

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 November 24, 2008.

MEMBERS PRESENT:

Leg. Jay H. Schneiderman, Chairperson (not present)
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Brian Beedenbender
Leg. Jon Cooper

ALSO IN ATTENDANCE:

Leg. Kate Browning, Third District
Leg. Edward P. Romaine, First 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
Christopher E. Kent, Director of Real Property Acquisition & Management
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Susan Filipowich, SC Planning Department
Michael Mute, SC Planning Department
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 Presiding Officer
Steve Tricanaco, County Executive's Office
Gail Lolis, County Attorney's Office
Josh Slaughter, Aide to Leg. Browning
Bob DeLuca, Group for the East End

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ALSO IN ATTENDANCE (continued)

Charles Murphy, North Shore Baymen
Bill Pell
Thomas B. Williams, Post-Morrow Foundation
Barry Rockwell, Post-Morrow Foundation
Bruce T. Wallace, Post-Morrow Foundation
Maryann Johnston, ABCO
Mark Wagner, Cameron Engineering & Associates
Diana Sanford, Suffolk County Parks
Patricia A. Trainor, Post-Morrow Foundation
Michael Craig
Richard Amper, Executive Director L.I. Pine Barrens Society
Andrea Spilka, Southampton Town Civic Coalition
DeWitt Davies, Department of Planning
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 2:06 PM

VICE CHAIR D'AMARO:

I've been requested to chair this meeting. Please rise and join in the Pledge of Allegiance led by Legislator Cooper.

SALUTATION

VICE CHAIR D'AMARO:

Okay. Once again, welcome. And turning to the Committee's agenda today, we have no correspondence for the record. And to the Clerk, are there any -- okay, we do.

LEG. COOPER:

Seven cards.

PUBLIC PORTION

VICE CHAIR D'AMARO:

Thank you, Jon. We have received some cards for the public portion of our meeting for those who wish to address the committee this afternoon. If you've just arrived and haven't had a chance to fill out a yellow card, please do so and hand it to our Clerk. We'd appreciate that.

So with that said, I'll call the first speaker today who is Charles Murphy.

Mr. Murphy? Yes, please step up to the podium, state your full name for the record and you're invited to speak and address the Committee as all speakers are for a period of three minutes. Thank you, sir, and welcome.

PUBLIC PORTION

MR. MURPHY:

Okay, okay. My name is Charles Murphy. I live at 82 Abbott Drive in Huntington. That's in -- on the north shore. I've been a bayman for about 40 years. This problem with the leasing is affecting a lot of the baymen. I'm going to go -- I only have three minutes and I'll go over this as quickly as I can.

The baymen, our group, it has about 125 members. We're not against aquaculture. We're against leasing public bottom, which is a productive area in the Peconics. Last May we had a red tide in Huntington, in our area, and we were shutdown for about four to five weeks. If we didn't have the opportunity to go out into the Peconics and clam or oyster or whatever we want to do, we'd be out of business. So this is -- and the particular area I'm talking about, Gardiners Bay and Peconics, is a -- I use it for when I go scalloping or hand raking for clams. I have two sons in the business. And I mentioned we have 125 members and quite a few of the members fish out in that area.

So we're very concerned about leasing a public bottom. But the way the economy is right now, you're taking away an area for a person who fishes, an area that -- can't do his trade and possibly make a living. And the state has a program now. It has a five acre assignment where you can lease a five acre assignment from the state and you could raise clams or oysters on it, aquaculture.

And in our Town of Huntington, 50% of my license fees go into a program, which we have a grow-out facility where we grow clams and oysters and put them out in there -- our certified areas and it's open to the public. So we have for public aquaculture. Private aquaculture is fine for the five acre assignments. We don't want large tracts of public bottom to be leased out for people to go out there just to pull dredges to the bottom and say, look, look what we're doing. These are natural clams. They're not growing them. It's smoke and mirrors. It's all lies.

I've been in the business for 40 years. I've seen Long Island Oyster Farms do it in our area in Huntington. I've seen Blue Points Grounds do it in the Great South Bay. And it's just not right what could happen. I'd appreciate it if somebody throw me some questions so I can answer something.

VICE CHAIR D'AMARO:

Well, I don't know that there are any questions from the Committee, but I do appreciate you making your position clear. You're referring to the bill pending before the Committee today, which is IR 2083, which is asking this Committee to recommend the adoption of a statement of a findings under the environmental SEQRA Act of the State of the New York.

MR. MURPHY:

Uh-huh.

VICE CHAIR D'AMARO:

So we'll take your comments into consideration.

MR. MURPHY:

Well, I have a letter here from our secretary, Bob Wemyss, and who do I give it up there to?

VICE CHAIR D'AMARO:

Please hand it to the Clerk.

MR. MURPHY:

Oh, okay. Thank you.

VICE CHAIR D'AMARO:

Thank you.

MR. MURPHY:

And thank you for listening to me and good day.

VICE CHAIR D'AMARO:

We appreciate it. Thank you.

Next speaker is Bill Dell. Mr. Dell.

MR. PELL:

Bill Pell --

VICE CHAIR D'AMARO:

Pell, I'm sorry.

MR. PELL:

-- Southampton, New York, 294 North Magee Street. I first want to take the opportunity to thank you for taking an interest in this program. Some of the legislation {sic} has actually -- came out oystering with me. Ed Romaine came out. Jay Schneiderman came out on a snowy day to see how it's done.

I represent myself and also East End Farmers. It's a group of people who want to go oyster farming. And this program would be -- it's a no win situation for the bay. I think the bay comes first. The water comes first before the people because without the bay producing product like clams and oysters and fish, the people would not be here. Where I do my oystering myself, that was one of the greatest spots this scallop season. They worked probably about two weeks scalloping there. People were getting eight bushels of bay scallops in Southampton Town there. And if you ask any of the trustees, that was the only spot in Southampton where there were bay scallops. They walked around my racks, was no problems, we all got along.

And I feel that at one time there was about 9000 acres in the Peconic Bay and Gardiners Bay for oystering and clamming. Back in 1907, Star Oyster Company of Greenport owned a lot of property and leased a lot of oyster grounds in the bay. I have a stock certificate. It was worth a \$100 a share, five shares. Okay. This is what kind of money you're talking what could bring back to the industry if we go forward with this and open for a small percentage of leased land out of the 9000. We're not asking for the whole bed; we're just asking for a small percent. And it's a -- it makes jobs. It makes people -- it builds boats. You got gas stations. You got food. You got so much spinoff from one oyster it would be unbelievable what would help the County and the state and out of state.

Once again, thank you very much for taking the time. If you have any questions, just give me a call. Thank you.

VICE CHAIR D'AMARO:

Thank you, Mr. Pell.

The next card I have is from Thomas Williams. Mr. Williams, good afternoon.

MR. WILLIAMS:

Good afternoon. Thanks very much.

VICE CHAIR D'AMARO:

Sure.

MR. WILLIAMS:

Thank you for giving us the time to speak to you today. We're talking about IR 1812, The parcel in Brookhaven called the Marist property. It's about nine-and-a half acres. And I had sent around a little packet of information of a map to show you how it's very near a Suffolk County preserve called the Dennis Puleston Nature Preserve. It's also near a farm where the County bought the development rights. It's an operating farm. And the Post-Morrow Foundation, of which I'm the Vice President, has been working with the community to look at ways that we could preserve this parcel.

Our belief is it's an important piece. It has wildlife habitat. And there's a letter in the packet from the environmental analyst from the town's Department of Environmental Protection, Anthony Graves, talking about its environmental aspect. It's also within the watershed of the Beaver Dam Creek, which is an important tributary to Great South Bay. And so we feel it's an important piece to preserve and we're very hopeful that you will authorize the planning steps.

This summer we held an event called A Sense of Wonder, which was to recognize Rachel Carson and her work in the environment. But it was also to bring people together to support this project. And we had over 120 folks come to that and they made a small donation to us to help us make sure this happened. And I've given you a list of those folks who attended that event as well.

The Post-Morrow Foundation is committed to helping with this. We've talked with the Town of Brookhaven that has passed a resolution partnering with the County and so we have our partners on board as well. So there's a lot of local community support. We're in there with some funding to help with the purchase of it. We would help to manage and provide stewardship for this parcel from

the Post-Morrow Foundation and it would be a great community asset. It would be a good preservation and we're asking for your support for it. So we thank you very much.

VICE CHAIR D'AMARO:

Okay. And we also thank you, Mr. Williams, for your testimony. I want to note for the record that we did receive correspondence from Post-Morrow Foundation signed by Bruce Wallace, President, as well as Thomas B. Williams, Vice President, with some attachments as well as the foundation's newsletter dated volume number 12, number one, from the winter 2008. Thank you.

MR. WILLIAMS:

Thank you very much.

VICE CHAIR D'AMARO:

Okay. Next person is Bruce T. Wallace. Mr. Wallace?

MR. WALLACE:

My name is Bruce Wallace. I am the President of the foundation. My purpose here is just to reiterate our desire to see this particular piece of property preserved. We -- actually the Marist property had two parcels. We took an attempt years ago of trying to preserve a larger parcel to the west; however, we were unsuccessful. This time around we do indeed have a willing seller. The Marist brothers have -- are cooperating with us in this endeavor. We view this parcel as like a archway into the hamlet. During the years we have probably spent \$6 million or so trying to acquire other pieces of property. We've acquired oh, about 250 acres. We think that this particular -- so we think we've done our part in the area.

