

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 May 26, 2011.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chair
Leg. Thomas Muratore
Leg. Edward P. Romaine
Leg. Sarah S. Anker

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Eric A. Kopp, County Executive's Office
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Tim Laube, Clerk of the Legislature
Renee Ortiz, Chief Deputy Clerk
Alicia Howard, Legislative Aide
Sarah Lansdale, Director, Department of Planning
Pamela Greene, Director, Real Property Acquisition & Management
Michael Mule, Department of Planning
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
John Corral, Planning Department
Katie Magee, Planning Department
Janet Longo, Real Property Acquisition & Management
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
William Shilling, Aide to Leg. Anker
Joe Saladino
Jo-Ann Yamka
Mark Tutun
Dot Kerrigan, AME representative
Denis Byrne
Eslye Green
Eva Growning, reappointee to CEQ
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:18 PM

CHAIRPERSON VILORIA-FISHER:

Good afternoon. Welcome to today's meeting of the Environment, Planning & Agriculture Committee. Please join us in the Pledge led by Legislator Muratore.

SALUTATION

We have some cards. Our first speaker is Joe Saladino. Please press the button at the base of the mic. Keep your finger on that.

MR. SALADINO:

Okay.

CHAIRPERSON VILORIA-FISHER:

You have five minutes. I mean three minutes.

MR. SALADINO:

Thank you. Testing. Hi, I'm Joe Saladino. Good afternoon. Trying to keep this short. I'd like to thank Miss Fisher and everyone for -- all the other representatives for looking into the acquisition of property owned by Global Homes, which is 25.6 acres. I believe it's IR 1342.

I'm a military vet myself. It was a nice meeting you had before here, conference. Thank you for that. And also a resident of the adjoining property to this particular parcel. According to the resolution, it indicates land acquisitions for open space and for environmental protection. And in this case it fulfills both of the requirements in that the property is of an environmental concern to the adjoining area, adjoining properties.

All the habitat, plants, trees, the animals, considerable amount of stuff there that we want to protect. Also one of the adjoining properties has a one-acre pond on it, which is believed to lead to the Port Jeff Harbor. So preserving this property and purchasing it is a very great significance and value and importance to protecting that as well as a whole host of other things. Open space, obviously there's very little open space in the area. And this would be of great importance as well.

So basically on the final note, keep it short, you guys have made the right moves in pursuing the acquisition of this, which I'll greatly impress upon you, which I'm sure you can appreciate obviously the value of preserving and protecting the environment, obtaining the property and giving the people some kind of peace and solace over there considering all the previous projects that were attempted to be built there. It would also help the, you know, obviously the residents, the environment and the builder himself in giving him an opportunity to get, you know, some compensation for the property, which would be beneficial to all the parties involved. And mainly to the environment which is most important.

So thank you all very much for your time and for your keen sense of focus and appreciation for this particular property. And hopefully you guys can make the acquisition take place in a timely fashion and take the property over and protect everyone. All right. Thank you very much.

LEG. ROMAINE:

Quick question.

MR. SALADINO:

Yes, sir.

CHAIRPERSON VILORIA-FISHER:

Thank you, Mr. Saladino.

MR. SALADINO:

Sorry I wasn't really prepared with my speech.

CHAIRPERSON VILORIA-FISHER:

And before you go to my colleague's question, the pond, I believe that's an artificial pond, isn't it? Wasn't that manmade?

MR. SALADINO:

According to Ms. Flannery, who is one of the --

CHAIRPERSON VILORIA-FISHER:

Okay. She's going to come up. I'll ask her about that.

MR. SALADINO:

-- property owners, it's not. Yeah. It's not artificial. And it's believed to go right to the Harbor and everything else, so.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. All right. Because, you know, as you know, I did walk up there. And I had been told by one of the owners or a colleague of theirs that it had been -- the pond had been built there. That was the question I had about that. Legislator Romaine.

LEG. ROMAINE:

This property is located in which hamlet?

MR. SALADINO:

Brookhaven hamlet.

CHAIRPERSON VILORIA-FISHER:

It's my District.

MR. SALADINO:

Brookhaven, in Port Jefferson, right off of Sheep Pasture Road next to Lawrence Aviation.

LEG. ROMAINE:

Oh, okay. I know the property next to Lawrence Aviation.

MR. SALADINO:

Yes, sir.

LEG. ROMAINE:

Thank you very much. Yes, I'm supportive of those efforts.

MR. SALADINO:

Thanks for that e-mail.

LEG. ROMAINE:

Absolutely necessary.

MR. SALADINO:

I was going to send you guys an e-mail thanking you also. And, Mr. Romaine, thank you.

CHAIRPERSON VILORIA-FISHER:

Thanks, Mr. Saladino. Nice to see you. Jo-Ann Yamka.

MS. YAMKA:

Hi.

CHAIRPERSON VILORIA-FISHER:

Go ahead, please. Press the bottom at the base of the mic.

MS. YAMKA:

Okay. I'm Jo-Ann Yamka Flannery. I live at Willis Avenue Extension in the midst of the Global Home Property, right in the middle. I'm very much in agreement of purchasing -- your purchasing the land for environmental purposes. My only concern would be my right-of-way to drive to my home. Other than that, I'm for the proposal.

CHAIRPERSON VILORIA-FISHER:

Okay. That's it? Short and sweet.

MS. YAMKA:

Yes.

CHAIRPERSON VILORIA-FISHER:

Tom, that morning when I thought you were some stranger following me because you had a new car? It was her driveway that I went up. It was very early in the morning. It was foggy and it was woodsy and this black car was right behind me and I said --

MS. YAMKA:

Scarey.

CHAIRPERSON VILORIA-FISHER:

-- this house looks lived in, I'm going to go up to this house. And I went up her driveway and it turned out to be Tom following me.

LAUGHTER

So thanks for your hospitality.

MS. YAMKA:

And the pond is underground fed. It's a natural pond, the big one in the back. The one in the front, the little one we made.

CHAIRPERSON VILORIA-FISHER:

Okay. See I think that may have been what made them make the mistake. They didn't realize that, you know, that it was a natural pond in the back. So next time I walk up there -- because I think I'll be walking up there again with some people from the Town, and, you know, I'll take note of that.

MS. YAMKA:

Okay.

CHAIRPERSON VILORIA-FISHER:

Thank you. Denis Byrne. Hi, Denis.

MR. BYRNE:

Good afternoon. How are you doing? I'm Denis Byrne, Long Island Greenways and Healthy Trails. We've been working on several projects in the area and we're familiar with the property for resolution 1342. We think that acquiring this property is a very important acquisition. The trails -- Suffolk County -- actually New York State built it -- DOT built a trail. It runs from Setauket to Port Jeff Station. It's in the process of being completed. And that will pass by the general area

of this trail.

We believe that acquiring this property is very important to protect both groundwater and wildlife. There's additional acreage properties in the area that may be available in the future also of preservations. The largest remaining open space in Port Jefferson Station and hopefully, you know, additional properties eventually will also be considered.

We have a petition with at least 200 plus signatures of people living in the area that are in favor of this acquisition. And basically that's it. I would like to thank you for the opportunity to comment on this.

CHAIRPERSON VILORIA-FISHER:

Denis, thank you for mentioning the trail. For my colleagues, the trail that we have in Setauket, currently it's in Setauket right near my house, it's a bicycle and and pedestrian trail. It's paved. And it will be a connection between -- from Setauket through to Port Jefferson; to the Village of Port Jeff. And it's built on the right-of-way that was put there by DOT for a 25A Bypass. It's a beautiful trail. It's used very, very widely. And it really runs directly adjacent to this property so this will be a great asset to have along that trail.

MR. BYRNE:

Yes.

CHAIRPERSON VILORIA-FISHER:

So, thank you, Denis, for coming down and reminding us of that other important piece.

MR. BYRNE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you. Mark Tutun.

MR. TUTUN:

My name is Mark Tutun. I'm a partner with O'Connor Capital Partners, which is a partner in East Quogue LLC. I'm here regarding the matter of 1308. It's my understanding that the -- we've been speaking about the land. And Legislator Schneiderman put forth a resolution to commence with planning steps, which I believe had been tabled.

Basically we're at a point where we are pursuing entitlements to develop a subdivision. We've been in the land for about six years now. We were a part of -- caught in the East Quogue moratorium. The land was up-zoned to 82 lots and we're prepared to proceed with that -- those entitlements to develop a subdivision. It came to light that the land next door, the Steck tract is to be acquired by the County and the Town. Based on that, we did meet with the Town. And it's our understanding that they and their constituents would rather see the land preserved. As such they initiated an appraisal. And I believe Legislator Schneiderman has met with the Town Supervisor on this matter.

