

**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 August 10, 2009.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

William J. Lindsay, Presiding Officer  
George Nolan Counsel to the Legislature  
Ben Zwirn, Deputy County Executive  
Steve Tricaraco, County Executive's Office  
Kevin Duffy, Budget Review Office  
Robert Lipp, Budget Review Office  
Renee Ortiz, Chief Deputy Clerk  
Thomas Isles, Director of Department of Planning  
Lauretta Fischer, Principal Environmental Analyst, Department of Planning  
Jessica Kalmbacher, Planning Department  
Catherine Stark, Aide to Leg. Schneiderman  
Justin Littell, Aide to Leg. D'Amaro  
Paul Perillie, Aide to Majority Leader  
Linda Bay, Aide to Minority Leader  
Debra Alloncius, AME Legislative Director  
Dennis Brown, County Attorney's Office  
Marge Acevedo, Aide to Presiding Officer  
Richard Amper, Long Island Pine Barrens Society  
Diana Sanford, Suffolk County Department of Parks  
Ron Warren, Suffolk County Department of Public Works/Sanitation  
MaryAnn Johnston, ABCO  
Jane Fasullo, Sierra Club, LI Group  
William Stedemann, Sierra Club, LI Group  
Thomas McAdam, Appointee, County Planning Commission  
Jim Vaccaro  
Carl Gordon  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kim Castiglione, Legislative Secretary

**(THE MEETING WAS CALLED TO ORDER AT 1:15 PM)**

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agricultural Committee to order this tenth day of August, 2009. If you all will rise and join us for the Pledge of Allegiance to be followed by a moment of silence, so please remain standing. I'll ask Legislator Beedenbender to lead us in the Pledge.

**SALUTATION**

Please remain standing. I'd like to ask you to join us in a moment of silence in memory of Lance Corporal James Argentine, a Marine who was killed in Afghanistan last Thursday from the Farmingdale area, also a graduate of St. Anthony's. If we could send our prayers and prayers to the family as well.

**MOMENT OF SILENCE OBSERVED**

Thank you. I don't know that funeral arrangements have been announced. If anybody has that information I'll certainly announce it. I don't think the body has arrived back yet.

**PUBLIC PORTION**

Okay. I have several yellow cards for the public portion. I'll begin with Richard Amper from the Pine Barrens Society. Richard, you have three minutes to present your comments. Richard will be followed by MaryAnn Johnston.

**MR. AMPER:**

I know it must not be easy for you to be elected officials in these tough times, but I cannot tell you the level of frustration that we who are not in government encounter when we find ourselves constantly coming back to the Legislature on matters that the public has resolved at referendum. I know that your proposals are always -- or mostly to put them back on another referendum.

We had a very, very big battle back in 2004 over whether transferable development rights would be added to the Save Open Space Fund. And most of us thought they shouldn't be, but a majority emerged with a particular argument that there was such a need for affordable housing, and that it was such an important need that we ought to be able to do both, and yet it wasn't in the bill. The affordable housing reference wasn't in the bill, and so we in the environmental community argued please, if you must do this, and we don't think you should create these linkage that if we're going to preserve something we have to build something else, at least would you make it clear. Would you put it into a form that says it can only be used for affordable housing and then -- we'll hold our nose and we'll support it. The County Executive agreed to that and the Legislators agreed that they would do that and we had a huge news conference right down here in Smithtown on the water in the park. Everybody got together and everybody supported it because there was a commitment to use it for a particular purpose.

And now before you is a proposal to put it back where it was, where it could be used for, and this is good, Smart Growth. I don't know whether anybody really has a good definition of it, but the examples that we have seen, tall grass, sandy hills, those kinds of things, are about as dumb growth as you can find, so it's pretty ambiguous. And then it's for job creation. Well, we're all in favor of jobs, but can you just use these credits for anything that you can say might produce a job? And there was another one, economic development. It strikes me that this is very unspecific and it's saying you can use them for anything, just the way we tried to sell it to the public in 2004, and everybody agreed no, it could only be used for workforce housing.

I for one don't understand how these credits, given the current state of the economy, are going to be used for this purpose. I'm not sure that everybody is going to run on -- so I don't even know it's

going to produce the dollars. I have told you all repeatedly that we are very, very sympathetic of the need to deal with the economic problems that are facing this County, this State, and this nation. But the fact of the matter is we have a solemn trust with the public when we ask them to vote for something and we say this is what it's for. It's not fair to go back and say I know we promised you, but we are going to ask you to change your mind again.

So I would just like you to reconsider this. If you want to put up a tax, if you want to put up money to deal with the problems of the economy, fair enough. Ask the public whether or not they want to provide you with more money to deal with economic -- but don't take something that was for some purpose and make it something different.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Our next speaker is MaryAnn Johnston, followed by Jane Fasullo.

**MS. JOHNSTON:**

Good afternoon. My name is MaryAnn Johnston, I'm President of the Affiliated Brookhaven Civic Organization, representing some 40 civic organizations in Brookhaven Town. I come here to complain largely about the effort to betray the public trust. When the public approves a measure they don't do so lightly. They go into a voting booth and they say should this money be taxed to us to provide workforce housing. In my community, where I live, Mastic Shirley/Mastic Beach, there are over 1,553 homes presently in foreclosure. Presently. Just in an area -- three communities. I haven't bothered to look at the rest of Suffolk County, so realistically this is a jobs program. This is not about workforce housing. We have plenty of workforce affordable housing.

Beyond that, I would ask each and every one of you, did you not grow up in a home that encouraged you to save for a specific purpose? My family did. I had a piggybank. I also had a savings account. I had savings bonds. They were dedicated to the purpose of my education. No tough time was permitted for me to invade those savings funds, ever. I didn't grow up in middle class Suffolk County. I grew up in rural, poor Suffolk County. We heated our home with central heat from a coal fire. We didn't have running hot water during the summer. We took cold showers. But that money remained sacrosanct. I couldn't touch it. I couldn't take from it. I couldn't do anything that hard times like I need a new pair of shoes, I'd like to buy the hot lunch, permitted me to do. That money was set aside by my parents to teach me how to -- how to save for the future. And that's what the voters of Suffolk County have asked you to do repeatedly. Save for the future. You have to be more creative than this.

So I'm asking you a very minimum that this referendum define Smart Growth. We have seen everything but Smart Growth. Community development; what does that mean? We are going to build a village where there presently is no village? And job creation; what type of jobs? How long will they last? Are they short-term kicks, stimulus to an economy, or are they going to build something that 20 or 25 years from now someone can point to and say, "That's what we used that fund for". Frankly, that's what you get when you do open space and drinking water protection. Twenty-five years from now it's not a bring your own bottle party on Long Island, so I ask that you not do this. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Right on time. My last yellow card is Jane Fasullo. If someone else wishes to be heard from the public and has not yet filled out a yellow card, they can do so at the front table.

**MS. FASULLO:**

On my card I hoped to make it clear that I was here to speak to 1722, which is not being addressed. That is definitely an environmental issue which the Sierra Club has comments to make. However, on this other bill I do have comments as a resident of the town, not as a Sierra Club member, mostly because it does not address the environmental issue so directly.

