

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 June 14, 2001.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chair
Leg. Jon Cooper (not present)
Leg. Daniel P. Losquadro
Leg. Thomas Muratore
P.O. William J. Lindsay, ex-officio member

ALSO IN ATTENDANCE:

Legislator John M. Kennedy, Jr., Twelfth District
George Nolan, Counsel to the Legislature
Ben Zwirn, County Executive's Office
Terrence Pearsall, Chief of Staff
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Renee Ortiz, Chief Deputy Clerk
Thomas Isles, Director of 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
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Tom Ryan, Aide to Leg. Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Gail Lolis, County Attorney's Office
Rick Brand, Newsday
Steve Tricaraco, Aide to County Executive
Marge Acevedo, Aide to Presiding Officer
Jack Caffey, Aide to Presiding Officer
Michael Amoroso, Bureau Chief, County Attorney's Office
Anna Throne-Holst, Supervisor of Southampton Town
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:14 PM

CHAIRPERSON VILORIA-FISHER:

Welcome to today's Committee meeting. Please join us in the Pledge of Allegiance led by Legislator Losquadro.

SALUTATION

LEG. LOSQUADRO:

Flag day no less.

CHAIRPERSON VILORIA-FISHER:

Do we have any cards, Alicia?

MS. HOWARD:

No.

CHAIRPERSON VILORIA-FISHER:

No. Cards. I understand that, Commissioner Gallagher, that you called and said you wanted to make a presentation?

PRESENTATION

COMMISSIONER MEEK GALLAGHER:

I just did want to provide an updated status of the funds since it has been, you know, a month or so since we had that available.

CHAIRPERSON VILORIA-FISHER:

Right.

COMMISSIONER MEEK GALLAGHER:

And just to note we did make a few changes since last time you've seen the sheet, one of which in Multifaceted, you'll see the balance of accounts now reflects at the top line, the balance of account 16,311,402 and the amount available after negotiations is 9.3 million. That was based on a recommendation actually from the BRO report on the Capital Budget that highlighted the fact that they knew there was additional appropriations that we were not carrying on this sheet. So we did correct that. And we're also showing, I'm not sure if it was there last time, the amount available to be bonded, appropriated in future, at the bottom that 77 million, so you have a sense of where we are in terms of what can still be bonded as of today.

PO LINDSAY ENTERED AUDITORIUM

CHAIRPERSON VILORIA-FISHER:

So in the projected expenditures, those are the ones that are in the pipeline. And that includes everything that's in the pipeline?

COMMISSIONER MEEK GALLAGHER:

That includes everything that we have in contract and accepted offers. You'll see that we segregated it now including -- so we put *in contract and accepted offers* above amount, the total projected expenditures amount available for future negotiation and what's still in negotiation. So those are really the more long-term pipeline projects. But we wanted to make it clear because

what's in contract and accepted offers is what you're more likely to see coming forward as in an appropriating request and in authorizing resolutions in the next six months.

CHAIRPERSON VILORIA-FISHER:

Any more questions?

LEG. LOSQUADRO:

No.

CHAIRPERSON VILORIA-FISHER:

I'm just going to look at this for another minute.

COMMISSIONER MEEK GALLAGHER:

Sure.

P.O. LINDSAY:

Can I ask?

CHAIRPERSON VILORIA-FISHER:

Legislator Lindsay.

P.O. LINDSAY:

So it looks like we spend more money than we have?

COMMISSIONER MEEK GALLAGHER:

No, because we do -- at the bottom you'll see highlighted in light orange the amount available to be bonded.

P.O. LINDSAY:

Right.

COMMISSIONER MEEK GALLAGHER:

Or appropriated. It's still 77 million out of the Quarter Percent. But, yes, right now if you include everything in negotiation in the Quarter Percent column, we are under-appropriated, might be the way to identify it, but what we've been trying to do --

P.O. LINDSAY:

You can call it whatever you want, we still don't have enough money.

COMMISSIONER MEEK GALLAGHER:

Right. But what we've trying to do, because of the funding stream, we know it's starting to dwindle, is we've been very careful and also with the bonding the fact that we don't want to be expending or paying interest on bonded money that we -- when we have not yet closed on the property, is we're only coming to you for an appropriation when we either -- already have an authorizing resolution or we're laying on the table an authorizing resolution at the same time as the appropriation.

P.O. LINDSAY:

I mean because of this, would it make sense that we suspend planning steps for the time being or -- to see how this shakes out?

COMMISSIONER MEEK GALLAGHER:

Well, actually, Director Isles and I have a discussion on that for you as well. Would you like us to go into that right now?

CHAIRPERSON VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Wait a minute. You go into that and then I'll ask my questions.

COMMISSIONER MEEK GALLAGHER:

So what's being passed out right now is a joint memo that Director Isles and I prepared in response to many of the questions that have been coming up at recent committee meetings. You'll see that page one really summarizes where we are in terms of funding status as has been discussed. And then page two makes some suggestions regarding how we proceed with land acquisitions including planning steps authorizations, authorizing resolutions and reappraisals.

Obviously these are just suggestions based on, you know, our knowledge of the program as well as the questions that have arisen. And it's completely up to you as the policy making body to decide whether you want to accept these or not. But we're here for questions and for discussion on this topic.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you and good afternoon. The 77 million amount available to be bonded or appropriated, that is the pool that's left or available that you're discussing in the memo on the second page? We should be a little more strategic perhaps on how we go after that and spend that 77 million; is that correct?

COMMISSIONER MEEK GALLAGHER:

Yes.

LEG. D'AMARO:

All right. So I'm just having a little problem understanding the chart with respect to the balance of accounts less in contract and accepted offers. I understand that. Those are very likely to materialize if you're in contract or have an accepted offer.

COMMISSIONER MEEK GALLAGHER:

Yes.

LEG. D'AMARO:

So when you do the math, we have 86 million that we're likely to spend in contract or accepted offers, but we only have 43 million in the account. Now the account represents what's already been appropriated or bonded. It doesn't -- obviously -- if that falls short, if all of the in contract and accepted offers materialized, we can then go into the 77; is that correct?

COMMISSIONER MEEK GALLAGHER:

Well, some of the accepted offers we have not yet appropriated that money and --

LEG. D'AMARO:

Okay.

COMMISSIONER MEEK GALLAGHER:

-- a few in contract. So we -- until we know we have a fully executed contract, we don't come forward with an authorizing resolution. And only at that time do we account -- you know, do we come forward for the appropriation as well.

LEG. D'AMARO:

Right. But what the chart is showing is that if all the in contracts and accepted offers materialize, that we're short 42 million and change.

COMMISSIONER MEEK GALLAGHER:

Yes.

LEG. D'AMARO:

So that 42 million would come out of the 77.

COMMISSIONER MEEK GALLAGHER:

Yes.

LEG. D'AMARO:

Okay. So when we're looking at the \$77 million number, it's likely that much of the in contract and accepted offers will go through; so the 77 million might be somewhat less available for new starts, new project, new acquisitions.

COMMISSIONER MEEK GALLAGHER:

Yes.

LEG. D'AMARO:

Do you know about how much roughly would impact the 77 million? It's tough to estimate, I would assume but --

COMMISSIONER MEEK GALLAGHER:

Right. I will be more comfortable getting back to you with that answer when I compare this and all the backup detail on what's been accounted for, what we're expecting will go forward in the next six months definitely.

LEG. D'AMARO:

All right. And only having a balance of 77 million left as a result of the impact on what we can bond based on the decline -- substantial decline in sales tax.

COMMISSIONER MEEK GALLAGHER:

Yes, from the original projection of 322 million and now the agreed upon projection of 210 million.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

And, Commissioner, I just want to be careful of how we're using the words because I don't believe that we're really short. The issue is at what point do you decide to bond?

COMMISSIONER MEEK GALLAGHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

So we're not short. We just haven't bonded that because you're wait until you get to the culminating step in acquisition --

COMMISSIONER MEEK GALLAGHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

-- that you go out and bond because we don't want to develop that debt service earlier than we have to.

COMMISSIONER MEEK GALLAGHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

Robert.

MR. LIPP:

I think the point here is, number one, as Carrie was saying, the \$77 million is what the Budget Office and our office agreed to as the remaining bonding authorizations. And that could be done anywhere through the end of 2011. In addition to that --

LEG. LOSQUADRO:

Excuse me.

CHAIRPERSON VILORIA-FISHER:

Okay. Would you suffer an interruption?

MR. LIPP:

Sure.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

I don't want to get too far ahead because I know, you know, we start throwing lots of different numbers out there. That 77 million that you agreed upon, that's based on current projections.

MR. LIPP:

Correct.

LEG. LOSQUADRO:

Now, if and when things do improve, that number could go up?

MR. LIPP:

Not really or not likely. Only because we're only allowed to bond according to the program for four years from 2008 through the end of 2011. So unless there's --

LEG. LOSQUADRO:

Okay. So the likelihood, unless things really turn around next year, that number probably won't move that much.

MR. LIPP:

Correct.

LEG. LOSQUADRO:

Okay. Thank you.