The County -- and I have to thank the County -- has worked with us in partnerships before. Tom referred to you, the Deer Run Farm, where we -- through the sale of development rights we bought the fee interest, we were able to take, in fact, some excess property and add it to the County's part. So it has turned out very well for us. This property is across the street. We think it would be a good one for the preservation of the hamlet to maintain its rural character, which is our mission. Thank you very much.

VICE CHAIR D'AMARO:

Okay, Mr. Wallace, thank you as well. Appreciate your comments today. Next is Patricia A. Trainor, is it?

MS. TRAINOR:

Good afternoon.

VICE CHAIR D'AMARO:

Good afternoon and welcome.

MS. TRAINOR:

Patricia A. Trainor, Bellport, 2 South Country Road. I have so many voices in my head right now. Of all the people a, who signed and who attended our beautiful performance about Rachel Carson --

LEG. LOSQUADRO:

Could you speak a little closer to the microphone? Thank you.

MS. TRAINOR:

I'm always so loud. I'm sorry. I'm trying not to be.

VICE CHAIR D'AMARO:

That's okay. Just go right up to that microphone so we can all hear you.

MS. TRAINOR:

Go right up to that.

VICE CHAIR D'AMARO:

There you go, thank you.

MS. TRAINOR:

Make it mine. In any case, I speak for Isabella Rossellini who's -- prime and promotor of all of this. She has promised a substantial amount of money towards the purchase of this property that we're speaking about.

A little bit of history, we had a gentleman by the name of George Washington come from Belgium in the late 1890's and developed this property, built a beautiful home there, 35 acres, I believe. He actually had an exotic zoo there and a beautiful pool, huge pool, a public pool that he allowed the general populus to use. So throughout the history of this property, at least into the 19th and 20th centuries it has been a spot where people have a safe haven and a place to go. The Marist brothers have kept it fallow. They have a beautifully mowed lawn and a beautiful home on the property. And we would like to see this continue.

Across the street we have Suffolk County Parks Department; owns a rather formidable piece of property where even our Mayor in Bellport, our newly appointed, Dave Pate, I spoke to him last night, and for the record he speaks through me, said how much he enjoyed as a boy sleigh riding on that property.

So this is the kind of thing that we bring to you. We have all kinds of evidence and things of that nature. My gentlemen colleagues, of course, have given you the real professional attitude. I bring you the emotion of someone who's only been in Bellport for 18 years, owned a restaurant here and have fully enjoyed the time that we've been here. I also bring other people, like Isabella, an international star who's made Bellport her home. She feels very intrinsically involved with this property to the extent of which I identified substantial contribution towards the purchase. And other people of all ranks and files. The local yokels as well as other people who enjoy that causeway that we consider Bellport to Brookhaven and all that it brings to the joy of our nature.

So all I can say is in the pursuit of life and the pursuit of happiness, please consider our plea and I hope that you will be with us and that we can move this appointment to funds in an expeditious manner. Thank you.

VICE CHAIR D'AMARO:

Okay. Thank you.

Next is Mary Ann Johnston.

MS. JOHNSTON:

Good afternoon members of the Legislature. I am Mary Ann Johnston. I'm President of the Affiliated Brookhaven Civic Association. And we are here to oppose the modification of the Save Our Open Space Law by introductory resolution 1892.

We believe that when the voters set the priorities for the town to spend money in a specific way, the voters are the people who get to change that. Not you. We do not believe that the Save Our Open Space funds should be used for what has become a catchall for anything but smart growth. The label smart growth. And this County has very often been the advocate for projects that are not smart; they're just growth. We are not opposed to using the TDR Program for what it was intended for, workforce housing. You can't complain about the brain drain and then take money to do something else with it. This is an important source of revenue and funds to build workforce housing. That is what the voters intended the funds to be used for and it is what they should remain available for.

We ask that you would politely and respectfully decline to modify this portion of the law and leave it the way it is for workforce housing. We are mostly concerned that many of our young people have no available workforce housing. To use this for other things and to funnel it into euphemisms called smart growth, and job creation, is a joke. And we ask that you not do that. Thank you.

VICE CHAIR D'AMARO:

Okay. Thank you.

The last the card I have this afternoon is from Michael Craig. Mr. Craig, go ahead.

MR. CRAIG:

Thank you.

VICE CHAIR D'AMARO:

You're welcome.

MR. CRAIG:

I am a oyster aquaculturist in Peconic Bay. I would just like to take this opportunity to say thank you for -- to Suffolk County for all the effort they've done already. I think the program is a good one and I believe it should move forward as we move into the future.

Like I said, I was a lobsterman for 22 years. The lobster industry died and now we have the opportunity to grow oysters out east and I think it's very beneficial not only to the economy because we spend a lot of money growing oysters, but also there's a lot of collateral benefits as far as cleaning the water. Oysters filter feed about 18 gallons an hour or a day. And I believe this program should move forward. We don't take anything from the environment. We buy all our oysters seed out of hatcheries. And like I said, we are good stewards of the bottom. If that place doesn't improve and sustain us, we would not be doing what we do.

So I think it's a good program. I think it's showing great vision moving forward. And I think it should be approved. Thank you.

VICE CHAIR D'AMARO:

Sir, thank you for taking the time out. We appreciate your comments.

I have no other cards this afternoon. Is there anyone else present? Yes, Barbara.

MS. LoMORIELLO:

Two cards are being filled out presently.

LEG. ROMAINE:

Mr. Amper's and the group from for the east end.

LEG. LOSQUADRO:

There he is.

VICE CHAIR D'AMARO:

Okay. Mr. Amper, welcome.

MR. AMPER:

Thank you.

VICE CHAIR D'AMARO:

Please go ahead. Just for the record with us to address the Committee is Richard Amper. And I did receive a few other cards.

MR. AMPER:

Thank you. I just want to take a minute to try to put this into some historical context. What's being distributed now is a letter from a coalition of concerned environmental and civic leaders and those concerned about workforce housing.

I would like to remind those of you who have been here for a period of time and those who were not, that when we -- when 2000 -- in 2004, when the Legislature advanced a referendum for the public, there was a big controversy over whether a TDR should be associated with that. It was the position of many of us that the workforce housing was not related to land preservation because we simply never ever build on -- I mean we have never preserved land that is set aside for affordable housing. And we never actually had a parcel of land that was to be affordable housing actually preserved. So that's really not a conflict.

It got so bad during that controversy that the Pine Barrens Society's Board of Directors determined for the first time in the organization's 30 year history, not to support the Save Open Space Bond Act. Subsequent to that, there were several polls done that indicated that that might be fatal and so the administration and members of this Legislature came to the Pine Barrens Society and said, if we were to designate this exclusively by referendum for the use for -- in affordable housing, would you then consent and support it and we and the electorate did. This emerged again, you may recall, when we extended the Drinking Water Protection Program.

The developers have always wanted to make a deal with not just you folks, but people in the state and the people in the towns and that is if we preserve an acre of land we get to build a house. And if you preserve a 1000 acres of land, we get to build a 1000 houses someplace else. I don't understand where that right comes from. I don't know that it's particularly good for us. The real estate industry has created an international recession. So it is absolutely unclear to me that even from a programmatic standpoint however badly the workforce housing program has gone, we've accumulated several hundred of these credits. And as we predicted at the time, we thought that they would not be used for workforce housing. Many of you who were involved in this will remember that. And our reason is because we don't -- we don't get affordable housing not because the County's not encouraging it, because the developers make more money building unaffordable housing. And in fact, nobody likes an *I told you so*, but we haven't preserved any affordable housing. As I suspected, we would not at the time.

In any case, the public voted on that. And now it is the position of at least the Presiding Officer and maybe several others of you that this Legislature can undo what the electorate created. There is to start off with the doctrine of Legislative equivalency, which Legislative Counsel prior to Mr. Nolan's assumption of the position has taken the position if it's done by the Legislature, it can get undone or modified by the Legislature. But if it's done by referendum, you got to go back to the people and ask them. If they want to change this to economic development for any economic development purposes, and I must tell the loose wording of this is extremely troubling. I think if this Legislature wants to take it to the voters, you ought to clarify the language because this economic development is what the developers say they're going to do, we specifically excluded TDR's for use by developers to build McMansions, we're in the doghouse, we've got affordable housing on Long Island exclusively because of the crash in the market, we've got houses that were never affordable before that are now.

VICE CHAIR D'AMARO:

Right.

MR. AMPER:

So bailing out the real estate developers by changing the TDR rule to the rule that they would have liked to have seen in this bill when it got turned over to the voters in 2004 and again last year, may please them, but it's not just immoral, it's against the law.

So I'm asking this Committee to kill this bill and say if we -- if you want to direct the value of

transferable development rights to some other preferably specific purpose and I can think of none more important than workforce housing, then create such a referendum and put it in front of the voters and let them say we want to do this. They have on 33 out of 30 --

VICE CHAIR D'AMARO:

Okay. Mr. Amper, if you could wrap up; the time's expired.

MR. AMPER:

Sure. They have on 33 of 34 occasions, so that they wanted to do this to protect open space, but they've never said they wanted it for a lucy-goosie economic development stimuli.

The -- I will read just one last paragraph and it's the paragraph of the enabling legislation. It's what led to the ballot initiative and it says, the law shall take effectively etcetera, etcetera after approval by the electorate this law as well as any other law converted into mandatory referendum pursuant to 34(4) of the New York Municipal Home Rule Law by a vote of the County Legislature may only be amended, modified, repealed or altered by enactment of an appropriate Charter Law subject to mandatory referendum in accordance with prevailing law. That's the position of the County Attorney.