My comments are this. I have looked extensively at Smart Growth and what it means. It means

that one has to have a certain percentage of housing in the affordable category. I've questioned very clearly with Peter Elkowitz what does that mean to him in terms of affordability. He said that's 80 to 120% of median income. Well, it's a nice statement, but unless you know that \$100,000 is median income, you do not realize that you have to have \$80,000 a year income to afford affordable housing.

But now I ask the question in terms of this legislation. It says workforce housing. I must ask you, what does that mean? Affordable is not what I interpreted it to be. Affordable is for my sisters or for my friends or for those people who are teachers that I have worked with who have 40,000, \$50,000 a year incomes. They hear affordable, they think they can live there. Working people hear workforce, they think they can live there. There is no definition within this law of just exactly what those things mean and it must be clarified. It must not be a bill of sale that doesn't have the divulgence of all of the details that are involved there.

And in terms of that, if you are going to do any sort of workforce or affordable housing in any project, you need to make sure that that continues over a period of time. If you make 20% affordable, but four years down the road those units are selling for the non-affordable prices, what has that accomplished? Thank you.

**CHAIRMAN SCHNEIDERMAN:**

I have no remaining yellow cards. No presentations scheduled. I see we are joined by Legislator Cooper now. I'm going to ask to take one resolution out of order, which is resolution 1680, because the individual is here. This is Thomas McAdam. So I'll make a motion to take 1680 out of order. Can I have a second?

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1680 is now before us. **1680, To reappoint member of County Planning Commission (Thomas J. McAdam)**. Mr. McAdam, are you here? I was told that you were.

**MR. McADAM:**

Yes, I am.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. All right. If you could introduce yourself to us.

**MR. McADAM:**

Yes. My name is Thomas McAdam. I live in the Town of Southold. I have been a member of the Planning Commission now for about two-and-a-half years. As you know, my resolution is up for reappointment. I just wanted to say that it's been a pleasure to serve on the Planning Commission for the past two-and-a-half years. The expert, professional staff under Chairman -- under Director Isles and the expertise and knowledge of the Commission members I believe makes the Planning Commission a positive force for Suffolk County today.

The Commission has a considerable amount of work to do ahead of us, vis-a-vis the comprehensive plan, as well as improving communications with each of the municipalities and the towns which we have accomplished considerably this year. So based on that, I would ask if the committee would approve my reappointment.

**CHAIRMAN SCHNEIDERMAN:**

If I could ask just one or two questions.

**MR. McADAM:**

Certainly.

**CHAIRMAH SCHNEIDERMAN:**

First of all, what expertise do you bring to the Commission, and in particular, does the -- your resolution require that this position be of a certain background? Some of the appointments are. There are some at large appointments and some that are specific to a knowledge base.

**MR. McADAM:**

Yes. My background is I worked in Suffolk County for the County Executive from about 1968 to 1997. I was -- I worked -- I left as Deputy Budget Director, so my expertise -- what I thought was on the resolution would be in government finance and budgeting. I am also a practicing real estate broker from 2001 to the present time with Prudential Douglas Elliman Real Estate.

**CHAIRMAN SCHNEIDERMAN:**

Is the position you're being reappointed to one of the positions that's reserved for somebody from the real estate industry or is it not? Oh, you're the Southold position?

**MR. McADAM:**

It's a Southold position.

**CHAIRMAN SCHNEIDERMAN:**

Well, but -- okay. I'm being told the Southold position, but there are geographic positions, but within those we still have to meet certain criteria.

**MR. McADAM:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Mr. Isles, maybe you can answer that. So he is the Village rep. No?

**DIRECTOR ISLES:**

There are seven positions that are required in the County Code that deal with occupational or expertise backgrounds for Planning Commission members. One of those positions includes someone with a background in real estate. There are two members of the Commission that potentially provide and satisfy that. Mr. McAdam is one as a real estate broker. In addition, Mr. Kontokosta, who is the other appointee before you, also fulfills that. He has advanced degrees in real estate. But certainly Mr. McAdam would serve to fill that as well.

**CHAIRMAN SCHNEIDERMAN:**

While you're there, Mr. Isles, in term of Mr. McAdam's attendance and participation at these meetings?

**DIRECTOR ISLES:**

The law requires that the members attend at least 75% of the meetings unless there is a bona fide severe hardship situation. We did review Mr. McAdam's attendance several months ago prior to this resolution being put together, and he more than adequately complied with the requirements and certainly I can give you the actual percentage if you would like that, but he was well above the 75%.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I have asked this question before to people who are actively involved in real estate because the Planning Commission often deals with zoning changes and land uses that could affect the value of a particular property or the properties that adjoin that. Have you had occasion or do you see occasion to recuse yourself from certain decisions? Could that be a problem with your service, or just if you could comment on that.

**MR. McADAM:**

I certainly can. I haven't had the occasion -- let me put it this way. My practice is basically in the

Town of Southold and parts of the Town of Riverhead. And up to this point I haven't had the occasion where there was any kind of conflict where I did have to recuse myself, but obviously if that did come up, or if my company was involved with a particular application, then I would recuse myself.

**CHAIRMAN SCHNEIDERMAN:**

Sure. Right, or you are selling a piece of property that will have a different value if a permit is granted for a different use. That certainly would create a financial problem. So, okay, just to be mindful. You know, obviously I wouldn't feel comfortable putting somebody on a committee that would have to frequently not participate, particularly on things that are in your area. So you're basically representing, though, that you do not see that.

**MR. McADAM:**

No, I don't see that as a conflict.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any other questions? Okay. Thank you, sir. All right. So we've put it before us. Why don't we call the vote on it as well. I'll make a motion to approve 1680.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

Mr. McAdam, if you are still here -- so you have been approved by the committee. It will be forwarded now to the full Legislature. I don't see any reason for you to have to attend the legislative meeting. Normally they will defer to the vote within the committee, so congratulations.

**MR. McADAM:**

Very good. Thank you, Legislators.

**CHAIRMAN SCHNEIDERMAN:**

Thank you for your service.

**LEG. BEEDENBENDER:**

Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Before we get to the agenda, might I beg the Chair's indulgence --

**CHAIRMAN SCHNEIDERMAN:**

Are you saying as a point of personal privilege?

**LEG. BEEDENBENDER:**

As a point of personal privilege, yeah. I know that there are a lot of bills before us, not all of them are in the Environment Committee, but given the setting I just wanted to have a brief discussion. And if I may, through the Chair, if I could have Mr. Amper come up. I think you could help us out because in addition to what you spoke about this morning obviously you have positions on other matters as well.

**CHAIRMAN SCHNEIDERMAN:**

I will grant this privilege.

**LEG. BEEDENBENDER:**

Thank you. Thank you. I guess where I wanted to start, we've had an e-mail exchange back and forth which has helped flush out where your position, my position is, etcetera. But I got to ask you a couple of questions, Richard, because I got a letter that was sent to the constituents in my district. I got it this afternoon right before I came here and the letter refers to --

**MR. AMPER:**

Can you excuse me for a moment?

**LEG. BEEDENBENDER:**

Yes, yes sir.

**CHAIRMAN SCHNEIDERMAN:**

Dick, I might suggest you go to the lectern because the mike will be constantly on whereas this you'll have to put -- you'll press a button when you speak and it can be a little distracting.

**LEG. BEEDENBENDER:**

Thank you.

**MR. AMPER:**

There were times when I wish I could just press a button, but not for that.