MR. LIPP:

So that -- and just so you know, which is consistent with what their talking about, too, is after 2011 we have cash. So, for instance, in the Budget Review of the Capital Program we estimated that between -- when we started the program December '07 and the end of 2011, we're going to build up probably over \$15 million, although it is a projection, in cash that could start to be used moving forward starting in 2012. And then after, as Carrie had said, I believe is approximately 20 million a

year, I'm ignoring the growth rates, that we'll have moving forward in terms of cash.

COMMISSIONER MEEK GALLAGHER:

Not after debt service.

MR. LIPP:

No, not after debt service. Gross numbers. That's correct. Not after debt service. We do have to allocate the amount -- I believe it's only four million perhaps in the first year.

CHAIRPERSON VILORIA-FISHER:

Carrie, you answered my next question about debt service.

MR. LIPP:

Yeah. And eventually that does build up. We mention that in the review. So it starts out as a small amount, no doubt. But another issue, too, is that you have a lot of properties here in particular in negotiations and perhaps some of them in accepted offers that it's really hard to say when they're going to actually close. So you have enough as of now with the 77 million. It's not clear exactly what's in the pipeline although a very fast scanning of their memo without having looked at it in detail it potentially could really pop up. But in terms of the timing of when the properties would actually be purchased is an issue that remains to be seen. And, of course, we recommend in the review, too, is we may want to take a closer look at the rankings, especially for Master List properties that really have the rankings, and if there is going to be a problem moving forward. So there is, short term, there's enough money short term.

CHAIRPERSON VILORIA-FISHER:

The point I was making, Robert, was that the term that was used was we're short X number of millions. But, in fact, we're not short. We have the ability to bond, but we're not choosing to bond until we are closer to the close of negotiations.

MR. LIPP:

Correct. Typically we borrow for what we believe we need or actually Energy and Environment believes they need for half a year period. You can never hit that exactly on the head, but that's what they try to do.

CHAIRPERSON VILORIA-FISHER:

Okay. Another question, Legislator D'Amaro.

LEG. D'AMARO:

Second paragraph in the first page of your memo addresses the 77 million in available bonding capacity. And it talks about there are a significant number of properties in the pipeline that are in contract, accepted offers, etcetera, which could further cut into that 77 million. And the memo on the second page goes on to talk about ways to approach what's left, the funding that's left which is less than 77 million probably.

And you suggest when we review planning steps, to limit it to the most strategically important parcels, which is a good suggestion, or, I think, the second strategy is more just if we're going to approve planning steps as a preliminary matter when we get to acquisition phase, we take another hard look at whether or not we should go forward.

But the point I want to make is that in that second paragraph on the first page when you're addressing the 77 million that's available, what's in the pipeline has already been approved planning steps; is that correct?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

So when we get the acquisition phase or the acquisition legislation here, because we're cutting deeper and deeper into that 77, we need to take a second hard look, even though we may have approved it in a planning step phase, we should really take a look and apply some maybe stricter criteria when we get to the actual acquisition vote; is that what you're suggesting?

DIRECTOR ISLES:

That is what we're suggesting. But let me also point out that we and members of this Committee have discussed, *well, when do we look at the qualitative side? During a planning steps or during the authorizing phase?* And our answer is both. In the planning steps phase, it is starting the process, costs are incurred to the County and so forth. And we do do the rating based on the information we have available at that point and so forth. So you're making the best estimate at that point.

But we shouldn't discount the acquisition phase because at that point there's additional information that probably is a value to all of us including what is the price of the land, is it something the County, you as policy makers want to expend money for. We have the results of environmental site assessments and so forth, conditions of buildings and any contamination and so forth.

So we're just suggesting, it's something, in fact, I think we do and certainly you do in terms of a critical review of acquisition resolutions, but I think we just want to avail maximum use of that in terms of spending priorities. So both steps are important, planning and acquisition. But we don't want to lose site of the fact that you have everything in front of you on an acquisition resolution that we feel you need or you've asked for to make the best decision. And this enables that comparison to other parcels that you're also considering for what's in the best interest of Suffolk County.

LEG. D'AMARO:

And my last question is, we have compiled master lists, which are really high priority target acquisitions. Probably on an going basis you are looking and reviewing that list and making offers or seeing if sellers are interested in selling. Given those master lists, even if half of what's remaining came to fruition, is there enough in the 77 million to cover even what's on the master list or a portion of the matter list at this point?

DIRECTOR ISLES:

That's a difficult question to answer. In terms of whether there's enough, there's constant or continued review of those parcels by Real Estate. They do get contacted by owners. They do an outreach and so forth. They've made a significant dent and I think everybody's been contacted. And so I think we've been through that first or second blush --

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

-- in terms of screening those lists and identifying properties. But, here again, that's the principal recommendation of the County Planning Department and the County Executive. And those are balanced against the individual planning steps resolutions.

LEG. D'AMARO:

And as we consider those acquisitions at the acquisition phase, you would give a priority to a master list property, I would assume? If we're going to take a harder look at the acquisition itself.

DIRECTOR ISLES:

From the Department's standpoint, we would consider those to be priority acquisitions.

LEG. D'AMARO:

Yeah, okay. All right. Thanks again.

COMMISSIONER MEEK GALLAGHER:

And just to respond to the funding aspect, there certainly is not enough available funding to acquire everything on the master list. And just to reiterate, I know you get the quarterly updates on planning steps status.

LEG. D'AMARO:

Right.

COMMISSIONER MEEK GALLAGHER:

There's now currently just under 14,000 acres in planning steps that are, you know, have not closed. So some of those are in the process of moving forward, but many of them there was no interest or the offer was rejected, etcetera and so forth. So if you think about those and what we're adding every cycle, clearly we don't have sufficient funding for everything that's ever been put into planning steps.

CHAIRPERSON VILORIA-FISHER:

I would just like to mention that I feel that some of us have been carefully reviewing at the acquisition -- at the point of acquisition. I know I certainly have. And Legislator Losquadro knows that we discuss this when we're at ETRB and look at various policy decisions. We bring that to the Legislature. Sometimes that runs up against some parochialism when each Legislator wants to see a parcel acquired in his or her district.

And the second piece of that is that I believe that those recommendations that we get for or against acquisitions by the Board of Trustees should be taken very seriously. And sometimes when the Parks Trustees have disagreed with us on acquisitions, some have taken great umbrage. And I think that we should take their recommendations very seriously and sometimes they have not been.

The third point I'd like to make is I was curious as to when the master list was last reviewed. Because I thought that we had -- we were going to have an updated master list within the last year. Has there been an update to the master list because there might be some potential sellers who are coming to us that might be good on the master list, that might save of the time that we have with them. Sometimes as we go through planning steps and approach sellers who may not have an interest -- has there been a review and an update?

DIRECTOR ISLES:

We do review it from time to time. We have not come forward to you at this point with a new master list in view of the number of parcels that we have in the pipeline right now.

We do, however, here again, identify new parcels, certainly through planning steps process that are able to move forward if they're, you know, identified as being critical and time sensitive. But in answer to your question, we have a total of five master lists at this point. And those are what we're active with right now in addition to the planning steps we have, in addition to the farmland parcels that are identified through the Farmland Committee. And that's the primary pursuit.

CHAIRPERSON VILORIA-FISHER:

Is there any movement on partnerships with towns? I know that we had had a fairly active partnership program. Some of the towns are running out of money or have run out of money. There was some rumors about one town looking to bond so they could be more active in our partnership programs. What's the status on that? Because we do need to leverage our money.

COMMISSIONER MEEK GALLAGHER:

There are still some partnerships moving forward. Obviously not as much as had been maybe in the past but certainly the Town of Brookhaven, the Town of Southampton, there's actually a resolution before you today where there's a partnership with the Town of Southampton. So there are still those opportunities out there for us to partner and we try to do that whenever possible, especially if

it's an acquisition that may be more suitable for the Town, but they don't have enough funds, we try to ensure that there is some amount of partnership. And in some cases what we've been doing is where it's more suitable for a town, we'll try to get them to acquire that parcel and we'll instead look at acquiring a different parcel that's more suitable for the County where originally there might have been a partnership anticipated on that and we'll do it on our own.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to bring up the point, third point on the limit of the reappraisals. Isn't that something that is solely the function of the Environmental Trust Review Board? Doesn't that come back to -- or would we have to change -- are you suggesting that we change something legislatively to put in a time window in which those reappraisals could not take place? And then waivers of the rule be reviewed by ETRB? I'm not really following how you would want that change structurally to occur.

DIRECTOR ISLES:

The Environmental Trust Review Board does from time to time consider requests from the Director of Real Estate to extend the time for negotiations. And the negotiations, I believe, are set at 90 days from authorization by the Trust Board.

This situation occurs when someone is well passed that point. So they may have been in negotiation with the County, terminated the negotiations or not responded. And then a year later, two years later they contact the County again and say *you know what? I want to be reconsidered again*. So I think that's what we'd like to address with you, is that how frequently should parcels be reconsidered. And we think it should be no more frequently than once a year. There are cases where somebody might come back in nine months or six months or something and say *I'd like another appraisal on my property*. But the strict negotiations are 90 days from the point --

LEG. LOSQUADRO:

I mean we already treat it on a case by case basis; correct?

