

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 October 6, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Legislator Kate M. Browning, Third 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
Jessica Kalmbacher, 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
Justin Littell, Aide to Leg. D'Amaro
Catherine Stark, Aide to Leg. Schneiderman
Marge Acevedo, Aide to the Presiding Officer
Scott Wilson, East Hampton
Marian Lindberg, Nature Conservancy
Steve Bellone, LI Regional Planning Council appointee
Michael White, LI Regional Planning Council
Grant Hendricks, LI Regional Planning Council appointee
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:23 PM

CHAIRMAN SCHNEIDERMAN:

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

SALUTATION

PUBLIC PORTION

I'd like to start the meeting with the public portion. I only have one speaker card. If you do wish to be heard in the public portion and have not yet filled out a card, you could come up to this table in the front and do so.

Our one speaker is Marian Lindberg speaking on the Cavett acquisition. Marian, you have three minutes to make your presentation.

MS. LINDBERG:

I'm Marian Lindberg. I'm here on behalf of the Nature Conservancy and officially on behalf of the Town of East Hampton and unofficially on behalf of the State of New York to urge you to affirm the resolution supporting the Dick Cavett acquisition in Montauk. This is an incredible piece of property that has been a top priority for Suffolk County, New York State, the Town of East Hampton and the Nature Conservancy for many years. 76.77 acres that runs from Montauk Highway south to the Atlantic Ocean with a thousand feet of frontage on the Atlantic Ocean, towering bluffs, 36 acres of freshwater wetlands that are spread throughout the property in a kind of spider web fashion so that any construction would impinge on the wetlands.

This builds on the 2005 state, county, town acquisition of the Amsterdam Beach property, which is to the east here. That was 122 acres. And in 2007 the County and town purchased the Weiss property here, 27 acres. So I think you can see that this is the last piece of the puzzle. And we're thrilled that we're here today with an accepted offer and the participation of the state and the town for \$6 million. The County would be getting a piece of property that was listed on the private market for 30 million and has been accepted by the owner for 18 million. So the Nature Conservancy helped secure the state funding of \$6 million. We're very happy we can do that. We've been negotiating with Cavett's representatives for almost two years now. And I think it's a very good deal. It's -- the ETRB just voted on this property in June. So all the valuations are very fresh.

I have letters of support from the East Hampton Trail Society, the group for this east end and the Concerned Citizens of Montauk, all of which are very much in support of this acquisition. The intention is to have it managed along with Amsterdam Beach and to have trails on the property, which will allow the public to enjoy the spectacular native vegetation and the beautiful ocean views. This will add to the special character of Montauk that makes it a popular tourist destination, economic benefits of which flow to the entire County.

I have a couple of photos that I'd like to submit. One is of the bluff. You can see how vertical it is and how narrow the beach is in part which is all the more reason to have this area be protected. So I will submit the letters of support and my photos. And I guess that little beep is telling my time is up. So I urge your support.

The last point I would like to make is that the contracts do provide that Mr. Cavett can walk away if the closing does not occur by December 31. So prompt action is important. We'd very much like to see this voted out of the Committee today so the full Legislature can consider it at its next meeting. And that'll give everybody ample time to do the survey and the due diligence work that will allow closing by the end of the year.

CHAIRMAN SCHNEIDERMAN:

There's no interest clock on the contract?

MS. LINDBERG:

No, no. Thank you very much for your time and for your consideration.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you. All right. I have no other speakers or presentations so I will move to the agenda.

INTRODUCTORY RESOLUTIONS

I think what I'd like to do is take a few things out of order. Why don't we start with officials who are here. Let's jump to **1876 which is to appoint Babylon Town Supervisor Steve Bellone as a member of the Long Island Regional Planning Council. (CE Levy)** I'll make motion to take that out of order.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Mr. Bellone, if you will step forward, Mr. Supervisor. At least come to the table, have a seat. Also, Mr. White, if you'll join him. Thank you. Okay, for the purpose of discussion, I'll make a motion to approve --

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

-- IR 1876, seconded by Legislator D'Amaro. It's now before us. Mr. Supervisor, I guess we'll give you a moment to introduce yourself. I think we all probably know you. And just if you can tell us your interest in serving on the Commission -- Council.

MR. BELLONE:

Sure. Thank you very much, Mr. Chairman, Legislators. It's an honor to be here. I thank you for the opportunity. I have been Town Supervisor for the past seven years now of the Town of Babylon. Very interested in planning issues, particularly regional planning issues. We've been working for a number of years now on several transit oriented developments, a number with regional applications. We've worked closely with the County on a number of regional issues including affordable housing, as you know.

And these critical issues are something that, for our region, it's something I'm very interested in and would welcome the opportunity to serve on the Regional Planning Board to discuss this and to bring a perspective obviously that, I think, is very important; and that is the town perspective, particularly in Suffolk County where the zoning and planning authority rests directly with the the towns. I think it's important to have that -- that voice and that perspective on the Regional Planning Board to really make it an effective voice and guide for the future on Long Island.

CHAIRMAN SCHNEIDERMAN:

Actually I want to direct my first question to Mr. White. Where are we right now with the Long Island Council? I mean is it fully funded? How many vacancies are there? Is Nassau contributing their part? Do you have money to do the kind of studies that I'm sure will come out of some of the discussions that the Council has?

MR. WHITE:

Absolutely. Thank you, Mr. Chairman and members of the Committee. First of all I want to thank you for your continued support to get the Council or rather get the Long Island Regional Planning Board reformed and reestablish as a regional planning council. We are really on the final round of this. We're really on the precipice of actually having a Council.

As of right now the appointments in Nassau have been made. And that's the appointment of Supervisor John {Cayman}, Mayor Richard -- excuse me -- Mayor George {Starky} from -- the Mayor of Farmingdale; and the additional at large member is Richard {Gardino} from Hofstra.

In addition Nassau County has passed the resolution respecting a technical amendment which now conforms their legislation respecting the Regional Planning Council to the Suffolk legislation. And they've also passed the resolution similar to the resolution you have before you today as well with respect to entering into an intermunicipal agreement with respect to the work of the Council for both counties.

With respect to the budget, we have been in communication with both County Executives. And the figures that we've been talking about will allow us to be in operation as a council with a small but very -- enough staff to get underway. We are still looking for further funding for the complete regional comprehensive sustainability plan that we're looking to do. I think there are some aspects of that that could involve outside funding as well as potential additional specific Nassau County funding.

So the answer is, yes, the -- both counties are participating and both County Executives through their budgets have put in for funding.

CHAIRMAN SCHNEIDERMAN:

Do you know the level of funding between Suffolk and Nassau proposed for next year?

MR. WHITE:

The level of funding for next year should be approximately \$700,000. Between six and \$700,000.

CHAIRMAN SCHNEIDERMAN:

And that includes your salary and administrative costs?

MR. WHITE:

And staffing of three to four additional people as well as some of these monies that we have to go forward with beginning the studies that we have on underway. And we have received proposals in response to our requests for proposal for the complete regional comprehensive sustainability plan. The board and the new council members will be reviewing those and making the recommendation, again, while we have sufficient funding for the operations as a council. And some of the work that we're doing now to continue, we don't have the full funding for that as yet.

CHAIRMAN SCHNEIDERMAN:

Okay. So, questions now for Supervisor? Yes.

LEG. D'AMARO:

All right, thank you, Mr. Chair. Mr. White and Supervisor Bellone, great to see you here.

MR. BELLONE:

Thank you.

LEG. D'AMARO:

I just want to pick up on what you said, you're exactly right as the Commission moves forward and it gets into really some of these regional issues that have really become a major concern as Long Island becomes more and more developed, we really need that perspective on this board from someone like a town supervisor, a town board, that town perspective where that zoning and planning authority really lies. And, Supervisor Bellone, I agree with you a hundred percent; you bring that perspective to this board. You understand balancing all of the various issues that are going to come into your consideration as you do some regional planning. And I think that there is no one more qualified. So in anticipating the vote, I congratulate you.

MR. BELLONE:

Thank you, Legislator.

MR. WHITE:

May I also make a comment? And I'm certainly in full agreement with Legislator D'Amaro. And this has been one of the aspects of reforming and recreating the Regional Planning Board to the Regional Planning Council, that the Council and I have fought for from the beginning is to get the town and village representation. As I've said publicly, it's foolhardy to think we can do a regional planning without having the land use authorities, the supervisors represented from both counties and the village mayors represented from both counties.

LEG. D'AMARO:

Yeah. And I found that in my tenure here also. I mean so many times we have discussions. But when we don't include the towns or where the authority truly lies, not to get commitments but really just for perspective even and to bring all of those considerations to the planning table is a huge giant step in the right direction for this commission.

MR. BELLONE:

If I could just add, I think that is absolutely correct. You know, as long as we remain, you know, sort of disconnected from a planning perspective, it's unlikely when you get to the level where you've got to approve a zoning and planning applications, that those things are going to move forward in a kind of way that's going to help the region without being on the same page as a county and as towns and villages. So I agree with you a hundred percent on that.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just want to point out how happy this makes me to actually see us at this point after as my first -- I think it was my first term in office where I held the joint meetings with the Nassau County Legislature. And we worked towards exactly this which was bringing the true stakeholders to the table. And after some -- encountering some obstacles and some road blocks to have the conforming legislation be passed in our neighboring county, and getting to this point and having one of our town supervisors coming on board, I think, is a great step. And I look forward to working with this new council which has been our intention in this body since we passed that original piece of legislation reconstituting this council and understanding that we need to bring everyone together to accomplish these regional planning goals, especially here in Suffolk County where we do have the room for continued expansion.

It's just as important for Nassau County where they face redevelopment pressures and large scale projects of regional significance just as we do even down in Babylon.

MR. WHITE:

That's exactly right.