I would suggest that if there is a different opinion now than has ever been on this horseshoe or from Counsel to the members of this Legislature, that whoever makes that suggestion better be prepared to defend it because it is not something the environmental community can ignore. We do not make threats, but this goes to the heart of how people preserve open space in this County. They've told you how they want to do it and how they don't want to do it and they're asking you to make any changes you wish to make through them. Thank you.

VICE CHAIR D'AMARO:

Thank you. Thank you, Mr. Amper.

Okay, next is Andrea Spilka. Yes, good afternoon and welcome. Please go ahead.

MS. SPILKA:

Thank you. And thanks for the opportunity to speak. My name is Andrea Spilka. I'm the President of the Southampton Town Civic Coalition. When I heard about this bill, I immediately sent a note out as probably Mary Ann Johnston did to her organizations. I represent communities west of the canal in Southampton Town. They're not affluent, you know, even though you think of Southampton as being affluent. It's Flanders, Riverside, North Hampton, Speonk, Remsenberg. So you have the Speonk area, you have Hampton Bays. Unanimously my organizations immediately responded, which they don't always do, to say please, speak out against this law or the possible change to this law, and for a variety of reasons. In our mind, by expanding it to sort of nebulous terms like smart growth, community development, job creation, you're opening up a can of worms that too often is used by the developer to hurt the community rather than to help it.

All along we've looked for strict rules on transfer development rights. The biggest concern my community has is transferring it across school lines. There's probably nothing in here that talks about can they be transferred across school lines. What happens is there are serious tax implications as far as their use is concerned.

In addition, as Mary Ann talked about, it dilutes the intention, the original intention of the law, which is workforce housing. We keep talking about more affordable housing. The developers come to our community meetings and they say, we can't -- we're not going to build it, we can make more money, you know, doing something else. Well, that's a problem for us. We want more workforce housing. We're not looking -- as many people think, we're not against it. But there needs to be something that makes it more of an incentive or more of a mandate. It may be that you need inclusionary zoning to say to developers you have to build more workforce housing. But changing this law will only reduce the possibility that they're going to do that. And at the same time increase

the possibility that our communities will be hurt.

Smart growth is as many of us know, is a term that can be used in a lot of different ways. And without real parameters, it can be used frankly to translate into growth and not necessarily smart growth. And that's a real concern for my constituents.

The last thing that I thought about, though, was job creation that's mentioned in this -- in the possible change to the law. Who would really benefit from that? I don't see our communities and certainly not in my area, our communities benefitting from that. I see it as a negative impact on tourism. Potentially on the fishing industry. The more you build, the more the area changes. It changes the way our areas look, why people might come to our area. We have the negative impact of tax implications with the addition of development so that our taxes keep going up. And certainly from my community in Eastport it's the highest in that whole area.

My real last question is before you go and vote on this, please think about what's the public benefit. Frankly, from our end we don't see one. Thank you very much and I appreciate the time.

VICE CHAIR D'AMARO:

Okay. Thank you for your time as well.

Okay. Next is Bob DeLuca.

MR. DeLUCA:

Good afternoon.

VICE CHAIR D'AMARO:

Good afternoon.

MR. DeLUCA:

And thank you for the opportunity to speak. My name is Bob DeLuca, and I serve as President of Group for the East End. For the record, Group for the East End is a conservation and planning organization representing the interest of about 3000 member households from the five towns primarily of eastern Long Island.

Just a few comments, first let me just to save time, wholeheartedly endorse the comments of Mr. Amper and Miss Spilka who spoke before me. And just really add a couple of thoughts. The first of which is, you know, I've been at this now since 1985 working on land preservation initiatives in one way or another both from inside Suffolk County and from outside Suffolk County. And one of the most controversial aspects of land protection has always been the attachment of a Development Rights Program to any open space bond initiative.

And as Mr. Amper pointed out, when this was first proposed it was a very hotly contested issue and item, something that members of my organization and many local community members are very concerned about. There was the specific fear that this would be a trojan horse rolled out for the purpose of providing affordable housing only later to be amended or twisted or turned in some way to provide for something else that communities did not want or need.

Now, I've spent a lot of time working with planning boards, working with town boards. And one of the greatest concerns that community members express over and over again is the mystery that's involved in determining how and what gets developed in their community and at what density. And I think there is some room for folks in terms of supporting what they can do in terms of affordable housing, but I have not seen any community, at least representing my area, that feels it's appropriate to boost zoning or to boost the availability of development for development sake just for the purpose of providing jobs or whatever purpose, you know, smart growth has that might be articulated by the Legislature.

I think you really have to think through the long-term implications on every community. Ultimately what makes it unaffordable in our region in most part is the taxes that people pay. And I recognize the County is trying to do something to get some money here to fix its own budget, but long-term the excessive development is what leads to higher taxes. We know this. We've gone over it and over it. And I have great fear that this particular measure if it were to go forward, would enhance that. I don't think that's necessarily what the Legislature wants to have happen. But I think it will breed not only the potential for higher taxes locally, but suspicion among the communities that would be subjected to the development rights. And I ask you to carefully consider that.

And as I say, I remember this being described the last time around when we went to our members and said it's still worthy of support because of the affordable housing factor. And somebody said, well, what will it be once they get their hands on it. And I'm very concerned about where that goes based on this proposal.

The final thing is this, we know that these programs work well because they are approved by the voters and they tend not to be monkeyed around with because the voters go in and they say this is what they want. The last time around the voters gave a very clear message to the Legislature and to the County as to where this was all heading and to what they were willing to accept with respect to development rights. And I would say that under no circumstances should we make a major change in that provision without going back to the voters and putting this up for referendum. So that being said, I thank you for your time and I'm sure that you're trying to do the best that you can but please consider the ramifications down the line.

VICE CHAIR D'AMARO:

Okay, Mr. DeLuca. Thank you also.

That concludes the number of cards that I have. Is there anyone else present who would like to address the Committee this afternoon? For the record, there's no response. Accordingly we'll turn to the next section of our agenda. There are no CEQ resolutions on the agenda for today. So we'll go to tabled resolutions.

TABLED RESOLUTIONS

I'll call the first, which is **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) (SCTM Nos. 0400-262.00-02.00-036.002 and 0400-262.00-02.00-038.000). (Stern)**

LEG. COOPER:

I'd like to make a motion to table at the request of the sponsor.

LEG. BEEDENBENDER:

Second.

VICE CHAIR D'AMARO:

Okay. Motion to table, has received a second. All in favor? Any opposed? Abstentions? Motion carries. **Resolution is tabled. (Vote: 4-0-0-1. Leg. Schneiderman not present)**

Next is **1790, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 St. Joseph's property - Town of Islip. (SCTM No. 0500-160.00-02.00-072.002 p/o). (Montano)**

LEG. COOPER:

Motion to table because of the low rating.

LEG. BEEDENBENDER:

Second.

VICE CHAIR D'AMARO:

Okay. Motion to table, has received a second. All in favor? Any opposed? Abstentions? Motion carries. **Tabled (Vote: 4-0-0-1. Leg. Schneiderman not present)**

Resolution 1791, Adopting Local Law No. -2008, A Local Law prohibiting the distribution of plastic carryout bags by retail stores. (Viloria-Fisher) The public hearing has been recessed. I'll offer a motion to table.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

1812, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Marist property - Town of Brookhaven. (SCTM No. 0200-976.10-03.00-027.001). (Browning) This is the resolution that a few individuals did address at the public portion. I'd like to welcome Mr. Isles, our Planning Director this afternoon. And he's been kind enough to give the rating form, which is indicating a rating of 18.

DIRECTOR ISLES:

Correct. And I'll point out that the rating form was revised recently, last week actually, based upon the submission of a resolution from the Brookhaven Town Board indicating their support for the planning steps resolution. And also indicating their support to the tune of a 40% participation on the open space acquisition excluding the building on the site, which Post-Morrow has spoken of earlier today.

So with that, that did alter the score based upon the town's interest at this point. This is as indicated a planning steps resolution. So certainly if this were to go forward, all of that would have to be perfected prior to an acquisition resolution.

As far as the substance of the application, the acquisition, pardon me, as indicated the property is in the Beaver Dam corridor. It's a location where the County of Suffolk has had an extensive history of land acquisitions. In this case, the score is probably a little less than it would have been had it been more directly in the stream corridor itself. It is within the watershed. It is one where we have supplied an aerial photograph, the location of existing County land as well as existing County PDR.

So we have full fee ownership directly to the south of the subject parcel. We have PDR ownership on a farm directly to the east. If you were to broaden this out to a larger scale on the aerial photograph, here again, there are extensive holdings. And in fact many of the Beaver Dam acquisitions that have come before you in the past year are to the north where there's an old file map system that the County has targeted for preservation as well.

So with that, at this point in time the Planning Department supports the acquisition despite the 18 point score we do feel that it has to be taken in context of, here again, the investment by the County, by the town, as well as by private interest such at the Post-Morrow Organization.

If you have any questions, we'll do our best to address those questions.

VICE CHAIR D'AMARO:

So, okay. There is a motion to approve. Is there a second?

LEG. COOPER:

I have a --

VICE CHAIR D'AMARO:

Okay. Let's -- I just wanted to ask you to clarify and then I'll turn it over for questions. The property that we see on the aerial that you've handed out, a portion of that is hatched, which is -- it's part of the acquisition but not funded by the County; is that correct?

DIRECTOR ISLES:

Right.

VICE CHAIR D'AMARO:

Yeah, that's the --

DIRECTOR ISLES:

And so, here again, that's the proposed part --

VICE CHAIR D'AMARO:

Right.

DIRECTOR ISLES:

-- that would be acquired as we understand it by Post-Morrow if they proceed.