The land is environmentally sensitive. We would be sincerely interested in working with the Town and the County through the process and the negotiations to come up with a way in which the entire tract of land -- it's about 430 acres -- could be acquired. I understand there might be a concern as to the size of this type of transaction. It is the largest piece of land in East Quogue. We would be amenable during that process to come with a way that based on, we don't know what the value would be yet, but based on those discussions, we could come up with a way in which to ease the burden on how that land is acquired, whether it's once or potentially in stages.

So we're here to basically suggest to you that we're willing to participate in this process. And I think we could collectively come up with a way in which the Town and the County could acquire such a significant tract of land.

CHAIRPERSON VILORIA-FISHER:

Thank you for coming down, Mr. Tutun. And we have been discussing this piece of property. It's challenging because it is very large. I'll be asking Planning about this but I don't think we have gotten anything official yet from the Town regarding their resolution. So we'll talk about -- I'll ask our Planning Department about that. But it was also entitled in the resolution as a Master List because Legislator Schneiderman did leave room for us to be able to look at the different components of the parcel. So, if you stick around, we'll be talking about this during the meeting. But in the meantime I believe Legislator D'Amaro has a question for you.

LEG. D'AMARO:

Yes, thank you. I just want to confirm that you're with the firm representing the owner of the property; proposed developer?

MR. TUTUN:

Yes. In fact we are a real estate investment company. And we do have approximately 95 percent ownership in this parcel.

LEG. D'AMARO:

Right. And the portion of the property -- I just want to confirm this -- the portion of the property to be developed is only the portion that is north of Sunrise Highway?

MR. TUTUN:

There's approximately 100 or up 130 acres north of Sunrise. It's in the compatible -- I'm sorry, the core preservation area. And the land south of the highway starting a thousand feet south of the highway and extending down to the railroad track is in the compatible growth area of which that would be the area of development.

LEG. D'AMARO:

Yeah, I misspoke. It's actually -- the most environmentally sensitive parcel is north of Sunrise Highway.

MR. TUTUN:

That's correct.

LEG. D'AMARO:

And it's on the southern section south of Sunrise where the 82 lots subdivision is proposed?

MR. TUTUN:

That's correct.

LEG. D'AMARO:

But that will be a cluster development.

MR. TUTUN:

It would be clustered, yes.

LEG. D'AMARO:

And would that -- if that were built, would that preserve the balance of the parcel?

MR. TUTUN:

The design that exists that was presented to the Town Board shows 82 lots extending roughly from the Willis Road railroad area northerly to a point somewhere about two thirds up into the tract where the slopes become fairly steep. And no further than 1,000 foot -- what we call the thousand foot line.

LEG. D'AMARO:

Would it be adjacent to the existing subdivision that seems to go right up from the southern portion north? There seems to be a -- this parcel surrounds a -- it looks like a residential subdivision. I'm looking at the aerial map, tax map. Aerial map rather.

MR. TUTUN:

There is Spinney Road to our west.

LEG. D'AMARO:

Right.

MR. TUTUN:

It has some houses that border along our western boundary. And to the east is the Steck land, which is the land you are, I believe, acquiring. And to the east of that is the Southampton Pine subdivision.

LEG. D'AMARO:

Right. So would the 82 lot subdivision go any further to the north than the Spinney Road subdivision?

MR. TUTUN:

Yes, it would. It would extend almost two-thirds up towards Sunrise Highway.

LEG. D'AMARO:

And would it be for the full width of the property or would it be something less?

MR. TUTUN:

It would be the full width, yes.

LEG. D'AMARO:

All right. So in effect the 82 lot subdivision -- how many -- what size plots are in that -- oh, it's -- is it attached homes that are proposed?

MR. TUTUN:

It's five-acre zoning; it would be single family lots.

LEG. D'AMARO:

Oh, five acre.

MR. TUTUN:

And they would be -- because of the clustering, they could range in size from one acre to potentially five acres.

LEG. D'AMARO:

And it only would go up two-thirds of the way towards Sunrise?

MR. TUTUN:

More or less. We don't have a finalized plan yet that we've taken before the Town Planning Board. We've had numerous discussions with the Planning staff. And a large part of the discussion is exactly how far up the lots can go.

LEG. D'AMARO:

Okay, thank you.

MR. TUTUN:

You bet. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thank you. Did you have a question? Okay. Back to the agenda. First I would like to take -- I'm looking for Eva Growney. I notice that Eva is here. Eva Growney. Although this is a reappointment reappointing Eva Growney as a member of the CEQ and she didn't have to be here, she is here. And I must say as a colleague on CEQ she's a very active member of CEQ and always there. And it's 1457 (**IR 1457 reappointing member of the Council on Environmental Quality - Eva Growney**). (**Schneiderman**) I'm going to make a motion to take IR 1457 out of order.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Romaine. All in favor? Opposed? **IR 1457 is before us.** Okay. And so she can -- you know, even though she has a long drive, she's always at the meetings on time and she's always very active. So, Eva, can you just tell us a little bit about yourself?

MS. GROWNEY:

Good afternoon everybody. And thank you very much for putting through this potential reappointment. I know it won't happen until after we talk, but I just want you to know that I take very seriously the duties at hand on the CEQ. And I'm very impressed by the contributions both from the community as well as from all the members on the CEQ and the Planning Department. The work is very really important. And I enjoy it very much. And I think that it's a great value to our community at large.

I also wanted to thank in particular yourself, Ms. Viloria-Fisher, and Mr. Romaine and Mr. Schneiderman for your efforts being done on waste water and drinking water. This is really paramount to our entire Island. And as a member of the American Institute of Architects Peconic Chapter, we're working together to try to facilitate any kind of research that's being done. And we are in the process of seeking funds from AIA to help us with that. So I want to applaud your efforts. And I know that the entire board is a very dedicated group of people so thank you and thank you for letting me be a part of this.

CHAIRPERSON VILORIA-FISHER:

Thank you. Do you want to ask? Go ahead, Ed.

LEG. ROMAINE:

I just wanted to thank you again for your efforts particularly in AIA Peconic Chapter, your efforts to really examine --

MS. ORTIZ:

Hold the button down.

LEG. ROMAINE:

I am holding it down. It's on. The light's on.

The waste water issue, waste water management, it's a critical issue. I know the Health Department is studying it. I'm concerned that their study is going in the wrong direction in terms of alternative systems. And it's something -- as you know, I'm going to be working with the AIA on -- and be very vigorous in making sure that we look at all the alternatives very carefully. And I want to thank you and your organization for the great seminar that you had about a month ago on waste water management in Suffolk County in particular the alternative systems because we're not wealthy enough all to extend sewers. And alternative systems give us an opportunity to really develop some other form of denitrifying that which goes into our groundwater. Thank you again.

MS. GROWNEY:

You're welcome. Thank you for all your good efforts on that.

CHAIRPERSON VILORIA-FISHER:

Ed, thanks for those remarks because I think it underscores the kind of expertise that Eva brings to CEO. And she really is an invaluable member. On that note, I'm going to make a motion to approve. And, Ed, may I say you're the second on that?

LEG. ROMAINE:

Absolutely. And co-sponsor.

CHAIRPERSON VILORIA-FISHER:

Okay. There is a motion and a second to approve IR 1457. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)** Thank you for your really good service, Eva. It's a pleasure to work with you.

MS. GROWNEY:

Thank you again so much. I look forward to more.

CEQ RESOLUTIONS

CHAIRPERSON VILORIA-FISHER:

Okay, getting to the agenda, Mr. Mule, if you can come up with the CEQ resolutions, please.

MR. MULE:

Good afternoon. Ready?

CHAIRPERSON VILORIA-FISHER:

Ready.

MR. MULE:

All right. **CEQ resolution number 25-2011, Historic Trust Recommendation Concerning Dedication of the Methodist Church of Manorville, Associated Structures and One Acre Property to the Suffolk County Historic Trust (Type II Action)** CEQ recommends dedicating the building and the one-acre site to the Suffolk County Historic Trust for the use and preservation categories indicated in CEQ resolution 25-2011 and goes on to further recommend the classification as a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Romaine.

LEG. ROMAINE:

First of all, I want to be listed by the Clerk on this CEQ resolution as a co-sponsor. Secondly, let me ask you some questions. First of all --

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, I don't think you can be a co-sponsor because you're not a member of the body.