LEG. LOSQUADRO:

So we differ greatly geographically but we're all facing the same issue. We're a big dead end and we need to work together to make sure that this Island is going to grow sustainably for us. So, again, I say thank you for your willingness to serve in this capacity and I look forward to working with you.

MR. BELLONE:

Thank you.

MR. WHITE:

I want to thank Legislator Losquadro for those early days and continued support as I said earlier. I was at those early meetings not in the present capacity. But since I've been in this capacity we've worked very hard. It's taken some time, but I think we are really on the precipice with great appointments before you to complete this Council.

CHAIRMAN SCHNEIDERMAN:

As you know, Steve, I am also a former supervisor. And I can say no matter what town you're in, whether you have a background in planning or not, as supervisor you soon find yourself emersed in planning. And you also find that not only planning a future but you find that you're also dealing constantly with the consequences of poor planning.

MR. BELLONE:

Yes.

CHAIRMAN SCHNEIDERMAN:

And dealing -- you begin to understand very quickly that a lot of the things cannot be solved on a town level; that they can only be solved working together regionally. And although this pick goes to a town supervisor, there are obviously -- there are ten that could be chosen. And I'm very supportive of this choice because I've actually been watching the work you've been doing there. And I think really expertly addressing a lot of the issues that are important to me, the transportation issues, the affordable housing issues, the environmental issues. These are not always easy to balance. So I think this is a wise choice.

MR. BELLONE:

Thank you, Legislator. And I do know you understand as a former town supervisor the very pressures that we face. And, you know, a lot of the processes is an education process for the -- for the public. And certainly we're in the position to do that. And I look forward to working with you as Chairman and this entire body as we move forward because this is a positive step forward, but it certainly does not in any way mean that we will be successful at the end of the day. There's a lot of hard work that needs to be done, all of us working together. So this is a positive step forward and I'm very much looking forward to working together.

CHAIRMAN SCHNEIDERMAN:

Good. Thank you for your willingness to serve.

MR. BELLONE:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay, any further comments or questions? Okay. So there's a motion to approve and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)** Congratulations.

MR. BELLONE:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

I would now like to make a motion to take **IR 1878** --

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

-- **appointing Grant Hendricks as a member of the Long Island Regional Planning Council (CE Levy)** out of order.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a second, I think, by Legislator D'Amaro. All in favor? Opposed? Abstentions? It is now before us. A motion to approve by Legislator Losquadro, second by Legislator D'Amaro. And on the motion, Mr. Hendricks. Good to see you.

MR. HENDRICKS:

Nice to see you. Good afternoon, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Same question. We'll basically allow you to introduce yourself and tell us why you are interested in serving in this capacity.

MR. HENDRICKS:

Good afternoon, Mr. Chairman, and good afternoon, Committee members. Thank you very much for having me today. It's a pleasure to be here although I wish I had gone before supervisor Bellone because that was a very tough act to follow right there.

MR. BELLONE:

Come on.

MR. HENDRICKS:

My name is Grant Hendricks. I was born and raised in Bay Shore, Long Island. That is where I reside today with my wife and four children. I'm also a coach and business man. I'm a business man whose main office is in Hauppauge. We've been here since 1952. I've got a very strong understanding of what it takes to be an active member in the transportation infrastructure end of the business here on Long Island. Member of the Long Island Contractor's Association Board of Directors. And I'm very anxious and optimistic about the opportunity to serve on the Long Island Regional Planning Council. I'm a very enthusiastic, hard worker and somebody who has a deep understanding and appreciation of what it takes to run a successful business in both good times and bad times.

CHAIRMAN SCHNEIDERMAN:

And we appear to be in bad times, right? It's very challenging times. And it's good to have somebody with those credentials trying to figure out how we're going to keep some of the people who earn their livings in construction, and there's an awful lot of them, here in Suffolk County and be able to pay the bills. So I think that really comes out. That's part of planning; planning for an economy, planning for an economy that can sustain the area and provide these jobs. So, Legislator Losquadro is actually first on the list.

LEG. LOSQUADRO:

That's actually exactly right, Mr. Chairman. I was going to touch on the business aspect of it. But also being a very technical nuts and bolts type of person myself, it gives me great comfort to see that we have someone who truly understands construction and infrastructure as a part of this

process because there are many ideas that get put forward. And I think we need someone with the expertise to be able to analyze something from that technical perspective. To even just be a sounding board to say, hold on a second, do you people have any idea how much that would cost? Sometimes you need someone with that type of ability, that type of expertise. And I think that as well as Mr. Hendricks' obvious business experience is going to be a great asset to this board. So, again, I thank you for your willingness to serve in this capacity. And I look forward to working with you and the other members of the board.

MR. HENDRICKS:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Anyone else? It seems like we're all happy. All right. There's a motion and a second to approve. All in favor? Opposed? Abstentions? Congratulations. **(Vote: 4-0-0-1. Leg. Cooper not present)**

MR. HENDRICKS:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

While Michael's here -- yeah, you guys don't have to come back to the full Legislature. The interviews are done at this level. Why don't while Michael's here, I don't know if he's going to stay for the whole meeting, but there was one other Long Island Regional Planning Council resolution. Do you want us to take us that; two others?

MR. WHITE:

Well, you have the -- well, you have the other appointment. You have the intermunicipal agreement. That would confirm the ability of the two counties to enter into an agreement with respect to the operation and funding of the Regional Planning Council. I think that's 18 --

CHAIRMAN SCHNEIDERMAN:

That's 1875.

MR. WHITE:

1875?

CHAIRMAN SCHNEIDERMAN:

Were there any other -- oh, then there was Paul Pontieri. He's not here right now so we'll skip that. But we would -- there's a --

LEG. LOSQUADRO:

Motion to take 1875 out of order.

CHAIRMAN SCHNEIDERMAN:

All right. So Legislator Losquadro's making a motion to take 1875 out of order. We have the second by Legislator D'Amaro. All in favor? Opposed? Abstentions? It's now before us. **(1875, Adopting a Memorandum of Understanding between Nassau County and Suffolk County relating to the Long Island Regional Planning Council) (CE Levy) Same motion and second to approve.**

LEG. LOSQUADRO:

Yes, I would like to make that motion.

CHAIRMAN SCHNEIDERMAN:

Okay. So on the motion, I think it's already been explained. So any other discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

LEG. LOSQUADRO:

Barbara, if I could just be listed as a cosponsor on that, please.

MR. HENDRICKS:

Thank you, Mr. Chairman and member of the Committee.

CHAIRMAN SCHNEIDERMAN:

Thank you. All right. We'll skip -- well, Mr. Pontier is not here at the moment so we'll skip over that one. I may want to do one other out of order, though. I know there are people here who spoke on Amsterdam -- not Amsterdam Beach but the Cavett property. I know they've come a long way from East Hampton. I drive it everyday almost. Not as much as Mr. Zwirn over there so who literally does it everyday. That would be 1861. So I'll make a motion to takes 1861 out of order.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? It is now before us. For discussion purposes I will make a motion to approve. **(1861, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, for the Cavett property, Amsterdam Beach addition, Town of East Hampton) (CE Levy)**

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Losquadro. Commissioner Isles, if you can give us the details. While you're getting ready, I just want to point out to you that Scott Wilson, who is the coordinator for land purchases for the Town of East Hampton, is also in the audience if we have questions.

DIRECTOR ISLES:

Okay. We are circulating maps showing the subject parcel which is outlined in red on the map. The parcel itself totals about 78 acres of land. This is close to Montauk Point along State Route 27 extending along the north end of the property.

The subject property is considered to be extremely important from an environmental standpoint, and, in fact, was considered in the Master List update to the County several years ago. And we feel it would actually rank as probably being one of the highest rated acquisitions in the County history actually. And it's actually next to Amsterdam Beach, which I believe, rated a 90 in the County system. The reason for that is a number of factors including the inherent environmental value of the site in terms of, in the case of the Cavett site, having extensive wetlands, as Marian Lindberg has talked about from the Nature Conservancy. Over 30 acres of freshwater wetlands in the property, having direct frontage and access to the Atlantic Ocean with over a thousand feet to frontage to that, having contiguity proximity to other public holdings including Amsterdam Beach to the east, which is outlined in the orange colored lines. That site a little over 120 acres, that was acquired by the County about two years ago. Here again, one of the -- probably most significant acquisitions in recent county history.

Extending further to the east we get to the area that encompasses Montauk Point with, here again, hundreds and hundreds and hundreds of acres of publicly owned lands of state land, county land and so forth. This is an area of Long Island that I think is on the top of the identity list in terms of Montauk, Montauk Point. These are critical environmental locations. And in the case of the Cavett parcel that's before you today, here again, what's proposed is to buy the undeveloped portion of the

property. Mr. Cavett will be retaining a 16 acre parcel to maintain the residence on. It is noted in the resolution and is noted by Marian Lindberg in the presentation, this is a three way acquisition that is proposed before you with participation by the State of New York and the Town of East Hampton on an equally split one third arrangement.

Therefore, the matter before you, then, is for the authorization for an acquisition of 78 acres of land that would jointly be held by the three buyers. The County's interest then would be \$6 million acquisition amount. As Marian indicated the market advertisement which was around 30 which is probably too high anyway, but at least I think it gives a sense as to this is one of those lots that's a unique lot, certainly sometimes described as a kingdom lot, a trophy lot and so forth.

We are pleased with the opportunity to purchase it at this time, here again, considering it's importance to the Montauk peninsula as well as to the recent acquisitions of Amsterdam Beach and the Weiss parcel. So with that, if you have any questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

All right. Before questions I just want to make sure because my name seems to have been erroneously left off as a cosponsor, if it could be added as a cosponsor. And we have questions? Yes, no? Legislator Beedenbender first.