**LEG. BEEDENBENDER:**

What I want to ask you about, Richard, is the letter that apparently, I don't know how many constituents of my district it went to, but it refers to the Beedenbender Bill, which I'm not a prime sponsor on any bill that has to do with anything to do with the what you call raiding the open space. I am also no longer a cosponsor on 1709 because I have some fiscals issues that haven't yet been addressed. But in the letter -- I'll just quote it for a minute. It says, "But your County Legislator, Brian Beedenbender, has been working behind the scenes to come up with a clever scheme that makes it look like land purchases in drinking water will not be affected by this raid. So what Legislator Beedenbender is doing is not only bad for the environment, it's dishonest."

This is where I arrive at a little bit of a problem. I have spoken to you in the past and anybody else in the environmental community. I have been open and honest. When I have given you my word I have never gone back on it. We had a frank discussion about the Alden Bill and I said that I would not support anything that reduced the pot of money for open space. And I was, to my word, I voted to table that bill because I don't think it's appropriate. I am in support of having some assistance for the General Fund.

And what I really don't appreciate is that we haven't voted on a bill. There are proposals which everybody knows are in flux until 5:00 today while we get it. And you sent a letter to I don't know how many of my constituents and you told them that I'm dishonest. That's a problem for me. Let me just finish. The reason it's a problem is because I'm a Suffolk County Legislator. In the grand scheme of things I'm not that important. But there is a group of people in my district that did vote to put me in office and you told them that I was dishonest. You can tell them that my public policy is wrong, you can tell them that my approach is fiscally irresponsible, bad for the environment. That is your prerogative and you have been an advocate for the environment for a long time. But you told them that I'm dishonest. I would like either an explanation or an apology.

**MR. AMPER:**

Okay. I'm happy to do that, and I think that your colleagues should listen. The copy of this resolution was sent to us explicitly saying it was being introduced by the Presiding Officer at the request of the County Executive and listing three and only three sponsors. You, Legislator Barraga, and Legislator Stern. After the Alden matter, and we worked very, very well with I think everybody

who's sitting around this to make it clear that we did not want money taken, moved away from open space. We did not want what I want to call the General Operating Budget of the County to be being paid for by a dedicated fund that the public still thinks a whole quarter penny goes to open space preservation and drinking water protection.

Most people, without in any way being critical of Mr. Alden, said we are not going to support that. This committee, I think, responsibly tabled it and it may -- it may come back, but it seemed to have disappeared. But among all of your colleagues you were the only one who made it a point to continue to communicate with us that you were working to find other ways to do what we didn't want you to do, and that is to pay for the cost of running the County with money the public thinks they put up voluntarily for drinking water protection. That made you different from them, and then you sent an e-mail to me. It says -- let me get the right -- "The money that is being used to provide assistance to the County Operating Budget is being taken from Sewer Stabilization Funds. Moreover, the proposal does not contemplate taking one cent for open space acquisition, but instead proposes to provide more funding for open space acquisition."

Well, the County Executive has had a bunch of us on the phone for the better part of two weeks trying to explain how the environment is actually benefitting. We are going to lose \$20 million someday, but we are going to get \$50 million today. And, you know, I'm the first one who says, "Boy, we ought to be buying the land now while it's expensive and before it's gone." But this doesn't work and we have had conference call after conference call, and we are not talking about the Pine Barrens Society being annoyed at somebody. We are talking about the Nature Conservancy and the Group for the East End and Citizens Campaign for the Environment. I think you people on this committee know all of the people associated with those groups, and no disrespect intended, I don't think the environmentalists are being offered a gift only to have it thrown back in the face of the people who are sponsoring the legislation. They apparently, we apparently, all of us apparently understand that we're not -- Mr. McDonald particularly was told over and over again by a member of the Administration you're getting \$51 million. Now, Mr. McDonald was going to get \$51 million for open space preservation. We were all in favor of that. But Mr. McDonald wasn't, the Legislature wasn't.

We have been dealing with the Legislature on this issue for quite some time. The Suffolk Legislature has already raided this fund three times in the past. The County Executive has not done his part to honor his commitment to the preservation of 25,000 acres of open space and 10,000 acres of farmland. Many of you promised to replace -- said, "Please, would you environmentalists, you have to understand, we have bond ratings, we have a tough economic time, can we just suspend purchases under the Legacy Fund and the Multifaceted Program, and in return we'll buy more land out of the quarter penny sales tax because it's not impacting our budget." And we said, "Well, that's a reasonable request." And now we are -- in fact we have preserved less land.

When we tried to re -- extend the quarter penny sales tax back in 2007 we dealt with a bunch of folks who said, "No, we want this money to go into sewers." It's been really quite an ongoing battle. And then this past spring with the Alden Bill we ran the risk of losing some 50 million, so the confidence levels aren't there, and then they got compounded by maybe some of those things that are causing you to reconsider your position. That is that while the Administration says that the sales tax has been declining and therefore the amount of money has been reduced from 320 million to 229 million, not this year, it's declined, we are going to lose \$90 million this year, that is projecting, the basis for this projection is that it will stay the way it is for 20 more years. I know the economy is bad and you people are working very hard to fix it, but I don't think anybody thinks that's happening.

**LEG. BEEDENBENDER:**

I don't think that it's happening either, Mr. Amper, but I, you know, not to get into the -- I don't think you're being offered a gift. I would not personally parse it that way.

**MR. AMPER:**

You know, it says that -- your e-mail to me said that it was for the purpose of increasing open space preservation.

**LEG. BEEDENBENDER:**

But how can you --

**MR. AMPER:**

That's dishonest.

**LEG. BEEDENBENDER:**

Mr. Amper -- Mr. Chairman, I'm sorry.

**CHAIRMAN SCHNEIDERMAN:**

No, I'm sorry. We have a stenographer; only one person will speak at a time. And I would like to recognize that person. I think, Legislator Beedenbender, this is your opportunity to respond. But the back and forth is not fair, it's not good public discourse, and it's also not fair to the stenographer.

**LEG. BEEDENBENDER:**

And I won't take too much more time of the committee. I don't think that it's dishonest, Mr. Amper, and I'll explain why. Yes, over the life of the program undoubtedly by making this move there will be \$20 million less. That is correct. It is an undisputable fact. You have said that and I will agree with you on that. The premise --

**MR. AMPER:**

I'm not asking for an apology.

**CHAIRMAN SCHNEIDERMAN:**

Again, one at a time. I will recognize you each.

**LEG. BEEDENBENDER:**

The premise for the 2007 referendum was that we should borrow as much money as soon as possible to buy the land while it's around, and to the other benefit now, it's cheaper. So that was a premise that we wanted to get as much money upfront while the land existed because if we waited ten years the land wouldn't be there anymore, right?

**MR. AMPER:**

You're sitting in front --

**CHAIRMAN SCHNEIDERMAN:**

Okay. So now we are going to switch.

**LEG. BEEDENBENDER:**

No, no.

**CHAIRMAN SCHNEIDERMAN:**

You are asking Mr. Amper, you say right, I take that as not rhetorical but you are asking now --

**LEG. BEEDENBENDER:**

I'll take my question back. I believe that --

**MR. AMPER:**

No, it's been raised, and I want to say that you are pretending in front of your colleagues that the purpose of all this work that has occurred since the Alden Bill was for the purpose not of providing money to the General Fund, but to enhance open space preservation.