LEG. ROMAINE:

All right, right. That's -- you're correct. So let me move onto the church. It is now known as the Manorville Bible Church. It was a Methodist Church when it was, I believe, in Center Moriches or East Moriches and then it was moved to Manorville. It's known as the Bible Church.

Secondarily, within that one-acre property is a cemetery. It is state law that the requirements to

maintain an abandoned cemetery, which I believe this is, is that of the responsibility of the Town Clerk's Office. Have you contacted Mrs. Eddington about this, Town Clerk of Brookhaven?

MR. MULE:

We have not contacted the Town on this. And it was my understanding that once the County purchased the property and is now dedicating it to the Historic Trust, the County would be responsible for the upkeep on the cemetery. But I believe there is interest in working with the Town and the local Historic Society.

LEG. ROMAINE:

A very limited group of people that don't have all the wherewith all, older residents that don't have the ability to always do the physical labor that's required. A lot of branches and trees down in that cemetery; some of the headstones have been knocked over or cracked. So if you're going to take this over, it's going to be in the County name, I will say that the County should maintain this. The Church itself, I think, we have photos of that in our packet. We've received photos of that. The Church needs -- looks like it needs a paint job.

MR. MULE:

This dedication to the Historic Trust will make Historic Trust funds available for this type of work.

CHAIRPERSON VILORIA-FISHER:

Right. That's what the dedication does, is it helps to access --

LEG. ROMAINE:

Okay. I'm going to -- I don't see anyone here from Parks, but I see when it goes into the Historic Trust, it becomes the obligation of the Parks Department to maintain their historic structures. I'd like to know how much money, if someone can find out, either the Chairman or someone, how much money is available in Historic Trust funds to maintain our historic buildings. I know from reading the inventory report that I have received in the past, that all members of this Legislature have received, it's a huge white binder, that many of these buildings are in subpar condition. So putting it in Historic Trust, while certainly worthy, doesn't mean that it gets repaired, it gets fixed or even maintained. And that's a concern of mine. So I mean, yes, I want to vote to put this in Historic Trust. But I do want to say that that doesn't ensure protection of the property from what I've seen. And I've gone to a number of historic sites throughout Suffolk County.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

Can you get that number? Can Budget Review -- I'm going to make a request of Budget Review. I'd like to know how much -- I'd like to go back --

CHAIRPERSON VILORIA-FISHER:

Okay, if I could address some of your questions, please, before you go to that.

LEG. ROMAINE:

Okay.

CHAIRPERSON VILORIA-FISHER:

Because you had asked me to comment. And I have to tell you that we -- and I am going to ask for the status right now. But as you recall, Legislator Romaine, when we increased our hotel/motel tax, those fund 92 monies were to go to our Historic area of our Parks Department.

LEG. ROMAINE:

That occurred last year so the fund could come in this year.

CHAIRPERSON VILORIA-FISHER:

And what happened was that the County Executive then removed some of the operating funds of this Division of the Parks Department. And so rather than the revenues from fund 92 helping our historic services to move forward at a faster pace, because we have a lot of old buildings, and they have to maintain first and foremost those elements of the structures that impact the integrity of the structures. For example, they have to do roof work and waterproofing before they can move onto more cosmetic work.

And although you probably have a copy, as do I, of the priority list that was developed by the Parks Department, I would think about four years ago, it's been a challenge for our historic services to keep up with this. And I was very hopeful when we passed the increase in hotel/motel tax, because I knew how desperately we needed those funds to go into historic services. And I spoke out against these operating funds being cut and replaced by hotel/motel tax monies, but I'm only one vote.

So to your question, we do not have enough money to do a paint job on a new addition to our historic services very quickly. It will go on the queue. And hopefully we can get to it soon because we don't want any of our beautiful historic buildings to look, you know, to look shabby. But, Budget Review, I obviously discussed this with you when it came up, actually the budget before last, when the monies were diverted from historic services operating budget and replaced by the hotel/motel tax monies.

So if you could for the next meeting give us a report on the status of these monies, because you know Historic Services is an important part of CEO, Ed. And we receive a report from them. And it's frustrating for me to hear their reports and know how behind they are because of what I consider the misuse of the mandate by this Legislature to increase hotel/motel tax so that we can increase the budget of our historic services; and, in fact, it just helped them stand still.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. And as to the naming of the Church, I'm looking at two different documents. And one is signed by Henry Corwin and Seth Raynor. This is quite an old document; referring to the Methodist Congregational Society at Manorville. But then I see a resolution, Brookhaven Town resolution, where it is referred to as the Manorville Bible Protestant Church. So because I think Historic Services is looking at its previous name and the historic name that was used for a century and-a-half, they used the Manorville Methodist Church name. But it is -- there is also a Brookhaven Town resolution that it's a historic landmark from 2004, which uses the name Manorville Bible Protestant Church. So both names are in the record, Ed, that you were interested in seeing. Okay? So we have -- again, it was a Type II Action, right, neg dec?

MR. MULE:

Yes. Just a Type II. No determination of significance needed for a Type II.

CHAIRPERSON VILORIA-FISHER:

Okay. So I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? Approved. **(VOTE: 5-0-0-0)**

MR. MULE:

All right. **CEQ resolution number 26-2011, Proposed Declaration as Surplus and Authorizing the Sale of the Yaphank Property at Public Auction, IR 1341-2011, Town of Brookhaven (Unlisted Action, Negative Declaration)** CEQ reviewed it and recommends classification as an unlisted action with issuance of a negative declaration. I just want to point out that I believe the sponsor of this bill is going to be withdrawing this. I think, George, do you know more about this?

CHAIRPERSON VILORIA-FISHER:

The Kennedy bill?

MR. MULE:

Yes.

MR. NOLAN:

I did speak -- actually exchange e-mails on the topic. Since the Lindsay bill passed, which was the larger Yaphank property, Legislator Kennedy did indicate he would get around to withdrawing his bill probably sometime next week.

CHAIRPERSON VILORIA-FISHER:

But we still have this before us. We need to act on it. I'll make a motion to approve. Same second?

LEG. D'AMARO:

Second, yes.

CHAIRPERSON VILORIA-FISHER:

Okay. Same vote. **(VOTE: 5-0-0-0)**

MR. MULE:

Okay, **CEQ resolution number 27-2011, Review of Comments Received and Recommendation to Proceed with an FGEIS for the Declaration as Surplus and Subsequent Sale of 255+ acres of County owned land in Yaphank for Mixed-Use Development Purposes, Town of Brookhaven.** CEQ reviewed the comments received, deemed them to be substantive enough to recommend proceeding with the Final Generic Environmental Impact Statement.

CHAIRPERSON VILORIA-FISHER:

Yes. And I think that there was a misunderstanding by a person who had been at the meeting who thought that because there were substantial comments during the public period, that the FGEIS wouldn't be prepared. But I thought that there had been approval for us to go forward with the FGEIS because --

MR. MULE:

Right. According to SEQRA, if there are substantive comments, that's the trigger to move forward with the FGEIS so those comments can be addressed.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you.

MR. MULE:

And I just want to bring to your attention that the legislative resolution for this item is before you today IR 1423.

CHAIRPERSON VILORIA-FISHER:

Right.

MR. MULE:

So it was laid on the table to try to condense the time frame a little bit.

CHAIRPERSON VILORIA-FISHER:

Very good. Thank you. Thank you, Michael. Same motion, same second same vote.

LEG. ROMAINE:

I'm opposed to that.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. I apologize. Okay.

LEG. ROMAINE:

I'm absolutely opposed.

CHAIRPERSON VILORIA-FISHER:

Please note the opposition. **(VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED).**

IR 28.

MR. MULE:

CEQ resolution 28-2011, Ratification of Recommendations for Legislative Resolutions Laid on the Table April 26, 2011 and May 10, 2011. And our recommendations are on the left-hand margin of those attachments.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion, seconded by Legislator D'Amaro. All in favor? Opposed? Okay, 28 is approved. **(VOTE: 5-0-0-0)**

MR. MULE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much. Michael, can you just stick around until we get to the FGEIS motion? Thank you.

I will ask Planning to come forward. Hello, Miss Lansdale, how are you doing?

DIRECTOR LANSDALE:

Great.

CHAIRPERSON VILORIA-FISHER:

Enjoying the job so far?

DIRECTOR LANSDALE:

I am.

