back, it'll be as one resolution to acquire. So we'll see how many we've got. And we can make a decision whether it makes sense to move forward at all with those lots knowing we didn't get other lots. So we had a motion, I believe?

LEG. LOSQUADRO:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Yes. To approve and a second. Any other discussion? All in favor? Opposed? Abstentions?

Approved. (VOTE: 5-0)

LEG. LOSQUADRO:

Jay was second.

CHAIRMAN SCHNEIDERMAN:

I seconded it. Thank you. All right.

IR 1263, Directing the Department of Planning to file rating system forms with land acquisition resolutions. (Cooper)

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

A motion to approve by the sponsor.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro, on the motion.

LEG. LOSQUADRO:

Just going back, we discharged Legislator Romaine's resolution without recommendation. If that's amended and the rating form is attached to the planning steps, I guess this is just making sure that it's also attached moving forward to the acquisition.

LEG. COOPER:

Because often -- there have been occasions where I've requested the rating for a parcel where the planning steps was done two, three, four years --

LEG. LOSQUADRO:

Okay.

LEG. COOPER:

-- earlier and they didn't have the information anymore.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Commissioner, is this something that you'll be able to do?

DIRECTOR ISLES:

I do have a comment.

CHAIRMAN SCHNEIDERMAN:

Is this something that's feasible for your --

DIRECTOR ISLES:

It is certainly feasible. A couple of comments for you would be, number one, is that we don't do rating forms for every acquisition. So for example, master list properties were done based on a comprehensive environmental planning approach. So it's done in a holistic basis, not a parcel by parcel basis.

So we -- secondly there are some acquisitions that still predate the rating form system, so some of the older ones we sometimes get them popping up here. So the comment on that would be provide forms where they have been prepared or where they exist or something to that effect.

LEG. COOPER:

Okay. Then I would -- I don't know if I made a motion yet, but maybe I'll change my motion, if I did, to a discharge without recommendation. And then, George, if you could amend the resolution along those lines.

LEG. D'AMARO:

I'll second.

LEG. COOPER:

And then hopefully we can approve it at the meeting.

DIRECTOR ISLES:

And if I could, so on the technical point then, you know, the suggested language where such forms have been prepared by the department or something to that effect.

Just two other general comments, we would make the point that forms should be taken in context. And certainly this committee process we think is important so we think the forms are helpful and we appreciate how much you look at them and use them in your decision making process but they're not the single answer to whether we believe an acquisition is good or bad. They need to be taken in context with other information just reinforcing that.

And then also reinforcing that the process that as much as possible we like to do that critique up front with the planning steps before we make the investment of time and money in the acquisition.

Other than that we're happy to cooperate to the extent we can and make as much information available to you as we can. Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. So the early motions are withdrawn. And the new motion's to discharge without recommendations by the same individuals. All in favor? Opposed? Abstentions? **1263 is discharged without recommendation. (VOTE: 5-0)**

1273, so I'll make a motion to table. (This is) **A Charter Law to limit the use of water quality protection funds for employee salaries. (Schneiderman)**

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? This is tabled for a public hearing. **Tabled (VOTE: 5-0)**

1274, To promote land acquisitions for Open Space, Farmland Preservation and Hamlet Parks in underserved communities. (Cooper)

LEG. COOPER:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by the sponsor, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0)**

1278, Rescinding Resolution No. 1292-2005 and authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Wetzel property - Mastic/Shirley Conservation area Phase I - Town of Brookhaven (SCTM No. 0200-982.10-06.00-005.000). (Co. Exec. Levy)

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Cooper, second by Legislator D'Amaro.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

This is basically a scribes type of error that's being fixed.

MR. NOLAN:

Right.

CHAIRMAN SCHNEIDERMAN:

As I understand it.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:
Legislator Losquadro.

LEG. LOSQUADRO:
This also changes the program?

MS. FISCHER:
No.

DIRECTOR ISLES:
It's a rescinding resolution.

MS. FISCHER:
Yes.

LEG. LOSQUADRO:
It's just incorrectly identifies the owners or what exactly are we accomplishing here?

MR. ZWIRN:
Chris, here's one on the Wetzel property.

MR. KENT:
This was a resolution that -- this acquisition was previously authorized to go forward under SOS by resolution 1292 of 2005.

LEG. LOSQUADRO:
Right.

MR. ZWIRN:
But it's in contract.

MR. KENT:
It's in contract already. We couldn't get it closed in time. And now we can't expend those monies so we have to change the program, yes.