LEG. BEEDENBENDER:

I guess my question is more -- it has less to do with the purchase rather than the financial side of it and the County because I think the purchase, you know, it obviously makes sense. But I don't know if it would be correct to you, Tom, or perhaps maybe to Carrie, this \$6 million, is this -- have we issued the bond for this \$6 million yet? We have not? So this -- I know we've authorized a whole bunch so this would be issued -- I know that the County's probably going to issue bonds next month so this would be part of it, if that's the case? Or Chris?

MR. KENT:

This is going to be part of the bond sale that's going to go out in November, the \$6 million, yes.

LEG. BEEDENBENDER:

Theoretically.

MR. KENT:

Yes. It's going to be repaid by -- yeah, it would be repaid by --

CHAIRMAN SCHNEIDERMAN:

Are there buyers out there?

LEG. BEEDENBENDER:

No, I'm just -- I am not -- I just want to make it clear, I'm sorry, I wasn't very focussed on the question. I just wanted to know if we had actually gone out. And the question -- the reason I ask that is because obviously with the bond market right now, there's nobody buying anything. So I just wanted to know because the speaker earlier had said that, you know, there's kind of a termination date on this by the end -- December 31st, I believe you said? So knowing that -- I think the Dow was down 500 points at this point? So I'm kind of concerned about the market so I just wanted to know if we approve this, do we have the money on hand yet or not? And the answer is not.

MR. KENT:

No, we do not have the money on hand.

LEG. BEEDENBENDER:

Okay. All right. That's all I wanted to know. Like I said, it doesn't have anything to do with the environment. It has to do with whether or not, if we approve this, and then we go to do it, there's

actually somebody that will give it to us to give to Mr. Cavett?

MR. KENT:

All of our sales are subject to the availability of funding so, right.

LEG. BEEDENBENDER:

Okay. Thank you.

LEG. D'AMARO:

All right. That was one question. So we have an out if we can't come up with the money; right?

MR. KENT:

Right.

LEG. D'AMARO:

But the other -- the other consideration is, this is, correct me if I'm wrong, the Quarter Cent extension against which we borrowed upfront in order to fund these acquisitions, the interest rate on that borrowing is not set until we actually go to the market; correct?

MR. KENT:

That's correct.

LEG. D'AMARO:

Where are we now and where are we headed?

MR. KENT:

In what? On the interest rate?

LEG. D'AMARO:

Absolutely, yeah.

MR. KENT:

That would be -- I don't have the answer to that.

LEG. D'AMARO:

And, you know, this is more of a -- this particular acquisition brings it up. But, you know, if the -- you know, if the -- if the rates are starting to go up exponentially, that is going to be certainly a factor in the acquisitions going forward. So it's not -- I'm not singling out this particular acquisition. I think that it's nice to be able to get our hands on this property, but I think we need to make an informed decision as to where we're going with these rates.

MR. KENT:

We'll have a better idea once we convey that to bond counsel. We have to put together a package that has to be forwarded over to them. They'll give us their best opinion on what the market conditions are at the time we forward the package to them.

LEG. D'AMARO:

Does the acquisition contract set a ceiling on maximum rate on the interest that we would be willing to pay when we get the proceeds?

MR. KENT:

No, our current contracts do not list a maximum -- something that would allow us to terminate the contract if the rate of borrowing reached a certain level. So if we -- we don't have that kind of language in our contracts now.

LEG. D'AMARO:

The interest on these particular acquisition bonds from the Quarter Cent, is that funded? And maybe BRO can help with me with this? Is that funded from the Quarter Point or is it funded from the operating budget?

MR. DUFFY:

It's funded from the Quarter Percent Program.

LEG. D'AMARO:

Okay. So if the interest rate should go up, it will just leave less funding available; more to debt service, less for acquisition?

MR. DUFFY:

That's correct.

LEG. D'AMARO:

Do we know, let me ask you, BRO, do we know what those rates -- where historically they are and what they may be when we go to issue these bonds?

MR. DUFFY:

I don't know off the top of my head, but I could speak with Robert Lipp be it.

LEG. D'AMARO:

Do we know if there's a market for the bonds?

MR. DUFFY:

That would not be a question for us. That would be a question, I guess, the Comptroller's Office.

LEG. BEEDENBENDER:

If I could just jump in there, Legislator D'Amaro, we're going to have a discussion about that very topic tomorrow at Public Works only because a lot of the bonding we do is both land acquisitions, which is what this Committee authorizes, but also road projects and building construction and maintenance and things like that which is what Public Works authorizes. So the financial advisor, Rich Tortora's, going to come down and talk to us about the market for bonds because I have the very same concern. So we might not be able to have that detailed conversation right now, but tomorrow we certainly will.

LEG. D'AMARO:

Okay. You know, I can tell you if these bonds were being serviced from the Operating Budget, I would not vote for this today without having the proper information because we need to really get a handle on where rates are going. You know, just to borrow money without knowing what the interest rates are or where they might be 30 or 60 days from now is treacherous territory in my mind. The fact that it's funded from the Quarter Point gives me a little more comfort. At least I know it's not impacting in a short term the operating budget.

Director Isles, I had a question for you. Looking at the overhead, the aerial of the property, there's a house on it, I guess, the Cavett estate is carved out that fronts on the ocean. Is that correct? You can see the house there.

DIRECTOR ISLES:

Yes, that is carved out of the acquisition.

LEG. D'AMARO:

Right. Now this property has remained vacant all of this time. A large portion of it is wetlands; right? I mean what's the likelihood this would be developed anyway?

DIRECTOR ISLES:

That was part of the -- an analysis was conducted in the appraisals of the property. The wetlands were certainly considered in the evaluation, local zoning and subdivision law and so forth. So two answers to your questions.

Number one, is I recall the parcel was estimated to have a yield of up to four lots. So it's not a case where they would be able to put a ton of development on this site, but you could navigate some subdivision to go around the wetlands and to allow four lots to be developed on this site.

Secondly, in terms of what's the likelihood of development, here again, it's a hard thing to precisely answer; however, there is a strong real estate market in general in Montauk in the east end of Long Island. It obviously fluctuates from time to time. But we believe over the course of time there is development pressure on this site. And whether that's the scenario of somebody seeking a subdivision on four lots, almost 20 acre lots, where the other circumstance that happens in these east end parcels is sometimes they're more valuable unsubdivided as one lot for someone who's looking for that trophy parcel that's, you know, level where they can buy a 78 acre parcel in the ocean for \$18 million dollars or whatever.

So, yes, there's development pressure, we believe. And then secondly we will acknowledge that the development of this site would be challenging and we believe that's been taken into consideration in the analysis and the preparation of the appraisals that led up to the review by the Environmental Trust Review Board and the recommendation for the numbers that have been brought forward.

LEG. D'AMARO:

Well even if -- even if the current zoning as a matter of right permits four lots developed, what's the total acreage here? 78.

DIRECTOR ISLES:

78.

LEG. D'AMARO:

So you'd have roughly undeveloped pristine land left of even the best case scenario 72, 73 acres. You know --

DIRECTOR ISLES:

Well, the -- here again, it would be four lots. It would be almost 20 acres each.

LEG. D'AMARO:

Right. But how much of the 20 acre lot would be developed? There are restrictions on the amount.

DIRECTOR ISLES:

There are restrictions. Driveways, lawn areas to some extent would be allowed and so forth.

LEG. D'AMARO:

Right. I mean it's almost -- it's almost, you know, one of the down sides of the low density zoning or high average zoning, is that you can't put in more homes, affordable and all that kind of stuff. But an advantage is that they can preserve property de facto, right?

DIRECTOR ISLES:

Right. That's always a question to be asked in terms of -- and that certainly a tool of land conservation is low density zoning, cluster zoning.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

And then leaving privately owned open space or publically dedicated open space. And that's ultimately a policy decision that the Legislature will have to make.

We believe in this case, the reason it was put on the master list, is that we're dealing with a real unique environmental condition here with the, here again, the ocean frontage, the bluff environment, the 36 acres of mapped freshwater wetlands. The fact that this is a, here again, part of the Montauk peninsula where there has been substantial public protection of the environment, and, here again, this is also a location, I think, was referred to earlier as a, you know, it's part of the identity and tourist -- tourism value as well.

So there are cases where clustering can work as a good alternative. We think in this case the critical aspects of this site; its topography, its wetlands and so forth, the proximity to existing county owned open space, that this would be a case that a full fee acquisition would probably protect those in the best configuration possible.

Keep in mind, too, as the last comment that if development were to occur on this site, these would not be 1500 square foot homes. They would be very extensive. There would be impacts. We don't think they would be minor impacts to this site. This is a site that has high degree of sensitivity in terms of environmental, ecological values associated with it.

LEG. D'AMARO:

But the impacts would be basically septic, fertilizer? I mean what are the other impacts? Over 78 acres.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

Four septic systems, four front and back lawns. What else are we talking about?

DIRECTOR ISLES:

The grading issues of accommodating access to these sites, the grading issues of actually siting the homes, providing level services around those sites. So the actual footprint of the house, and let's say lawn areas, then magnified by the requirements for having certain slopes on the driveways, drainage coming off the driveways, drainage coming off the lawn areas, there are compromises and impacts that would happen from that. No question about it. Four houses is less than if this were one acre zoning and it was 78 houses.

But, here again, given the topography, given the fact that the wetlands are not just off to one side of the property, they're pocked into this site intermittently. It's part of the character and environment of the Montauk peninsula. It's not a case where it's just a cookie cutter solution of popping in a subdivision of house. It's one where those impacts in terms of providing access to four lots would be entered throughout this property. They would not be clustered in one location easily.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

There would have to be access, service facilities, drainage run-off, all those things would be from my experience, at least doing subdivision planning for quite some time, very tricky, very complicated, not simple subdivision planning.