TABLED RESOLUTIONS

CHAIRPERSON VILORIA-FISHER:

All right, we'll go to the tabled resolutions. **IR 1207, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Peconic Land Trust, Inc. Property Town of Southampton). (Schneiderman)** We still don't have the complete questionnaire as I understand it so I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator D'Amaro.

LEG. ROMAINE:

Question.

CHAIRPERSON VILORIA-FISHER:

Question, Legislator Romaine.

LEG. ROMAINE:

Yeah. My question is when and who is supposed to fill it out?

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

I can answer. This is the -- also known -- property known as Cat Cove. This property was approved for acquisition in December of 2010. Legislator Schneiderman has put in a planning steps to consider four lots out of the six -- eight lot proposed acquisition area for hamlet park. However, the sponsor has not gotten an agreement with the Town to be a partner and has requested last time to table it due to that fact.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

All right. There's a motion and a second to table. All in favor? Opposed? **IR 1207 stands tabled. (VOTE: 5-0-0-0)**

IR 1229, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000). (Romaine) And I will make a motion to table.

LEG. ROMAINE:

I'm going to make a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Okay. Neither motion has a second.

LEG. MURATORE:

Second to approve.

CHAIRPERSON VILORIA-FISHER:

Second on the approval by Legislator Muratore.

LEG. D'AMARO:

And for discussion purposes, I'll second the motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay. So we have two motions before us. Legislator Romaine, did you want to comment on your motion?

LEG. ROMAINE:

I'm going to leave it to Planning to comment on this motion. And then I'll chime in after they've made their comments.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

We did get a letter from the Town of Riverhead to partner on this property. However, the questionnaire with regard to the use of the property has not come forward yet, so --

LEG. ROMAINE:

That questionnaire is due by the Town of Riverhead?

MS. FISCHER:

No. I was working with Lisa Keys on that.

LEG. ROMAINE:

Oh, okay. As you know, Lisa's been out for the last three weeks. She had major surgery.

MS. FISCHER:

Right, I called -- yeah, I know.

LEG. ROMAINE:

Right. She's still out.

MS. FISCHER:

Yeah.

LEG. ROMAINE:

All right. You know what, I'm going to withdraw my motion and let this go to the next session because we want that questionnaire. And unfortunately the person that was working on it has been out for the last three weeks. All right. So I will withdraw my motion for approval and I'll support your motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. So there's a motion and a second to table. All in favor? Opposed? **IR 1229 stands tabled. (VOTE: 5-0-0-0)**

IR 1295, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Saw Mill Creek addition Town of Riverhead (SCTM No. 0600-131.00-01.00-002.001) (Romaine).

LEG. ROMAINE:

I'll make a motion to table this.

CHAIRPERSON VILORIA-FISHER:

Okay, motion to table by the sponsor, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1295 stands tabled. (VOTE: 5-0-0-0)**

IR 1308, Approving planning steps for the acquisition of environmentally sensitive properties known as East Quogue Partners, LLC. (Schneiderman) And this is the one that we heard Mr. Tutun speak about earlier.

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine.

LEG. MURATORE:

Second.

CHAIRPERSON VILORIA-FISHER:

This is the -- 1308, the East Quogue property. And that's a big piece of property. Have we received official partnering from the Town?

MS. FISCHER:

No, we have not yet. We are handing out some information regarding the questions that you had at the last meeting. We did get a copy of the preliminary subdivision map as well as we also put together the map on the top indicating what portion of the property has -- is the portion that is going to be considered for development as well as a data sheet on the second page of what is being handed out indicating some data relating to the subdivision as we -- as it's presented.

The total acreage of the proposed acquisition is 428.79 acres, of which it is proposed 301.26 acres for dedicated open space totally 70.25 percent of the total area. The town zoning code requires 65 percent dedication for this type of development. And it is a five-acre residential zoning code. It's called CR 200, denoting 200,000 square feet per lot. If you utilize 40,000 square feet per acre, that would give you five acres per lot. They have been approved for 82 lots. And within the dedicated open space there is 278 dedicated -- proposed dedicated -- dedication to the Town as well as another 23 acres dedicated to the local HOA that would be created from this subdivision.

As you can see on the map approximately -- let me get the numbers. Hold on one second. The area north of the proposed subdivision area is about 200 acres. And the area within the subdivision area, the developed area would be 220; however --

CHAIRPERSON VILORIA-FISHER:

Where are you looking?

MS. FISCHER:

On the map, the area north of the dotted white line is about 200 acres of dedicated -- that would be the outright dedicated open space area.

CHAIRPERSON VILORIA-FISHER:

What map?

MS. FISCHER:

No, this is the map; the colored map, sorry.

CHAIRPERSON VILORIA-FISHER:

The colored. The clear map.

MS. FISCHER:

The clear map. Yes, I'm sorry. That was the best copy we could make. And it is difficult to read. I understand that. And that's why we put this colored map before you.

CHAIRPERSON VILORIA-FISHER:

Right. Thank you.

MS. FISCHER:

The area north of the dotted white -- white and red line is about 200 acres, 220 acres. The area within the dotted white and red line is about 200 acres as well; however, another hundred acres within that dotted red line is dedicated open space interspersed among the subdivided clustered parcels. So it gives you a total of 300 acres to be dedicated. But I just wanted to give you an indication of where on the map that area of development would occur possibly.

CHAIRPERSON VILORIA-FISHER:

Lauretta, I have a question about clustering. When a builder is clustering, those individual properties that are clustered don't have to reach the five acres because that's the whole point of clustering, isn't it?

MS. FISCHER:

Correct. It can be a variable between one and five acres depending on how they want to locate the parcels as well as how much cost per lot they're looking for to --

CHAIRPERSON VILORIA-FISHER:

What they want to realize.

MS. FISCHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

But I believe Mr. Tutun had said that the parcels are between one and five acres; right? So if indeed they were to look at going a little slower, they can preserve even more.

MS. FISCHER:

Correct. And I do know that there were some comments made within the Town to request clustering even tighter to the south and retain a portion of that -- the northern most portion of the developed area to be also part of the dedicated area. So I don't know where that is in the negotiation process with the Town and the owner at this point.

CHAIRPERSON VILORIA-FISHER:

Okay. So at no cost to taxpayers we could actually wind up with preserving about 300 acres.

MS. FISCHER:

Yes, as it is, it's 300 acres. And then if they --

CHAIRPERSON VILORIA-FISHER:

If they clustered a little bit -- if they tightened up the clustering.

MS. FISCHER:

Right. It could be more contiguous clustering, right. Contiguous acreage.

CHAIRPERSON VILORIA-FISHER:

Then without cost to taxpayers, we could realize a protection of over 300 acres.

MS. FISCHER:

Correct.

CHAIRPERSON VILORIA-FISHER:

If they clustered a little tighter.

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

Well, actually right now as it's proposed, there's 300 acres to be protected.

CHAIRPERSON VILORIA-FISHER:

It's over 300 -- yes. Thank you, I see that.

MS. FISCHER:

But again -- yeah.

CHAIRPERSON VILORIA-FISHER:

That's okay. We have other Legislators with questions. I believe Legislator Romaine's interested in asking questions.

LEG. ROMAINE:

God, I thought I'd never say where was Pat Halpin? Because you sounded just like all the people that opposed Pat Halpin in his purchase of the Hampton Hills. Because there was an opportunity to cluster there around that golf course and we chose to say no, you know what? We're going to preserve this property. And that was -- up to that time in 1989 the most expensive acquisition this County ever undertook. But he turned down clustering because it was amongst the core Pine Barrens among many other reasons. So I just point that out that we have some history on that.

Let me ask you, and I'll ask Counsel this question, if I may, this resolution is not only structured to create a planning steps effort by the County, but it's also clustered -- it's also described to place this or add this to the Master List; is that correct?

MR. NOLAN:

Right. Legislator Schneiderman wanted it as a Master List resolution.

LEG. ROMAINE:

And what does that do? As we approach a planning steps resolution, what does that do when it's added to the Master List?

MR. NOLAN:

Well, Legislator Schneiderman's idea was, there are multiple tax lot numbers within this acquisition. So the idea would be that the County could buy pieces of this overall parcel.

LEG. ROMAINE:

First of all, when you do a planning steps resolution, that's no where near an acquisition resolution. That's the beginning of the process, not the end of the process. Secondly, by placing it on the Master List, we're not looking -- we may not be looking ultimately to buy all 415 parcels -- acres; we may be looking to buy parcels within the described property; is that correct?