VICE CHAIR D'AMARO:

Right.

DIRECTOR ISLES:

It's also the part with the building on it. And at this point in time, we don't see a County purpose to the acquisition of that part of the property.

VICE CHAIR D'AMARO:

All right. And also the town has indicated the willingness to partner with the County in the acquisition of the remainder of the site beyond the Post-Morrow section.

DIRECTOR ISLES:

Correct.

VICE CHAIR D'AMARO:

All right. And I note on the rating form that all of the points received for the property have to do with physical characteristics and none relating to natural resource characteristics, and yet you've indicated the Department's support for the acquisition. Can you just give me a little more of your reasoning behind that? And then I'll open it up to questions.

DIRECTOR ISLES:

Right. Here again, the points were awarded for the proximity to the existing County holdings within 300 feet and actually across the street from existing County holdings. Here again, if this were taken by itself, if there was no other County interest in this location, then we would not be recommending it to you today.

The fact that, here again, we have a significant investment in a stream corridor that -- where the watershed is significantly protected already, where there's been a targeted effort to preserve as much of the remaining watershed as possible, we think that this one in that context, and that's the

important part of this, be considered. So it's a case where I think the rating form is helpful and we have one -- we had one last week, pardon me, two weeks ago with the Lack property in Northaven where we expressed concerns for that, in a sense that the context in that we felt argued against a County acquisition. And we expressed that to you. Since there was so little County presence in that location, the principle environmental asset was already protected.

In this case, here again, looking more broadly using the form as a guide, looking at the aspect of the property that's proposed for protection by the County is the undeveloped portion, not the developed portion, we feel that context would support the consideration of a planning steps resolution.

VICE CHAIR D'AMARO:

Okay. Thank you. Legislator Cooper, did you have a question?

LEG. COOPER:

Director Isles, I just -- I still have a bit of problem getting there because the rating is so much lower than the 25 threshold. If it was 23 or 21.

DIRECTOR ISLES:

Okay.

LEG. COOPER:

But it's only 18. And if the site wasn't adjacent to private open space, you'd knock off another nine points, we'd be down to only nine. So could you explain again why you think it's worth making an exception in this case and moving forward with this potential acquisition?

DIRECTOR ISLES:

I guess just to add and not to repeat what I said before, but just add something new to that, too, here again, one is the context and perhaps this -- if it would be helpful to the Committee what we could do is give you a broader aerial view of the Beaver Dam corridor to give you that better perspective.

But in addition to the comments I made earlier to the questions raised by the Chair, I think the other aspect of this that we are influenced by is the -- the support of the town in this case, that in this case the town has indicated by a town board resolution an interest to come in as essentially on the open space portion a 50/50 partner with the County, that's something the County I think in general has been encouraging. So we see something that has what I believe is a County interest in the context of the preservation of the Beaver Dam corridor, the watershed. And then secondly something that the local legislative body has expressed as also as a town interest.

So we take these very carefully. We take the guide forms very carefully. And we feel that in our review in the County Planning Department, that for a planning steps resolution there's enough here with this context, with the support of locality and, in fact, the support of a private not-for-profit group, we feel at least merits a planning steps resolution, but certainly respect your ultimate decision on this.

LEG. COOPER:

Thank you.

VICE CHAIR D'AMARO:

Okay. Are there any other questions from the Committee? Okay.

LEG. LOSQUADRO:

Make a motion to approve.

VICE CHAIR D'AMARO:

Legislator Losquadro has offered a motion to approve. Is there a second on that motion?

LEG. BEEDENBENDER:

Second.

VICE CHAIR D'AMARO:

Okay. There's a second by Legislator Beedenbender. You know, I just want to before we call the vote on that, my concern was that it's not the environmental significance that we're speaking of here today. The rating form doesn't give any points for that. But, Director Isles, you make the case that sometimes -- and you've always said, that those forms are not binding, obviously they're just to suggest a plan of action and there may be overriding factors. And I guess you feel strongly in this particular case that the partnership, the willingness of the private organization, the County acquisitions within the surrounding area, all warrant going beyond just looking to the strict rating form and favor acquisition?

DIRECTOR ISLES:

Right. And certainly I would, however, get back to the point of environmental significance, that the environmental significance looking at this piece by itself is measuring only a few aspects of this -- the importance of this property. I think it's important environmentally, on the face of it, when one considers the larger stream corridor, this directly affects the corridor. I would characterize the Department as supporting the acquisition and just leave it at that. I'm not going to characterize it whether it's strongly supporting or not. We're just saying on our review we feel at least warrants a planning steps.

VICE CHAIR D'AMARO:

Okay. There is a motion to approve the planning steps resolution which has received a second. I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries. And the resolution is **approved. (Vote: 4-0-0-1. Leg. Schneiderman not present)**

Next is **1823, To promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine)**

LEG. COOPER:

Motion to table.

LEG. LOSQUADRO:

Motion to approve.

VICE CHAIR D'AMARO:

Okay. There is a motion to table offered by Legislator Cooper, which I will second. There is also a motion to approve by Legislator Losquadro. Is there a second on that motion? Hearing none, on the motion to table, Legislator Romaine, thank you for joining us today.

LEG. ROMAINE:

Thank you very much, Mr. Chairman. Although I'm not a member of the Committee, I'm here on this and one or two other resolutions. And it's good that you're chairing in place of Jay Schneiderman today because you also were Chair and continuous Chair of Ways and Means when I served on that committee when this issue came before us.

When this issue came before us, the Assistant Town Attorney -- County Attorney had assured us and I ask repeatedly on the record and we have a verbatim record of that, when we sell Brownfield liens, liens, tax liens for Brownfield properties, we are going to include an agreement that these Brownfields be cleaned up. Yes, yes, yes, yes.

Then last year finally, we come to the sale to approve the first sale of these tax liens on Brownfield's properties, one of the which is right down the block from my office on Pulaski and Griffing Avenue, and exactly one block away from where my office which is, which is a Brownfields. And there was no

agreement for any clean up. And I said okay, let me understand this, you're just going to take the money and run. You are not going to ask anyone who eventually purchases these liens to remediate this Brownfield? Let me understand this because this is exactly what you said you would not do. And the County, Assistant County Attorney demurred. I believe, it was Lynne Bizzarro. And the Presiding Officer took a lunch break and we came back and we produced a verbatim minutes of that meeting and it was clear that she had misled this Committee.

I had introduced this before. And it was tabled to death repeatedly. I told you I would reintroduce it and here it is again. And I will reintroduce it again when it fails after several months of being tabled. We should not be selling Brownfield properties or tax liens to Brownfield property without demanding remediation. Without requiring it. We all approved that sale initially to go forward on this new program because this isn't something we had done before based on that promise. This resolution, although we've sold some properties including the one in my district, says we will never do this again. If we sell a tax lien on a Brownfields property, there will be a remediation clause.

I would ask you to seriously consider tabling this again. You tabled it for about six months; I reintroduced it. You're going to table it again, will eventually fail. If it continues to be tabled, I will reintroduce it again. This is bad public policy. Please reconsider your vote. Think about what you're doing. This County should not be in the business of dumping Brownfields properties without requiring remediation just taking the money and run. It's not about the money alone. Thank you for your consideration.

VICE CHAIR D'AMARO:

Okay. Thank you, Legislator Romaine. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just a brief comment to my colleagues who are members of this Committee with me. I recall the -- that meeting vividly. And I remember the conversation with the County Attorney when we first discussed this. And that question was posed in no uncertain terms. Would this be a requirement, would we put this into the contract? And we were told yes, it would be. I remember that specifically. I remember going through the transcript at a subsequent meeting. I know we've been given a lot of information since; should we, shouldn't we. But I think that this Legislature was given erroneous information at the time. Whether or not individuals choose to pursue a different policy, in my mind that was the position this Legislature took when we first agreed to make these sales. And I still think it should be part of our policy as we move forward. So I support this.

VICE CHAIR D'AMARO:

Thank you. Legislator Romaine. Was this bill in Ways and Means last time or was it here in EPA?

LEG. ROMAINE:

I'm not sure. As you know, keeping with standard policy, I'm rotated from committee to committee and never to serve on the same committee for two years in a row.

VICE CHAIR D'AMARO:

So is the bill following you or are you committee shopping?

LEG. ROMAINE:

I don't know, but I'm following this bill. Because I asked that question and I was given I thought a commitment. And then when the legislation came forward there was no such commitment. And then I saw the true purpose was to unload the Brownfield properties and take as much money as we could and run.

VICE CHAIR D'AMARO:

Right.

LEG. ROMAINE:

This -- the property in my district was sold to Mr. Toussie, by the way, just for point of interest. Clearly -- and by the way, he has done nothing with that property and certainly no remediation is taking place because there is no requirement to remediate.

VICE CHAIR D'AMARO:

Has he foreclosed the property?

LEG. ROMAINE:

I have no idea. But I can tell you that nothing has happened.

VICE CHAIR D'AMARO:

Right. But do --

LEG. ROMAINE:

This doesn't go to a specific piece of property. This goes to a policy issue.

VICE CHAIR D'AMARO:

Right.

LEG. ROMAINE:

We should not be selling Brownfield's tax liens without the requirement. We all agreed to this in committee. You were there, you were chairing the committee. I asked that question specifically. And the County Attorney sat there and said, six months later when the issue came up, that isn't so. And then we had to adjourn for lunch because we were demanding the verbatim minutes. We got the verbatim minutes and she was proven not to be truthful. Okay.