DIRECTOR ISLES:

(Shaking head yes)

LEG. LOSQUADRO:

So I wouldn't want to see us, one, close the door on a parcel that we might decide, you know, *well, we're happy this person's now on board*. And, you know, maybe they gave us some information. We need to reappraise it. I also wouldn't want to see a situation -- well, as I said, it's on a case by case basis already. I wouldn't want to see us be hamstrung in any way if we wanted to consider it on a shorter window.

Right now, I mean, if that is a policy that we discuss in the Environmental Trust Review Board, we just don't have to -- if the Director comes to us and says, you know, *we want to do this again*, we say, *no, it's too short a time window*, you know, they need to wait. Conversely, though, we could be looking at this and saying, well, it seems like a good idea now but maybe the market drops off and maybe reappraising it might be financially advantageous to us. We might pay less for it if we were to reappraise it.

DIRECTOR ISLES:

I think one of the points that we wanted to make is that we don't want this just to be, you know, price shopping on the part of owners in terms of if we've got a limited number of dollars and we have interest in participating in the County's program, we'd like to move as quickly as possible to those who are interested.

LEG. LOSQUADRO:

I think we've been very successful in that regard with the model that we've gone to with the single offer system.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

And I -- I mean have we seen a marked increase in that? I mean I don't recall in the ETRB that we've had that many more requests coming back to us for reappraisal. Most landowners, you know, it's been a few years now know that the County is serious about our system; how we appraise properties and the offers that we make.

COMMISSIONER MEEK GALLAGHER:

Just to clarify, this isn't a case where during that 90 days or right at that 90 days, they -- there was either no response or an outright rejection. And then they may decide a few months later they call up the Division of Real Property Acquisition and Management and say, *hey, I have want my property reappraised after all. Or I want to be reconsidered.* So we're trying to -- we were trying to provide some guidance to the Division which has been getting an increasing number of calls.

LEG. LOSQUADRO:

That's my question. We have seen a marked increase in that particular scenario coming to pass?

COMMISSIONER MEEK GALLAGHER:

Right, which is not necessarily the same case as we normally discuss in ETRB, which is when that negotiation period -- during the 90 days the owner has said to us, *well, I'd like to provide you some new information* and we kind of extend the negotiations. This is when there's been clear end to negotiation or no initial interest on the part of the owner. And then they come back past that window and say, *oh, you know what? I think I've changed* -- or their lawyer, someone contacts us and says *could you reappraise? We want a new appraisal now to see.* So we're trying to just provide some guidance. And obviously we can still -- we were trying to generally make the case with everything in the pipeline to tell them, well, you have to wait a year or, you know, unless --

LEG. LOSQUADRO:

I don't recall that particular scenario being presented us to at ETRB.

CHAIRPERSON VILORIA-FISHER:

Actually, yeah, we haven't really seen that -- we haven't seen an uptick, in other words, of reappraisals. We've only seen reappraisals where there has been a reason why we've had to go back and look, sometimes even issues with various towns who have had different, you know, conservation easements and things like that. We've looked at that. But I don't remember an uptick. But you're saying now, Carrie -- I'm sorry for interrupting.

LEG. LOSQUADRO:

No, that's fine.

CHAIRPERSON VILORIA-FISHER:

We are perplexed. Because we haven't seen an uptick. But you're saying there's an uptick in requests?

COMMISSIONER MEEK GALLAGHER:

Requests, so after the 90 days, and there's been no interest on the part of the seller to extend the negotiations, which is when we would come back to ETRB normally.

CHAIRPERSON VILORIA-FISHER:

No, we get it. But our question is very simple. There's been an uptick in requests?

COMMISSIONER MEEK GALLAGHER:

Yes, there has been an uptick in requests for reappraisals before or right at that, maybe that earmark or before that earmark. And so we just were trying to provide some guidance and take make it clear that we have so much in the pipeline, *that if you've already rejected our offer once or twice or how ever many times before, maybe we're not going to rush to pay for new appraisals and expend the resources and the time and energy and unless it was, you know, a property that was, you know, considerably valuable.*

CHAIRPERSON VILORIA-FISHER:

Then what we're saying in ETRB is that although there's an uptick in requests, there hasn't been an increased number of appraisals. You haven't been acceding to the requests?

COMMISSIONER MEEK GALLAGHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

Okay. That's why we're not seeing them. They're being requested but they haven't been fulfilled.

COMMISSIONER MEEK GALLAGHER:

Correct.

LEG. LOSQUADRO:

Okay.

CHAIRPERSON VILORIA-FISHER:

Any more questions? We'll go to the agenda, our tabled resolutions.

TABLED RESOLUTIONS

(1174, adopting Local Law No. -2010, A Local Law amending Chapter 8 of the Suffolk County Code. {Co. Exec})

Mr. Isles, you've been making some progress with the Chapter 8 amending the local law, but we're not there yet; am I to assume that?

DIRECTOR ISLES:

We have been making progress. And I greatly appreciate your patience. If you would like, I could provide you with an update today. We are anticipating the re-filing of the bill reflecting changes based on conversations with the stakeholders soon. So possibly next week, I'm not certain, but if you would like, I can hand-out a quick summary of the changes that are proposed at this point. Or if you want, I can pass that off at this point.

CHAIRPERSON VILORIA-FISHER:

Well, if you could hand us out the summary, and just let us take a look at it, and I don't think -- unless there are legislators who would like an explanation of the summary, or we can just read it on our own. I'm fine with just reading it on my own, okay, rather than take Committee time. So if you could just distribute that, I'd appreciate it. Thank you, Tom.

DIRECTOR ISLES:

We'll circulate that. It's two documents. One is summarizing the process which shows since January 2008. We met with numerous stakeholders so I have filled that in to this month in terms of what the steps have been.

The second document I'm circulating is a summary of the changes presently from your public hearing held in March and it's, I believe, 46 changes to the legislation that was proposed addressing such issues as lot coverage, issues as not conforming uses, annual review and a lot of housekeeping and legal amendments to the language. Certainly if any members have any questions either today or thereafter, please contact me.

CHAIRPERSON VILORIA-FISHER:

So I will make a motion to table 1174.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1174 is tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1220, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Gentleman's Driving Park property) Town of Brookhaven. (Losquadro)

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by the sponsor. Second. All in favor? Opposed? IR 1220 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1278, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Daisy White Nursery property Town of Brookhaven). (Losquadro)

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Losquadro, seconded by myself. All in favor? Opposed? IR 1278 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1280, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Copeland property Town of Brookhaven). (Viloria-Fisher) I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? IR 1280 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1412, adopting Local Law No. -2010, A Local Law establishing fair and objective procedures for contracting title insurance work. (Kennedy) And I see that the sponsor is here.

LEG. KENNEDY:

Madam Chair, if I may?

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. LOSQUADRO:

Motion to approve for purposes of discussion.

CHAIRPERSON VILORIA-FISHER:

I'll second.

LEG. KENNEDY:

Thank you, Madam Chair. I was just going to point out that the public hearing on this bill has been closed. It is before us. I think it's very self-explanatory. It is a very straight forward function of our land purchase program, but nevertheless something that's very important. And as this body has in the past acted on the various components to streamline and standardize the acquisition process, I think, this piece of land purchase and procurement is equally important to go ahead and to move forward in a standardized and an arm's length method of selection. So that was my purpose with putting it before the body and I would appreciate the Committee's support.

CHAIRPERSON VILORIA-FISHER:

Thank you. Mr. Zwirn.

MR. ZWIRN:

Yes, Madam Chair, if I may weigh in on this. Mike Amoroso from the County Attorney's Office is going to comment on the day to day problems that this legislation presents to the department. And then I would just like to have a few comments after that if that's okay.

CHAIRPERSON VILORIA-FISHER:

Sure. Absolutely. Go ahead, Mr. Amoroso.

MR. AMOROSO:

Thank you very much. Number one, this seems to speak to just acquisitions but you're going to need --

LEG. KENNEDY:

Can you get closer to the mike.

MR. AMOROSO:

Okay. Can you hear me now? I'm sorry. The legislation appears to speak to the acquisitions of land, but there are really four reasons why we're ordering title. In addition to the acquisitions, there is also the condemnation process in which we need to get title reports for each of the maps that are being acquired by DPW. Economic Development needs to acquire titles when we purchase affordable housing. That's separate from Real Estate. And also ultimately we need title reports from -- on DSS foreclosures. We need to know all viable defendants, all lien holders, title holders, etcetera to adequately bring our pleadings in accordance with the requirements to foreclose the DSS lien.

So that creates some issues in just a strict rotating basis. I mean obviously if it all goes through the Division of Real Estate, the Director, whoever that is, will have to account for that and keep a record of all of the ordering of title, not just for acquisitions. That's one thing.

The one thing I would like to speak to is the strict rotation. I think there needs to some form of flexibility in the ordering of the titles because a strict rotation might cause issues with acquisitions of a group of parcels which will be happening contemporaneously with either different owners or different family members. I'll give you an example. We purchased multiple lots from the {Capurso} family in East Hampton out near Montauk Downs, if you remember that acquisition. That was

several years ago. But there was probably six different lots owned by six different family members. Some involved estates. And I could tell you that -- excuse me? Oh, I'm sorry. But I can just say that that would cause some issues because we did contemporaneous closings to have six title companies, for example, show up on the same day for six title closings, that would be logistically a nightmare. But also it could raise issues of some raising different exceptions than others. So, there's problems with that.