**LEG. BEEDENBENDER:**

No, I am not pretending. Rich, I am not pretending.

**CHAIRMAN SCHNEIDERMAN:**

It's getting out of hand, okay. This is a point of personal privilege, this is not on the agenda. I want Brian, I want you to have your ability to make your point. I understand that you have been attacked in this letter or feel attacked in this letter and mischaracterized and you have made the point clear. Mr. Amper has had a moment to respond to that. If you could make your final comment and let Mr. Amper make his final comment. I'd like to get back to the agenda. Thank you.

**LEG. BEEDENBENDER:**

I will clarify further I am not pretending that the genesis of this was to provide more money for open space. The genesis was to provide Operating Budget Funds. However, included in this proposal is additional money. That is what I attempted to explain in the e-mail that I communicated to you. That is what I've explained to my constituents who have called me. That is what I have explained to my colleagues who have discussed this with me. It takes money from sewer stabilization for the Operating Budget, which over the life of the program will take \$20 million away from open space preservation. However, depending on how much more you borrow upfront, the County Executive has proposed 51 million; I might like a number a bit lower than that because it still provides us a cushion so we don't have to go into the Operating Budget. It will provide more money upfront. And it's a reality. It wasn't our fault, it wasn't your fault, it wasn't anybody's fault. The economy has resulted right now in a projection that we can bond less to purchase open space.

I would love to purchase as much as we possibly could. I'm just saying that no, this program isn't a gift to you. We didn't come to you and say we had a problem, we're going to fix it just to get more money. We went to the Operating Budget, but included in it, because we understand that the environmentalists for a long time had advocated before this Legislature and within Suffolk County that preservation is the right way to go for Suffolk County, both for our economy, both for our environment, and both for our citizens, and I have agreed with you in the time that I've been here. So I am not arguing with you about that and I don't wish for there to be an understanding that I'm anti-environment. What I'm saying is that this proposal, while it includes something bad, it includes something good. And I think we should -- in my estimation. It includes some additional money for open space, while it does take, over the life of the program there will be a little bit less, but it's a reality. If we don't do it, then when we are running out of the time that we can bond under the referendum, we will not have borrowed as much as we could. We will not have purchased as much as we could.

**CHAIRMAN SCHNEIDERMAN:**

I expect this bill to be fully debated in committee, it's not in this committee, but I will allow Mr. Amper the last word, if you can be brief. Then I'd like to get back to the agenda. Thank you.

**MR. AMPER:**

Your suggestion that we would have to bond up to 100% rather than the 80% that was anticipated, I don't think that Bond Counsel will recommend that. I don't think many of your colleagues are going to say we can do that. So I think that was not real and disingenuous.

The Legislature -- this Legislature cannot bind future Legislatures, so a commitment made today could be very much like the commitment that was made back in 2004 that the TDR's would only be used for affordable housing. We are losing faith because the voters vote for something explicitly and they get something else. The Legislature's only bonded a fraction of what it could. Projected over 20 years I don't believe we are all going to look at -- boy, we're in bigger trouble than the Open Space Program if we really believe that the sales tax money is not going to get better over the course of 20 years. And there is no guarantee that the land purchases won't actually continue to decline. That's what has caused us the concern. That's what produced the distrust.

And I would just leave with a question, and that is, is it your or Mr. Levy's position that you know

what is good for the environment when none of the rest of the environmental community thinks that you do? If this was such a good deal, why can't we find anybody who likes it except members of this Legislature? I'm suggesting maybe you shouldn't. Maybe you go back and you look at it and you say this isn't the right way to go. The County Executive said he would not advance this measure if the environmental community did not support it. We don't. Please let's not fight this out between now and November and urge people to vote no and finger point and so forth. Just do what the County Executive promised and say we are going to withdraw it, never mind, we'll find another way to deal with the economy. That's all I'm asking.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Mr. Amper. We're going to move to the agenda. I'm going to start with tabled resolutions.

**LEG. BEEDENBENDER:**

And thank you, Mr. Chairman.

**TABLED RESOLUTIONS**

Starting with ***1138, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Lang property - Town of Shelter Island) (SCTM No. 0700-018.00-030.00-004.000). (Romaine)***

I will make a motion to table. Seconded by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0)**

Moving on to ***IR 1418, Adopting Local Law No. 2009, A Local Law to reduce the use of disposable bags by retail stores. (Viloria-Fisher)***. Was that recessed or was that closed? That was closed, that public hearing? I'll make a motion to table. I'm reaching out to my constituents to see their feelings about the five cent fee on plastic bags, so.

**LEG. D'AMARO:**

I'll second the motion to table.

**CHAIRMAN SCHNEIDERMAN:**

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

***1573, Authorizing the planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007 (Dreeben property - Town of Southampton). (Schneiderman)***. I need more time on this one, too. This is my own, so I'll make a motion to table.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Tabled. **(Vote: 5-0-0-0)**

***1592, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the VW Enterprises LLC property - Mitchells Lane Farm - Town of Southampton - (SCTM No. 0900-050.00-01.00-005.000). (Co. Exec.)***

**LEG. BEEDENBENDER:**

Mr. Chairman, at the last committee meeting I believe it was me that had a conversation with Mr. Isles about whether or not there might be town involvement. I think that's why we tabled it. So if I may, may I ask Mr. Isles if he has any response?

**DIRECTOR ISLES:**

We have. Through the Division of Real Property Acquisition and Management we were informed by the town that they, at least unofficially, will support to the point of ten percent of the acquisition cost, is my understanding. I'll defer to Real Estate for any other questions specifically on that.

**CHAIRMAN SCHNEIDERMAN:**

So now we have a judgement call. So we have participation; it might not be as much as we'd like.

**LEG. BEEDENBENDER:**

Do we need -- we need something -- well, we need something in writing from them and we have to alter the resolution to do that, correct?

**DIRECTOR ISLES:**

I believe we would.

**LEG. BEEDENBENDER:**

Okay. Well, Mr. Chairman, I would love it if it was higher, but I'll take ten percent. It's almost -- ten percent is almost a million dollars in this situation, so that is a good partnership. I would offer a motion to table just for the purposes of amending the bill to reflect that.

**CHAIRMAN SCHNEIDERMAN:**

I would just ask that we discharge it. Can we amend it before it hits the floor or get a letter?

**LEG. BEEDENBENDER:**

The amendment would have to be by five o'clock today.

**CHAIRMAN SCHNEIDERMAN:**

Does the resolution preclude us from taking a partnership?

**MS. LONGO:**

The Town of Southampton, the Town Board has agreed to do ten percent of this acquisition.

**CHAIRMAN SCHNEIDERMAN:**

And they have done that by Board resolution?

**MS. LONGO:**

I know that the Town Board met and I would have to go ask the Town Attorney, which I will do as soon as I get back to the office, and get something faxed over.

**CHAIRMAN SCHNEIDERMAN:**

So I'm just recommending we discharge it without recommendation over tabling. Legislator Losquadro.

**LEG. LOSQUADRO:**

To Legislator Schneiderman's question, though, would the resolution in its current form preclude us from accepting monies in the form of partnership?