LEG. D'AMARO:

And the County is picking up one third of the acquisition here.

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

So the one third we're paying for is the part that could be developed.

DIRECTOR ISLES:

It's evenly split.

LEG. D'AMARO:

I need to think of that this way.

DIRECTOR ISLES:

Okay.

MS. FISCHER:

Okay.

LEG. D'AMARO:

Thank you, Mr. Chairman. Thank you, Director Isles. I appreciate it.

CHAIRMAN SCHNEIDERMAN:

I think that's -- we have no other questions so I'll call the vote. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

All right. Legislator Losquadro needs to be excused for the rest of the meeting so he can heal his arm and shoulder. So it's certainly an excused absence.

Let me also say on the record, too, that Legislator Cooper also has an excused absence from this meeting.

All right. So now we can go back to the top of the agenda.

CEQ RESOLUTIONS

And we'll begin with CEQ resolutions, **31-08, dedication of Hubbard County Park, Flanders Club/Smithers property to Historic Trust. (Recommendation for dedication to Suffolk County Historic Trust)** I'll make that motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. I don't know that anything needs to be said. Does anybody have any questions on this? Mr. Bagg is here. I sat through the CEQ meeting on this, too. It certainly qualifies as a historic property and some important buildings on there. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

32-08, ratification of recommendations for legislative resolutions laid on the table for September 16th, 2008. (Type II Action) These are the Type II actions. I'll make the motion, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

34-08, DPW reconstruction of CR 58 Early Implementation Project in the Town of Riverhead. It's an unlisted action, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

35-08, Suffolk County Brownfield, former Bellport Gas Station, Town of Brookhaven, unlisted action, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

36-08, Suffolk County Brownfield, former Blue Point Laundry, Town of Brookhaven. It's an unlisted action, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

37-08, Suffolk County Brownfield, former Canine Kennel, Town of Southampton, unlisted, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

38-08, Suffolk County Brownfield, Gabreski APDD, Airport Plan Development District is the acronym there, Town of Southampton, unlisted action, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

39-08, Suffolk County Brownfield, former Ronkonkoma Wallpaper Facility, Town of Islip, unlisted action, negative declaration. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

And **40-08, Finalized Generic Environmental Impact Statement for the Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay and Draft Finding Statement.** Same motion, same second -- everybody all right? Same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

TABLED RESOLUTIONS

Okay. Tabled Resolutions, IR 1457, adopting local law number - 2008, a local law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator D'Amato, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? So tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

1706, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law Number 24-2007, Bissett/Palumbo properties, Town of Huntington. (Stern) I'll make a motion.

LEG. D'AMARO:

Table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table.

LEG. BEEDENBENDER:

Actually I think we're waiting for a new rating from Planning on this one possibly, Laretta?

MS. FISCHER:

Yes.

LEG. BEEDENBENDER:

Yes.

MS. FISCHER:

Yes, I did. Yes, we have that to hand out.

CHAIRMAN SCHNEIDERMAN:

All right. So let's make a motion to approve; then we can table it if we don't have the information we need.

MS. FISCHER:

Okay. Actually we had spoken with Legislator Stern. He was going to make some --

CHAIRMAN SCHNEIDERMAN:

Changes;

MS. FISCHER:

An additional property to it, a small piece. And I didn't -- and I don't know if he has done that yet or not but --

CHAIRMAN SCHNEIDERMAN:

All right. Well, let's make a motion and second to table then.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. Motion by Legislator Beedenbender, second by Legislator D'Amaro. And, Laretta, if you can at least go over the rating.

MS. FISCHER:

Yes. We're handing it out right now. Got 14 points on our new rating sheet.

CHAIRMAN SCHNEIDERMAN:

It has been amended actually.

MS. FISCHER:

And it has been amended.

CHAIRMAN SCHNEIDERMAN:

That's what Counsel is telling me.

MS. FISCHER:

Okay.

MR. NOLAN:

Two parcels.

MS. FISCHER:

One parcel? Two now? I'm sorry.

CHAIRMAN SCHNEIDERMAN:

It's all right.

MS. FISCHER:

I have five in total.

CHAIRMAN SCHNEIDERMAN:

All right. The resolution is for four.

LEG. BEEDENBENDER:

Are you counting that tiny little strip, Laretta?

MS. FISCHER:

Yes.

LEG. BEEDENBENDER:

Okay. That's where you get five. Okay.

MS. FISCHER:

That was the fifth one. So it's a total of five; is that correct? Or does he have more than that?

MR. NOLAN:

He has four.

MS. FISCHER:

He has four. So it wasn't amended again. But there is a small piece that we have on the map in between the northern most piece and the middle piece. We had suggested that that -- also, that sliver be added if we're going to look at this as an acquisition in total. But regardless, it's a small sliver and --

CHAIRMAN SCHNEIDERMAN:

What is the purpose of this? What are we doing with this? It looks like it's a developed site.

MS. FISCHER:

It is a developed site. The northern most site is the {Bisset} Nursery with greenhouses and nursery stock. The second middle property is also a nursery area of half the property. The back area is wooded and with steep slopes. The bottom southern portion -- two lots are basically undeveloped woodland.

CHAIRMAN SCHNEIDERMAN:

What's the plan for this property? Is it -- we're not buying the development rights. We're buying the fee, right?

MS. FISCHER:

No, we're buying in full fee. And it was in for open space, but I had spoken with Margo Myles in the Town of Huntington on this. And she had also been in communication with Legislator Stern. And at this point the town is reaching out to the owners of these properties and seeing if they have a willing seller before they move forward. So they're not committing to this acquisition until they get assurances from the owners that they're interested sellers. So at this point we can't give them points for town partnership at this point but that may come down the road.

LEG. BEEDENBENDER:

And how many more would that be, Laretta?

MS. FISCHER:

That would be --

LEG. BEEDENBENDER:

In best case scenario?

MS. FISCHER:

-- five more points.

CHAIRMAN SCHNEIDERMAN:

And what is our threshold for points for these?

MS. FISCHER:

25, but if they change it over to another use which is being thought about --

CHAIRMAN SCHNEIDERMAN:

Considered. Yeah, it seems to make sense. It's like a hamlet park or a sports field of some type. It's a disturbed site.

MS. FISCHER:

Yeah. The northern most would be considered possibly for active recreation. So we'd have to come back to you with a new rating. And the southern part would be passive recreation so we'd have a mixture of possibly both uses here. But we'd like to request that it be tabled until we get further information from the town and from, you know, the owners as to how to proceed.

CHAIRMAN SCHNEIDERMAN:

All right. There was a motion and a second to table, I believe. All in favor? Opposed? Abstentions? All right so that **1706 is tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

1790, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007 St. Joseph's property, Town of Islip. (Montano)

LEG. BEEDENBENDER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions? I'm sorry, I said Losquadro. D'Amaro. **1790 is tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

1791, adopting local law number - 2008, a local law prohibiting the distribution of plastic carryout bags by retail stores. (Viloria-Fisher)

LEG. BEEDENBENDER:

Table.

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Public hearing was recessed, right? Okay. So that's a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. Did I get your name right, sir? All in favor? Opposed? Abstentions? **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

IR 1807, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Schmitt property, Town of Brookhaven. (Browning) I'll make a motion to approve.

LEG. D'AMARO:

Well, let's look at the rating.

CHAIRMAN SCHNEIDERMAN:

Well, how do we get it in front of us without a --

COMMISSIONER MEEK-GALLAGHER:

Actually, George, did Legislator Browning submit an amended resolution because we can't put anything under Multifaceted so that would be problematic. Even though the money was appropriated, we agreed not to spend that money.

MR. NOLAN:

I believe we did amend it this morning to change the program. But I'll double check. Yes, we did.

CHAIRMAN SCHNEIDERMAN:

Thank you. All right. So there's no motions yet. Why don't we have a conversation about it first then we'll make the motions.

MS. FISCHER:

We're handing out the new rating sheet for active recreation. Before you is -- it received 35 points. We have gotten information from the sponsor regarding the uses for ball fields.

CHAIRMAN SCHNEIDERMAN:

Lauretta, what's our threshold on active recreation pieces?

LEG. BEEDENBENDER:

25.

MS. FISCHER:

Threshold being --

CHAIRMAN SCHNEIDERMAN:

Our, like, minimum number.

MS. FISCHER:

25.

CHAIRMAN SCHNEIDERMAN:

25.

MS. FISCHER:

It is a good site for active recreation. It's got excellent access off of the L.I.E. to the north. It is a sod farm or flat farm field at the present time. And it would be conducive to the development of ball fields quite readily.

To the east of here in the green is our Southaven County Park just for a reference point. We're hoping to have a non-profit group be partners with us on this. Obviously with the town's

involvement and the need for athletic fields have been indicated by the sponsor's -- by the sponsor in their questionnaire that they have attached to the resolution. And, Legislator Browning, if you'd like to add any more to our comment?

LEG. BROWNING:

I just walked in.

CHAIRMAN SCHNEIDERMAN:

That's all right. Take your time. So --

LEG. D'AMARO:

This is only planning.

CHAIRMAN SCHNEIDERMAN:

It's a planning steps resolution.

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

It's got a pretty high score. Anybody have any questions about it?

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There hasn't been a motion yet. So motion by -- who's making the motion? Legislator D'Amaro, second by Legislator Beedenbender. Any discussion? All in favor? Opposed? Abstentions? **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)** You got out easy, Kate.

LEG. D'AMARO:

Well, wait a minute. Before we do that -- was this under the wrong program? Was there a problem with that?

CHAIRMAN SCHNEIDERMAN:

Fixed.

MR. NOLAN:

We changed it. We got it in the right program.

LEG. D'AMARO:

Okay, I apologize.