MR. NOLAN:

That could happen. And I believe that was Legislator Schneiderman's idea.

LEG. ROMAINE:

And the way this resolution is drafted, that would give us permission to do that?

MR. NOLAN:

We could try to do that, yes.

LEG. ROMAINE:

So it is not a commitment to do a planning steps on the entire parcel; it's a commitment to look at all the various tax maps within the described parcel.

MR. NOLAN:

I think -- no, I don't know how Planning would approach it. I think they would probably approach it as planning for the entire amount of acreage --

LEG. ROMAINE:

Right.

MR. NOLAN:

I would think; maybe with the option ultimately of looking to purchase pieces.

LEG. ROMAINE:

And that again is dependent on the seller's willingness on how the package would be presented if, in fact, there was an agreed upon price and eventually an acquisition resolution come forward; is that correct?

MR. NOLAN:

Of course, yes.

LEG. ROMAINE:

And this is just a planning steps resolution.

MR. NOLAN:

You got it.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay, Legislator D'Amaro had a question but he had to step out. But that's something -- this is the third meeting where we've discussed this, that he made it a Master List resolution so that it can be seen in its -- through its various components. So that's been clear for a couple of months. Did Planning have any other comments on this?

DIRECTOR LANSDALE:

I'd just like to raise one point about the funding of this. If we use Environmental Legacy Fund for this acquisition, the Town would have to be a 50/50 partner in this. There's presently approximately \$20 million in the fund. And the acquisition would most likely utilize all of the -- if not all of the funding left. And to date the Town has not formerly committed to partnering with the County on this acquisition. If they do commit to partnering, they've informally expressed that they may not be able to contribute 50%.

CHAIRPERSON VILORIA-FISHER:

For Legacy Funding, it has to be 50/50 with the Town. That's a requirement.

DIRECTOR LANSDALE:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Okay. But then again we could go to breaking the parcels out into its various components and use different programs. But for right now I would feel more comfortable having a commitment from the Town. We might have to wait until Legislator D'Amaro comes back for the vote. So we'll skip over the vote on this and come back to it. Okay. Is he back? Okay, Lou, I wanted to give you an opportunity if you had a question.

LEG. D'AMARO:

Well, no, really just a comment, I apologize for stepping out of the room, but just looking at -- I want to thank you, first of all, for getting me that information. It was very helpful just to get more of a handle on what we're trying to do here. But if I read the numbers correctly in front of me,

we're talking about with the proposed subdivision, which is not finalized, but we have a good handle on what's being proposed at least, it looks like about 70 percent of the property would be preserved as open space, whether it's through the dedication to the homeowners association or through the open space requirement from the cluster zoning, if I'm not mistaken.

So my only comment is similar to what I had expressed in the prior meetings, that this will probably be an expensive parcel, you know, once we do appraisals and take a look at that. If we have an opportunity to preserve 70 percent of it without having to purchase it, I think, that's something that we should consider. And I think I had asked you at the last meeting also whether or not that -- from a planning perspective or an environmental perspective whether or not that would be acceptable. And I think you responded affirmatively; that, yes, especially since the most sensitive environmental parcel would be preserved through the development process; is that accurate still?

MS. FISCHER:

Yes.

LEG. D'AMARO:

Okay. And, Legislator Romaine, I apologize for stepping out during your comments, but I think at this point, I don't think I would support going forward. There were a couple of other open questions with respect to this parcel particularly whether or not -- I think we raised the issue of whether or not the Town had been doing appraisals?

MS. FISCHER:

Yes, they are in the process of doing the appraisal.

LEG. D'AMARO:

Okay.

MS. FISCHER:

I spoke with Mary Wilson yesterday. They do have the appraisals in and they're being reviewed.

LEG. D'AMARO:

Okay. All right. Well, thank you, again for getting the information. I appreciate it. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Yes. And one of the things we mentioned when you had to step out was that if we're going to be using the Legacy Funds, it has to be a 50/50 share with the Town. And they haven't made that commitment yet. Okay. Legislator Anker.

LEG. ANKER:

And, again, I'm going to vote to table this only because I think we need more information. We need it from both the Town and also, you know, some more background information. Another reason is we are in such fiscal straits right now with the County, and just to allow something to go out at this point -- but I do support land acquisition. I am very, very supportive of that. But at this point in time I really would like to see this tabled.

CHAIRPERSON VILORIA-FISHER:

Is there a motion? We have motions.

LEG. ROMAINE:

It does appear that this will be tabled, but I just want to put on the record this is a planning steps. This does not affect our financial ability at all. All we're doing is we're taking a look at this property. Somewhere in the neighborhood of about a year from now, if what I've been seeing is accurate, and if the people who own the property agree to an appraised price that the County will offer, we will see an acquisition resolution. At that point we can talk about it.

And as far as affecting the finances of the County, this is a separate fund that has no bearing on the overall financial health of the County. That's why these funds were set aside for this purpose. So I just want to point that out, because there's some confusion that this might come from the General Fund. This isn't going to affect us. This money is set aside for this purpose. That's what it's there for. And a planning steps resolution only says *let's take look at this*. Because then we turn it over to Real Estate and Planning and they do the appraisals, or in this case, the Town of Southampton's doing the appraisals. As far as the Town having enough money, you're asking the wrong guy. I used to collect the Community Preservation Funds. That Town has a great deal of money that they're taking in; more than any other East End Town from the preservation funds; community preservation funds.

So they're going to have enough, depending on how much of this land that we eventually offer a price for. So I have to say this us just a planning steps. This is starting the process; nowhere near the finish of the process. This does not affect our general funds, our fund balance or any other thing because this is a separate fund of money. So I mean all those arguments, I just want to say, aren't reigning as true as they could.

I understand the concern of my other colleagues, who want to table this because they want more information, which means they probably want to consider it more carefully or take more time before casting a vote. I have no objection. I've looked at this parcel. I've talked with my colleagues. I'm familiar with this parcel. So I feel a little bit more confident. I understand that the votes maybe there to table, but I'll leave it at that. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, you know very well that everything affects our fiscal position. And if we have to bond money for an acquisition -- you talk all the time about our indebtedness and how that continues to grow. And that all comes out of the money that we tax people for. You know, Legacy money isn't money that's hidden in some treasure some place. It's available to us, but we have to pay for that. The taxpayer has to pay for that.

LEG. ROMAINE:

Can we use it for any other purpose?

CHAIRPERSON VILORIA-FISHER:

Budget Review.

MR. LIPP:

The resolution allows for three potential sources of funding. One is the Quarter Cent sales tax. The other two are General Fund Capital Projects. Legacy is Multifaceted. So it's not clear what the funding source will wind up being if there's an acquisition resolution.

CHAIRPERSON VILORIA-FISHER:

And whatever it is, we have to pay for it. It's not manna from heaven. It's money that be would bonded. And when we bond, we have to pay for it. And that raises our indebtedness. And our indebtedness is something that we scream about a lot at this horseshoe. And to tell a new Legislator that this isn't money that we're going to have to pay for it, it's not going to impact our fiscal profile is really --

LEG. ROMAINE:

Legislator Fisher --

CHAIRPERSON VILORIA-FISHER:

-- not really fair.

LEG. ROMAINE:

Legislator Fisher, you convinced me, because I think the sponsor of the resolution, his Aide has indicated that he may consider amending the resolution to be very clear where this funding is going to come from. Okay; that it will not be funding that will be bonded out.

MR. LIPP:

Point of information, after this year we wouldn't be able to bond under the Quarter Percent Program. Also we'd do it with cash.

CHAIRPERSON VILORIA-FISHER:

We can't.

LEG. ROMAINE:

Thank you. So we're not bonding out on this.

LEG. D'AMARO:

And also just to add my two cents on that, Legislator Romaine, my perspective here is that if we have -- we're considering a planning step resolution, we have a lot of information now before us. We've discussed this at several meetings. And we've now learned that we can preserve 70% of this property without purchasing it, given the five-acre zoning and the cluster requirement. There is a fiscal impact in the sense that if we didn't go ahead with this rather large purchase, at a minimum although it's a dedicated fund, we would free up funding for other parcels that perhaps we couldn't preserve 70%, especially the most environmentally sensitive portion of the parcel.

So I tend to agree with arguments -- your argument that it's just planning steps, we should take a look. And most of the time I agree with that. But I think in this particular case where we have this information, we know that the funds are limited for land acquisition, we know that we can preserve 70% of this parcel, I'm not convinced that it's even worth going ahead with the planning steps at this point. And that's where I'm coming from.