**MR. NOLAN:**

Whenever we have had a partner in an acquisition we always put in the terms of the agreement what the percentage split is going to be, what the ownership makeup is going to be. I can't remember ever doing a resolution where we have a partnership without putting that in the resolution.

**LEG. LOSQUADRO:**

Okay. That's what I'm saying, it has to be in the resolution.

**MR. NOLAN:**

It should be in the resolution.

**LEG. LOSQUADRO:**

Not just in the purchase agreement.

**MS. LONGO:**

Yeah, and we're in the process of obviously the contracts need to be changed as well adding the Town on to the contract, so --

**CHAIRMAN SCHNEIDERMAN:**

Okay, but we can amend the resolution today by five, so if you want to pass over it we can come back to it, we can get an amended copy. We table it and we hold off 'til two weeks. I'd rather move it forward. What's the pleasure of the committee?

**LEG. COOPER:**

I have a question. Tom, do you happen to know what source of funding would Southampton be drawing the \$1 million from? Is that an open space fund or do you know what they would be using?

**DIRECTOR ISLES:**

They typically use the Community Preservation Fund, which is a real estate transfer tax generated fund. In this specific case I'll defer to Real Estate. I'm not aware of the source of funding, but I would assume it was that.

**MS. LONGO:**

Yeah, they just use CPF.

**LEG. COOPER:**

So it is CPF. Do you know how much money they have in the CPF Fund at this point?

**MS. LONGO:**

No, I don't usually ask them. I just ask them for a commitment and --

**LEG. COOPER:**

I'm just wondering whether a million dollars, is that indeed, is ten percent a fair share for the Town. I mean, that's -- I know that there were open space acquisitions in my district where the town offered only ten percent and I rejected to partner with them. I didn't think it was high enough.

**MS. LONGO:**

To tell you the truth, Southampton has been very cooperative with us. Normally we do 50/50 on acquisitions. A lot of the farmlands we are usually 70/30. There was a point in time when we didn't have the money and we actually negotiated a 60/40 with the Town paying 60 percent, so they've always been very, very good and cooperative with, you know, all of these acquisitions. And at this point I asked, you know, how much they could help out, and they came back and said really all they could do at this point is ten percent.

**LEG. COOPER:**

Did they explain why? Is that all that they want to do or the money is otherwise committed.

**MS. LONGO:**

Because their money is committed. All their CPF funds are committed. So, you know, there may be an acquisition that's going to close a little bit later than anticipated so they can -- you know, it is always first come, first serve, so. I don't know, I don't usually get into that kind of detail with the towns. I just get a commitment from them and then a resolution from the town board and then move forward.

**CHAIRMAN SCHNEIDERMAN:**

Some of these towns, too, have borrowed sizably against future proceeds, I think probably over \$100 million in Southampton, and it's possible with CPS funds coming in at half of what they were they don't have a lot of money anymore to do these kinds of things. But Counsel is asking for a little bit more time than the day would allow, so I will support tabling and that will allow us to produce I guess maybe a town board resolution from the town.

**MS. LONGO:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

That could be part of the record, so I'll support tabling if somebody wants to make that motion.

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Beedenbender, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? So we are tabled. That was 1592. **(Vote: 5-0-0-0).**

***1603, Authorizing the commencement of Eminent Domain Proceedings for the Bavarian Inn property, Town of Smithtown. (SCTM No. 0800-171.00-05.00-015.000). (Kennedy).***

**LEG. D'AMARO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator D'Amaro.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. Any discussion? All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0).**

Legislator D'Amaro is I guess making a motion to take 1699 out of order.

**LEG. D'AMARO:**

Yes, so moved. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Legislator D'Amaro has moved to take 1699 out of order. I will second. All in favor? Opposed? Abstentions? 1699 now before us. ***1699, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Vaccaro and Gordon property - Carlls River watershed addition - Town of Babylon - (SCTM No. 0100-017.00-02.00-024.000). (Co. Exec.)***

**LEG. D'AMARO:**

Thank you, Mr. Chairman. I believe the owners of the property are here and that's why I'm asking to take it out of order. It's an acquisition resolution under the Old Suffolk County Drinking Water Protection Program for property located in Town of Babylon, part of the Carlls River watershed. I'll offer a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There is a motion to approve by Legislator D'Amaro, second by Legislator Beedenbender. Commissioner, if you will provide a background on this property.

**DIRECTOR ISLES:**

Thank you. Very briefly, this parcel is identified on Master List II, which was approved approximately four years ago. The subject property is located in the Town of Babylon along the Carlls River corridor. This is actually part of the headwaters of the Carlls River, so this is the northern limit of the river itself. Carlls River is the river that flows down into Belmont Lake through Belmont Lake State Park and obviously into the Great South Bay in the south shore estuary.

The subject parcel is outlined in the red on the aerial photograph before you. Here again, it's directly adjoining other County lands. It is obviously a heavily impacted river corridor with development, so the purpose of Master List II was to protect the remaining stream corridor, river corridor, as much as possible. In this case, the County, I think, has been very successful accumulating these parcels and this would complete the acquisition on the northern end here.

The purchase price as indicated through the ETRB process is \$75,000. If you have any questions we'll do our best to address those questions. By the way, it is .52 acres adjoining other County land.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any questions for Director Isles? Okay. There was a motion and a second to approve. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

**LEG. BEEDENBENDER:**

You're good.

**LEG. D'AMARO:**

Thank you, Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

I did receive one additional yellow card. It was a speaker who already addressed us but failed to mention another thought or another comment on one of the resolutions that's before us. I said I would give her one minute. If Ms. Johnston would step forward.

**MS. JOHNSTON:**

Thank you very much, Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

I'm just going back to public portion for just one minute so that she can make her comment on the other bill she was concerned about.

**MS. JOHNSTON:**

It's appropriate that I speak on 1686, the resolution after 1699. I grew up on Tooker Avenue in West Babylon. The genesis of my being an environmentalist was a lake that existed at the end of my block called Beaver Lake. We hiked through the swamp and the bogs and swam in that lake and skated on it in the wintertime. And one day, when I was about ten, we entered the end of the woods to just empty sky. The lake had been filled in, and an apartment house was going to built on it.

So any efforts that are made to preserve the wonderful greenbelt that lies along the Carlls River from Belmont Lake to Argyle Lake and out into the Great South Bay and the along the Santapogue Creek, which was the system that fed Beaver Lake, and still floods the apartments to my chagrin.

So I thank you very much and I hope that you would pass this. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Thank you.

### **INTRODUCTORY PRIME**

So we are back now at our Introductory Prime Resolution 1639, is I believe where we left off. **1639, Making a SEQRA determination in connection with the proposed Department of Public Works sludge thickening enhancement at Sewer District No. 7 - Medford, wastewater treatment facility, Town of Brookhaven. (Pres. Off.)**

**LEG. LOSQUADRO:**

Motion to approve and place on the consent calendar.

**LEG. D'AMARO:**

Second.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Losquadro, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? So that is approved and placed on the consent calendar. **(Vote: 5-0-0-0)**

**1651, Adopting Local Law No. 2009, A Charter Law to authorize the use of development rights for smart growth, community development and job creation. (Lindsay).** There is a public hearing. It needs to be tabled for the public hearing.