CHAIRMAN SCHNEIDERMAN:

That's okay. All right **1812, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by local law number 24-07, the Marist property, Town of Brookhaven. (Browning)** I'm going make a motion to table at the request of the sponsor.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? So tabled. **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

1818, making a SEQRA determination in connection with the proposed Department of Public Works engineering assistance to address process and capacity improvements to Sewer District Number 20, William Floyd, Town of Brookhaven. (PO Lindsay)

LEG. BEEDENBENDER:
Motion.

LEG. D'AMARO:
Second.

CHAIRMAN SCHNEIDERMAN:
There's a motion and a second. Motion by Legislator Beedenbender, second by Legislator D'Amaro. I'm sorry? Just amend the motion to approve and place on the consent calendar. So amended. Do we have any more information about this?

LEG. BEEDENBENDER:
I think there's somebody in the back, Jay.

LEG. D'AMARO:
This is just a SEQRA determination.

CHAIRMAN SCHNEIDERMAN:
It's just a SEQRA, okay.

LEG. D'AMARO:
Yeah, just a SEQRA determination.

CHAIRMAN SCHNEIDERMAN:
Well, it's just a SEQRA determination. What was the determination? Was it a Type -- what type? Type I, unlisted?

LEG. D'AMARO:
Type II action.

CHAIRMAN SCHNEIDERMAN:
All right. You're just providing engineering assistance. All right. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present. Placed on consent calendar)**

1819, making a SEQRA determination in connection with the proposed Department of Public Works engineering assistance to address odor related issues at Sewer District number 5, Strathmore Huntington, Town of Huntington. (PO Lindsay) Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present. Placed on consent calendar)

1820, making a SEQRA determination in connection with the proposed Department of Public Works Sewer District number 13, Windwatch STP Expansion, Town of Islip. (PO Lindsay) This is actually -- is an expansion. What was the SEQRA determination? Unlisted or -- unlisted, negative dec. Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present. Placed on consent calendar)

1821, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Warner Duck Farm property, Town of Riverhead. (PO Lindsay) Same motion, same second, same vote. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present. Placed on consent calendar)

1822, making a SEQRA determination in connection with the proposed acquisition of a conservation easement known as the Laurel Lake County Park addition, Jacoby Ltd Family Partnership property, Town of Southold. (PO Lindsay) Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present. Placed on consent calendar)**

1823, to promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine) This is a refile. Has the bill changed?

LEG. D'AMARO:

No. I'll offer a motion to table, Mr. Chairman.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **So tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

1853, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, for the Norberto property, Tuthills Creek/Pine Lake, Town of Brookhaven. (CE Levy)

MS. FISCHER:

We're handing out the map. This is on our Master List II, an area known as Tuthills Creek. This creek flows south into Great South Bay in the Patchogue area. It's part of a series of properties that are linked and connected and adjacent to the stream corridor. This is almost at its northern end. Just north of here is Sunrise Highway, State Road 27 to the north. This then is all the wetland and head waters connected with Tuthills Creek. You'll see Pine Lake to the south, which is a portion of the lake itself.

The Village of Patchogue as well as the County and other properties that we're looking to acquire to coordinate and put together a protection of this watershed is shown on the map. In purple is the village, green is the County. We have other county acquisitions in process in orange, yellow. And we're trying to protect the head waters here.

CHAIRMAN SCHNEIDERMAN:

Any questions?

LEG. D'AMARO:

Yeah, hold on. This is what, 1853?

CHAIRMAN SCHNEIDERMAN:

1853, yeah. What's the purchase price?

MR. NOLAN:

Twenty thousand five. \$20,500.

CHAIRMAN SCHNEIDERMAN:

That's it?

LEG. D'AMARO:

And what's the funding source on this?

MR. NOLAN:

New Drinking Water.

LEG. D'AMARO:

Which means that there is a bond being issued?

MR. NOLAN:

Right.

LEG. D'AMARO:

And how is bond -- is this from the Quarter Point as well?

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

New Drinking Water.

LEG. D'AMARO:

I'm sorry. Yes?

MS. FISCHER:

Yes.

LEG. D'AMARO:

Okay. All right.

CHAIRMAN SCHNEIDERMAN:

We need a motion and a second. I'll make a motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro seconded.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? Brian, that's a yes, right?

LEG. D'AMARO:

Can I -- excuse me.

MS. LOMORIELLO:

That was to approve?

CHAIRMAN SCHNEIDERMAN:

That was to approve, yeah. **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

LEG. D'AMARO:

Mr. Chairman, I'd just like to ask we already tabled the prior resolution 1823 concerning Brownfield property tax liens. I think we did it rather quickly on the basis that we've already vetted this legislation, I think, last year but I had a couple questions on it if I could go back to that?

CHAIRMAN SCHNEIDERMAN:

You want to reconsider it?

LEG. D'AMARO:

No, not to reconsider it but I did want to ask Mr. Kent since he's here just a couple quick questions.

CHAIRMAN SCHNEIDERMAN:

We don't have to have the bill before us.

LEG. D'AMARO:

Mr. Kent, if you would just come on up for a second. Without going through all the arguments about whether or not we should impose conditions on selling tax liens to remediate and all of that, we've had that debate, I just wanted to ask you, though, we did have one Brownfield auction so far; is that correct?

MR. KENT:

Yes, in August of 2007.

LEG. D'AMARO:

And there were two tax liens that were sold?

MR. KENT:

Two tax liens that were -- there were successful bidders. We haven't conveyed the certificates yet but they are -- one of them we will. One of them we probably won't.

LEG. D'AMARO:

So in August of '07 -- so over a year ago --

MR. KENT:

Yes.

LEG. D'AMARO:

-- we had the tax lien sale. There were two successful bidders. Neither has closed yet on taking an assignment of the lien.

MR. KENT:

We're about to close on one of them. But the other one there were -- there's significant title issues on these usually. They're having to do with notice. One of them we were able to demonstrate good notice and clean title. The other one there was one mortgagee that became a problem that we couldn't produce a notice for. These come out of the Treasurer's Office, by the way, and go back usually 15, 20 years.

LEG. D'AMARO:

Yeah. Right. So the one that we would not or most likely will not close on was for legal issues where we couldn't meet our obligation under the contract with respect to title.

MR. KENT:

We couldn't provide proof of any kind of notice at all to one of the mortgagees.

LEG. D'AMARO:

Right. Could that defect be cleared?

MR. KENT:

It could be cleared through a bar clean proceeding.

LEG. D'AMARO:

Okay. Now, the property that is -- that you expect -- rather the tax lien that you expect to be sold --

MR. KENT:

Excuse me. Let me answer -- let me finish that last answer.

LEG. D'AMARO:

Sure.

MR. KENT:

It could be resolved through a bar claim proceeding if we chose to take title to the property. We can't bar a claim if we're not -- if we're not -- if we don't have the title, the interest, the fee interest in the property.

LEG. D'AMARO:

It's kind of a catch 22.

MR. KENT:

Yes. Yeah, because we can't go in to just settle disputes on claims to property without being a fee owner.

LEG. D'AMARO:

Right. That's interesting. The lien that you expect to be assigned, is that lien going to be conveyed with any conditions to remediate?

MR. KENT:

No, it is not. But it's being conveyed to an adjacent property owner who's already operating a business. I believe he has every intention of cleaning it up to make it part of his property.

LEG. D'AMARO:

So the lien gets sold or assigned, sold to the successful bidder.

MR. KENT:

It's gets assigned, yes.

LEG. D'AMARO:

Steps into the shoes of the County, brings the revenue into the County.

MR. KENT:

Yes.

LEG. D'AMARO:

For the lien which we're now made whole; right?

MR. KENT:

And this one we're being made whole.

LEG. D'AMARO:

Plus.

MR. KENT:

Plus we're collecting an extra 124,000.

LEG. D'AMARO:

All right. And is there -- the County could take the lien back. I mean if the taxes are not kept current at this point; right?

MR. KENT:

If the tax is going forward once we assign the lien?

LEG. D'AMARO:

Yeah, how does that work? In other words, if I bought the lien --

MR. KENT:

If they didn't pay the current taxes going forward, we would take a new lien for the unpaid taxes going forward.

LEG. D'AMARO:

We'd be right back in that position again.

MR. KENT:

Correct. Well they would have to --

LEG. D'AMARO:

You're not really putting the property back on the tax roles but in effect you probably are.

MR. KENT:

In this case I would feel fairly certain, almost beyond a reasonable doubt that this property's going to go back on the tax roles because of the purchaser of the lien.

LEG. D'AMARO:

Right. Okay. Thank you. I appreciate it. Mr. Chairman, thank you.

CHAIRMAN SCHNEIDERMAN:

All right, you wanted to talk to Mr. Kent, right. So that was not a bill. All right.

So we're on **1854, authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, for the Naples property, Town of Riverhead. (CE Levy)**

MS. FISCHER:

Well, we're handing out the map as you speak. This is almost 32 acres purchase of development rights, farmland development rights. As you can see, there's a cut-out for the residents in blue in the bottom left corner. It's being acquired under the New Suffolk County Drinking Water Protection Program. To the north is an acquired PDR with Suffolk County and the Town of Riverhead. So another PDR owned by the Town of Riverhead to the west and another one south of Middle County Road. This is primarily a sod farm and is used today. It's actually -- for a reference point it's east of Edwards Avenue and is northwest of Splish Slash.

CHAIRMAN SCHNEIDERMAN:

Any questions? Questions?

LEG. D'AMARO:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Could you repeat that? No. Kidding. Didn't we pass a bill that said we're supposed to get the rating form even when we vote on the acquisition?

MS. FISCHER:

The rating form is attached to the resolution now.

LEG. D'AMARO:

Oh, I should have it already.