VICE CHAIR D'AMARO:

Legislator Romaine, you're right, I was there and we were discussing this policy of requiring remediation if and when we sell the tax lien. But I do want to just to say in defense of Ms. Bizzaro that I recall also reviewing the transcripts and I really don't want to reopen that here, but my conclusion was opposite to what you have indicated on the record, but I don't remember the specifics of it and, you know, I'm not really interested in going back and reading it over again.

LEG. ROMAINE:

Right. This is not about a person or a piece of property.

VICE CHAIR D'AMARO:

But Let's talk about the policy.

LEG. ROMAINE:

This is about a policy decision.

VICE CHAIR D'AMARO:

Right.

LEG. ROMAINE:

We should not be selling Brownfield's tax liens without a requirement in that contract for some -- at some point for remediation. And I think this bill would say that remediation would begin within one year of the effective date of the -- that they should foreclose within one year of the effective date of the contract and then they should initiate remediation within two years. I think it's a very generous, very broad stated to allow people who buy these tax liens an opportunity to gather whatever funding they need, whatever testing they need and then to begin remediation at some point. But to sell a piece of property that you know has been listed as a Brownfields and not to require any remediation I think is bad environmental policy.

VICE CHAIR D'AMARO:

Okay. And the debate at the time just the flip side was really about would --

LEG. ROMAINE:

Money.

VICE CHAIR D'AMARO:

The flip side of that debate really was about what person would really buy a Brownfield's tax lien if not intending to clean the property, which they would be required to do under law anyway. And further if the taxes were not paid going forward after the tax lien were sold, the County would wind up with yet another tax lien. So there was a debate going back and forth at the time. I don't necessarily disagree with you on the policy.

LEG. ROMAINE:

So this resolution should do no harm then.

VICE CHAIR D'AMARO:

Okay. But there are considerations in both directions. I wanted to give the County Attorney's Office an opportunity if you want to go on the record.

MS. LOLIS:

Yes, if I may just in response to a comment by Legislator Romaine. And I don't want to get into a debate over the transcript. But I do recall reading that transcript even though I do not have it in front of me. And it was made very clear by the Chief Deputy County Attorney that that language could be included in a contract. There was no guarantee that it would be included in the contract. And if I recall correctly Legislator Romaine did not vote for it because he was not confident that that language would be in any contract.

LEG. ROMAINE:

I didn't trust the County Attorney's Office at that time.

MS. LOLIS:

And I would just like to state the -- let the record reflect what actually the transcript said.

VICE CHAIR D'AMARO:

All right. Okay. There is a motion pending. To the Clerk, has it received a second as well?

MS. LoMORIELLO:

Yes.

VICE CHAIR D'AMARO:

Okay. Is there any other discussion on the motion? I'll call the vote. All in favor? Opposed?

LEG. LOSQUADRO:

This is to table?

VICE CHAIR D'AMARO:

Yes.

LEG. LOSQUADRO:

Opposed.

VICE CHAIR D'AMARO:

Sure. One in opposition. The motion carries and the resolution is tabled. **Tabled (Vote: 3-1-0-1. Leg. Losquadro opposed. Leg. Schneiderman not present)**

Okay. Next on the agenda is **IR 1892, Adopting Local Law No. -2008, A Charter Law to**

authorize the use of development rights for smart growth, community development and job creation. (Lindsay) This is a resolution that we heard some discussion about during the public portion. And also I had received a request from the regular Chair of this committee, Legislator Schneiderman, if we would consider tabling this at least for the one cycle. He was anxious to hear the debate and participate in the debate as well. So I'm going to offer a motion to table at this time.

LEG. LOSQUADRO:

Second.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Cooper. All in favor?

LEG. ROMAINE:

Mr. Chairman?

VICE CHAIR D'AMARO:

Yes. Mr. Romaine, go ahead, please.

LEG. ROMAINE:

With your indulgence, all right. I appreciate it. I'm not a member of this Committee and I don't want to bog you down. But I did -- actually my main purpose today was to come to speak about 1892.

VICE CHAIR D'AMARO:

Right.

LEG. ROMAINE:

I am gravely concerned as many of the speakers here have spoken about this. And I'm not going to argue for or against this. Obviously, I'm opposed to this resolution. But I am more concerned that it doesn't require a mandatory referendum.

I posed that question of legislative equivalency, that is, if the Charter Law that created this required a referendum, changes to that Charter Law likewise would require a referendum. And I received from Christine Malafi, some of you may know, the following, and it says -- and this is the County Attorney, because I believe in a question of whether there should be a mandatory referendum or not, not our legal Counsel, not the Counsel to the Legislature, but the County Attorney, prevails in that issue. And it says, I believe, and I'm quoting from her letter, I believe a mandatory revenue is needed here because this proposed Charter Law would substantially change and amend the Suffolk County Charter, section two -- 12-2, (a)2(c), Local Law number 24 of 2007, which enacted this article of the Charter, contained language and she quotes the language. And then goes onto say, accordingly this section of law may not be substantially changed, amended or repealed except by a Charter Law subject to mandatory referendum. The proposed law must be made subject to a mandatory referendum.

So I would say to the sponsor, our esteemed Presiding Officer, Mr. Lindsay, if this is his desire, that he should conform his resolution to the requirements and include a provision for a mandatory referendum. I'm opposed to the changes. Obviously if there's a mandatory referendum, I will campaign throughout my district for the defeat of that referendum. But there should be a mandatory referendum and I point that out. And I think it would be unfair since our County Attorney has so well pinned for the legislation to go ahead. I understand you're going to table it for the cycle, but I want to speak against it not only on the legal content, but also I just think it makes bad law.

VICE CHAIR D'AMARO:

Okay. Thank you, Legislator Romaine. I'm going to give our Counsel, Mr. Nolan, an opportunity to respond. George?

MR. NOLAN:

Yes. This is actually, for as long as I've been Legislative Counsel, I've spoken about this issue, whether a law that was enacted by referendum could only be amended by a subsequent referendum. What is subject to a referendum, mandatory/permissive, is governed by state law. State law completely preempts the area of what is subject to a voter referendum. Notwithstanding that in this -- the underlying law that was enacted by referendum included a provision saying it can only be changed in the future by another referendum, that language is void from my point of view. It doesn't mean anything. What is subject to a referendum is governed by state law. The Legislature can enact this law without a referendum, if it chooses to do so.

LEG. ROMAINE:

I guess we have dueling opinions so -- where we have to choose between -- I won't ask the acting Chairman to do that -- where we have to choose between our County Attorney and our Legislative Counsel.

MR. NOLAN:

I'm very confident in that opinion, by the way.

VICE CHAIR D'AMARO:

Okay. I'd say that that is part of the debate that's in the mix, to say the least. And, Legislature Losquadro, please go ahead.

LEG. LOSQUADRO:

Just very quickly, I know we're going to table this, but as we move forward, I too wish to point out my opposition to this bill. And we can debate the legal standing or the grounds upon which the original resolution could be modified, but I think at its core it is really a violation of the public trust. We put something out before the public, they voted on it. And I think to change it now, even if we could legally, I think would be a very, very dangerous position for this body to take because the public in good faith entrusted us with this program.

VICE CHAIR D'AMARO:

Okay. Thank you, Legislator. We were going to try and put off the debate for one cycle, but I just also wanted to note for the record that I have concerns with the bill in the sense that it is targeted at defeating the provisions of the sanitary code by transferring these development rights and the sanitary code is there for a very legitimate purpose. I've had concerns about that with other initiatives that have come up during my tenure here.

Although the purpose or the aim of the sponsor, I think, is a good one in trying to move forward with some of our smart growth principles and development and job creation, these are all goals that all of us want to have. And the question is how you get from a to b and whether or not this is the proper way to do that is something that we have to continue to look at in the context of whether or not it's the best way to go forward. So I'm concerned with that as well, but as I said, the Chairman of this Committee has requested that the bill be tabled. And I have offered a motion to do so. Did it receive a second?

LEG. LOSQUADRO:

Yes it did.

MS. LoMORIELLO:

Yes.

VICE CHAIR D'AMARO:

Yeah. So I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

1894, Adopting Local Law No. -2008, A Local Law to reduce the use of Fertilizer near surface waters in Suffolk County. I'll offer a motion to table.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

1929 - 2008, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Toppings Farm property) - Town of Brookhaven. (Romaine) I'll offer a motion to table based on the rating.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Cooper. All in favor? Any opposed? Abstentions?

LEG. LOSQUADRO:

Opposed.

VICE CHAIR D'AMARO:

One in opposition, Legislator Losquadro. Motion carries. **Resolution is tabled. (Vote: 3-1-0-1. Leg. Losquadro opposed. Leg. Schneiderman not present).**

Next section of the agenda introductory resolutions.

INTRODUCTORY RESOLUTIONS

First is **1989, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law No. 24-2007 (Cohen property-Town of Riverhead). (Romaine)** This is property located in the Town of Riverhead seeking planning steps.

DIRECTOR ISLES:

Okay. This is a unique parcel. It is a long skinny parcel of about point 424 acres. Seeing the aerial photograph will be enlightening to you, I believe. The subject property is located in the Town of Riverhead as indicated by the Chair. It is adjacent to County property on two sides and is part of a larger preservation area in Flanders Bay, Peconic estuary location known as -- there are a couple of properties here that have certain nomenclature. There's the River Club property, which is to the east, which was a preservation effort with the town and the County last year. There's also Riverhead Meadows, which is the property to the west. So we have here then is the parcel outlined in red, which is a long skinny parcel that divides the County and town property.

