

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 December 7, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Pamela Greene, Director of Real Property Acquisition & Management
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
Jessica Kalmbacher, Planning Department
Catherine Stark, Aide to Leg. Schneiderman
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Gail Lolis, County Attorney's Office
Linda Holmes, reappointee to the Planning Commission
Barbara Bagden Roberts, reappointee to the Planning Commission
Sarah Lansdale, reappointee to the Planning Commission
Kevin McDonald, Nature Conservancy
Bob DeLuca, Group for the East End
Tara Bono, Citizens Campaign for the Environment
Dick Amper, Pine Barrens Society
Rick Brand, Newsday
Marge Acevedo, PO Aide
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:14 PM

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I would like to call the Environment, Planning and Agriculture Committee to order this 7th day of December 2009. If you all will rise and join us with the Pledge of Allegiance led by Legislator D'Amaro.

SALUTATION

You may be seated.

Are there any yellow cards? None. Is there anybody who wishes to be heard in public portion before our presentation? Very well then.

Before we do the presentation, there are a couple of people who are here for reappointments to the Planning Board. Can I just see hands of those people who are looking to be reappointed? All right. I think what I'll do is I'll try to take those out of order so that you two can go home if you wish or back to work. What are the names? I'm sorry. Barbara Roberts and Sarah Lansdale.

Let me make a motion to take IR 2132, this is to reappoint Barbara Roberts to the Planning Commission; motion to take that out of order.

LEG. D'AMARO:

Second.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's two seconds. Legislator Losquadro seconding. All in favor? Opposed? Abstentions? Okay, **IR 2132 is now before us (to reappoint member of County Planning Commission Barbara Bagden Roberts) (Co.Exec.) (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

Barbara, If you'll come forward. Most committees when we do reappointments, we don't have the members come forward. But I'm glad that you're here. I think that maybe this Committee may be different than some of the other committees in terms of having a requirement, that members do come forward. So do we have any questions for Barbara? If not, if you want to just tell us why you're interested in continuing on at the Planning Commission.

MS. ROBERTS:

Yes. It's a great pleasure to be reappointed to the Commission. Just to refresh your memories about my background, I am the only Commissioner now who will have totally a business background not in real estate. Previously I worked on Wall Street for many years and I built and sold three companies and am a long time advocate for small business.

The things that are most relevant in my background to this appointment was previously I was the Chair of the Agricultural and Small Business Advisory Committee for the Federal Reserve Bank of New York. I also served in New York City for many years starting the business improvement district movement and also was a David Rockefeller fellow.

I've been a 25 year resident of Northaven which is a town -- in the Town of Southampton and I've been extremely involved in the community. So my main interest in serving on the Planning Commission is absolutely my passion that entrepreneurship and rebuilding small business in America is going to be the way that we're going to get out of this mess and so that's the particular point of view that I tend to have on our decisions.

CHAIRMAN SCHNEIDERMAN:

Any other questions for Ms. Roberts? Okay. Thank you. Can I just get confirmation from the Director, Director Isles that this member in terms of attendance is in good standing.

DIRECTOR ISLES:

Yes, there are a couple of requirements in County law that speak to requirements for reappointment to the County Planning Commission, one of which is attendance. A review of the records of the County Planning Department indicates that member Roberts was appointed in November of 2006. During that time there were 37 meetings of the Planning Commission held. She was present at all those meetings with the exception of five. She has an attendance record of 87 percent. The law requires an attendance record of at least 75 percent.

In addition there's also continuing training requirements of the Planning Commission by state law as well as County law. There's a minimum of four hours of training a year. Ms. Roberts exceeded that in all three years of her term on the Planning Commission.

CHAIRMAN SCHNEIDERMAN:

Thank you. Before you -- maybe while you're up there, the next one, Sarah Lansdale, and I move to take that out of order, could you also just answer the same question for Sarah.

DIRECTOR ISLES:

I can. Ms. Lansdale was appointed to the Commission in February of 2006. During that time there were 46 meetings of the Planning Commission held. Ms. Lansdale attended 40 of those meetings on record with us. And, here again, exceeds the 75 percent rating or attendance requirement with at least an 87 percent attendance capability or function.

Secondly, in terms of the training, once again similar to Ms. Roberts, Ms. Lansdale not only has met the requirements for training each of the years that she was appointed to the Commission, she has exceeded those requirements in each of those years by several hours.

I'll also point out that both members when they have not been able to attend meetings certainly have been provided with the packets and have kept informed of the matters of the Commission so they're both in good standing with the County Planning Commission in terms of those two requirements.

CHAIRMAN SCHNEIDERMAN:

Do you have that information, too, for the two that are not here right now, Adrienne Esposito and Linda Holmes?

DIRECTOR ISLES:

Yes. With member Esposito, she, too, was appointed in February of 2006 during which time there were 46 meetings of the Commission. There were five absences with an attendance rate of 89 percent. Commissioner member Holmes from the Town of Shelter Island was appointed in July of 2006 -- pardon me -- April of 2006. That was a reappointment for Ms. Holmes. There were 44 meetings conducted during that time. There was one absence and achieved a rating or attendance rating of 98 percent. Similarly with training both members Esposito and Holmes have exceeded the minimum requirements under state law for continuing to be eligible for reappointment to the Planning Commission.

CHAIRMAN SCHNEIDERMAN:

Now, Ms. Esposito had called me about -- she's in Albany today and could not be here. And I erroneously told her that it was a reappointment, it wasn't necessary to be here. Counsel's informing me that this is a little bit different than the other committees and there may be something statutorily that says, yes, there is an attendance requirement before the Committee.

I'm wondering perhaps -- you know, I feel somewhat responsible having told her not to be here that maybe we could discharge in this case without recommendation if she appears before the full Legislature at the meeting. It might be one way to resolve that or if we had -- you know, during lunch if we could convene as a Committee, we could probably resolve that matter. Okay.

We still have to vote on 2132. Is there a motion to reappoint Barbara Roberts?

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Beedenbender, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

Barbara, congratulations and thank you for your service. Your expertise is certainly appreciated and it's nice to have somebody with a background and a passion for small business serving on the Planning Commission.

Okay. Let me make a motion, then, to take Sarah Lansdale also out of order, 2134; motion to take 2134 out of order. Do I have a second?

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

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

2134 is now before us. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT) (to reappoint member of County Planning Commission Sarah Lansdale) (Co. Exec.)

Ms. Lansdale, if you will step forward. It's nice to see you again.

MS. LANSDALE:

Good to see you.

CHAIRMAN SCHNEIDERMAN:

Why don't I start by asking you the same question about why you are interested in continuing service on the Planning Commission?

MS. LANSDALE:

Sure. I bring experience with land use planning and community based developments in planning to the Suffolk County Planning Commission. And it's been my pleasure to serve as a member of the Planning Commission for the past couple of years to advance the County's Smart Growth principles and also Workforce Housing principles in the review of the matters that come before the Commission.

CHAIRMAN SCHNEIDERMAN:

Any questions for Ms. Lansdale? Okay. We have a motion to approve?

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

A motion by Legislator Beedenbender.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved.**

(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)

Congratulations again. Thank you for your service. Creating housing opportunities is a critical piece we know also for the County. And so we have small business and we need places for people to live and places for people to work. So it's important to have those voices at the Planning Commission. All right.

The other two we don't need to take out of order. Though, I will when we get to Adrienne in particular since I did tell her she didn't need to be here, I would like to do that without recommendation at least discharge it. All right.

PRESENTATION

So why don't we at this -- okay, so we have a presentation today. We have Kevin McDonald from the Nature Conservancy, Bob DeLuca, who I also see is here from Group for the East End. We have Dick Amper from the Pine Barrens Society. And -- is there anyone else?

MS. BONO:

Tara Bono from The Citizens Campaign.

CHAIRMAN SCHNEIDERMAN:

Okay, Tara -- I'm sorry, Bono?

MS. BONO:

Bono.

CHAIRMAN SCHNEIDERMAN:

From Citizens Campaign from the Environment. So, Dick, are you leading off the -- if you want to step forward to the main table.

So, Mr. Amper called my office, talking in general, we actually met on this issue about the County's Land Preservation Program. If you recall several years ago, we implemented some fairly strong, new measures to strengthen the program, expedite the program, create some checks and balances. And among those measures was the new ETRB, the Environmental Trust Review Board, some changes in the way the County did appraising, some of the standards and a few other procedural changes. Maybe the rating systems came in place at that point as well.

So, Dick Amper -- Mr. Amper asked me for an opportunity to come here and discuss some of their questions or concerns about how successful some of these changes have been and the program in general. And I've given an opportunity for Mr. Amper to make his presentation as well as the others who are joining him.

MR. AMPER:

Well, first of all thank you very much. The purpose of --

MS. FLESHER:

You don't have to keep your finger on the button for the mike. That one stays on.

MR. AMPER:

Okay, we don't have to -- oh, good. We should just convert the other one to that, too. The business of having to keep your finger on the button, very distracting and especially for a person like me who uses that finger repeatedly.

LAUGHTER

But in any case I do thank you for the opportunity.

I was suggesting earlier that I think the reason that somebody may have suggested, may have been a public person, they thought if they pushed the button all of a sudden the Legislature would go away. And since that's not the case --

LEG. BEEDENBENDER:

Some of us will.

MR. AMPER:

No, no, no. You'll be around with us for a long time in public service in one way or another, I'm sure.

But what I did want to do was explain to the Committee that this is really an effort not to specifically find fault for which I have some reputation, but to look at this relative to what the Legislature did previously. And I think the Legislature's intervention several years ago was particularly helpful with the executive branch, with stakeholders and so forth. I thought it was particularly useful to say what do we like, what's working well, what isn't?

We'd like to take this in a very systematic and non-judgemental order and do a brief review of Suffolk's involvement in preserving open space and farms. Then we'll re-visit agreed upon preservation goals, see if still agree about that. And assess current progress and procedures with a view of completing the County's historic land preservation commitment in an efficient and productive way. We're all advocates of land preservation. Legislature's been enormously supportive. This presentation is not intended to criticize but instead to see where we are right now and where we're going.