MS. FISCHER:

And it should be part of the --

LEG. D'AMARO:

There it is.

MS. FISCHER:

-- information that was provided as -- do you need a copy?

LEG. D'AMARO:

Okay. I have it.

MS. FISCHER:

Oh, you have it. Okay.

LEG. D'AMARO:

Yes, and thank you for providing it. Thank you. Okay.

CHAIRMAN SCHNEIDERMAN:

So it's going to remain a sod farm. That's what they do.

MS. FISCHER:

That's what they do.

CHAIRMAN SCHNEIDERMAN:

That's what we're buying?

MS. FISCHER:

Yes. But it could go to anything, you know, anything else approved for agricultural use in time.

CHAIRMAN SCHNEIDERMAN:

It just always troubles me that, you know, a program that was intended to keep farmers farming and growing food has become something that perpetuates green lawns and pesticides and fertilizers. Are we buying it using drinking water money, too, or not?

MS. FISCHER:

Yes, we are. We're buying it under the New Suffolk County Drinking Water Protection Program. However, that program includes a lot of new things when it was revised in 2007.

CHAIRMAN SCHNEIDERMAN:

It sure is. And it pulls a lot of soil out, too so --

LEG. BEEDENBENDER:

But Legislator Schneiderman, I believe what you're talking about is having to deal with the lesser of two evils which is why I would welcome you to vote for Legislator D'Amaro and I's bill about the budget so don't have to do this on the budget.

CHAIRMAN SCHNEIDERMAN:

There you go.

LEG. BEEDENBENDER:

See, I flipped it right around for you.

CHAIRMAN SCHNEIDERMAN:

Thanks. A bit of a stretch. Okay, so 1854, has there been a motion yet? No, I don't believe so.

Somebody make a motion so I don't have to.

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion. Motion by Legislator Beedenbender.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)

MS. FISCHER:

Can I just ask was 1853 approved? I'm sorry if I missed the --

CHAIRMAN SCHNEIDERMAN:

Yes.

MS. FISCHER:

Yes, it was. Okay.

CHAIRMAN SCHNEIDERMAN:

All right. **1855, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, for the Avakian property, Miller Place/Yaphank Road NP addition, Town of Brookhaven. (CE Levy)**

MS. FISCHER:

You're all familiar with this area. We keep picking up the smaller pieces of what's left within this nature preserve area. Again, this is another small piece .21 acres in the area that we're looking to acquire for open space purposes. This was on our Master List again. We own about 95 percent of the area and we're just picking up these few last remaining pieces to make it whole.

CHAIRMAN SCHNEIDERMAN:

Is there something special about this area? Is it drinking water or is it wetland?

MS. FISCHER:

Yeah, this is in zone three.

CHAIRMAN SCHNEIDERMAN:

Pine Barrens.

MS. FISCHER:

Yes. This is deep aquifer recharge zone three.

CHAIRMAN SCHNEIDERMAN:

It looks like it's next to lots of farmland.

MS. FISCHER:

Farmland to the east. And that's a sod farm. And also farmland to the north, all of which -- both of those areas are actually being considered and were given planning steps to move forward on acquiring those farms as well.

CHAIRMAN SCHNEIDERMAN:

So in this spot we're protecting the groundwater and next door we're polluting it.

MS. FISCHER:

We have to make some kind of compromise here, I suppose.

LEG. D'AMARO:

What's the purchase price?

LEG. BEEDENBENDER:

I think it's 30 -- is it 30 grand?

MS. FISCHER:

It's 30,000, yes.

CHAIRMAN SCHNEIDERMAN:

All right. What do you want to do? Does somebody want to make a motion?

LEG. BEEDENBENDER:

Well, I was -- I was just saying under my breath it's discouraging when you have to provide me a blow up so I can see how big the parcel is.

MS. FISCHER:

We're also showing you the entire area of what we've already acquired, which is pretty substantial. That's a couple hundred acres so, yeah.

LEG. BEEDENBENDER:

Absolutely.

MS. FISCHER:

Take it in relative terms.

CHAIRMAN SCHNEIDERMAN:

What's right below this, right to the south of it?

MS. FISCHER:

That is a mining -- sand mining operation.

CHAIRMAN SCHNEIDERMAN:

That's sand mining operation.

LEG. D'AMARO:

Is there road access?

CHAIRMAN SCHNEIDERMAN:

Is that good for groundwater?

MS. FISCHER:

Not in my book. It depends how far down they dig. And they have dug in this area down to groundwater. There is a pond, a large pond on this site to the south of here, but it's off the aerial. You don't see it here. But they are in the process of actually reclaiming this site. Not at the present time but down the road. And we actually have been approached as to -- looking to do -- use some of this area for recreational uses in the future. We're trying to see how we might be able to fit that together here.

CHAIRMAN SCHNEIDERMAN:

Where do the residents in this area get their drinking water? They're not on well water. They're on Suffolk County.

MS. FISCHER:

Well, yeah, I don't know. It is an area that's serviced by Suffolk County Water Authority. I'm not sure if all the people in this area are on public water or not but they are in their -- their service area.

CHAIRMAN SCHNEIDERMAN:

Is this considered Pine Barrens or no? Area?

MS. FISCHER:

Yes, this is Pine Barrens. This is scrub oak, pitch pine habitat in the wooded area.

CHAIRMAN SCHNEIDERMAN:

All right. There's three of us. We need all three. Somebody want to make a motion?

LEG. D'AMARO:

I just had a question.

CHAIRMAN SCHNEIDERMAN:

All right, Legislator D'Amaro.

LEG. D'AMARO:

Is the property, does it have access to a public road or street?

MS. FISCHER:

Yes, it's actually -- it's almost one lot over from the road. If you can see on this small blow up area, there's a road to the west.

LEG. D'AMARO:

Right, so it's landlocked?

MS. FISCHER:

At this time, yes. Actually we own -- I have to look. It's being black lined; doesn't give me the information I'm looking for but I believe either the property to the west is actually county-owned already.

LEG. BEEDENBENDER:

So we own -- we own the land between the road and this parcel?

MS. FISCHER:

Yes, I believe so. You can't read it because it's obliterated by that black line but I see a little green coming out there so I believe --

LEG. D'AMARO:

Is it fair to say that if it remained in private hands you could not access the property because the County owns all the surrounding property?

MS. FISCHER:

No, because there are paper streets that are adjacent to the property. And you could easily connect that roadway to the paper street and develop the property fairly readily.

LEG. D'AMARO:

Well in theory -- well, but it's two tenths of an acre.

MS. FISCHER:

Right. You do have to amass other properties. Obviously that's reflected in the price.

LEG. D'AMARO:

Yeah, I mean to put a road in and develop access for a property that can't be developed anyway wouldn't really make sense.

MS. FISCHER:

True.

LEG. D'AMARO:

So what's the theory of, and I know this is small parcel in comparison to the other acquisitions, but if a property's landlocked, there's only a paper street with access, it cannot be developed under any existing code, it's small, what's the theory of acquisition here? Why not just leave it in private hands?

MS. FISCHER:

Well, it then goes into the realm of management issues and contiguity of open space. If you have private properties within an area that is owned publicly, it's hard to protect the area from other uses especially in this area in eastern Suffolk of ATV uses. And that's one of the biggest problems we have in eastern Suffolk in our properties where we own 90 percent of the properties surrounding it and then somebody says but I'm on that private piece. And the regulators, the enforcers of these -- you now, our police that go out have a very hard time, you know, dealing with these issues. And hard to identify where an individual is versus our county owned land and it becomes a management issue.

Also if you're looking to do any kind of environmental management of the property, you've got a piece of property that we have to deal with in the middle that's -- we're surrounding it doing any kind of management approach maybe fire management or anything in that realm, which we do do in Pine Barrens. This would become an obstacle to us in that regard. So it's primarily more management and leaving contiguous property open for access use and regulatory issues.

LEG. D'AMARO:

But the off road or ATV use here is really not a threat, I wouldn't think --

MS. FISCHER:

There is some -- there are some definitely on the property to the south, the sand mining operation. But the owners of that property keep it, you know, they regulate it at this point in time. But once those uses go away, these areas become prime for use for ATV's, which is unfortunate. And you can see that there is some trails, large trails already being broken up on the west side of the property; of the main road. The Miller Place Yaphank Road kind of bisects through there on a curve. And just to the east and west there is some issues going on there but not as bad as other areas in Central Suffolk at the present time, which is a real headache at this point.

CHAIRMAN SCHNEIDERMAN:

Any other questions? All right. Do we have a motion and a second? I don't think we did. Somebody want to be so bold? Brian?

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender motions. And Legislator D'Amaro seconds. Come on, do something. There's only three of us here. All right. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Come on guys, I need you. **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

All right. **1856, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, Jeffers property, Forge River addition, Town of Brookhaven (CE Levy)** Here we go again.

MS. FISCHER:

This is another key watershed area the Forge River. This is in the Town of Brookhaven north of 27, which is Sunrise Highway. As you can see, the river corridor itself is on the east and flows under Sunrise Highway and then picks up south into Great South Bay.

This includes seven lots of properties owned by Jeffers that we're looking to acquire totalling 1.34 acres. This is again under the New Suffolk County Drinking Water Protection Program. Obviously we've picked up a number of pieces to the west in green. We're continuing to look to acquire the remaining old file map area to the north. This was on our Master List for acquisition throughout this entire corridor which now includes well over 100 acres of property here at the present time.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. BEEDENBENDER:

Legislator Schneiderman, do you mind if I --

CHAIRMAN SCHNEIDERMAN:

No. Legislator Beedenbender.

LEG. BEEDENBENDER:

\$194,000 for 1.3 acres. Really?

MS. FISCHER:

Really. That's what it was appraised for.