So it is an area where there's been significant public investment in conservation and rightfully so. This piece is a leftover remnant. It rated 17 points, which here again, is not a high score. It's not

the worst, but it's not high. But here again, I think upon examination of the aerial photograph, it would appear to make sense for the County to consider this property. It would help in the management of the property, avoid separation and fencing and so forth of the property. It would really clean up the holdings and would be the last piece in this puzzle of acquisition at this location.

If you have any questions we'll do our best to answer those questions.

VICE CHAIR D'AMARO:

Okay. First on the list I did have Legislator Losquadro. Please go ahead. And then, Jon.

LEG. LOSQUADRO:

Tom, just quick question, and I think you already alluded to, I know obviously this parcel is very narrow to say the least.

DIRECTOR ISLES:

Right, right.

LEG. LOSQUADRO:

But it could continuing to be in private hands, with public holdings on both sides, could pose a problem for management of the property if we didn't have even proper permission to cross that private land.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

I think you are exactly right. And I think, obviously it would have to go out for appraisal and go through our internal appraisal review and ETRB. But I would have to think that because of the very strange size of the parcel, that it will not be a tremendous investment for the County and I think that might be an understatement. So I want to support this.

DIRECTOR ISLES:

Right. It's certainly not buildable, that's for sure.

LEG. LOSQUADRO:

Yes.

VICE CHAIR D'AMARO:

Legislator Cooper.

LEG. COOPER:

I mean the only possible mitigating factor is the possibility that we could acquire this for a very low amount. But it's -- I mean once again, it has a very -- it has a relatively low rating only 17.

DIRECTOR ISLES:

Right.

LEG. COOPER:

It's not buildable.

LEG. LOSQUADRO:

Strictly for management purposes.

LEG. COOPER:

I don't know, it's just in good conscious I feel real difficulty voting. I know it's just planning steps,

but --

DIRECTOR ISLES:

Right. It is environmentally significant as small as it is in terms of the reason we and the town have invested so heavily in this area is the protection of Flanders Bay, one of the highly impacted location, nitrogen located location. And so there -- here again, the County and the town have invested heavily. On the tail end of this property on the -- as you go along Riverhead Road there's a little spec of green just south of the purple. We own a large holding right there that goes right up to the waters edge.

So here again in the context, that the rating form tell us some things but it doesn't tell us everything is that this then is the last piece, it's surrounded by County land, town land a little bit to the east. We certainly wouldn't recommend it if it was off by itself certainly. But as Legislator Losquadro pointed to, there are practical difficulties to the County, I believe, in terms of parks management, stewardship and so forth by having this.

Here again it's not buildable so nothing bad will happen in terms of development we don't think. But we also feel the value probably will be somewhat diminished based on the configuration of lack of buildable use to the property. For your consideration.

LEG. COOPER:

How wide -- excuse me, how wide is the parcel?

DIRECTOR ISLES:

Yeah, I'm going to try to get that for you.

VICE CHAIR D'AMARO:

Director Isles, while you're looking for that --

DIRECTOR ISLES:

Sure.

VICE CHAIR D'AMARO:

-- could you just explain how does it affect the management of the property? So, I mean, you have to exit through the road to get to it? I mean --

DIRECTOR ISLES:

It would be --

VICE CHAIR D'AMARO:

-- we manage properties that aren't contiguous all the time. I'm just -- I'm just curious how it's a problem?

DIRECTOR ISLES:

Right. Okay, it's something we do talk to the Parks Department about on a pretty regular basis. And for example, on the Pine Barrens where there are a lot of old file map lots, there's a concerted effort to try to consolidate property. And the reason for that is, you know, a Park's Ranger goes out and is looking at a -- a possible clearing, is that County land, is it private land? So when you get into a sporadic ownership pattern, it can make those problems more difficult.

I think secondly in terms of management of the resource, something certainly under the revisions to the Water Quality Program that occurred last year, where stewardship is now an activity that's permissible under the 477 Program, it certainly something the Parks Department has been working towards as well as Environment and Energy. Such things as managing wildlife, invasive species, control of the property and some larger properties not here, sometimes there's management of wildfires in terms of certain control of the forest and so forth.

So in general, it provides better security control. It provides better control in terms of the line itself is somewhat arbitrary. If Parks Department or Environment and Energy are working on a restoration, if they're working on a removal of evasive species and so forth, they can work on that entire resource, you know, from the edge of the developed homes all the way out to Indian Island Golf Course without having to stop, figure out where this line is, figure out the distance, and then divide their efforts. So it's really just a housekeeping type of thing. Certainly they can get by without it if they have to and they certainly will. But it is fragmenting the resource. It's impeding security. It's impeding resource management. And in general, where we have the opportunity to pick up these pieces if there's a willing seller, we try to do that.

VICE CHAIR D'AMARO:

Okay. Thank you for answering my question. Legislator Romaine, did you have a comment?

LEG. ROMAINE:

Yes. If you could take a look at a map for a second, when we bought the River Club and Riverhead Town helped us and it's a very small town, understand Riverhead only has about 32, 33,000 people in the entire town, all those little purple lots, the developer had checkerboard and the town had to buy all of those. That's all in public ownership. If you see where the boats are on the far right-hand side of the photo, everything to the right of that, running down to the river, is owned by the County. All the land around that red streak is owned by the County. And what happened is, I assume when the Executive who's pushing for this or something, there was an oversight and this parcel was left out because by all rights this parcel should have been included in the combination when we purchased this.

So now we have this narrow, tiny little parcel that's long, narrow running right through the middle of our acquisitions that this is really a housekeeping situation. And because of its size, it isn't going to merit, I believe, a very high appraisal value. But it is going to allow us to consolidate an outstanding kind of like a thorn in your side to get it out of the way and then allow us to manage all of this heavily forested property. Thank you.

VICE CHAIR D'AMARO:

Okay. Just on the flip side, it's really also the epitome of property that could never and would never be developed.

LEG. ROMAINE:

That's true.

VICE CHAIR D'AMARO:

That the County would be purchasing, that doesn't -- that has a lower rating, so -- I'm sorry, Director Isles, did you have something to add?

DIRECTOR ISLES:

The width of the property is either 11 feet or 17 feet from the map we can see. We apologize for the six foot discretion -- discrepancy.

MS. FISCHER:

I can't read the map as well as I --

DIRECTOR ISLES:

But it's a minimum of eleven it could be 17 feet.

MS. FISCHER:

It looks like 17, but I'm not a hundred percent sure.

LEG. COOPER:

Director Isles, could you estimate what it would cost the County to move forward with survey and appraisal for the planning steps?

DIRECTOR ISLES:

Offhand no. I could certainly try to get you that information.

LEG. COOPER:

Even a ballpark?

DIRECTOR ISLES:

Okay.

LEG. COOPER:

If you don't feel comfortable.

DIRECTOR ISLES:

I can have a little chat with Commissioner -- - Mr. Kent and to see if he can --

VICE CHAIR D'AMARO:

He's right behind you.

DIRECTOR ISLES:

I haven't been too involved in appraisals in a while so I'm not really sure what the current cost would be.

LEG. COOPER:

Well, look, yeah, I'd like to make a motion. This property's not going anywhere. I'd like to make a motion table.

VICE CHAIR D'AMARO:

I'll second the motion.

LEG. LOSQUADRO:

On the motion.

VICE CHAIR D'AMARO:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I think the rationale for at least looking into the purchase of this property has been clearly outlined. It would be greatly beneficial to the management of this parcel. And I think it's at least worth the look at because it may come back and as I anticipate and obviously we can't even speculate on the record because we wouldn't want to put a price out there, it's the reason we created the whole ETRB in the first place, is we don't want to be bantering potential values around publicly because it could potentially affect that value during negotiation process.

But I think when this does come back to us, if it gets that far, we'll see a value that would be very advantageous for the County to go ahead with the acquisition. I was just sitting here with Counsel trying to figure out the length based on the scale and then the width based on the .24 acres. And the best we can figure is probably about 16 feet wide. So I think the value would be commensurate.

VICE CHAIR D'AMARO:

Okay.

LEG. COOPER:

Until I knew what the ballpark was on the survey and the appraisal, I'm not going to support this.

VICE CHAIR D'AMARO:

Well, we're not really using as a criteria what the value would be. What we're usually looking at as criteria is what's in the rating form, the environmental significance as well as whether or not it's contiguous with other County property. And it is not meeting any of the natural resource characteristics. And on top of that, it's never going to be developed. So, you know, I understand that you believe it may impede our ability to stewardship the property or manage the property. I don't see how. It's not like anyone's going to put up a fence around it or --

DIRECTOR ISLES:

We'll they could. I mean potentially, yeah.

LEG. LOSQUADRO:

They could.

VICE CHAIR D'AMARO:

They could, okay.

LEG. LOSQUADRO:

It's private property.

VICE CHAIR D'AMARO:

But I don't think it would prevent us from managing property.

LEG. COOPER:

But why in the world would we spend \$10,000 to put up a fence for -- it -- this makes --

DIRECTOR ISLES:

I'm not disagreeing with you. And that's a judgement on your part as to whether it's worth it or not. I just spoke to Commission -- Director Kent and he's indicated a rough estimate for survey and appraisals in the 5,000 to \$10,000 range.

VICE CHAIR D'AMARO:

Okay. There is a motion pending. I'll call the vote. All in favor? Any opposed?

LEG. LOSQUADRO:

To table?

VICE CHAIR D'AMARO:

Yes. Abstentions? Opposed?

LEG. LOSQUADRO:

Opposed.