Another example on the same vein would be a series of properties we purchased in Huntington known as Emerald Estates. There was probably about six of those as well. Those are definitely different owners, that were contiguous properties, but they were all landlocked so we needed one title company to deal with that issue of ingress and egress because only one of the lots had ingress and egress off of a title -- excuse me -- off of a County property that had been taken by a tax deed that led to a road in the back not off the main thoroughfare. So that's just one example of why.

CHAIRPERSON VILORIA-FISHER:

Mr. Amoroso, before you go on --

MR. AMOROSO:

Sure.

CHAIRPERSON VILORIA-FISHER:

Because I know you're going to have a lot to say --

MR. AMOROSO:

Okay.

CHAIRPERSON VILORIA-FISHER:

And I don't want to forget this particular point. But in our appraisals, we use a rotating basis. And as a matter of fact, when we have properties that have an aggregation of different owners, that's considered one piece of property. And we do have one appraiser who does the appraisal. And, Dan, you're on ETRB with me so that's the practice that we see. So I think, it would seem to me, and I'm not in your field --

MR. AMOROSO:

Right.

CHAIRPERSON VILORIA-FISHER:

So correct me if I'm wrong, but it would seem to me that if we're able to use that rotational model for our appraisals, that we should be able to do that also with our title, if we're looking at an aggregation of properties with different owners. Like Montauk Downs, there was only one appraiser who did the whole thing.

MR. AMOROSO:

Right, and there was only one surveyor, and what not.

CHAIRPERSON VILORIA-FISHER:

And so there would be only one title company.

MR. AMOROSO:

Well --

CHAIRPERSON VILORIA-FISHER:

Because we're seeing that as the entity. And so that would be the place and the cue, that rotation cue, would be for that one negotiating piece.

MR. AMOROSO:

If that's the practical way it's going to be treated, that's one thing. I mean if the legislation really doesn't lay that out, and we were just raising that --

CHAIRPERSON VILORIA-FISHER:

Well, I don't think we laid it out with appraisals either.

MR. AMOROSO:

I don't think there's anything --

CHAIRPERSON VILORIA-FISHER:

But I think in practice that's the way -- well, I know that in practice that's the way it's been done. And so it would seem -- because what you're describing would be very illogical; it just wouldn't make sense. And so I think in practical -- in practice it would be done the way our appraisals are done.

MR. AMOROSO:

The only thing I would say to that is there is no legislation at all about surveyors or appraisers. So in practice you can do that because there is no constraints but this would be --

CHAIRPERSON VILORIA-FISHER:

There is legislation about appraisers.

MR. AMOROSO:

About rotating appraisers?

CHAIRPERSON VILORIA-FISHER:

I believe they have --

MR. AMOROSO:

I'm not aware of --

CHAIRPERSON VILORIA-FISHER:

-- to be on a rotating basis. I mean they all have to be -- there's a list of appraisers --

MR. AMOROSO:

Right.

CHAIRPERSON VILORIA-FISHER:

-- that comes before the Legislature. Isn't there a rotating list of appraisers? I'm pretty sure.

MR. AMOROSO:

Oh, there's a rotating list, but each order is not on a rotating basis to my knowledge. They send out requests from everybody and they get certain responses and then they pick.

CHAIRPERSON VILORIA-FISHER:

Okay. But it's from a list. We have an approved list of appraisers.

MR. AMOROSO:

There's no question about that. I'm just raising this issue of the one section "C", which clearly says *must about on a rotating basis by the Director of the Division of Real Property Acquisition and Management*. And I'm just saying that that could lead to some problems that you would not have because of common practice.

Now, if it's the understanding that she's allowed to go outside the rotation, that's one thing. But it's not, you know, in the legislation. I'm just trying to point that out.

The other -- I mean we could go through a myriad of issues. I mean in some situations we're partnering with a town. They would like us or have requested a certain title company. They may have property insured by that company next to it. There's a bunch of reasons for that. You really get into -- you know, bottom line there is quality differences between title companies. And on some large transactions, you may not want to have to frankly deal with the next person on the list. And there should be some flexibility along those lines.

We're doing some -- you've heard today the issue of limited resources and what not. We're doing some high level acquisitions in terms of money expended and complexities of title issues and encroachment issues and what not. And I do think that practically speaking, again, you may want to consider that when you're ordering from a title company. That's another issue.

And basically, you know, along those lines some companies we've found some just waive all their fees. You know, there's only the premium. They just take the premium and that's common practice for them. There are others we don't have that and we have to deal with some charges with them. And we resolve them all. We've never been overcharged; I can tell you that. I mean every bill, every voucher that's submitted on an acquisition is approved by both the representative of the Division of Real Property Acquisition and Management and by the attorney who's handling it for the County Attorney's Office. So we're not being overcharged, but at the same token some waive all their fees and just accept the premium, which is, you know, which would be a savings to the County. So that should also be considered.

I don't know if anybody has any more questions about the practical aspect.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

I appreciate you bringing those questions, I guess to bear. Certainly, I think, the language in "C" is broad enough that it should cover the other items that you're looking at, you know, for eminent domain, where we're looking to go ahead and do the right of way acquisitions. Our Workforce Housing, as a matter of fact, I know that we have two resolutions that are going to be before us on Wednesday.

And DSS, let me just make sure that I understand. You're talking about basically doing a creditor search when we're commencing an action of foreclose on a DSS lien that we have against the property?

MR. AMOROSO:

Yeah, because typically what's happened is that they have -- our liens has been ahead of someone and they missed it. So we have to foreclose everybody behind us. And that would be the owner and all those other liens that still remain on the property.

LEG. KENNEDY:

Well, I'm familiar with joining creditors for the purpose of perfecting title.

MR. AMOROSO:

Right.

LEG. KENNEDY:

And I don't know if we're talking about individually or an abstract that has half the judgement or if you're talking about some ability to go ahead and merge, whether or not we have mortgage holders and then we have judgement creditors and we have lien holders, and where you are in the priority. But I don't see that this should somehow prohibit or constrain that.

What I would be interested, and I'm going to ask through our Madam Chair or whoever else on the

Committee, if we can hear from our Director for the Division of Real Estate.

I am sensitive to and have shared with the County Attorney that my reason in bringing this forward and my colleagues in conversation is not to hobble or hamstring the Department from being able to do its job. I am unpersuaded with the notion that there are some companies who would routinely waive what are not regulated fees. You and I will agree that the premium is set by the State of New York, by the State Insurance Department. There is no negotiation there.

So whether we're using Acme Abstract or Chicago Title Insurance, the premium for the policy will be the same. If Acme Abstract decides to waive a \$50 filing fee, where Chicago Title wants to collect it, I don't know that it should be the position of the County of Suffolk that underwriters or abstract companies will only be solicited to do business if they categorically waive what their standard practice is. To me that's seem to be somewhat of a position where a company can only transact to be selected if they abandon what their basic business model is. I don't know if that's the position that we should be in.

Certainly we need to be frugal on behalf of the taxpayer. But I also don't think that it's our position to dictate to the private sector on a fee that they may have put together, be it a pickup fee or whatever else that's in there. And there are various incidental fees that we know that go on with a closing.

So I'm somewhat unpersuaded. But I'm wondering if our Director of Real Estate can tell us what her thoughts are with this or how she sees it.

CHAIRPERSON VILORIA-FISHER:

Actually, Mr. Kennedy, would you mind if I interrupt for just a moment?

LEG. KENNEDY:

It's your Committee. Of course.

CHAIRPERSON VILORIA-FISHER:

Because I'm very concerned about something. We had a public hearing on this issue. And this was something that came up, I believe, it was brought up by Legislator Montano at our last General Meeting. And that's the timeliness of the comment on the part of the County Executive's Office or whichever department is involved, in issues that we as a Legislature deliberate upon. And I think it would have been to the benefit of all 18 legislators if these comments had come during the public hearing. Because at this point if there are going to any changes by the sponsor of the bill, if there's substantive changes, then we would be putting this bill back into the public hearing because that's part of our rules here as a Legislature.

And I'm just wondering why the delay in the comments? This is a little late in the game. And we did have a public hearing. And I just wish that all 18 legislators would have been made available to, you know, that all of this information would have been made available to all 18 Legislators because it's a complex issue. And I just think we in the Committee will be apprised of all of the concerns that you have. But there are 13 other Legislators who aren't hearing this.

Ben, can you tell me why there's such a delay?

MR. ZWIRN:

Yeah, if I can respond. Generally almost without exception we do not comment at the public portion in the public hearings, if you can recall; very rarely would the County Executive's ever take a position there. We generally wait 'til it comes back to Committee where we make our comments. And I think that's -- and, George, Counsel to the Legislature, I mean --

CHAIRPERSON VILORIA-FISHER:

I'm just curious --

MR. ZWIRN:

Maybe we should change that but up until now --

CHAIRPERSON VILORIA-FISHER:

Or maybe reach out to the Legislator. Have you talked to the sponsor about these issues?

MR. ZWIRN:

I think there was some conversation, I'm not sure, with the County Attorney's Office.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, if there had been discussion with the sponsor on this and he chose not to make the changes before, then that's another issue. But I really -- as Chair the Committee, can you also reach out to me when there are issues that are coming before my Committee before they get here? Just so that I'm made aware of some of the -- what you would consider defects in the legislation.