In fact, the idea for this emerges, as I said, from a review of the legislation produced by a committee of the Legislature both in 2002 and 2004 which was intended to reform land preservation practices, to improve the efficacy of these programs, what was working and what was not and how the programs could be approved. And I think we made some progress there.

You're right. It resulted in the creation of the Environmental Trust Review Board and other processes intended to prevent conflicts and expedite acquisitions. Also relevant to our presentation at this time is the current state of the economy may provide opportunity to protect land at prices that weren't really contemplated as recently as a year or two ago.

In the interest of time the environmental leaders here will share the presentation bringing their expertise and keeping the presentation in line with the time that is usually afforded to members of the public.

As you probably know, Long Island, and in particular, Suffolk County, has been a national leader in land preservation since the 1960's. In that time period its residents have voluntarily committed more money to protecting open space and farmland than the residents of 45 of 50 states, tremendous commendation. Even today despite the hardships of the economic downturn, eight out of ten Long Islanders support continued or even expanded land preservation according to the poll we shared with all of you last spring. Clearly Suffolk residents understand and appreciate the importance of protecting drinking water and preserving open space and farmland. It's a mandate we

can't ignore.

With this in mind, we'd like to share with you a brief history of the landmark preservation programs in Suffolk, the current state of our goal to protect another 35,000 acres, the consequences to our environment and our quality of life if we don't meet that goal and then an examination of what we can do to accelerate land preservation.

After World War II, the pace of domestic growth accelerated resulting in the rapid loss of farmland and natural lands on Long Island. By the 1960's Long Islanders began to see the the problems created by the result in poor planning and overdevelopment, traffic, high taxes, pollution, stuff we're all familiar. So in 1960 the Regional Plan Association established the Race for Open Space, which proposed a region-wide movement, the tri-state metropolitan area to protect open space from encroaching development. Among RPA's proposals were preservation of Fire Island as one of the nation's first national seashores, creation of New York State's Open Space Preservation Program and establishment of a network of local and regional land trusts. The goal was to protect meaningful acreage of farmland, aquifer recharge areas, barrier beaches and wetlands.

In 1974 then Suffolk County Executive John Klein established the nation's first purchase of development rights program to protect the County's farmland and agricultural industry from the threat of development. The program serves to this day as a model for other programs around the country and has spurred the creation of many more similar programs at home, programs all financed by dedicated taxes repeatedly approved by the Islanders voting by wide margins.

And in 1993 the Pine Barrens Protection Act was passed permanently preserving more than 50,000 acres of mostly natural land and imposing reasonable standards and guidelines to permit development on another 50,000 acres. The landmark bill was made possible by overwhelming public support from Island residents to preserve its premier eco system, a diverse system that overlies its supply of pure fresh drinking water in the aquifers below.

Over more than four decades the public support for land preservation has remained remarkably strong through good times and bad economically resulting in the permanent protection of more than 30,000 acres of land across Suffolk County. And nearly all of this was paid for voluntarily by residents who are already paying two-and-a-half times the national average in taxes. Why? Because residents clearly understand the environmental and economic consequences of overdevelopment and they want to protect their high quality of life.

Perhaps the only period of waning support for the County's land preservation program stem from distrust in the purchasing process when the 2002 audit of the Real Estate Division found inadequate estimates of the fair market value of land, inefficient use of county dollars and inattention to policies and procedures. I'm sure most of you remember the series in Newsday. But the Legislature eager to protect Suffolk's prized preservation programs quickly implemented reforms to resolve the situation. These reforms were analyzed and adjusted again in 2004, a wise practice to ensure the reforms were working as intended.

This chart shows the unarguable decline in land purchases and the downward trend that has materialized. While it is true that most of the larger parcels have been secured, the number of transactions from the time it takes to complete them do suggest opportunities for improved approaches in the future.

Today, given the significantly reduced pace of Suffolk's land acquisition program, we believe it is time to review the process again to identify what is needed to complete land preservation programs in Suffolk in a timely and cost efficient manner. And here to discuss the agreed upon goals, what we're trying to do for protection of open space and farmland is the Program Director for Governmental Affairs with the Nature Conservancy on Long Island, my colleague Mr. Kevin McDonald.

MR. McDONALD:

In January of 2006 the Nature Conservancy initiated a preservation effort known as Long Island's Last Stand that called for federal, state, county and local governments to work together to protect another 25,000 acres of open space and another 10,000 acres of farmland. That goal is what planners and environmentalists agree Long Island must preserve in order to sustain itself both economically and environmentally. It is also the same general goal that was adopted in New York State's Open Space Plan for Long Island. And more than 100 Long Island environmental, civic, business and elected officials joined together in support of this initiative including the County Exec and certain members of the Legislature.

The Conservancy conducted a comprehensive review of the remaining open space and remaining undeveloped and unsecured open space, natural areas and farmland and reconciled this with lands identified by the state, county and town government through various comprehensive plans, community preservation plans, state open space plans, county master lists and planning steps resolutions. Some 70,000 acres at that time were unspoken for and the analysis identified some additional 35,000 acres that is 25,000 acres of open space and 10,000 acres of farmland in need of protection. We are updating this list currently and we'll probably have that available sometime after the New Year.

At the time final build-out and the point at which all land preservation or development decisions will have been made was expected to be at or around 2015, at least with regard to the most significant parcels of land. So the annual preservation goal was set at or around 4400 acres per year. And we thought this was doable considering that a number of entities involved had previously made preservation commitments and that at the preservation rates at some of the towns and the county and the state had been operating at in the past that that could be met. Three years later the preservation pace is moving at less than 1600 acres per year and a rate that would have resulted in missing the agreed upon 35,000 acre goal by nearly half. So the metric here is if we're not on target, we need to examine what we need to do to do better to get back on -- on that pace and the target.

So in the case of Suffolk County, an entity whose preservation rate averaged as much as 2300 acres when the Drinking Water Protection Program began and now that the rate of land preservation declined about 1200 annually from '88 to 2003, the slowdown in its preservation rate is particularly noticeable and that is now 2006 through 2008 Suffolk County averaged about 714 acres per year.

But 2008 also brought an economic crisis that significantly changed the outlook for many industries on Long Island. As a result the pace of new building has slowed significantly, so significantly that the anticipated build-out rate is probably pushed back to around 2020, a situation that creates a renewed opportunity for island-wide preservation effort.

The Nature Conservancy and other groups represented here stand ready to work with any government including Suffolk to assess the state of the County's Land Preservation Program and to pick up the pace of preservation wherever possible.

MR. AMPER:

Next is Tara Bono. She's representing Adrienne Esposito the Executive Director of Citizens Campaign for the Environment who as the Chairman pointed out is in Albany today.

MS. BONO:

So perhaps the most remarkable trend to emerge in land preservation is the inverse relationship between the availability of land and the pluralities by which tax-funded preservation programs are approved. That is, the greatest voter support for preservation programs is found in the areas where there is the least amount of open space still available.

As natural areas are lost, the irreversible effects of overdevelopment become glaringly evident. Higher taxes, more traffic, more pollution and decreased quality of life. On Long Island our

environment fuels our greatest economic engines, farming and tourism. It's also the back bone of our high quality of life. So failure to obtain this agreed upon goal of preserving 35,000 acres of open space and farmland still targeted for protection by 2020 will have severe environmental and economic consequences.

On the environmental front, Long Islanders are fortunate to have access to clean and safe drinking water while other parts of the country are fighting over water and forced to acquire it elsewhere. Preserving land that overlies a great quantity of this drinking water is essential to maintain its purity. The more land that is cleared, built upon, paved-over, the greater probability of contaminating the aquifers below.

Overdevelopment also brings the issue of waste water treatment to the forefront. Long Island's unique geological composition of porous, sandy soils means contaminants flow more readily into our groundwater and towards our clean water bodies. Contamination caused by overdevelopment is a primary source of the devastating Brown Tide, Red Tide, fish kills, toxic plumes and the decline of our once surviving shellfishing industry.

The 35,000 acre land protection goal also seeks to preserve the natural habitat of thousands of plant and animal species, many of which are endangered or threatened. The Peconic Estuary, for example, is a critical eco system in Suffolk County designated by the federal EPA as an estuary of national significance because of its abundance in unique animal plant life -- plant and animal life, the health of the Peconic estuary is dependent upon protection of its watershed.

And as a direct result of overdevelopment local governments struggle to control taxes while managing the increasing need for expensive and marginally effective sewage treatment plants, traffic mitigation, water body restoration, protection against storm water runoff and more.

Now, from an economic standpoint, there's a different name for our impressive natural attributes. It's called natural capital or nature's services. And it refers to the many naturally occurring functions and features that provide economic value both directly and indirectly over an extended amount of time without requiring any capital investment by us.

Tourism and farming are examples of industries that are dependent on this natural capital. Tourism is Long Island's number one industry. Each year it generates five billion dollars and attracts over three million visitors; that's approximately 70,000 jobs. Visitors are attracted to the parks, vistas, beaches and waterways of Long Island, not its strip malls, subdivisions or industrial complexes. But maintaining these natural draws is dependent on meeting this 35,000 acre goal.

Similarly, Suffolk County's economy remains well supported by its farming industry, the most lucrative in New York State. But according to the Long Island Farm Bureau, the viability of farming could be permanently compromised if fewer than 30,000 acres remain in agricultural production. If the agriculture industry loses critical mass, all the associated businesses from the seed and fertilizer supply, the tractor dealer, the irrigator, pipe welder, etcetera will also fail. Many associated suppliers have already moved elsewhere causing stress on the few remaining farmers who are now forced to go off Long Island for suppliers.

In addition to damaging our top income generating industries, further overdevelopment will only increase our already high cost of living. As the demand for government services increases, so do taxes for everyone. This is because the cost of government services such as schools, roads, police and fire protection that are associated with new development exceeds the tax revenue generated by that development by upwards of 30 percent. The leading complaint on Long Island is taxes, taxes that are so high they force senior residents to move away and prevent young people from returning after college.