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

A Motion to table by Legislator Losquadro, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Tabled. **(Vote: 5-0-0-0)**

**1653, Making a SEQRA determination in connection with the proposed Department of Public Works main plant improvements at Sewer District No. 5 - Strathmore Huntington, Town of Huntington. (Pres. Off.)**

**LEG. D'AMARO:**

Motion to approve and place on the consent calendar.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve and place on the consent calendar by Legislator D'Amaro, second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

**1654, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Overton Preserve - Belonzi property, Town of Brookhaven. (Pres. Off.)**

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second. All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0)**

**1655, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Overton Preserve - Stanton Avenue, LLC property, Town of Brookhaven. (Pres. Off.)** This is the Stanton Avenue property. The last one was the Belonzi property. Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**1656, Making a SEQRA determination in connection with the proposed renovations of the Elwood Schoolhouse/Little Red Schoolhouse, Town of Huntington. (Pres. Off.)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**1660, Accepting and appropriating 100% State grant funds from the New York State Department of Environmental Conservation to the Suffolk County Department of Health Services for the Peconic Bay Estuary - Submerged Aquatic Vegetation Program. (Co. Exec.)**

I think I'd like to make this motion. This is, again, to place it on the consent calendar as well. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

**1663, Making a SEQRA determination in connection with the proposed Department of Public Works Sewer District No. 1 - Port Jefferson, Interceptor Replacement (CP 8122), Village of Port Jefferson. (Pres. Off.)** Motion by Legislator Losquadro, second by Legislator --

**LEG. LOSQUADRO:**

To approve and place on the consent calendar.

**CHAIRMAN SCHNEIDERMAN.**

-- Cooper to approve and place on the consent calendar. All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0)**

**IR 1679, To reappoint member of County Planning Commission (Constantine E. Kontokosta). (Co. Exec.)** Is there a motion?

**LEG. D'AMARO:**

Motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, second by Legislator Cooper. On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Just, Mr. Isles, a similar question. The individual has met the attendance requirements set forward?

**DIRECTOR ISLES:**

He has.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

For the record, I should ask if this individual is present. I believe not, though. It's a reappointment so it's not necessary if the committee feels comfortable with moving forward. Mr. Isles, any other comments you could make in terms of this person's participation?

**DIRECTOR ISLES:**

He has met the 75%. He is the Vice Chair of the Planning Commission at this time. He has a stellar background in both planning and real estate. And he has, in my opinion, he has fulfilled his duties under the County Charter.

**CHAIRMAN SCHNEIDERMAN:**

Okay. All right. Sounds excellent. We had a motion and a second to approve. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

1680 we already took care of, so we're moving on to 1685.

***IR 1685, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Eastport Property Development LLC property - Town of Brookhaven - (SCTM Nos. 0200-593.00-01.00-009.000 p/o and 0200-593.00-01.00-010.000). (Co. Exec.)***

There's aerials being distributed. Commissioner, while we take a look at this and the rating form, if you could provide us some background.

**DIRECTOR ISLES:**

Right. The subject parcel is located in the Town of Brookhaven. And the subject parcel is currently used as a sod farm. It is in the Hamlet of Manorville. It is at the -- generally located at the northwest corner of Sunrise Highway and Eastport Manner Road, also partially adjoining Moriches Riverhead Road. It's a location that has high visibility of about 52 acres presently used in farmland, another five acres that are proposed as a cut out. The acquisition price is \$70,000 per acre having gone through the ETRB process and accepted by the owner. Total acquisition cost at the 52 acres would be \$3,640,000.

Let me also point out that there was an amended resolution filed on this acquisition recently and what it acknowledges is the County did apply for a grant, a New York State grant. We were awarded that grant and we're in the process of finalizing a contract with the State to receive that grant. So we can't guarantee that that will be one hundred percent sure that that will happen, but we think it's highly likely. If that's the case, the State would put forward about 29,000 an acre towards the acquisition, which is about one and a half million dollars -- one and a half million to 1.7 million, depending on the final acreage.

So with that, then the parcel was reviewed by the Farmland Committee some time ago, but it received a passing score. Certainly at that point we have an acceptance of the offer from the owner. The resolution has been amended to acknowledge the grant and to allow that to be applied to this property if the final negotiations of the grant are successful. If you have any questions we'll do our best to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

First I'll make a motion to approve and then I --

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve by Legislator Losquadro.

**LEG. D'AMARO:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. Okay. On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

On the motion, that was actually going to be my question. I looked at the fourth resolved clause on this. My question was what if we don't get the grant. I'm very much in support of this. You know, we've had this discussion, regardless of crop on these parcels, you know, these parcels make wonderful development tracks we have seen that through large areas in my district unfortunately, areas that were once open vistas now crowded with houses. If for some reason the State were to renege, we have been awarded the grant, we finalized the contract process but, who knows what can happen. If for some reason the State were to renege on that grant, does the language in the bill allow us to continue with the contract process and complete the purchase ourselves.

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

That's all. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Any other discussion? There's been a motion to approve and a second. If there is no further discussion, all in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**.

***IR 1686, Authorizing the acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the MLO Great South Bay, LLC property - Santapogue Creek addition Town of Babylon - (SCTM Nos. 0100-222.00-01.00-001.002 p/o, 0103-020.00-03.00-052.003 p/o and 0103-016.00-04.00-074.000). (Co. Exec.)***

We just had a speaker speak on this. Laretta is distributing an aerial and the rating. Maybe not the rating, just aerials. All right. Commissioner Isles, if you could provide some background?

**DIRECTOR ISLES:**

Yes, I will. As indicated, the subject parcel is part of the Santapogue Creek corridor. The subject parcel is within -- partially within the Village of Lindenhurst and the rest is within the Hamlet of West Babylon, all of it within the Town of Babylon. The acquisition totals about 25.75 acres. It is directly, as I said, in the stream corridor. The red line on your map indicates the proposed acquisition area. The solid red line, let me point that out. Secondly, the blue lines indicate the freshwater wetlands boundary, so you can see almost the entire acquisition area is considered wetlands.

The acquisition before you is one that would involve a subdivision of this lot from the, or division of this lot, from the main part of this parcel, which is developed as a shopping center. It was developed quite some time ago. The acquisition is looking at an acquisition cost based on the ETRB review of \$7,700 per acre for a total cost of \$198,321 based on the acreage estimate at this point. The acquisition is one, therefore, that does assume any development potential of this property due to the wetlands impact of the property. It is one that it was included on Master List II and the reason for including it on Master List II was that as with the Carlls River corridor, this is a little bit to the west of that, the Santapogue Creek corridor is one that has been heavily impacted by development. There are small areas that can be protected from development, including areas to the south of this property, which you can see a little bit of in the map before you, which I believe goes down to Bergen Point and that area right there. Here again, other County lands in that location.

So in summary, the acquisition is slightly over 25 acres, a price of less than \$200,000. Looking at the wetlands value of the property itself and giving the County the ability to consolidate holdings to provide for better management of this property, and also to provide for possibilities of perhaps storm water remediation using a County 477 Water Quality Improvement Program. If you have any questions, we'll do our best to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

Have we made a motion on this? I don't think so. I'll entertain a motion.