MR. ZWIRN:

Certainly. And I just don't -- this is not ambush, you know politics. But generally as I said, this is normally our course. The County Attorney's Office generally does not participate in the public hearings but we do did it at the committee level.

CHAIRPERSON VILORIA-FISHER:

I'm thinking maybe we should change that. Because then you'd close the public hearing. And what happens is, you know you might have very good points that require changes in the local law. And we have to re-open the public hearing. So maybe we should talk about the practice.

MR. ZWIRN:

Yeah, I would think that's fair. But I know sometimes the public hearing, the public participation can go on for endlessly sometimes.

CHAIRPERSON VILORIA-FISHER:

We'll keep you to five minutes.

MR. ZWIRN:

It's not the five minutes. We can get our point across. It's just the questions that come afterwards. And we've always felt that it was better to do it at committee level where we had more time than at the public hearings. But if there's a request, certainly we can discuss the public hearings as we go forward and talk about some of the issues that we have. But it's been a policy up until now to do it this way.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy, you were going to ask --

LEG. KENNEDY:

I was hoping that, Pam, if you could tell us, I mean some of the things that Mr. Amoroso's raised I did not think would be impacted by the ability to go through this. I know that there are a variety of reasons why the County of Suffolk needs to engage a title company. Quite honestly I thought you were going to talk to me about the filing of covenants and restrictions, which also require a title search any time we have a developer that's coming forward with the Health Department. There are many different aspects where title comes into play, when the County is actually an entity that's engaging to transact or for that matter issuing some kind of a license, a permit or something else.

But, again, I go back to the fact that this is one of the most highly regulated areas of business from the fiscal financial side in the State of New York. So unless I've missed something, I don't think that

this would be something that presents an impediment with the Division of Real Estate. What are your thoughts?

DIRECTOR GREENE:

Impediment might be a difficult word. Good afternoon, members of the Committee. But the Division would like to fully concur with the Bureau Chief, Mike Amoroso, who has told you that it is not just in the areas of acquisition where title is ordered, but in areas where other departments are involved. We have the Department of the Social Services. We have the Department of Public Works. Having all of those necessary title searches now having to come through the Division of Real Property is going to be far more onerous and much more complex to involve other departments' needs other than the ones we are currently managing presently.

LEG. KENNEDY:

And what are those ones that you manage now, Pam?

DIRECTOR GREENE:

Acquisition.

LEG. KENNEDY:

Okay. And if there are incidental orders that need to be placed with some of these other departments, and we have a pool that's been established with criteria that's been set out as developed by you folks, certainly I'm going to want to see some of what's in there, and there's a general offering to the industry where we make the determination as to the entities that are deemed qualified to perform that function, how does it become a constraint?

DIRECTOR GREENE:

My concern would include funding sources. Currently the funding sources are not through the Division of Real Property. So how is this all being paid for?

LEG. KENNEDY:

I'm sorry. Say it again?

DIRECTOR GREENE:

What is the funding source going to be?

LEG. KENNEDY:

Funding source for what?

DIRECTOR GREENE:

The title insurance policies.

LEG. KENNEDY:

Title insurance is basically something that's procured incident to whatever the land acquisition stream is that we're looking at.

DIRECTOR GREENE:

Correct, for acquisitions.

LEG. KENNEDY:

Okay.

DIRECTOR GREENE:

Your legislation --

LEG. KENNEDY:

Okay. If there's a --

DIRECTOR GREENE:

-- is not specific to acquisition. Correct?

LEG. KENNEDY:

The language actually, if we look at it, states real estate transactions. And our desire was to go ahead and make that language broad enough so that it covered the broad category of transactions, where I think we could speak to acquisitions.

Now, the workforce housing component, while it originates through our workforce housing capital budget appropriation, nevertheless is an acquisition. The foreclosure process for DSS lien, I guess, can be deemed a real estate transaction because ultimately the position of the County is to perfect title in a subject property where we take ownership. I would imagine.

DIRECTOR GREENE:

Funding for that would be outside of our legislative scope, correct, currently.

LEG. KENNEDY:

Well, then, let me go ahead and ask Mr. Amoroso, who pays for the title search now when we're going to commence an action to foreclose a Social Services lien?

MR. AMOROSO:

No. Right now as -- even though the titles are ordered through our department, each division will pay for their own. Like, DSS gets the bill and the voucher. They would pay for the expenses of the foreclosure search. DPW through the acquisition -- or through, I should say, the condemnation resolution, they would pay through that funding source for those titles. And Affordable Housing does pay for any insurance policies that we acquire whether they be fee title or mortgage insurance policy at the stage of closing.

LEG. KENNEDY:

Okay. So is it a safe statement to say those departments would be the one would be who paying for the title?

MR. AMOROSO:

Yeah, there should be no reason to change that practice.

LEG. KENNEDY:

Okay. Good. So that's asked and answered. What else?

DIRECTOR GREENE:

By whom would that function now go to?

LEG. KENNEDY:

I'm not -- what am I missing? What am I not understanding?

DIRECTOR GREENE:

Again, I believe what your intent is, is going to have a ripple effect to create an added responsibility than, I believe, if I'm understanding your intention, to the accounting division in the Division of Real Property. Correct?

LEG. KENNEDY:

To note the originating department that they'll have the expense associated with title procurement in these categories?

DIRECTOR GREENE:

Who's signing the contract? Who's the title company in contract with?

LEG. KENNEDY:

Again, I would have to go to Mr. Amoroso. Mike, walk me through the Department of Social Services foreclosing on a Social Services lien against the home of Mary Jones. Or better yet, more often, usually we do not foreclose when somebody is in their dwelling and they're still alive. It's generally the estate of Mary Jones. That's when we foreclose; correct?

MR. AMOROSO:

Yeah, often times we foreclose actually after Mary Jones has passed away, as you said, and the estate sold it and our lien seems to be old because it's from 1975 but they choose not to read it, that it doesn't become effective and the breach doesn't occur until after she passes away or moves out. And they take the risk. So a title company may, you know, throw the dice, role the dice and close. And then we find out about it three years later and we bring the foreclosure because we're still a priority. We're still number one. Our lien was never satisfied at that other closing. So that's why we're naming the current owner and all the current lien holders and what not to foreclose their interest. And in general we end up settling with the title company who is at fault at that other closing, for example. I mean that's how it works.

But the process is they send over a title audit request for that particular foreclosure file, which is then filled out by then, countersigned by the Department of Law and then the order is issued to a particular title company that's selected. And that's the way it's done on all of them. DPW will prepare the title order request. My recollection, I believe, Mr. Hillman signs them off or DPW and he sends them over to the County Attorney's Office. And in similar fashion Affordable Housing and whatnot goes through our office after the title order request is actually prepared by the Affordable Housing Director through Real Estate, actually. And all the acquisitions are prepared by the Real Estate Division and sent up and then countersigned by our Department and then they get ordered. That's how it's been happening. I don't know if that explains or answers the question.

DIRECTOR GREENE:

Which we in the Division would believe is the best avenue. We in the Division would believe that that is the best avenue is as Mr. Amoroso just explained, to have the County Attorney be the one reviewing all the final reports and documents.

LEG. KENNEDY:

And I would concur. I'm not trying to suggest that the County Attorney's Office is now going to renounce its role of reviewing title reports. Counsel, did I put something in here that says somebody else has got to review the title report? Am I missing something?

MR. AMOROSO:

No, I think she was saying reviewing the title request, not the report. We would do the legal work obviously. But I think the Director was talking about the request itself and then the -- who it's ordered from.

LEG. KENNEDY:

Okay. Well, let me turn to legislative counsel anyhow. Is there something that is in this resolution at this point that would cause that process that's being articulated to us to change?

MR. NOLAN:

All the bill says is we're going to establish a list within the Division of Real Estate, an appraisal list. And they're going to award the work on a rotating basis. And that's what the bill does. I think some of these kind of procedural, mechanical issues, you know, that are being raised can be worked around that. In terms of the Department of Law's role, what is going to be going forward, the law doesn't state so I'm not sure if Division of Law is out of this entirely at the front end. The law doesn't really speak to that.

LEG. KENNEDY:

Well, I think the law doesn't speak to it because I don't think that when I sought to have this put into place, and we discussed putting the legislation in, my desire is not to take the County Attorney's Office out of being the attorney for the County. All that I sought, and all that I think this Legislative body is seeking, is to create an arm's length opportunity for title to be selected and not have it devolve into a select group. And I don't see anything in here so far that precludes that. Madam Chair?

CHAIRPERSON VILORIA-FISHER:

I'm confused by one of the questions, which was what would the funding source be for the payment of these title searches? And right now the Department of Law selects the title company. And what is the funding source at this point in time? For example, if A & R needs a title search to be done in the Department of Social Services?

MR. AMOROSO:

Yes.

CHAIRPERSON VILORIA-FISHER:

Does it come out of their budget or does it come out of yours?

MR. AMOROSO:

No, it does not come out of the County Attorney's Office. It comes out of the individual division.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. AMOROSO:

And I'm not sure how DSS is, you know, what their budget is.

CHAIRPERSON VILORIA-FISHER:

Right.

MR. AMOROSO:

And then in DPW, it would come out of that funding source for that particular condemnation project.