Continued preservation will limit future taxes and protect the natural attributes that fuel our economy and protect our high quality of life. But if we cannot meet this 35,000 acre goal, we must

prepare now to deal with the tremendous economic and environmental consequences that will undoubtedly follow.

Robert DeLuca, President of the Group of the East End, has been looking at some current land preservation practices and will advance this group's discussion.

MR. DELUCA:

Thank you. Thank you, members of the Committee. Today more of the land targeted by municipalities for preservation is available for purchase and at a lower rise. Additionally, the extended build out date has been made some 35,000 acre preservation goals feasible once again by reducing the required preservation rate to only 2,718 acres annually. But Suffolk County would be responsible for a large portion of that preservation goal. The 35,000 acre goal has benefitted from local efforts to match and leverage County funds for land protection including historic efforts such as the Community Preservation Fund in the five East End Towns and a hundred million dollar conservation bond act in Brookhaven Town to name a few. For success to be obtained, none of us expects the County to go it alone. Rather all levels of government, the Towns and the State of New York as well as the federal government will have to be better partners in this process with Suffolk County.

Suffolk already has much of the needed funding due to the 2007 reauthorization of its landmark Drinking Water Protection Program. Not only did the reauthorization extend the program, which is funded by a quarter percent sales tax to 2030, the ballot language specifically permitted the borrowing of "up to 322 million over the next four years only" in order to accelerate the land preservation component of the program. That's more than 80 million available each year through 2011 for land purchases.

According to records provided by Suffolk County, only 57 million has been bonded for this program since its reauthorization, which became effective December 1st, 2007. And of that amount, less than 36 million has actually been spent leaving more than 265 million still available for bonding. And at least 21 million available for immediate purchases. Meanwhile County records indicate that there are 94.4 million in projects with accepted offers or offers in contract, some still waiting to close.

Re-examination of the County's land buying procedures and the reforms of 2002 and 2004 would aim to identify and alleviate the existing obstacles that delay timely closing on land purchases. Issues to be visited include staffing levels, use of outside agents, how acquisitions reach the ETRB, time required to close, time necessary to produce resolutions on agreed upon purchases. And how we can reduce the appraisal to resolution time from as much as three years today when once we did it in less than two?

As times changed, the demand of the program change. And it's important that Real Property Acquisition and Management Department is amply equipped to manage the volume of proposed purchases. We propose that the EPA Committee or one created by it review and analyze all the steps of the preservation process as well as the workload and responsibilities of individual staff members. The purpose of this review would be to identify and recommend the elimination of steps that precipitate recurring delays without any meaningful reduction in risk to the County.

Having an outside review perhaps coupled with an internal county-led one enhances the objectivity and transparency of the recommended changes.

As in 2002 and 2004, the Legislature with executive branch and stakeholder participation can then reform the reforms and apply today's opportunities to the land preservation process. The 2011 deadline for advanced borrowing argues for immediate identification as to how this popular and successful preservation program can be redefined. The current price of land argues for immediate attention as well. In 2002 the Executive and legislative branches were represented along with

stakeholder groups in a well intentioned effort to streamline the process of saving land. Let us now revisit the process so that this Legislature can continue and even complete Suffolk's historic and successful land preservation programs. Thank you very much.

MR. AMPER:

We're happy to entertain any questions at this point or have a brief discussion or perhaps there are others with other points of view.

CHAIRMAN SCHNEIDERMAN:

Let me start with Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you. I actually had a question for you, Dick. One of the things I know I've heard you say a million times when you talk about land preservation versus development, I think your quote is, *deer don't go to school*, but there was always a number associated with that, you know, an acre of developed land cost X dollars in services, an acre of undeveloped land cost X dollar in services. And I forget what -- I don't remember the statistic. Either you shared it or, Kevin, you shared it; I just don't remember who it was.

MR. McDONALD:

In 1996, then Suffolk County Planning Director Steve Jones and his staff prepared a report that talked about the cost of -- it was essentially the future of Suffolk's Farmland Program. And it did the analysis that showed, if my memory serves me well, that for every dollar in revenue taken in, \$1.23 of services is demanded by residential development. So preserving farmland and open space literally pays for itself. And that was the conclusion. So anybody who's fiscally conservative should be saying -- or concerned about taxes and long-term tax control should say an appropriate portfolio of land preserved in Suffolk County is essential for that to happen. And Tom Isles is here, he'll correct me if those numbers have been adjusted, I'm sure.

LEG. BEEDENBENDER:

I just remembered there was a statistic I had heard bouncing around a couple times and I just couldn't recall it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Good afternoon everyone and thank you for your presentation today. As someone who's committed to the Last Stand along with you, I appreciate very much that you're here to give us the update, tell us what you're thinking. I think it's important for us to continue this dialogue if we're going to be -- if we're going to have success in preserving the environment. So I appreciate you being here today.

You threw out some statistics on the borrowing aspect during the presentation. We had authorized, I think, in four years X amount that we could borrow up to a certain amount 300 and some odd million dollars. You've thrown out what we've borrowed, what we've authorized, what's spent, what's waiting to be spent. And the thrust of what your presentation is here today seems to be that we're not moving quick enough with acquiring the land to meet the goals of the Last Stand Program if I'm reading this correctly and listening to your testimony correctly.

So what I want to ask you, and I understand you make a recommendation that perhaps this Committee or some other independent commission or perhaps both along with stakeholders should take a good hard look at the procedures and see what we can do to improve upon them and I'm all for that as well. But I want to ask you while you're sitting here today, what do you see -- let me throw this out to any one of you -- what do you see as the largest impediment to acquiring land at the pace that's required to meet the program goals?

MR. AMPER:

I would say that we do not -- we can't even rank those impediments at this point. It's been so long since we took a look at the process. We're not engaged in it internally as the Planning Department, the Real Estate Division are. And so we don't know. It's easy to look at the numbers and see that we're not performing. It's easy to look at the build-out date and say if we have 30,000 of those 35,000 acres, which is where we are probably right now and ten years to do it, collectively you'd have to produce about 3,000 acres a year. That's easy. Those numbers are easy.

We don't know why we're not producing in the case of the County 1500 acres a year, which will probably get us to that 3,000 when you consider state and town dollars going into that. So we know the numbers, we see that we're not arriving at what we all agreed we thought we should do and we thought all of those people who joined either in the process of examining it back in 2004 or who came out and supported the effort in 2006 ought to usefully sit down and say, *okay, this is working and it's good, leave that alone, this isn't*. And there were a few of them that we suggested, but I don't think that we're even knowledgeable enough to know where the shortfall is coming nearly that it is, which, I think, increases the wisdom of everybody getting together and saying *this is good*, this -- Kevin, you keep using the Toyota GM example. And I think it's a good one.

MR. McDONALD:

Yeah, I mean if this meeting was over and then someone pigeonholed me in the hallway and said, *so what do you really think is going on*, I'd give the same answer. I mean we don't have a secret list of things that we think are problematic, they need to be fixed. This is -- you know, smart companies are still profitable and doing well even in this economy like Google and others. You know, they get up every day and everybody there says, *we're doing okay, what do we need to do to do even better? And how do we continue a commitment of excellence that improves what we do on a regular basis so that we always do this better?*

And considering that this is such a marquee, a plaque of Suffolk County's existence, I mean, you guys have probably a modest appreciation for this, but when those of us that travel around the country at national estuary program conferences, or at open space conferences, and they say, *oh, you're from Suffolk County, that's unbelievable what you do*.

And it's, you know, sort -- we grin. But, you know, this is as normal to you now as turning on light switches and buying police cars. But it's really an extraordinary program. And the question that we're -- or the issue we're presenting collectively is a good faith conversation to say *let's just have a review of the program, look at what we can do better*. It's not about fault, it's not about criticism. It's about a commitment to excellence where we can improve on where we are and take it to another level of function.

LEG. D'AMARO:

You know why I ask that question, is because when the program was first designed, 35,000 acres identified as -- or targeted for acquisition under this program, and then a certain length of time in which to do it, at the time that plan was presented, you must have been convinced that we've had the means to achieve the goal. Otherwise it would be unrealistic to present the plan. So then you would have had familiarity with how the system works. And I'm sure all of you do having worked in it so long.

I appreciate that you want to take a hard look to see what we can improve, but we're not -- we don't know what the factors are then is what you're saying as to why we're not meeting the plan goals right now. I'm a little surprised at that from you because if you design the plan and you knew how the system worked, and you're monitoring it and you know that we're not meeting the goal, I would be very interested to know, you know, where are the problem areas. And you seem to be saying that's what you want to have the dialogue about?

MR. McDONALD:

Yes.

LEG. D'AMARO:

It's a little surprising to me. But nonetheless I think it's, you know, it's something that we should take a look at and determine whether or not we can do better, but it may turn out to be based on factors that are beyond our control. We just don't know.

MR. McDONALD:

Like in the movie, *Is This As Good As It Gets?* Right? If this is as good as it gets, then we looked, we checked, we know and it is. And if we can make the improvements, we should. That's all.

LEG. D'AMARO:

All right. Well, again, I appreciate all of you being here today. Thank you.

MR. DeLUCA:

Just a quick -- just to -- Kevin sort of gave a 40,000 foot view of the overall program. As a local practitioner I'll just tell you one of the things that I find very often, and I think we're going to find it more now that we've had a lot of new people elected into office on the East End where I think that the elected officials -- now you may have one town board liaison that understands the program with some depth in detail, and there may be somebody working, let's say, in a Community Preservation Fund Office that understands this, the broader local boards, I think, would all do well to have Suffolk County presentation in detail sort of on a rotating basis to remind them of how these programs work and and how they're connected.

You may have some towns, and I think Riverhead's an example of a town that works frequently and closely with Suffolk County probably, maybe has more understanding than others, but I do know that I get questions from town board members who still aren't exactly sure how this stuff comes together. So there may be issues that don't emanate necessarily out of a Suffolk County office but from your partners on the other side where the County can be helpful in going out and spending some time just reaffirming the program and reasserting how it works for town boards that aren't up to speed. And right now I know on the East End we're going to have a lot of new town council people; probably be helpful.