VICE CHAIR D'AMARO:

One in opposition. The motion carries. **The resolution is tabled. (Vote: 3-1-0-1. Leg. Losquadro opposed. Leg. Schneiderman not present)**

Next is **1993, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Riker property-Froehlich/Wicks addition-Town of Huntington - (SCTM Nos. 0400-090.00-07.00-005.000 and 0400-090.00-07.00-006.000) (Cooper)** Okay. We have been handed a copy of the aerial map with the tax map superimposed as well as the rating form prepared by the Department of Planning, which indicates a rating of 21 out of 100 points. Director Isles, would you like to comment?

DIRECTOR ISLES:

Yes, thank you. The subject properties are indicated in red. They consist of two parcels, two residentially zoned parcels. They have a somewhat unusual access so they are flag lots of sort. The parcels are also indicated in broader context as located adjacent to the Froehlich/Wicks County Park and that's indicated to the east and south of the subject properties.

Couple of aspects of this acquisition. First off, is once again context. Just to bring to your attention, here again, the proximity to the County parkland that we currently own. And also not only the proximity but also the nature of this subdivision in terms of, in a certain sense an argument can be made that this would be somewhat intrusive into the County park use and, therefore, consideration for an acquisition to be considered.

The second part, however, I want to bring to your attention is the -- and this here again, perhaps relates to the acquisition we talked where the planning steps resolution two weeks ago in Northaven, the Lack property, and that is it is a subdivided parcel or parcels, two parcels. The acquisition cost is 2 million 40 -- \$2.47 million for both lots.

This is a case where we do believe there is a planning justification, an environmental justification to consider this acquisition, here again, based solely on its proximity and impact to an existing County investment, a significant one in the Town of Huntington, here again, adjacent to the Froehlich/Wicks Farm. The question of the -- is it worth it for the purpose price? That was based on the appraisal process. It's obviously not inexpensive. But here again, we just wanted to bring that to your attention and the planning and environmental determination of the parcels we feel justifies moving forward even though it only has a 21 point value. But here again, the context is important on that.

As far as the valuation, we leave it in your hands as to judging the -- whether it's worth it from the County's investment from a dollar standpoint.

VICE CHAIR D'AMARO:

Okay, thank you. Thank you, Director Isles. There is a -- just looking at the rating form, this does receive --

DIRECTOR ISLES:

Yes.

VICE CHAIR D'AMARO:

-- points for the natural resource characteristics specifically the site is located within a special groundwater protection area.

DIRECTOR ISLES:

Right.

VICE CHAIR D'AMARO:

Which I would assume was similar to the considerations for the adjoining County owned property --

DIRECTOR ISLES:

Yes.

VICE CHAIR D'AMARO:

-- as well. Okay.

LEG. COOPER:

Just to be consistent, I had raised some concerns about the Marist property since the rating was less than 25. Once again, on this property, even though it's in my district, the rating is below 25, it's higher than Marist. But you would considering all the factors recommend acquisition of this parcel?

DIRECTOR ISLES:

Considering all the factors, and here again, the -- I think whenever we see a subdivide, an approved subdivision lot, it's like that it's at maximum value at that point, there has, I think, in our opinion there really should be an extra careful review and a strong County interest. And here again I'm -- I also want to be consistent in terms of the Lack acquisition, which we didn't recommend approval of two weeks ago and we didn't find a strong County interest there and we respect whatever opinion the County Legislature and the Executive choose on that.

In this case, we do find a significant and almost understated significance from the County's perspective based on the substantial County investment already. We would support the acquisition. And, here again, just take note of the filed map situation, it's a high value but you're aware of that and -- but certainly from the environmental and planning side of it, we support the acquisition.

VICE CHAIR D'AMARO:

Okay. Thank you. Legislator Losquadro, yes.

LEG. LOSQUADRO:

Thank you, Mr. Chairman. Well, that was a very nice way of saying it was an odd configuration. I remember when we first looked at this, I remember thinking to myself, this don't look like an access road, it looks like the NASCAR lines. I think you'd have to think -- in building a house there, you'd have to immediately contract for snow removal services for your driveway.

You know, this parcel does have, I think, redeeming qualities to it. I think it would be a good addition to County holdings. But I have to say, I feel like I'm making the exact same argument for stewardship and for an addition as I did for the last parcel and I know we don't want to go back. But in the location of the last parcel, it was in an estuary program plan. You know, I think that we really need to hold things to the same standard. I certainly -- I supported this for planning steps and I'll support it again now for acquisition.

But I feel like I'm making the exact same argument for the other parcel even though this one is buildable, I know there's a difference there, but it is certainly a very odd configuration and would pose some serious challenges to be built. But anytime we look at a parcel and we look whether or not it's worthy for us to acquire it, there are certain factors which the ratings, as we pointed out many times today, don't always account for. And like I said, I feel like I'm sitting here making a very similar argument to the last one that unfortunately this Committee didn't side with. But I will support this. I think it's a good addition to a good piece of County parkland.

VICE CHAIR D'AMARO:

Okay. Thank you, Legislator. Jon?

LEG. COOPER:

Motion to approve.

VICE CHAIR D'AMARO:

Motion to approve by Legislator Cooper, I'll second. Seconded by Legislator Losquadro. All in favor? Any opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1. Leg. Schneiderman not present)**

Next is resolution number **2026, Authorizing the Suffolk County Planning Commission to establish notice protocols for applications under commission review. (Schneiderman)** At the request of the sponsor, I will offer a motion to table.

LEG. BEEDENBENDER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries.
Tabled (Vote: 4-0-0-1. Leg. Schneiderman not present)

Next is resolution number **2028, Adopting Local Law No. -2008, A Local Law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)** This is, I believe, a reintroduction of a prior resolution. I'll offer a motion to table at this time.

LEG. COOPER:
Public hearing.

VICE CHAIR D'AMARO:
Public hearing, right.

LEG. COOPER:
Second.

VICE CHAIR D'AMARO:
Seconded by Legislator Cooper, for purposes of public hearing. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)** Next several resolutions involve SEQRA determinations.

IR 2034, Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport - Shelt Air Westhampton LLC Lease Amendment. (PO Lindsay) I'll offer a motion approve.

LEG. COOPER:
Second.

LEG. LOSQUADRO:
And place on the consent calendar.

VICE CHAIR D'AMARO:
Thank you, and place on the consent calendar. Seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Motion carries. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2035, Making a SEQRA determination in connection with the proposed CR 3, Pinelawn Road/Wellwood Avenue, intersection reconstruction, Towns of Babylon and Huntington. (PO Lindsay) Same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2036, Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport - (CP 5702) - proposed resurfacing of a portion of the existing north perimeter access road at the airport, Town of Southampton. (PO Lindsay) Same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2037, Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport - (CP 5738) - proposed project to complete the Airport Master Plan Update, Town of Southampton. (PO Lindsay) Same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2038, Making a SEQRA determination in connection with the proposed Department of Public Works Southwest Sewer District No. 3 - Bergen Point Wastewater Treatment Plan

Ultraviolet Disinfection, Town of Babylon. (PO Lindsay) I'll offer same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2039, Making a SEQRA determination in connection with the proposed extension of an existing maintenance building and construction of two additional structures at Charles R. Dominy County Park, (West Sayville Country Club) West Sayville, Town of Islip. (PO Lindsay) Same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2040, Making a SEQRA determination in connection with the proposed expansion of parking lot at Raynor County Park, Lake Ronkonkoma, Town of Brookhaven. (PO Lindsay) Same motion, same second, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2041, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Froelich/Wicks addition - Riker property, Town of Huntington. Same motion, same second and without objection, same vote. **Approved and placed on the Consent Calendar (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2045, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (NAFTAL Associates property - Town of Brookhaven). (Romaine) Committee is receiving a copy of the tax map with the aerial view imposed as well as a copy of the rating form prepared by the Department of Planning indicating a total score of 25 out of 100. Director Isles, would you like to comment on this?

DIRECTOR ISLES:

Okay, yes. The subject parcel's outlined in red on the aerial photograph. It is directly adjacent to the Pine Barrens Core, which is the cross hatching on the aerial. So it's to the -- the core exist to the east as well as to the north. Also to the east is County land, significant County land, which is essentially Peconic River County Park.

The subject parcel is not in the core. It is in the compatible growth area. We did do the rating, obviously as indicated by the Chair; received point value for being within the Central Suffolk Special Groundwater Protection Area, certain points for the New York State Natural Heritage Program Elements and obviously for proximity to the County holdings.

We feel it's a little unfortunate that the LIPA right-a-way separates this from the other County lands. However, here again, the property is within the CGA and the Special Groundwater Protection Area.

I think another point I just wanted to make in terms of, it's obviously right on the edge in terms of the point value taken by itself without context, but the only piece of context I do want to make note of is the Suffolk County Water Authority has a facility directly to the north of this. So that is, you know, a consideration I think in terms of protecting around a wellhead. Ans here again, we don't have information as to whether the development of this property would adversely affect that. In terms of groundwater flow in the zone of influence for the well, but we think it's a -- something to be pointed out to you.

If you have any questions regarding rating we'll do our best to answer those questions.

VICE CHAIR D'AMARO:

Okay. Thank you, Director Isles. I'm going to go offer a motion to approve.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Cooper. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2046, Appointing Paul TeNyenhuis as a member of the Lower Hudson - Long Island Resource Conservation and Development Area Council. (Losquadro)

LEG. LOSQUADRO:

If I may, Mr. Chairman.

VICE CHAIR D'AMARO:

Please.

LEG. LOSQUADRO:

This is more of a pro forma resolution. Mr. TeNyenhuis is already -- we've already appointed him on the Soil and Water Conservation District. And this is just to put him into a position because of a retirement. Again, it's mainly a pro forma resolution.