**LEG. D'AMARO:**

Motion to approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

A motion from Legislator D'Amaro, second by Legislator Losquadro. Any discussion? Okay, there's no discussion? All in favor? Opposed? Abstentions? Approved. 1686 is approved. **(Vote: 5-0-0-0)**

***IR 1696, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Passionist Monastery of Our Lady of the Isle property Town of Shelter Island). (Romaine)***

**CHAIRMAN SCHNEIDERMAN:**

I guess I'll make a motion on this.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconding the motion is Legislator Losquadro. Thank you. Commissioner?

**DIRECTOR ISLES:**

The subject parcel is located in Shelter Island and is approximately 24 acres in area. We have outlined it on the aerial photograph before you in red. What we've also provided for you is an oblique area which is an aerial taken in an angle, which is attached to this, which we believe gives you a better perspective, literally, on this property. As you can see, the property is predominantly clear. It consists of lawn areas, driveways, a number of buildings, including several large buildings, and a tennis court and ancillary facilities. The area to the north end of the -- or pardon me, the top of the oblique aerial, which is actually the south end of the property, is land that's predominantly owned by DEC for conservation purposes.

The resolution speaks of an acquisition, or pardon me, planning steps approval for consideration of an active recreation active parkland type of use. We are not -- we do not know what the sponsor has intended for active recreation use and we have provided to the sponsor our active recreation questionnaire to request additional information about the intended use.

The questions to the Planning Department at this point would be the intent of the sponsor in terms of the use of the property, specifically the use of the buildings, are they proposed to remain, what would be their use, what would be the cost to prepare them for that use, if there is any cost associated with any upgrades, capital improvements and so forth, what are the operating costs, and so forth. We have requested that at this point, and here again, this bill with filed or laid on the table last week. We are awaiting that information and then we'll complete an evaluation form which we have not done at this point. That's about as far as we are able --

**CHAIRMAN SCHNEIDERMAN:**

So it sounds like it's premature. Do we have a motion to table?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cooper to table, second by Legislator Beedenbender. All in favor? Opposed?

Abstentions? So tabled. (Vote: 5-0-0-0)

***IR 1697, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Long Island Beagle Club property Town of Riverhead). (Romaine)***

**LEG. BEEDENBENDER:**

Mr. Chairman, while it's getting passed out can I -- Mr. Isles, this sounds familiar. Have we seen this before?

**DIRECTOR ISLES:**

Yes, you have. There was a bill approved in 2005, sponsored by Legislator Caracciolo at that time. I believe there was a subsequent bill put in in 2007, I believe, that was not acted on as I recall. But this is one that there had been prior approval under the SOS Program, which of course is an expired program at this point.

**P.O. LINDSAY:**

Mr. Chair.

**CHAIRMAN SCHNEIDERMAN:**

Yes, the Presiding Officer has asked for a moment.

**P.O. LINDSAY:**

Mr. Isles, just to lean on your institution history here, why did the acquisition not go forward in the prior attempts?

**DIRECTOR ISLES:**

From the best information I have for recollection is that the program expired. So this was part of SOS and by the time it got to the point of that part of the process as I understand it, we can defer to Real Estate if they have more information, perhaps different, that I believe it was termed out or timed out at that point is my understanding.

**CHAIRMAN SCHNEIDERMAN:**

Tom, there is a couple of buildings on here but it's mostly open space, right?

**DIRECTOR ISLES:**

Yes. We have provided an oblique aerial on this one as well, which does show those buildings, which are located along Edwards Avenue. One appears to be a clubhouse on the front of the property and there are two support structures, which appear to be barns and storage sheds and so forth. This takes up a couple of acres. The balance of the property is, to our knowledge, there are no other buildings.

**CHAIRMAN SCHNEIDERMAN:**

Is the plan to tear them down or to carve them out or to use them?

**DIRECTOR ISLES:**

We're not aware of the sponsor's intention on the buildings.

**CHAIRMAN SCHNEIDERMAN:**

I can't see the County operating a Beagle Club, so.

**DIRECTOR ISLES:**

They could be cut out, you know, certainly, if the County wanted to consider that.

**CHAIRMAN SCHNEIDERMAN:**

They could be cut up. There is a lot of open space here. In that open space is it farmland or is it grasslands? I mean, not grassland as in savanna, but I'm talking about lawn area.

**DIRECTOR ISLES:**

The subject parcel in terms of the size is about 150 acres. It's located along the west side of Edwards Avenue, just south of Sound Avenue, in the Hamlet of Calverton in the Town of Riverhead. As far as the condition of the property, the property was a former farm field from the information we have. It is now seceded, it is overgrown with brush and trees, relatively small trees, but brush and trees. It has been used by the hunting club for a number of years, or training club, the Beagle Club. But in terms of the vegetation I'll defer to Laretta on this a little bit more if you want it. There's a small area of lawn up front by those buildings. To our knowledge, the rest of the property is overgrown field area.

We did do a rating, which is attached to the package before you, and it achieved a rating of 18 points based on the information available to us at the time of review last week. It did receive eight points for being in a special groundwater protection area, and it received eight points for the size of the parcel, being above a certain threshold on the County's rating, and it was also two points for being on a scenic roadway. There is also, in some of the information supplied by the sponsor, there was reference to, and attached to the resolution, there is reference to a possible presence of a Coopers hawk on the property. That is a species of special concern. We were not able to verify that at this point with any of the information we have. If that were to be applied that would add five points to make it 23 points. So these forms are always subject to change based on information, but based on the information we can verify as of last week, it received 18 points.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And if there was town participation here or even in the management of the property that would also give it some points, right? It would give an additional five points if the Town of Riverhead managed the property?

**DIRECTOR ISLES:**

We are not aware -- the answer is yes. There would be additional points if the town were to participate. We're not aware that the town has an interest in participating in this at this time.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

I just wanted to -- we can see very clearly from this map the large holdings to the west of this property. If my memory serve me correctly, just off this map is also farmland development rights that both we and the town own to the east of there also. And this area where we have -- thankfully we have been successful in picking up a large amount of land, and this a large block right in the middle of that. I just want to point that out for everyone's consideration.

**DIRECTOR ISLES:**

And just you know, that those large tracts of green are purchase of development rights so they are for farmland purposes solely. They are still privately owned but the County owns the development rights. The town owns development rights that are outlined in the yellow. The concern that we had for this four years ago when it originally came up as well as today is that environmentally the site itself doesn't have a lot of environmental diversity. It has old field vegetation and that's about it from the examination we've conducted thus far. So in terms of our standard criteria, which is to look for wetlands, looking for coastal areas, looking for diverse natural habitat and so forth, this was not one that ranked high with our review and our feelings in the County Department of Planning. The SGPA is one consideration. The proximity to other open lands, as pointed out by Legislator Losquadro, is another. But just to give you further background from the environmental review conducted by the department.

**CHAIRMAN SCHNEIDERMAN:**

Aside from the potential for some Federally protected bird, you said there was I think a hawk on

here, might this property be better off restored to farmland? It seems like a lot of farmland in that area and maybe if it was looked at as a future farm, you know, a purchase of development rights and a farmland parcel, it might make more sense than reviewing it just as a standard open space.

**DIRECTOR ISLES:**

That certainly a possibility. It would certainly, you know, let's say there's not a species of special concern on there, then the conversion back to farmland would be very compatible with the adjoining farmland and I think would achieve a high score under the County's Farmland Program.