MR. AMPER:

Legislator D'Amaro, if I could also respond, because it's a very good question. I think Kevin is being a little modest. When the folks put together this Long Island Last Stand Program, they weren't looking at specifically which divisions were buying lands at what parcel size or anything, they were simply looking at the collective efforts of the County, the State and of the Towns. And the reason they arrived at these numbers and the year projection was that we were at that point preserving 4400 acres a year. So continuing to do it at that level would have been sufficient. That made it realistic. We don't specifically know exactly what's working well and what not.

And I should say that emerging from this conversation from this exercise may be something that the not-for-profit community, the people like the Peconic Land Trust and the Nature Conservancy and others can do to assist the County in this. This is absolutely if only for the first time, not a blame game. It's a *we ought to put our collective heads together as we have* -- if we've never done it before, maybe that wouldn't work. But I think that government work with stakeholders to produce reform improved the program years ago, and I think it's a good time to revisit it. I would love to.

We did list specifically we ought to look at staffing levels. We did say we should at use of outside agents. We haven't done that for a while. How do the acquisitions reach the ETRB? What is the time required to close and the time necessary to produce resolutions on agreed upon purchases? Once that's been agreed, how long does it take to get the resolutions back here? Maybe we'll see a bottleneck that can be easily resolved or a combination of things that can make this work better.

But we got better prices right now. Sooner or later land prices are going to go up. We know we've got ten years to do 30,000 acres. How do we get there? And if we're not going to get there, what

do we need to do about that? If our plan and our estimates are not accurate and we're going to abandon it, we've listened to people explain the economic and environmental implications of that, what are we going to do if we don't make it? I think that's something informed and intelligent people can do together.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think you raised some very important points. The one thing I just did want to put into the mix when I listened to your presentation and I see there, some of these time frames, three years, two years, I mean I know I just had a situation which could certainly skew those numbers if you're looking at averages because I had a resolution that took six years from the the time of introduction because we didn't have a willing seller. So just because we have something that is introduced, doesn't necessarily mean it's a delay or a shortcoming of the process. Sometimes these are factors that are beyond the control of our established procedures and mechanisms.

So that is something that as we look at this, I certainly think we do have situations where we could move more quickly to get to closing or to get contracts approved. But I don't just want to look at raw numbers because sometimes those can be deceiving when we throw a situations of the one like I just had into the mix. So I just think that's something --

MR. AMPER:

To that, Legislator Losquadro, I would agree with you. And it would be useful for us know what the percentage of people who we're approaching are willing sellers, is that going up, is it going down, are we approaching them often enough, are we aggressively outreaching, are our appraisals consistent? Those are all things we cannot know if we don't look at them. And that's all we're really asking for is a hard look.

LEG. LOSQUADRO:

I agree. So, as you know, I was part of the process that created those initial reforms. And, you know, one thing we don't want to do is come up with any -- too many buzz words or catch phrases, we see how well hope and change is working. But reforming reforms doesn't sound too bad. I can go with that one.

So this is something I look forward to working on. And, as I said, I think it's important to look at the complete picture of how we analysis this, though, because I do think that -- I think you really hit it on the head, sometimes we take for granted how successful and how unique we are when you look at this on a more global scale as a local government what we've been able to accomplish here. So certainly we're always looking for ways to improve upon the successes that we've had but we certainly can't lose site of those successes. So I want to thank you all for coming to.

MR. McDONALD:

It's our pleasure. If I can just add, we didn't say this and we should have -- I'm sorry. Okay. Do you want me to continue? Okay, thank you.

Just that, you know, all of us know the staff that run the Real Estate Department in one manner or another. It's very professional, well run, competent folk. This is not about the slightest dissatisfaction or charge against that group. This is all about wherever you are, can we be in a better place? Good athletes ask themselves that, good athletic teams ask themselves that, well run companies ask themselves that. So should well run programs at the County level ask themselves that. And that's how we're coming to you.

LEG. LOSQUADRO:

Exactly the point I was making. Thank you.

CHAIRMAN SCHNEIDERMAN:

Of course your measurement of performance can also relate on what your standards are, too. And one of the things -- you're presenting a per acre standard. I think that's an important measurement. That has to be part of the metric. But also as we know the real estate market has changed, too. So we didn't see a chart of how much the County is spending per year and whether that's gone up precipitously, too, because you may actually see spending increasing yet acreage going down.

Also a lot of the larger parcels we've acquired. So now you're ending up with smaller parcels and on a per acre value tend to pay a little bit more. That's almost beside the point. What I wanted to bring up, Mr. Amper said in his earlier remark that some of these changes that were put in place set in motion some five, six years ago were there to not just expedite the program but to create more accountable types of procedures. And when you do that, you know, you're often having instead of a single person review, you might have a two people review, you might have committee review. And by the nature of those changes you may be building an additional time because more eyes are looking at it, it's going to take more time. So it's possible that some of the additional time it's taking is because of these procedures that we put in place that we wouldn't want to undo. You know, there might be other places where we can streamline.

Now, I know Legislator Losquadro was part of those recommendations. There was a committee, I believe, that was brought together. I think it might have been a legislative committee that was put in place. I think there were some Legislators and some various --

MR. AMPER:

Legislator Crecca at the time assembled the group. And it involved representatives from the executive branch and also stakeholder members as well. It was a really --

CHAIRMAN SCHNEIDERMAN:

That must have been done legislatively.

MR. AMPER:

Yes, it was.

CHAIRMAN SCHNEIDERMAN:

That committee was created. So we could potentially reconvene that committee that made those recommendations that we implemented to take a look back -- take a look now to see how those recommendations are actually working. Of course I wouldn't want that to happen without an awful lot of input from the people who are implementing those procedures, the Planning Department, Real Estate Division who are here. And --

MR. AMPER:

Wouldn't work without them.

CHAIRMAN SCHNEIDERMAN:

-- I know that they would like to -- I believe would like to say a few words, too, when you guys are done as well. But I certainly don't have a problem after five years -- five years after you've put totally new procedures in place, it make sense to take a look and see what works and what doesn't work. I don't find that an unreasonable request by any means.

MR. AMPER:

The other thing I want to respond to, and I think you're right, clearly the cost of the program is -- the cost of everything has increased, the cost of buying a house, cost of buying a car. And we contemplated that. We did not establish -- the Nature Conservancy did not establish its goal to see how much money could be spent. Obviously you have to be realistic and have those dollars and that's part of how the 2006 decision led to the 2007 extension of the Quarter Penny Sales Tax Program. But it is not as though we have consumed the dollars and cannot meet these goals. But if

the object was to preserve 35,000 acres, then we have to consider how much that cost, how much time it'll take, the accountability issues that you raised, all of those things and determine either -- these are the tweaks that need to be made in order to reach that goal; of if we're not going to reach that goal, what are the consequences of that, are there other things that we need to do.

CHAIRMAN SCHNEIDERMAN:

The 35,000, though, you know Last Stand, was not the legislative goal. I'm not saying that it, you know, Legislators didn't support that goal but that was a separate press conference, etcetera. The thing we're talking about, where we changed the procedures, yes, expediting a program was part of that. But I don't believe there was any specific benchmarks or targets that we would achieve certain things, so.

MR. AMPER:

There wasn't.

CHAIRMAN SCHNEIDERMAN:

We wanted to expedite the program and create some checks and balances.

MR. AMPER:

You're absolutely correct. Your recollection is --

CHAIRMAN SCHNEIDERMAN:

So if we are going to look at this, I don't know that we should be looking at it in terms of are we meeting the goal of the Last Stand. I think are we meeting the goal of the legislation that created these changes, which wasn't part --

MR. AMPER:

But if we gave the public to believe -- if the County Executive and the members of the Legislature and the business community -- Kevin, you're going to help remind me all of who was involved, if they are now -- or sections of that population are now changing their position and saying that wasn't realistic or we shouldn't pursue it, that should be part of that discussion as well. But what we shouldn't be doing is deceiving ourselves into thinking we're going to preserve 30,000 acres in the next ten years at the rate of 1500 acres a year.

CHAIRMAN SCHNEIDERMAN:

There have been some issues, I know that have come up with the amount of time it's taking, for good or for bad. And the real estate market has been fluctuating. It's been relatively tumultuous over the last two years. And that has caused -- frankly has caused some problems with sellers and with the County. If the price drops of real estate, you know, two years after we said we were going to buy it at a particular price, then we look bad finishing the deal that is now for a property that is worth less. And the other way around. These sellers who commit, they take the property off the market; and then two or three years later the County still hasn't paid them for it, it becomes a little bit strange when the property now is so much more valuable than when they originally agreed to sell.

So, I agree, that there's a need to look at the timing here because it is creating problems. It may be necessary to get all the checks and balances in. That's something I think the Committee could at. Kevin, you wanted to say something?

MR. McDONALD:

Thank you for your consideration.

CHAIRMAN SCHNEIDERMAN:

Any other --

MR. AMPER:

Are there any members of the Committee that have a sense as to how best to do it, whether it would be to reconvene the old committee or to have this committee do -- do you have any -- I mean this is premature, this is the first time we've raised this notion, but do you have any suggestions what would work best?

CHAIRMAN SCHNEIDERMAN:

This isn't a work session of the Committee. I think everybody has their own opinions. They probably want to do some research and have some discussions privately and that will come out -- if somebody does bring forward a bill, I would probably, you know, next year bring forth something to create the committee. My own personal suggestion would be to reconvene the committee at this point that created it. But I need to look at the membership. And as soon as I have that -- if that makes sense. I also would like to hear from the Planning Director as well and Real Estate to hear their thoughts on this before making any final decision. Okay.

MR. McDONALD:

Thank you.

MR. DELUCA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Director Isles and Ms. Greene.

DIRECTOR GREENE:

Good afternoon, Mr. Chairman, members of the Committee. I'm Pamela Greene, the Director of the Division of Real Property. Commissioner Gallagher is sorry she cannot be here this afternoon. She does have a prior commitment she was unable to reschedule.