LEG. COOPER:

Motion to approve.

VICE CHAIR D'AMARO:

Motion to approve by Legislator Cooper.

LEG. LOSQUADRO:

Second.

LEG. COOPER:

I'm sorry.

LEG. LOSQUADRO:

I thought I already made that motion.

LEG. COOPER:

Oh, I'm sorry. Second.

VICE CHAIR D'AMARO:

Yes, I'm sorry, you're right. Motion to approve by Legislator Losquadro, seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2051, Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Castle Court LLC property - Town of Riverhead - (SCTM No. 0600-134.00-01.00-008.003 p/o). (CE Levy)

DIRECTOR ISLES:

While the aerial -- if you don't mind, if you want me to I could just give you --

VICE CHAIR D'AMARO:

Sure. Yes, please go ahead. I'm sorry.

DIRECTOR ISLES:

While the aerial's being circulated along with the farmland rating form, this is a proposed

development of a purchase of development rights for a farm located in the Town of Riverhead, just over the line from the Town of Brookhaven along state Route 25. It's also in the vicinity of Corey Pond, you may of heard of. And in fact, the County owns land for parkland or open space purposes directly to the west of the subject parcel.

The proposed acquisition resolution involves the, here again, purchase of development rights at a rate of \$65,000 per acre based on the current acreage of 19.4 acres, would be \$1,251,000 for the total cost of the acquisition. This obviously has been reviewed by the Environmental Trust Review Board.

As far as the rating is concerned, the -- what you should have at this point, the property did rate a nine. Once again, the County farmland rating system is a little different from the open space rating form. The form before you has a scale that goes from 0 to 22. This was completed, I believe, in January of this year when this was reviewed by the County Farmland Committee.

So the Farmland Committee typically looks at a rating of -- passing grade of about ten. So once again, we're dealing with one that's right on the cusp, so to speak. But when you considered the planning steps resolution last spring, obviously it was approved, we believe the -- the finding at that time was not only the fact that it is viable, agricultural land and a functioning farm at this point in time, but also the proximity to the County open space and parkland directly to the west in terms of protecting that County asset also in terms of development impacts.

If you have any questions on the form, either myself or Jessica Kalmbacher will do our best to answer those questions.

LEG. LOSQUADRO:

Mr. Chairman?

VICE CHAIR D'AMARO:

Legislator Losquadro, please.

LEG. LOSQUADRO:

First, I'd just like to make a motion to approve and also just point out what significant development pressure this whole corridor has been under and to point out that just to the east is another very, very significant parcel, the former Grumman site, now known as the EPCAL property. So this is an area that has seen extensive growth. I can personally attest to how much it's changed over the past 30 some odd years having grown up in Wading River. And I think this would be a great acquisition for us to maintain at least some of the agricultural economy in that area.

VICE CHAIR D'AMARO:

Okay. I'll second the motion and call the vote. All in favor? Any opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1. Leg. Schneiderman not present)**

Next is **IR 2052, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the Anything You Want, LLC property - Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-456.00-01.00-007.001). (CE Levy)** This consists of approximately 1.9 acres in the Pine Barrens Core. Committee has received a copy of the aerial map with the tax map superimposed indicating the proposed acquisition. And, Director Isles, if you would like comment please.

DIRECTOR ISLES:

Sure. This is as indicated in the Pine Barrens Core. In fact, the Carmen's River goes through this property literally. So it is, we believe, a very meritorious acquisition. It was included with the bulk resolution that included all Pine Barrens Core parcels going back several years ago. The proposed acquisition is indicated as a lot area of 1.9 acres directly adjacent to the road, a County road by the way. The acquisition price is \$220,000.

If you have any questions we'll do our best to answer those. And also Real Estate is here on that side of it, too, if you need that.

VICE CHAIR D'AMARO:

Okay. There was a motion by Legislator Losquadro to approve the resolution, I'll second. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2053, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Szurnicki property - Kings Park Greenbelt - Town of Smithtown - (SCTM No. 0800-026.00-06.00-003.000 p/o). (CE Levy) 6.1 acres for 1.2 million. The Committee has received one again a copy of the aerial with the tax map superimposed. And, Director Isles, any comment on this?

DIRECTOR ISLES:

Just briefly, the subject property was included in Master List II adopted by the Legislature in 2005. The subject property is outlined in red. There is a hatched area or white line and red shading indicating a portion of the property that will be retained by the owner. The County -- the resolution before you would then authorize the acquisition of the balance of the property, which is 6.1 acres. The purchase price as vetted through the Environmental Trust Review Board and accepted in the negotiations conducted by Real Estate is \$1,220,000, about \$200,000 per acre.

This is -- we -- in the Town of Smithtown, the County has continued to buy land, but quite frankly there are a couple of locations that we concentrated on. There really aren't too many more. There's the Nissequogue River corridor, the headwaters at Hauppauge Springs and so forth. And this is one that does fit into that program.

If you have any questions, we'll try to answer those questions.

VICE CHAIR D'AMARO:

Okay. Thank you for that explanation. I'll offer a motion to approve.

LEG. LOSQUADRO:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Losquadro. All in favor? Any opposed? Abstentions? Motion carries. **Approved (Vote: 4-0-0-1. Leg. Schneiderman not present)**

IR 2083, Adopting the State Environmental Quality Review Act Statement of Findings for the Final Generic Environmental Impact Statement on the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. (CE Levy) This is part of the SEORA requirement that the County, as lead agency, adopt a statement of findings. It explores the reasonable alternatives and other mitigation measures that were required under the state law, the SEORA process to be fully vetted and discussed and included in those statement of findings.

Director, is there something you'd like to say on this particular statement?

DIRECTOR ISLES:

Just that this has gone through many years of preparation and review and has been involved with extensive public comments. The findings we believe, are -- represent accurately that process in the recommendation coming through the process with the Aquaculture Program Advisory Committee, known as ALPAC. I do have joining me today, DeWitt Davies, who's the project manager for this

project. Certainly if you have any questions, we'll do our best to answer those.

Just the final point I'll make, Legislator Schneiderman sits on our Committee and has participated in many of those meetings. The scale of this project has been extremely important. There was testimony earlier by Mr. Charlie Murphy, which we respect his testimony concern for impacts to baymen and impact on wild shellfish harvesting and so forth.

A deliberate purpose of the program is to not only acknowledge existing aquaculture activities that are taking place on temporary assignments and grants that are limited to oyster species only to deal with that situation, but to also allow a very limited amount of growth to the tune of a maximum of 60 acres per year, out of a resource where the County has gotten authority for 110,000 acres from the State of New York.

So it's been a very deliberate careful process to find a fine balance between respecting and providing consideration for other users; baymen, commercial fisherman and so forth while allowing the continuation of the sustainable aquacultural activity, aquaculture, and modest growth.

Certainly, if you have any questions on the finding statement, we'll be pleased to address those questions.

VICE CHAIR D'AMARO:

Okay. Thank you. And that is what is before us today --

DIRECTOR ISLES:

Yes.

VICE CHAIR D'AMARO:

-- is the finding statements. I've had an opportunity to review it myself. It's quite extensive and really was well crafted I thought. I'm going to offer a motion to approve.

LEG. LOSQUADRO:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Losquadro.

LEG. COOPER:

On the motion.

VICE CHAIR D'AMARO:

On the motion, Legislator Cooper.

LEG. COOPER:

I know that it's only the statement of findings that's before us, but could either Director Isles or Counsel address what the ramifications would be if we did not move forward with the Lease Program?

DIRECTOR ISLES:

Here again, this is on the environmental side of it.

LEG. COOPER:

I understand.

DIRECTOR ISLES:

The next thing you will see, if we proceed, you know, if this is approved is then the actual program itself.

LEG. COOPER:

Right.

DIRECTOR ISLES:

That has to come to you for your acceptance of whether the County should conduct this activity. We would hope to get that to you in January, I think. That would then be your option to decide at that point if you want the program to proceed and under what terms and conditions and so forth. So this is not a -- this is an important step, the fact is, we can't go forward without this step, number one; but it's also not the end step and you will have the opportunity, as the Chair has indicated, this is on the SEQRA side of it, the environmental side of it. As far as the program, you will have a full opportunity to weigh in at that time as well.

LEG. COOPER:

Okay. So we'll defer until a later point.

LEG. LOSQUADRO:

And if I may, just to address what you raised earlier about some of the concerns raised about this program, the point of this after all is to restore that once thriving aquaculture economy that we had. Obviously, you know, we're never going to get back to those golden days of the shellfishing industry on Long Island where you could, you know, literally scoop them up with your hands. But I think this is a very important piece of Long Island's economy that has been missing as of late and I think we need to do whatever we can to support this and try to reinvigorate it.

DIRECTOR ISLES:

Good point.

VICE CHAIR D'AMARO:

Okay. There is a motion pending to approve. That has received a second. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

DIRECTOR ISLES:

Thank you.

VICE CHAIR D'AMARO:

You're welcome.

Last IR on today's agenda is **IR 2090, Appropriating funds in connection with the Brownfields Program, former wallpaper factory site in Lake Ronkonkoma (CP 8223).** (CE Levy)

LEG. BEEDENBENDER:

Motion.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

There's a motion to approve by Legislator Beedenbender, seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 4-0-0-1. Leg. Schneiderman not present)**

That concludes the agenda. There's a motion to adjourn, seconded by Legislator Cooper. We're adjourned. Thank you. Thank you everyone for your patience today with the Committee as well.

THE MEETING CONCLUDED AT 3:45 PM
{ } DENOTES SPELLED PHONETICALLY