LEG. BEEDENBENDER:

There are houses in my district going for that. I don't know. Maybe I have --

CHAIRMAN SCHNEIDERMAN:

There are sheds in my district going for that.

MS. FISCHER:

So we're averaging out, okay. We do have a large range of prices in this County. That's for sure.

LEG. BEEDENBENDER:

I guess my question, it's right on the service road. Who in their right mind would build something there? I don't know. Maybe I'm getting too picky. I'm sorry. Yeah, I should probably shut the microphone off.

CHAIRMAN SCHNEIDERMAN:

It's getting late here. All right. So is there a motion on 1856?

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro. Is there a second? I'll second. I'll spare you, Brian. All in favor? Opposed? Abstentions? **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)** It's tough to do these on a day when the market is tanking, you know.

MS. FISCHER:

I feel the same way.

LEG. D'AMARO:

Well all of these are coming from the Quarter Cent; correct? So at least we have a dedicated --

CHAIRMAN SCHNEIDERMAN:

We do. I mean even though with dedicated revenues I expect they're going to come in far less than what we anticipated or somewhat less than what we anticipated. But I think when we figured out how much to borrow against today, I think we're fairly conservative in our judgement.

LEG. BEEDENBENDER:

And we're no where near that yet so we still have wiggle room, I guess.

CHAIRMAN SCHNEIDERMAN:

All right. 1857.

MS. FISCHER:

This is the Elgart property in the Patchogue River wetlands area.

CHAIRMAN SCHNEIDERMAN:

Let me just read the title here. **Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, for the Elgart property, Patchogue River Wetlands addition, Town of Brookhaven.** (CE Levy) Okay, go ahead, Laretta.

MS. FISCHER:

Okay. This was on our Master List II area. We would like to suggest and recommend that this possibly be tabled only in the fact that --

CHAIRMAN SCHNEIDERMAN:

Thank you.

MS. FISCHER:

-- we're looking to acquire a number of other parcels around here. And we are in communication with them. And we would like to know if they're interested parties as well so that we can acquire this area almost in whole at, you know, within a relatively close period of time. We feel that the other maybe half dozen parcels that are owned by the other individual in this area would like to know if they're interested in us acquiring the properties at this time.

CHAIRMAN SCHNEIDERMAN:

Okay, we're going to table, right?

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by myself. On the motion Legislator D'Amaro.

LEG. D'AMARO:

Just a very quick question. Is the map showing that this proposed acquisition, the southern portion is all within the fresh water wetlands?

MS. FISCHER:

Yes.

LEG. D'AMARO:

So could this be developed? There's nothing around it.

MS. FISCHER:

It's highly unlikely. That's why the value of the property is \$20,000.

CHAIRMAN SCHNEIDERMAN:

That's what an undevelopable piece is worth?

MS. FISCHER:

That's not -- you know, that's very limited in its ability to be developed.

CHAIRMAN SCHNEIDERMAN:

Would somebody else pay them \$20,000 for a parcel that can't be developed?

MS. FISCHER:

That's what the appraisals have come in on.

CHAIRMAN SCHNEIDERMAN:

Or only us.

MS. FISCHER:

Honestly, people use it for other things. TDR's and --

CHAIRMAN SCHNEIDERMAN:

Like water skiing? I don't know. It's all wetland.

MS. FISCHER:

Yes. But we --

CHAIRMAN SCHNEIDERMAN:

Can you TDR -- I don't think that's fair. I don't think you can TDR.

MS. FISCHER:

Well, that's, you know, that's something that would have to be examined by the Health Department. I don't know if they would on this one.

CHAIRMAN SCHNEIDERMAN:

Well, I don't think you can TDR, right, Chris? You can't TDR off wetlands. There might be some value. I don't know. Town parking permits or something. I don't know what they get.

MS. FISCHER:

It's hard to guess.

CHAIRMAN SCHNEIDERMAN:

You have to pay taxes on it, too, but probably not very much. All right. Well there is -- did we do a motion? We did a motion and a second to table. All in favor? Opposed? Abstentions? **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

Okay. **1858, authorizing acquisition, residual fee, of land under old Suffolk County Drinking Water Protection Program (C12-5- (E) (1) (b) for the Warner property, Pine Barrens Core, Town of Riverhead. (CE Levy)**

MS. FISCHER:

This is a 13.55 acre lot. We're handing out the map now. This again is in the Pine Barrens core area along the Peconic river. It includes wetlands and a large pond and pond -- series of little ponds that were actually used as part of a former duck farm. And part and parcel of what we'd like to accomplish at this site is restoration of the site from a former duck to a more natural wetland habitat area. And being in the core, and there's other properties nearby that the town and the county have -- the state and the county, I'm sorry, have acquired, we'd like to add this to our holdings and do some restorative wetland work on this.

LEG. BEEDENBENDER:

Lauretta.

MS. FISCHER:

Yes.

LEG. BEEDENBENDER:

And I apologize if this question has been answered before even if it was answered before today, but it hasn't sunk in yet so I'm going to ask it again.

MS. FISCHER:

Okay.

LEG. BEEDENBENDER:

The DEC would never allow somebody to build on these wetlands, correct?

MS. FISCHER:

There is a covenant on this property by the Pine Barrens Commission.

LEG. BEEDENBENDER:

Okay.

MS. FISCHER:

And there could be possible uses for farming. That would possibly -- the reserved rights on the property include a possible future use for farming albeit it would be very limited.

LEG. BEEDENBENDER:

Rice?

MS. FISCHER:

Not farming in the sense that you know, but there was a proposal --

CHAIRMAN SCHNEIDERMAN:

That was very funny.

LEG. D'AMARO:

But isn't there always, you know, whether it's off-road vehicles, possible farming. I mean I know we have to consider possibilities but I think we should also assign like a risk factor to these things when we're charging against this Quarter Cent and -- I mean, you know.

MS. FISCHER:

Yeah, this is core. This is Pine Barren core. And we were, you know, this was our primary --

LEG. D'AMARO:

How much of the core has been purchased already?

MS. FISCHER:

At least -- we only have, I think, about five or 6,000 acres left in the core to buy. The core took in

about 50,000 acres, some of which is developed and is off the books. But there's about 5,000 acres or so that --

LEG. D'AMARO:

You know what I don't understand. Every time I read a comment from the Water Authority, all the Water Authority talks about, which is a good thing, is just how pristine and great our drinking water is so I mean --

MS. FISCHER:

This is a way to preserve that because --

LEG. D'AMARO:

Well, but haven't we done that already, you know? Maybe Commissioner Gallagher wants to chime in on it but --

COMMISSIONER MEEK-GALLAGHER:

I just wanted to clarify the funding source for this. This is --

LEG. D'AMARO:

You know, we just come from a budget meeting this morning so this is a little problematic here because we're looking at some real bleak numbers right now.

COMMISSIONER MEEK-GALLAGHER:

This is Old Drinking Water Protection money, 12-5 E. It's from one of the old original referenda. It can only be used in the Pine Barrens core so you can't use this money to do anything else anyway. So it's one of those ones that's tricky like there's Babylon money, Smithtown money, yeah, you have to find the properties that fit the characteristics.

LEG. BEEDENBENDER:

Carrie? Commissioner, I understand the funding situation. I guess what I'm looking at it's a matter of leverage, I guess. If there are lands that I know people won't get the ability to build on, then I won't have to buy those and I could buy ones that they could to get a greater impact for, not only their dollar but to protect the environment. So I guess that's the question that has -- whatever the reason for doing this, it hasn't sunk in yet. So could you try again? May I beg your indulgence to try again?

COMMISSIONER MEEK-GALLAGHER:

Well, one we have a funding source that's dedicated to only purchasing property in the core for drink water protection purpose. So this fits that category. And, secondly, there is, I think, as Laretta has gone through the issues of management, contiguity, making sure that the person wouldn't be able to -- I mean, again, it's highly unlikely that someone would be able to go and get a hardship exemption to develop or start up agricultural activity again although I'm not sure that in the -- you know, what was stripped off, if they do have that right since they had been doing that type of activity in the past. I'd have to look at that carefully. So it's more an issue of we're trying make sure that we preserve as much in the core as possible for future generations and drinking water protection so that if a different administration comes in and somehow tries to change the policy.

LEG. BEEDENBENDER:

How much is left in this fund? Because Laretta just said we had five or 6,000 acres to buy. And I guess -- in the core.

COMMISSIONER MEEK-GALLAGHER:

Yeah, we don't have enough money to buy that many acres but --

LEG. BEEDENBENDER:

Well, I would figure. If we did then --

MS. FISCHER:

We also go on a first come first serve. Not everyone is interested in selling to the County so, you know, the amount of acreage that is out there available and willing sellers ready to sell, there's a limited amount of property and acreage compared to the 5,000 that's out there.

COMMISSIONER MEEK-GALLAGHER:

There's 1.2 million left in 12-5 E money.

LEG. BEEDENBENDER:

After or before this?

COMMISSIONER MEEK-GALLAGHER:

Well, this is a relatively small amount.

LEG. BEEDENBENDER:

300,000 so it's a quarter of what's left.

COMMISSIONER MEEK-GALLAGHER:

After this. This has already been accounted for.

LEG. BEEDENBENDER:

Okay.

CHAIRMAN SCHNEIDERMAN:

All right. Is there a motion? I'll make a motion to approve, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. **(Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

LEG. BEEDENBENDER:

I guess the lesson is don't let Legislators go to doom-and-gloom budget meetings before coming to Environment.

CHAIRMAN SCHNEIDERMAN:

Bad idea. Or look at the internet and see how far the market went down.

LEG. BEEDENBENDER:

700 points.

CHAIRMAN SCHNEIDERMAN:

700 points now?

LEG. BEEDENBENDER:

Yep.