As has been previously stated, we would concur with the statement that has been made by the presentation that we are all advocates of land preservation. And the fact quite simply is that there is no County Executive that boasts a better record for monies spent to acquire that -- to achieve that goal than County Executive Steve Levy. And we are very pleased to hear from so many of those who just presented to you that their consensus is from those on the front line that Suffolk County is second to none in its record of environmental preservation. We are all advocates of land preservation for the purposes of groundwater protection and environmental protection. And we welcome this opportunity to share with you our record of success to date and to make you aware of some of our current challenges for your edification as you discuss this further.

The presentation which certainly we all hoped to be helpful and we appreciate that it certainly was not critical may, in fact, have been a bit premature as the County Executive has reached out to many members from the environmental community and has meetings scheduled with them later on this week. We will certainly add the outcome of today's hearing to that agenda which already had been scheduled.

Just to recap, since Suffolk County Executive Steve Levy has been in office, we have preserved 66 farms and we have boasted more than 349 closings. A quick check of the math on that in his tenure boasts more than one closing a week. We're busy in the Division of Real Estate and we're very proud of that record. Suffolk County has never lost a parcel for acquisition due to lack of funds or personnel.

The current status of the program, as stated, is the funding that was passed under the most recent quarter percent bond in 2007. While it was projected that that funding would provide 322 million, those numbers have been adjusted due to the downturn in the sales tax revenue. And the current projection boasts -- places that number at 229 million, not the original 322 million. So we have had to readjust what the total anticipated monies available may be. While that may be a constraint, it has not, again, at all changed our success. And to date we have appropriated \$112 million for

acquisitions. We are anticipating at this time to place on the ETRB agenda in December 422 acres. And we have more than 14,000 acres in planning steps.

Comparing the acquisition program under County Executive Steve Levy to prior administrations does show that the number of acquisitions have been extremely aggressive; but as has already been stated, the amount of acres available for the County to acquire has decreased. There are quite frankly not as much low hanging fruit on the branch to pluck. While that is true, we are trying as ever to increase the amount of acquisitions that are available. And we look for our partners in the environmental community to help us identify those.

Because this is a concern of the County Executive, he had already convened a meeting with his internal staff including Commissioner Gallagher and Commissioner Isles to try to identify those large acre parcels that are available. And I would now defer to Commissioner Isles to bring you up to date on what occurred at that meeting.

CHAIRMAN SCHNEIDERMAN:

Just one question, on the adjusting of the number from 320 million to 229 million, that sounds like we've reduced it by about 30 plus percent. The economy at the worst was down -- sales tax was down at 15 percent -- over the year maybe 11 percent, 10, 11 percent. So this is a sales tax fund. Why would it be down more than the economy itself is down? And it's also -- that's a one year. We're not -- next year we're actually projecting an increase in our budget of, I think, five or six percent. I don't understand why we drop the projections of proceeds by so much.

DIRECTOR GREENE:

The budget department, I think, was trying to be very conservative seeing the decrease that had occurred. And this is what they're conservatively anticipating but it could be corrected obviously based on the current figures that are anticipated.

DIRECTOR ISLES:

Yeah, it's obviously going to be based on the actual amount once the sales tax receipts come in; but, here again, we're advised from the budget offices right now \$229 million is the estimate.

Just continuing on with the presentation that Pamela Greene made in opening up the statements today and the accomplishments, I, too, appreciate hearing from my distinguished friends in the environmental community in terms of their comments, their thoughtful comments, their experience, which is quite extensive. And the idea of stepping back periodically and taking a look at how we're doing is certainly always helpful.

I'd also like to jump off from a comment that Kevin McDonald said in terms of how this program is viewed nationally. And I, too, forget about that, too, time in terms of how does Suffolk County stand up. I recently received a book from a colleague of mine in California, a professional planner, who looked at open space programs throughout the country and he identified 42 communities that have outstanding programs. And guess what? You, Suffolk County, is in there. I'm just going to have a copy of the book circulated. So it is something that you can look to very proudly in terms of the legacy that this county is leaving for its future generations in terms of water protection, environmental protection, recreation and so forth. And farmland certainly.

As Director Greene has indicated, there have been ongoing efforts in terms of looking at additional parcels. As you know, you have approved and authorized about 14,000 acres in the past few years in the form of four master lists that have been presented and reviewed and approved by the Legislature as well as planning steps that have been brought in individually by Legislators. So we have 14,000 acres that were identified through that process.

One of the things that the County Executive asked the Planning Department to do this past summer is to look at other parcels that can potentially be brought into the program. Just very simply beginning with two aspects, one is looking at, well, how many parcels do we have left that are not

on the list, that are not preserved that are not developed that are over 100 acres. And then secondly how many do we have left that are over 25 acres? I do have maps of these that we prepared over the past few months that you can look at later on or I can present to you at this moment if you'd like.

But if a parcel's over 100 acres that, here again, are not developed that are not on the list already -- we found two parcels. We have them identified by tax map number. Kind of surprised me a little bit but those big pieces, the low hanging fruit that I heard somebody mention earlier are few and far between.

The second threshold we looked at was 25 acres and we identified about 50 parcels that fell into that category. My department principally through Laretta Fischer as a Principal Environmentalist has been vetting those parcels for the County program, County criteria with the idea of a preparation of a suggested list of planning steps parcels to bring forward to you.

We estimate that of those 125 acre lots, the 52 parcels that are out there, that'll yield about 1200 acres that would fit in, we believe, into the County program. Some of the parcels that are in the middle of industrial parks and so forth that would not fit in.

Similarly we also began an effort with the County Farmland Program. We have a number of parcels that are also included in the program presently. We then scouted out parcels that we felt were strategic based on the County farmland criteria. We identified 1600 acres. We brought those to the farm -- many aspects of the Farmland Committee is that we contacted each of those property owners which were 23 property owners on 28 farms, six of whom have indicated an interest in proceeding with consideration by the County. And of that, that represents about 700 acres. Those have actually gone through the Farmland Committee and some of those have already been approved by this Committee.

So in terms of the process, that process is continuing. Certainly we welcome suggestions for parcels that perhaps we've missed or parcels that for some reason are not identified. But I think we've caught most of the big ones.

There are certainly smaller lots. And those are important as well. I think one of the things that was pointed to in Director Greene's presentation is that one of the factors that's happened is the average parcel size of what we're acquiring has declined. Back in the mid-eighties the average transaction was 85 acres. We all remember hearing about some of these large acquisitions of Hampton Hills and so forth. Those were great times. No question about it and we're certainly benefitted by those actions.

The average acquisition today is around 14 acres. That's not to say that it's a change in policy or that we're doing something -- we're not doing a strong enough job, but to say that the program has advanced, the acquisitions have advanced and quite frankly development has advanced.

So there is smaller parcels, you know, below the 25 acres. The assemblage is around important stream corridors, river corridors and so forth. So when we look at the totals, the 14,000 acres in the pipeline already, the 1200 critical parcels that we think should be added to that right away, the 1600 acres that have been reviewed by the County Farmland Committee, we're up to about 17,000 acres. And then adding in small lots and perhaps new parcels such as farm parcels beyond those strategic priorities, we're probably close to 20,000 acres.

As far as the 35,000 acres, we have no quarrel with that. We've in fact completed a report in County Planning on Friday coincidentally looking at vacant land within western Suffolk County. We've done a prior one in eastern Suffolk County. We think that information can be used as well in further planning efforts. But of the 35,000 acres where it will be most helpful to us, if we can get that in some sort of data base in terms of by tax lot number, and we'd be happy to check that against our list, here again, just to make sure we're not missing anything.

So that's it in terms of some of the recent planning efforts and, here again, we welcome the conversations continuing with this Committee as well as with not-for-profit organizations and others that are interested in cooperating with us.

DIRECTOR GREENE:

Mr. Chair, if I may?

CHAIRMAN SCHNEIDERMAN:

Can I ask Director Isles a quick question, too, because, you know, the thrust, I think, of the discussion today really has to do -- everybody, I think, is agreeing that this is an incredible program and all very proud and, you know, I'm particularly proud on the east end of Long Island, north and south fork, the extent of the preservation including even recently some tremendous, you know, farmland preservation efforts that have gone through this body.

The question really is, then, the changes that were made several years ago, are they working? Are we seeing some unanticipated problems that could be hurting the program? Would you recommend any changes? Would it be good to take a look back, you know, and maybe tweak some of these procedures? If you could comment on that.

DIRECTOR GREENE:

Thank you, Mr. Chairman. Actually that leads right into what I was going to pick up on. And, again, this is certainly for the edification of the Committee as they begin any deliberations. There have been some challenges that both the division and the Department of Planning has had to overcome. And that's what we are currently facing. Those are as follows. There are fewer large parcels left. We are aggressively pursuing any that are environmentally sensitive. And as Director Isles stated, we are down to two parcels over 100 acres that are not already on the Open Space List.

Because the total inventory is declining, there are more properties now coming through that have structures on them and prior uses that compromise their environmental integrity. This requires more due diligence. It requires more work in phase one, phase two, the appraisers and the surveys.

Right though we have an open planning steps, for example, on a piece of property that has been designated as an EPA super fund site. So that certainly would have a great deal of concerns. We're seeing more parcels in litigation. That extends the length of the process. That has one of the items brought up in your presentation, that the process time has been expanded. We have North Fork Preserve, the Oaks at East Moriches, Omni Ventures, Boys and Girls Harbor in East Hampton just to name a few. All were subject of litigation which, again, extended their time in the pipeline.

Some sellers despite the current economic realities still have inflated real estate expectations and more frequently are coming back to the Division with their own appraisers asking to counter the offer that had been tendered which was a product of the ETRB process. The Oaks At East Moriches, the Cavett acquisition, Engle Berman, Ashley Builders and {Mafar} are examples of those. Again, surprisingly in this economic time, the acceptance rate has declined and it is at 50 percent. This means the Division has to issue twice as many offers in order for us to combat the half -- the 50 percent rejection fee.