CHAIRPERSON VILORIA-FISHER:

Okay, there's a motion and a second to table. All in favor? Opposed?

MS. ORTIZ:

Who's the second?

MR. NOLAN:

D'Amaro is the second.

LEG. D'AMARO:

Yeah, to table.

CHAIRPERSON VILORIA-FISHER:

Got it? Thank you.

IR 1324, Appoint member to the Equestrian Task Force (Elaine M. Wagoner). (Eddington)

My office had reached out to Ms. Wagoner, who was going to attend, but then was unable. And she asked if we could send this to the General Meeting, that she would be coming to the General Meeting to be interviewed. Does anyone have an objection to discharging without recommendation? Okay. Legislator D'Amaro makes the motion to discharge without recommendation, seconded by Legislator Muratore. All in favor? Opposed? **IR 1324 is discharged without recommendation.**

(VOTE: 5-0-0-0)

IR 1340, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - School Board of Education property - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000).

(Muratore) Legislator Muratore.

LEG. MURATORE:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by the sponsor.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Romaine. All in favor? Opposed? **IR 1340 stands tabled. (VOTE: 5-0-0-0)**

IR 1342, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Global Home Properties) Town of Brookhaven (SCTM Nos. 0200-159.00-02.00-008.002 and 0200-159.00-02.00-008.003). (Viloria-Fisher) Planning, I understand that there is some questions regarding some fiscal issues.

MS. FISCHER:

Yes, we're looking into a few -- let me get my notes up. We had contacted the Treasurer's Office with regard to tax liens on this property. And there are two outstanding years of unpaid taxes totaling \$49,000 at the present time. We're also looking into any possible environmental liens on the property that could be associated with the Lawrence Aviation super fund site to the south of this property. It was originally part of the super fund area; however, these properties were removed from the actual fund site as it is today. However, we did want to look into any kind of ramification with regard to any other liens on the property in that regard.

The other properties adjacent to this are also owned by {Cohen} who was the former Chief Executive Officer of Lawrence Aviation. This property then was transferred to local homes. And there are some issues that we'd like to look -- legal issues that we'd like to look into at this point.

CHAIRPERSON VILORIA-FISHER:

Now I was given assurances by the people at the Town of Brookhaven that there were no existing or extenuating circumstances regarding the super fund site; that there were no liens left on this property regarding the super fund site. Have you discussed this with Brookhaven?

MS. FISCHER:

We haven't found out one way or another yet. And if that's true, then, it'll resolve our issue as well.

CHAIRPERSON VILORIA-FISHER:

Okay. So have you reached out to the Town Attorney on this as far as the liens?

MS. FISCHER:

No, I've spoken with people in the County Attorney's Office on this. But we can ask -- I can ask to have them reach out to the Town Attorney as well.

CHAIRPERSON VILORIA-FISHER:

The Town Attorney. Because I was certainly given assurances by the Councilman and people in, you know, in the administrative area of Brookhaven Town that there were no existing liens that had -- you know, that had been previously Mr. Cohen's liens regarding the super fund site that were left on this area -- on these parcels. But I'm concerned about the tax liens that you're talking about. And, you know, so I will certainly wait to hear what comes out of that. Legislator Romaine.

LEG. ROMAINE:

Yeah, I would suggest the County Attorney's Office begin litigation and a lien search of the County Clerk's Office. A lien isn't a lien unless it's filed with the County Clerk's Office. It'll also reveal any litigation that is pending or might be against the property or any lispendens or any of that. I mean that search can be done, you know, by anyone from the County Attorney's Office or a member of the County Clerk's staff. So, that would clear up anything. Because if it's not filed there, you know, it doesn't count. Of course, it's as of the day you've done the search. The next day is another day.

CHAIRPERSON VILORIA-FISHER:

Now if the feds have a lien in association with a super fund site, is that automatically filed in the Clerk's --

LEG. D'AMARO:

George, you can correct me if I'm wrong, but I think you can have a statutory lien, right? Yeah, so you don't necessarily have to have it filed.

CHAIRPERSON VILORIA-FISHER:

Okay. So even if we did a search at the Suffolk County Clerk's Office, if it's a statutory lien, it wouldn't show up necessarily? Is that what you're saying, Legislator D'Amaro?

LEG. D'AMARO:

It would depend on how the statute authorizes the lien, I would assume. But certainly any private lien would have to be filed in order to take the property subject to that lien, so.

CHAIRPERSON VILORIA-FISHER:

But this would be by the federal government.

LEG. D'AMARO:

Yeah. You know, I'm not familiar with the statutes. But I would not -- if you have actual notice that there is an issue with respect to a federal statutory lien, I would think you'd go beyond just doing a searches at the County Clerk's office for that.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

Except that if they do file that statutory lien or give notice of that statutory lien, the property records are filed in the Clerk's Office for one reason. That property can be transferred. That property can be sold.

CHAIRPERSON VILORIA-FISHER:

And that property has been transferred.

LEG. ROMAINE:

Because there's no encumbrance on that property if it's not filed with the County Clerk's Office. So a statutory lien doesn't mean anything unless it's noticed somewhere. And that normally would be the County Clerk's Office; because otherwise if I do a good faith search and there's no lien there, I'm capable of transferring that property. And if someone comes back and says but I had a statutory lien, well, you didn't notice it. You can't enforce it. So statutory or otherwise, liens must be filed in the County Clerk's Office.

CHAIRPERSON VILORIA-FISHER:

And that property has been transferred to Global Properties.

LEG. ROMAINE:

Well, it doesn't mean that it was, you know, those liens may not have been in effect at the time the property was transferred. It's at the time made -- whenever that lien lean was filed. One of the reasons, and I can tell this County Clerk, our biggest concern was getting liens and judgements on record as quickly as possible to prevent transfers of property without -- with the County being liable.

CHAIRPERSON VILORIA-FISHER:

Okay. So Planning is taking their time looking at this with the County Attorney to make sure that Suffolk County isn't left holding the bag on a super fund site lien. So we want to make sure that it's clean.

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

So I will make a motion to table. It's my resolution. And I'll wait to hear a response from Planning. Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1342 stands tabled. (VOTE: 5-0-0-0)**

But for the people who are waiting, you understand we want to make sure that we do this cleanly and that we've done our due diligence as we move forward. Okay.

IR 1375, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (De Lea Sod Farms Property) Town of Huntington (SCTM No. 0400-168.00-03.00-041.003). (Stern) I believe that the sponsor has requested that this be tabled. So I will make that motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. Did you have something you wanted to say about that, Miss Lansdale?

DIRECTOR LANSDALE:

Not at this point. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. All in favor? Opposed? **IR 1375 stands tabled. (VOTE: 5-0-0-0)**

IR 1403, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Aero World Corp. Property) Town of Islip (SCTM No. 0500-355.00-01.00-005.001). (Lindsay) And I believe that the sponsor wanted that tabled. So I will make that motion, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1403 stands tabled. (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

Introductory Resolution, IR 1423, Making a SEQRA determination in connection with the review of DGEIS comments and preparation of a FGEIS on the proposed declaration as surplus and subsequent sale of 255± acres of County-owned land in Yaphank for mixed-use development purposes. (Pres. Off.) I will make a motion to approve, second by Legislator D'Amaro.

LEG. D'AMARO:

Yes.

CHAIRPERSON VILORIA-FISHER:

And I'm going to ask Mr. Mule to come up in case there are any questions about this. Or can we just go ahead with the vote? Anybody have any questions? All in favor? Okay.

LEG. D'AMARO:

So this is just the SEQRA.

CHAIRPERSON VILORIA-FISHER:

Right. To get to the final, right. Just to -- we said it as a side bar, but this is just to let them to go the final GEIS because they have received all the public comments, and they were substantive. They will work them into what has been prepared. We all saw the scoping document, the draft EIS and now they're just going to do the final GEIS. And so that's what we're voting on, for them to go ahead with the final GEIS. Okay? So there's a motion and a second to approve. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRPERSON VILORIA-FISHER:

Please note the opposition. **IR 1423 stands approved. (VOTE: 4-1-0-0)**

Thank you for staying. You were so helpful.

IR 1424, Authorizing planning steps for the acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Reeve-Bayview Farm Property) Town of Riverhead (SCTM Nos. 0600-067.00-02.00-029.005 and 0600-067.00-02.00-033.000) (Romaine) Is there a motion?