**CHAIRMAN SCHNEIDERMAN:**

I think this needs to be discussed with the sponsor. Okay. Legislator Beedenbender had a question or a thought as well.

**LEG. BEEDENBENDER:**

Tom, just a quick -- I guess it is somewhat related to this parcel, but more of a philosophical thing. When we purchase open space for the open space rating form, a parcel will get additional points if it was located next to other open space that we already own. But I guess in this case it doesn't get additional points if it's located next to farmland development rights that we already own. I'm not saying I disagree with that, but could you tell me why that's the way it is?

**DIRECTOR ISLES:**

The reason for that is it's environmentally based, so farmland doesn't necessarily represent attributes that would add to the environment in terms of natural vegetation, diversity of habitat, and so forth.

**LEG. BEEDENBENDER:**

Thank you. I just wanted to have a clear understanding of why. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Legislator Cooper makes a motion to table. Second by --

**LEG. COOPER:**

You just assume I want to table this?

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**LEG. COOPER:**

And you are correct.

**CHAIRMAN SCHNEIDERMAN:**

And I was right. It needs to go back and some of these other things need to be looked at, whether the town wants to manage it, whether it ought to be as farmland, whether the buildings would be carved out in an acquisition. I think there are some fundamental questions. If you want to approve it, I don't think it's ready. So there's a motion to table by Legislator Cooper. I will second. All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro opposed to table. **(Vote: 4-1-0-0 Opposed: Legislator Losquadro)**

***IR 1698, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Murphy property San Remo Flood Plain - Town of Smithtown (SCTM Nos.***

***0800-019.00-02.00-012.000 and 0800-019.00-02.00-013.000).***

**CHAIRMAN SCHNEIDERMAN:**

Point four one acres? How many acres? Four point four one, about half an acre for about a quarter million. Director?

**DIRECTOR ISLES:**

The subject parcel is located in Kings Park, Hamlet of Kings Park, in the Town of Smithtown. We refer to it as the San Remo Food Plain area. This is known as the Murphy property, which is .41 acres. This was included in Master List I. The subject parcel has been identified in an area where, number one, it's very low-lying. It's a direct run-off watershed into the Nissequogue River which is shown on the map as well. There's extensive land owned by the Town of Smithtown. There is also some civic land you can see located along the Riviera Dock Road. In this case the two lots would represent a single acquisition with a purchase price reviewed by the ETRB of \$235,000. If you have any questions we'll try to address those.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Okay. Can we get a motion to approve?

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender made a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**. We took 1699 out of order.

So moving on to ***IR 1700, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program - for the Schultz property Tuthills Creek/Pine Lake - Town of Brookhaven (SCTM No. 0204-003.00-01.00-024.000). (Co. Exec.)***

A tiny property, less than a tenth of an acre, \$3,800. Maybe we'll allow Director Isles to tell us a little bit about this.

**DIRECTOR ISLES:**

Very briefly, this is a parcel located in the Village of Patchogue along Tuthills Creek. This is another western Suffolk County impacted stream corridor. This is a case where development has occurred within the wetlands adjoining the stream corridor and has actually directly impacted wetlands as well as surface water bodies at certain locations. This parcel was identified in Master List II, and examining an opportunity to protect the remaining portions of the watershed of this stream corridor. And as you can see on the aerial photograph before you there are a number of agencies that have been protecting the corridor, including the Village of Patchogue, as well as a couple of County acquisitions that are pending. There are further lands to the south that are protected by the Suffolk County Water Authority. The subject parcel itself is outlined in red. As indicated, the purchase price is \$3,800. It is obviously not buildable. However, in terms of consolidation of ownership, and here again, management of the stream corridor, we do feel that it makes sense to acquire. If you have any questions we'll try to answer those.

**CHAIRMAN SCHNEIDERMAN:**

How much are the legal fees for the closing of the \$3,800 property. So we had a motion -- I'm sorry, no motion yet.

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Beedenbender.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

***IR 1701, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Scarpa property Mastic/Shirley Conservation Area II - Town of Brookhaven (SCTM No. 0200-984.60-01.00-008.000). (Co. Exec.)***

Let's get a motion and second while we are waiting for the aerals. Why don't we say same motion, same second. Mr. Isles, if you can begin your presentation.

**DIRECTOR ISLES:**

This is, very briefly, Mastic Beach in the Town of Brookhaven, one of the most densely populated hamlets in the of County of Suffolk. We do have extensive tidal wetlands located in and along Narrow Bay in the narrowest part of the Great South Bay in a location that has a number of critical environmental factors affecting the development of this area. Number one being the proximity to the Atlantic Ocean. This is a velocity zone in terms of wind and wave velocity affecting developed properties it this vicinity. So it's one, from a public safety standpoint there is a question and a problem with development in this location. Secondly, these are tidal wetlands and this location is one that's identified in terms of potentially impacting on that. So it's a location that you have approved many other parcels in this vicinity and this continues that. The parcel is .14 acres, part of Master List II. We are available for any questions you may have.

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

This is a \$9,000 property. There you go, Brian. No one is going to accuse you of not being an environmentalist after this \$9,000. All right. Was that a motion somewhere? There was a motion by Legislator Losquadro. Legislator D'Amaro seconding. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

1702, almost there. ***IR 1702, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Thomson property Sagaponack Greenbelt - Town of Southampton (SCTM No. 0900-056.00-01.00-042.000). (Co. Exec.)***

**DIRECTOR ISLES:**

We are providing to you two maps, two aerial maps I should say, one shows the parcel close up outlined in red. The second shows the map of the general area. This is the Long Pond greenbelt area in the South Fork Special Groundwater Protection Area. The subject parcel and the other parcels identified in this area were identified as part of the Master List II process. The parcel totals 4.25 acres. Directly adjoins both County and Town of Southampton land. And here again, the larger aerial gives you a perspective in terms of this system that extends from Sag Harbor south. The purchase price is \$975,000, which was the price recommended through the Environmental Trust Review Board or approved by the Environmental Trust Review Board. If you have any questions we'll do our best to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

I will make a motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. Once again, I have noticed that I'm not listed as a cosponsor and should be. If Mr. Zwirn is here he can send that message up again. Please on these joint -- these acquisitions in my district I would like to be a co-sponsor. So if the Clerk will list me as one. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

***IR 1703, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Beyernheimer Trust property Tuthills Creek/Pine Lake - Town of Brookhaven (SCTM No. 0204-008.00-02.00-060.001). (Co. Exec.)***

It's about a third of an acre for \$140,500. There is a motion by Beedenbender.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. And once again, Director Isles, if you will give us some background.

**DIRECTOR ISLES:**

Okay. Very briefly, this is in the Village of Patchogue, Town of Brookhaven. It is the Tuthill Creek stream corridor. This parcel is a buildable lot and hence the value being somewhat higher than the previous one in this corridor. This is south of that other parcel, but here again you can actually see the water body of Tuthills Creek and Pine Lake as well as the actual watershed itself. So this parcel directly adjoins and includes freshwater wetlands. The acquisition price here, again, has been vetted through the ETRB and accepted by the owner. If you have any questions we'll try to address those.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Do we have motion?

**LEG. BEEDENBENDER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Beedenbender, second by Legislator Cooper. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

That concludes our agenda. If there is no other discussion, then we are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 2:35 PM)**