We are reaching out to the land preservation community; and again that meeting is scheduled for later this week with the County Executive and those representatives. At the end of the day this administration anticipates having expended and committed to an expenditure that will likely reach one half of a billion dollars. We are to date at \$348 million spent since County Executive Levy has been in office. And we would certainly boast that and challenge anyone to show another municipality in the State of New York or in the country that has made such a commitment.

CHAIRMAN SCHNEIDERMAN:

That number includes the town commitments, too, or is it just County?

DIRECTOR GREENE:

Just County.

DIRECTOR ISLES:

If I could just add just a couple of other points to the -- here again, these are not excuses. And this is being conducted in the idea of what can we do to maybe speed things up. But some two other examples in terms of problems with environmental problems that we've been recently dealing with, one is North Fork Knolls known as the former Hubbard Duck Farm on Sawmill Creek leading out to Flanders Bay in Riverhead. It's an excellent parcel, originally identified by Legislator Caracciolo back in 2002, not a willing seller for a number of years. They are willing. We have an offer and acceptance, extensive issues of buildings on the property and remnant structures from the Duck Farm phase I, phase II Environmental audit. It was recently considered by this Committee and I believe by the Legislature. It's finally done. But, here again, those are things that take some time.

The second and last one I'll just site as other example is {Wallstone} Estates in Oakdale sponsored by Legislator Lindsay for a active park recreation. It's a former greenhouse site, extensive contamination that we still haven't gotten past. But obviously we have to protect the County's interest and the public interest in terms of ensuring that any contamination is cleaned up.

The only other point I'd like to add in terms of what Director Greene said is in terms of -- you're asking an open question of timing and what we can, you know, perhaps look at that. I think we should also make the point that --

CHAIRMAN SCHNEIDERMAN:

And in particular are you recommending any procedural changes to procedures that were set in place those years ago?

DIRECTOR ISLES:

I'm not recommending any procedural changes at this point. You know, this conversation started when I -- you know, when we heard it today and I saw it on the agenda earlier this week. The County Executive had scheduled this meeting a few weeks ago for the one coming up later on this week. But I would like to just point out, and we've been trying to be self critical, too, in terms of what are the things that we have to deal with that are problematic.

I just want to make the point about active parkland. It is something that's part of the County's drinking water protection program with the amended program. Those are uses that take an inordinate amount of time. It's one thing to buy open space in terms of undeveloped, undisturbed properties. We've dealt with parcels such as the Zumas parcel, the Dreeben parcel which we're talking about today, which hopefully is resolved today, {Wallstone} Estates as I mentioned earlier, American Venice in Babylon, which here again a great proposal, the Town's very supportive, but certain problems with that.

So I think that's something that these are sites that come with baggage. And we have an obligation to make sure they're cleaned up and so forth, but they're not something where you can -- they're quickly resolved. They often require coordination with municipalities and other partners.

So those are some of the things that, you know, in the past couple of days that we've done some self analysis of this that we think are some of the factors. And we'll be happy to continue the conversation with you as well as the groups present today.

CHAIRMAN SCHNEIDERMAN:

I take it that means that you don't think it's necessary to reconvene the committee that created these changes?

DIRECTOR ISLES:

Here again, I was thinking back when I heard that before if there was actually a committee. And I was trying to remember -- I don't really remember a specific committee. I remember the legislation had multiple bipartisan sponsorship. Here again, whatever we did, whatever was done back then, I'd be happy to look back on it. Whether it be this kind of informal conversation or a formal committee, we'll defer to you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Director Isles. All right, if we can get into the agenda at this point. Thank you, Director Greene, as well.

DIRECTOR GREENE:

Thank you.

MR. AMPER:

I think we need to say thank you to this Committee for how productive and useful this was. Just in listening to the response about the projected numbers of 322 to 229, declining number of willing sellers, the declining parcel size may require an adjustment, all of these things appear to be different from what they were. And so all of them give us a new challenges again without finger pointing, but to say we're now dealing with a different animal and we may need to approach it in a different way. So this could not have been more useful from my point of view. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you, Mr. Amper.

TABLED RESOLUTIONS

Okay, so we're going to go to the agenda starting with **IR 1573**, **authorizing the planning steps for the acquisition of land under the Suffolk county Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Dreeben property Town of Southampton) (Schneiderman)** I'm going to actually make a motion to approve. I had made motions in the past to table it because I was awaiting information. I have that information. So if I can get a second on the motion to approve and then we can discuss it.

LEG. LOSQUADRO:

Second for discussion.

CHAIRMAN SCHNEIDERMAN:

Thank you. So I have a second from Legislator Losquadro. Maybe I can have Director Isles tell you a little bit about this planning steps. But the additional information, this is really a three party potential acquisition including the Town of Riverhead as well as the Town of Southampton. Riverhead would be managing it. It's right on the boarder there. You guys are probably familiar with the circle that's near the County Center in downtown Riverhead. This is right on the -- as you go from that circle over the Peconic River, this property sits right on the left there. It's adjacent to Grangebél park. It's called -- a park owned by Riverhead but it's right on the boarder between Riverhead and Southampton Town. It's in the Southampton Town piece. Though once preserved would be very much a part of this Riverhead downtown park. So it's a little bit up unusual in that regard. Yes, it's the Kyack rental place, Peconic Paddler property.

So the idea would be to have -- Riverhead town would be responsible for managing the park and park improvements. Town of Southampton would be a partner, I believe, 50 percent or 30 percent partner in preserving the land and the County would be the other piece in preserving it. I was waiting because I wanted to have commitments from the Town of Southampton and the Town of Riverhead. I have those commitments at this point. So I'll turn things over to Director Isles and he can add a little more if there is more.

DIRECTOR ISLES:

Not too much. We just add that we appreciate the cooperation of Legislator Schneiderman in helping us gather further information on this acquisition. We did receive the letters from both Riverhead and Southampton Town representatives indicating their interest in partnerships with the County. We feel confident at this point that there is sufficient information for the department to complete a rating of the property in accordance with the active recreation parkland component of the County's program.

That rating is included with your hand-out. Based upon the information we have available us to, the park is rated at 58, which is a very high score. There is County ownership of land directly adjacent to this parcel, Town of Southampton ownership to the south and Town of Riverhead to the north. It's certainly an inter-municipal location, high visibility, direct proximity to or direct adjacency to the Peconic River. If the Committee has any questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

Just, Director Isles, if you can explain because this is a little different category we're using for this. Normally we either do passive parks or active parks. This is actually going in as a hamlet park. So if you can tell us a little bit about what that means and the distinction there.

DIRECTOR ISLES:

The Quarter Percent Program as amended in 2007 did include the various language in terms of permissible acquisitions under the Quarter Percent Program. And one category was we have an active recreation component but we also have a -- you have a hamlet parks program component as well.

In review of this and in particular I relied heavily on Laretta Fisher on this one and our research in terms of the facts of this proposal, on the edge of downtown Riverhead and the end of downtown Flanders, this felt most appropriately, we felt, into the hamlet parks category amplifying and improving a downtown experience; so not only does it have the environmental benefit, it also had a downtown human benefit to it as well.

CHAIRMAN SCHNEIDERMAN:

One of the -- I was just explaining to Legislator D'Amaro, but one of the, you know, the ideas for this would be to really open up the vista from the circle as you're, you know, approaching Riverhead. Right now you can't see down to the water, you can't see that park, Grangebel Park. By cleaning up this property -- and the County would not be responsible for cleaning it up -- but by cleaning it up and maybe removing some of the trees that have grown up in that spot, we have a restored vista.

I'm not sure when -- there was a vista but we'll at least be able to create a vista down to the water, which I think will serve to draw people into downtown Riverhead. And I think everybody's interested in revitalizing downtown Riverhead. And a lot of traffic actually moves through that circle; a lot of people go that way when they're going out to the Hamptons now, coming down 24 and then heading out on 27. And this might be a way to draw business into downtown Riverhead. So it's a -- I think it's an exciting prospect.

Okay. We had a motion and a second. All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Thank you all those folks in Real Estate and Planning who helped assist with that planning steps resolution. Okay.

IR 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, second by Legislator Beedenbender. Any discussion? All in

favor? Opposed? Abstentions? **(1603 TABLED. VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

Let me state for the record, I neglected to state this earlier, Legislator Cooper could not be here today and was granted an excused absence from today's proceedings.

IR 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)
I'll make a motion to table.

LEG. D'AMARO:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

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)

LEG. LOSQUADRO:
Make a motion to approve as amended.

CHAIRMAN SCHNEIDERMAN:
Okay. This has been amended. There's a motion to approve by Legislator Losquadro. I'll second for discussion purposes. All right, Director Isles, tell us what's going on with this. It's been amended quite a bit, I see.

DIRECTOR ISLES:
This resolution was presented several months ago to the Committee at that time. It included the entire part of this tax map number, which is lot number 5.01. It included a parcel of about 24.8 acres in Coquille's Harbor in the Town of Shelter Island which is known as the St. Gabriel's property.

At that time the Planning Department expressed some or put forward some questions in terms of the proposed acquisition; and noted that a substantial part of this site is developed as a religious property with numerous buildings, tennis courts, lawn areas and so forth.

The sponsor of the resolution did contact the Town of Shelter Island to determine if the Town would be interested in partnering with the County. In the event the County were to purchase the property, would the Town agree to maintain the property including maintaining the buildings. The Town did not respond affirmatively. Upon further inquiry it appeared they had concerns about their ability to manage and maintain the buildings.

Subsequent discussions then talked about the possibility of a partial acquisition. County Planning then reviewed what might be a suitable divide of this property which is depicted on the aerial photograph in front of you and to that right white broken line, which breaks out an area of about 6.4 acres. That would be directly adjacent to existing county land to the west which is to the left-hand side of the map. You can see it outlined with the green lines.

What this then would do is carve out the 6.4 acres. There is a building on that site. We did communicate with the Supervisor of Shelter Island in October to inquire if the Town would be interested in this part of the site in maintaining it. We recently received a letter back from the Supervisor indicating that the Town was interested.