MR. ZWIRN:
And one of the owners is --

LEG. LOSQUADRO:
That was just my question. It does change the program. And someone said no. So I just was asking this resolution does change the program. Okay. Thank you.

DIRECTOR ISLES:
Just one comment if I could. This does require Parks Trustees' approval. It's scheduled for Thursday's meeting of the Parks Trustees. Perhaps if you're inclined to move it forward, it could be a discharge without recommendation and then we'll have the Trustees by the next -- your general meeting.

CHAIRMAN SCHNEIDERMAN:
Right. Yeah, we can't approve it without it. So, all right.

LEG. COOPER:
I changed my motion to discharge without recommendation.

CHAIRMAN SCHNEIDERMAN:
All right. So we're changing the motions made earlier to discharge without recommendations. Any

other discussion? All in favor? Opposed? Abstentions? 1278 is approved. **(VOTE: 5-0)** I'm sorry, **1278 was discharged without recommendation.** That's what I meant, that that part was -- we approved the discharge.

1286, Appoint member to the Water Quality Protection and Restoration Program and Land Stewardship Review Committee (Kevin McDonald). (Pres. Off. Lindsay) I'll make a motion.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. Is Mr. McDonald here? He's -- is he already a member of that, isn't he?

LEG. BEEDENBENDER:

No, it says appoint.

CHAIRMAN SCHNEIDERMAN:

It's not a reappointment? Oh, right. He's -- that's right. He's -- right, Bob DeLuca's already a member. He would be a new member.

LEG. COOPER:

Right. We have to give it -- we don't have a choice. We have to give it to Kevin McDonald.

CHAIRMAN SCHNEIDERMAN:

What was that?

LEG. COOPER:

He's the only Chair that's qualified to serve on the committee because all the other ones live either out of County or out of state. So we have to appoint Kevin McDonald.

CHAIRMAN SCHNEIDERMAN:

So this is a position reserved for somebody from the Peconic Estuary or the Long Island Sound.

LEG. BEEDENBENDER:

The Long Island Sound study says an advisory committee, the South Shore Estuary, the Peconic Estuary. And he's the only one who lives in Suffolk County.

CHAIRMAN SCHNEIDERMAN:

On any of those.

LEG. BEEDENBENDER:

That's how it was presented to me. It has to be one of the Chairs.

CHAIRMAN SCHNEIDERMAN:

I'm comfortable putting Kevin on. And I don't feel like we need to interview him, but it's up to the Committee. All right. So there's been a motion and a second. All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)** If the Clerk could list me as a cosponsor.

LEG. COOPER:

And me as well, please.

CHAIRMAN SCHNEIDERMAN:

1289, Authorizing certain technical corrections to Adopted Resolution No. 833-2007. (Co. Exec. Levy)

LEG. BEEDENBENDER:

Motion

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Beedenbender, second by Legislator Cooper. Is everybody familiar with the changes? Do we need to discuss this?

LEG. LOSQUADRO:

If Counsel could just tell us an overview.

CHAIRMAN SCHNEIDERMAN:

Counsel, yeah.

MR. NOLAN:

The following resolutions were approved under the Quarter Penny, the Drinking Water Protection Program. What these resolutions are doing are changing in a sense that it brings it under a different component; Whereas under the program before the referendum, it was the Open Space component. Now it's going to be designated under Environmental Protection, which is kind of a similar component under the Drinking Water Program.

LEG. LOSQUADRO:

Okay.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

1290, Authorizing certain technical corrections to Adopted Resolution No. 836-2007. (Co. Exec. Levy) Same motion, same second, same vote. Approved (VOTE: 5-0)

1291, Authorizing certain technical corrections to Adopted Resolution No. 917-2007. (Co. Exec. Levy) Same motion, same second, same vote. Approved (VOTE: 5-0)

1292, Authorizing certain technical corrections to Adopted Resolution No. 921-2007. (Co. Exec. Levy) Same motion, same second, second vote. Approved (VOTE: 5-0) If you disagree, speak up.

1293, Authorizing certain technical corrections to Adopted Resolution No. 1134-2007. (Co. Exec. Levy) Same motion, same second, second vote. Approved (VOTE: 5-0)

1294, Authorizing certain technical corrections to Adopted Resolution No. 1137-2007. (Co. Exec. Levy) Same motion, same second, second vote. Approved (VOTE: 5-0)

1295, Authorizing certain technical corrections to Adopted Resolution No. 1246-2007. (Co. Exec. Levy) Same motion, same second, second vote. Approved (VOTE: 5-0).