CHAIRPERSON VILORIA-FISHER:

Okay. So couldn't it remain that way even with the passage of this legislation that if, in fact, the choosing of the title company is done by the Department of Real Estate, but the department or division that's looking for the title search would still be responsible for the payment? I think that, Mr. Kennedy, that answers your question earlier.

LEG. KENNEDY:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

The payment would come from the different departments that are seeking a title search.

MR. AMOROSO:

Absolutely. And I mean that shouldn't change.

CHAIRPERSON VILORIA-FISHER:

Okay. That's what I thought. Thank you. Okay. Anything else? What's your pleasure?

MR. ZWIRN:

Madam Chair, if I just may?

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry, Ben. I didn't even notice you sitting there.

MR. ZWIRN:

That's terrible.

CHAIRPERSON VILORIA-FISHER:

Blending in.

MR. ZWIRN:

The County Executive asked me if I would make some comments with respect to this legislation. And he says, the legislation, you know, there's an illusion of reform here. He said first of all, in the past under the system that we have had, there has never been an allegation that the County had ever been overcharged by any title insurance company or that any of the work had been substandard. So that there's -- the thought that this is going to right some terrible wrong that has happened is just illusory. It's just not true.

He also noted that, you know, it's ironic that the lead sponsors are Legislator Kennedy and Legislator Romaine. With all due respect there was a battle that we had in the early part of this administration to get the title examiners out of County owned property with no charge; that there was a real sweet heart deal going on between the County Clerk's Office and the title examiners that this administration fought and with the legislators' support, ultimately we put that space back for the taxpayers and is now used by the public out at the -- at the County Clerk's office.

He says there's a dilemma that we face; is that as we widen the number of people that are -- companies that are involved here, we get criticized by saying, *well, look, we're doing that so we can go out there and politicize it and go out and get contributions*. If we have a smaller list, we're playing favorites. So there's a conundrum that no matter which way we go, we're going to get criticized.

And he just wants to, you know, make it very clear that he thinks this is more generated by politics than it is by real reform. And, again, that the County Attorney has used local firms by and large for a number of reasons. One, is because we try to encourage businesses here in Suffolk County; and, two, we got good results and they were able to move very quickly when we had projects that had to be done. They were familiar with the area, familiar with the County and that's the reason why we did it. And I just wanted to get those comments on the record. Thank you.

CHAIRPERSON VILORIA-FISHER:

Mr. Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. And, Ben, thank you for sharing those comments of the County Executive.

First, to the abstractors and the practice that had occurred where abstractors were located in the building out in Riverhead, I interacted with them for nine years when I was the Official Examiner of Title. And at no time did they ever have space that was free. As a matter of fact, the rental space was revised several times there. And it was done in a process that allowed for individuals to basically go ahead and be located right in proximity to the land records. Abstracting a title, as you know, is an extremely complicated process. And as a matter of fact, I presided over the land registration system when we still had it in the County of Suffolk; one of the most complex systems throughout the whole State of New York.

So I categorically reject that there was any kind of sweet heart arrangement with abstract companies, title companies or anybody else that was in the building. The administration had a different vision. That ultimately went forward. We have whatever abstracting arrangements are out

there now. I've been away from it six years so I don't know exactly where things go.

I do know that we were extremely successful in doing electronic imaging and scanning of our land records, programs that were started when Legislator Romaine was County Clerk Romaine and I was instrumental with and actually led to a much greater ability, certainly with last owner searches. And for that matter now we can do almost a full title search. We're back to now 1993 with deeds.

So those things occurred which allowed for a change in practice and gave some ability to free up. However, it is not uncommon for an abstract or title sometimes to have to go all the way back to the Dongan Patent. And we can sit here and talk about that 400 years worth of land records. I know it. I've done it. And I can tell you under no way, shape or form is this political anymore than that was political. It's a necessary, important function of the transfer of land rights here in the County of Suffolk, State of New York.

Secondly, I can't think of no reason why creating a blind pool of ten eligibles would be something that would be designed to solicit contributions. Certainly not my motivation; absolutely, positively not. And as matter of fact like this County and this Legislature has done with other areas of land procurement and land acquisition, it is the exact opposite. It is designed exclusively to go ahead and set up an arm's length process wherein no aspect of land procurement or acquisition does any participating entity have any better or lesser opportunity to furnish a service for the County of Suffolk.

So take back to the County Executive that the comments he had were heard and that's the response. I would encourage the Committee to pass this resolution because I think it is certainly more than timely and necessarily to go forward.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

Mr. Isles, Ms. Fischer, you're all set up? Good.

IR 1416, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection program, as amended by Local Law No. 24-2007 (Garsten property, Town of Riverhead) (Romaine) This has to be tabled. Do you have any new information on this?

DIRECTOR ISLES:

Nothing new.

CHAIRPERSON VILORIA-FISHER:

Okay, I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1416 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1430, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Heritage Square property Town of Brookhaven). (Romaine) I understand, Mr. Isles, that you have additional information on this parcel?

DIRECTOR ISLES:

Yes, we do. As we reported briefly at the last meeting of this Committee, the sponsor has furnished information from the Town of Brookhaven indicating that the Town passed a resolution agreeing to be a partner with the County on the acquisition. I will note that the partnership is limited to 20 percent of the acquisition price.

What we've prepared for you are three rating forms. And the reason we did that in this case, as you'll see in the aerial photograph, this is several parcels. It's actually two main parcels that are divided by a right-of-way. And what's indicated in the aerial is cross hatching. That's the area that is within the special groundwater protection area and also co-terminus with the Pine Barrens compatible growth area.

So we've prepared for you, which we think is relevant in this case, is a rating form for the overall site, which is 25 points. And then a rating form for that portion in the special groundwater protection area, which is north of the right-of-way. And that is a rating of 17 -- pardon me -- 23 points. And then a rating south of the right-of-way which is outside of the special groundwater protection area, which is 17 points.

So, here again, we thought it was important for you to see that this falls literally on the dividing line, that they are multiple parcels, that some parcels are within the SPGA and achieve a certain score. Some are not; and they achieve another score. So we wanted to present all of this to you for your consideration.

LEG. LOSQUADRO:

Vivian.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Interestingly, though, the whole is greater than the sum of its parts.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

Is that because of the overall size then of the aggregate parcel?

DIRECTOR ISLES:

It is.

LEG. LOSQUADRO:

Okay, thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Lindsay.

P.O. LINDSAY:

So the three rating forms is -- each individual parcel is rated and then it was rated as a whole, the two parcel together?

DIRECTOR ISLES:

That's correct.

P.O. LINDSAY:

And in light of what you reported before, is this a vital acquisition?

DIRECTOR ISLES:

In the opinion of the Planning Department it is not. It is a parcel that has, you know, some value environmentally to the north but it is interestingly within the compatible growth area. But certainly to the south portion of the property, we think has no significant special environmental attributes, wetlands, special groundwater protection area and so forth. It's wooded. That has some minimal value. But this is not a parcel we would recommend based on our review of the information before us.

P.O. LINDSAY:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

I'm going to second that motion. I'd like to see these two parcels presented separately so that we can vote on them as two separate acquisitions.

LEG. LOSQUADRO:

Madam Chair, on the motion.

CHAIRPERSON VILORIA-FISHER:

Let me just get Mr. Isles' reaction. Mr. Isles? Because there's one that's in the wetland area which --

DIRECTOR ISLES:

Special groundwater protection area.

CHAIRPERSON VILORIA-FISHER:

Okay. Special groundwater protection. And the other one that you're saying, you don't consider environmental importance.

DIRECTOR ISLES:

Here again, in terms of the criteria that you have --

CHAIRPERSON VILORIA-FISHER:

Yes.

DIRECTOR ISLES:

-- that we then try to summarize for you, it is not environmentally significant. And even the area to the north, if we're just talking of that one piece of about 11 acres, I think, it is -- there's one parcel owned by the Town, a very small parcel, to the east of that.

CHAIRPERSON VILORIA-FISHER:

Yes.

DIRECTOR ISLES:

It's still somewhat of a fragment. So although it does achieve one environmental value in terms of the SGPA, special groundwater protection area, it's not a strong candidate. So I'm not going to say at this point we would recommend it if it was just that one piece. Certainly it would be better. It would be 23 points at that point. But, here again, given the Pine Barrens core of the wetlands corridors and so forth, they would be ones that we would advocate for more strongly.

CHAIRPERSON VILORIA-FISHER:

Okay, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I'm not really making an argument for this, but if we're looking at this as an acquisition,

I see no reason to treat it as two separate acquisitions. It would be a single acquisition. We often do multiple parcels, part of a single acquisition.

My point was going to be, as Mr. Isles said, the top area while it is in the groundwater protection area, but it's compatible growth; it's CGA. And the other area is not agricultural land. It looks like it's sparsely wooded, nothing terribly significant.

So I'm agreeing with Mr. Isles' assessment, but I just wanted to make a point that regardless of what we do with it, I don't think breaking this up into its component pieces is necessary at all. Table it because we don't think it's worthy of our consideration, that's fine. But as I said before, the whole being greater than the sum of its parts is because it would be an acquisition of a significant size. And that's what leads to that rating of 25 points. But if we don't think it's significant, we don't think it's significant. We'll just leave it at that.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to table. All in favor? Opposed? IR 1430 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

Next, Mr. Kennedy, I'm going to be tabling this because it has to go to the Water Quality Review Committee on June 23rd.