LEG. ROMAINE:

Well, I'll make a motion to approve. But my understanding in talking with Planning staff is that they received the letter from the Town a little late. So the Farmland Preservation Committee wasn't able to take it up. So actually -- you know what? I'll make a motion to table for one cycle. But at the next meeting, this is going to come to a head, whether there's a Farmland meeting or not, this not going to wait until July. That letter was received prior to the Farmland meeting. I understand it was received right beforehand and, you know, I don't have control over the Town of Riverhead. But this is a parcel that -- we own other parts of this farm. And I would like to see this moved forward as quickly as possible. This is only farmland development rights. So I am going to have a full discussion of this at the next meeting. And we are going to have a very full discussion of this. But I'll make a motion to table it for the time being.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll second that motion. All in favor? Opposed? **IR 1424 is tabled. (VOTE: 5-0-0-0)** And I just wanted to follow up on what Legislator Romaine said. I believe that the Farmland Committee received the letter about an hour before their meeting and so they didn't have time to review it.

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

And when is the next scheduled meeting of the Farmland Review Committee?

DIRECTOR LANSDALE:

The next meeting is July 26. They meet six times a year.

CHAIRPERSON VILORIA-FISHER:

Okay. So it meets bi-monthly. Okay. Legislator Romaine.

LEG. ROMAINE:

Could I ask a question totally unrelated to this resolution? This is a question related to the Farmland Committee. Have you received comments from members of the Farmland Committee that they are prepared to resign if they have to fill out a disclosure form?

DIRECTOR LANSDALE:

There was an informal discussion following the Farmland Committee. And there is tremendous concern about the members of the Farmland Committee needing to fill out that form, yes.

LEG. ROMAINE:

I'm aware of that and I should make my colleagues aware that the Chairman of the Board Ben Orłowski called me. I know Ben. And I spoke eventually to the legal Counsel for the Ethics Commission, who told me, you know, have Mr. Orłowski request an extension for the submission of the disclosure form and we'll see what we can work on. Mr. Orłowski did and he never got a response back. And I want to put that on the record. And I also was told by Mr. Orłowski if they have to fill out the same form that we have to fill out, which they have never filled out in the past, that many of those members would not continue as members of the Farmland Select Committee. Is that correct?

DIRECTOR LANSDALE:

If I may provide some updated information, there was a discussion between Mr. Orłowski and the Ethics Commission. And it's my understanding that the Ethics Commission provided a 45-day extension.

LEG. ROMAINE:

I'm introducing a bill -- Counsel has drafted a bill, I'm redrafting it -- that would exempt members of the Farmland Committee because they're all volunteers. And because of the nature of their work, they simply review what you bring to them. And whatever advice they offer is purely advisory. It's not binding. But if you have a comment on that, I certainly would like that. I think we should be aware of that as a Committee of some of the behind-the-scenes issues that are going on here.

CHAIRPERSON VILORIA-FISHER:

I'm very much aware of that. And that is concerning because these are volunteers.

LEG. ROMAINE:

Maybe we can work on some legislation together to co-sponsor legislation.

CHAIRPERSON VILORIA-FISHER:

I have no problem with that.

LEG. ROMAINE:

I'll bill in touch with your office because that's a concern; if this Committee stops operating, you know, it will be difficult to replace these people who have worked -- many of these people worked multiple years on this Committee.

CHAIRPERSON VILORIA-FISHER:

And I was just asking Counsel about other volunteer positions that do have to do disclosure forms. And I believe that they're not the full disclosure forms that we have to do so we'll talk about it.

LEG. ROMAINE:

These are the full --

CHAIRPERSON VILORIA-FISHER:

I know.

LEG. ROMAINE:

These are the full forms.

CHAIRPERSON VILORIA-FISHER:

I know that. But I'm talking about Parks Trustees have a different form that they do. And I think that there are other groups. But we'll talk about this off line and we'll try to come up with something that's workable because I agree with you. I think that seems very onerous for them to have to do that long disclosure form that we need to do. So somebody wants to say something?

DIRECTOR LANSDALE:

If I can just clarify one point that was made, the members of this Committee, the Farmland Committee actually do have approval and power to approve permits. So in addition to their advisory role, they do approve permits.

CHAIRPERSON VILORIA-FISHER:

So they have a little more juice. That's why we will talk and see if we can come to some place that's a little bit more -- not quit as onerous as having the full disclosure form that a public official has. It's not -- it doesn't rise to the same level. So we'll talk about it. Okay? We had issues in the past with members of CEQ being accused of, you know -- I think it's better to have transparency. So Legislator D'Amaro.

LEG. D'AMARO:

Well, I just wanted to add my two cents on this as well. This is the first I'm hearing of this. But I'm not sure that the volunteer status necessarily negates the purpose behind the disclosure statute. Okay? So as you're considering legislation or if we're going to talk about this further at another time, you know, I'm just -- I don't see how -- if you're a volunteer, that's a nice thing to do. And we certainly don't want anybody resigning from any Committees. But I think the purpose behind the disclosure itself is not -- I don't think it turns on whether or not you're a volunteer or not. I think it turns more about making disclosures to guard against things such as undue influence or, you know, any kind improper horsing trading or that kind of thing. Just something to think about.

CHAIRPERSON VILORIA-FISHER:

I agree with you and that's why I'm looking for a kind of compromise middle position so that we can keep people who bring a lot of institutional knowledge and experience and professionalism. But on the other hand I think that there's a place for transparency as well. So that's why I want to speak to Legislator Romaine about it and see if we can come to some middle ground. And also members of the board and talk about it with them. Okay so we have a motion -- I called the vote on it, no? We don't have a motion.

LEG. ROMAINE:

I made a motion to table.

CHAIRPERSON VILORIA-FISHER:

On 1424.

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA-FISHER:

Motion and a second to table. All in favor? Opposed? I thought we had voted on that already.
1424's tabled. (VOTE: 5-0-0-0)

Okay, **1425, Adopting Local Law No. -2011, A Local Law amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species. (Viloria-Fisher)** We have to table this for public hearing. Seconded by Legislator D'Amato. And, as you know, and I'll just say this for the benefit of our new members, I don't think Tom was here last time we did this either -- although I think we do it every year, these are invasive species that we have do-not-sell lists. And actually on this particular list, we took species off of it because they came under other categories. So we just publish this every year. Okay? There's a motion to table and a second. All in favor? Opposed? **IR 1425 is tabled for public hearing. (VOTE: 5-0-0-0)**

IR 1428, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the John P. Kujawski & Sons, Inc. Property Town of Riverhead (SCTM No. 0600-022.00-02.00-013.014 p/o). (Co. Exec.)

LEG. ROMAINE:

I make a motion for approval. And I'll ask the Clerk to list me as a co-sponsor.

CHAIRPERSON VILORIA-FISHER:

I had just asked Miss Lansdale if she could just introduce the young man who distributed the papers for us.

DIRECTOR LANSDALE:

Sure. This is John Corral. He's a member of the Planning Department staff and he works with on the farmland -- the purchase of development rights.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. And before we second the motion, I always like to give Planning an opportunity to do their beautiful presentation.

DIRECTOR LANSDALE:

Sure. The Department of Planning recommends authorizing the acquisition of this -- of farmland development rights for this property. The proposed acquisition is for the northern 20 acres of the 51-acre parcel in the hamlet of Northville and in the Town of Riverhead. The proposed acquisition received a Suffolk County Farmland rating of 18 out of 25 possible points and was approved by the Suffolk County Farmland Committee on April 6 of 2010.

CHAIRPERSON VILORIA-FISHER:

Are there any questions, Sarah? Okay. We have a motion to approve by Legislator Romaine, seconded by Legislator D'Amato. All in favor? Opposed? Okay, **IR 1428 stands approved. (VOTE: 5-0-0-0)**

IR 1437, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the McLaughlin property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-931.00-03.00-003.000, 0200-931.00-04.00-018.000, 0200-931.00-04.00-025.000, and 0200-931.00-05.00-039.000). (Co. Exec.) And there are two Beaverdam -- are you going to present it to us at the same time?

MS. FISCHER:

Yes. There is actually three today before you.

CHAIRPERSON VILORIA-FISHER:

Okay, three sorry. Although they don't come in the same resolution, are you going to --

MS. FISCHER:

They are separate.

CHAIRPERSON VILORIA-FISHER:

Okay. But what I'm asking would you like to look at the three of them at the same time although they're separate resolutions?