From that we then completed a rating form which is included in your hand-out and the parcel rated

under that criteria, the parkland active recreation program at a score of 66 points. We don't know if the owner would be interested in a partial sale, but at this point we have no authority to contact them. But this would, here again, obviously be contingent upon the owner's interest.

If you have any questions, we'll be most happy to try to address those questions.

CHAIRMAN SCHNEIDERMAN:

We'll start with Legislator Beedenbender.

LEG. BEEDENBENDER:

Hi. Tom, I know in my legislative district we were working on a park parcel that County already owned. And one of the things we ran into in that situation was before we could divide it all, we had to go to the Town to have it subdivided so we could call the sections of the property, they would have some sort of identification.

In this situation would the Town of Shelter Island have to subdivide this property before we could make an offer because -- does it have to have a tax ID number or do we just have an appraiser do the property that's outlined here? But at some point before we could close, this would have to be subdivided so we could buy it, right?

DIRECTOR ISLES:

Not necessarily.

LEG. BEEDENBENDER:

Okay.

DIRECTOR ISLES:

I mean certainly the appraiser would have to have an accurate description. It wouldn't necessarily have to be subdivided for the purposes of appraisal.

As far as whether it would have to be done prior to closing, I would defer to Real Estate perhaps on that answer, but my observation has shown that some municipalities do require and some don't. And, for example, we're dealing now with, you know, one of the parcels we were talking about a few minutes ago is a parcel that's had some delays due to impediments. And that's the Curtis parcel in East Hampton where there's a -- a parcel has to be subdivided out on that one.

So I can't speak for the Town of Shelter Island if they would require -- certainly it would have to be described out and -- as far as real property, there would have to be another tax map number shown for that. Chances are we'd also need a planning board subdivision approval. That would be -- but here again, I wouldn't want to definitively answer that until I checked with Shelter Island.

LEG. BEEDENBENDER:

Okay, well, if that were required, all that can happen after we initiate our process? Or is that something that needs to be done right now?

DIRECTOR ISLES:

Correct.

LEG. BEEDENBENDER:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Tom, can you explain -- because there are given points for access to the shore line. Would the ownership of this -- because I see it's not adjacent to the shore line, would it give us rights to the shore line? And would we have the right to cross through this -- the monastery property? There might be an access alongside of it. I see a strip that seems to go out to the water.

MS. FISCHER:

Yes, that should be omitted. I'm sorry. We left it over from the last cut, looking at the whole property, and that is an error. So it should go down to 20 and then 61. We can make that correction. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

I was hoping that it actually did provide some shore line access.

DIRECTOR ISLES:

Maybe that can be negotiated with the owner. But there is a street that goes to the water right now, a public road. But we stand corrected on the one change. But it has public access.

CHAIRMAN SCHNEIDERMAN:

Any other questions? Okay, so there's a motion and a second to approve. Any further discussion? All in favor? I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:

I just want to clarify. I apologize if you covered this, but the recommendation from the Planning Department is based upon the subdivision of the property and only taking -- what is it, six acres that adjoins County land?

DIRECTOR ISLES:

We estimate 6.4 acres.

LEG. D'AMARO:

And that's what this planning steps calls for?

DIRECTOR ISLES:

Yes. We were handed a corrected copy of a resolution a short while ago, a few minutes ago. And it does show 6.4 acres.

LEG. D'AMARO:

Okay, thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

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 in the Town of Riverhead) (Romaine)

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Losquadro to approve. I will second for discussion.

LEG. BEEDENBENDER:

On the motion, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Tom, I have some notes here. And I know that this -- the rating was amended. It added an additional five points. But could you just -- could you rehash that just to refresh my memory as what happened with this parcel?

DIRECTOR ISLES:

The parcel is, of course, located on the east side of Edwards Avenue in the Town of Riverhead, hamlet of Calverton. The parcel's 150 acres formerly used as a Beagle Club as the name implies.

As far as the rating, the Planning did complete a rating and came up at 18 points point based on the information available to us. We did identify a possibility of another five points if there was an inter-municipal agreement in place. Based upon that and conversation with this Committee and the sponsor, we did contact the Town of Riverhead in October and inquired as to whether they would be willing to be -- consider being a partner with the County on this for the purpose of management of the property, not necessarily acquisition.

That letter was sent, as I said, in the middle of October. I did receive a reply this past Thursday, which was December 3rd, indicating that the Town had talked about it at a town board work session and that they were interested in considering that proposal.

What they specifically requested was the opportunity to do an inspection with certain members of the Town including the Town Engineer and, I believe, some Town Council members. I indicated that we would be pleased to seek to set up an inspection with the Town so they could then evaluate what that obligation would be for them. So at this point that five points is still undetermined.

The only other point I wanted to add is there was testimony at a prior committee meeting about additional environmental qualities to the site that might also alter the score. We did receive some information from the Riverhead Open Space Committee. We were asked to be in contact with their expert person by the name of Mary LaMont. Lauretta Fischer from County Planning Department did speak to her by telephone, went over certain aspects of her report. And it was agreed that Miss LaMont would provide information to us. And once we got that, we could then potentially add points to the rating form. As of today we have not received that information. It was probably three or four weeks ago that Lauretta had the conversation with Miss LaMont.

So in terms of the two things, one, Riverhead seems to be interested. They've asked for an inspection. We're going to schedule an inspection. In terms of the additional environmental, I think, we've tentatively identified that there might be four points, maybe more, but there might be four points subject to a confirmation and that additional information.

LEG. BEEDENBENDER:

But in terms of the Town of Riverhead, I guess after they do this inspection, if they are interested, they would -- town board resolution is the standard documentation we use for these situations as to whether there's a municipal partner.

DIRECTOR ISLES:

The Planning Department has adopted a policy that we look for a town board resolution or a letter from the Supervisor.

LEG. BEEDENBENDER:

Okay. And do we -- just -- I see the e-mail that you referenced, I guess, but we don't have either of those at this point right now?

DIRECTOR ISLES:

We do not.

LEG. BEEDENBENDER:

Okay. Given that, Mr. Chairman, I think this is moving in a positive direction. But since we don't

have that yet, I would offer a motion to table.

CHAIRMAN SCHNEIDERMAN:

My one concern with tabling is that it would have to be reintroduced. We're at the end of the year.

LEG. BEEDENBENDER:

Well, it would have to be reintroduced but it's not in the proper form. This Legislature, I believe, defeated this once before. And it seems as if those concerns are being addressed. And we might be able to move past them and actually do this, which I think is a positive for the County, for the Town of Riverhead and for everybody involved. But, you know, all the paper work isn't there. And I think we have to be assured that there's a municipal partner in this before we move forward, if not only for the score, if just for the management of the property.

CHAIRMAN SCHNEIDERMAN:

Can I ask, Director, this appears to be an old farmland piece that maybe an orchard piece or something. It was used for many years. The land itself, it's basically like fallow farmland. From an environmental standpoint, I don't know its significance. I know sometimes properties like that end up becoming valuable habitat for certain migratory birds and things like that. But in general it seems like this is a piece that ought to be farmland; somehow we should -- if we're going to preserve it, we should see it restored to farmland. That doesn't seem to be the direction we're moving in; seems like we're going to preserve it as open space. I know there's some buildings on this property. I have no idea if they're being carved out or whether those buildings are going to be torn down or who's going to be responsible for maintaining those buildings. Do you have answers to either of those two questions?

DIRECTOR ISLES:

What I can say is that the buildings are an issue. And that was talked about in a reply back from the Town of Riverhead. The buildings are in a very concentrated part of the site, a very small part of the site. They appear to be in relatively good condition, but I think the Town wants to get a handle on exactly what would be involved with that. If they are not interested in the buildings and if the County Parks Department's not interested, there may be an option of cutting those buildings out. So that is an issue. It's part of the reason why this is taking a little extra time to, I think, by the Town to assess whether they want to be a management partner.

As far as the environmental aspects, I'll certainly defer to Laretta on that. But in terms of should it go back to farming, that's something we did talk about in some prior committee meetings on this. It doesn't appear that the owner's interested in that. I don't believe the sponsor's interested although I certainly can't speak for him. That is an option. There is extensive farmland around this site; would be to just remove the vegetation. It's a successional forest that's happening now.

The only other point I'll make is that it hasn't been farmed probably in about 40 years, probably back in the 1960's so it's pretty far along at this point in terms of its succession, so.

CHAIRMAN SCHNEIDERMAN:

Okay. We have two -- we have a motion and a second to table. Yes, I think Legislator Beedenbender made the motion and Legislator D'Amato made the second.

LEG. D'AMARO:

Just on the motion, very quickly, I agree with Legislator Beedenbender. I think we have to continue with the process here and hopefully we can get confirmation to bring the score up and then make a real consideration of whether or not to approve it. So I would favor the motion to table.

CHAIRMAN SCHNEIDERMAN:

So it clearly doesn't have the votes to pass today. So there's a motion and a second to table. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions? I will join the tabling because I'd rather not see it defeated.

LEG. LOSQUADRO:

What's the difference? It has to be reintroduced any way.

CHAIRMAN SCHNEIDERMAN:

Well, it sends a message that -- it's the message it sends. So I don't want to have it defeated a second time. So we'll keep it tabled. It has to be reintroduced. So **1697 is tabled. (VOTE: 3-1-0-1. LEG. COOPER NOT PRESENT. LEG. LOSQUADRO OPPOSED)**

IR 1912, appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program Open Space Preservation Program - for the Pollert property Sterling Creek - Town of Southold (SCTM No. 1000-034.00-04.00-019.001) (Romaine) Director, if you have --

LEG. BEEDENBENDER:

I believe the last time it was because there was an appraisal that needed to be updated. Didn't you say that the last time, Tom?