LEG. KENNEDY:

Absolutely, Madam Chair. We're going to be there before the Commission to present the project. Thank you.

CHAIRPERSON VILORIA-FISHER:

All right. We'll discuss it after that. Okay? So **IR 1453, amending the Adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown (CP 8710). (Kennedy)** I will make a motion to table so that this project can appear before the Water Quality Review Committee.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? IR 1453 stands tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1534 (adopting Local Law No. -2010, A Charter Law to authorize the transfer of development rights for non-profit community centers {Schneiderman}) Actually it's closed but I'm going to ask if we could just take something out of order because the Supervisor is here, Supervisor Anna Throne-Holst is here. I'd like to take 1635 out of order.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? IR 1635 is before us. **(IR 1635, Resolution No. -2010, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - 6 Pierrepont property (formally known as Bailey's Motel property) Town of Southampton {Schneiderman})** All right. Madam Supervisor? Supervisor, if you could just wait a moment while we get our handouts.

If everyone will note, there's a portion on the aerial that says *area omitted from acquisition*. That's in the amended copy; correct, Mr. Isles? Okay, so please take note of that.

MS. THRONE-HOLST:

That's right, yeah.

Hi, I'm Ann Throne-Holst. I'm the Supervisor of the Town of Southampton. And you have before you a request on behalf of the Town. I think you've also, hopefully, seen a letter that was coauthored by Assemblyman Thiele and myself hoping for your support in a 50/50 acquisition of this particular property.

It's a 34 acre site that has been high on the Town's list of targeted acquisition properties for community preservation. It is one with sensitive wetlands, woodlands and meadow lands. And what you see, too, is a three to four acre, I think it's closer to four acre, piece that have been carved out of it, that is a disturbed piece of property or part of this piece of property, that the Westhampton Cemetery Association is working with the Peconic Land Trust and the Town to acquire separately from the developer owner.

As some of you may know, we have been in a somewhat painful process trying to accommodate the Cemetery Association that has run out of space to bury those who pass on in our neighborhood. And where they own a piece of property that they had hoped to swap with CPF acquired property in the same neighborhood, we have met with great resistance from the environmental community and going through with that for the understandable reasons. And so we're hoping that this will be meeting both of those needs.

But the remaining 30 acres, again targeted, they are also adjoining a piece of property that the County already owns, that you'll see outlined in green. My understanding is that the property has scored fairly high on your scoring list. And we passed a resolution at last Tuesday's Town Board meeting agreeing to a 50/50 acquisition with the County.

So I'm just here on more pleasant business than what I'm usually here but as we all know. And just hoping that you will see your way to approving this 50/50 acquisition. I think it would be a great addition to land preserved by the County and the Town. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Supervisor. There is a question from Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Madam Supervisor, or maybe to our Planning Department, I see that there are some improvements on this structure toward the east side. What are those? What's the extent of the disturbance on that side of the property? And what would be -- I don't want to make this a multiple-part question, but what do you see as the intended use of this parcel once acquired?

MS. THRONE-HOLST:

It's actually an easy question. It used to be the Bailey's Motel. Those structures have all been demolished so there's nothing there and they would be left undisturbed. And there are some trails in there already. And as you can see right across the street is water and so it's wetland on the eastern portion of the property.

LEG. LOSQUADRO:

And the intended usage would just be for passive use recreation?

MS. THRONE-HOLST:

Yes.

LEG. LOSQUADRO:

Good. Very good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you. Legislator Lindsay, did you have a question?

P.O. LINDSAY:

No. Of Mr. Isles.

CHAIRPERSON VILORIA-FISHER:

Thank you, Anna.

P.O. LINDSAY:

Again, same question in light of the shrinking resources, does the Department look on this as a vital acquisition?

DIRECTOR ISLES:

Okay, we did do a rating as is prepared and submitted to the Committee. It did rate 44 points. And the values that were identified were mentioned by the Supervisor as well including wetlands and proximity to wetlands, certain flood hazard zone, characteristics gave it a point, habitat diversity based on the vegetation types that are on the property including meadow and upland forest. The parcel size itself gave it points. The County's program leans towards larger sites, proximity to other County parkland and so forth.

So I think environmentally this is not one that's hovering on the borderline of 25 points in terms of the pass/fail grade. I think it's among the stronger numbers that we generally see.

In terms of your point, in terms of do we have money for this, we've already got parcels in the pipeline, the answer is I don't know. And certainly it's cause for concern. And it would seem to me that the high point value is enough probably to go to step one, planning steps. But, here again, when we get to the acquisition phase, it's going to have to be, how much does it cost and how much money do we have at point compared to other parcels that are in the pine line, which might be a year away at this point.

P.O. LINDSAY:

Make a motion to approve.

LEG. LOSQUADRO:

I'll second that motion. On the motion.

CHAIRPERSON VILORIA-FISHER:

Yes, on the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I just want to make the point, two things; yes would have sufficed to his question.

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

And, number two, since the Town has already passed a resolution, that makes this project legacy fund eligible. So different revenue source potentially. So it's something that given the limited availability that we have to partner with other municipalities, I think, this is one we should certainly move forward with.

CHAIRPERSON VILORIA-FISHER:

Good point. There's a motion to approve and a second. Supervisor, we're about to vote on it.

MS. THRONE-HOLST:

I just want to add that the developer owner was not very much of a willing seller for that reason because he was concerned that it was going to take too long. And so, you know, we are concerned that it is going to go to development unless -- and I understand we all have our time constraints. And the price is somewhere in the \$7 million range, which does not account for the four acres that we'd be taking out so it's probably about a \$5 million range that we would partner then 50/50 on.

CHAIRPERSON VILORIA-FISHER:

We got a motion and a second to approve.

MS. THRONE-HOLST:

Thank you.

CHAIRPERSON VILORIA-FISHER:

All in favor? Opposed? Okay, motion carries. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)**

IR 1534, adopting Local Law No. --2010, A Charter Law to authorize the transfer of development rights for non-profit community centers. (Schneiderman) I'm going to make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Because I have some questions about that.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro.

P.O. LINDSAY:

I'd like to speak. I see the County Attorney's at the -- Ms. Lolis, do you want to weigh in on this? Because I'd like to -- I'm not for or against this resolution but I'd like to hear if there's objections to it.

MS. LOLIS:

Well, there's one legal issue that we noticed. And that's the bill refers to the transfer of development rights being approved by the sewer agency. The sewer agency would not get involved in that process. It should be the Suffolk County Department of Health Services Board of Review.

P.O. LINDSAY:

So the resolution's defective?

MS. LOLIS:

Yes.

P.O. LINDSAY:

Yeah. And is that the reason why you made a motion to table?

CHAIRPERSON VILORIA-FISHER:

No. I have other problems with it. Because in SOS it would require a referendum. I think it would

be a confusing referendum at this point. I also feel that some of the community centers, this wouldn't solve their expansion or building problems. The TDR's wouldn't solve that. That would be more of the -- the hurdles that they would have to cross would be town zoning issues and as-of-right and variances and different things like that, and certainly fundraising; much more than transfer of development rights. I just don't think this would achieve the goal. And I want to have time to speak with the sponsor to understand exactly what brought this to the table. And I haven't had a chance to do that yet.

Okay, there's a motion and a second. All in favor? Opposed? Abstentions? IR 1534 stands tabled.
(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)

IR 1553, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Four Boys X LLC property Town of Brookhaven). (Muratore) It's in the Town of Brookhaven. Can you just give us some -- was there a change in the position here, Planning?

DIRECTOR ISLES:

This is a proposed active recreation site. And we're working with the sponsor.

LEG. MURATORE:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay, motion to table by the sponsor. I'll second that. All in favor? Opposed? IR 1553 stands tabled.
(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)

IR 1554, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Sirfar Associates LP property Town of Brookhaven). (Muratore) Legislator Muratore.

LEG. MURATORE:

Motion to table also.

CHAIRPERSON VILORIA-FISHER:

Motion to table by the sponsor. I'll second that. All in favor? Opposed? IR 1554 stands tabled.
(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. COOPER NOT PRESENT)

INTRODUCTORY RESOLUTIONS

Introductory resolution. IR 1609, Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to County environmental recharge basins in the Town of Smithtown (CP 5072). (Kennedy) Mr. Kennedy, did you want to speak?

LEG. KENNEDY:

Thank you, Madam Chair. Yes, as a matter of fact this -- I bring this resolution before the Committee today, and I have handouts for everybody around the horseshoe who's unaware. But we have just had confirmed historic elevations in groundwater levels throughout the County of Suffolk and Smithtown being one of the areas that's experienced groundwater levels that are bringing levels to less than a foot below the actual ground itself.

This year we have a new capital project that's been brought forward by the Department of Public Works, 5072. And what that project is, Madam Chair, is a recognition on the part of the Department itself that many of our sumps throughout the County have lost their ability to go ahead and function as the recharge basins that they were intended to perform when originally constructed.