Okay. Moving onto 1296, I see Steve is still here, patient.

1296, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill estates property) Town of Huntington (SCTM No. 0400-249.00-04.00-019.000 and 0400-263.00-04.00-072.000). (Stern)

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to approve and a second. Can we get a rating and information from Planning?

MR. KENT:

We're going to have to ask to table this because it's Multifaceted. This will probably have to be moved under Legacy since we have a 50/50 partnership with the town on this one.

CHAIRMAN SCHNEIDERMAN:

Okay. And do we have a rating on this one?

DIRECTOR ISLES:

We do.

MS. FISCHER:

I think -- I'm sorry. I think we would prefer to see it under the New Drinking Water, the New Drinking Water --

CHAIRMAN SCHNEIDERMAN:

The Quarter Penny.

MS. FISCHER:

-- under Hamlet Parks. It originally got a 47 point approval under SOS Hamlet Parks for planning steps. So we would suggest that that be moved forward under that program.

LEG. COOPER:

Could we discharge?

CHAIRMAN SCHNEIDERMAN:

But under Multifaceted it got a lesser score.

MS. FISCHER:

If it came under this program for just open space is 20 points. It got two extra points from -- it actually was originally submitted under Multifaceted for open space. It was withdrawn. At that time it got 18 points. We reevaluated it. It received 20 points now under Multifaceted, but again we're trying to move into the other programs so we suggested that we put it under new New Drinking Water under Hamlet Parks, back to Hamlet Parks where it got 47 points.

LEG. COOPER:

Is it possible to discharge without recommendation and make that change before the Legislative meeting?

MS. FISCHER:

That's what he wants to do.

CHAIRMAN SCHNEIDERMAN:

That's a --

LEG. COOPER:

Or is that too -- it's a big change.

CHAIRMAN SCHNEIDERMAN:

It's a big change.

MR. NOLAN:

I think changing -- you can amend this resolution. You don't have to do a new resolution. You can change the program if you'd like. There's a lot of time to do amendments because we have a gap. We don't have the general meeting next week. So theoretically, yes it could be discharged and then amended to change the program, but that's up to the Committee.

LEG. COOPER:

Is that okay, Steve?

LEG. STERN:

Yes. And in speaking with George I'm told that we can -- we do have the time to make a change in the program. The score will go up significantly because of that change and we can go forward at that time.

LEG. COOPER:

Okay. So I'll make a motion to discharge without recommendation.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Will -- the score would go up into the 40's if it's under the Quarter Penny Program?

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? Approved. Oh, I'm sorry, I should say not approved, but discharged without recommendation. **Discharged Without Recommendation (VOTE: 5-0)**

1300, Adopting Local Law No. -2008, A Local Law to expand the membership of the Water and Land Invasives Advisory Board. (Viloria-Fisher) We need a public hearing. Okay.

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **Tabled for public hearing. (VOTE: 5-0)**

1303, Authorizing certain technical corrections to Adopted Resolution No. 830-2007. (Co. Exec. Levy)

LEG. BEEDENBENDER:

Motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Again, Counsel, explanation. We had a motion by Legislator Beedenbender, second by Legislator D'Amaro.

MR. NOLAN:

It is similar to the previous technical corrections. This takes acquisitions that have been approved under the Drinking Water Program as it existed prior to the referendum, but these are all for farmlands. Okay, but they were farmland previously, they're still farmland, but it just makes it clear that it's under the new New Drinking Water Program.

CHAIRMAN SCHNEIDERMAN:

And that holds true for 1303 through 1306?

MR. NOLAN:

Correct.

CHAIRMAN SCHNEIDERMAN:

Okay. So let's try to fly through this. We had a motion by Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **1303 is approved. (VOTE: 5-0)**

1304, Authorizing certain technical corrections to Adopted Resolution No. 999-2007. (Co. Exec. Levy) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

1305, Well, I should say on 1304 it's resolution number 999 of '07. Same motion, same second, same vote.

1305, Authorizing certain technical corrections to Adopted Resolution No. 1140-2007. (Co. Exec. Levy) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

1306, Authorizing certain technical corrections to Adopted Resolution No. 1253-2007. (Co. Exec. Levy) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

And that concludes our agenda. We are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 3:20 PM)
{ } DENOTES SPELLED PHONETICALLY**