DIRECTOR ISLES:

Right. This is a parcel located in Greenport that is really part of the headwaters of Sterling Harbor going out to Greenport Bay and so forth. The acquisition in terms of its environmental aspects is, we believe, has merit and we have rated it and certainly can share that with you. The issue became one merely of the valuation, the appraisal and review by the Environmental Trust Review Board; was conducted back in 2007. And the question being -- feeling that it should be updated to ensure that the value is still accurate or may have to be adjusted and then brought back for consideration by the Committee.

CHAIRMAN SCHNEIDERMAN:

Is that process completed yet?

DIRECTOR ISLES:

I don't believe it's completed yet.

CHAIRMAN SCHNEIDERMAN:

All right. Then we need to table it.

LEG. LOSQUADRO:

Mr. Chair?

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

I raised the same concern last time and I'm going to raise it again. I thought we were very clear last time we didn't want to see these sort of things linger because of the potential negative impact it could have on how -- you know, we just finished having this whole presentation about how we can expedite these things. And we had a discussion at our last meeting back, we're back here today, things are going to die and have to be reintroduced and further delay the process and we still don't have an answer. So these are the type of things that cause people to want to reevaluate what we're doing. They may be isolated. They may not be the norm. But as I said at the last meeting, I don't

think this bodes well for how people perceive our programs.

CHAIRMAN SCHNEIDERMAN:

I think at the last meeting though, a 60 day -- was it a 60 or 90 day period was requested to update these appraisals? It was 60 days? I see Director Greene. So we're only about -- only about two weeks has past since we said 60 days.

LEG. LOSQUADRO:

Understandably but an update. We're just being told that nothing's done yet or it's not done.

CHAIRMAN SCHNEIDERMAN:

It's two weeks into the 60 days.

LEG. LOSQUADRO:

Thank you. Thank you for bringing that up, but I mean you shouldn't have to put that forward. That should be part of the presentation to us.

CHAIRMAN SCHNEIDERMAN:

Okay, either way. All right. So there is a -- is there a motion?

MS. LOMORIELLO:

No.

CHAIRMAN SCHNEIDERMAN:

There's been no motion.

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Tabled. That will have to be reintroduced. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Okay.

IR 2126, to reappoint member of County Planning Commission (Adrienne Esposito) (Co. Exec.) I would like to make a motion to discharge without recommendation because I did tell Adrienne that she didn't have to be here today and that was my mistake. And then I will try to bring the Committee together during lunch at the General Meeting if she is able to attend. If not, we'll have to table it and reintroduce it next year.

LEG. LOSQUADRO:

Why doesn't she appear before the whole body?

CHAIRMAN SCHNEIDERMAN:

It's possible but if the Charter says she must appear before the Committee, we might have a problem but I will leave that to Counsel's discretion.

LEG. D'AMARO:

I'll second.

MR. NOLAN:

You can vote it out of Committee now. She is going to need to appear on Tuesday. Normally what we do is we convene the Committee during a lunch break for a short meeting so the candidate can come before us; do it that way.

CHAIRMAN SCHNEIDERMAN:

So I will make a motion to discharge without recommendation.

LEG. LOSQUADRO:

Mr. Chairman, being that this is the last meeting of the year, we have a number of events and things going on at the lunch break this year. I think time wise this could be a bit problematic. To Counsel, being that all the members of the Committee are, in fact, members of the full body, would her presence before the full body be acceptable?

MR. NOLAN:

I have to go with the clear language of the Charter; is that she's got to come before the Committee. So that's where we have to work it.

CHAIRMAN SCHNEIDERMAN:

I don't why we couldn't have a five minute meeting, though. Why don't I try to work that out and see if I can get at least a majority present so that we can have a meeting on that Tuesday sometime during the day. I'm not sure in terms of notice, Counsel, what has to be done to meet the notice requirements.

MR. NOLAN:

We will work that out.

LEG. LOSQUADRO:

Through the Chair, do we have -- if the clear language of the Charter reads as you said, can we -- is it volitive to even discharge it without recommendation?

MR. NOLAN:

No, we can discharge it. We just can't approve the resolution until that prerequisite is met.

LEG. LOSQUADRO:

If the Chair were to simply recess the meeting -- recess this meeting instead of closing it, could we then take up a resolution that we had skipped over if we took no action on it today? Or I guess we couldn't do that. It would have to be on the agenda one way or the other prior to the meeting being called; correct?

MR. NOLAN:

This has come up several times over the last couple of years. And when it is a "*to meet*" requirement that a candidate come before the Committee, we simply convene the Committee, the candidate comes in, meets with the Committee, the requirements are met.

LEG. LOSQUADRO:

Pleasure of the Chairman.

CHAIRMAN SCHNEIDERMAN:

What I'd like to do is discharge without recommendation and do my best to bring at least three members together --

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

-- that day even if it's for a few minutes just to meet the standards outlined in the Charter. So we have a second to discharge without recommendation. All in favor? Opposed? Abstentions? **So 2126 is discharged without recommendation. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**IR 2128, approving planning steps for the acquisition of Farmland Development Rights
September 2009 (Co. Exec.)** Sounds like a master list again.

DIRECTOR ISLES:

These are parcels that were recommended at a meeting of the Farmland Committee. And there are two parcels, two farms that are in Riverhead and two in the Town of Southold.

To begin with the first parcel on that list, it's Verderber's Landscape Nursery located in Aquebogue in the Town of Riverhead consisting all or parts of three lots. And that parcel totals about -- in terms of what's considered by the Committee today 23.9 acres. Here again, they're growing various nursery products, trees, shrubs and perennials. The parcel has frontage on Hubbard Avenue which would be retained in terms of frontage and visibility on the PDR. And there are some exclusions that are outlined in white on the map, the aerial photograph before you. Rating by County staff indicated and accepted by the County Farmland Committee gave it a rating of 10.25.

If I can, I'll go to the second parcel unless you have questions on that. Also in the Town of Riverhead, Aquebogue, this is the Reeve Bayview Farm Market, two parcels totaling 2.2 acres of land. But what's important here to note is that this is part of much larger parcel for which or to which the County of Suffolk owns the development rights. These are two subdivided lots presently, that if this goes forward, one of the conditions of the Farmland Committee is that the lots would then be merged so we would not have a situation of a separate parcel, separate farm which would not be viable. But, here again, this was reviewed by the Committee and rated at a score of 12.

The third parcel is in the Town of Southold. This is Biggane, also known as the Delea Sod Farm INC. This is part of one larger parcel with an exclusion towards the rear part of the property depicted in the white lines on the map. This is a parcel on Oregon Road which is one of the prime farm belts in Suffolk County. It's worth a trip. If you're out there, it's kind of a bypass road but it's one of the most spectacular farm areas we have in this County. This is in the hamlet of Mattituck. It achieved a score on the County rating system of 14, here again, out of 25.

And the last parcel before you is also in the Town of Southold in the hamlet of Mattituck. It's part of a parcel that totals an area of about 54.3 acres. There are two exclusions that are depicted in white lines on the map. What's most clear here on the aerial photograph is the preponderance of County owned development rights in the vicinity of this parcel. Accordingly the parcel did achieve a rating of 18.25, probably one of the higher ratings we've seen.

If you have any questions, and this by the way is a potato farm. This is where the North Fork Potato Chips are made. This is a cider Farm in Mattituck. So the total acreage is about 97 acres in the four parcels.

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

LEG. LOSQUADRO:

Motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

There was a motion by Legislator Losquadro, second by Legislator Beedenbender. Is that right? Any discussion? All in favor? Opposed? Abstentions? Approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

2132 we already took care of.

IR 2133, to reappoint member of County Planning Commission Linda Holmes (Co. Exec.) As I understand she is now present so why don't we make a motion and a second and then we'll bring her up. So I'll make a motion to reappoint.

LEG. D'AMARO:
Second.

CHAIRMAN SCHNEIDERMAN:
Motion to approve, second by Legislator D'Amaro. And we have Ms. Holmes before us. Thank you for coming.

MS. HOLMES:
Sorry that I missed my flock. There was a flagman on Edwards Avenue just south of the Beagle Farm who held me up for 15 minutes.

CHAIRMAN SCHNEIDERMAN:
Sounds like a planning issue.

MS. HOLMES:
If he only knew. But I was glad to see you voting for our Lady of the Isle or talking about it because I have to tell you the people on Shelter Island are heart broken that the Passionist fathers have abandoned this property and they very much are hoping that it can be put to some more use. So just -- it was interesting to listen to your discussion.

CHAIRMAN SCHNEIDERMAN:
Thank you. And thank you for coming out today from Shelter Island. One of my favorite places.

MS. HOLMES:
You go across?

CHAIRMAN SCHNEIDERMAN:
I spend sometime there as well, not just always passing through it. My son was born on Shelter Island.

So I wanted to ask you the same question I asked the other two members who were here today. You're here for reappointment. You've been serving on the Planning Commission. I understand your attendance record is extraordinary, 98 percent or so, that's almost perfect. And we certainly appreciate the level of commitment you have made to essentially a voluntary position, more than essentially; truly voluntary position. So, just if you could say, what your interest is, why you want to continue to serve and continue to make a level of time commitment, I think we'd all appreciate hearing that.

MS. HOLMES:
Thank you. As you may know, I was on the Shelter Island Planning board for several years. And since I have been on this Commission with County Executive Levy mandating the diversity of expertise, this has become a very exciting group to work with. And I must say that although our meetings are lengthy, they're very meaningful because everybody asks very cogent questions and the discussions are very detailed and it's very impressive. And for that reason I would certainly like to continue being a part of it.

CHAIRMAN SCHNEIDERMAN:
Do we have any question for Ms. Holmes? Thank you for coming out today.

MS. HOLMES:
Thank you.

CHAIRMAN SCHNEIDERMAN:

There's already been a motion and a second to approve. All in favor? Opposed? Abstentions?
2133 is approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT) Congratulations. And there's no need to appear before the full Legislature next week. Thank you for your services.

And we've already taken care of 2134 so that brings us to the end of our agenda and we are adjourned. Thank you.

**THE MEETING CONCLUDED AT 3:03 PM
{ } DENOTES SPELLED PHONETICALLY**