In an effort to try to remedy some of the groundwater issues, I've spoken at length with our

Department of Public Works. And we have three County recharge basins, two that were constructed in the early '80's secondary to the improvement of County Road 16, Portion Road and one secondary to Town Line Road CR 76. All three desperately are in need of basic routine maintenance work, Madam Chair. They need to be cleared from the overgrowth and brush that has proliferated throughout them. And most importantly they need to be de-silted. A sump over time would take road runoff and debris and other materials, certainly something that you're directly familiar with, Madam Chair, through the environmental work. And they lose their normal capability to take surface runoff and allow it to percolate back into the aquifer.

So in an effort to bring forward some solutions and some remedy to aquatic groundwater flooding issues that we have in our area, I was told that approximately 200,000 would offset the cost to remediate these three sumps. We also have the benefit of what hopefully will be a dryer summer at a time when it is prudent to pump them down, scrape them and pull out the debris and growth that's proliferated throughout them. So hopefully we will get some benefit going forward into our next winter and spring rainy season in 2010 and 2011.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy, we're all very, very aware and empathetic with the issue of the water table in your district and what one of your constituents of yours recently told me that after the March rains, he had four pumps going.

LEG. KENNEDY:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

Four pumps going. And he said it looked like a fire hydrant being drained out of his house. You know, he had permission to run these into -- from Smithtown. But I'm confused by the resolution. And I'm going to go to Budget Review to please walk me through the money issue here because it's a little bit confusing. It says -- so if you can just walk us through it because I'm seeing 250 and then I'm seeing 200 -- and I'm not quite sure --

MR. LIPP:

It would appear that he's looking to appropriate the full amount of 450 so I'm --

CHAIRPERSON VILORIA-FISHER:

450, okay.

MR. LIPP:

So I'm a little confused as to why he's only showing the extra 200.

CHAIRPERSON VILORIA-FISHER:

If you're confused, too, I feel so much better.

MR. LIPP:

Yes, but I haven't looked at that before; just now though, so unless there's something that doesn't meet the eye from some other resolution prior in the year.

LEG. KENNEDY:

No. As a matter of fact, there was no prior resolution. And if there is some confusion within the contents of the resolution itself, Madam Chair, then I can defer. I worked with Budget Review in order to go ahead and have this brought forward with the intention to add 200,000 to the existing 250,000 in capital project 5072.

CHAIRPERSON VILORIA-FISHER:

But there's 250 in the capital budget. And you want to add 200 to that?

LEG. KENNEDY:

Correct.

MR. NOLAN:

And appropriate 450.

LEG. KENNEDY:

Yes.

MR. LIPP:

What you're doing is using 1755 as an offset but you're only authorizing serial bonds for the 200.

LEG. KENNEDY:

Right.

MR. LIPP:

As opposed to full 450.

LEG. KENNEDY:

Correct.

MR. LIPP:

Is that your intent?

MR. NOLAN:

No. You want the full 450.

LEG. KENNEDY:

The Department has indicated that they have a requirements contract in place and that there are, as a matter of fact, if you read the narrative, there are only -- there are over 250 basins throughout the County. And they have identified a number of basins that they had planned in this cycle. My intention is to add these three basins for work this year at a price of 200,000 for those three basins.

MR. LIPP:

Okay. So in that case it sounds like it would be correct you're adding to an existing project 200,000 and this is authorizing the Comptroller to issue the serial bonds for that portion. And there are other basins associated with that larger capital project that you're not dealing with here. So it should be correct.

CHAIRPERSON VILORIA-FISHER:

Legislator Lindsay.

P.O. LINDSAY:

Here is my concern. Everybody feels the pain. How much is left in the offset? And this was the same question I had with Legislator Schneiderman when he wanted the 400,000 for his sewer study.

MR. LIPP:

Off the top of my head in 1755 you're talking about, right, the offset, I believe in the last General Meeting we were down to maybe a million. But if you look at all of the projects in the pipeline, we were down to maybe 300,000 off the top of my head. I think that's fairly close.

P.O. LINDSAY:

I mean, we're not halfway through the year. And this will literally wipe us out. And we'd have no contingency for any emergency the second half of the year. And that's troubling to me.

LEG. KENNEDY:

I understand, Mr. Chair. And as a matter of fact, if it is more prudent to look at a more scaled back amount, even to do one or two of these sumps, perhaps that would be the more prudent way to go. I'll suggest that the Committee table then. I'll go back and I'll work with BRO on this and try to bring forward something that is a more reflective --

P.O. LINDSAY:

The 250,000's already in the capital budget. It should be programed already.

LEG. KENNEDY:

That's my understanding, yes, Mr. Chair.

P.O. LINDSAY:

I don't object to that. That's already in the configuration. My concern is just draining any additional funds. And, you know, I mean in '11 if they had done this last week, we could have put it and programed it for the '11 budget to do the rest of them. But there is some additional offset money in the '11 budget, and, you know, I have less objections to doing it in '11 because, you know, we start over again.

LEG. KENNEDY:

Okay. I will contact Public Works and I'll come forward and let the Committee know at the next Committee meeting. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just one or two points this way we can get a little more of a complete view of this when it comes back before us. Are these sites that you're identifying, are they scheduled for next year, in subsequent years? I mean obviously since they have a plan of work for this year, it just doesn't include these particular recharge basins. When are these scheduled for work?

LEG. KENNEDY:

That was not made apparent to me by Public Works. And as a matter of fact, you bring up a very good question, Legislator Losquadro. And what I will do is I will write specifically to Commissioner Anderson and ask him to give us a schedule of work that they've identified for this capital project.

LEG. LOSQUADRO:

And the reason that I ask, and I think that's a great idea, is because obviously your district, your area and Riverhead are being impacted to such a tremendous -- I mean storm water is one issue with these recharge basins. But the other issue, as you said, with groundwater level, you know, sometimes within a foot or eighteen inches of the surface, no amount of percolation is going to help that issue. So if DPW given these circumstances that we have right now could look into maybe re-prioritizing their plan of work for which recharge basins are going to be maintained during the course of this year given this ground water problem, you know, maybe that's something that they need to look at obviously very seriously.

LEG. KENNEDY:

I will write to the Commissioner and ask him to go ahead and be prepared. I will CC the members of the Committee on this correspondence.

P.O. LINDSAY:

Madam Chair, one other thing.

CHAIRPERSON VILORIA-FISHER:

Sure, Presiding Officer.

P.O. LINDSAY:

And I'm asking this question of the Committee, would this qualify under 477 fund? I mean, if recharge basins are working properly, it's a natural filtration system for our groundwater. I mean you're doing this to solve a flooding problem. But the flooding problem means that the recharge basin isn't working the way it should.

CHAIRPERSON VILORIA-FISHER:

I'm going to ask Commissioner Gallagher if she could come up and address that issue just to hear her. And it was a punt.

COMMISSIONER MEEK GALLAGHER:

I'm not sure that it would clearly qualify under the criteria in the charter for the program. Usually it's for things like aquatic habitat, restoration, pollution prevention, non-point course, so -- I mean there is storm water remediation but it's not necessarily for -- I mean I think it might under the category of pollution prevention that deals with storm water remediation, but usually cleaning out recharge basins is not, you know, directly applicable. I think a case could be made, but it would be difficult then if we were going to on a regular basis fund cleaning out every recharge basin in the County with 477 funds.

CHAIRPERSON VILORIA-FISHER:

It would drain 477.

COMMISSIONER MEEK GALLAGHER:

Right.

CHAIRPERSON VILORIA-FISHER:

No pun intended. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Similar questions that Legislator Losquadro asked. I would just be curious to know at the next hearing or sooner where -- what the list of priorities are with DPW, what's been targeted and how, you know, and why you may be able to get to these basins without even having to have an offset depending on what the Department is thinking. And the second question is if you need the offset, and it turns out that there are other basins even higher in priority, then the question becomes whether or not DPW as a practical matter would even get to those basins this year. So I think we need a little more information on this.

CHAIRPERSON VILORIA-FISHER:

We'll reach out to -- I know that the sponsor has said that he'll speak with Commissioner Anderson. I will speak with him as well regarding this. It's a big issue.

Okay, so I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1609 stands tabled.

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

1624, amending Resolution No. 533-2009, establishing a Long Island Victory Garden Task Force. (Viloria-Fisher) I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1624 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1632, making a SEQRA determination in connection with the proposed Department of Public Works Sewer District No. 5 - Strathmore Huntington, forcemain replacement, Town of Huntington. (Pres. Off.)

I'll make a motion to approve and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? 1632 is approved and placed on the consent calendar. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

1633, making a SEQRA determination for the purposes of Chapter 279 of the Suffolk County Code for Francis S. Gabreski Airport, Joe Burns Contracting lease an existing building at the airport, Town of Southampton. (Pres. Off) And that can be same motion, same second, same vote, if that's okay with everyone, for 1633. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

1635, we've done that one.

1645, amending the 2010 Operating Budget and Program by accepting up to 75% grant funds in the amount of \$1,703,820 from the New York State Department of Agriculture and Markets (Grant C800754) to the Suffolk County purchase of Development Rights Program for the acquisition of development rights. (Co. Exec.)

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? Abstentions? 1645 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1671, amending the adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater remediation on CR 80 at Senix Creek in Center Moriches (CP 8239). (Romaine) I will make a motion to table pending Water Quality Review Committee review.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1671 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

If there is no further business, the meeting is adjourned.

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