MS. FISCHER:

Yes, Katie Magee from our office is handing out the map. And the map does indicate all three proposed acquisitions before you today. The first one is the McLaughlin property. And that is outlined in purple. And it is a -- it consists of four -- I'm sorry -- four lots covering about more than a half acre of land point six three acres. It's located in the Beaverdam Creek Watershed County Park area where the County's been acquiring parcels for open space for the last decade under both the Old Greenways -- Community Greenways Program as well as the New Drinking Water Program.

And we own approximately 160 acres in this watershed at the present time. We are looking at picking up the final phase parcels in this, picking up all the smaller old file maps that exists -- remain existing today. Both this property as well as the Fasce property, that's IR 1438, and the Brookhaven vacant land property under 1440, are also identified on this map. If you'd like I can go into those in more detail as well.

CHAIRPERSON VILORIA-FISHER:

The colors --

MS. FISCHER:

The Fasce is the light yellow. And that's a seven-acre lot situated on the northern portion just south of Sunrise Highway there. And then the Brookhaven vacant land properties, those include five lots totalling 1.2 acres in red.

CHAIRPERSON VILORIA-FISHER:

Brookhaven vacant land is not the Town of Brookhaven. That's an LLC, right?

MS. FISCHER:

No. It's the LLC.

CHAIRPERSON VILORIA-FISHER:

I just wanted to clarify that so you didn't think we were buying from the Town.

MS. FISCHER:

It's a very confusing name.

CHAIRPERSON VILORIA-FISHER:

So that's called -- that's the third of the three resolutions. Because I remember when we saw that, I said *why are we buying land from Brookhaven?*

MS. FISCHER:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay. So this is map of those three. On the first one, Legislator Romaine.

LEG. ROMAINE:

Yes. Just talking about these properties, does Beaverdam Creek come north of Montauk Highway?

MS. FISCHER:

Yes. Montauk Highway is on the southern side of the properties.

LEG. ROMAINE:

Yes. And it comes north. The creek is actually north of there?

MS. FISCHER:

Yes, it moves north on the eastern side.

LEG. ROMAINE:

Right. Now all of these properties are, as I'm sure you're aware, probably groundwater is all contaminated. You're fully aware of that. So we're not doing this for groundwater purposes because the landfill, which is immediately north of Sunrise Highway, has actually polluted all of the land to the south and all the way down right through the Hamlet of Brookhaven and into the Beaverdam Creek that we know south of South Country Road and right into the Great South Bay. So I assume we are just purchasing this for what purpose? Not drinking water.

MS. FISCHER:

Well, it's surface water as well as habitat protection. This is also in the Carmans River Watershed area. And a portion of it actually is included in the new report that came out, the Planning report by the Town on the Carmans River Watershed.

LEG. ROMAINE:

Right. How far away is the Carmans River Watershed to the east?

MS. FISCHER:

It actually includes parts of the -- portions of this area.

LEG. ROMAINE:

Is Beaverdam Creek considered part of the Carmans River?

MS. FISCHER:

Part of the River is --

LEG. ROMAINE:

Because the Carmans River is probably about -- I would say about --

MS. FISCHER:

It's a couple of miles.

LEG. ROMAINE:

About two to three miles to the east of this.

MS. FISCHER:

Yes. Right but the Watershed -- but the groundwater contributing area of the Watershed that was identified in the recent report that was prepared by the Town indicated that a portion of this area including those that are proposed for acquisition before you today are within the groundwater contributing area of the Watershed of the Carmans River as well.

LEG. ROMAINE:

Right. Everything you see on this map, all their water, all their groundwater has been contaminated for many years by the effluent that has flowed from the landfill; all of it. The Town back in the '80's had to put water mains in this area because they were responsible for the contamination there. So hopefully we're not saving this for drinking water purposes.

CHAIRPERSON VILORIA-FISHER:

Lauretta, when we talked about these small acquisitions in these watersheds and I asked about it, you said that part of it is so that Planning -- so the County can have the management ability. Can

you explain what you mean by that?

MS. FISCHER:

Absolutely. Areas where we have patchwork of ownership is very -- with private and public ownership such as this, creates a management problem for us to go in and identify what properties are ours versus what properties are privately owned.

From an enforcement point of view and access to the property, it becomes a problem for our Parks Department down the road when issues come up with regard to use on the privately owned properties versus the publically owned properties. So if there's any dumping or any issues with use or conflicts between the private and the public properties, it becomes a problem for our Parks Department enforcement, as well as a management of a habitat.

If you have -- obviously privately owned properties could be developed and, therefore, a house could be situated within an area completely owned by either the Town or the County, in this case. And it becomes an issue with access, with management. And we feel from a habitat point of view, you always want to keep contiguous open space contiguous. And to intersperse residential uses within this area becomes a very difficult management point of view.

CHAIRPERSON VILORIA-FISHER:

Now would the contamination that Legislator Romaine refers to preclude somebody from building on a piece of private property there, which they'd probably do.

MS. FISCHER:

If they have water mains, it wouldn't necessarily mean that they'd be precluded from, but it would have to be obviously reviewed when the site plan was presented to the Town. And the Town would have the say as well as the Health Department.

CHAIRPERSON VILORIA-FISHER:

Right. Okay. Do we have a motion on this yet? Okay, is there a motion on this? Is there somebody who wants to make a motion? You know what? I want to talk about this a little bit more. And Legislator D'Amato has just indicated the same thing. I'm going to make a motion to table.

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

That's 1437. There's a second. There's a motion and a second to table 1437. All in favor? Opposed? **1437 stands tabled. (VOTE: 5-0-0-0)**

1438, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Fasce property - Beaverdam Creek - Town of Brookhaven (SCTM No. 0200-901.00-03.00-020.001). (Co. Exec.) These are other small parcels in the same swath. Same motion, same second, same vote. **(TABLED. VOTE: 4-0-0-1. LEG. ANKER NOT PRESENT)**

1439, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(D)] for the Peconic Land Trust, as contract vendee - Zebrowski - Noyac Greenbelt/Great Swamp - Town of Southampton (SCTM No. 0900-025.00-01.00-006.000). (Co. Exec.) This is 6.6 acres. And it's the Quarter Percent Old Drinking -- it's the Old Water Protection Program, right?

MR. LIPP:

Yes. This is like pre-2000.

CHAIRPERSON VILORIA-FISHER:

Right. Okay. All right. So we're getting information from Katie.

MS. FISCHER:

This property is located in Noyack in the Town of Southampton. It's a 6.6 acre parcel adjacent to Town holdings as well as across the street from other County holdings. This property is being acquired with funds from the 12-5 E Old Drinking Water Protection Program. If you might remember, this was the section of the Old Drinking Water Program wherein the Town -- the Pine Barren Towns were given the opportunity to provide lists of properties within their Town to acquire this pot of money. They were approved by resolution by the County Legislature.

CHAIRPERSON VILORIA-FISHER:

And approved by the Parks Trustees?

MS. FISCHER:

Yes, this did get approved by the Parks Trustees on March 17th.

CHAIRPERSON VILORIA-FISHER:

Oh, okay good. St. Patrick's Day for green.

MS. FISCHER:

And it's situated on the morainal area. This is a high elevation area that -- by the South Fork. It's very close to the groundwater divide in this area. And the groundwater infiltration is most important within this morainal area for protection.

CHAIRPERSON VILORIA-FISHER:

Yeah, and I can see the wetlands there. And most of this particular property is upland but there is some wetland.

MS. FISCHER:

Yeah. And there's wetlands on the property to the north that's owned by the Town at the present time as well.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

We would be also -- and we're also in the process of acquiring a few other properties not shown on this map but to the west of this area as well.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. Is there a motion?

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve Legislator D'Amaro, seconded by myself. All in favor? Opposed? Motion stands approved. **(VOTE: 5-0-0-0)**

And our last resolution is **IR 1440, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Brookhaven Vacant Land, LLC property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-961.00-03.00-012.000, 0200-961.00-03.00-014.000, 0200-961.00-03.00-015.001, 0200-961.00-03.00-015.002 and**

0200-961.00-03.00-016.000). (Co. Exec.) Again, that's another one of those small properties that was on the map with the other Beaverdam Creek. And so I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1440 stands tabled. (VOTE: 5-0-0-0)**

And 1457 we did out of order.

So that concludes our agenda. Is there any other business? Thank you very much. We're adjourned.

**THE MEETING CONCLUDED AT 2:52 PM
{ } DENOTES SPELLED PHONETICALLY**