CHAIRMAN SCHNEIDERMAN:

1859, authorizing acquisition of a conservation easement under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program, for the Jacoby Limited Family Partnership property, Laurel Lake addition, Town of Southold. (CE Levy)

MS. FISCHER:

This is a 7.89 acre acquisition that sits on the southeast corner of Laurel Lake. The portion of the property that is not being acquired with this conservation easement is shown in red. There's a residence on the property in that area as well as a garden which we have cut out. The remaining acreage for the conservation easement is 7.89 acres. A portion of the property is wetland, a small

portion. There's woodland. And in the center portion is a meadow, open field area of which we will be -- the Parks Department will be requesting through our easement to maintain it as a meadow habitat to provide habitat obviously for those species that utilize meadow areas. And it's important to keep that type of habitat as well as woodland habitat obviously for diversification. That's what we anticipate happening there.

They can mow the area twice a year maximum. That maintains the habitat as a meadow. Obviously the rest of the area's to be left in its natural state. And there is proposed possible use of a walking trail in the -- outlined in yellow and around the perimeter of the property of which the Town of Southold may enter into agreement with the owner to actually develop. So that is part of what the town who's an owner to the south in purple would like to have available and utilize as connecting not only the town property to this but we have county properties to the north and around the entire perimeter of the lake so that we can create a walking trail around the entire area.

LEG. BEEDENBENDER:

Lauretta, can I just stop you there? And let me preface the question I'm about to ask with -- my apologies because you happen to be sitting there. This isn't -- I know it's not you but -- so the shaded red area, there's a private residence there?

MS. FISCHER:

Yes.

LEG. BEEDENBENDER:

So we're going to buy the area around it. And he's nice enough to allow us an easement -- nice enough to allow the public who probably doesn't have access to it, to walk around the very outside of the property. So somebody's who presumably rather rich, I don't know who it is, and doesn't really matter, and lives on a lake, we're going to buy the buffer area around that property. I understand that there's environmental concerns, but am I wrong?

MS. FISCHER:

No, you're right.

LEG. BEEDENBENDER:

Okay. We'll, then I'm going to make a motion to table because I don't even have a piece of dirt, never mind enough to have a backyard buffer. So I mean this is just a little silly. This one is -- this one is --

CHAIRMAN SCHNEIDERMAN:

There's been a lot like this. This is not the first.

LEG. BEEDENBENDER:

I know. Well, I'm looking at this one. And I think this is a little --

CHAIRMAN SCHNEIDERMAN:

That's the individual who's selling the property?

MS. FISCHER:

Yes.

LEG. BEEDENBENDER:

I mean like I said, I made a joke I that I don't have a piece of dirt. It doesn't have anything to do with me. It's just -- I mean we have a buffer area around the house.

LEG. D'AMARO:

I have a question.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

MS. FISCHER:

Obviously what you're trying to do, just, you know, from what a conservation easement basically does is limit and restrict any further development of the property.

LEG. BEEDENBENDER:

Right.

MS. FISCHER:

This can be subdivided. And what you're doing is protecting the future subdivision of the property basically. That's what you're doing. That's what you're buying in an easement.

LEG. BEEDENBENDER:

But -- well, let me ask one followup, and I apologize, Legislator D'Amaro. Does there -- and let me make sure that I'm correct because I could be wrong, is the property owner that we're buying the easement from, this entire large property is owned by the same owner who owns the residence area?

MS. FISCHER:

Correct.

LEG. BEEDENBENDER:

Okay. So we are protecting this from further development so we're saving the current owner from him or herself because the current owner of the property would be the one that decided if it ever got subdivided so it seems to me that the County is getting an easement from the owner so the owner doesn't develop it?

LEG. D'AMARO:

Right.

MS. FISCHER:

Yes. And I understand --

LEG. BEEDENBENDER:

Did he come to us with a weapon?

MS. FISCHER:

-- from once you come from, and we -- we aren't a big supporter of conservation easements with the -- you know, county's money on a whole. The only reason that we supported this easement is because of its location. This is the last piece of open space in this area.

LEG. BEEDENBENDER:

And, Lauretta, I'm not addressing this to you. I'm addressing it into the air.

MS. FISCHER:

Right. But I just want you to know that we take -- we don't take easements lightly.

LEG. BEEDENBENDER:

Right.

MS. FISCHER:

We're very concerned about easements. And it was a hard sell even to us to move this forward. But we felt in the bigger picture because of the fact that we aren't -- as well as the state and the county and the town and the Suffolk County Water Authority, that we own so much property within this

area, and this is in the Central Suffolk SGPA, which is a very important, critical groundwater area in Southold, but we felt that those -- for those overriding issues, we supported this conservation easement.

LEG. BEEDENBENDER:

Thank you, Laretta.

MS. FISCHER:

You're welcome.

CHAIRMAN SCHNEIDERMAN:

We have a motion to table by Legislator Beedenbender. Is there a second on the motion?

LEG. D'AMARO:

I'll second for purposes of discussion.

CHAIRMAN SCHNEIDERMAN:

All right. There's a second by Legislator D'Amaro. On the motion.

LEG. D'AMARO:

The Master List I, this is part of Master List I; is that correct?

MS. FISCHER:

Yes, we had looked to actually acquiring the -- the site in full fee.

LEG. D'AMARO:

Right.

MS. FISCHER:

And that was our intention initially minus the home obviously. But they were not willing to do that.

LEG. D'AMARO:

Okay. I just wanted to ask how come the property to the north is not on Master List I?

MS. FISCHER:

That's a smaller lot with a house on it and --

LEG. D'AMARO:

I guess another way to put the question, Master List I was based on availability or preference?

MS. FISCHER:

It was based on preference.

LEG. D'AMARO:

So how come only these two parcels would be on Master List I and not the one next door to each?

MS. FISCHER:

Well, the one to the north with the house on it, I believe that is a two acre lot.

LEG. D'AMARO:

But this has a lot. I'm sorry. This has a house on it also and was on Master List I.

MS. FISCHER:

But it was, I think, around 13 acres altogether.

LEG. D'AMARO:

Oh, the size.

MS. FISCHER:

Yeah.

LEG. D'AMARO:

All right.

MS. FISCHER:

And it could be subdivided. And we were concerned about that. And we also wanted to try to connect the open space in this area and make it contiguous circle.

LEG. D'AMARO:

Is the town joining in on this acquisition? I mean the easement?

MS. FISCHER:

No, unfortunately.

LEG. D'AMARO:

No.

MS. FISCHER:

No.

LEG. D'AMARO:

So we're paying \$789,000 to the owner who remains on the property just to acquire or to prevent future development; right?

MS. FISCHER:

Yes.

LEG. D'AMARO:

And the town's not participating although the town owns the property next door?

MS. FISCHER:

Correct. They actually bought the property.

LEG. D'AMARO:

Now, was the town solicited to participate?

MS. FISCHER:

Yes. But -- in fact that they bought the property to the south, it was felt that, you know, we did not partner with them on that property so we, you know, felt -- and we do this with various towns. Some towns want to buy their own property here. We buy the adjacent property. And it's somewhat of a partnership, yeah

LEG. D'AMARO:

Okay, I can understand that. It's a give and take, yeah, okay. And if we don't buy this and it becomes developed, what's the impact to the groundwater?

MS. FISCHER:

That I can't -- I can't address that other than the fact that I'd have to look at the existing zoning and relation to groundwater health services requirements for minimum lot size. And another concern of ours was the fertilization and use of the meadow. In our conservation we're limiting any pesticide and herbicide uses as well so we are trying to minimize impacts as best we can with the easement.

LEG. D'AMARO:

Thank you.

MS. FISCHER:

You're welcome.

CHAIRMAN SCHNEIDERMAN:

There's a a motion and a second to table. Mr. Kent, did you want to say something?

MR. KENT:

Well, I just wanted to inform the Committee that the town is maintaining the trail around the lake. And they'll be installing and maintaining the trail around the lake. That's the town's commitment on this parcel. They do have adjacent properties. And they will be installing and maintaining the trail.

MS. FISCHER:

That's if that is agreed upon.

LEG. BEEDENBENDER:

Mr. Kent, just -- I'm sorry to ask another question. You said the trail around the lake. Maybe I'm looking at the map wrong. It looks here like the trail on this property is well away from the lake. Am I looking at the map wrong?.

MR. KENT:

No, you're looking at the map right. In that area, the trail comes away from the lake. And it -- as it goes farther to the southeast, it comes back to the lake.

LEG. BEEDENBENDER:

Okay. Thank you.

LEG. D'AMARO:

So how many trails do we have in Suffolk County? And do we need another?

CHAIRMAN SCHNEIDERMAN:

Is that a hypothetical question?

MS. FISCHER:

I'll tell you what a day. I don't know. I'll get back to you on that.

CHAIRMAN SCHNEIDERMAN:

You can get back to us. That's okay.

MS. FISCHER:

I'll get back to you on that.

CHAIRMAN SCHNEIDERMAN:

It's just all one really long trail.

MS. FISCHER:

It's a long trail.

LEG. BEEDENBENDER:

The message you should bring back to Tom is that he's not allowed to leave again, I think, Lauretta.

MS. FISCHER:

I'm going to let him know that. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. My fellow trail blazers, there has been a motion and a second to table. Don't go anywhere yet. We still have one more. All in favor? Opposed? Abstentions? **Tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

And we have one more. **IR 1877, appointing Patchogue Village Mayor Paul Pontieri as a member of the Long Island Regional Planning Council. (CE Levy)** And Mr. Pontieri is not here at the moment.

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN,

There's a motion to table by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? So **tabled. (Vote: 3-0-0-2. Legislators Cooper and Losquadro not present)**

That does conclude our agenda and we are adjourned.

**THE MEETING CONCLUDED AT 3:01 PM
{ } DENOTES SPELLED PHONETICALLY**